

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

October 15, 16, 17 and 18, 2018

Parole Board meetings were held on October 15, 16, 17 and 18, 2018 at various locations in the State of South Dakota. A Parole Board meeting was held on October 18, 2018 at the South Dakota State Penitentiary- Jameson Annex commencing at 8:05 AM with the following present:

Mark Smith, Chair
Ken Albers, Vice Chair
Greg Erlandson, Auxiliary Member (Telephonically starting at 8:00 –8:30 AM)
Anne Hajek, Member
Kevin Krull, Member
Ed Ligtenberg, Member
Dave Nelson, Auxiliary Member
Myron Rau, Member
Shannon Riter – Osborn, Member
Chuck Schroyer, Member
Doug Clark, Director of Parole
Kathleen Bongers, Program Assistant
Stacy Cole, Senior Secretary
April Maeschen, Board office Intern
Valerie McGovern, Corrections Analyst
Autumn Ramsdell, Board office Intern
Kayla Stucky, Corrections Specialist
Mike Vonsik, Board Office Manager

Quorum Present? Yes

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

SPECIAL GUESTS: Case Manager, Tim Schneider. Parole Agent, Scott Day. Case Manager, Riley DeGroot. Senior Case Manager, Tom Lais. Case Manager, Liz Effling. Behavioral Health Resource Coordinator, Ashley Ruppert. Resource Coordinator, Hilary Onnen. Risk Reduction Manager, Dusti Werner. SOMP Manager, Brenna Carlson. Evidence Based Practices Manager, Kim Edson. Gender responsivity trainer, Becki Ney. Central Records Manager, Melinda Johnson. Corrections Specialist, Sheila Shatter.

MINUTES: Board Member Rau made motion to approve the minutes from the September 2018 meeting of the Board. Board Member Hajek seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Member White Horse – Carda was unavailable in October 2018. Board Member Hajek was unavailable October 15 – 17, 2018 but was available on Thursday October 18, 2018. Board Member Riter - Osborn will be unavailable on November 14-16, 2018 but will be available Tuesday November 13, 2018. Board Chair Smith will be unavailable in December 2018. Board Member Rau will be unavailable on Monday and Tuesday in December 2018.

2019 BOARD SCHEDULE: Board Member Hajek made a motion to approve the proposed 2019 schedule for the South Dakota Board of Pardons and Paroles. Board Member Krull seconded the motion. All Members voting aye, the motion carried.

REVIEWED BY THE FULL BOARD:

The following inmate was a paper review before the Full Board. Board Member Rau made a motion to grant parole to his new number 56867. Board Member Schroyer seconded the motion. All members voting aye, the motion carried.

Manuel Nolasco

The following inmate was a paper review before the Full Board. Board Member Krull made a motion to grant parole to his new number 27837. Board Member Hajek seconded the motion. All members voting aye, the motion carried.

Timothy Popkes

APPEARANCES BEFORE THE FULL BOARD (SEVEN MEMBERS) IN SPRINGFIELD ON TUESDAY OCTOBER 16, 2018:

The following inmate appeared before the full board. Vice Chair Albers made a motion to grant parole. Board Member Krull seconded the motion. All members voting aye, the motion carried.

Robert Shoop

The following inmate appeared before the full board. Board Member Schroyer made a motion to grant parole. Board Member Krull seconded the motion. Board Member Riter – Osborn and Board Chair Smith voting nay. All other members voting aye; the motion carried.

Steven Connot

The following inmate appeared before the full board. Board Member Rau made a motion to grant parole. Vice Chair Albers seconded the motion. Board Member Krull recusing. All other members voting aye; the motion carried.

Alan Red Willow

The following inmate appeared before the full board. Board Member Krull made a motion to grant parole. Board Member Schroyer seconded the motion. Board Chair Smith, Board Member Ligtenberg and Board Member Riter – Osborn voting nay, all other members voting aye; the motion carried.

Alvin Williams

The following inmate appeared before the full board for a Compassionate Parole hearing. Vice Chair Albers made a motion to grant compassionate parole to plan. Board Member Riter – Osborn seconded the motion. Board Member Krull voting nay, all other members voting aye, the motion carried.

Darwin Heuer

APPEARANCES BEFORE THE FULL BOARD (NINE MEMBERS), IN SIOUX FALLS ON THURSDAY OCTOBER 18, 2018:

The following inmate appeared before the full board. Board Member Schroyer made a motion to grant parole. Board Member Riter - Osborn seconded the motion. All members voting aye, the motion carried.

Baunita Fleury

The following inmate appeared before the full board. Vice Chair Albers made a motion to grant parole. Board Member Schroyer seconded the motion. Auxiliary Member Nelson voting nay, all other members voting aye, the motion carried.

Schauvon Tobacco

The following inmate appeared before the full board. Board Member Schroyer made a motion to grant parole. Board Member Hajek seconded the motion. Board Members Albers, Nelson, Rau, Ligtenberg, Krull and Riter - Osborn voting nay, all other members voting aye, the motion died. Vice Chair Albers made a subsequent motion to deny parole and set out 8 months. Board Member Riter Osborn seconded the motion. Board Members Hajek and Schroyer voting nay, all other members voting aye, the motion carried.

Zachary Shaker

RECESS: - 9:45 AM – 9:51 AM

EARNED DISCHARGES:

The following parolee was a paper review before the Full Board for a full early final discharge. Board Chair Smith made a motion to grant a full final discharge. Vice Chair Albers seconded the motion. All members voting aye, the motion carried.

David Blake

AGENDA ITEMS:

Director's Report: Director Clark reported on parole hearing numbers, extended detainment, and parole violations and non-compliance numbers. He recognized Kathleen Bongers, Program Assistant was recognized for her 26 years of service to the DOC and Parole Board office. Director Clark welcomed Ed Ligtenberg, Sioux Falls, who was appointed by Attorney General Jackley as a Parole Board Member, filling the open appointment from Paige Bock's resignation. Board training was held September 13 and 14. Topics included DOC populations and profiles, ICIP, WRNA, date calculations, SAVIN, Thinking for a Change, and Correctional Behavioral Health. A strategic planning session, held as part of the training, generated excellent discussion and several ideas regarding potential changes to the system, including revising the full board parole hearing criteria (to be more risk based), implementing a dispositional hearing process for noncompliance and suspended sentence violators, and pursuing legislation to allow clemency recommendations to be made by less than the majority of appointed members. The board and board staff are moving forward in all these areas and expect to present proposals with timelines for implementation in the next couple of months. Becki Neyl presented to the Board in October on gender responsivity and Kati Albers will present on CTP community housing in a later month. The first compassionate parole hearing took place on Tuesday, October 16 in Springfield as a full board case. There are two more compassionate parole cases that have been referred and scheduled for November. Director Clark made a recommendation to the Board about including the scheduling and voting requirements discussed and established by the Board in previous discussions to the Boards Compassionate Parole policy. The office received 11 pardon applications in September and hearings are being scheduled 3 months out. Iowa has expressed interest in our online pardon application and has reached out to the Governor's office with questions.

Director of Field Services Report: Brad Lewandowski was unavailable. Kayla Stucky updated the board on Mr. Lewandowski's behalf with the following information:

Southeast Region Staff Update:

- Katie Howard started in the Sioux Falls office 9/10/18. She has completed firearms and OC/PPCT.
- Kim Vyhlidal started in the Sioux Falls office 9/24/18. She has completed PPCT.

- Mitchell JCA Grosdidier is assisting with supervising approximately 29 minimum/medium cases in the Sioux Falls office.
- Yankton JCA Boese has assumed and is assisting with supervision of the CTP cases in Yankton (approximately 30).
- Agent Hansen transferred from the Rapid City office to the Yankton office 9/10/18.
- The West Region has assumed phone supervision of 60 medium/minimum cases from the Sioux Falls office.
- The Southeast Region supervised 13 extended confinement cases.
- Proficient agents (not including agents in training or supervisor) have an average caseload of 73.11.

Northeast Region Staff Update:

- Agent Beyl (Watertown) continues to cover the 53 SWO cases. Supervisor Carrels is covering Beyl's Watertown cases.
- Agent Kollars (Brookings) is assisting the Flandreau Santee Sioux Tribe Support Team with supervision of 10 cases.
- Agents Rupp (Spearfish), Harrison (Huron), Bruns and Sanderson (Mitchell) continue to provide assistance with covering the Pierre caseload while Agent Garland completes initial training.
- Daniel Garland began his agent duties in Pierre on 8/9/18 and is supervising 19 cases.
- JCA Kelsey Thilmony continues to assist with Aberdeen parole cases in the supervision of 43 lower risk cases (7 are absconders and 21 are indirect).
- JCA Hannah Carda continues to assist in the supervision of 18 CTP cases in Pierre, as well as 19 lower risk, nonviolent offenders.
- Mitchell JCA Ryan Van Genderen continues to assist in supervision responsibilities of 7 parolees at Stepping Stones and 13 additional cases in the community.
- The NE Region supervised 41 extended confinement cases.
- Proficient agents (agents out of training, not including supervisor) have an average caseload of 76.78.

West Region Staff Update:

- The West Region supervised 18 extended confinement cases.
- JCA Jen Leighty is assisting with supervision of 40 cases in Rapid City, 33 of which are in CTP.
- Agent Hansen transferred to the Yankton Field office 9/10/18.
- Josh Buntain and Kelly Leyden started 9/10/18 and have completed firearms and OC/PPCT training. They are supervising caseloads of 12 and 9, respectively.
- Supervisor Gross, with the assistance of Agent Rupp, has assumed Deputy Compact Administrator duties as Sarah Ball began extended leave.
- Agent Rupp continues to assist the Pierre office with caseload coverage. These cases will be transferred back to the Pierre office in mid-October.
- Proficient agents (agents out of training, not including supervisor) have an average caseload of 84.13.

Legal Issues Review: Catherine Schlimgen was available for any questions and updated the board on several upcoming cases that will be reviewed. Catherine discussed the South Dakota Administrative Rules that apply to the board regarding Clemency hearings.

Behavioral Health Review: Behavioral Health staff were available. They had no updates for the board.

Policy Review:

8.1.A.5 – Parole Board Decisions and the setting of Next Review Date – Board Member Schroyer made a motion to approve the changes to this policy. Board Member Rau seconded the motion. This change will take effect November 1, 2018. All members voting aye, the motion carried.

8.1.A.8 – Restitution Hearings – Board Member Krull made a motion to move and adopt the policy. Board Member Ligtenberg seconded the motion. All members voting aye, the motion carried.

8.1. A.16 – Compassionate Parole - Board Member Schroyer made a motion to approve and adopt the revised policy. Board Member Krull seconded. All members voting aye, the motion carried.

Board Training and COMS Updates: Traci Fredrikson was available. The Board will train October 18 on the following topic(s): gender responsivity and trauma impacted care.

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

Recusals:

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

Jodie Nguyen
Dawn Around Him
Alan Red Willow

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

Zachary Shaker

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.

October 15, 16, 17 and 18, 2018

Adjournment: Board Member Rau made motion to adjourn the October 18, 2018 meeting of the Board. Board Member Hajek seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 10:37 AM on Thursday October 18, 2018. The next board meeting is scheduled for November 16, 2018 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Mark Smith, Board Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary