

# THE Groton Independent

South Dakota  
Growing Families & Opportunities

Vol. 137 No.05 ♦ Groton, South Dakota ♦ Wednesday, Sept. 25, 2019 ♦ Established in 1889



**Doug Hamilton with the bugle.** (Photo lifted from GDILIVE.COM)

## Groton Post #39 celebrates American Legion 100th Birthday



**Special performers at the 100th Birthday Celebration of the American Legion were Ashley Flihs, singing, "Working in a coal mine"; Cody Swanson, singing, "I've got the world on a string"; Bob Wegner, singing the Bugler's song; Stephanie Hanson, singing, "I only have eyes for you"; and Erin Sternhagen, singing "Free." The event was held at the Legion Post #39 home in downtown Groton.** (Photo from Deb Schuelke's Facebook Page) (Photos below lifted from GDILIVE.COM)



**The masters of ceremony were Bob Wegner and Deb Schuelke.** (Photo lifted from GDILIVE.COM)



**Groton Post #39 celebrated the American Legion's 100th birthday.** (Photo by Paul Kosel)



**A 21-gun salute was held after the ceremony.** (Photo lifted from GDILIVE.COM)



**Marge Overacker cuts the cake.** (Photo by Paul Kosel)

## General Fund balance becoming an issue for Groton Area

The Groton Area School District will not be getting state aid and business manager Mike Weber said that when the state funds are flush, they may grant a 3 percent increase in state aid. "For us here in Groton, that means zero increase," Weber said. "It's going to become an issue for us." Superintendent Joe Schwan said that if the Day County Wind Farm 2 is completed, any additional revenue will come to the district as the state can't take any more away. Plus in two more years, the district will save \$200,000 in loan payments. The board approved an \$8.76 million budget. While there was discussion on keeping the Capital Outlay Fund flush, Schwan said, "It's not the Capital Outlay Fund that's the problem, it's the General Fund." The state sets the General Fund. The district is losing \$37,000 in state aid this year and another \$25,000 in general fund revenues.

If anyone has a child age three that has not been contacted by the school should contact Heidi at the Elementary School.

Marty Weismantel volunteered to be the ASBSD Delegate.

Kristi Peterson was hired as yearbook advisor at 8 percent of base salary. Joni Groeblichhoff was hired as DI Coordinator at 2.5 percent of base.

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**Conde National League**  
**Team Standings:** Braves 7, Tigers 7, Cubs 7, Pirates 6, Mets 5, Giants 4.  
**Men High Games:** Butch Farmen 269, Rus Bethke 239, John Lowary 216, Lance Frohling 211, Troy Lindberg 202.  
**Men's High Series:** Butch Farmen 646, Russ Bethke 580, Ryan Bethke 566.  
**Women's High Games:** Sandy Hoops 232, Nancy Radke 168, Joyce Walter 158.  
**Women's High Series:** Sandy Hoops 494, Nancy Radke 470, Mayme Baker 416.

**Groton Coffee Cup League**  
**Team Standings:** Biker Chix 9, James Valley 7, Ten Pins 4, Kens 4.  
**High Games:** Vickie Kramp 164, Sam Bahr 163, Angie Carlson 158.  
**High Series:** Sam Bahr 446, Vickie Kramp 443, Angie Carlson 425.

# GHS Homecoming Parade



**Groton American Legion Post #39 Float**



**FIRST PLACE: Freshmen Class Float**



**GHS Marching Band**



**SECOND PLACE: Junior Class Float**



**Groton Area Junior High Band**



**BEST CHURCH FLOAT  
St. John's Lutheran Church & Pre-School**



**THIRD PLACE: Sophomore Class Float**



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**Avantara Royalty Crowned**  
GHS Royalty Queen Eliza Wanner and King Anthony Schinkel crowned the new royalty at the Avantata Groton on Thursday. They are Queen Doris Adler and King Brad Ronning. (Photo by Tina Kosel)

**The Groton Independent**  
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**Brown County Highway 5-Year Plan**

**PUBLIC NOTICE**  
 The Brown County Highway Department will be discussing and receiving public comment on the 5 Year County Highway and Bridge Improvement Plan on October 1th, 2019 at 8:50 a.m. in the Brown County Commission Chambers located at 25 Market Street, Aberdeen SD. This meeting will outline the county highway projects for 2020-2024. Questions or comments will be received at this time.  
 Dirk Rogers  
 Brown County Highway Superintendent  
 (0918.0925)  
 Published twice at the total approximate cost of \$13.52. 18068

**Columbia City Sept. 22 Meeting Minutes**

City of Columbia Council Meeting - September 22, 2019 3pm  
 CALL MEETING TO ORDER - 3:00 p.m.  
 ROLL CALL - Corey Mitchell, Cara Dennert, Tyler Kampa, Trevor Meints, Cole Kampa  
 New Business - 2020 City Budget  
 The board worked on the 2020 budget for the city. There was much discussion. The board will meet again Sunday, Sept. 29th at 7:00 p.m. for a final review.  
 Next Meeting - September 29, 2019 7:00 p.m.  
 Published once at the total approximate cost of \$6.46. 18086

