

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

November 13, 14, 15 and 16, 2018

Parole Board meetings were held on November 13, 14, 15 and 16, 2018 at various locations in the State of South Dakota. A Parole Board meeting was held on November 16, 2018 at the South Dakota State Penitentiary- Jameson Annex commencing at 8:03 AM with the following present:

Mark Smith, Chair
Ken Albers, Vice Chair
Anne Hajek, Member
Ed Ligtenberg, Member
Myron Rau, Member
Chuck Schroyer, Member
Rev. Patricia White Horse – Carda, Member
Doug Clark, Director of Parole
Kathleen Bongers, Program Assistant
Stacy Cole, Senior Secretary
Traci Fredrikson, Corrections Specialist
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: Parole Agent, Katie Howard. Parole Agent Kim Vyhldal. Parole Agent Kelly Leyden. Parole Agent Josh Bunterin. Parole Agent Aileen Winters. Parole Agent Brooke Chavie. Case Manager Brandon LaBrie. Senior Case Manager, Tom Lais. Case Manager, Liz Effling. Case Manager Katie Olson. Behavioral Health Resource Coordinator, Ashley Ruppert. Resource Coordinator, Hilary Onnen. Risk Reduction Manager, Dusti Werner. SOMP Manager, Brenna Carlson.

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

HEARING PANELS: Board Members Krull and Riter Osborn were available on Tuesday November 13, 2018, and were unavailable on Wednesday November 14, through Friday

November 16, 2018. Board Members Rau and White Horse – Carda held a hearing session in Yankton on Tuesday November 13, 2018 and then traveled to Springfield and held a hearing session in the afternoon of Tuesday November 13, 2018. Board Member Hajek was unavailable on Thursday morning but was available in the afternoon for pardons. Board Member Erlandson will work in Rapid City in December 2018. Board Chair Smith will be unavailable in December 2018. Board Member Rau will be unavailable on Monday December 10 and Tuesday December 11, 2018. Board Member Hajek will be unavailable January 16, 2019 in the morning. Board Member Rau will work in Pierre on Monday January 14, 2019 but will be unavailable Tuesday January 15, 2019 through Thursday January 17, 2019.

APPEARANCES BEFORE THE FULL BOARD (SEVEN MEMBERS) IN
SPRINGFIELD ON WEDNESDAY NOVEMBER 14, 2018:

The following inmate appeared before the full board. Board Member Ligtenberg made a motion to grant parole to his new number 27842. Vice Chair Albers seconded the motion. Vice Chair Smith voted nay, all other members voting aye, the motion carried.

Bobby Hendrix

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

Johnny Thomas

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

Brandon Harris

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

Preston Jones

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

Mark Spath

The following inmate appeared before the full board. Board Member White Horse - Carda made a motion to grant parole. Board Member Hajek seconded the motion. Board Chair Smith, Vice Chair Albers, Board Members Rau and Ligtenberg voting nay. The motion died. Vice Chair Albers made a subsequent motion to deny parole and set out to July 2019. Board Member Ligtenberg seconding the motion. Board Members Hajek, White Horse – Carda and Schroyer voting nay. All other members voting aye; the motion carried.

Milbert Cutgrass

The following inmate appeared before the full board for a Compassionate Parole hearing. Board Member Ligtenberg made a motion to grant compassionate parole to plan with a release date no sooner than May 1, 2019. Board Member Rau seconded the motion. Board Chair Smith voting nay, all other members voting aye, the motion carried.

Marden Brown

APPEARANCES BEFORE THE FULL BOARD (SEVEN MEMBERS), IN SIOUX FALLS ON THURSDAY NOVEMBER 16, 2018:

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

Matthew Doolin

The following inmate appeared before the full board. Board Member Hajek made a motion to grant parole. Board Member White Horse - Carda seconded the motion. Board Member Ligtenberg voting nay, all other members voting aye, the motion carried.

Jabriel Fears

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

Bodean Roberts

The following inmate appeared before the full board. Board Member Ligtenberg made a motion to grant parole. Board Member White Horse - Carda seconded the motion. All members voting aye, the motion carried.

Nathaniel Jumping Elk

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

Shawn Good Buffalo

The following inmate appeared before the full board for a Compassionate Parole hearing. Vice Chair Albers made a motion to deny Compassionate Parole. Board Member White Horse - Carda seconded the motion. The motion was amended to deny and set a next review date of November 2019. All members voting aye, the motion carried.

