

SD Board of Pardons and Paroles
1600 N. Drive, Sioux Falls, SD 57104



MINUTES

Meeting of the
Board of Pardons and Paroles
August 2024

The Board of Pardons and Paroles hearing panels held meetings on July 25th, 2024 and August 12th and 13th, 2024 at the following facilities in the State of South Dakota:

- South Dakota State Penitentiary
- Jameson Annex
- Mike Durfee State Prison
- South Dakota Women's Prison
- Rapid City Minimum Center
- Board of Pardons and Paroles Office

A Full Board meeting was held at Jameson Annex on August 14th, commencing at 8:30 a.m.

I. Call to Order

The meeting was called to order by Chair Rau. A quorum was present. Present were the following board members:

- Myron Rau, Board Chair
- Kirsten Aasen, Vice Chair
- Peter Lieberman, Member
- Jan Steele, Member
- Vaughn Beck, Member
- Ken Albers, Member
- Kurt Hall, Member
- John Brown, Member
- Chuck Schroyer, Auxiliary Member

Absent was the following board member: Patricia Meyers

Support staff in attendance: Shelli Gust – Board Administration Manager; Stacy Cole – Board Corrections Specialist; Karena Cassidy – Board Senior Secretary

Special guests in attendance in person: Riley DeGroot – Senior Case Manager; Ian Miller – Senior Case Manager; Jordan Moos – Case Manager

Special guests in attendance on Teams: Travis Ripperda – Risk Reduction Manager; Sam Yost – Case Manager; Tom Gilchrist - SOMP; Jeff Neill – SOMP

II. Call for Public Input

No public input.

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III. Parole Hearings

A. *Burrage, James*

Board Members proceeded with the scheduled hearing of *James Burrage*. The hearing was a paper review, and the offender was not present.

Chair Rau turned the proceedings over to Board Members Hall and Lieberman for summarization. Following summarization, testimony, evidence review, questions and discussion, the following action was taken:

| | |
|-----------------|--|
| Motion: | Motion to grant parole. |
| Made: | Albers |
| Seconded by: | Lieberman |
| Votes in Favor: | Rau, Aasen, Albers, Beck, Brown, Hall, Lieberman, Schroyer, Steele |
| Votes Opposed: | None |
| Results: | Motion carried. |

B. *Nunez, Ernesto*

Board Members proceeded with the scheduled hearing of *Nunez, Ernesto*. The hearing was a paper review, and the offender was not present.

Chair Rau turned the proceedings over to Board Members Albers and Lieberman for summarization. Testimony was provided by staff: Jeff Neill, SOMP. Following summarization, testimony, evidence review, questions and discussion, the following action was taken:

| | |
|-----------------|--|
| Motion: | Motion to deny parole and set out 24 months to August 2026. |
| Made: | Albers |
| Seconded by: | Beck |
| Votes in Favor: | Rau, Aasen, Albers, Beck, Brown, Hall, Lieberman, Schroyer, Steele |
| Votes Opposed: | None |
| Results: | Motion carried. |

C. *Franklin, Damion*

Board Members proceeded with the scheduled hearing of *Damion Franklin*. The offender was present. Guests on Teams: Kristi Paetow, Marilyn Thompson, Arlys Peterson

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Chair Rau turned the proceedings over to himself and Board Member Lieberman for summarization. Testimony was provided by the offender. Testimony was provided by guests:

Proponents: Kristi Paetow, Marilyn Thompson, Arlys Peterson

Following summarization, testimony, evidence review, questions and discussion, the following action was taken:

| | |
|-----------------|--|
| Motion: | Motion to grant parole. |
| Made: | Lieberman |
| Seconded by: | Steele |
| Votes in Favor: | Rau, Aasen, Beck, Brown, Hall, Lieberman, Schroyer, Steele |
| Votes Opposed: | Albers |
| Results: | Motion carried. |

D. *Bagola, Jonathan*

Board Members proceeded with the scheduled hearing of *Jonathan Bagola*. The offender was present.

