

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

January 8, 9, 10 and 11, 2018

Parole Board meetings were held on January 8, 9, 10 and 11, 2018 at various locations in the State of South Dakota. A Parole Board meeting was held on January 10, 2018 at the South Dakota State Penitentiary commencing at 8:06 AM with the following present:

Mark Smith, Board Chair  
Ken Albers, Vice Chair  
Kevin Krull, Member  
Myron Rau, Member  
Shannon Riter Osborn, Member  
Chuck Schroyer, Member  
Rev. Patricia White Horse-Carda, Member  
Doug Clark, Director of Parole  
Kathleen Bongers, Program Assistant  
Stacy Cole, Senior Secretary  
Traci Fredrikson, Corrections Specialist  
Val McGovern, Corrections Analyst  
Ashley McDonald, Legal Counsel  
Savannah Murray, SD Board of Pardons and Paroles Intern  
Mike Vonsik, Board Office Manager

Quorum Present? Yes

Members who are absent today: Paige Bock, Member

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

SPECIAL GUESTS: Director of Transfer and Classification Rick Leslie. Case Manager Riley DeGroot. Case Manager Katie Olson. Risk Reduction manger Dusti Werner. Parole Agent BJ Schmidt. Behavioral Health Specialist Tonya Honomichl. Senior Case Manager Troy Ellis. Transitional Case Manager Travis Ripperda.

ELECTION OF OFFICERS: Board Member Rau made a motion to re- elect Mark Smith as Chair of the South Dakota Board of Pardons and Paroles. Board Member Krull seconded the motion; Board Member Rau made a motion to cast the vote unanimous; Board Member Krull seconded the motion. All members voting aye; the motion carried. Board Member Rau made motion to re-elect Kenneth Albers for Vice Chair of the South Dakota Board of Pardons and Paroles. Board Member Krull seconded the motion. Board Members Rau made a motion to cast the vote unanimous; Board Member Krull seconded the motion; all members voting aye; the motion carried.

MINUTES: Board Member Rau made motion to approve the minutes from the December, 2017 meeting of the Board. Vice Chair Albers seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member Rau worked in Pierre in January 2018. Board Member Bock was unavailable in January 2018. Board Chair Smith worked in Sioux Falls in January 2018. Board Member White Horse – Carda will be unavailable on Wednesday February 14, 2018. Board Member Schroyer will possibly be unavailable on Monday and Tuesday February 12 and 13, 2018. Board Member Bock will be unavailable on Tuesday February 13, 2018. She will be available to work on Monday in Sioux Falls and by phone Wednesday and Thursday. Board Member Rau can only work in Pierre on Monday February 12, 2018. Tom Simmons will work in Pierre on Monday February 12, 2018. Board Chair Smith will work in Yankton on Monday February 12, 2018. Board Member Krull may be unavailable in the month of February, 2018. All Full Board Parole hearings will be scheduled for March, 2018. Auxiliary Member Erlandson will be available on Wednesday by phone and Board Member White Horse – Carda will be available by phone on Wednesday February 14, 2018. Board Member Schroyer may be unavailable Wednesday in March, 2018.

REVIEWED BY THE FULL BOARD:

The following parolee was reviewed before the full board. There were no motions to change any supervision levels on Mr. Ferguson at this point.

Toby Ferguson

The following inmate was reviewed before the full board. Board Member Krull made a motion to rescind the non-compliance hearing from December 2017 and hold a new non-compliance hearing. Board Member Schroyer seconded the motion. All members voting aye, the motion carried.

Rochelle Bordeaux

APPEARANCES BEFORE THE FULL BOARD (SEVEN MEMBERS) IN  
SPRINGFIELD TUESDAY JANUARY 9, 2018:

The following inmate appeared before the full board. Board Member Rau made motion to grant parole. Vice Chair Albers seconded the motion. Board Member Krull recused. All other members voting aye, the motion carried

Lyle Johnson

The following inmate appeared before the full board. Board Member Rau made motion to grant parole. Board Member White Horse - Carda seconded the motion. Board Member Riter – Osborn voting nay, all other members voting aye, the motion carried

Bernard Merritt

APPEARANCES BEFORE THE FULL BOARD (SEVEN MEMBERS) IN SIOUX FALLS JANUARY 11, 2018:

The following inmate appeared before the full board. Board Member Schoryer made motion to grant parole. Board Member White Horse - Carda seconded the motion. Vice Chair Albers, Board Member Krull, Board Member Rau, and Board Member Riter - Osborn voting nay, all other members voting aye, the motion died. Vice Chair Albers made a second motion to deny parole and set out to March 2018 for the offender to come up with a better parole plan. Board Member Krull seconded the motion. All members voting aye, the motion carried.

