

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

September 12, 13, 14 and 15, 2016

Parole Board meetings were held on September 12, 13, 14 and 15, 2016, at various locations in the State of South Dakota. A Parole Board meeting was held on September 15, 2016 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
Kevin Krull, Member
Myron Rau, Member
Chuck Schroyer, Member
Rev. Patricia White Horse – Carda, Member
Kathleen Bongers, Program Assistant
Stacy Cole, Senior Secretary
Traci Fredrikson, Corrections Specialist
Brad Lewandowski, Director of Field Services
Valerie McGovern, Corrections Analyst
Mike Vonsik, Board Office Manager

Quorum Present? Yes

Members who are absent today are: Doug Clark, Director

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

SPECIAL GUESTS: Laurie Feiler, Deputy Secretary. Tonya Honomichl from Behavioral Health appeared and was available for any questions. Case Manager Rebecca Weaver, SDSP. SOMP Director Brenna Carlson, SDSP. Director of Classification and Transfer, Rick Leslie - SDSP. Transitional Case Manager Travis Ripperda, SDSP.

MINUTES: Board Member Albers made motion to approve the minutes from the August, 2016 meeting of the Board. Board Member White Horse - Carda seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member Holloway was unavailable on Monday September 12, 2016. Board Member Krull worked alone in Rapid City. Vice Chair Smith will work in Sioux Falls on Monday, October 17th. Board Member Rau and Board Member Schroyer will go to Yankton in October, 2016. Board Member Rau will be unavailable on Tuesday November 15, 2016.

LAURIE FEILER: Laurie was present at today's meeting and spoke to the parole board about the Public Safety Improvement Act, agency policy and our response to violations. Laurie discussed how the DOC is responsible for earned discharge credits. We have awarded over two million discharge credits. EBP's, EPICS, Risk assessment tools, ETC, have all been validated. Contact standards are being tracked and we are in compliance with that at 98% or more. She addressed the status of earned discharge credits, reduced parole caseloads, the success of pilot programs and also shared with the board the parole violation severity scale. The board was given materials that showed them recidivism measures, releases from parole since 2011 and responses and durability facts.

REVIEWED BY THE FULL BOARD:

September 15, 2016

The following inmate was considered for a return of street time to release on September 23, 2016 by the full board. Board Member Schroyer made motion to grant the return of street time. Board Member White Horse - Carda seconded the motion. All members voting aye, the motion carried.

Christopher Campbell

The following inmate was considered for a return enough street time to flat on November 1st, 2016. Vice Chair Smith made motion to approve the return of street time. Board Member Albers seconded the motion. All members voting aye, the motion carried.

James Dale

The following inmate was considered for an earned final discharge by the board. Board Member Albers made motion to approve the earned discharge. Vice Chair Smith seconded the motion. All members voting aye, the motion carried.

Mark Irish

The following inmate was considered for an earned final discharge by the board. Board Member Albers made motion to approve the earned discharge. Board Member White Horse - Carda seconded the motion. Board Member Holloway voting nay; All other members voting aye, the motion carried.

Jeffrey Hoffman

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

Norman Allyn

The following inmate was considered for an early discharge by the full board. Board Member Krull made motion to deny an early discharge. Vice Chair Smith seconded the motion. Board Chair Nikolas, Board Member Albers and Board Member Schroyer voting nay; all other members voting aye; the motion carried

Timothy Funk

The following inmate was considered for an early discharge by the full board. Board Member Krull made motion to deny an early discharge. Vice Chair Smith seconded the motion. Board Chair Nikolas, Board Member Albers and Board Member Schroyer voting nay; all other members voting aye; the motion carried

Rick Marone

The following inmate was considered for an early discharge by the full board. Board Member Krull made motion to deny an early discharge. Vice Chair Smith seconded the motion. Board Chair Nikolas, Board Member Albers and Board Member Schroyer voting nay; all other members voting aye; the motion carried

Kevin Rear

The following inmate was considered for an early discharge by the full board. Board Member Krull made motion to deny an early discharge. Vice Chair Smith seconded the motion. Board Chair Nikolas, Board Member Albers and Board Member Schroyer voting nay; all other members voting aye; the motion carried

Kenneth Teger

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

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

Demarest Campbell

The following inmate appeared before the full board. Board Members Albers made a motion to grant parole. Board Member Holloway seconded the motion; all members voting aye; the motion carried

