

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota
June 14, 15, 16, and 17, 2021

Parole Board meetings were held on June 14, 15, 16, and 17, 2021 at various locations in the State of South Dakota. A Full Board meeting was held on June 17, 2021 at the South Dakota State Penitentiary in Sioux Falls commencing at 2:54 with the following present.

Gordy Swanson, Vice Chair
Kirstin Aasen, Member
Ken Albers, Member
Gregg Gass, Member
Peter Lieberman, Member (Zoom)
Ed Ligtenberg, Member
Chuck Schroyer, Member
Rev. Patricia White Horse – Carda, Member
Brad Lewandowski, Director SD Board of Pardons and Paroles
Karena Cassidy, Senior Secretary
Stacy Cole, Corrections Analyst
Traci Fredrikson, Operations Supervisor
April Maeschen, Program Assistant I
Val McGovern, Corrections Specialist
Jessica Beeck, Corrections Analyst Intern
Alexis Hanson, Corrections Analyst Intern

Quorum Present? Yes

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

MINUTES: Board Member Schroyer made a motion to approve the minutes from the May 2021 meeting of the Board. Board Member Aasen seconded the motion. All members voting aye; the motion carried.

SPECIAL GUESTS: Tom Lais, Senior Case Manager (Zoom), Dusti Werner Risk Reduction Manager, Liz Effling, Corrections Specialist, Kayla Stucky, Director Field Services, Amy Thrun, Parole Agent, Hannah Hohn, Parole Agent, Andrew Rodriguez, Parole Agent, Jack Konop, Brenna Carlson, SOMP Manager, Jeff Neill, SOMP Case Manager, Terry Cummings, Senior Secretary (Pierre)(Zoom), Brenna Carlson, SOMP Program Manager, Jeff Neill, Case Manager SOMP, MiRanda Ward, Case Manager.

HEARING PANELS: Board Member Aasen did attend Thursday, June 17, 2021 afternoon Full Board/Pardon Hearings.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SIOUX FALLS
THURSDAY, JUNE 17, 2021:

The following offender appeared before the full board for a Parole hearing. Board Member Albers made a motion to deny parole. Board Member Lieberman seconded the motion. Board Member Ligtenberg made a substitute motion to grant parole with a board order to a nursing home care only. Board Members Albers and Gass voting nay, all other board members voting aye, the motion carried.

Marvin Hage

The following offender appeared before the full board for a Parole hearing. Board Member Ligtenberg made a motion to deny parole with a next review in June 2022. Board Member Albers seconded the motion. All board members voting aye, the motion carried.

Angela Walters

Break 9:26 – 9:39

The following offender appeared for a paper review by the full board for an early/final discharge. Board Member Aasen made a motion to grant partial discharge of 6 months. Board Member Ligtenberg seconded the motion. Board Member Lieberman was unavailable. All board members voting aye, the motion carried.

Aaron Thomas

The following offender appeared for a paper review by the full board for a final discharge. Board Member Schroyer made a motion to continue this review one month. Board Member Aasen seconded the motion. Board Member Lieberman was unavailable. Board Members Albers, Aasen, White Horse – Carda and Vice Chair Swanson voting nay. Board Members Schroyer, Gass, and Ligtenberg voting aye, the motion carried. Board Member Albers made a subsequent motion to grant final discharge. Board Member Aasen seconded the motion. All board members voting aye, the motion carried.

Gary Knecht

The following offender appeared for a paper review by the full board for an early/final discharge. Board Member Schroyer made a motion to grant partial discharge of 3 years. Board Member Gass seconded the motion. Board Member Lieberman was unavailable. Board Member Ligtenberg voting nay, all other board members voting aye, the motion carried.

Matthew Burch

Break 9:26 – 9:39

DIRECTOR'S REPORT: Director Lewandowski was available and updated the board on the following: Parole Board Office: May hearings were largely held in person with the exception of Springfield hearings and those that required staff intensive transports. June hearings will all be held in person except for one of the two Springfield sessions. Guests will be given the option to attend hearings either on Zoom or in person starting in June. Four Zoom accounts were renewed for FY22. Zoom is used for parole board hearings and parole services meetings with outside agencies. Several board members toured the new St. Francis House facility on Tuesday, May 11. Two DOC bills were recently signed by the Governor, one that clarified language related to recalculating sentences upon the imposition of suspended time and one regarding majority voting requirements for the parole board. Policy updates are underway to incorporate the statutory changes. Director Lewandowski signed off on three board office OM's in May - 9.1.D.1 Training and Staff Development was updated with the main change being that board staff are now required to participate in 32 training hours annually (previously 40 hours). 9.1.A.1 Parole Board Hearings was updated to include processes for using SharePoint and Zoom. 9.1.A.5 NCIC Warrant Entries and Clears is a new OM that details the processes and security protocols for operating an NCIC terminal. Three board staff celebrated graduations in May – Interns Jessica Beeck (SDSU) and Lexi Hanson (USF) graduated from college and Corrections Specialist Val McGovern (USD) earned her master's in organizational leadership. Congrats, ladies! Rex Squyres celebrated 26 years with the State on May 8 and Terry Cummings celebrated 9 years with the State on May 24. The board participated in a short training session on SharePoint, tablets, and other technology used during hearings. Brad Lewandowski, Traci Fredrikson and Val McGovern attended DOC Senior Staff training May 3-5 in Deadwood. Training topics included the power of attitude, personality assessments, leadership, and employee engagement. Traci Fredrikson participated in a couple of coaching sessions with the Ohio Parole Board as they finish up their SDMF implementation through NIC and the Center for Effective Public Policy. The board is once again holding suspended sentence violation hearings on offenders who received in-system crimes. The office received 13 pardon applications in May and hearings are being scheduled four months out. The Governor acted on no pardons or commutations in May. There are 24 pardons and 2 commutations recommended by the board pending a final decision. Changes are being discussed and implemented to enhance the parole violation process, including a new date calculation worksheet, waiting to sign legal findings until after Central Records has calculated the imposition of the suspended sentence, and only taking street time/imposing suspended time on the lengthiest transaction, amongst other improvements. Starting in July, the board will no longer have to resuspend while imposing suspended time.

DIRECTOR OF FIELD SERVICES REPORT Kayla Stucky was available and updated the board on the following. Southeast Region Staff Update: Agents utilized in the SE have a caseload average of 73.57. Agents utilized in the SE have a workload average of 115.20%% Current staffing: 2 vacant positions (SF: 1 new FTE-1 case manager (closed 5/27/21), 1 agent (closes 6/3/21), agents in training (SF), 1 support staff in training, 1 vacant support staff position (closes 6/10/21)). Secretary Tory Arbach is working half days at the Southeast and Downtown field offices until the senior secretary position is filled. EBP Senior Agent Kyle Smith (SF) was selected as the additional Southeast Supervisor and assumed these duties 5/25/2021. Supervisor Kyle Smith will supervise the Sioux Fall downtown office and the Yankton Office while Supervisor JC Smith will supervise the Southeast Office and the agents located at the JCA (west) office. Parole case managers continue conducting the Moving On class. Mitchell JCA Grosdidier is assisting with the supervision of 16 indirect/minimum/medium cases for the Sioux Falls office. Northeast Region Staff Update: Agents utilized in the NE have an average caseload of 76.43. Agents utilized in the NE have an average workload of 119.22% Current staffing: three agents in training (1 Mitchell, 1 SWO, 1 Watertown), two support staff in training (Mitchell, Brookings) 3 vacant positions (1 Watertown-new FTE, 1 Pierre-new FTE, 1 Aberdeen). William Pieper began in Watertown on 5/3/21. Lindsey Miller will start in Watertown on 6/1/21. Paula Tronvold will start in Pierre on 6/1/21. juvenile Corrections Agent Thury assists with the supervision of 23 cases in the Watertown office. Juvenile Corrections Agent Shawn Davis is assisting with the supervision of 10 cases in the Mitchell office. Juvenile Corrections Agent Haley Duchsherer is assisting with the supervision of 9 cases.

West Region Staff Update: Agents utilized in the West Region have an average caseload of 72.6. Agents utilized in the West Region have an average workload of 100.78%. Current staffing: 3 agents in training, 2 case managers in training, 1 support staff in training (Spearfish). Two vacant position (RC: new CM FTE; 1 parole agent position – these positions are listed and close June 18)). FTO Mutschelknaus resigned on 5/21/21. Parole case managers continue conducting the Moving On Class.

LEGAL ISSUES: Catherine Schlimgen was available via Zoom and provided the following updates for the board:

- Supreme Court: 1 pending
- Federal Habeas: 1 pending

BOARD TRAINING: Michelle Trent from the Compass Center provided training on Battered Woman Syndrome.

RECUSALS:

Gregg Gass recused himself from the noncompliance hearing of Dustin Lane.

DECISIONS: Board Member White Horse - Carda made a motion to ratify and affirm all decisions: Board Member Ligtenberg 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 11:59 Thursday, June 17, 2021. The next board meeting is scheduled for July 15, 2021 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Gordon Swanson, Vice Chair

Brad Lewandowski, Director

Submitted by:
Karena Cassidy
Senior Secretary