

August 1, 2018

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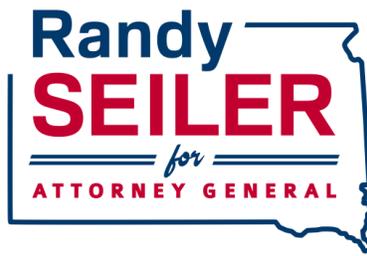
Dear Libby:

Thank you for reaching out to our campaign. Your work with the ACLU is important to the administration of justice of South Dakota.

Many of the challenges facing South Dakota cannot be solved by any single person, office, or agency. As Attorney General, I will work tirelessly to forge a more inclusive and just future for our state. For more information on the campaign and where we stand on various issues, please visit our website at www.randyseilerforag.com. Thank you again.

Regards,

Randy Seiler



SOUTH DAKOTA ATTORNEY GENERAL CANDIDATE QUESTIONNAIRE

1. *The South Dakota attorney general is the state's chief legal officer; in that role, the attorney general can set the culture of justice and incarceration in the state. What is your vision for what that culture should look like?*

As South Dakota's Attorney General, I will set a culture that respects the rule of law and recognizes the constitutional rights of all individuals. Our state's chief legal officer must be committed to protecting South Dakotans. I will work tirelessly to protect our state by holding those who do us harm accountable. I will prioritize the safety of our communities, and especially our children. For those that have served their sentence and no longer present a threat to the community, re-entry is a critical time, and many people will require support to return to productive lives. During my time in the US Attorney's office prosecuting major crimes, including violent crimes, I have learned to appreciate extenuating circumstances – offenders who are victims themselves and those that are suffering from addiction. Humanity thrives in second chances, and I will seek alternatives that produce better outcomes than incarceration.

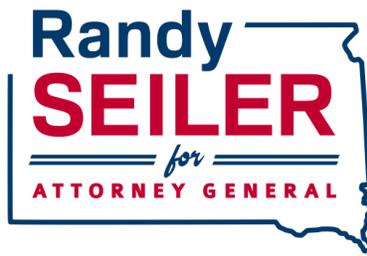
2. *What would your top 3 priorities be as South Dakota's next attorney general?*

Priority: Tough on Crime

First and foremost, the Office of the AG must ensure the safety of South Dakotans. Violent criminals will be rigorously prosecuted and held responsible for their crimes. As an Assistant United States Attorney, I learned that some of the most despicable crimes are not the easiest cases to prosecute. As your Attorney General I will work tirelessly in pursuit of justice for victims. I vow to take on the tough cases and reinforce our state's message to violent offenders – if you commit a crime in South Dakota, plan to do the time.

Priority: Face the Drug Epidemic Head On

On my first day in court with the Hughes' County States Attorney Office we saw 39 defendants. Thirty-eight of these defendants were charged with offenses that had a methamphetamine connection or were driven by addiction. Most had previous convictions for drug related crimes. They are facing what appears to be a losing battle with drug addiction. It is heartbreaking to see these young men and women, some my children's classmates whose lives were once filled with such promise, enter the court in shackles with the ravages of meth imprinted upon their faces. Their parents, families, and children share the devastation wreaked by their addiction. The loss of productivity impacts our small businesses. Drug offenses are consuming vital resources within our criminal justice system. As your AG I will work within and beyond State government to enhance the tools we have to fight illegal drugs. We must acknowledge that the drug epidemic is



not just a social problem. It is everyone's problem and we must all be involved in constructing better solutions.

Priority: Establish Standards that Prevent and Penalize Public Corruption

Our elected and state officials must be good stewards of the trust bestowed upon them by the great citizens of this state. We have learned through tragedy, that without rigorous checks and balances, inevitably, trust is betrayed. Failure to perform the duties of public office responsibly and ethically erodes confidence in our government. We must look within ourselves and across the executive and legislative branches of state government – to do better and be better. In a state where we are on a first name basis with our neighbors and there is just one degree of separation, the approach must provide a common-sense fit. Public office and state agency leadership is not an opportunity to profit, but rather a call to serve the citizens of South Dakota. As AG, I will bring clarity and precision to what we expect from our public officials and ensure those standards are enforced.