Chair Rau turned the proceedings over to himself and Board Member Lieberman for summarization. Testimony was provided by the offender. Following summarization, testimony, evidence review, questions and discussion, the following action was taken:

| | |
|-----------------|---|
| Motion: | Motion to deny parole and continue to expiration. |
| Made: | Brown |
| Seconded by: | Albers |
| Votes in Favor: | Albers, Beck, Brown, Hall |
| Votes Opposed: | Rau, Aasen, Lieberman, Schroyer, Steele |
| Results: | Motion failed. |

The above motion having failed, the following action was taken:

| | |
|-----------------|--|
| Motion: | Motion to grant parole. |
| Made: | Lieberman |
| Seconded by: | Albers |
| Votes in Favor: | Rau, Albers, Beck, Hall, Lieberman, Schroyer, Steele |
| Votes Opposed: | Aasen, Brown |
| Results: | Motion carried. |

The Full Board recessed from parole matters and commenced clemency matters at 9:52 a.m. The Full Board recessed from clemency matters and reconvened to parole matters at 11:19 a.m.

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E. *Reed, David*

Board Members proceeded with the scheduled hearing of *David Reed*. The offender was present.

Chair Rau turned the proceedings over to Board Member Steele for summarization. Testimony was provided by staff: Jeff Neill, SOMP. Testimony was provided by the offender. Following summarization, testimony, evidence review, questions and discussion, the following action was taken:

| | |
|-----------------|--|
| Motion: | Motion to deny parole and set out 24 months to August 2026. |
| Made: | Beck |
| Seconded by: | Lieberman |
| Votes in Favor: | Rau, Aasen, Albers, Beck, Brown, Hall, Lieberman, Schroyer, Steele |
| Votes Opposed: | None. |
| Results: | Motion carried. |

F. *Rabago, Justin*

Board Members proceeded with the scheduled hearing of *Justin Rabago*. The offender was present.

Chair Rau turned the proceedings over to Board Members Albers and Steele for summarization. Testimony was provided by the offender. Following summarization, testimony, evidence review, questions and discussion, the following action was taken:

| | |
|-----------------|-----------------------------------|
| Motion: | Motion to grant parole. |
| Made: | Albers |
| Seconded by: | Steele |
| Votes in Favor: | Albers, Brown, Schroyer, Steele |
| Votes Opposed: | Rau, Aasen, Beck, Hall, Lieberman |
| Results: | Motion failed. |

| | |
|-----------------|--|
| Motion: | Motion to deny parole and set out 12 months to August 2025. |
| Made: | Beck |
| Seconded by: | Albers |
| Votes in Favor: | Rau, Aasen, Albers, Beck, Brown, Hall, Lieberman, Schroyer, Steele |
| Votes Opposed: | None. |
| Results: | Motion carried. |

IV. Adjourn

The Full Board adjourned from parole matters at 11:57 a.m.

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MINUTES

Meeting of the
Board of Pardons and Paroles
August 2024

A Full Board meeting was held at Jameson Annex on August 15th, commencing at 8:30 a.m.

I. Call to Order

The meeting was called to order by Chair Rau. A quorum was present. Present were the following board members:

- Myron Rau, Board Chair
- Kirsten Aasen, Vice Chair
- Peter Lieberman, Member
- Jan Steele, Member
- Patricia Meyers, Member (Teams)
- Vaughn Beck, Member
- Ken Albers, Member
- Kurt Hall, Member
- John Brown, Member

Support staff in attendance: Shelli Gust – Board Administration Manager; Stacy Cole – Board Corrections Specialist; Karena Cassidy – Board Senior Secretary

Special guests in attendance in person: Kati Albers, Associate Reentry Program Manager;

Special guests in attendance on Teams: Jeff Neill - SOMP; Georgia Will – Board Program Assistant; Rex Squyres – Board Program Assistant

II. Call for Public Input

No public input.

