

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

April 11, 12, 13 and 14, 2016

Parole Board meetings were held on April 11, 12, 13, and 14, 2016 at various locations in the State of South Dakota. A Parole Board meeting was held on April 14, 2016 at the South Dakota State Penitentiary commencing at 8:02 AM with the following present:

Kay Nikolas, Chair
Mark Smith, Vice Chair
Ken Albers, Member
Greg Erlandson, Member
Kevin Krull, Member
Myron Rau, Member
Chuck Schroyer, Member
Rev. Patricia White Horse-Carda, Member
Doug Clark, Director of Parole
Stacy Cole, Senior Secretary
Traci Fredrikson, Corrections Specialist
Ashley McDonald, DOC Legal Counsel
Valerie McGovern, Corrections Analyst
Kayla Steckelberg, Correction's Specialist
Mike Vonsik, Board Office Manager

Quorum Present? Yes

Members who are absent today are: Don Holloway, Member, Kathleen Bongers, Program Assistant, Brad Lewandowski, Director of Parole Services

REPRESENTATIONS: Ashley McDonald, Department Of Corrections Legal Counsel representative, was available for questions.

SPECIAL GUESTS: Tonya Honomichl was in attendance. Riley DeGroot, Case Manager – SDSP. Bruce Berke, Transitional Case Manager – SDSP. Bonnie Larson, Transitional Case manager – SDSP. Kelly Caviness, Case Manager – SDWP. Kris Karberg, Case Manager – JPA. Rick Leslie, Director of Classification and Transfer – SDSP. Jared Hanson- RN – SDSP. Tamara Forseth - Avera social worker

MINUTES: Board Member Rau made motion to approve the minutes from the March 2016 meeting of the Board. Board Member Krull seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member Holloway was unavailable in April 2016. Board members Rau and White Horse – Carda started parole hearings at DSP at 10 AM on Monday April 11, 2016 to assist in cutting the high volume of hearings that were held on Tuesday April 12, 2016. They then went to Yankton and did those hearings beginning at 2 PM. Two Panel pardons were held on Wednesday April 13, 2016 on the third floor at SDSP. Unit C hearings were held at Jameson in April, 2016. Board Member Erlandson may not be available in May 2016. We will try to get an auxiliary member to sit in for the month of May. Auxiliary Member Nelson will be unavailable until after May 2016. Board Member Krull will be unavailable in May 2016, June 2016, July 2016 and August, 2016. Board Member Rau will be unavailable on Wednesday and Thursday in June 2016. June 2016 will be Board Member Erlandson's last month on the Parole Board. Board Member Rau will be unavailable in July 2016.

REVIEWED BY THE FULL BOARD:

The following inmate was reviewed by the full Board. Board Chair Nikolas made motion to grant parole to plan. Board member Krull seconded the motion. All other members voting aye; the motion carried

Gerald Dismounts Thrice JR

The following inmate was considered for an earned discharge by the full board. Board Member Krull made motion to grant an early discharge. Board Member Albers seconded the motion. All other members voting aye; the motion carried.

John Flute

The following inmate was considered for a partial earned discharge by one year by the full board. Board Member Albers made motion to grant an early discharge. Board Member Krull seconded the motion. All members voting aye; the motion carried.

Kevin Ray

The following inmate was considered for earned partial discharge by the full board. Board Member Erlandson made motion to grant an early discharge by one year. Board Member White Horse - Carda seconded the motion. All other members voting aye; the motion carried

Daniel Thomas

The following inmate was considered for earned discharge by one year by the full board. Board Member Erlandson made motion to grant and early discharge. Board Member White Horse - Carda seconded the motion. Board Member Schroyer voted nay; all other members voting aye; the motion carried

Carrie Walker

APPEARANCES BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SPRINGFIELD:

The following inmate appeared before the full Board. Board member Albers made motion to grant parole to # 19838. Board member White Horse – Carda seconded the motion. Board member Krull voting nay, all other members voting aye; the motion carried

Anthony Thomas

The following inmate appeared before the full Board. Vice Chair Smith made motion to grant parole to plan. Board member Krull seconded the motion. Board member Albers voted nay. All other members voting aye; the motion carried

