

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

March 9, 10, and 11, 2020

Parole Board meetings were held on March 9, 10, and 11, 2020 at various locations in the State of South Dakota. A Parole Board meeting was held on March 11, 2020 at the South Dakota State Penitentiary- Jameson Annex commencing at 4:04 PM with the following present:

Myron Rau – Chair
Greg Erlandson, Auxiliary Member –(telephonically)
Gregg Gass, Member
Shannon Riter – Osborn, Auxiliary Member – (telephonically)
Chuck Schroyer, Member
Gordy Swanson, Member
Rev. Patricia White Horse - Carda, Member
Brad Lewandowski, Director SD Board of Pardons and Paroles
Kayla Stucky, Director of Field Services
Karena Cassidy, Senior Secretary
Stacy Cole, Corrections Analyst
Traci Fredrikson, Office Manager
Val McGovern, Corrections Specialist
April Maeschen, Program Assistant
Eilish O’Toole, Corrections Analyst Intern

Quorum Present? Yes

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

SPECIAL GUESTS: Not applicable.

MINUTES: Board Member Swanson made a motion to approve the minutes from the February 2020 meeting of the Board. Board Member White Horse - Carda seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Ken Albers was unavailable for hearings in March 2020. Peter Lieberman was unavailable for hearings in March of 2020. Greg Erlandson and Gordon Swanson worked in Rapid City on Monday March 9, 2020. Myron Rau held a hearing panel on Monday March 9, 2020 and Tuesday March 10, 2020 in Pierre. Chuck Schroyer will be unavailable in April 2020. Yankton Hearings began at 10:00 AM in March 2020 and was held by a single panel. There were two single panel rooms at DSP in March 2020.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (SEVEN MEMBERS) IN SIOUX FALLS WEDNESDAY, MARCH 11, 2020:

The following Parolee was paper reviewed by the full board for a partial discharge. Board Member White Horse - Carda made a motion to grant a partial discharge of 20 years. Board Member Gass seconded the motion. All members voting aye, the motion carried.

Duane Black Tail Deer

Director's Report: Director Lewandowski was available and updated the board on the following: Board Member Shannon Riter Osborn submitted her resignation effective March 1, 2020 after serving since May 2017. Shannon was recognized for her years of service and thanked for her contributions to the Board and the State. She plans to stay active as an auxiliary member. Her replacement has not yet been appointed (Supreme Court). Peter Lieberman, retired judge from the Second Circuit, was appointed by the Governor as a Parole Board Member effective 2/6/2020. He replaces the position left open by Mark Smith. Welcome Judge Lieberman! Myron Rau was appointed Board Chair and Ken Albers was appointed Board Vice-Chair for 2020 through a unanimous vote. Congrats Myron and Ken! New board member Gordy Swanson has begun new-member training and attended hearings in February. Welcome, Gordy! Senior Secretary Karena Cassidy began her duties on 2/10/20 and is doing a great job. Karena previously worked as an EA at Edison Middle School. Welcome, Karena! The office received 2 pardon applications in February and hearings are being scheduled two months out. Governor Noem approved 16 pardons recommended to her in November and December 2019 and January 2020. Offenders who receive an in-system crime and have suspended sentences are being brought in front of the board for a revocation hearing without holding a dispositional hearing as each case has very special circumstances. Brad Lewandowski was appointed the Director of Parole. Congrats, Brad! Kayla Stucky was appointed the Director of Field Services; congrats, Kayla! Her corrections specialist position has been listed open to the public and will close on March 10. Operations Supervisor Traci Fredrikson celebrated 14 years with the State of South Dakota.

Director of Field Services Report: Kayla Stucky was available and updated the board on the following:

Southeast Region Staff Update:

Mitchell JCA Grosdidier is assisting with the supervision of 33 indirect/minimum/medium cases for the Sioux Falls office. Yankton JCA Boese is assisting with the supervision of 19 CTP cases. One agent is still on extended leave effective 8/30/2019. One agent began extended leave effective 2/20/2020. This leave is expected to last about a month. The Southeast Region supervised 13 extended confinement cases this month. Proficient agents (not including agents in training or supervisor) have an average caseload of 68.52.

Northeast Region Staff Update:

The SWO Agent position remains open. The NE Region supervised 27 extended confinement cases this month. Proficient agents (agents out of training, not including supervisor) have an average caseload of 79.78.

West Region Staff Update:

The West Region supervised 24 extended confinement cases this month. JCA Leighty is assisting with supervision of 50 cases from the Spearfish Field Office. Rapid City is hosting an intern who is assisting with collaterals, filing, and is going to start helping with travel permits. Proficient agents (agents out of training, not including supervisor) have an average caseload 71.22.

Legal Issues: Catherine Schlimgen was available and provided the following updates for the board:

Supreme Court:

- Abdulrazzak: Affirmed dismissal
- Hughbanks: Pending

Board Training and COMS Updates: Traci Fredrikson was available. We will begin looking at Policy Review in the coming months. There are several that need attention.

Policy Review: Policy 8,1,A.9 – Executive Clemency – Pardons, Exceptional Pardons, Reprieve or Remissions of fines and Forfeiture. Board member Swanson made a motion to approve policy 8.1.A.9. Board member Schroyer seconded the motion. All members voting aye, the motion carried.

Policy 8.1.A.7 – Early Discharges: Partial Early Discharges: Return of Street Time for Offenders on Community Supervision. Will be taken home, reviewed, and approved in April 2020

RECUSALLS:

N/A

Decisions: Board Member Swanson made a motion to ratify and affirm all decisions: Board Member White Horse - Carda seconded the motion. All members voting aye; the motion carried.

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: The meeting adjourned at 4:44 PM on Wednesday, March 11, 2020. The next board meeting is scheduled for April 9, 2020 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Ken Albers, Vice Chair

Brad Lewandowski, Director

Submitted by:
Karena Cassidy
Senior Secretary