

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

February 9, 12, 13, 14 and 15, 2018

Parole Board meetings were held on February 9, 12, 13, 14 and 15, 2018 at various locations in the State of South Dakota. A Parole Board meeting was held on February 15, 2018 at the South Dakota State Penitentiary commencing at 8:14 AM with the following present:

Mark Smith, Chair  
Ken Albers, Vice Chair  
Anne Hajek, Member  
Kevin Krull, 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  
Ashley McDonald, DOC Legal Counsel  
Valerie McGovern, Corrections Analyst  
Savannah Murray, Board Intern  
Mike Vonsik, Board Office Manager

Quorum Present? Yes

Members who are absent today: Paige Bock, Member, Myron Rau, Member, Chuck Schroyer, Member and Shannon Riter – Osborn, Member

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

SPECIAL GUESTS: Senior Case Manager, Troy Ellis, Director of Classification and Transfer, Rick Leslie.

MINUTES: Board Member Krull made motion to approve the minutes from the January 2018 meeting of the Board. Vice Chair Albers seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member Rau and Auxiliary Member Simmons worked in Pierre on Monday February 12, 2018. Board Member Bock was available and worked in Sioux Falls Friday February 9, 2018 and Monday February 12, 2018, was unavailable on Tuesday February 13, 2018, available by phone for Pardon hearings on Wednesday February 14, 2018 and unavailable on Thursday February 15, 2018. Board Chair Smith was available all week and worked in Sioux Falls and Springfield in February 2018. Board Member White Horse – Carda worked in Yankton on Friday February 9, 2018, Springfield on Tuesday February 13, 2018 and was available by phone for pardon hearings on Wednesday February 14, 2018 and in Sioux Falls on Thursday February 15, 2018. Vice Chair Albers worked in Yankton on Friday February 9, 2018, Springfield on Monday February 13, 2018, Springfield on Tuesday February 14, 2018 and Sioux Falls on Thursday February 15, 2018. Board Member Schroyer was unavailable in February 2018. Board Member Krull became available in February 2018 and worked in Rapid City, Springfield and Sioux Falls. Board Member Riter – Osborn was available on Monday February 12, 2018 in Rapid City and by phone for Pardon hearings on Wednesday February 14, 2018. Auxiliary Member Nelson worked in Sioux Falls on Friday February 9, 2018 and Wednesday February 14, 2018. All Full Board Parole hearings that were scheduled for February were rescheduled for March, 2018. Board Member Schroyer may be unavailable Wednesday in March, 2018. Board Member Hajek will be unavailable on Monday and Tuesday in March 2018 but will work in Sioux Falls on Wednesday and Thursday 2018.

REVIEWED BY THE FULL BOARD:

The following inmate was paper reviewed by the full board to consider the return of good times. Vice Chair Albers made a motion to deny the return of good time and set the offender out to October 2018. Board Member White Horse – Carda seconded the motion. All members voting aye, the motion carried.

Jayson Laroche

The following inmate was a paper reviewed by the full board. Board Member Krull made a motion to deny parole but grant the return of 120 days street time. Vice Chair Albers seconded the motion. All members voting aye, the motion carried

Jose Rodriguez

BREAK: 09:23 AM – 09:30 AM

EARNED DISCHARGES:

The following inmate was reviewed for earned discharge. Board Chair Smith made a motion to grant a partial earned discharge of 3 years. Board Member Krull seconded the motion. All members voting aye, the motion carried.

Joseph Reinhardt

AGENDA ITEMS:

- Director's Report: Director Clark reported on parole hearing numbers, extended detainment, and parole violations and non-compliance numbers that we are seeing each month. Anne Hajek was appointed to the board to fill the vacancy left by Don Holloway. Anne began new member training in January and was available to assist in February. Elections were held in January; Mark Smith was reappointed as Chair and Ken Albers was reappointed as Vice-Chair. Corrections Specialist Traci Fredrikson, Senior Secretary Stacy Cole, and Corrections Analyst Intern Savannah Murray, along with Parole Services staff, attended USD's Criminal Justice career fair on January 30. California, Arizona and Washington are on the docket for SDMF for 2018. Washington is planning on doing a site-visit to South Dakota as part of their implementation in order to watch the tool being used during hearings, possibly in April. The office received 15 pardon applications in January and hearings are being scheduled 2-3 months out. Staff with the Pennsylvania Board of Parole contacted the board office regarding our clemency applications and processes. They are looking to improve their process and were very interested in our online application. Director Clark and Supervisor Smith attended a Community Partners meeting at SF Urban Indian Health and received program updates and information and connected with a number of community agencies. Director Clark updated the Board members on the ongoing discussions with institutional staff to improve operations and safety protocols, including the possibility of moving Full Board hearing from the current location to the Jameson visit room. Moving these activities to a more controlled environment within the security perimeter will assist with monitoring and observing guests and provide additional security. The logistics are currently being worked out to ensure consistency in Board operations prior to the move taking place, but it could happen as early as March hearings.

Director of Field Services Report: Brad Lewandowski was present and available. Mr. Lewandowski reported on the following:

Southeast Region Staff Update:

Yankton JCA Michelle Boese is assisting the Yankton agents in supervising approximately 38 medium and minimum cases. Mitchell JCA Jared Grosdidier has started to assist the Sioux Falls office with 35 medium cases. The Southeast Region supervised 27 extended confinement cases in January. Agent Lyle resigned

1/23/18 and returned to SDSP; his caseload is being covered by Sioux Falls agents. Conditional offers have been accepted for this position and the new FTE position in Sioux Falls and polygraphs for these applicants are scheduled for February 8 and 9. One agent is currently on leave for 6 weeks. This caseload remains under the agent's name in COMS; however, Agents Ortman, Veurink, and Beyl (Watertown) are the primary contacts in this agent's absence. Proficient agents (not including agents in training or supervisor) have an average caseload of 74.94.

**Northeast Region Staff Update:**

SWO Agent Lohr is currently in phase 3 of training and has a caseload of 47. JCA Kelsey Thilmony continues to assist with the supervision of 41 cases from the Aberdeen office. JCA Hannah Carda continues to assist in the supervision of 21 CTP cases in Pierre. Mitchell JCA Ryan Van Genderen continues to assist in supervision responsibilities of 12 parolees at Stepping Stones. The NE Region supervised 26 extended confinement cases in January. Proficient agents (agents out of training, not including supervisor) have an average caseload of 68.50.

**West Region Staff Update:**

The West Region supervised 16 extended confinement cases in January. JCA Jen Leighty is assisting with supervision of approximately 49 cases in Rapid City. Agent Salazar completed initial agent training and is supervising a caseload of 41 offenders. Proficient agents (agents out of training, not including supervisor) have an average caseload of 63.78

**ISC Update:**

SD remained at 100% compliance in all areas in November and December 2017. Parole had 19 total incoming case investigations and 16 outgoing case investigations active in December. Three SD parolees were retaken to SD in January for technical violations. On January 8<sup>th</sup>, Deputy Compact Administrator Sarah Ball attended the Midwest Region Deputy Compact Administrator Meeting. Topics discussed were violation reports, state issues and agenda items for the annual business meeting in October. On January 10<sup>th</sup>, Ball also attended training on the new Compact Tracking System dashboard and reports. The new SD state council roster was forwarded to the national office for publication on the ICAOS website, fulfilling the commission's policy on state council membership and reporting.

Legal Issues Review: Ashley McDonald addressed and updated the board on the following legislative issues and bills:

**HB 1109 An Act to provide for parole eligibility and early final discharge for certain inmates.**

Bill seeks to provide for parole consideration for seriously ill/infirm and aged inmates through a vetting process, with the final decision being at the discretion of the Parole Board. The bill as amended passed the House yesterday 02/14/2018.

**HB 1281 An Act to revise certain provisions regarding persons on probation and to declare an emergency.** Bill creates a self-executing provision that if a probationer is sentenced to DOC for a different case, the probation supervision is automatically terminated. The court that imposed the probation sentence could still revoke the probation and impose a prison sentence.

**SB 95 An Act to revise certain provisions regarding ingestion of certain controlled substances.** Bill would reduce the penalty for ingestion of a controlled substance from a Class 5 or 6 felony to a Class 1 misdemeanor. It died yesterday 02/14/2018.

Behavioral Health Review: Tonya Honomichl was unavailable.

Policy Review: Board Member Krull made motion to approve the policy changes on the following policies: 8.1.A.15 Suspended Sentence. Board Member White Horse – Carda seconded the motion. All members voting aye, the motion carried

8.1. A.14 – Evidence Based Practices – To be reviewed in March

8.1. A.1 – News Media and Cameras at board meetings – To be reviewed in March

Board Training and COMS Updates: Traci Fredrikson spoke with the Board about some training that will be coming up. Director Clark and Traci have been busy training with new board member Anne Hajek. Board Members Schroyer and Rau have been approved to go to Nevada in April 2018 to attend the Annual APAI conference. Board Member Riter – Osborn was also approved to attend NIC New Board Member training in Colorado. Booster training will start with the case managers to ensure that the supplemental investigation summaries are being completed correctly. We added a holds/warrants section to the investigation summaries as well as trying to identify any cases that may be an ICE case.

Review of Full Board Appearances for March: Board members reviewed a number of parole applicants who have been recommended for a personal appearance before the full board in March, 2018 or later.

Decisions: Vice Chair Albers made motion to ratify and affirm all decisions; Board Member Hajek seconded the motion. All members voting aye; the motion carried.

Recusals:

Auxiliary Board Member Dave Nelson recused himself from the following hearing(s):

Manolo Mariano  
Zachary Shacker

Board Member Kevin Krull recused himself from the following hearing (s):

Tyler Hamling

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 Krull made motion to adjourn the February 15, 2018 meeting of the Board. Board Member White Horse - Carda seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 9:41 AM on Thursday February 15, 2018. The next board meeting is scheduled for March 115, 2018 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

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Mark Smith, Chair

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Doug Clark, Director

Submitted by:  
Stacy Cole  
Senior Secretary

February 9, 12, 13, 14 and 15, 2018