

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

May 9, 10, 11 and 12, 2016

Parole Board meetings were held on May 9, 10, 11 and 12, 2016 at various locations in the State of South Dakota. A Parole Board meeting was held on May 12, 2016 at the South Dakota State Penitentiary commencing at 8:02AM with the following present:

Kay Nikolas, Chair  
Mark Smith, Vice Chair  
Ken Albers, Member  
Don Holloway, Member  
Myron Rau, Member  
Chuck Schroyer, Member  
Rev. Patricia White Horse – Carda, Member  
Kathleen Bongers, Program Assistant  
Doug Clark, Director  
Stacy Cole, Senior Secretary  
Traci Fredrikson, Corrections Specialist  
Kat Garcia, Board Office Intern  
Valerie McGovern, Corrections Analyst  
Mike Vonsik, Board Office Manager

Quorum Present? Yes

Members who are absent today are: Greg Erlandson, Member, Kevin Krull, Member.

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

SPECIAL GUESTS: Dennis Kaemingk and Laurie Feiler appeared and updated the board on Medical releases to parole from prison and compassionate releases. Mrs. Feiler spoke to the board about medical clemency and the monthly meetings that the DOC and Parole hold to talk about cases that would fall under this category of release. Tonya Honomichl and McKenzie Grim of Behavioral Health appeared and were available for any questions. Daryl Kosiak, Rachel Albright, Derek Biteler, Katherine Dawson, Grace Evenson, Austin Nath, Kristi Brownfield, Courtney Waid – Lindberg from NSU were in attendance. Samantha Peterson, Intern. Brenna Carlson, SOMP Director.

MINUTES: Board Member Albers made motion to approve the minutes from the April 2016 meeting of the Board. Board Member Rau seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member Krull was unavailable for May, 2016 hearings. Board Member Erlandson was unavailable for May, 2016 hearings. Auxiliary Board Member Simmons worked Monday May 9, 2016. Auxiliary Member Nelson was unavailable in May, 2016. Board Member Holloway worked alone at SDSP on Wednesday, May 11, 2016. Board Member Albers worked alone at DSP on Tuesday, May 12, 2016. Board Member Rau will be unavailable June 15 and 16, 2016. Board Chair Nikolas will be unavailable on Thursday June 16, 2016. Board Member Rau will be unavailable in July, 2016. Board Member Krull will be unavailable in June, July and August, 2016. Board Member Smith will be unavailable in August, 2016. Board Member Holloway will be unavailable in July and August, 2016.

REVIEWED BY THE FULL BOARD:

The following inmate was considered for parole by the full board. Vice Chair Smith made motion to grant parole, motion died for lack of a second. Vice Chair Smith made a second motion to grant parole to his new

number. Board Member Rau seconded the motion. Board Member Holloway voting nay; all other members voting aye; the motion carried

Damion Bohn

The following inmate was considered for earned discharge by the full board. Vice Chair Smith made motion to grant a partial earned discharge by five years. Board Member Schroyer seconded the motion. Board Member Holloway voted nay; all other members voting aye; the motion carried

Nancy Frerichs

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

Brady Lions

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

John Moriarty

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

Dustin Oberg

The following inmate was considered for earned discharge by the full board. Vice Chair Smith made motion to deny an early/ partial discharge. Board Member Rau seconded the motion. Board Member Holloway voted nay; all other members voting aye; the motion carried

Ryan Saxton

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

Christopher Walker

APPEARANCES BEFORE THE FULL BOARD:

The following inmate appeared before the full board. Board Member Schroyer made motion to grant parole to plan. Board Member White Horse – Carda seconded the motion; all other members voting aye; the motion carried

Reese Diesterhaft

The following inmate appeared before the full board. Board member Schroyer made motion to grant parole. Board member Holloway seconded the motion; all other members voting aye; the motion carried

Angelo Running Bird

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

Andrew Brown

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

Zachary Shaker

The following inmate appeared before the full board. Vice Chair Smith made motion to grant parole to CTP in Pierre. Board Member Rau seconded the motion; all other members voting aye; the motion carried

Stacy Hanson

The following inmate appeared before the full board. Vice Chair smith made motion to grant parole. Board member Schroyer seconded the motion; all other members voting aye; the motion carried

Brianne Syhre

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

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; Vice Chair Smith voted nay, all other members voting aye; the motion carried.

Salvador Pena

The following inmate appeared before the full board. Board Member Albers made motion to grant parole. Board Member Schroyer seconded the motion; Board Member Holloway voted nay, all other members voting aye; the motion carried.

David Kindle

The following inmate appeared before the full board. Vice Chair Smith made motion to grant parole to # 21657 and interstate compact. Board Member Albers seconded the motion. Board Chair Nikolas and Board Member Holloway voted nay; all others voting aye; motion carried.

Derik Johnson

The following inmate appeared before the full board. Vice Chair Smith made motion to grant parole to Stepping Stones. Board Member Schroyer seconded the motion; all other members voting aye; the motion carried

Kenneth Edwards

The following inmate appeared before the full board. Board Member Albers made motion to grant parole to Stepping Stones or a half way house. Vice Chair Smith seconded the motion; all other members voting aye; the motion carried

Christopher Brown

Board Chair Nikolas called a recess from 9:59 am to 10:15 am

AGENDA ITEMS:

Director's Report: Director Clark talked about the number of hearings we are beginning to see come through. Our numbers are staying consistent with non compliance hearings. Parole revocations are starting to climb but nothing to be alarmed about. Mr. Clark talked about the Interstate Compact Commission meeting he attended earlier this week in Indianapolis, IN. Keith Hardison, NIC – National Institute of Corrections and Carla Smalls, Consultant with NIC, are both planning to visit South Dakota and speak with the Full Board in June 2016. We had 250 board actions that were made in the month of April, 2016. Board Chair Nikolas brought up some questions that the Parole agents asked last month at training, one of which is “how do you make the decisions you make when it comes to earned discharges”? Director Clark will attend the Corrections Commission meeting next week, May 16 – 20, 2016 in Pierre.

Director of Field Services Report: Brad Lewandowski appeared on behalf of Parole Services. Brad talked about population numbers state wide. All our agents are under 60 per case load. We will have a full time secretary position opening in Sioux Falls. Trudy Nelson of Parole services will retire in June. Parole Agent, Doug Williams, will be leaving. This will not affect the tribal pilot that Agent Williams was involved in. Parole Agent Brian Robb will retire in June, 2016. Parole Agent James Logsdon will also be retiring this fall. Positive Alcohol testing in the field has dropped drastically since last month.

Legal Issues Review: Ashley McDonald was available and spoke to the board about Suspended Sentence dates. Ashley talked about some new Bills that will be going into effect in July, 2016. She updated the board on the conflict of interest and recording parole hearings by the public bills.

Behavioral Health Review: Tonya Honomichl and McKenzie Grim appeared on behalf of behavioral health. Tonya updated us on several SMI cases that have been released into the community.

Policy Review 8.1.A.2 Parole and Suspended Sentence revocation hearings will be sent home for review and edited/approved in June 2016.

Board Training Review and COMS Update: Traci Fredrikson updated us on some training sessions. Carla Smalls, Consultant with NIC and Keith Hardison, Consultant with NIC will be here in June, 2016.

Review of Full Board Appearances for June: Board Members reviewed a number of parole applicants who have been recommended for a personal appearance before the full board in June 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:

Board Chair Nikolas recused herself from the following hearing:

Angelo Running Bird  
Bradley Anderson

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ATTACHMENTS – DECISIONS: Please refer to the attached listing entitled Board Decisions for all parole violations, suspended sentence violations, non compliance, discretionary parole, early discharge, and rescission decisions made by the Board this month.

Adjournment: Board Member Albers made motion to adjourn the May 2016 meeting of the Board. Board Member Rau seconded the motion. All Members voting aye; the motion carried.

The meeting adjourned at 11:39 am on Thursday May 12, 2016. The next board meeting is scheduled for June 16, 2016 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

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Mark Smith, Vice Chair

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Doug Clark, Director

Submitted by:  
Stacy Cole  
Senior Secretary