Waylon Christensen

The following inmate appeared before the full board. Board Member Rau made motion to grant parole to #20698. Board Member White Horse - Carda seconded the motion; Vice Chair Smith voting nay; all other members voting aye, the motion carried

Patrick Highstrom

The following inmate appeared before the full board. Board Member Albers made motion to grant parole. Board Member White Horse – Carda seconded the motion; Board Member Rau made a substitute motion to grant parole with GPS. Board Member Albers seconded the motion. All members voting aye; the motion carried

Tony Kenyon

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

Marlon Little Bald Eagle

The following inmate appeared before the full board. Board Member Holloway made motion to grant parole. Board Member Albers seconded the motion. Vice Chair Smith voting nay; all other Members voting aye, the motion carried

Brandon Taylor

APPEARANCES BEFORE THE FULL BOARD (EIGHT MEMBERS) SIOUX FALLS:

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

Brandon Suess

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

Kelby Ross

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; Board Member Krull and Board Member Rau voting nay; all other members voting aye; the motion carried.

Waylon Ducheneaux

The following inmate appeared before the full board. Board Member Albers made motion to deny parole but wants to have him set out enough time to see if he can still behave himself. Board Member Holloway seconded the motion to deny parole and set out one year; all members voting aye; the motion carried.

John Winn

Board Chair Nikolas called a recess from 9:38 am to 9:53 am

AGENDA ITEMS:

Director's Report: Director Clark was unavailable. Board Manager Vonsik updated the board on the discretionary parole hearings and the numbers are up. We are still working on the Structured decision making tool. We had 12 pardons received in the month of August. Mr. Vonsik introduced our new case manager Travis Ripperda and our new intern Bri Haugen.

Director of Field Services Report: Brad Lewandowski was present and available for any questions. Mr. Lewandowski updated the board on the number of parole agent to parolee contacts, community booking closure numbers, the average caseload per agent and gave a personnel update. He gave the board a compliance update as well as explained what an EPICS training session would/should look like.

Legal Issues Review: Ashley McDonald was available for any questions. Mrs. McDonald addressed seeing inmates who are currently in the SHU when their parole hearing comes up, we are not required to see them and grant parole. We can set these cases out up to 24 months. We addressed children at parole hearings and since these are open hearings, children are welcome. There was discussion about pardon applicants being represented by Auxiliary Board Members with concerns about conflict of interest and appearance of conflict of interest. Further policy regarding this issue will be developed and reviewed."The Board will look at adopting a policy on this issue. House Bill 1214 was addressed and the board is still in agreement on waived hearings and the process.

Behavioral Health Review: Tonya Honomichl appeared on behalf of behavioral health. Tonya updated us on 4 SMI cases that have discharged their sentences or have been released back to the community.

Policy Review: 8.1. A.15 – Suspended Sentence policy. Vice Chair Smith made motion to approve the policy. Board Member Krull seconded the motion. All members voting aye, the motion carried.

8.1. A.11- Withholding Parole. Vice Chair Smith made motion to approve the policy. Board Member Rau seconded the motion. All members voting aye, the motion carried.

A discussion took place in regards to who the board will consider to grant early final discharge credits to. Board Member Holloway made motion to deny the early final discharge to all Sex Offender's. Vice Chair Smith seconded the motion. Board Chair Nikolas, Board Member Albers and Board Member Schroyer voting nay; all others voting aye, the motion carried.

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Board Training Review and COMS Update: Traci Fredrikson updated us on some upcoming training sessions. Traci handed out an example of the coding sheet that will be used in the decision making that the board will be implementing. We will be providing much more detailed information to the board in order for them to make the safest choice for the offenders release back out into the community. We will launch a pilot program using tablets at the parole hearings to get the information needed about an offender at his or her parole hearing.

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

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

Recusals:

Board Chair Nikolas recused herself from the following:

Ashlynn Dumarce
Jennifer Leann Owen

Board Member Holloway recused himself from the following:

Darrell Young

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 White Horse - Carda made motion to adjourn the September, 2016 meeting of the Board. Board Member Rau seconded the motion. All members voting aye; the motion carried.

The meeting adjourned at 12:44 PM on Thursday, September 15, 2016. The next board meeting is scheduled for October 20, 2016 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Kay Nikolas, Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary