

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

December 7, 8, 9 and 10, 2015

Parole Board meetings were held on December 7, 8, and 9, 2015 at various locations in the State of South Dakota. A Parole Board meeting was held on December 10, 2015 at the South Dakota State Penitentiary commencing at 8:00 AM with the following present:

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

Quorum Present? Yes
Members who are absent today are: None

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

SPECIAL GUESTS: Secretary Denny Kaemingk – addressed the board and presented Board Member Nelson with some gifts and gave thanks to Mr. Nelson for serving on the South Dakota Board of Pardons and Paroles. Ed Ligtenberg, Auxiliary Member Bonenberger, JC Smith – Supervisor Sioux Falls Parole Services, Aileen Winters – Parole Agent, Aileen addressed the board on her new project. Aileen is in charge of the CTP case load which has approximately 40 – 45 parolees. Aileen makes weekly contact with each of these guys and this seems to be a very positive change. Sarah Ball – Interstate Compact officer, Sarah gave the board a history of Interstate Compact commission rule book guidelines and what an Interstate Compact is and does. Hunter Summers – Special Security, Hunter gave the board a look into Gangs in prison and how they are identified and validated.

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

HEARING PANELS: Board Member Erlandson was unavailable on Monday December 7, 2015. Board Member Smith was unavailable Tuesday December 8, 2015. Board Member Nelson retired from his position with the South Dakota Board of Pardons and Paroles in December 2015, but will still be available in January 2016. Board Member Krull will be unavailable on January 11, 2016. Board Chair Nikolas will work in Pierre in January. Auxiliary Member Bonenberger will work in January 2016. Board Member Rau

will be unavailable in February 2016. Board Member White Horse – Carda will be unavailable on Wednesday February 10, 2016. Board Member Holloway will be unavailable Monday February 8, 2016

REVIEWED BY THE FULL BOARD:

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

Michael Buchanan

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

Oscar Houchins

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

Jordan Wixon

APPEARANCES BEFORE THE FULL BOARD: Wednesday December 9, 2015

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

Jade Fool Bull

The following inmate appeared before the full board. Board Member Nelson made motion to grant parole pending an approved plan by his parole agent. Board Member Erlandson seconded the motion. Board Member Holloway dissenting, all other members voting aye; the motion carried.

Shawn Brill

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

Joseph Henry

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

The following inmate appeared before the full board. Board Member Erlandson made motion to grant parole with GPS monitoring for 3 months or longer at agents discretion. Board Member White Horse - Carda seconded the motion. Board Members Holloway and Krull dissenting, all other members voting aye; the motion carried.

Quentin Barse

The following inmate appeared before the full board. Board Member Holloway made motion to deny parole and set out one year. Board Member Albers seconded the motion. Board Members White Horse – Carda and Erlandson dissenting, all other members voting aye; the motion carried.

Jonathon Brown

The following inmate appeared before the full board. Board Member Holloway made motion to deny parole and set out 8 months. Board Member Albers seconded the motion. Board Member White Horse – Carda dissenting, all other members voting aye; the motion carried.

Daniel Hanic

The following inmate appeared before the full board. Board Member Krull made motion to grant parole on the condition he attends SOMP. Board Chair Nikolas seconded the motion. Board Member Erlandson dissenting, all other members voting aye; the motion carried.

Andrew Hite

The following inmate appeared before the full board. Board Member Albers made motion to grant parole on the condition he goes to CTP in Sioux Falls. Board Member Krull seconded the motion. All other members voting aye; the motion carried.

Brian Reilly

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

Vernon Sarha

Board Chair Nikolas called a recess from 9:09 AM to 9:20 AM.

Board Chair Nikolas called a recess from 10:24 AM to 10:44 AM

AGENDA ITEMS:

Director's Report: Director Clark reported on statistics and discretionary parole hearings and cases that get granted is staying consistent. Revocation numbers are staying where they need to be. Board Members Krull, White Horse – Carda and Rau are all waiting to hear back from the NIC for approval for the orientation for the Parole Board members training. The work load study will conduct some additional analysis on parole cases. Non- Compliance cases are dropping. Our dispositional hearing process is starting to also level out.

Director of Field Services Report: Brad Lewandowski updated the Board on the two new agents that were hired, Kayla Swanson and Kyle Smith. They will work out of the Sioux Falls field office. The new tribal pilot in Standing Rock conducted a meeting last month and discussed the program and talked about the future and vision of this program. Brad updated the board on case load numbers. Compliance in October was at 97%. Parole Agents have increased the number of contacts that they require each month with CTP offenders and this seems to be a very positive change.

Legal Issues Review: Ashley McDonald gave us an update on the Supreme Court ruling on a parolee not being allowed to be on Probation and Parole at the same time. When a Parolee is charged with a new crime and has a sentence that could get probation, they would automatically be under DOC supervision.

Behavioral Health Review: Tonya Honomichl and McKenzie Grim were unavailable.

Policy Review: The *code of ethics 8.1.A.6* and *news media and cameras 8.1.A.1*. Board Member Albers made motion to approve the policy. Board Member Krull seconded the motion; all members voting aye, the motion carried.

Board Training and COMS Updates: Traci Fredrikson updated the board on the changes we have made to the Pardon application in regards to victims. We are now going to require any known information about a victim of the pardon applicant be notified that a person is applying for a Pardon. Notifying the victims would be done prior to the two panel pardon panel. Traci also updated us on COMS and what information is being pulled for investigation summaries. Robbye Braxton from the NIC has invited the Board Members to attend Parole hearings in Kansas to see how they rate and use the structured decision making tool. This tool helps to guide the decision making process in granting/denying parole. Richard Stroker will provide us with notes from the training he provided the Board back in October and also will be setting up our last session with him to complete that training.

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

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

Recusals:

Board Chair Nikolas recused herself from the following hearing:

Quentin Barse

Board Member Nelson recused himself from the following hearing:

Jade Fool Bull
Joseph Henry

Board Member Krull recused himself from the following hearing:

Brandi Tillman

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 Nelson made motion to adjourn the December 10, 2015 meeting of the Board. Board Member Rau seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 11:31 AM on Thursday, December 10, 2015. The next board meeting is scheduled for January 14, 2015 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Kay Nikolas, Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary

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