

**To:** Authorized Representatives of Child Nutrition Programs  
Child and Adult Care Food Program

**From:** Child and Adult Nutrition Services

**Date:** June 19, 2018

**Subject:** Procedures for Contacting the State's Attorney

**Memo Number:** CACFP 238-1  
CACFP DCH 238-1

This memo replaces the previous memo on this topic dated February 5, 2002, memo number CACFPDCH-46. The purpose of this memo is to clarify the procedures to use when contacting the State's Attorney. Due to several questions that were brought up during our training session in Chamberlain, we contacted the Hughes County State's Attorney. The questions and answers that follow are a summary of that discussion.

This memo should be shared with applicable program personnel and placed in the appropriate numbered memo binder. Questions about this memo can be referred to a SD Dept. of Education Child and Adult Nutrition Services staff member.

**1. Q. When can an incident be referred to the State's Attorney?**

- A. Any time there is a crime committed against the State of SD, the State's Attorney can prosecute that.

**2. Q. Which State's Attorney should the Sponsoring Organization refer the incident to?**

- A. Probably the county where it occurred, not necessarily the county where the sponsor is. Other arrangements may be a possibility. It is best to talk to the local State's Attorney to determine the process to use.

**3. Q. What kind of information should be provided?**

- A. First of all, it is likely that the Sponsor will need to get the police or sheriff involved. The Law Enforcement would do the investigation, not the State's Attorney. The Law Enforcement agency would then turn over what they find to the State's Attorney and then the State's Attorney would proceed from there to prosecute. When information is provided to the State's Attorney and Law Enforcement, provide the regulations, clearly identifying where the relevant sections are, and provide the information that has been collected to date.

**4. Q. How do Sponsors know when to turn it over to the State's Attorney?**

A. SD Legislature has determined that anything over \$500.00 is a felony and thus should be turned over.

It is strongly recommended that Authorized Representatives contact their local State's Attorney and law enforcement soon to determine procedures before the agencies have an incident to resolve. This allows for more timely and unbiased procedures to be developed. When personnel in these offices change, it would be wise to schedule a meeting to review established procedures. It may also be good to visit every few years (2-3) when no cases have come up to be sure procedures are still current.