Jennis Hofer

The following parolee appeared before the full board for a hearing to review an appeal of parole conditions. Board Member Ligtenberg made a motion to deny the parolee's appeal/request to be removed from maintenance polygraph tests. Board Member Rau seconded the motion. All members voting aye, the motion carried.

Weston Mills

RECESS: - 9:31 AM – 9: 42 AM

EARNED DISCHARGES:

N/A

AGENDA ITEMS:

Director's Report: Director Clark updated the board on the following: Ed Ligtenberg, of Sioux Falls, was appointed by Attorney General Jackley as a Parole Board Member, filling the open appointment from Paige Bock's resignation. He began new member training in October and attended October board week. Board training was held in October on gender responsiveness. Upcoming training sessions will include policy review, the Obligation Recovery Center, and community transition housing. The board updated their full board policy to exclude nonviolent cases and to extend the length of sentence on violent cases from 10 to 20 years. This will result fewer full board hearings going forward. The board/board staff continue to move forward on proposed changes with regard to holding dispositional hearings on noncompliance and suspended sentence violators and introducing legislation to allow clemency recommendations to be made by less than the majority of appointed members. Draft dispositional paperwork for suspended sentence revocation cases was handed out for review by the board. With the Boards permission, Board office staff will proceed to schedule and conduct dispositional hearings for suspended sentence violation cases beginning in December, tracking and noting them independently so the Board can review them when waiver hearings are conducted. The board recommended a commutation (Brian DeSchepper) to the Governor

in October. Upcoming full board commutation hearings are scheduled for Jeffrey L. Howard (December) and David Lemberg (January 2019). The first compassionate parole hearing was held on Tuesday, October 16 in Springfield as a full board case. Two more hearings were held in November. Parole board reports sent monthly to judges, state's attorney's, sheriffs, media, victim groups, tribes, etc., were amended to show upcoming compassionate parole hearings. The office received 17 pardon applications in October and hearings are being scheduled 3 months out. DOC signed off on a BIT project estimate to update the pardon website to include a victim section on expedited applications. Corrections Specialist Traci Fredrikson and Senior Secretary Stacy Cole presented to case managers at a training session in Sioux Falls on writing parole summaries and inmate transfers. Stacy Cole and Corrections Analyst Intern Autumn Ramsdell represented the Parole Board Office at USD's annual career fair October 25th. Traci Fredrikson traveled to California October 21 – 26 to conduct a readiness assessment with the California Board of Parole Hearings for the possible implementation of the structured decision-making framework. She conducted the assessment with Keith Hardison (Kentucky) and Rich Sparaco (Connecticut). The Interstate Commission for Adult Offender Supervision held its annual business meeting in Orlando, FL on October 1-3. Commissioner Doug Clark attended as did Probation DCA Charles Frieberg. Commissioner Clark attended the Executive Committee meeting as the chairperson for the Midwest Region. On day two, the Midwest Region held its fall meeting and the DCA region chair gave his report. On day three, Commissioner Clark attended the Rules Committee Meeting where he was elected the new chairperson for the Rules Committee. The Commission voted not to renew its contract with APRISS regarding the IVINS victim notification system and instead, tasked the Rules Committee to review the victim notification rules and processes for 2019. SD Parole compact continues to work towards a more formal and streamlined compact-specific victim notification process.

Director of Field Services Report: Brad Lewandowski was available and updated the board on 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 Vyhldal 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. Agent Rupp continues to assist the Pierre office with caseload coverage. These cases were 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.

Behavioral Health Review: Behavioral Health staff were unavailable and provided no updates for the board.

Policy Review:

8.1.A.4 – Parole Date Review will be taken home and reviewed for approval in December 2018.

8.1.A.9 – Executive Clemency – Pardons, Exceptional Pardons, Reprieve, or Remission of Fines and Forfeiture will be taken home and reviewed for approval in December 2018.

Board Training and COMS Updates: Traci Fredrikson was available and updated the board on some training opportunities that will be happening in December 2018. Board Member Hajek, Ligtenberg and Riter Osborn will attend new board member training in the summer or fall of 2019.

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

Recusals:

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

Michael Zemsta

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 Hajek made motion to adjourn the November 16, 2018 meeting of the Board. Board Member Rau seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 11:52 AM on Friday November 16, 2018. The next board meeting is scheduled for December 13, 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