

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota
September 13, 14, 15, and 16, 2021

Parole Board meetings were held on September 13, 14, 15, and 16, 2021 at various locations in the State of South Dakota. A Full Board meeting was held on Wednesday September 15, 2021 at the South Dakota State Penitentiary in Sioux Falls commencing 12:14 PM with the following present.

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 (Zoom)
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 (Zoom)
Val McGovern, Corrections Specialist
Jessica Beeck, Corrections Analyst Intern
Rachel Boyer, Corrections Analyst Intern

Quorum Present? Yes

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

SPECIAL GUESTS: Dusti Werner Risk Reduction Manager, Ian Miller, Case Manager, Nick Nyreen, Case Manager, Riley DeGroot, Case Manager, Liz Effling, Correction Specialist, Adam Couture, Parole Agent, Rikki Burgess, Parole Agent, Katie O’Brian Parole Agent, Tanner Tadra, Parole Agent, Troy Ellis, Unit Manager. Attending via Zoom; Chandli Philips, Correction Analyst, Travis Donelan, Transition Case Manager, Paula Tronvold, Parole Agent, Terry Cummings, Senior Secretary (Pierre)

HEARING PANELS: Board Member White Horse – Carda was unavailable on Tuesday, September 14, 2021. Board Chair Rau and Board Member Schroyer held hearings at the JPA Chapel on Wednesday, September 15, 2021. Auxiliary Member Bock attended the Thursday Full Board meeting.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS
WEDNESDAY, SEPTEMBER 15, 2021:

The following offender appeared before the full board for a Parole hearing for a case review. Board Member Ligtenberg made a motion to continue parole with the following conditions. -Continue in CTP -May utilize only Pre-approved routes to home and work. -No phone for 30 days, returned if approved by agent. 30 days to begin when released from detainment. -Polygraph in 60 days, then a review by board. -No unauthorized calls or other contact with former or current DOC staff. -Zero tolerance for any violations of parole or SOMP contract. Any violation is a violation of parole. -Must be Chaperoned while in the community excluding work and treatment. Board Member Aasen seconded the motion. All board members voting aye, the motion carried.

Troy Haase

The following offender appeared before the full board for a Parole hearing. Board Member Schroyer made a motion to grant parole subject to submission to psych. evaluation within 90 days of release, to determine risk at applicant's expense; evaluation recommendations must be followed through with and the evaluation will be shared with the board. No contact with children without specific approval of parole agent. Vice Chari Swanson seconded the motion. Board Chair Rau, Board Members Aasen and Ligtenberg voting nay, all other board members voting aye, the motion carried.

Debra Jenner

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

Arden Long Soldier

Sioux Falls, South Dakota
September 13, 14, 15, and 16, 2021

Parole Board meetings were held on September 13, 14, 15, and 16, 2021 at various locations in the State of South Dakota. A Full Board meeting was held on Thursday August 12, 2021 at the South Dakota State Penitentiary in Sioux Falls commencing at 8:07 AM with the following present.

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Kirstin Aasen, Member
Ken Albers, Member
Paige Bock Auxiliary Member
Gregg Gass, Member
Ed Ligtenberg, Member
Chuck Schroyer, Member
Rev. Patricia White Horse – Carda, Member (Zoom)

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

Quorum Present? Yes

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

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

SPECIAL GUESTS: Liz Effling, Corrections Specialist, Riley DeGroot, Case Manager, Tom Lais, Senior Case Manager, Nick Nyreen, Case Manager, Kayla Stucky, Field Director Parole Services, Adam Couture, Parole Agent, Rikki Burgess, Parole Agent, Katie O'Brian Parole Agent, Tanner Tadra, Parole Agent, Michael O'Conner, Program Director for Cultural Mentoring The following attended over Zoom Julie Stevens, Case Manager, (MSD), Paula Tronvold, Parole Agent, Travis Donelan, Transition Case Manager Dusti Werner Risk Reduction Manager.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS THURSDAY, SEPTEMBER 16, 2021:

The following offender appeared before the full board for a Parole hearing. Board Member Albers made a motion to deny parole. Board Member Ligtenberg seconded the motion. Vice Chair Swanson voted nay, all other board members voting aye, the motion carried.

Joaquin Ramos

Break 10:57 – 11:10

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

Michael Ball

The following offender appeared for a paper review by the full board for an early/partial discharge. Board Member Schroyer made a motion to grant a partial discharge of 5 years. Board Member Aasen seconded the motion. All board members voting aye, the motion carried.

Nicholas Childrey

The following offender appeared for a paper review by the full board for a revocation and reinstatement of parole. Board Member Aasen made a motion to reinstate parole. Board Member Albers seconded the motion. All board members voting aye, the motion carried

Duane Black Tail Deer

DIRECTOR'S REPORT: Director Lewandowski was available and updated the board on the following: Parole Board Office Parole Board Office: All of August's hearings were held in person except for those that required staff intensive transports; guests attended on Zoom due to security staffing issues. September hearings will largely be conducted the same, but guests will be allowed the option of attending in person. Two DOC bills are now in effect as of 7/1/21 (Senate Bills 15 & 16); one removed the requirement to recalculate sentences upon the imposition of suspended time and one clarifies language regarding majority voting requirements for the parole board. Policy/document updates are underway to incorporate the statutory changes. Board Chair Rau, Vice-Chair Swanson, and Director Lewandowski attended and presented at the SD Corrections Association training in Deadwood in August. Board Member Aasen attended the virtual NIC Orientation for Parole Board Members at the end of July. Rachel Boyer, a senior at the University of Sioux Falls, accepted the open intern position and began in the board office on 07/26/2021; welcome, Rachel! The board received training on Washed Clean Ministries with Craig Nichols in August. New office furniture was purchased for the board office and was delivered 9/1/21. Board staff are working with a company called Servos to assist with the Governor's portal website (a one-stop shop website for all state agencies being developed). Staff are also working with BFM (Bureau of Finance & Management) on a risk management process to ensure DOC has fraud prevention processes in place. The board is once again holding suspended sentence violation hearings on offenders who received in-system crimes. The office received 14 pardon applications in August and hearings are being scheduled four months out. The governor acted on 16 pardons in July, granting 14 and denying two. In September, she granted 17 pardons and one commutation (Jamee Corean) and denied three pardons. There are eight pardons and two commutations recommended by the board pending a final decision. Board Chair Rau sent a letter of support to APAI endorsing them to host a SDMF Community of Practice Seminar. The board office received a request from SD's ACLU chapter for the plea and offenses for which clemency is sought information for every commutation/pardon application denied by the board or Governor since 2015. There are 757 applications in this category; we are waiting on a response from the ACLU regarding the cost of the request (staff time). Changes are being implemented to enhance the parole violation process, including a new date calculation worksheet and only taking street time/imposing suspended time on the lengthiest transaction, amongst other improvements. The board will also no longer have to resuspend while imposing suspended time. The early discharge paperwork was amended to be transaction specific; when all active transactions are concurrent, the board's decision applies to all transactions. When one or more transactions are consecutive, the transaction(s) the board wishes to act upon must be noted, generally the transaction with the TED furthest in the future. Supervisor Fredrikson participated in EBP Senior Parole Agent interviews along with the field services supervisors. Board staff have taken on reviewing GTL tablet phone requests for inmates to help the institution while they deal with staffing issues. This work takes 20-25 hours a week. The FY23 budget is being prepared; some of the FY20 and FY21 board metrics are below:

DIRECTOR OF FIELD SERVICES REPORT: Kayla Stucky was available and updated the board on the following: Parole Board Office Southeast Region Staff Update: Agents utilized in the SE have a caseload average of 62.04. Agents utilized in the SE have a workload average of 100.00% Current staffing: 1 vacant position (support staff); 5 agents in training (SF), 3 parole agent specialists in training; 1 support staff in training (SF). Karisa Neels started as a secretary on 8/1/21. NE Senior Secretary Pam Wolf came to Sioux Falls to help train Karisa as Tory Arbach

transitioned to Central Records 8/24/21. Parole agent specialists continue conducting the Moving On class. Mitchell JCA Grosdidier is assisting with the supervision of 15 indirect/minimum/medium cases for the Sioux Falls office. Southeast Region supervised 7 Extended Confinement Cases. Northeast Region Staff Update: Agents utilized in the NE have an average caseload of 66.37. Agents utilized in the NE have an average workload of 105.91%. Current staffing: three agents in training (2 Watertown, 1 Pierre), two support staff in training (Mitchell, Brookings) 2 vacant positions (1 agent-Aberdeen, 1 agent-Mitchell); 1 agent is on extended leave. Tyalee Riggs, support staff in Mitchell, submitted her resignation effective September 8. This position has been listed. Agent Katianne Murphy (Mitchell) submitted her resignation effective August 24, 2021. This position has been listed and interviews will be scheduled for September 8. Juvenile Corrections Agent Thury assists with supervision of 17 cases in the Watertown office. Juvenile Corrections Agent Shawn Davis is assisting with the supervision of 21 cases in the Mitchell office. Northeast Region supervised 9 Extended Confinement Cases. West Region Staff Update: Agents utilized in the West Region have an average caseload of 80.97. Agents utilized in the West Region have an average workload of 121.17%. Current staffing: 2 agents in training, 2 vacant position (RC: new parole agent specialist FTE; 1 parole agent position – an applicant is scheduled to begin September 13 in the parole agent specialist position). Agent John Cargill resigned effective August 13. Applicants from the previous posting were reviewed and it was decided to repost this position after completing additional reference checks on applicants. Agent Taylor Santana began August 24. Parole agent specialists continue conducting the Moving On class. West Region supervised 11 Extended Confinement Cases.

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

- *4 pending administrative appeals
- *3 pending in circuit court
- *1 pending with Supreme Court
- *2 pending federal habeas

BOARD TRAINING: Alternatives to Violence; Denny Davis, Mary Montoya, Eva Kelly.

POLICY REVIEW: The following policies were reviewed, and changes approved; 8.1.A.6-Code of Ethics, 8.1.A.7 Early Discharges, 8.1.A.9-Executive Clemency-Pardons, 8.1.A.10-Executive Clemency-Commutations, 8.1.A.5-Parole Board Decisions and Setting of Next Review Dates. Vice Chair Swanson made a motion to approve the above policies. Board Member Aasen seconded the motion. All members voting aye, the motion carried

RECUSALLS:

N/A

DECISIONS: Board Member Schroyer made a motion to ratify and affirm all decisions: Vice Chair Swanson 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 12:26 Thursday, September 16, 2021. The next board meeting is scheduled for October 21, 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