

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

September 11, 12, 13 and 14, 2017

Parole Board meetings were held on September 11, 12, 13 and 14, 2017 at various locations in the State of South Dakota. A Parole Board meeting was held on September 14, 2017 at the South Dakota State Penitentiary commencing at 8:02 AM with the following present:

Mark Smith, Chair
Ken Albers, Vice Chair
Paige Bock, Member
Don Holloway, Member
Kevin Krull, Member
Kay Nikolas, Auxiliary Member (Telephonically)
Shannon Riter Osborn, Member
Chuck Schroyer, Member
Rev. Patricia White Horse-Carda, Member
Doug Clark, Director of Parole
Brad Lewandowski, Director of Field Services
Kathleen Bongers, Program Assistant
Stacy Cole, Senior Secretary
Traci Fredrikson, Corrections Specialist
Savannah Murray, SD Board of Pardons and Paroles Intern
Catherine Schlimgen, Staff Attorney
Val McGovern, Corrections Analyst
Mike Vonsik, Board Office Manager

Quorum Present? Yes

Members who are absent today: Myron Rau, Member

REPRESENTATIONS: Ashley McDonald, Department Of Corrections Legal Counsel representative was unavailable. Catherine Schlimgen, Staff Attorney was present and available for any questions.

SPECIAL GUESTS: Members of the Corrections Commission -Representative Craig Tieszen, Judge Pat Pardy, State Representative Jamie Smith, State Senator Arthur Rusch, David McGirr, Mark Anderson. Denny Kaemingk, Secretary of SD Department of Corrections, Laurie Feiler, Deputy Secretary of SD Department of Corrections. Dusti Werner, Risk Reduction Manager. Kayla LaBrie, Behavioral Health. Kenzie Huska, Parole Agent. Catherine Schlimgen, Staff Attorney. Riley Degroot, Case Manager. Jorgene Williams, Program Assistant for Classification & Transfer. Kelly Caviness, Case Manager. Kelli Rasmussen, Transitional Case Manager. Travis Ripperda, Transitional Case Manager. Mandy Neilson, Corrections Specialist. Teresa Cummings, Senior Secretary. Dr. Rev. Kimberly Kaveny -LaPlante, Bruce and Janet Shafer, Stuart Jenner, Dave Nebelsick, Mark Marshall, Jeff Tronvold and Caroline Srstka from the AG's Office.

MINUTES: Board Member Krull made motion to approve the minutes from the August, 2017 meeting of the Board. Board Member Holloway seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: There were 4 rooms run in Springfield in September 2017. Board Member Rau was unavailable Tuesday, Wednesday and Thursday in September 2017. We held a third room for parole hearings in Jameson in Sioux Falls on Wednesday September 13, 2017. Board Member Ritter Osborn will be unavailable in November 2017.

REVIEWED BY THE FULL BOARD:

NONE

APPEARANCES BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SPRINGFIELD TUESDAY
SEPTEMBER 12, 2017:

The following inmate appeared before the full board. Board Member Holloway made motion to deny parole and set out 8 months. Board Member Krull seconded the motion. All members voting aye, the motion carried

David Holloway

The following inmate appeared before the full board. Board Member Holloway made motion to deny parole and continue to expiration. Board Member Albers seconded the motion. Board Member Riter Osborn voting nay, all other members voting aye; the motion carried.

James Kane

The following inmate appeared before the full board. Board Member Schroyer made motion to grant parole. Board Member Bock seconded the motion. Board Members Albers, Holloway, Riter Osborn, Smith and White Horse – Carda voting nay, the motion died. Vice Chair Albers made a second motion to deny parole and set out 8 months. Board Member Riter Osborn seconded the motion. All members voting aye, the motion carried

Burton Landman

The following inmate appeared before the full board. Board Member Holloway made motion to deny parole and set out one year. Motion died for lack of a second. Board Member Schroyer made motion to grant parole. Vice Chair Albers seconded the motion. Board Members Holloway, Krull, Smith and Bock all voting nay. The motion died. Board Member Krull made a third motion to deny parole and set out 6 months. Vice Chair Albers seconded the motion. Board Members Schroyer and Vice Chair Albers voting nay. All other members voting aye, the motion carried

James Summers

APPEARANCES BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS SEPTEMBER
14, 2017:

The following inmate appeared before the full board. Board Member Holloway made motion to grant parole. Board Member Ritter Osborn seconded the motion. All members voting aye, the motion carried

Robert Davis

The following inmate appeared before the full board. Board Member Holloway made motion to grant parole to CTP in Rapid City. Board Member Krull seconded the motion. Board Member Bock voting nay, all other members voting aye, the motion carried

Marcel Boyd

The following inmate appeared before the full board. Board Member Schroyer made motion to grant parole. Board Member White Horse - Carda seconded the motion. Board Chair Smith, Vice Chair Albers, Board Members Holloway, Bock, Riter Osborn, Krull and Auxiliary Member Nikolas voting nay. The motion died for lack of enough votes. Board Member Holloway made a second motion to deny parole and set out 8 months. Board Member Bock seconded the motion. All members voting aye, the motion carried

Candace Cobretti

The following inmate appeared before the full board. Board Member Schroyer made motion to grant parole. Motion died for lack of a second. Board Member Holloway made a second motion to deny parole and set out 8 months. Board Member Krull seconded the motion. All members voting aye, the motion carried

Debra Jenner

The following inmate appeared before the full board. Board Member Bock made motion to grant parole. Vice Chair Albers seconded the motion. All members voting aye, the motion carried

Cyril Castaway

The following inmate appeared before the full board. Board Member Krull made motion to grant parole. Board Member Riter Osborn seconded the motion. Board Member Holloway voting nay. All other members voting aye, the motion carried

Frank Webb

The following inmate appeared before the full board. Board Member Krull made motion to deny parole and set out 4 months. Board Member Riter Osborn seconded the motion. All members voting aye, the motion carried

Michael Hillmer

The following inmate appeared before the full board. Vice Chair Albers made motion to grant parole with a Board Order to CTP. Board Member Riter Osborn seconded the motion. Board Member Holloway and Auxiliary Member Nikolas voting nay; All other members voting aye, the motion carried

Traye Mjelde

The following inmate appeared before the full board. Board Member Krull made motion to grant parole. Board Member White Horse - Carda seconded the motion. Auxiliary Board Member Nikolas voting nay. All other members voting aye, the motion carried

Prentice Flood

The following inmate appeared before the full board. Vice Chair Albers made motion to deny parole and set out to his suspended sentence date. Board Member Holloway seconded the motion. Board Member Riter Osborn voting nay. All other members voting aye, the motion carried

Cornelius Milk

EARNED DISCHARGES:

The following inmate was reviewed for a full final Earned Discharge. Board Member Riter Osborn made motion to grant a full final discharge. Board Member Schroyer seconded the motion. Board Members Holloway and Albers voting nay; all others voting aye, the motion carried.

Melissa Pierson

RECESS: 10:11 am – 10:20am

AGENDA ITEMS:

Director's Report: Director Clark reported on parole hearing numbers and non-compliance numbers. Director Clark reported that without the state of South Dakota implementing the Earned Discharge Program we would have an extra 276 inmates on Parole at this time. The Pardon information requested the previous month was made available and Director Clark reported that extended detainment information was not available in September as a result of some temporary issues with the database used to track them. Work continues with the structured decision making framework (SDMF) with 100% of the parole hearings now using the process. Rex Squyres, Program assistant who works out of Mike Durfee State Penitentiary, has seen a significant change in his duties as he now is responsible for entering in the criminal history portion for all inmates who are going up for Parole in the current month as well as the future. Utah Parole Board Members have requested South Dakota's assistance in helping them with the implementation of the SDMF. Business cards have been ordered and delivered to three of our board members who requested them. We have bought and supplied each board member their own body alarm that they will need to carry with them while inside security perimeters at each facility. Auxiliary members continue to assist with conducting hearings each month we are in need. Savannah Murray is continuing her fall internship and is doing great. We received 12 Pardon applications in August and are now scheduling 2-3 months out. We are beginning to see the effects of the online Pardon application process and we have seen very few errors. We are continuing to move forward in our progression toward being able to notify other agencies through email. We are looking to expand and rebuild our current system that we use for Pardons and processing these applications. A budgetary request was added to the FY 2019 budget for this project. Director Clark has staff working on updating the language in Board policy regarding the criteria to identify full board cases with the hope of providing additional clarity of the process to expanded staff now conducting this work. The suggested edits will be sent out to Board Members in advance of October hearings to allow for discussion and further action. Mike Vonsik, Corrections Specialist celebrated 34 years with the State in August. Stacy Cole, Senior Secretary, South Dakota Board of Pardons and Paroles celebrated 3 years with the State in August.

Director of Field Services Report: Brad Lewandowski was available and updated the board on parole population numbers, community booking closures and the average caseload size per agent. Agents Korth and Schlosser are in phase 3 of training. Agents McQuiston and Beyl are in phase 2 of training. Yankton JCA agents are assisting with the collateral contacts around the state with CTP parolees. We have offered the open SWO agent position to Blake Lohr. We have one open agent position in Rapid City. We have an EBP Senior position open as Dusti Werner has left parole. The workload study reports in COMS have been updates to reflect "agents utilized" and "agents authorized". A total of 8 offenders meeting the standards for compliant discharge now in statue were discharged in August 2017.

Legal Issues Review: Ashley McDonald was unavailable. Catherine Schlimgen was available for any questions and had no updates for the board.

Behavioral Health Review: Tonya Honomichl and Kayla LaBrie were unavailable.

Policy Review: 8.1.A.2 – Parole and Suspended Sentence Revocation Hearings. 8.1. A.13 – Rescission of Parole were sent home with the board to review and approve in October.

Board Training and COMS Updates: Traci Fredrikson reminded the board that we are going to do some training in October 2017. Dusti Werner, Risk Reduction Manager will be speaking to the board in October. This was our first month using the new board sheet and it went well.

Review of Full Board Appearances for October: Board members reviewed a number of parole applicants who have been recommended for a personal appearance before the full board in October 2017 or later.

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

Recusals:

Board Member Riter Osborn recused herself from the following hearing(s):

Marcel Boyd

Board Chair Smith recused himself from the following hearing(s):

Debra Jenner
Prentice Flood

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 White Horse - Carda made motion to adjourn the September 14, 2017 meeting of the Board. Board Member Krull seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 12:44 pm on Thursday September 14, 2017. The next board meeting is scheduled for October 19, 2017 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Mark Smith, Board Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary