

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

November 2, 3, 4 and 5, 2015

Parole Board meetings were held on November 2, 3, and 4, 2015 at various locations in the State of South Dakota. A Parole Board meeting was held on November 5, 2015 at the South Dakota State Penitentiary commencing at 8:03 AM with the following present:

Kay Nikolas, Chair
Mark Smith, Vice Chair
Ken Albers, Member
Don Holloway, Member
Dave Nelson, Member
Rev. Patricia White Horse-Carda, Member
Myron Rau, Member
Ashley McDonald, DOC Legal Counsel
Doug Clark, Director of Parole
Brad Lewandowski, Director of Parole Services
Mike Vonsik, Board Office Manager
Traci Fredrikson, Corrections Specialist
Valerie McGovern, Corrections Analyst
Kathleen Bongers, Program Assistant
TJ North, Parole Board Intern

Quorum Present? Yes

Members who are absent today are: Kevin Krull and Greg Erlandson

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

SPECIAL GUESTS:

MINUTES: Board Member Smith made motion to approve the minutes from the October 2015 meeting of the Board. Board Member Rau seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member Nelson was unavailable on Monday, November 2, and Tuesday, November 3. Board Member Krull was unavailable Tuesday, November 3 through Thursday, November 5. Board Member Erlandson was unavailable Wednesday afternoon, November 4, and Thursday, November 5. Two-person panel pardon hearings were not held this month. Board Member Erlandson will be unavailable on Monday in December. Board Member Nelson will still be available in January 2016. Board Member Rau will be unavailable in February 2016.

REVIEWED BY THE FULL BOARD:

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

Joseph White Hat

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

Cuong Nguyen

The following inmate was considered for a partial earned discharge by the full board. Board Member Holloway made motion to deny a partial earned discharge. Board Member Smith seconded the motion. Board Member Nelson recusing and all other members voting aye; the motion carried.

James Hampton-Schieffer

The following inmate was considered for earned discharge by the full board. Board Member White Horse-Carda made motion to grant an earned discharge. Board Member Rau seconded the motion. Board Members Smith and Holloway dissenting and all other members voting aye; the motion carried.

Judy Carey

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

Jennifer Spear

The following inmate was considered for earned discharge by the full board. Board Member Smith made motion to deny an earned discharge. Board Member Rau seconded the motion. All other members voting aye; the motion carried.

Ian Brandsgaard

The following inmate was considered for non compliance by the full board. Board Chair Nikolas made motion to find non compliant and grant parole. Vice Chair Smith seconded the motion. All other members voting aye; the motion carried.

Justin Irons

The following inmate was considered for a parole plan change by the full board. Board Member Holloway made motion to change parole plan to Colorado. Vice Chair Smith seconded the motion. All other members voting aye; the motion carried.

Jacob Morris

The following inmate was considered for parole by the full board. Board Member Holloway made motion to deny parole and set out for two years. Motion failed for lack of a second. Board Member Albers made motion to grant parole to his new number. Board Member Rau seconded the motion. Board Members Smith and Holloway dissenting and all other members voting aye; the motion carried.

Robert Apple

APPEARANCES BEFORE THE FULL BOARD:

The following inmate appeared before the full board. Board Member Holloway made motion to deny parole. Board Member Albers seconded the motion. Board Member Nelson dissenting and all other members voting aye; the motion carried.

David Unruh

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

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

Duran American Horse

The following inmate appeared before the full board. Board Member Rau made motion to grant parole. Board Chair Nikolas seconded the motion. Vice Chair Smith and Board Member Rau voted Nay, All other members voting aye; the motion carried.

Francisco Gonzalez

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

Ryan Long

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

Robert White Plume - Janis

Board Chair Nikolas called a recess from 11:21 to 11:32 a.m.

AGENDA ITEMS:

Director's Report: Director Clark reported on some highlights of the most recent Oversight Council meeting. Prior to this month's meeting, Vice-Chairman Smith provided an update of the Oversight Council to members by electronic mail. The institutional population is below what was projected, we've seen a marked increase in successful parole completions, the tribal pilot and CTP housing pilot are seeing successes, and earned discharge credits are making a large impact on parolees.

Director of Field Services Report: Brad Lewandowski updated the Board on personnel changes and changes to the contact requirements for offenders in CTP.

Legal Issues Review: Ashley McDonald gave updates on suspended sentences and possible legislation in regards to the matter. DOC will propose inserting a provision stating any time a suspended sentence is given, two conditions are automatically inserted stating the offender has to follow the rules and requirements of the DOC/Parole Board. The other provision would clarify that offenders on suspended sentence are considered parolees. Ashley is also reviewing some options regarding automatic expungement; this will be an ongoing discussion.

Behavioral Health Review: Tonya Honomichl and McKenzie Grim appeared on behalf of behavioral health. Tonya updated us on five SMI cases that discharged their sentences or have been released back to the community. Tonya also updated the Board in regards to the new referral process for MRT.

Policy Review: The *code of ethics* and *news media and cameras* policies were given to the Board for review in December.

Board Training and COMS Updates: Traci Fredrikson spoke with the Board about the training they received last month with Richard Stroker from NPRC. We will continue to move forward with discussion

on information sharing at parole hearings, a structured decision making tool, and condition setting/sanctions. Ken Albers also reported on the NPRC training he attended in late October in Texas on condition setting and sanctions. We also reviewed the DOC policies on responses to violations as part of the discussion.

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

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

Recusals:

Board Chair Nikolas recused herself from the following hearing:

Duran American Horse

Board Member Nelson recused himself from the following hearing:

Joseph Henry
Eugene Davis

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 Smith made motion to adjourn the November 5, 2015 meeting of the Board. Board Member Rau seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 12:38 PM on Thursday, November 5, 2015. The next board meeting is scheduled for December 10, 2015 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Kay Nikolas, Chair

Doug Clark, Director

Submitted by:
Traci Fredrikson
Corrections Specialist