

# OFFICE OF THE PENNINGTON COUNTY State’s attorney

#### Lara R. Roetzel—State’s Attorney

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June 27, 2023

To Whom it May Concern:

We have received and reviewed your Public Records Requests, specifically the matter regarding “Floyd Joseph Slow Bear”. Enclosed herein is the State’s Attorney’s response to the request(s) you sent regarding this specific matter.

You requested the following in two (2) separate letters:

1. Any email, sent or received by any employee of your agency between 1/20/23 and 2/2/23, which includes the key words “Slow Bear”.
2. Any and all booking records and communications (electronic, hard copy, or otherwise) associated attachments, and related files sent to and from any employee representative, or other officials in your office regarding Floyd Joseph Slow Bear (DOB: 1/9/67).

The request as listed above in 1. listed above is hereby denied. Pursuant to SDCL § 1-27-1.5 (12), these records are not open to inspection or copying. In regards to request 2., pursuant to SDCL 1-27-42, the Office of the State’s Attorney is not the proper custodian of booking records. These records are in the custody of Sheriff Brian Mueller. To that extent, this request is hereby denied. Further, the remainder of your request is hereby denied. All further communication as listed in your request are not open to inspection or copying pursuant to SDCL § 1-27-1.5 (12).

You requested the following in two (2) separate letters:

1. Medical records related to the death of Floyd Joseph Slow Bear, who died in custody at the Pennington County Jail on 1/31/23.
2. Map of crime scene and other media gathered during the investigation of an incident regarding RCPD use of deadly force while responding to the suspected burglary-in-progress at 720 James Warren Dr, Rapid City, SD on 3/6/22, which resulted in the death of Barney Peoples.

These records requested above are in the custody of either Pennington County Sheriff Brian Mueller or Rapid City Police Chief Don Hedrick. Since the State’s Attorney is not the custodian of these records, she is not in a position to release the same. To that extent, the above Public Records Request(s) to the State’s Attorney’s Office is hereby denied.

 For future reference, under South Dakota law, any county records that are not in the custody of law enforcement are in the custody of the Pennington County Auditor, and future requests should be sent to that office.

Thank you again for your request.

 Sincerely,

 Alexa B. Moeller

 Deputy State’s Attorney