**Mud Creek 2020 Budget Hearing Notice**

PROVISIONAL BUDGET FOR BROWN COUNTY MUD CREEK WATERSHED DISTRICT, BROWN COUNTY, SOUTH DAKOTA FOR THE YEAR JANUARY 1, 2020 THROUGH DECEMBER 31, 2020  
 General Fund: Legal fees, \$1,000.00; Advertising, \$1,500.00; Insurance and Bonds, \$1,500.00; Engineering and Projects, \$70,710.00;  
 Administration and Office Expenses, \$1,500.00; Miscellaneous Expense, \$2,000.00.  
 ADOPTION OF PROVISIONAL BUDGET FOR BROWN COUNTY MUD CREEK WATERSHED DISTRICT NOTICE IS HEREBY GIVEN: That the Managers of the Brown County Mud Creek Watershed District, will meet in the Roger Rix Shop, located at 12960 406th Ave., Groton, South Dakota on September 27, 2019 at 9:00 P.M., for the purpose of considering the foregoing Provisional Budget for the year 2020 and the various items, schedules, amounts and appropriations set forth therein and as many days thereafter as is deemed necessary until the final adoption of the budget on the 27th day of September, 2019. At such time any interested person may appear either in person or by a representative and will be given an opportunity for a full and complete discussion of all purposes, objectives, items, schedules, appropriations, estimates, amounts and matters set forth and contained in the Provisional Budget. Grant Rix, Secretary, Brown County Mud Creek Watershed District.  
 (0918.0925)  
 Published twice at the total approximate cost of \$31.14. 18069

**Groton School Sept. 23 Meeting Minutes**

UNOFFICIAL PROCEEDINGS OF BOARD OF EDUCATION  
 GROTON AREA SCHOOL DISTRICT NO. 06-6  
 REGULAR MEETING  
 September 23, 2019  
 President Smith called the meeting to order at 7:00 p.m. in the High School Conference Room. Members present: Flihs, Harder, Gengerke, Pharis, Rix, Smith and Weismantel. Others present were Supt. J. Schwan, Principals B. Schwan and Sombke and Business Manager Weber.  
 Moved by Weismantel, second Gengerke to approve the agenda as presented. Motion carried.  
 No new potential conflicts disclosures pursuant to SDCL 23-3 were reported.  
 Members of the public were allowed five minutes to address the board on any topic of their choice. With no public members present to speak, the board proceeded with their remaining agenda items. Joel Guthmiller and Susan Fjeldheim present an overview of the 4th grade program. Janel Lone and Shelby Hendrickson presented an overview of the 5th grade program.

The following items were discussed in administrative reports: elementary tuck point project progress, MS/HS boiler installation, enrollment currently at 585 students, Opioid Antagonist Training, upcoming policy revisions, personnel record forms, elementary paraprofessional interviews scheduled, DOE Accreditation Submission, 2019 Special Education State review, Preschool developmental Screening, OST Fundraiser, NSU Science Department visit, local donations to Comfort Closet, Escape Room activities for homecoming week, All School Play auditions, PSAT and ASVAB testing and Post High Planning Days for grade 11.

Weber reviewed budget changes since the annual meeting in July. Moved by Weismantel, second Harder to amend and approve the Groton Area School District 2019-20 budget, as published from the budget hearing on July 15, 2019, as follows and authorize the business manager to file the tax request with the county auditors: Revenue - General Fund from \$5,001,212 to \$4,994,844, Capital Outlay from \$1,707,700 to \$1,720,032, Bond Redemption from \$200,200 to \$209,200, Enterprise from \$71,500 to \$75,500 and Total Revenue from \$8,133,326 to \$8,152,326; Expenditures - General Fund from \$5,286,536 to \$5,326,192, Capital Outlay from \$1,943,295 to \$1,959,145, Special Education from \$925,151 to \$928,409, Food Service from \$254,240 to \$248,263, Enterprise from \$91,857 to \$91,458 and Total Expenditures from \$8,712,102 to \$8,764,490. Motion carried.

The board acknowledged receipt of public-school exemption #20-12.

Smith appointed Weismantel as 2019-20 ASBSD Delegate.

Moved by Weismantel, second Pharis to hire Kristi Peterson as Yearbook Advisor for 2019-20 at 8% of base salary. Motion carried.

Moved by Gengerke, second Harder to hire Joni Groeblichhoff as co-DI Coordinator for 2019-20 at 2.5% of base salary. Motion carried.

The board took a short recess at 8:10 pm and returned at 8:14 pm.

Moved by Rix second Pharis to into executive session pursuant to SDCL 1-25-2(6) to review District Emergency Response Guide. Motion carried.

Smith declared the board out of executive session at 8:55 pm.

Moved by Weismantel, second by Harder to adjourn.

M. J. Weber, Business Manager

Steven R. Smith, President

The addition of signatures to this page verifies these minutes as official.

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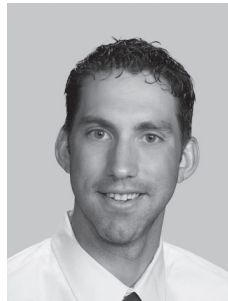
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## Groton boys soccer team beats Freeman Academy

Groton boys beat Freeman Academy 1-0. The lone goal was scored in the first half by Austin Jones with an assist from Dragr Monson.



**Austin Jones throws in the ball at the soccer game played at Freeman Academy.** (Photo by Marjae Schinkel)



**Anthony Schinkel races against Freeman Academy's Gavin Haggerty.** (Photo by Marjae Schinkel)

## Girls lose to Garretson

Coach Chris Kucker: Girls worked their tails off. Come up just short 0-1, against Garretson. Scoreless first half. We ended with 4 shots on goal. No corners.

## Warner hands Groton Area first loss with a fifth game win

Wow!

Perhaps that is the only word in the English language that would describe Tuesday's night volleyball action at Warner. Could one official call change the outcome of an entire match? One will never know!

Groton Area and Warner were two evenly matched teams and the volleyball match went all the way to the fifth game before Warner pulled out the win. The game was broadcast on GDILIVE.COM, sponsored by Dakota Risk Management. The video of the match is being uploaded to 397news.com.

In the first game, it was tied 15 times and the lead changed hands seven times before Warner pulled out a 25-23 win.

It was the second game that had a reversal of a finish. The game was tied eight times. Warner had the lead for most of the game with the biggest at five at 17-12. Groton Area surged back and scored three straight points at the end to take a 26-25 lead. A kill by the Tigers was ruled by the corner judge as being in, which would have given the Tigers the 27-25 win; however, Warner protested as the line judge said it was out. There was discussion among the officials. The corner judge had no question in her mind that the ball was in. But since no consensus could be gathered, the play was ruled null and void and no point was given to either side, leaving the score with Groton Area leading, 26-25. Warner would then score the next three points and go on for the win, 28-26.

Warner, again, had the lead for most of the third game with a six-point lead at one point, 16-10. Once again, the Tigers rallied and tied the game at 19 and thereafter, it was tied five more times before the Tigers would score the last two points for the 27-25 win.

Groton Area jumped out to a 4-0 lead in game number four, but Warner came back to tie it at seven. The Monarchs would take the lead, 10-9, and then upped its lead to five, 15-10. Groton Area came back to tie the game at 19 and took a 21-19 and went on to win, 25-22.

Warner dominated the fifth game, jumping out to a 5-0 lead and went on to win, 15-17.

Nicole Marzahn had 14 kills, two blocks and an ace serve. Eliza Wanner had 22 digs, 12 kills and an ace serve. Indigo Rogers had five kills and two blocks. Madeline Flihs had three kills and a block. Payton Colestock had three ace serves, Tady Glover had 21 digs while Kaylin Kucker had 20 digs and two ace serves and Stella Meier had a kill.

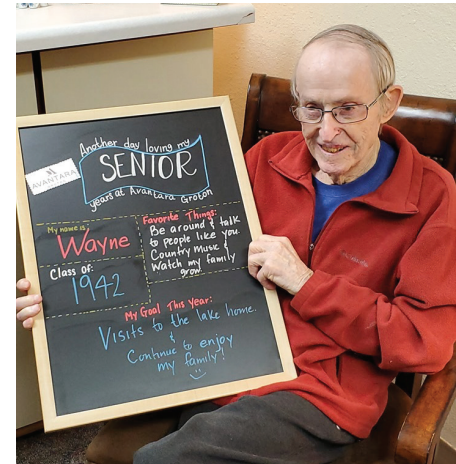
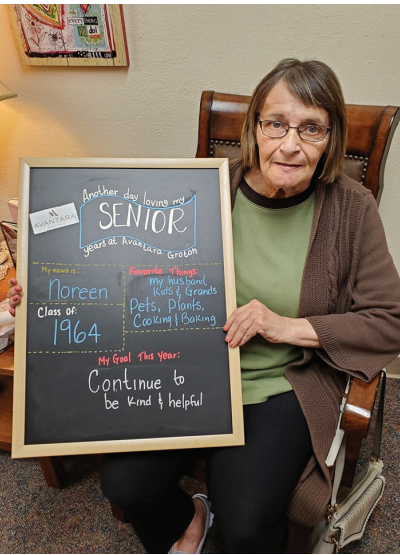
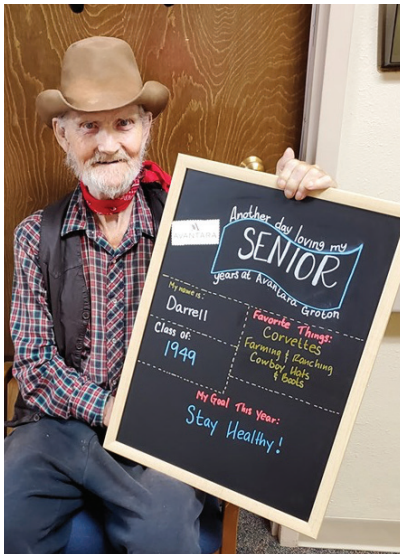
Groton Area is now 7-1 on the season and will travel to Aberdeen Roncalli on Thursday.

