

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

April 10, 11, 12 and 13, 2017

Parole Board meetings were held on April 10, 11, 12 and 13, 2017 at various locations in the State of South Dakota. A Parole Board meeting was held on April 13, 2017 at the South Dakota State Penitentiary commencing at 8:03 AM with the following present:

Ken Albers, Vice Chair
Paige Bock, Member
Myron Rau, Member
Chuck Schroyer, Member
Rev. Patricia White Horse-Carda, Member
Greg Erlandson, Auxiliary Member (Telephonically)
Tom Simmons, Auxiliary Member (Telephonically)
Doug Clark, Director of Parole
Kathleen Bongers, Program Assistant
Stacy Cole, Senior Secretary
Traci Fredrikson, Corrections Specialist
Ashley McDonald, DOC Legal Counsel
Kayla Stucky, Corrections Specialist
Mike Vonsik, Board Office Manager

Quorum Present? Yes

Members who are absent today: Mark Smith, Chair, Don Holloway, Member, Kevin Krull, Member, Brad Lewandowski, Director of Field Services

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

SPECIAL GUESTS: We had several Auxiliary board members present today either in person or telephonically. Auxiliary Member Greg Erlandson joined the South Dakota Board of Pardons and Paroles Full Board Meeting telephonically at 9:12 AM. Auxiliary Member Tom Simmons joined the South Dakota Board of Pardons and Paroles Full Board Meeting telephonically at 9:12 AM. Classification and Transfer Director Rick Leslie was present. Risk Reduction Manager Dusti Werner was present.

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

HEARING PANELS: Auxiliary Member Erlandson worked in Rapid City on April 10, Springfield on April 11 and telephonically on April 13, 2017. Board Member Holloway was unavailable in April of 2017. Board Chair Smith was unavailable in April, 2017. There were 5 rooms run in Springfield in April, 2017. We will possibly run 5 rooms in Springfield in May 2017. Due to training in May we will have two board members come to Sioux Falls on Friday May 12, 2017 and sign Parole Violator waivers and earned discharges. Board Member Schroyer will be unavailable after 1:00 PM on Thursday May 18, 2017.

REVIEWED BY THE FULL BOARD:

NONE

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

The following inmate appeared before the full board for a rescission hearing. Board Member Schroyer made motion to grant parole to The Glory House. Motion died for lack of a second. Auxiliary Member Erlandson made a second motion to deny and set out 8 months. Board Member Rau seconded the motion. All members voting aye, the motion carried

Lyle Johnson

The following inmate appeared before the full board. Auxiliary Board Member Erlandson made motion to deny parole and set out 6 months. Board Member Rau seconded the motion. All members voting aye; the motion carried.

Justin Erickson

The following inmate appeared before the full board. Board Member Schroyer made motion to grant parole. Board Member Bock seconded the motion. All members voting aye; the motion carried.

Cisco Eagle Feather - Pigney

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

Jerome Franken

The following inmate appeared before the full board. Board Member White Horse - Carda made motion to grant parole. Board Member Schroyer seconded the motion. Board Member Rau and Auxiliary Member Erlandson voting nay, all other members voting aye; the motion carried.

Charles Cashady

EARNED DISCHARGES:

The following inmate was reviewed for an earned discharge. Board Member Rau made a motion to grant a full earned final discharge. Board Member Bock seconded the motion. All members voting aye, the motion carried.

Wesley Witcher

The following inmate was reviewed for a partial earned discharge. Board Member Bock made a motion to grant a partial earned discharge. Board Member Rau seconded the motion. All members voting aye, the motion carried.

Dustin Oberg

The following inmate was reviewed for a final earned discharge. Board Member Rau made a motion to grant a full earned final discharge. Board Member Bock seconded the motion. All members voting aye, the motion carried.

Luke Hoffman

AGENDA ITEMS:

Director's Report: Director Clark reported on parole hearing numbers and non-compliance numbers. Mr. Clark discussed some upcoming training we will be holding. Board Members Schroyer and Bock will be attending the APAI's annual conference in Vancouver, B.C. at the end of April, 2017. DOC approved a change in December/January that shifted the supervisory/managerial responsibilities for institutional case managers to Director of Classification and Transfer Rick Leslie. This will allow case managers who work with offenders every day to assist the offender and the Parole board in making a more informed decision and collecting current/pertinent information. The Parole Board now has a YouTube account. This will allow board members and auxiliary board members to attend/watch training sessions that they were not able to attend in person. Pardon summaries are now distributed prior to our pardon hearings each month to each board member so the case can be studied more in depth and shared with the other members now that we no longer hold 2 panel hearings. The absconder policy has changed and was signed by Secretary of Corrections, Denny Kaemingk in March 2017. The Governor's office/DOC staff/Bit has finished building the online pardon application website, which allows applicants to now apply for pardons online. Doug Clark announced the nomination for employee of the quarter, Stacy Cole.

Director of Field Services Report: Brad Lewandowski was unavailable. Kayla Stucky appeared on his behalf and updated the board on the State wide agent training that happened last week April 3, 4, 5 and 6, 2017. We have several parole agent positions open around the state. Our work load in the field is above 100% right now. We have hired three new agents in Sioux Falls. We are looking to have a full staff again within a couple months. Agents are maintaining 98% of compliance with contacts. The response to absconder management is already showing a great response. We are seeing less warrants being issued because of the new policy. Agent Tomkins was named Agent of the quarter. Agent Seim was announced as agent of the year. We are very proud of our agents. Rich Holt, Rapid City PD, spoke at the training last week. Chris Grant spoke to the agents in respects to gangs in our state. Chris Mitchell spoke about life experience training and safety in the work place and how to help and assist in an emergency. Colin Smith spoke about the use of vape pens being used for narcotics use.

Legal Issues Review: Ashley McDonald addressed full board voting requirements. We will look at changing those policies. By statute if we open a meeting with a full quorum and a board member has to leave while the meeting is still in progress, we can still conduct business. Mrs. McDonald will be unavailable May 17 and 18, 2017. Senate Bill 117 will potentially give the Parole Board control over certain cases if the Judge hands down a deferred imposition of sentence. The Parole board could impose these types of sentences. House Bill 1170, Revises certain provisions regarding conflicts of interest for authority, board, or commission members.

Behavioral Health Review: Tonya Honomichl and Kayla LaBrie were unavailable today. Director Clark was briefed prior to today's meeting with no new changes to report.

Policy Review: 8.1.A.4 Parole Date Review – Board Member White Horse – Carda made a motion to approve the policy. Board Member Rau seconded the motion. All Members's voting aye, the motion carried.

8.1.A.7 – Early Discharge – Reviewed

8.1.A.8 – Restitution - Reviewed

Board Training and COMS Updates: Traci Fredrikson spoke and updated the board about Dr. Rentler's next visit and his arrival to town in May, 2017 for training. They will discuss the 8 domains of structured decision making.

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, 2017 or later.

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

Recusals:

NONE

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 April 13, 2017 meeting of the Board. Board Member White Horse – Carda seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 10:31 AM on Thursday April 13, 2017. The next board meeting is scheduled for May 18, 2017 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Ken Albers, Vice Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary