

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

September 10, 11, 12 and 13, 2018

Parole Board meetings were held on September 10, 11, 12 and 13, 2018 at various locations in the State of South Dakota. A Parole Board meeting was held on September 13, 2018 at the South Dakota State Penitentiary- Jameson Annex commencing at 8:02 AM with the following present:

Mark Smith, Chair
Ken Albers, Vice Chair
Greg Erlandson, Auxiliary Member (Telephonically)
Anne Hajek, Member
Kevin Krull, 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
Brad Lewandowski, Director of Field Services
April Maeschen, Board office Intern
Autumn Ramsdell, Board office Intern
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, Josh Kulm. Case Manager, Riley DeGroot. Case Manager, Brandon LaBrie. 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.

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

HEARING PANELS: Board Member White Horse – Carda was unavailable in September 2018. Board Member Hajek will be unavailable in October 2018.

REVIEWED BY THE FULL BOARD:

The following inmate was a paper review before the Full Board. Board Member Rau made a motion to deny parole and set out one year. Board Member Riter – Osborn seconded the motion. All members voting aye, the motion carried.

Heith Wiertzema

APPEARANCES BEFORE THE FULL BOARD (SEVEN MEMBERS) IN
SPRINGFIELD ON TUESDAY SEPTEMBER 11, 2018:

The following inmate appeared before the full board. Board Member Hajek made a motion to grant parole. Board Member Schroyer seconded the motion. Board Chair Smith, Vice Chair Albers, Board Member Krull, Riter – Osborn and Rau voting nay, the motion died for a lack of enough votes. Vice Chair Albers made a subsequent motion to deny parole and set out eight months. Board Member Riter – Osborn seconded the motion. All members voting aye, the motion carried.

Eugene Davis

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

Ronald Johnson

The following inmate appeared before the full board. Board Member Hajek made a motion to grant parole contingent upon the recommendations in the pre-release psychosexual assessment date 08.01.2018. Board Member Schroyer seconded the motion. Board Member Krull voting nay, all other members voting aye; the motion carried.

James Summers

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

Joseph Bradley

The following inmate appeared before the full board. Board Member Schroyer made a motion to grant parole. Board Member Riter – Osborn seconded the motion. Board Members Hajek, Krull, Rau and Board Chair Smith voting nay, the motion died for lack of enough votes. Board Member Krull made a subsequent motion to deny parole and set

out eight months. Board Member Rau seconded the motion. Board Members Riter – Osborn and Schroyer voting nay, all other members voting aye, the motion carried.

Thomas Dalton

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

Todd Flisrand

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

Adam Poor Bear

The following inmate appeared before the full board. Board Member Schroyer made a motion to grant parole. The motion died for lack of a second. Board Member Krull made a subsequent motion to deny parole and set out eight months. Board Member Hajek seconded the motion. All members voting aye; the motion carried.

Devin Raymond

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

Richard Traversie

APPEARANCES BEFORE THE FULL BOARD (NINE MEMBERS, ONE TELEPHONICALLY) IN SIOUX FALLS ON THURSDAY SEPTEMBER 13, 2018:

The following inmate appeared telephonically before the full board. Auxiliary Member Erlandson was not available for this hearing. Vice Chair Albers made a motion to deny parole and set out 8 months. Board Member Riter - Osborn seconded the motion. All members voting aye, the motion carried.

Fidel Arguello

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

Erik Fox

The following inmate appeared before the full board. Board Member Rau made a motion to grant parole. Board Member Riter - Osborn seconded the motion. Board Member Krull voting nay, all other members voting aye, the motion carried.

Kristopher Houchin

The following inmate appeared before the full board. Board Member Riter- Osborn made a motion to grant parole. Board Member Rau seconded the motion. Board Members Hajek, Krull, Vice Chair Albers and Auxiliary Member Erlandson voting nay. The motion died for lack of enough votes. Board Member Hajek made a subsequent motion to deny and set out two months. The motion died for lack of a second. Auxiliary Member Nelson made a third motion to deny and set out six months. Board Member Krull seconded the motion. Board Member Rau voting nay, all other members voting aye, the motion carried.

Michael Pickinpauch

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

Kyle Mc Bride

The following inmate appeared before the full board. Board Member Hajek made a motion to grant parole with GPS monitoring. Board Member Schroyer seconded the motion. Board Chair Smith, Board Member Riter – Osborn and Auxiliary Member Nelson voting nay, all other members voting aye, the motion carried.

Anthony Steele

RECESS: - 10:05 AM – 10:13 AM

EARNED DISCHARGES:

N/A

AGENDA ITEMS:

Director's Report: Director Clark reported on parole hearing numbers, extended detainment, and parole violations and non -compliance numbers. DOC/Parole Board Counsel Ashley McDonald's last day was August 8 and DOC Staff Attorney Catherine Schlingen was hired for the position. Board training is scheduled for September 13 and 14. Topics will include the Intermediate Corrections Intervention Program, expansion of the use of WRNA assessments for female offenders, DOC Population profiles and

responses, date calculations, SAVIN, justice reinvestment, correctional behavioral health, and offender recidivism updates. The Washington Board of Indeterminate Sentencing visited South Dakota August 15 & 16 to observe the structured decision-making process. Their flight out of Seattle was delayed so they missed their scheduled time in Springfield but had a good time meeting with the board, observing hearings, and learning about parole in SD. The office received 25 pardon applications in August, the highest number received since these statistics have been kept. Hearings are being scheduled 4 months out. A request was made to BIT in March 2018 to enhance the online pardon website/forms by placing a victim section on the expedited application. BIT submitted a project proposal in August with an estimated cost of \$2769.00. DOC is reviewing the proposal. Val McGovern is attending her first class in the Governor's Leadership Program September 10-14. Director Clark presented Director of Field Services Director, Brad Lewandowski with his 25-year longevity pin.

Director of Field Services Report: Brad Lewandowski was available. Mr. Lewandowski updated the board on the following:

Southeast Region Staff Update:

- FTO Albers (SF) accepted a Corrections Specialist position and began her new duties 7/25/18. She will continue to supervise the intensives on her caseload (4 cases), but the rest of the caseload was distributed to Agents Mwele and Chavie. Corrections Specialist Stucky is covering Albers' administrative FTO duties.
- Agent Veurink submitted her resignation effective 8/28/18. She has accepted a case management position with Call to Freedom.
- Interviews for the two open agent positions were completed and conditional offers made. One conditional offer was rescinded as the applicant did not pass the background investigation/polygraph to the satisfaction of DOC. Another conditional offer was made to Kimberly Vyhlidal, currently a correctional officer for the Minnehaha County Jail. She has begun the background investigation portion of the hiring process. Katie Howard, an acting unit coordinator at the penitentiary, has accepted a conditional offer and completed the background investigation and polygraph. She is set to start 9/10/18. Firearms Instructor Schmitt and DT Instructor Oelkers have scheduled safety training for Agent Howard. Supervisor Smith and Corrections Specialist Kayla Stucky will schedule the remaining training.
- Agents Mwele and Chavie have completed the 6-month probationary period and are supervising a caseload of approximately 73.
- Mitchell JCA Grosdidier is assisting with the supervision of approximately 41 minimum/medium cases for the Sioux Falls office.
- Yankton JCA Boese is assisting with the supervision of the CTP cases in Yankton (approximately 30 cases).
- Agent Jackson's (Yankton) last day was 7/19/18. Agent Hansen (RC) will be transferring to this position on/near September 9, 2018 (after PIR and RC positions are covered). 20 medium/minimum cases from Yankton have been transferred to Agent Hansen for coverage already. Supervisor Smith and Corrections Specialist Stucky are making regular trips to Yankton to help with case coverage/field work.

- A Sioux Falls agent started extended leave 6/29/18 and plans to return 9/24/18.
- A Sioux Falls agent started extended leave 7/25/18 and returned 8/24/18.
- The West Region has assumed phone supervision of 60 med-min cases from the Sioux Falls office.
- The Southeast Region supervised 22 extended confinement cases.
- Proficient agents (not including agents in training or supervisor) have an average caseload of 79.51.

Northeast Region Staff Update:

- SWO Agent Lohr resigned May 4. Agent Beyl (Watertown) continues to cover the SWO cases. Supervisor Carrels is covering Beyl's Watertown cases. Supervisor Carrels, FTO Hofland, and Dir. Lewandowski continue to work with the Joan White and the Tribe on strategies regarding advertisement and dissemination of the open position in an effort to increase interest.
- Agent Stolley (Pierre) submitted his early retirement effective June 8, 2018. Agents Hansen (RC), Rupp (Spearfish), Harrison (Huron), Bruns and Sanderson (Mitchell) continue to cover Stolley's former cases.
- Daniel Garland began his agent duties in Pierre on 8/9/18. He will begin to accumulate the Pierre cases the week of 9/4/18.
- JCA Kelsey Thilmony continues to assist with Aberdeen Parole cases in the supervision of 50 lower risk cases (7 are absconders and 22 are indirect).
- JCA Hannah Carda continues to assist in the supervision of 15 CTP cases in Pierre, as well as 7 lower risk, nonviolent offenders.
- Mitchell JCA Ryan Van Genderen continues to assist in supervision responsibilities of 8 parolees at Stepping Stones and 17 additional cases in the community.
- The NE Region supervised 49 Extended Confinement cases.
- Proficient Agents (agents out of training, not including supervisor) have an average caseload of 75.78.

West Region Staff Update:

- The West Region supervised 26 extended confinement cases.
- JCA Jen Leighty is assisting with supervision of 40 CTP cases in Rapid City.
- Agent Miklos submitted her resignation effective July 6. Agent Salazar has assumed supervision responsibility for the Southern Hills caseload.
- Agent Hansen is transferring to the open position in Yankton. This position and the position vacated by Agent Miklos' resignation have both been listed and interviews conducted. Joshua Buntain and Kelly Leydon are scheduled to start 9/10/18.
- Supervisor Gross has assumed Deputy Compact Administrator duties as DCA Sarah Ball began extended leave.
- Proficient agents (agents out of training, not including supervisor) have an average caseload of 80.00.

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 available. They had no updates for the board.

Policy Review:

8.1.A.8 – Restitution Hearings – will be reviewed and approved in October 2018
8.1.A.10 – Executive Clemency Commutation of sentence – Vice Chair Albers made a motion to approve policy 8.1. A.10 as amended. Board Member Rau seconded the motion. All members voting aye, the motion carried.

Board Training and COMS Updates: Traci Fredrikson was unavailable. The Board will train September 13 and 14 on the following topics: Date calculations, SAVIN, justice reinvestment, correctional behavioral health, and offender population statistics. The board will receive training on gender responsivity and trauma impacted care in October.

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

Steven Burdine
Jay Erickson

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

Erick Fox

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: Vice Chair Albers made motion to adjourn the September 13, 2018 meeting of the Board. Board Member Riter - Osborn seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 1:09 PM on Thursday September 13, 2018. The next board meeting is scheduled for October 18, 2018 at 8:00 a.m.

SEPTEMBER 10, 11, 12 AND 13, 2018

SD BOARD OF PARDONS AND PAROLES

Mark Smith, Board Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Senior Secretary