

August 2022



SOUTH DAKOTA BOARD OF PARDONS AND PAROLES
MINUTES

Jameson Annex
1600 N Drive
Sioux Falls, SD 57104

Parole Board meetings were held on August 8th, 9th, 10th and 11th, 2022 in various locations in the State of South Dakota, there was an extra session held on July 27th, 2022. A Full Board meeting was held on Wednesday, August 10th, 2022, commencing at 8:34 A.M. with the following present.

Present:

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Ken Albers, Member
Gregg Gass, Member
Kurt Hall, Member
Chuck Schroyer, Member
Peter Lieberman, Member (MS Teams)
Kirsten Aasen, Member
Jan Steele, Member
Val McGovern, Executive Director of Board of Pardons and Paroles
Brad Lewandowski, Director of Parole
Traci Fredrikson, Operations Supervisor
Stacy Cole, Corrections Specialist
Eilish O'Toole, Program Assistant II
Karena Cassidy, Senior Secretary (MS Teams)
Jaden Clark, Parole Administration Intern
Liz Effling, Corrections Specialist
Loranda Kenyon, Attorney

Quorum Present? Yes

Absent: N/A

COUNSEL PRESENT: The following representations were made.

N/A

SPECIAL GUESTS:

Andrew Rodriguez (parole agent), Jordan Wilcox (case manager), April Maeschen (citizen), Brianna Kerr (parole secretary), Bruce Berke (case manager), Travis Donelan (case manager), Erin Boysen (parole specialist), Austin Fowler (parole specialist), Deb Eilers (case manager),



Tom Lais (Senior Case Manger), Riley DeGroot (case manager), Nick Nyreen (case manager), Katie Olson (case manager), Tom Gilchrist (SOMP staff), Mirada Ward (case manager), Miranda Ward (case manager), Terry Cummings (senior secretary).

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SIOUX FALLS WEDNESDAY, August 10th, 2022:

The following offender appeared before the full board for a Parole Case Review hearing

Haase, Troy

Board Member Gass made a motion to maintain previous conditions imposed on *Haase* with some revisions to include:

Continue parole with review in three months (November 2022) and conditions from May Board review still apply. May utilize only Pre-approved, routes to home and work only, No unauthorized calls or other contact with current DOC staff, Zero tolerance for any violations of parole or SOMP contract, Any violation is a violation of parole, Must be Chaperoned while in the community excluding work and treatment, -Polygraph in 60 days, then a review by board. No unsupervised visits in the community without prior approval by agent.

Board Vice Chair Swanson seconded the motion. Board Member Albers, Board Member Aasen and Board Chair Rau voted nay, all other board members voting aye, the motion carried.

The following offenders appeared before the board for consideration of parole:

Schneider, Sheldon (in the SHU)

Board Vice Chair Swanson made a motion to continue to a two-panel hearing in November, Board Member Hall seconded the motion. All board members voted aye, the motion carried.

Poor Thunder, Joseph

Board Member Albers made a motion to grant parole, Board Member Schroyer seconded the motion, all other board member voted eye, the motion carried.

Walters, Angelina (MS Teams)

Board Member Schroyer made a motion to grant parole with the stipulation that she follow the recommendations laid out by SOMP and she parole to a halfway house, Board Member Steele



seconded the motion, Board Member Albers, Board Member Liberman and Board Member Hall voted nay, all other board members voted eye, the motion carried.

Nolan, Ari

Board Member Albers made a motion to grant parole to federal hold, Board Member Aasen seconded the motion, Board Member Schroyer, Board Member Steele, Board Member Hall and Board Member Aasen voted aye, Board Chair Rau, Vice Chair Swanson, Board Member Gass, Board Member Lieberman voted nay, motion failed. Board Member Albers made a motion to deny and set out two years, Board Member Aasen seconded the motion, all other board members voted aye, the motion carried.

Cheveyo, Tate

Board Member Lieberman made a motion to grant parole, Board Member Aasen seconded the motion. All other board members voted aye, except Board Member Hall, motion carried.

Break 10:52 A.M.-11:01A.M.

Ziegler, Leonard

The following offender appeared before the full board. Board Member Schroyer made a motion to continue this hearing 6 months, Board Member Albers seconded the motion. Board Member Aasen made a substitute motion to continue 6 months and Board Order to successfully complete an instant offense polygraph, Board Member Schroyer seconded the motion. Board Member Aasen withdrew her motion. Board Member Schroyer amended his original motion to continue 3 months, seconded by Board Member Albers. All members voting aye, the motion carried.

Thunderhawk, Ferrell

Board Member Gass made a motion to grant parole, Board Member Albers seconded the motion, all board members voted aye, except Board Member, Lieberman, Board member Aasen, Board Member Hall and Vice Chair Swanson, motion carried.

Wiyaka, Wambli

Board Member Aasen made a motion to deny parole and set out 4 months, and to address his medication/prescription need with the appropriate staff, Board Vice Chair Swanson seconded the motion, all board members voted aye, except Chair Rau, motion carried.

Break 12:20 P.M.-1:24 P.M.

Meeting concluded and will reconvene August 11th, 2022 at 8:30 A.M.



STATE BOARD OF PARDONS AND PAROLES
MINUTES

Jameson Annex
1600 N Drive
Sioux Falls, SD 57104

A Full Board meeting was held on Thursday, August 11th, 2022, commencing at 8:37 A.M. with the following present.

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Ken Albers, Member
Gregg Gass, Member
Kurt Hall, Member
Chuck Schroyer, Member
Peter Lieberman, Member (MS Teams)
Kirsten Aasen, Member
Jan Steele, Member
Val McGovern, Executive Director of Board of Pardons and Paroles
Brad Lewandowski, Director of Parole
Traci Fredrikson, Operations Supervisor
Stacy Cole, Corrections Specialist
Eilish O'Toole, Program Assistant II
Karena Cassidy, Senior Secretary (MS Teams)
Liz Effling, Corrections Specialist
Loranda Kenyon, Attorney
Quorum Present? Yes

COUNSEL PRESENT:

N/A

SPECIAL GUESTS:

Andrew Rodriguez (Parole Agent), Jordan Wilcox (Case Manager), April Maeschen (citizen), Brianna Kerr (Parole Secretary), Bruce Berke (Case Manager), Travis Donelan (Case Manager), Erin Boysen (Parole Specialist), Austin Fowler (Parole Specialist), Deb Eilers (Case Manager), Tom Lais (Senior Case Manger), Riley DeGroot (Case Manager), Nick Nyreen (Case Manger), Katie Olson (Case Manager), Tom Gilchrist (SOMP staff), Mirada Ward (Case Manager), Terry Cummings (Senior Secretary), JC Smith (Parole Supervisor), Kyle Smith (Parole Supervisor).

HEARING PANELS: Panels went as planned.



MINUTES: Board Member Albers made a motion to approve the minutes from the July 2022 meeting of the Board. Board Member Aasen seconded the motion. All members voting aye; the motion carried.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SIOUX FALLS THURSDAY, July 14th:

N/A

BOARD REPORT: Director McGovern was available and updated the board on the following:

Governor Noem took action on 30 clemency application in July. Twenty-eight were granted and two were denied. The office received thirteen pardon applications in July and hearings are being scheduled approx. 3 months out. Board/Parole Admin staff are helping out the prisons with security screenings 2-4 shifts a month (5 hours shifts) to help alleviate the burden to the institution and free up security staff to assist with other duties. An extra day of parole board hearings was scheduled and conducted on July 27th and Board Chair Rau and Board Member Albers reviewed and approved approx.50 parole violation waivers and reviewed early discharge applications. The board approved the Early Discharge policy (8.1.A.7) in May, this has been distributed to the field

DIRECTOR OF FIELD SERVICES REPORT: Director Stucky was available and updated the board on the following personnel updates:

Southeast Region Staff Update:

Agents utilized in the SE have a caseload average of 61.17; this is a workload average of 87.43%. Current staffing: 2 agents in training (SF); 1 secretary in training (SF); 1 agent on extended leave, 2 open positions. Agent Scott Day accepted a Reentry Specialist position within the DOC. This position will be listed. Agent Olivia Rausch submitted her resignation effective August 10, 2022. A conditional offer will be made to a candidate from the current open agent listing. A conditional offer has been accepted for the position vacated with Jack Konop's transition to the Women's Prison. Parole agent specialists continue conducting the Moving On class.

