

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota
May 10, 11, 12, and 13, 2021

Parole Board meetings were held on May 10, 11, 12, and 13, 2021 at various locations in the State of South Dakota. A Full Board meeting was held on May 12, 2021 at the South Dakota State Penitentiary in Sioux Falls commencing at 12:39 PM with the following present.

Myron Rau, Board Chair
Gory Swanson, Vice Chair
Kirstin Aasen, Member
Ken Albers, Member
Gregg Gass, Member
Peter Lieberman, Member (via Zoom)
Ed Ligtenberg, Member
Chuck Schroyer, 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 (Zoom)
Val McGovern, Corrections Specialist (Zoom)
Alexis Hanson, Corrections Analyst Intern

Quorum Present? Yes

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

SPECIAL GUESTS: Riley DeGroot, Case Manager, Nick Nyreen, Case Manager, Jeff Neill, Case Manager SOMP, Travis Donelan, TCM, Tom Lais, Senior Case Manager, Dusti Werner, Risk Reduction Manager (Zoom), MiRanda Ward, Case Manager, Liz Effling, Corrections Specialist, Jarret Klinger, Parole Agent

HEARING PANELS: Board Member White Horse – Carda did not attend Wednesday, May 12, 2021 afternoon Full Board/Pardon Hearings.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SIOUX FALLS WEDNESDAY, May12, 2021:

The following offender appeared before the full board via Zoom for a Parole hearing. Board Member Ligtenberg made a motion to deny parole and set out 8 months to January 2022, Board Member Aasen seconded the motion. Board Member Lieberman voted nay, all other members voting aye, the motion carried.

Fidel Arguello

The following offender appeared before the full board for a Parole hearing. Board Member Gass made a motion to grant parole. Board Member Lieberman seconded the motion. Board Member Ligtenberg voting nay, all other board members voting aye, the motion carried.

Howell Ebarb

The following offender appeared before the full board for a Parole hearing. Board Member Schroyer made a motion to grant parole. Vice Chair Swanson seconded the motion. Board Members Albers, Ligtenberg, Lieberman, and Aasen voting nay, all other board members voting aye, the motion died. Board Member Ligtenberg made a subsequent motion to deny and set out 6 months. The motion died for lack of a second. Board Member Gass made a 2nd subsequent motion to deny and set out 3 months and send directly back to the full board in August 2021. Vice Chair Swanson seconded the motion. Board Members Ligtenberg and Schroyer voting aye, all other members voting nay, the motion died. Board Member Albers made a 3rd subsequent motion to grant parole. Board Member Schroyer seconded the motion. Board Members Lieberman, Ligtenberg and Aasen voting nay, all others voting aye, the motion carried.

John Touche

Sioux Falls, South Dakota
May 10, 11, 12, and 13, 2021

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Myron Rau, Board Chair
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
April Maeschen, Program Assistant I
Val McGovern, Corrections Specialist (Zoom)
Jessica Beeck, Corrections Analyst Intern
Alexis Hanson, Corrections Analyst Intern

Quorum Present? Yes

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

MINUTES: Vice Chair Swanson made a motion to approve the minutes from the April 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, Dusti Werner Risk Reduction Manager (Zoom), Liz Effling, Corrections Specialist, Kayla Stucky, Director Field Services, Jarret Klinger, Parole Agent

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS THURSDAY, MAY 13, 2021:

The following offender appeared for a paper review by the full board for an early/final discharge. Board Member Gass made a motion to deny early/final discharge. Board Member Albers seconded the motion. All board members voting aye, the motion carried.

Aaron Andrews

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 5 years. Board Member Schroyer seconded the motion. All board members voting aye, the motion carried.