Jennifer Aman led the Monarchs with 24 kills while Danielle Seymour had 18 kills and two blocks and Kendyl Anderson had 16 kills.

Warner won the junior varsity match, 29-27 and 25-21.

## Avantara residents staying busy

The residents are loving their senior years at Avantara Groton. Some of their goals include learning a new recipe, staying busy and stay smiling. (Photos from Avantara Groton Facebook Page)



**Indigo Rogers**  
(Photo by Paul Kosel)

# Milbank spoils GHS Homecoming



**Kaden Kurtz intercepts the ball on Milbank's first drive.** (Photo by Paul Kosel)

Groton Area had several scoring opportunities, but was unable to capitalize on them as Milbank posted a 17-0 win over GHS Homecoming.

The game was broadcast live on GDILIVE.COM, sponsored by the Doug Abeln Seed Company, Aberdeen Chrysler Center, Allied Climate Professionals, Bahr Spray Foam, BaseKamp Lodge, DeHoet Trucking, Groton Auto Works, Hanlon Brothers, John Sieh Agency, Milbrandt Enterprises, Mike-N-Jo's Body-N-Glass, Olson Development, Professional Management Services. The game is archived at 397news.com were GDI subscribers will have access.

Milbank's first drive was thwarted when Kaden Kurtz intercepted the ball at the Milbank 36. The Tigers ended up punting on fourth and nine.

The Bulldogs would start from their own 20 yard line and a big play put the Bulldogs at the Tiger 10 yard line. Kaden Krause would connect with Max McCulloch for a 10-yard touchdown pass with 7:46 left in the first quarter. Carlos Ramirez kicked the PAT and Milbank took a 7-0 lead.

Both teams would end up punting on fourth down and five. The Tigers had no success on its next drive, punting at fourth and 20.

Milbank would then start on Groton's 45 yard line. The Bulldogs would get three first downs and on fourth and nine, Milbank's Carlos Ramirez would kick a 25-yard field goal with 8:36 left in the first half and Milbank took a 10-0 lead.

Groton Area would start its next drive on its own 27 yard line. The Tigers would have four

first downs and the ball at the Milbank four-yard line. But on second and four, the Tigers would fumble and lose the ball and Milbank would take over on its own five-yard line.

Milbank would end up punting on fourth and third and the Tigers had the ball with 1:55 left in the half. The Tigers ended up third and 19 before the first half ended with Milbank leading, 10-0.

Groton Area would receive the kick-off to start the second half and had a strong drive going, getting five first downs and the ball down to the Milbank five-yard line. On fourth and goal from the two-yard line, the Milbank defensive line prevented Groton Area from scoring and the Bulldogs took over on downs at their own three-yard line.

Milbank would get two first downs before punting on fourth and two at its own 43 yard line. The punt was blocked and the loose ball on the field was recovered by Austin Jones. The Tigers started their drive at the Milbank 34 yard line.

The Tigers would get down inside the 20-yard line, but ended up turning the ball over on downs and Milbank had the ball at its own 20 yard line. Milbank would punt the ball and the Tigers had the ball at their own 39 yard line, but a Milbank penalty forced a re-kick and this time, the Tigers started the drive at the Milbank 34 yard line.

The Tigers were fourth and one at the Milbank 27-yard line, but ended up turning the ball over on downs.

Milbank would then get a 73-yard pass play and the Andrew Marzahn would make the tackle at the two-yard line. On the next play, Max McCulloch would score on a two-yard run and Carlos Ramirez would kick the extra point and it was 17-0 with 7:11 left in the game.

Groton had four plays and had to punt on fourth and 11. Milbank had one play at first and 19 before Austin Jones would recover a fumble with 4:20 to go in the game. The Tigers were at the Milbank 25 yard line. But the of-

fensive line went the wrong way. The Tigers went for it on fourth and 24 at the Milbank 39 yard line, but the pass was incomplete and Milbank had the ball for the remaining two minutes of the games.

Groton had more first downs, 11-9, Milbank had more yards rushing, 125-99, and more yards passing, 125-68. Both teams had six penalties with Milbank having 10 more yards penalized than Groton Area.

Kaden Kurtz had 46 yards rushing, 38 yard passing and 10 tackles. Jonathan Doeden had 44 yards rushing, eight yards receiving and eight tackles.

The Tigers are 2-3 on the season and will travel to Redfield on Friday. Milbank is also 2-3 and will host Webster Area.

- Paul Kosel



**This play was messed up by Milbank's Max McCulloch as Austin Jones nearly made the catch.** (Photo by Paul Kosel)

	GROTON AREA	MILBANK
<b>First Downs</b>	11	9
<b>Rushing</b>	38-99	20-125
Jonathan Doeden	24-44	8-71
Kaden Kurtz	12-46	7-25
Thomas Cranford	2-9	6-24
<b>Passing</b>		
Kaden Kurtz	5-11-38	Kaden Krause 6-13-125
Jonathan Doeden	1-3-30	
<b>Receivers</b>		
Brodyn DeHoet	1-30	Nick Ruhr 1-73
Austin Jones	1-17	Max McCulloch 2-22
Andrew Marzahn	2-16	Michael Karges 2-15
Jonathan Doeden	1-8	Will Cummins 1-15
Thomas Cranford	1-6	
<b>Fumbles</b>	Had 4 lost 1	Had 2 lost 1
<b>Penalties</b>	6-45	6-55
<b>Kickoff Return</b>		
Andrew Marzahn	3-39	

**Punting:** Jackson Cogley: Had 4 punts, averaging 39 yards a punt, longest was 56 yards.  
**Kickoff:** Jackson Cogley had 1 for 56 yards.

Defense			
Kaden Kurtz	10 tackles, 1 interception	Nick Ruhr	14 tackles
Jonathan Doeden	8 tackles	Brodie Holtquist	10 tackles
Brodyn DeHoet	7 tackles	Max McCulloch	9 tackles
Grady O'Neill	2 sacks		
Austin Jones	Fumble Recovery		

<b>Record</b>	2-3	2-3
<b>Next Game</b>	Friday at Redfield	Friday, host Webster

**Scoring**  
**First Quarter**  
 7:46 Milbank - Michael Karges, 10 yard pass from Kaden Krause (PAT kick by Carlos Ramirez)  
**Second Quarter**  
 8:37 Milbank - Carlos Ramirez, 25 yard field goal.  
**Fourth Quarter**  
 7:11 Milbank - Max McCulloch, 2 yard run (PAT kick by Carlos Ramirez)



**Jonathan Doeden gets ready to plow through some Milbank Bulldogs.** (Photo by Paul Kosel)



**Indigo Rogers**  
(Photo by Jeslyn Kosel)



**Eliza Wanner**  
(Photo by Jeslyn Kosel)



**Payton Colestock**  
(Photo by Jeslyn Kosel)



**Nicole Marzahn**  
(Photo by Jeslyn Kosel)

### Peterson resigns

The City Council accepted the resignation of Jay Peterson as Councilman from Ward 1. The council meeting was held Tuesday evening.



**Brodyn DeHoet was sooooo close to snatching the ball near the Milbank goal line.** (Photo by Paul Kosel)



**Brodyn DeHoet would make a nice catch on the far side of the field to get the Tigers down to the Milbank four yard line.** (Photo by Paul Kosel)



**Win or lose, the Groton Area student body always welcomes the team after the games.** (Photo by Paul Kosel)

## Netters beat Sisseton in three sets and go to 7-0

Groton Area had a three game sweep of Sisseton Thursday evening in volleyball action played in Groton. The Lady Tigers are now 7-0 on the season.

The game was broadcast live on GDILIVE.COM, sponsored by Allied Climate Professionals, Bahr Spray Foam, BaseKamp Lodge, DeHoet Trucking, Groton Auto Works, Hanlon Brothers, John Sieh Agency, Milbrandt Enterprises, Professional Management Services.

Nicole Marzahn had four kills and three ace serves as the Tigers won the first game, 25-8. Eliza Wanner added three kills while Indigo Rogers had two ace serves and a kill, Stella Meier had one kill and one block and Madeline Flihs had one kill. Groton Area earned 64 percent of its points, earning 16 of 25, while Sisseton earned 50 percent, making four of eight.

Marzahn and Meier teamed with four kills each as Groton Area won the second game, 25-15. Payton Colestock had three ace serves, Wanner had two kills and an ace serve, Kaylin Kucker had an ace serve and a kill and Rogers had one kill. Groton Area made 17 of 25 points for 68 percent while Sisseton was two of 15 for 13 percent.

Colestock had four ace serves and Meier had three kills and a block to lead Groton Area to a 25-12 win in the third game. Wanner and Kucker each had two ace serves and a kill, Rogers had two kills while Marzahn and Flihs had one kill. Groton Area made 18 of 25 points for 72 percent while Sisseton was five of 12 for 42 percent.

Marzahn finished the game with 10 kills, three ace serves and a block, Meier had eight kills and two solo and one assisted block, Colestock had seven ace serves, Wanner had six kills, five ace serves and seven digs, Rogers had 11 digs, four kills and two ace serves and Kucker had 24 assists, three ace serves and two kills.

Kellie Karst led Sisseton with two kills and two blocks while Taryn Yammerino had three kills, Martina Weyand and Kierra Silk each had a kill, Avery Despiegler had a block and Alexis Metz had an ace serve.

Groton Area won the junior varsity match, 2-0. That match was also broadcast live on GDILIVE.COM, sponsored by junior and sophomore parents of the team.

The first game was tied five times and the lead changed hands three times before Groton Area surged ahead, 15-8, en route to a 25-12 win. Grace Wambach had the game winning kill. Groton Area jumped out to a 9-0 lead in the second game and went on to win, 25-11. Wambach led the Tigers with five ace serves and four kills, Allyssa Locke had five ace serves and two kills, Megan Flihs added three kills and an ace serve, Brooklyn Gilbert had three kills, Jasmine Gengerke had two kills, Alyssa Thaler had two ace serves and Gracie Traphagen had an ace serve and a kill.

Groton Area won the C match, 25-18 and 25-21. Aspen Johnson and Macine McGannon each had the game winning kills in those games.

Sisseton won the eighth grade match, 25-19, 25-9 and 25-15. Sisseton also won the seventh grade match, 25-17, 25-22 and Groton Area led in the third game before time ran out, 23-18.

- Paul Kosel

**Groton Photography**  
will be doing photo sessions at the

No appointments are necessary, but if you want to set up a time, Call/Text Paul at 605/397-7460  
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# Many crime victims in S.D. not being paid restitution they are owed

By: Nick Lowrey

In South Dakota, people convicted of crimes owe their victims millions of dollars in court-ordered restitution, but most of that debt is going unpaid and there is little remedy available for those harmed to get their money.

In theory, ordering criminals to pay for damages they caused gives courts a way to provide victims some measure of financial compensation and closure. The idea is so highly valued that state courts are required by law and a recent state constitutional amendment to order defendants to pay restitution anytime there is measurable financial harm done to a victim.

In practice, state data show, criminal restitution rarely benefits the people who need the most help after being victimized. The vast majority of criminal restitution never gets paid. Over the past three fiscal years, state courts have ordered criminals to pay more than \$10.4 million to their victims. Of that, courts have collected only about \$2.1 million for victims.

Over that same time period, the state Unified Judicial System has sent more than \$64 million in overdue court-ordered debt to the newly created South Dakota Debt Obligation Recovery Center, which can enact sanctions to prompt people to pay up.

Most of the court debt is for restitution owed to crime victims, said Greg Sattizahn, state court administrator. About \$9.2 million has been collected by the combined efforts of the state court system and the ORC. Of that total, more than a third was paid toward fines and fees and not to crime victims.

Despite low collection rates, many prosecutors and court system officials say restitution is a necessary piece of criminal sentencing because it helps make victims whole.

"It's really viewed as part of the punishment, as part of the process to recognize that a person or an entity was harmed and that it is [the defendant's] responsibility" to pay, Sattizahn said.

Critics of criminal restitution say the practice doesn't help most victims and can actually do more harm than good. Many defendants do not have the money to pay restitution and have few legal options for raising the necessary cash. In effect, restitution keeps people who otherwise have paid their debts to society enmeshed in the criminal justice system long after they've left prison, parole supervision or probation, and can make them more likely to re-offend, said Libby Skarin, policy director for the South Dakota chapter of the American Civil Liberties Union.



"One of the things we have to recognize is that incarcerating low-income people or putting a lifetime of unpayable debt on their plates doesn't deter crime, doesn't serve a rehabilitative purpose and it doesn't do anything for public safety," Skarin said. "If we are putting someone into a debt that they are never going to pay ... that is not wise. We are setting people up to fail."

## Created for victims but largely ineffective

Restitution became a formal piece of the U.S. criminal justice system in the late 1960s and early 1970s. At that time, state legislatures and justice officials across the country were taking a closer look at how crime victims were treated by the system. Adding financial restitution requirements to criminal sentencing laws was seen as a way to both acknowledge that a person had been harmed and show that offenders bore the responsibility for making their victims whole.

South Dakota's restitution law dates back to 1978. In broad terms, the South Dakota law says any victim of a crime who suffered measurable monetary damage is entitled to restitution. The law requires prosecutors to ask for, and the judge to order, as much restitution as the defendant can reasonably be expected to pay.

In 2016, a victim's right to restitution was enshrined in the South Dakota Constitution by a referendum vote on the so-called Marsy's Law. A campaign funded by California billionaire Henry T. Nicholas III successfully convinced South Dakota voters to enact Marsy's Law, which is a list of rights afforded to crime victims. One of those rights gives crime victims access to full and timely restitution.

"The reality is, if I'm a prosecutor, I have 'X'

amount of discretion, but when it comes to this with Marsy's Law and everything else, if the restitution is out there and it's warranted, it's my job to ask for it," said Tim Bormann, a former prosecutor who is now chief of staff to South Dakota Attorney General Jason Ravensborg.

Restitution in some cases has also been used as an alternative to sending non-violent defendants to prison. Often judges will suspend a defendant's prison time or their

whole sentence, up to and including scrubbing a felony conviction from a defendant's criminal record, provided they are willing to pay restitution to their victims.

Once a restitution order has been handed down, the defendant is expected to pay up immediately, Sattizahn said. If the defendant can't pay right away, it is up to their probation officer, the Department of Corrections or the local clerk of courts to devise a payment plan, Sattizahn said.

In the event that defendants don't pay off their restitution quickly enough, crime victims can ask a judge to order a county sheriff to seize and sell a defendant's assets in order to satisfy the debt, Sattizahn said. The state judicial system has gone so far as to create a standard form crime victims can use to request such orders.

As the amount of unpaid restitution continues to rise, officials are beginning to question the utility of large restitution orders against people who likely never will be able to repay their victims.

"Is it prudent? Are you creating paperwork that is just going to sit there and never produce anything? Unfortunately that is the situation we have ... It is something that I think warrants looking at," Bormann said.

## New approaches needed?

Even after a defendant is convicted and restitution is ordered, many crime victims say they largely feel forgotten by criminal justice officials. In 2016, the non-profit Alliance for Safety and Justice published a report on the results of what it called a first-of-its-kind national survey of crime victims called "Crime Survivors Speak". Two of every three crime victims surveyed said they got no help from law enforcement or the courts after being victimized.

Those who did get help rarely got it from the criminal justice system, the survey found. Instead, about 75 percent said they got help from family or hospitals. About one in 10 victims said they got some help from a prosecutor's office and one in four said they got help from a law enforcement agency.

Crime victims who didn't get help, especially teens and young adults between the



**Greg Sattizahn, South Dakota Unified Judicial System administrator, said criminal restitution is viewed as a necessary piece of a criminal sentence because it both helps victims heal after a crime is committed and adds another layer of responsibility to defendants.** Photo: Nick Lowrey, South Dakota News Watch

## MANY VICTIMS NOT RECEIVING COURT-ORDERED RESTITUTION

Here is a look at how much court-ordered restitution money was ordered to be paid by people convicted of crimes to their victims in each of the past three fiscal years, and how much of the money had been paid as of August 2019.

Fiscal year	Restitution	Paid so far	% paid
2017	\$4.6 million	\$648,706	14.1%
2018	\$3.1 million	\$755,313	24.5%
2019	\$2.7 million	\$689,484	25.1%
Total	\$10.4 million	\$2.1 million	20.2%

Source: South Dakota Unified Judicial System





**Libby Skarin, policy director for the American Civil Liberties Union in South Dakota, said reforms are needed to the state's criminal restitution laws. Oftentimes, she said, restitution denies debtors their basic rights simply because they are poor and unable to pay.**

Photo: Submitted

ages of 18 and 24, were more likely to suffer long-term mental health effects and become involved with criminal activity themselves, the survey found. A similar survey has not been conducted in South Dakota.

The "Crime Survivors Speak" survey report noted that more than 70% of the crime victims surveyed said they wanted prosecutors to increase efforts to rehabilitate criminals, even if it meant there would be fewer criminal convictions.

Skarin, of the ACLU in South Dakota, said there also is the question of whether the harm caused by large, often uncollectible restitution orders is justifiable.

In South Dakota, for example, people who have been convicted of a felony are stripped of their right to vote until they have completed all conditions of their sentence, including paying restitution in full as well as all fines and fees. A person who has finished their prison time, completed probation or parole supervision yet still owes restitution is barred from registering to vote.

"It's another way to segment people out of our society," Skarin said. "That is part of the harm that outweighs the benefits and doesn't do much, if anything, for the victim. We are putting barriers in peoples' way that may lead to them not becoming fully engaged members of their community. That creates problems and leads to the revolving door of incarceration in a way that could create more victims."

Having the right to vote, research has shown, can actually help reduce recidivism. Voting helps people engage and connect with their communities, Skarin said, which makes them less likely to commit crimes against their neighbors. Finding ways to restore defendants' rights to vote is a piece of the ACLU's Smart Justice Campaign, a nationwide campaign to reduce prison populations and improve outcomes in criminal justice.

The idea is to push the criminal justice system away from the current model that focuses on retribution, punishment and restitution in favor of a more rehabilitative model, Skarin said.

"What is the government's obligation to a victim of crime? If the obligation is simply to order monies to be paid and then wash their hands of it, I don't think that that serves the needs of the victim," Skarin said. "That is not to say restitution is never warranted. I just

don't think it's a cure-all, especially when you look at the effect of restitution on people who have no ability to pay."



**ABOUT NICK LOWREY**

Nick Lowrey, based in Pierre, S.D., is an investigative staff reporter for South Dakota News Watch. A South Dakotan for more than 20 years, he is a former editor of the Pierre Capital Journal.

**Bates Township Weed Notice**

**BATES TOWNSHIP WEED NOTICE**

OWNERS & TENANTS of Bates Township are hereby notified and required, according to law, to cut all weeds and grass in road ditches adjacent to their property or tenanted by them within Bates township on or before October 1, 2019 or same will be hired done by the township board and assessed property taxes at the rate of \$300 per half mile.

Bates Township Board of Supervisors reminds all landowners and tenants that the road right-of-way extends 33 feet from the center of the township road. This ditch is to be maintained and mowed. Any crops planted in the road right-of-way will be mowed and charged to the landowner. Landowner is responsible for spraying all noxious weeds.

Bates Township Board of Supervisors

Betty Geist

Township Clerk

(0918.0925)

Published twice at the approximate cost of \$20.57. 18077



**U8 Girls Soccer Team**

**Back row: Addison Steffes, Amelia Ewalt, Elaina Myburgh, Rayna Loeschke and me. Front row: Zoe Olson, Andi Iverson, and Kendyll Kroll.** (Photo from Ryan Olson)



**Groton 9-10 Boys**

**Back- Ryder Schwan, Axel Abeln, Wesley Morehouse, Logan Olson, Connor Kroll, Coach Ryan Olson.**

**Front- Haden Harder, Liam Johnson, grant Cleveland, Dawson Feist, David Jetto.**

(Photo from April Abeln)



## Pierpont Firemen Recognized

The Pierpont Volunteer Fire Department recently recognized three individuals with their years of service to the department. Tim Ronshaugen has put in 45 years, John Severson has put in 40 years and Phil Ronshaugen has put in 45 years.

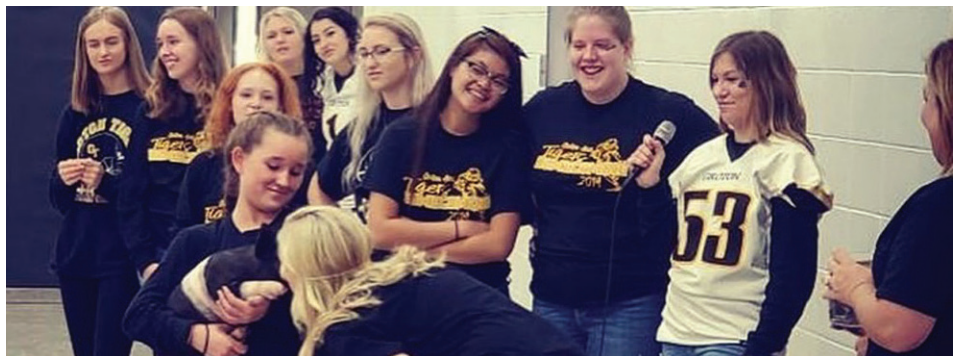
(Photo from Pierpont SD Facebook page)

## Take your Bible to School is Oct. 3

Be a part of Bring Your Bible to School Day — a nationwide, student-led movement happening on October 3!

When you sign up, you'll get a free guide with easy tips on how to get started, downloadable posters, sticker and T-shirt designs, information on your legal rights—as well as other fun, interactive activities. You will also be entered into a drawing for a chance to win a trip for four to the Museum of the Bible in Washington, D.C.

For more information, visit: <https://www.focusonthefamily.com>



## Schuring gets to Kiss the Pig!

Alexa Schuring was the lucky person got to kill the pig in the annual FCCLA Kiss the Pig Contest held during homecoming week. Nearly \$240 was raised for Anna Flihs and her family.

(Courtesy Photo)

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Speech at 2 pm - Putney Hall Stage  
Courtesy of the SD Humanities Council

**FREE Festival Trolley**  
FREE Rides Between Aberdeen's Dacotah Prairie Museum & The Granary Rural Cultural Center (30 Min. Duration One Way)  
First Trolleys Leave Museum at: 10:20 & 10:35 am  
Service Between Museum & Granary Continues During Festival Hours Approximately Every 12 Hour  
Trolley Courtesy of Dacotah Prairie Museum Foundation  
See Museum Website for Details.

*Celebrate History... Step Back in Time*

**OPENING CEREMONY at the Flag Poles 11 a.m.**  
Historical Demonstrations & Re-enacting • Food • Gift Shop  
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This Festival is a Program of Dacotah Prairie Museum & The Granary  
Museum: [www.dacotahprairiemuseum.com](http://www.dacotahprairiemuseum.com) • Granary: [granaryfinearts.org](http://granaryfinearts.org)  
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