

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

April 15, 16, 17 and 18, 2019

Parole Board meetings were held on April 15, 16, 17 and 18, 2019 at various locations in the State of South Dakota. A Parole Board meeting was held on April 18, 2019 at the South Dakota State Penitentiary- Jameson Annex commencing at 8:05 AM with the following present:

Mark Smith, Board Chair
Ken Albers, Vice Chair
Gregg Gass, Member
Kevin Krull, Member
Ed Ligtenberg, Member
Myron Rau, Member
Shannon Riter – Osborn, Member, telephonically
Chuck Schroyer, Member
Rev. Patricia White Horse - Carda
Doug Clark, Director of Parole
Stacy Cole, Senior Secretary
Traci Fredrikson, Corrections Specialist
April Maeschen, Board office Intern
Val McGovern, Corrections Analyst
Autumn Ramsdell, Board office Intern

Quorum Present? Yes

REPRESENTATIONS: Catherine Schlimgen, Staff Attorney representative, was available for questions.

SPECIAL GUESTS: Tom Lais, Senior Case Manager. Kyle Smith, Parole Agent. Tom Schneider, Case Manager. Brandon LaBrie, Case Manager. Liz Effling, Case Manager.

MINUTES: Board Member Krull made motion to approve the minutes from the March 2019 meeting of the Board. Board Member Gass seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member Riter – Osborn was unavailable in person on Wednesday April 18, 2019 and was available telephonically on Thursday April 18, 2019. Board Member White Horse – Carda was unavailable on Wednesday April 18, 2019. Board Member Gass worked with Board Member Krull in the JPA Visit Room. Board Chair Smith worked alone in JPA A 101 as a single panel. Board Member Rau will be unavailable on Thursday May 16, 2019. Board Member Rau will be unavailable June 11, 12 and 13, 2019. Board Chair Smith will be unavailable in July 2019.

RECESS: - 09:26 AM – 09:35 AM
10:27 AM – 10:46 AM

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS THURSDAY APRIL 18, 2019:

The following inmate was paper reviewed before the full board. Board Member Schroyer made a motion to grant parole. Vice Chair Albers seconded the motion. Board Chair Smith voting nay, Board Member White Horse – Carda voting nay, Board Member Krull voting nay, Board Member Rau voting nay. The motion died for lack of enough votes. Board Member Krull made a substitute Motion to deny parole and set out 8 months. Board Member Schroyer voting nay, all others voting aye, the motion carried. Board Member Gass recusing himself

Candace Cobretti

The following inmate appeared before the full board. Board Member Schroyer made a motion to grant parole. Board Member Gass seconded the motion. Board Member Ligtenberg, Board Member White Horse – Carda, Board Member Rau and Board Member Krull voting nay. The motion died for lack of enough votes. Board Member Rau made a substitute motion to deny and set out 8 months. Board Member Krull seconded the motion. Board Member Schroyer voting nay all others voting aye, the motion carried. Board Chair Smith recusing himself

Deb Jenner

The following inmate appeared in front of the full board. Board Member Rau made a motion to continue for two months and bring his case back for a paper review to clear up a write up the offender is contesting. He also needs to present a more viable parole plan. Vice chair Albers seconded the motion. All members voting aye, the motion carried.

Melvin Moreno

The following Parolee was reviewed by the full board. Wade McIntyre recommended, (via written communication) moving polygraphs to every six months. Mr. Ferguson is continuing to do extremely well on parole. Board Member Krull made a motion to grant him to move to the six-month polygraphs and continue to be reviewed every six months. Board Member Ligtenberg seconded the motion. All members voting aye, the motion carried.

Toby Ferguson

Director's Report: Director Clark updated the board on the following:

The Board was trained in March on the LSS Young Mothers Reentry Program and Domestic Violence MRT. Kathleen Bongers announced her retirement effective May 8, 2019. The office received 17 pardon applications in March and hearings are being scheduled 3 months out. Inmate Nicole Thode was recommended for an upcoming commutation personal appearance hearing in June 2019 at the earliest. BIT completed revisions to the pardon website which upgraded the security and added a victim section to the expedited pardon application. Board staff have begun holding dispositional hearings for suspended sentence violation hearings.