Charles Keith

Break 9:10 – 9:21

DIRECTOR'S REPORT: Director Lewandowski was available and updated the board on the following: Parole Board Office: •April board week had a mix of Zoom and in-person hearings with full board cases being transferred to Sioux Falls. May hearings will largely be held in person except for Springfield hearings and those that would require staff intensive transports. Auxiliary Board Member Paige Bock assisted with Springfield hearings on Tuesday. •Four Zoom accounts were renewed for FY22. •Several board staff and board members toured the new St. Francis House facility on Thursday, April 15. Page 2 of 9 •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. •The board participated in training on the DOC Risk Reduction Program with Dusti Werner. •The board/board staff renewed their APAI membership and Traci Fredrikson is making plans to attend the 2021 conference in Texas in June. •The office received 10 pardon applications in April and hearings are being scheduled three months out. The Governor granted 9 pardons in April and denied zero. •Badge were ordered for five board members through GALLS. •Changes are being discussed and implemented to enhance the parole violation process; this includes a new data calculation worksheet, waiting to sign legal findings until Records has calculated the imposition of the suspended sentence, and only taking street time/imposing SS on the longest transaction, amongst other improvements. Starting in July, the board will no longer have to resuspend during the imposition of 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 74.21. Agents utilized in the SE have a workload average of 125.55% Current Staffing: 2 vacant positions (SF: 2 New FTE (1 Case Manager), 1 Regional Supervisor), 5 agents in training (SF), 1 support staff in training (SF), 1 agent on extended leave. Senior Secretary Robin Hosmer has submitted her resignation effective 5/7/2021. This position will be transitioned to a regular secretary position and the Senior Secretary position will be re-assigned to an existing secretary in another region. Senior Agent (FTO) resigned effective 04/20/2021. 3 agents and 1 case manager started the last week of April: Agent Andrew Rodriguez (4/26/2021), Agent Jack Konop (4/27/2021), Agent Amy Thrun (4/30/2021) and Case Manager Hannah Hohn (4/30/2021). An additional Regional Supervisor position was approved for the Southeast Region and listed. Interviews will occur May 11, 2021. Parole Case Managers began conducting the Moving On class. Mitchell JCA Grosdidier is assisting with the supervision of 18 indirect/minimum/medium cases for the Sioux Falls office. The Southeast Region supervised 10 EC cases throughout the month. Northeast Region Staff Update: Agents utilized in the NE have an average caseload of 77.14. Agents utilized in the NE have an average workload of 117.23% Current Staffing: 2 agents in training (1 Mitchell, 1 SWO), 2 support staff in training (MIT, BRK) 4 vacant positions (2 Watertown (1 is a new FTE), 1 PIR, 1 ABD). Lindsey Miller accepted a conditional offer and will start in the Watertown Parole Office 6/1/2021. William Pieper begins 5/3/2021. Interviews in Pierre were completed 4/29/2021. This position is an additional FTE Parole was authorized to hire early. Agent Kollars supervises 12 cases under the Flandreau Santee Sioux Tribal Program. Juvenile Corrections Agent Thury assists with supervision of 27 cases in the Watertown office. Juvenile Corrections Agent Shawn Davis is assisting with the supervision of 13 cases in the Mitchell Office. Juvenile Corrections Agent Haley Duchsherer is assisting with the supervision of 11 cases. The Northeast Region supervised 21 EC cases throughout the month. West Region Staff Update: Agents utilized in the West Region have an average caseload of 67.34. Agents utilized in the West Region have an average workload of 104.69% Current Staffing: 3 agents in training, 2 case managers in training, 1 support staff in training (Spearfish). 1 vacant position (RC: new FTE; not yet listed). FTO Mutschelknaus submitted his resignation effective 5/21/2021. Parole Case Managers began conducting the Moving On Class. Juvenile Corrections Agent Leighty resigned. She was assisting in the supervision of 90+ offenders. These cases have been distributed among the other agents in the office and Supervisor Rupp has assumed supervision of 112 offenders. The West Region supervised 8 EC cases throughout the month.

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

- Pending Circuit Court Admin. Appeals: 2
- Pending Supreme Court Appeals: 1
- Pending Federal Habeas Petitions: 1

BOARD TRAINING: Traci Fredrikson conducted training for the Board Members on the use of their tablets.

RECUSALS:

N/A

DECISIONS: Board Member Ligtenberg 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 10:48 Thursday, May 13, 2021. The next board meeting is scheduled for June 17, 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