Joseph Johnson

The following inmate appeared before the full board. Vice Chair Albers made motion to grant parole to CTP. Board Member Riter - Osborn seconded the motion. All members voting aye, the motion carried

Leroy Ghost

EARNED DISCHARGES:

NONE

RECESS:

9:35 AM – 9:43 AM

AGENDA ITEMS:

Director's Report: The Parole Board and board office staff received training in December from Tammy Mertens-Jones and Michael Standing Soldier on cultural activities and Native American mentoring. The training was well received and the presentation was uploaded to the board's YouTube training channel. Director Clark participated in ICAOS staff training online on December 5<sup>th</sup>. Board office staff participated in defensive tactics training on December 19<sup>th</sup> with Parole Agents/DT Instructors Brooke Jackson and Kayla Oelkers. Don Holloway retired from the board in December; he was recognized for his service and 6 ½ years on the board given many well wishes. Board Member Paige Bock gave birth to a healthy baby boy, Joseph Brent Bock, on 12/18/17. He weighed 7 lbs. 13 oz. Both mom and baby are doing great. Congrats Paige and family! Director Clark and

Corrections Specialist Fredrikson had a conference call with Robbye Braxton from NIC on 11/21/17 and gave her an update on SD's implementation of structured decision making. She continues to be impressed with the board's ability to use the tool and blend it into their current practices to make it work for a part time board. Utah and Kentucky implemented the tool in 2017 and California, Arizona and Washington are on the docket for 2018. Washington is planning on doing a site-visit to South Dakota as part of their implementation in order to watch the tool being used during hearings. A date for this has not yet been set.

Director of Field Services Report: Director of Field Services Brad Lewandowski was unavailable. Director Clark reported on Southeast Region Staff Update: Yankton JCA Michelle Boese is assisting the Yankton agents in supervising approximately 27 medium and minimum supervision level cases. Michelle is conducting office visits (with agents nearby) and all collateral contacts. Mitchell JCA Jared Grosdidier has started assisting the Sioux Falls office by conducting personal/collateral/administrative contacts on 50 medium cases. The Southeast Region supervised 24 extended confinement cases in December. Proficient agents (not including agents in training or supervisor) have an average caseload of 66.21. Northeast Region Staff Update: SWO Agent Lohr is currently in phase 3 of training and has a caseload of 48. JCA Kelsey Thilmony continues to assist with Aberdeen cases, communicating regularly with 36 parolees. JCA Hannah Carda continues to assist in the supervision of 23 CTP cases in Pierre. Mitchell JCA Ryan Van Genderen will assume supervision responsibilities of 10-15 parolees at Stepping Stones beginning in January 2018. Agent Brunns is working closely with Ryan to ensure halfway house specific training is applied. The NE Region supervised 32 extended confinement cases in December. Proficient agents (agents out of training, not including supervisor) have an average caseload of 68.50. West Region Staff Update: The West Region supervised 18 extended confinement cases in December. JCA Jen Leighty is assisting with supervision of approximately 55 cases in Rapid City. Agent Salazar completed initial parole agent training and has been assigned a caseload of 17. Proficient agents (agents out of training, not including supervisor) have an average caseload of 66.22.

ISC Update:

SD's rule compliance percentages for November will be reported next month. There have been some changes to the dashboard on the national website and further training is required to interpret the data. Parole had 14 total incoming case investigations and 15 outgoing case investigations active in that month. No SD parolees were retaken to SD in December. On December 4<sup>th</sup>, Deputy Compact Administrator Sarah Ball attended a WebEx training which addressed new rule changes and database enhancements. This information will be passed on to field agents. Representative Doug Barthel was appointed to the Interstate Compact for Adult Offender Supervision State Council. He represents the legislative branch of government, fulfilling the commission policy on state council membership. The Parole compact office tested the IVINS self-registration system online. IVINS is the ICOTS victim's notification service, which allows victims to register for notification of certain activities that occur with compact-specific offenders such as movement from one state to another and case closures. SD will begin notifying

registrants with the SAVIN system of their opportunity to sign up for this additional notification service.

Legal Issues Review: Ashley McDonald was present and available for any questions. Ashley spoke about Legislation. The DOC has 3 bills:

**HB 1052 - An Act to allow the Executive Director of the Board of Pardons and Paroles to issue a warrant in the event of an escape from extended confinement.** Bill revises SDCL 24-15-14 and 24-15-21 for a warrant to be issued if an inmate on extended confinement escapes.

**HB 1053 - An Act to provide Earned Discharge Credits for inmates.** For a full month of compliance (no violation of penitentiary rules punishable by disciplinary segregation with prison rules), inmate can receive 10 days off sentence; can also receive earned discharge credits of up to 90 days for a program completion, completion of 360 hours of work (not to exceed 180 days in a 12 month period); up to 365 days for heroic acts in life threatening situations, through significant efforts in disaster response or providing assistance in maintaining safety and security in prison.

**HB 1054 – An Act to revise certain provisions regarding crimes that are considered violent for parole calculation purposes.** Bill adds aggravated criminal battery of an unborn child, aggravated battery of an infant, fluid assault by jail inmate and assault with intent to cause serious permanent disfigurement to list of violent crimes for purposes of parole eligibility calculations.

**SB 61 – An Act to revise certain provisions regarding sex offender registration.** Bill revises sex offender registration requirements including making it a Class 5 felony for a second or subsequent offense of failing to register. Bill also requires a sex offender to notify law enforcement three days before moving out of state, revising rules for out of country travel and revises the definition of community safety zone.

**SB 63 – An Act to revise certain prohibitions regarding methamphetamines and to create a mandatory penalty for a violation thereof.** Bill increases the penalty for the distribution and manufacturing of methamphetamine to a Class 3 felony; enhances the distribution and manufacture of methamphetamine if the person possesses certain triggering items including cash, firearms, and items associated with the trafficking of drugs to a Class 2 felony; enhances the distribution of methamphetamine to a minor to a Class 1 felony; provides for a mandatory state penitentiary sentence for the distribution and manufacture of methamphetamine to include: 1 year for a first conviction; 10 years for a second or subsequent conviction; 5 years for the first conviction of distribution to a minor; and 15 years for a second or subsequent conviction of the distribution of methamphetamine to a minor. Does allow the court to go below the mandatory sentence if some conditions are met (modeled after federal safety valve drug abuse law).

**SB 65 – An Act to revise certain provisions regarding drug deliveries that result in death and to provide a penalty therefor.**

The bill would require that any person who intentionally and unlawfully distributes or manufacturers a controlled substance and another person dies as a result of using that substance, shall have their sentence of the principal felony enhanced by two levels.

Behavioral Health Review: Tonya Honomichl was available. Tonya updated the board on several offenders who have either entered or are getting close to reentering the community.

Policy Review: 8.1. A.15 Suspended Sentence Status Report – will be reviewed and approved in February 2018.

Board Training and COMS Updates: Traci Fredrikson updated the board on some upcoming training. We have implemented a more detailed disciplinary history in the investigation summaries for future parole hearings. We have also added whether or not an inmate has an active hold or warrant so the board can see that prior to the hearing. The [National Parole Resource Center](#) (NPRC) in partnership with the Center for Effective Public Policy (CEPP) and the Association of Paroling Authorities International (APAI), supported by the Bureau of Justice Assistance (BJA), is pleased to announce this *Invitation for Parole Boards impacted by Justice Reinvestment Initiatives (JRI) to Receive Technical Assistance*.

Review of Full Board Appearances for February: Board members reviewed a number of parole applicants who have been recommended for a personal appearance before the full board in February 2018 or later.

Decisions: Board Member Schroyer made motion to ratify and affirm all decisions; Board Member Riter - Osborn seconded the motion. All members voting aye; the motion carried.

Recusals:

Board Member Krull recused himself from the following hearing:

Lyle Johnson

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: Board Member Rau made motion to adjourn the January 11, 2018 meeting of the Board. Board Member Krull seconded the motion. All members voting aye; the

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motion carried. The meeting adjourned at 10:20 AM on Thursday January 11, 2018. The next board meeting is scheduled for February 15, 2018 at 8:00 a.m.

SD BOARD OF PARDONS AND  
PAROLES

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Mark Smith, Board Chair

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Doug Clark, Director

Submitted by:  
Stacy Cole  
Senior Secretary

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