Northeast Region Staff Update:

Agents utilized in the NE Region have an average caseload of 59.67; this is an average workload of 81.09%. Current staffing: 2 agents in training (Watertown, Mitchell), 1 open part-time secretary position (Pierre). Support Staff Mary Bishop retired on June 8. Interviews have been conducted and an offer will be made to the top candidate. SWO Agent Cheyenne Iron Heart submitted her resignation effective 6/3/22. Meaghan Lively is scheduled to start August 1. Juvenile Corrections Agent Thury assists with supervision of 24 cases in the Watertown



office. Juvenile Corrections Agent Shawn Davis is assisting with the supervision of 6 cases in the Mitchell office.

West Region Staff Update:

Agents utilized in the West Region have an average caseload of 60.71; this is an average workload of 85.92%. Current staffing: 1 open position (Rapid City); 1 agent in training (Rapid City). Interviews are occurring for the open position. A conditional offer was rescinded due to the applicant not passing the required background processes. Parole agent specialists continue conducting the Moving On class.

Break 9:41-9:51 A.M.

LEGAL ISSUES: Loranda Kenyon was available and provided the following updates for the board:

Mesteth v. Board of Pardons and Paroles

Attorney Kenyon indicated that she filed her brief to the courts to find that the board did not err in finding Mesteth in violation of his parole. Mesteth was found in violation of parole for not starting treatment, making threatening statements to staff members at the penitentiary, and a pattern of noncompliance that stemmed from alcohol abuse.

Hughbanks v. Fluke et al.

No significant updates. Other names defendants are currently submitting their answers.

POLICY REVIEW:

8.1.A.1 News Media and Cameras at Parole Board Hearings was reviewed, Board Member Albers moved to approve the policy and Board Member Aasen seconded the motion, all other board members voted aye, motion carried.

Executive Session:

Board Member Schroyer moved to go into executive session, Board Member Gass seconded the motion, all other board member voted aye, motion carried.

Executive session 10:36 A.M.-11:01A.M.

Board Member Schroyer made a motion that a legal opinion be drafted by DOC Legal Counsel Loranda Kenyon to include:

- 1- Whether contested cases can be heard without counsel for the state and whether board members should handle those as administrative proceedings.



- 2- Whether determination that contested cases be handled as administrative proceedings is made by DOC secretary or under 24-13-3 that's made by the board in its exercise of quasi-judicial functions independently of the DOC under 24-13-3.
- 3- In noncompliance hearings, is there a right to an attorney?

Board Member Hall seconded the motion, all board members voted aye, the motion carried.

BOARD TRAINING:

N/A

RECUSALLS:

N/A

FULL BOARD:

The following full board early discharge cases were reviewed.

Jessi Owens

Board Member Schroyer made a motion to **grant** early final discharge for, Board Member Gass seconded the motion, all board members voted aye, the motion carried with Board Member Steel recusing herself.

Jones, Barbara

Board Member Schroyer made a motion to **grant** early final discharge for, Board Member Hall seconded the motion, all board members voted aye, the motion carried.

Henriksen, James

Board Member Aasen made a motion to **deny** early final discharge for, Board Member Steele seconded the motion, all board members voted aye, the motion carried.

Childrey, Nicholas

Board Member Schroyer made a motion to **grant** partial discharge of 5 years, Board Member Gass seconded the motion, all board members voted aye, the motion carried.

Clairmont, Toby

Board Member Hall made a motion to **grant** early final discharge for, Board Member Schroyer seconded the motion, all board members voted aye, except Board Member Aasen, the motion carried.

August 2022



Deal, Jonathon

Board Member Aasen made a motion to **grant** early final discharge, Board Member Hall seconded the motion, all board members voted aye, the motion carried.

Burch, Matthew

Board Member Aasen made a motion to **grant** partial discharge of 2 years, Board Member Steele seconded the motion, all board members voted aye, except for Board Member Gass, the motion carried.

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

ATTACHMENTS – DECISIONS: Please refer to 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.

ADJOURNMENT: The meeting adjourned at 11:22 A.M., Thursday, August 11th, 2022. The next full board meeting is scheduled for September 14th, 2022, at 8 a.m.

BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Gordon Swanson, Vice Chair

Val McGovern, Executive Director

Submitted by:
Val McGovern
Executive Director of
Board of Pardons and Paroles