

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

May 14, 15, 16 and 17, 2018

Parole Board meetings were held on May 14, 15, 16 and 17, 2018 at various locations in the State of South Dakota. A Parole Board meeting was held on May 17, 2018 at the South Dakota State Penitentiary - Jameson Annex commencing at 8:11 AM with the following present:

Mark Smith, Chair
Ken Albers, Vice Chair
Paige Bock, Member
Anne Hajek, Member
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
Ashley McDonald, DOC Legal Counsel
Savannah Murray, Board Intern
Kayla Stucky, Corrections Specialist
Mike Vonsik, Board Office Manager

Quorum Present? Yes

Members who are absent today: Brad Lewandowski, Director of Field Services, Valerie McGovern, Corrections Analyst

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

SPECIAL GUESTS: Director of Classification and Transfer, Rick Leslie. Case Manager, Liz Effling. Parole Agent, Kyle Smith. Parole Agent, Rita Mwele. Parole Agent, Brooke Chavie. Case Manager, Katie Olsen. JPA Unit A Intern, Tiffany Stoyanov. JPA Unit A Intern, Garrett Bankston.

MINUTES: Board Member Rau made motion to approve the minutes from the April, 2018 meeting of the Board. Board Member Riter - Osborn seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member Bock was unavailable on Tuesday and Wednesday of May, 2018. Vice Chair Albers held a single panel room in Springfield on Tuesday May 15, 2018. Vice Chair Albers worked in the Jameson visit room on Wednesday May 16, 2018. Board Member Rau will be unavailable on Wednesday and Thursday in June, 2018. Board Chair Smith will be unavailable on Monday and Tuesday in June, 2018. Board Member White Horse – Carda will work in Pierre in June, 2018. Board Chair Smith will be unavailable in July, 2018. Board Member Rau will work in Yankton in July, 2018. Board Member Hajek will potentially be unavailable in July, 2018.

REVIEWED BY THE FULL BOARD:

The following inmate was reviewed by the full board. Board Member Schroyer made a motion to parole him to his new number. Vice Chair Albers seconded the motion. Board Chair Smith, Board Member Rau and Board Member Bock voting nay, all other members voting aye, the motion carried.

Beau Merrival

The following inmate was reviewed by the full board. Board Member Schoryer made a motion to parole him to his new number. Board Member Krull seconded the motion. Board Chair Smith and Board Member Bock voting nay, all other members voting aye, the motion carried

James Motley

APPEARANCES BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SPRINGFIELD ON TUESDAY MAY 15, 2018:

The following inmate appeared before the full board. Vice Chair Albers made a motion to grant parole. Board Member White Horse - Carda seconded the motion. Board Chair Smith voting nay, all other members voting aye; the motion carried.

Michael Zephier

The following inmate appeared before the full board. Vice Chair Albers made a motion to grant parole to CTP in Sioux Falls. Board Member Krull seconded the motion. Board Chair Smith voting nay, all other members voting aye; the motion carried.

Sloane Bull Bear

The following inmate appeared before the full board. Board Chair Smith made a motion to grant parole to Kingdom Boundaries. Board Member Rau seconded the motion. Board Member Krull and Board Member Riter – Osborn voting nay, all other members voting aye; the motion carried.

Alec Thraen

APPEARANCES BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS ON THURSDAY MAY 17, 2018:

The following inmate appeared before the full board. Board Member White Horse - Carda made a motion to grant parole. Board Member Krull seconded the motion. All members voting aye, the motion carried.

Lance Hein

The following inmate appeared before the full board. Board Member Schroyer made a motion to grant parole. Board Member Hajek seconded the motion. Board Chair Smith, Vice Chair Albers, Board Member Riter – Osborn and Board Member Bock voting nay, all other members voting aye; the motion carried.

Timothy Audiss

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

Damion Bohn

BREAK: 9:22 AM – 9:30 AM

EARNED DISCHARGES:

The following earned discharge was heard before the full board for an earned full final discharge. Board Member Krull made motion to grant a full final discharge. Board Member Rau seconded the motion. All members voting aye, the motion carried.

Todd Lambertz

AGENDA ITEMS:

Director's Report: Director Clark reported on parole hearing numbers, extended detainment, and parole violations and non-compliance numbers. All hearing sessions normally held in the SDSP 3rd floor visit room were moved to the JPA visit room beginning in March in order to improve security. The transition continues to go well and we plan to continue holding full board sessions in Jameson. We will continue to make adjustments as necessary to improve operations as we continue this transition. Myron Rau and Chuck Schroyer attended the APAI conference in April in Incline Village, NV. Board Member Rau and Board Member Schroyer gave the board an overview of the conference that they attended. They brought license plates and SDSP T-shirts for the silent auction. Chuck reported that the conference next year will be held in Baltimore. Shannon Riter Osborn, Paige Bock and Anne Hajek were making plans to attend the NIC Orientation for new Parole Board Members in Aurora, CO in July; however the dates have now changed causing a conflict for several people who were planning on attending. California, Arizona and Washington are on the docket for structured decision making 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, possibly in June; however, this date has been moved back due to federal funding/budget delays, we are now looking at August, 2018. The office received a significant amount of pardon applications in April and hearings continue to be scheduled 2-3 months out. The DOC Senior Staff Conference was held the week of April 16 – 19th in Brandon, SD. Rick Leslie, Troy Ellis and Traci Fredrikson traveled around the state and gave the case managers a booster training in the supplemental investigation summaries. The parole board was briefed on compassionate parole and institutional earned discharge credits. Board staff continues to work on the policy for compassionate parole hearings and are working through procedural issues as the current logic in COMS does not account for this type of hearing.

Director of Field Services Report: Brad Lewandowski was unavailable. Kayla Stucky updated the board on behalf of Mr. Lewandowski. Kayla updated the board on Parole population numbers, community booking closures and average case load numbers. We have two new agents in Sioux Falls who are beginning to carry their own case load. We had 68 successful discharges in the last month. Our tribal agent resigned as of May 5th, 2018. A Watertown agent is currently covering those cases. Agents continue to work on EPICS sustainability training. February 2018 compliance for EPICS was at 80% and discretionary EPICS sessions continue to increase.

Legal Issues Review: Ashley McDonald addressed and updated the board on a case that the Supreme Court made a ruling on in which an inmate committed an in system crime. The Parole board is not required to hear a parole date review, however, the offender can still appeal. House Bill 1109 Compassionate Parole policy has been drafted and will be sent home with the Parole Board for review.

Behavioral Health Review: Tonya Honomichl was unavailable but did provide some information in writing on a full board case that the board heard on Thursday May 17, 2018.

Policy Review:

Board Member Schroyer made a motion to approve Policy 8.1.A.6 – Code of Ethics. Board Member Rau seconded the motion. All members voting aye, the motion carried.

Board Member Schroyer made a motion to approve 8.1.A.4 – Parole Date Review. Board Member Rau seconded the motion. All members voting aye, the motion carried.

Board Member Schroyer made a motion to approve 8.1.A.3 – Disposition hearings. Board Member Rau seconded the motion. All members voting aye, the motion carried.

8.1.A.10 – Commutations Board was sent home with the board to be reviewed and be approved in June, 2018.

Board Training and COMS Updates: Traci Fredrikson spoke with the Board about proposed training in the near future. Board Members Schroyer and Rau went to Nevada in April, 2018 to attend the Annual APAI conference. Board Member, Riter – Osborn was approved to attend NIC - New Board Member training in Colorado. Board Members Hajek, Riter - Osborn and Bock have applied to go to Colorado and attend NIC in July 2018; however, the dates have changed and may cause a problem for South Dakota staff to attend. California, Arizona and Washington are on the docket to attend our June or August, 2018 hearings. We are planning on running an extra day for parole board week in September, 2018 in order to get all the training in that we are required.

Decisions: Board Member White Horse - Carda made a motion to ratify and affirm all decisions; Board Member Krull seconded the motion. All members voting aye; the motion carried.

Recusals:

Board Member Kevin Krull recused himself from the following hearing (s):

Tony Stuen
Beau Merrival

Board Member Riter - Osborn recused himself from the following hearing (s):

Joseph May

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 Schroyer made motion to adjourn the May 17, 2018 meeting of the Board. Board Member Rau seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 10:47 AM on Thursday May 17, 2018. The next board meeting is scheduled for June 14, 2018 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Mark Smith, Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary

MAY 14, 15, 16 and 17, 2018