Priority: Protecting what is Most Valuable – Our Children

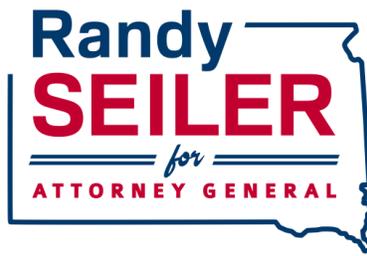
As an Assistant United States Attorney, I prosecuted literally hundreds of violent crimes. The most heart-breaking of these cases had children as their victims. When family, even parents, have physically or sexually abused a child, the victim may face life-long physical and psychological challenges that also have a broader confounding societal impact. When these children become victims of homicide, there is typically a pattern of abuse that screams for an understanding of how these crimes remain undetected within the close-knit communities characteristic of our Great State. As your Attorney General, I will work tirelessly to protect what we as South Dakotans hold most precious – the safety and well-being of our children. I will work to coordinate these efforts across city, county, tribal and state governments to detect and protect children in danger.

3. *How do you think the success of the attorney general and his/her staff should be measured?'*

As your Attorney General, I will assess the current status of the office and its vital functions to establish a plan that includes reasonable and measurable goals to which the success of my tenure can be measured.

4. *Do you believe South Dakota incarcerates too many people? Please give a clear "yes" or "no" and any explanation*

It would be irresponsible to respond to this and the majority of questions posed in this survey with a simple yes or no. There are numerous complex challenges facing our criminal justice



system. Many of these issues are fueled by methamphetamine addiction. I believe we can improve public safety by investing in treatment and rehabilitation and strengthening community supervision. Incarceration must be focused on drug dealers, violent offenders, and career criminals.

- 5. Would you advocate for the elimination of all mandatory minimum sentences and pledge to oppose any efforts by the legislature to institute new mandatory minimums? Please give a clear “yes” or “no” and any explanation.*

As Attorney General, I will faithfully execute the law. I will advocate for expanded access to treatment for mental illness and drug addiction. Locking people up and throwing away the key is not the right path forward for South Dakota.

- 6. Do you support pre-arrest and pre-trial diversion programs? If yes, what steps would you take to increase the number of people who are diverted, including diversion to programs and resources outside the criminal justice system? Please give a clear “yes” or “no” and any explanation.*

Too many people suffering from addiction, mental illness, or unfortunate circumstances end up behind bars. I will work with public, private, and nonprofit organizations to divert individuals from jail or prison and get people the help they need.

- 7. Do you support drug court programs? What, if anything, would you do to help support and expand the use of drug courts across South Dakota? Please give a clear “yes” or “no” and any explanation.*

As Attorney General of South Dakota, I will work to expand access to drug treatment. Drug court programs are viable ways to get those in crisis connected with services necessary for reducing future criminal activity and restoring individuals to healthy living.

- 8. According to the National Institute on Drug Abuse, drug treatment can reduce substance use disorder rates by 40 percent to 60 percent while improving employment prospects by 40 percent overall. One study of therapeutic community treatment for drug offenders demonstrated that treatment resulted in a 40 percent reduction in arrests for violent and nonviolent criminal acts. Would you commit to implementing a public health-focused approach to drug use and drug crime in South Dakota? Please give a clear “yes” or “no” and any explanation.*



We must do everything we can to stop the scourge of drug addiction in our state. Far too many of our family members, neighbors, and friends are suffering under the grip of drugs like methamphetamines and opioids. South Dakota has recently expanded Medicaid coverage to include addiction treatment. As Attorney General, I would encourage our Legislature and Governor to explore options successfully implemented by other states to expand Medicaid eligibility and offer plans that provide vital treatment services.

9. *In 2018, the South Dakota Legislative Research Council (LRC) estimated that reclassifying the crime of ingestion from a felony to a misdemeanor would result in more than a \$61 million decrease in state and county costs. Would you support reclassifying the crime of ingestion from a felony to a misdemeanor? Please give a clear “yes” or “no” and any explanation.*

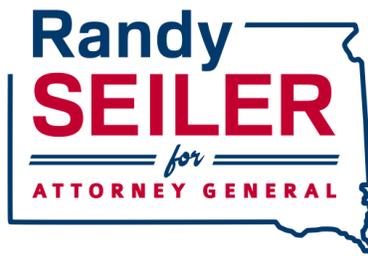
Tackling the drug epidemic will require a multifaceted approach. Complex problems cannot be solved with isolated solutions. We must work with law enforcement, health care providers, and everyday South Dakotans to educate the public on the dangers of drugs, expand treatment for those who are addicted, and vigorously prosecute those who bring these dangerous substances to our communities.

10. *People of color in South Dakota are disproportionately overrepresented in the criminal justice system. Will you commit to reducing these racial disparities as attorney general? If yes, how? Please give a clear “yes” or “no” and any explanation.*

As your Attorney General I will follow the law. Prosecutorial decisions must be made without regard to race, religion, gender, or sexual orientation. The over-representation of people of color in the criminal justice system is alarming and must be addressed at a causation level. I am committed to working within state government and beyond to understand and address racial disparities.

11. *One challenge of reducing racial disparities in the criminal justice system is that there is not enough data made publicly available to determine what is causing the disproportionate prosecution and conviction of people of color. Will you commit to collecting and publicizing statistical information disaggregated by race and gender on charging decisions, bail recommendations, plea bargaining, and sentence recommendations? Please give a “yes” or “no” answer and any explanation you believe is necessary. If you only support publicizing some of this data, please specify.*

I am committed to making public data that is necessary to improve the administration of justice in South Dakota and is not protected by statute, rule, or regulation and does not harm victims of



crimes. The Attorney General must be committed to public transparency and should make available the standards and guidelines that are considered when making decisions about whether a case should be prosecuted.

12. As attorney general, would you use your influence to encourage state's attorneys to voluntarily collect and publicize the data referenced in question 11? Please give a clear "yes" or "no" and any explanation.

I will encourage the state's attorneys to make available any information that can be used to improve the administration of justice that is not protected by statute, rule, or regulation and does not harm victims of crimes.

13. In 2013, the South Dakota Legislature passed SB 70, also known as the Public Safety Improvement Act. As attorney general, would you advocate for preserving this law? Please give a "yes" or "no" answer and any explanation you believe is necessary. If you only support preserving some of SB 70, please specify.

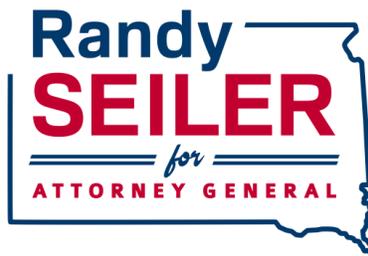
As Attorney General, I will follow the rule of law. I will advocate for statutory changes that improve the administration of justice in South Dakota.

14. In 2015, the South Dakota Legislature passed SB 73, also known as the Juvenile Justice Public Safety Improvement Act. As attorney general, would you advocate for preserving this law? Please give a "yes" or "no" answer and any explanation you believe is necessary. If you only support preserving some of SB 73, please specify.

As Attorney General, I will follow the rule of law. I will advocate for statute changes that improve the administration of justice in South Dakota.

15. Will you pledge to publish policies regarding prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, and civil asset forfeiture on the website for the Office of the Attorney General? Please give a "yes" or "no" answer and any explanation you believe is necessary. If you only support publishing some of these policies, please specify.

I am committed to maximizing transparency within the Attorney General's office. When there are legal or other compelling issues which limit the public's access to information, those issues will be disclosed.



16. Will you commit to develop and implement a plan for the attorney general and staff to personally, regularly, and meaningfully engage and communicate with constituencies across the state, especially communities of color and community-based organizations, as well as the general public? Please give a clear “yes” or “no” and any explanation.

The Attorney General of South Dakota is the people’s lawyer. To represent the interests of the people of South Dakota, the Attorney General must engage and communicate with people from across the state, from various backgrounds, and with a variety of perspectives. As I candidate, I’ve traveled across the State and engaged groups from a variety of racial, ethnic, political, religious, and other diverse backgrounds and sexual orientation. I’ve met with Federal, tribal, state, county, and city officials. I’ve talked to addiction counselors, behavioral health professionals, health care providers, law enforcement officials, farmers, ranchers, educators, and small business owners. I’ve reached out to seniors, parents, and students to hear their concerns and challenges. As your Attorney General, I will continue the community outreach that was a hallmark of my tenure as South Dakota’s United States Attorney. I think this is absolutely critical to effective leadership and representation of all South Dakota citizens.