III. Training: Kati Albers, Reentry Program

Board Members participated in training offered by Kati Albers, Associate Reentry Program Manager on the SaferSD Offender Reentry Model. The presentation covered an overview of the SD Offender Reentry Model, the Reentry Team, and the Institutional, Transitional, and Community Phases of the program. Board members expressed an interest in participating in a reentry simulator in the coming months.

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IV. Minutes

Board Members reviewed the minutes for the July 2024 meetings of the Board. Motion by Albers, second by Beck to approve the July 2024 minutes. All members present in person voted aye. Motion carried.

V. August Hearing Panels

There were no significant changes from the published agenda.

VI. September Proposed Schedule

Board Members reviewed the proposed schedule for September. Board Members indicated whether they would be appearing via Teams and had no further changes to the proposed schedule.

VII. 2025 Proposed Board Meeting Schedule

Board Members reviewed the proposed schedule for 2025. Necessary changes may still be made throughout the year, as schedules are reviewed monthly. Motion by Hall, second by Aasen to approve the 2025 Board Meeting Schedule. All members present in person voted aye. Motion carried.

VIII. Board Report / Field Services Report

Parole Services Director Brad Lewandowski appeared before the board to provide an update on field services activities and the absconder warrant resolution opportunity that was launched in early August.

Board Members reviewed the board report and monthly metrics. There was a Special Session held on July 25th; there were early discharges, waivers (parole/non-compliance), non-compliance hearings, a suspended sentence revocation hearing, paper reviews of pardon applications, and paper reviews of commutation applications. Governor Noem acted upon 34 pardon applications and 2 commutation applications clemency cases in the month of July. There were 15 pardon applications received in July and the current set-out period is to September 2024.

IX. Break

Board Members recessed for a brief break.



X. Items for Discussion

Board Members discussed the challenges of seeing offenders who are housed on A floor. Board Members were updated on the start of the AVP class that will be offered to offenders going through the A&O process. Parole Board Corrections Specialist Stacy Cole will be the staff person assigned to supervising the class. Board Members engaged in a follow-up discussion about asking offenders about pending write-ups during discretionary parole hearings. Board Members were updated on a discussion Chair Rau had with the Clinical Services Director about the compassionate parole process. Board Members were cautioned to be aware that their personal contact information may be available online through third-party sources.

XI. Policy Review

In August 2024, Board Members directed staff to revise language on the recusal section in Policy 8.1.A.5: Parole Decisions and Setting of Next Review Date and bring it back before the Board. Board Members reviewed the amended language. Motion by Beck, second by Brown to adopt Policy 8.1.A.5: Parole Decisions and Setting of Next Review Date as amended. All members present in person voted aye. Motion carried.

Board Members reviewed Policy 8.1.A.8: Withholding Parole, Restitution Hearing, Compassionate Parole. Staff recommended revisions to the policy so that the language was consistent with current statutes and best practices. Motion by Albers, second by Lieberman to adopt Policy 8.1.A.8: Withholding Parole, Restitution Hearing, Compassionate Parole as amended. All members present in person voted aye. Motion carried.

XII. Full Board Cases / Potential Upcoming Paper Review Cases

Board Members were advised that the calendar for upcoming full board cases in September and October are nearly full. Board Members were advised of one paper review parole hearing and five in-person parole hearings that are currently scheduled for September. Additional hearings may be moved up to the September schedule if there is time available. Board Members were advised of a commutation hearing in September and a commutation hearing in October.

XIII. Special Session Decisions

Motion by Albers, second by Lieberman to ratify the special session clemency decisions. All members voted aye. Motion carried.

XIV. Attachments – Decisions

Incorporated by reference is the attached listing, entitled Parole Board Actions, for all parole violations, suspended sentence violations, non-compliance, discretionary parole, earned discharge, and rescission decisions made by the Board this month.

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XV. Adjourn

The Full Board meeting adjourned at 11:20 a.m. The next full board meeting is scheduled for September 11, 2024.

BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Kirsten Aasen, Vice Chair

Submitted by:
Shelli Gust
Parole Board Administration Manager
Board of Pardons and Paroles