Lucas Johnson

The following inmate appeared before the full Board. Board member Erlandson made motion to grant parole to plan. Board member Albers seconded the motion. All other members voting aye; the motion carried

Gary Holy Bull

The following inmate appeared before the full Board. Vice Chair Smith made motion to grant parole to plan. Board member White Horse - Carda seconded the motion. Board members Krull and Rau voted nay. All other members voting aye; the motion carried

Alex Geranen

The following inmate appeared before the full Board. Board Member Rau made motion to grant parole. Board Chair Nikolas seconded the motion. Board Members Erlandson, Krull, Smith, White Horse – Carda and Albers voted nay, Board Members Schroyer, Rau and Nikolas voted Aye. The motion died. Vice Chair Smith made a 2nd motion to deny parole and set out to June 2017. Board Member Krull seconded the motion. All other members voting aye; the motion carried

Dwayne Eckhoff

The following inmate appeared before the full Board. Vice Chair Smith made motion to deny parole and set out 8 months. Board member Albers seconded the motion. All other members voting aye; the motion carried

Thomas Dalten

The following inmate appeared before the full Board. Board member Rau made motion to grant parole. Board Member Krull seconded the motion. Board members Smith, Erlandson and Albers voted nay. All other members voting aye; the motion carried

Joshua Coenen

The following inmate appeared before the full Board. Board Member Albers made motion to grant parole. Board Member Rau seconded the motion. All other members voting aye; the motion carried

Justen Clay

The following inmate appeared before the full Board. Board member Albers made motion to grant parole. Board Chair Nikolas seconded the motion. Board member Krull and Rau voted nay. All other members voting aye; the motion carried

Nathaniel Christie

The following inmate appeared before the full Board. Board member White Horse - Carda made motion to grant parole. Board member Krull seconded the motion. Vice Chair Smith voted nay. All other members voting aye; the motion carried

Travis Blaine

The following inmate appeared before the full Board. Board member Erlandson made motion to deny parole and set out to December 2016. Board member Krull seconded the motion. Board Chair voted nay. All other members voting aye; the motion carried

Michael Ball

The following inmate appeared before the full Board. Board member Erlandson made motion to grant parole to aunt in Sioux Falls. Board member Albers seconded the motion for discussion. Board members Nikolas, Smith, Albers and White Horse - Carda voted nay; Board members Rau, Schroyer, Erlandson and Krull voted aye. The motion died. Board member Erlandson made an addition to the 1st motion adding subject to continuity of healthcare. Vice Chair Smith made a 3rd motion to deny parole, return 254 days of street time and continue to expiration. Board member Albers seconded the motion; all other members voting aye; the motion carried

Daniel White Shirt

APPEARANCES BEFORE THE FULL BOARD: Thursday April 14, 2016.

The following inmate appeared before the full board. Board member Erlandson made motion to grant parole contingent upon the current investigation and if no charges are brought or if a major rule infraction is not to have been committed, he will be paroled. If a rule infraction or charges are brought, then a recession hearing will be held. Board member Albers seconded the motion. All other members voting aye; the motion carried.

Jerad Olson

The following inmate appeared before the full board. Vice Chair Smith made motion to grant parole to plan. Board member Erlandson seconded the motion. All other members voting aye; the motion carried.

Brenda Ebright

The following inmate was reviewed by the full board. Board Member Erlandson made motion to deny parole and set out two years. Board member Schroyer seconded the motion. All other members voting aye; the motion carried.

Frank Pecoraro

Board Chair Nikolas called a recess from 9:36 am – 9:47 am

AGENDA ITEMS:

Director's Report: Director Clark reported that warrants issued, is climbing. Extended detainment numbers are good as well as Non-Compliance. Director Clark introduced the new Parole Success plan application, and also talked about the three phase plan to change the process of the parole hearing. Starting with the new PEN, then the new Parole Success plan application and then meeting with the inmates from the parole side prior to the hearing. We will begin to transport the legal files from SDSP to DSP each month for the full Board parole hearings. There was an oversight council meeting held on Wednesday April 13, 2016. Director Clark was traveling around the state with Sec. Kaemingk, Deputy Secretary Feiler, and Parole Services Director Lewandowski this month speaking to law enforcement, judges and state attorneys about how Parole is addressing paroles in the community and how we respond to violations of supervision conditions and why we respond the way we do before just sending someone back to prison. The agents do a very good job at keeping people in the community and work very hard at trying to respond appropriately to each violation that may happen in the community. Director Clark made it a point to address the fact that we can house low risk inmates who are within 4 months of their IPD and compliant out in the community as extended confinements. Parole agent training begins next week April 19, 20 and 21, 2016. Richard Stroker will be here for this as well. US probation will attend as well as many others from around the state.

