

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota

September 9, 10, 11 and 12, 2019

Parole Board meetings were held on September 9, 10, 11 and 12, 2019 at various locations in the State of South Dakota. A Parole Board meeting was held on September 12, 2019 at the South Dakota State Penitentiary- Jameson Annex commencing at 8:06 AM with the following present:

Mark Smith, Board Chair
Ken Albers, Vice Chair
Gregg Gass, Member
Kevin Krull, Member
Ed Ligtenberg, Member
Myron Rau, Member
Shannon Riter – Osborn, Member
Chuck Schroyer, Member
Rev. Patricia White Horse – Carda, Member
Doug Clark, Director of Parole
Stacy Cole, Program Assistant
Val McGovern, Corrections Analyst

Quorum Present? Yes

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

SPECIAL GUESTS: Liz Effling, Case Manager. Riley DeGroot, Case Manager. Dusti Werner, Risk Reduction Manager. Kayla Stucky, Corrections Specialist. Brenna Carlson, SOMP Manager. Jeff Neil, SOMP Assistant. Tom Lais, Senior Case Manager. Tim Schneider, Case Manager.

MINUTES: Board Member Rau made a motion to approve the minutes from the August 2019 meeting of the Board. Board Member Ligtenberg seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Waiver hearings were signed on Monday September 9, 2019 by Board Members Albers and Rau. Board Member White Horse – Carda was unavailable on Tuesday and Wednesday September 10 and 11, 2019. Board Member Gass was unavailable on Tuesday and Wednesday morning September 10 and 11, 2019. Board Member Rau will be unavailable October 7, 8 and 9, 2019. Board Member Krull served his last week on the Parole Board September 9-13, 2019.

RECESS: - 08:50 AM – 09:00 AM

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS THURSDAY SEPTEMBER 12, 2019:

The following inmate appeared before the full board. Vice Chair Albers made a motion to grant parole. Board Member Ligtenberg seconded the motion. Board Members White Horse – Carda,

Krull, Gass, Rau and Board Chair Smith voting nay. The motion died. Board Member Gass made a substitute motion to deny parole and set out one year. Board Member Krull seconded the motion. Vice Chair Albers and Board Member Ligtenberg voting nay, all other members voting aye, the motion carried.

Wayne Laird

The following inmate appeared before the full board. Board Member Riter - Osborn made a motion to grant parole with a board order that Mr. Charron wear a scram device at the parole agents' discretion. Board Member Ligtenberg seconded the motion but would like to amend the order to include Mr. Charron not being allowed to enter Brown county or Pennington County without permission his Parole agent. Board Members Krull and Gass voting nay, all other members voting aye, the motion carried.

Joey Charron

The following inmate was reviewed before the full board. Board Member Rau made a motion to return enough street time to make his release to flat his sentence October 15, 2019. Board Member Krull seconded the motion. All members voting aye, the motion carried

Armando Vierra

Director's Report: Director Clark updated the board on the following:

Board Members Ligtenberg and Gass are registered for NIC Orientation for Parole Board Members in September. Board Member Riter Osborn is interested in attending the APAI Conference in Nashville in 2020. The Attorney General's Office was included in the distribution list of monthly parole reports that are sent out of board decisions and upcoming hearings. In addition, hearing notification emails are being sent to state's attorneys, the attorney general, and judges ahead of all full board parole hearings.

The office received 7 pardon applications in August and hearings are being scheduled 2 months out. The discretionary parole board slip was modified to include reasons for continuance and to update the language for a return of street time to accommodate IEDCs/moving TEDs. Two board office positions remain open

Director of Field Services Report: Brad Lewandowski was unavailable. Kayla Stucky updated the board on the following information:

Mitchell JCA Grosdidier is assisting with the supervision of approximately 40 minimum/medium cases for the Sioux Falls office. Yankton JCA Boese is assisting with the supervision 24 CTP cases. Parole Case Manager Andrea Fromelt started 7/24/2109 in the Sioux Falls Field Office. A Parole Case Manager Position in Yankton has been approved. Supervisor Smith is working with HR to get this position posted for two weeks. One agent returned from an extended leave 8/19/2019. One agent began extended leave 8/30/2019. The Southeast Region supervised 22 extended confinement cases this month. Sioux Falls Senior Secretary accepted a conditional offer for the Yankton Case Manager Position 8/30/2019. A polygraph will be scheduled, and background check completed. The Senior Secretary position will be posted the week of 9/4/2019. Proficient agents (not including agents in training or supervisor) have an average caseload of 76.06.

Northeast Region Staff Update:

SWO Agent Hart resigned 7/15/2019 and this position has been posted by the Tribe. Mitchell Agent Dave Bruns announced his retirement effective mid-September. This position has been posted and interviews are occurring 9/4/2019. The NE Region supervised 26 extended

confinement cases this month. Proficient agents (agents out of training, not including supervisor) have an average caseload of 80.40.

West Region Staff Update:

The West Region supervised 16 extended confinement cases this month. JCA Jenn Leighty is assisting with supervision of cases from the Spearfish Field Office. Proficient agents (agents out of training, not including supervisor) have an average caseload 69.50.

Legal Issues: Catherine Schlingen was available and updated the board on the following items: Despite the Supreme Court's decision in *Reck v. Board*, which held the entirety of an offender's felonious history must be considered when ascertaining which portion of the parole grid applies for the newest offense, 2 offenders have filed appeals to circuit court on this precise issue. Conversation with Tom Hart, counsel for Gov. Noem, regarding pardons.

Board Training and COMS Updates: Traci Fredrikson was unavailable, The Agenda for September 2019 training will be Half Way houses, SIU, Deputy Secretary, Laurie Feiler will appear. In addition, Dr. Kaufmann, Sex Offender management and mental health staff are scheduled to train the board. Ed Ligtenberg and Gregg Gass are going to attend NIC – orientation for Parole Board Members in September 2019. We will proceed with Pardons as we have been until further discussions and decisions regarding modifying the process are completed.

RECUSALLS:

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

Terry Due

Decisions: Board Member Riter - Osborn made a motion to ratify and affirm all decisions: Board Member Krull 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: Board Member Krull made motion to adjourn the September 12, 2019 meeting of the Board. Board Member Rau seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 10:48 AM on Thursday September 12, 2019. The next board meeting is scheduled for October 10, 2019 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Mark Smith, Board Chair

Doug Clark, Director

Submitted by:
Stacy Cole
Program Assistant