Director of Field Services Report: Brad Lewandowski was unavailable. Director Clark updated the board on the following information:

Katie Howard started in the Sioux Falls office 9/10/18. She completed training March 9th and is considered a proficient agent. Kim Vyhlidal started in the Sioux Falls office 9/24/18. She will complete training when she returns from leave, which started 3/20/2019. INT and MAX on her caseload were distributed to Agent Buiter and FTO Huska. The MED, MIN, and IND have been assigned to Mitchel Agents Bruns and Sanderson and SE Supervisor Smith. Mitchell JCA Grosdidier is supervising approximately 15 minimum/medium cases for the Sioux Falls office. Yankton JCA Boese is supervising 29 CTP cases. The Yankton office is moved locations on April 1, 2019. The Yankton Agents and Supervisor Smith have been actively involved with BIT to ensure a smooth transition. An agent returned from a short-extended leave March 11. An agent began extended leave 3/18/2019 and is expected to be out for 5 months. An agent is on light duty 3/4/2019 – 4/4/2019. Agent Buiter has submitted her resignation effective 5/10/2019. This position has been listed and interviews conducted. Background checks are being completed to determine conditional offers. The Sioux Falls office is preparing for multiple extended leaves, a resignation, and new agent training in the coming months. The coverage plan includes caseload distribution and assistance from the Northeast Region. The Southeast Region supervised 29 extended confinement cases this month. Proficient agents (not including agents in training or supervisor) have an average caseload of 82.37.

Northeast Region Staff Update:

Darnell Hart has been hired as the new SWO Agent and has begun new agent training. The tribal caseload was transferred to SWO Hart on February 1 and she is supervising 49 offenders under the guidance of FTO Hofland and Watertown Agent Beyl. Agent Kollars (Brookings) is assisting the Flandreau Santee Sioux Tribe Support Team with supervision of 8 cases. JCA Kelsey Thilmony continues to assist the Aberdeen office in the supervision of 44 parole cases (6 are absconders and 17 are indirect). JCA Hannah Carda continues to assist in the supervision of 42 cases in Pierre. Mitchell JCA Ryan Van Genderen continues to assist in supervision responsibilities of 10 parolees at Stepping Stones and 11 cases in the community. The NE Region supervised 35 extended confinement cases this month. Proficient agents (agents out of training, not including supervisor) have an average caseload of 76.40.

West Region Staff Update:

The West Region supervised 27 extended confinement cases this month. JCA Jen Leighty is assisting with the supervision of 50 cases in Rapid City, including all CTP cases. One agent began extended leave 2/28/2019 and is expected to return in 3 months.

Agent Gray submitted his retirement effective 4/8/2019. The vacant agent position has been listed and closes April 8th. Agent Buntain attended Pennington County's RBD/SCRAM training. Proficient agents (agents out of training, not including supervisor) have an average caseload of 83.44.

Legal Issues: Catherine Schlimgen was unavailable. Director Clark updated the board on the following:

Our notice of hearing for parole date reviews, needed some language added to comply with state law. I've made the necessary revisions. We have three pending Supreme Court cases. Board Member Ligtenberg made a motion to approve the amended changes. Board Member White Horse – Carda seconded the motion. All members voting aye, the motion carried

Board Training and COMS Updates: Traci Fredrikson was available and updated the board on some training opportunities that will be happening in 2019. We will proceed with Pardons as we have been until further notice.

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

Recusals:

Mark Smith recused himself from the following hearing(s):

Debra Jenner

Gregg Gass recused himself from the following hearing(s):

Candace Cobretti

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.

APRIL 15, 16, 17 AND 18, 2019

Adjournment: Board Member Schroyer made motion to adjourn the April 18, 2019 meeting of the Board. Board Member Ligtenberg seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 10:50 AM on Thursday April 18, 2019. The next board meeting is scheduled for May 16, 2019 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Mark Smith, Board Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary