

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

October 17, 18, 19 and 20, 2016

Parole Board meetings were held on October 17, 18, 19 and 20, 2016, at various locations in the State of South Dakota. A Parole Board meeting was held on October 20, 2016 at the South Dakota State Penitentiary commencing at 8:04 AM 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
Doug Clark, Director
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: Kevin Krull, Member

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

SPECIAL GUESTS: Laurie Feiler, Deputy Secretary. Tonya Honomichl and McKenzie Grim from Behavioral Health appeared and were available for any questions. Parole Agent McKenzie Huska, Parole Agent Scott Day, Parole Agent Adrian Gray Buffalo, Parole Agent Amy Miklos were all present for the Parole Board meeting. Case Managers Riley DeGroot and Miranda Ward were present. Restricted Housing Manager Jessica Cook was present.

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

HEARING PANELS: Board Member Albers made a motion to approve the parole schedule for the year 2017. Board Member Rau seconded the motion. All members voting aye, the motion carried.

Board Chair Nikolas worked in Springfield alone. Board Chair Nikolas worked with Board Member Albers on Pardons in Sioux Falls. Board Member Krull was unavailable on Tuesday October 18 – Thursday October 20. Vice Chair Smith worked in Sioux Falls as a single panel on Wednesday October 19, 2016. Board Member Rau and Board Member Schroyer went to Pierre on Monday October 17, 2016. Board Member Rau will be unavailable on Tuesday November 15, 2016.

REVIEWED BY THE FULL BOARD:

October 20, 2016

The following inmate was considered for a partial earned discharge. Board Member Rau made motion to grant partial earned discharge of six (6) months. Board Member Albers seconded the motion. All members voting aye, the motion carried.

Mark Beeghy

The following inmate was considered for a partial earned discharge. Board Member Rau made motion to grant partial discharge by two (2) years. Board Member Albers seconded the motion. All members voting aye, the motion carried.

Levi Ruble

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

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

John Pentecost

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

Manuel Nolasco

The following inmate appeared before the full board. Board Member Holloway made motion to deny parole and set out two years. Vice Chair Smith seconded the motion; Board Chair Nikolas, Vice Chair Smith and Board Member Holloway voting nay, All others voting aye. A second motion was made by Board Member White Horse – Carda to grant parole to plan/new number # 21640. Board Member Rau seconded the motion, Board Member Holloway and Vice Chair Smith voting nay, all other members voting aye, the motion carried

Peter Danielson

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

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

Chad Rauscher

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

Kenneth Tiedeman

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

Darrian Johnson

The following inmate appeared before the full board. Board Member Holloway made motion to deny parole and set him out two years. Board Member Albers seconded the; all members voting aye; the motion carried.

James Lawrence

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 Members Smith, Holloway and Rau voting nay; all other members voting aye; the motion carried.

Stephen Piper

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

Audonne Duran

The following inmate appeared before the full board. Vice Chair Smith made motion to deny parole and continue to expiration. Board Member Holloway seconded the motion. All members voting aye; the motion carried.

Jerald Hufford

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

Stacy Brant

RECESS: Board Chair Nikolas called a recess 8:58 AM to 9:05 AM

RECESS: Board Chair Nikolas called a recess from 10:15 AM to 10:20 AM

RECESS: Board Chair Nikolas called a recess from 11:05 AM to 11: 10AM

AGENDA ITEMS:

Laurie Feiler: Deputy Secretary Feiler addressed the board in regards to Dr. Edward Latessa, Ph.D coming to SD to present at the LECC Conference on November 8, 2016. Additional presentations are being scheduled and the Parole Board was provided information and encouraged to attend either in person or via web. DOC requested and received a grant, "Maximizing JRI Reforms, to develop/pilot a program that will attempt to divert prison-bound females and keep them in the community. This pilot, involving a 3 month residential component along with 9 months of community interventions, will begin in Rapid City, SD.

Director's Report: Director Clark was present and available for any questions. Mr. Clark introduced our new Parole Agents. Doug spoke about his training from September 2016, in Cleveland for the Inter State compact. DR. Edward Latessa, PhD, University of Cincinnati will be in Sioux Falls next month to address what works and what does not work in reducing recidivism. Director Clark handed out an article published by VERA for the Parole Board to read in regards to the tribal pilot in SD - "Bridging the Divide:

Improving Parole Outcomes for Native Americans in South Dakota” and the 2016 Law Enforcement coordinating committee annual conference agenda.

Director of Field Services Report: Brad Lewandowski was present and available for any questions. Mr. Lewandowski updated the board on parole numbers and they are average. The new agents are transitioning into being able to take on their own case loads soon. Our numbers for CTP and extended detainments are going up.

Legal Issues Review: Ashley McDonald was present and available for any questions. Mrs. McDonald addressed prior Board Members who are eligible to be an Auxiliary Member and that they should not represent Pardon applicants. We received a Subpoena request for a discretionary November parole case. This request was denied by Board Chair Nikolas. We are waiting on a policy to be completed and signed from Board Chair Nikolas to not see inmates who are currently in the SHU at the time of their Parole hearing.

Behavioral Health Review: Tonya Honomichl and McKenzie Grim appeared on behalf of behavioral health. Tonya updated us on 6 SMI cases that have discharged their sentences or have been released back to the community.

Policy Review: 8.1. A.10 – Commutations. Take home to review and approve at a later month

8.1A.9 – Pardons. Take home to review and approve at a later month

Board Training Review and COMS Update: Traci Fredrikson updated us on the new pardon application process. She updated the board on the SIS and the cases that were piloted this month with the new process. December we will begin our new process of going directly to the Full Board for the Pardon applicants and no longer utilize the two panel process. For the new Structured Decision Making Tool, coding the current offense will be placed in the criminal history.

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

Rick Fatland
Kerry Sullivan
Stacy Brant

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.

October 17, 18, 19 and 20, 2016

Adjournment: Board Member Albers made motion to adjourn the October, 2016 meeting of the Board. Board Member Holloway seconded the motion. All members voting aye; the motion carried.

The meeting adjourned at 12:54 PM on Thursday, October 20, 2016. The next board meeting is scheduled for November 17, 2016 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Kay Nikolas, Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary

DRAFT