Director of Field Services Report: Brad Lewandowski was unavailable. Kayla Steckelberg spoke about statistics and numbers in the field. Parole agent Brian Robb has announced his retirement. Part time secretary for the Sioux Falls downtown office Natalie Brandt put in her notice as the part time secretary and

we were able to make this part time spot a full time spot. We will begin hiring for this soon. Compliance was 99.1% in the field for the month of March 2016. Kayla talked about Standing Rock tribal court representatives as they are meeting with Sisseton Wahpeton tribal court and parole representatives at the Dakota Magic Casino. They are going to develop a Native American specific risk assessment. This is something that they have wanted to do for some time and now have the opportunity. Kim Cob will also be joining them to assist with putting this together and having it validated.

Legal Issues Review: Ashley McDonald gave the board an update on return of street time. Once a warrant is issued, the street time stops. Offenders do not get credit for time not spent on parole supervision if they are an absconder.

Behavioral Health Review: Tonya Honomichl addressed the board about Behavioral Therapy training that behavior health had this month in April. All mental health/behavioral health therapists and DOC Mental health/behavioral health staff attended this training as well. This training addressed personality disorders, addictions, emotion/behavioral regulations. Training will continue for the rest of the month of April. Intense mental/behavior health training will begin in May, 2016. There are three mental health facilities that are participating in this new program in the community. One SMI case was released from The Glory House this month.

Policy Review: Parole Date Review - 8.1.A.4. Vice Chair Smith made motion to approve the policy review, Board Member Albers seconded the motion; all other members voting aye, the motion carried. Restitution Hearings - 8.1.A.8. Board Member Albers made motion to approve the policy review, Board Member Rau seconded the motion, all others voting Aye; the motion carried. Early Discharges - 8.1.A.7. Board Member Rau made motion to approve the policy review, Board member Albers made motion to amend some wording to the policy; Board Member Rau seconded the motion. All others voting aye, the motion carried. Parole Decisions – 8.1.A.5 – Board member Erlandson made motion to approve the policy, Board member White Horse – Carda seconded the motion, all others voting aye, the motion carried.

Board Training and COMS Updates: Traci Fredrikson updated the Board on training. The Parole Board received training this month from Agent Amber Kollars from Brookings addressing electronic equipment used in the field and Deputy Warden Dreiske trained the board on Religion and cultural programs. Traci talked to the board about Board Chair Nikolas, Board Member Rau, Director Clark and Traci Fredrikson’s trip to Kansas and learned how their system works and how a full time board operates and what that looks like. Board Member Krull and Board Member White Horse – Carda attended NIC training in Colorado. Board Member Krull and Board Member White Horse – Carda have a project to conduct for this training and they will present this on April 28th. We may have a Native American cultural training session coming soon. Traci shared a Clemency overview with the board as well.

Review of Full Board Appearances for May: Board members reviewed a number of parole applicants who have been recommended for a personal appearance before the full board in May or later.

Decisions: Board Member Erlandson made motion to ratify and affirm all decisions; Board Member Krull seconded the motion. All members voting aye; the motion carried.

Recusals:

Board Member Krull recused himself from the following hearing:

Artie Black Bear
James Dale

Board Chair Nikolas recused herself from the following hearing:

Angelo Running Bird

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ATTACHMENTS – DECISIONS: Please refer to the attached listing entitled Board Decisions for all parole violations, suspended sentence violations, non compliance, discretionary parole, earned discharge, and rescission decisions made by the Board this month.

Adjournment: Vice Chair Smith made motion to adjourn the April 14, 2016 meeting of the Board. Board Member Erlandson seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 12:18 PM on Thursday April 14, 2016. The next board meeting is scheduled for May 12, 2016 at 8:00 AM.

SD BOARD OF PARDONS AND PAROLES

Kay Nikolas, Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary