

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

March 30, and 31 2020

April 3, 6, 7, 8, 9, 2020

Parole Board meetings were held on March 30, and 31, 2020, April 3, 6, 7, 8, 9, 2020 at various locations in the State of South Dakota. A Parole Board meeting was held on April 9, 2020 at the South Dakota State Penitentiary- Jameson Annex commencing at 8:09 AM with the following present:

Myron Rau, Chair
Greg Erlandson (telephonically)
Gregg Gass, Member (telephonically)
Ed Ligtenberg, Member (telephonically)
Chuck Schroyer, Member
Gordy Swanson, Member
Brad Lewandowski, Director SD Board of Pardons and Paroles
Stacy Cole, Corrections Analyst
Traci Fredrikson, Office Manager

Quorum Present? Yes

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

SPECIAL GUESTS: Brandon LaBrie, case manager.

MINUTES: Board Member Schroyer made a motion to approve the minutes from the March 2020 meeting of the Board. Board Member Swanson seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Chuck Schroyer held parole hearings via Skype at the South Dakota Women's Prison March 30, 31, 2020. Myron Rau and Ed Ligtenberg held signing of paperwork Jamison and Unit C hearings via Skype on Friday April 3, 2020. Greg Erlandson appeared telephonically in Rapid City on Monday April 6, 2020 and Wednesday and Thursday April 8 and 9, 2020. Gordon Swanson, Chuck Schroyer, Ed Ligtenberg, and Myron Rau held parole hearings via Skype April 7, 2020. Myron Rau and Ed Ligtenberg held a hearing panel at South Dakota State Penitentiary via Skype on April 8, 2020. Gordon Swanson and Chuck Schroyer held a hearing panel at the South Dakota State Penitentiary via Skype on April 8, 2020. Gregg Gass and Greg Erlandson, appeared telephonically April 8, and 9, 2020. Ed Ligtenberg, Gregg Gass and Greg Erlandson appeared telephonically April 9, 2020. May 2020 hearings will be held telephonically as well.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (SIX MEMBERS) IN SIOUX FALLS THURSDAY APRIL 9, 2020:

The following parolee appeared before the full board for his 6 month review. Board Member Schroyer made a motion to move his reviews to once a year. He will be reviewed again April 2021. Board Member Swanson seconded the motion. All Members voting aye, the motion carried.

Toby Ferguson

The following offender appeared telephonically before the full board for a Parole hearing. Board Member Gass made a motion to grant parole in 6 months with a viable parole plan and no write-ups. Board Member Swanson seconded the motion. All members voting aye, the motion carried.

Eugene Davis

The following offender appeared telephonically before the full board for a Parole hearing. Board Member Schroyer made a motion to grant parole. Board Member Swanson seconded the motion. All members voting aye, the motion carried.

Thomas Dalton

The following offender appeared telephonically before the full board for a Parole hearing. Board Member Swanson made a motion to grant parole. Board Member Ligtenberg seconded the motion. All members voting aye, the motion carried.

Terry McMillen

The following offender appeared before the full board for a Parole hearing. Board Member Swanson made a motion to grant parole to new number 35254. Board Member Schroyer seconded the motion. All members voting aye, the motion carried.

Kelley Cole

The following offender appeared before the full board for a Parole hearing. Board Member Swanson made a motion to grant parole upon acceptance to the Glory House. Board Member Ligtenberg seconded the motion. All members voting aye, the motion carried.

Robert Smith

The following offender appeared before the full board for a Parole hearing. Board Member Swanson made a motion to grant parole to new number 31888. Board Member Schroyer seconded the motion. All members voting aye, the motion carried.

Lance Przyblski

The following offender appeared before the full board for a Parole hearing. Board Member Erlandson made a motion to deny parole and set out one year. Board Member Ligtenberg seconded the motion. Board Member Gass voting nay. All other members voting aye, the motion carried.

Ebarb Howell

The following offender appeared before the full board for a Parole hearing. Board Member Ligtenberg made a motion to deny parole and set out 8 months. The motion died for lack of a second. Board Member Swanson made a substitute motion to grant parole. Board Member Gass seconded the motion. Board Chair Rau and Board Member Ligtenberg voting nay. All other members voting aye, the motion carried.

James Hayes

The following offender was discussed by the full board to potentially move his compassionate parole hearing up to May 2020 instead of November 2020. Board Member Schroyer made a motion to leave the parole hearing as is. Board Member Ligtenberg seconded the motion. All members voting aye, the motion carried.

Jennis Hofer

The following Parolees were paper reviewed by the full board for a Partial Discharge via email. Board Member Ligtenberg made a motion to grant Partial discharge of parole. Board Chair Rau seconded the motion. All members voting aye, the motions carried.

Joseph Freiberg – 5 years partial discharge
Robert Winckler – 5 years partial discharge
Brady Lyons – 7 years partial discharge
Michael Rose – 2 years 6 months partial discharge
George Bregier – 5 years partial discharge
Tiffany Joseph – 2 years partial discharge
Nicholas Hausvik – 7 years partial discharge
Matthew Dollan – 7 years partial discharge
Robert Johnson – 5 years partial discharge
Bradley Black – 5 years partial discharge
James Henriksen – 5 years partial discharge

The following Parolees were paper reviewed by the full board for a Earned Final Discharge via email. Board Member Ligtenberg made a motion to grant Partial discharge of parole. Board Chair Rau seconded the motion. All members voting aye, the motions carried.

Josia Fuerst
Mearl Ashley
Robert Davidson
Ronnie Wherry
Rodney Lemburg
William Stanton
Tammara King
Paul Nelsen

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. Welcome Judge Lieberman!

New board member Gordon Swanson has begun new-member training and began attending hearings in February.

The office received 13 pardon applications in March and hearings are being scheduled two months out. Governor Noem approved 16 pardons recommended to her in November and December 2019 and January 2020. Pardon notices are now being sent through email and expedited pardons will be reviewed by a panel.

Staff and Board Chair Rau met several times to discuss and rework the April schedule due to COVID-19. Some hearings were conducted over Skype.

Upcoming training sessions (Senior Staff/Parole) have been canceled/delayed due to the pandemic.

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.

Responsibilities were shuffled around in the Parole Board Staff. Some of those duties now include:

Supervisor/Traci - Board/Staff training, metrics/director's report, policy, COMS, SIS/SSV review, board schedule/agenda/Full board

Corrections Specialist/Val-Parole violations (dispos/contested), warrants, detainees

Corrections Analyst/Stacy-Clemency (pardons/commutations), early discharges, non-compliance

Program Assistant/April-Parole violations (dispos, warrant entry, SSV reports, attorney appointments)

Senior Secretary/Karena-Minutes, board management (reservations, timesheets, vouchers), discretionary parole

Director of Field Services Report: Kayla Stuckey was unavailable. Brad Lewandowski updated the board on the following: Safety and Training:

Due to the COVID 19 pandemic, all Field Offices are operating at Level 2 operations, which includes offices being closed to the public and limiting field work to include assisting LE in emergent situations. Agents are utilizing creative ways to complete contacts such as picture messages, facetime, etc. Agents are also limiting detainments to assist in limiting exposure to jails and DOC institutions. Agents are working with offenders currently on detainment or in CTP to find community placements/residences as quick as possible.

EBP Senior Agent Hill attended CR2 training March 3-5. All subsequent CR2 training has been postponed.

Southeast Region Staff Update:

Mitchell JCA Grosdidier is assisting with the supervision of 30 indirect/minimum/medium cases for the Sioux Falls office.

Yankton JCA Boese is assisting with the supervision of 6 CTP cases.

One agent is still on extended leave effective 8/30/2019.

Agent McQuiston has submitted his resignation with his last working day being May 8. This position has been listed and has since closed. First round interviews will be conducted via phone during the first part of April.

Parole Services received 3 additional FTEs. One will be placed in Sioux Falls. We will utilize the current listing from Agent McQuiston's position to fill this position.

The Southeast Region supervised 19 extended confinement cases this month.

Proficient agents (not including agents in training or supervisor) have an average caseload of 68.45.

Northeast Region Staff Update:

The SWO Agent position remains open.

The NE Region supervised 24 extended confinement cases this month.

Parole Services received 3 additional FTEs. One will be placed in Aberdeen. This position will be listed in the next week.

Proficient agents (agents out of training, not including supervisor) have an average caseload of 78.78.

West Region Staff Update:

The West Region supervised 31 extended confinement cases this month.

JCA Leighty is assisting with supervision of 52 cases from the Spearfish Field Office.

Rapid City Case Manager Abbie Price resigned effective 3/23/2020. This position has been listed and has since closed. First round interviews will be completed via phone the first week of April.

Proficient agents (agents out of training, not including supervisor) have an average caseload 72.

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

Legal Updates:

- Abdulrazzak filed a Motion for Reconsideration with the Supreme Court following its affirmation of the circuit court's dismissal
 - Response was filed, waiting on Court

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. There are a few ideas for training that we will look into for the board.

Policy Review: Policy 8,1,A.7 – Early/Partial Discharges, Return Street Time for Offenders on Community Supervision. Board Member Gass made a motion to continue this policy to May 2020 for approval. Board Member Swanson seconded the motion. All members voting aye, the motion carried.

RECUSALLS:

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

Ricky Ferguson

Michael Rose – partial earned discharge

Decisions: Board Member Swanson made a motion to ratify and affirm all decisions: Board Member Schroyer 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: Board Member Swanson made motion to adjourn the April 9, 2020 meeting of the Board. Board Member Schroyer seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 11:06 AM on Thursday April 9, 2020. The next board meeting is scheduled for May 14, 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