



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**INDETERMINATE SENTENCE REVIEW BOARD**  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

**DECISION AND REASONS**

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NAME: FRAZIER, Robert  
DOC #: 280118  
FACILITY: Monroe Correctional Complex (TRU)  
TYPE OF HEARING: .100 Hearing  
HEARING DATE: December 20, 2017  
PANEL MEMBERS: JP & EB  
FINAL DECISION DATE: January 8, 2018

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This matter came before Jeff Patnode and Elyse Balmert, who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Frazier appeared in person and was represented by attorney Richard Linn. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Steven Sager and Mr. Frazier.

**BOARD DECISION:**

This was a Deferred Decision. Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered by the Board, the Board finds that Mr. Frazier is not parolable and adds 60 months to his minimum term.

**NEXT ACTION:**

Schedule a .100 hearing 120 days prior to his PERD.

**JURISDICTION:**

Robert Frazier is under the jurisdiction of the Board on a November 23, 1981 conviction in Kitsap County; Cause # 81-1-00394-8 for Murder in the First Degree. The time start was November 23, 1981. The minimum term was set at 316 months from a Sentencing Reform Act (SRA) range of 236 to 316 months. The maximum term is Life. Mr. Frazier has served approximately 33 years and 2 months in prison and 0 of jail time total on this cause and three revocations. The third and most current revocation he has served 25 months to date.

**NATURE OF INDEX OFFENSE(S):**

File materials describe the underlying offense as Mr. Frazier (age 15) and his co-defendant (age 16) taking a ferry to Bremerton, where they confronted an 83 year old man in an alley. During the course of robbing the man of his watch and wallet, the victim was badly beaten, causing broken ribs, broken nose, two skull fractures, heart contusions and bruises to his liver and spleen. The victim died a few days later due to his severe injuries.

**PRIOR CRIMINAL CONDUCT:**

One year prior to the instant offense, Mr. Frazier was charged in juvenile court with Theft Second Degree and Criminal Trespass Second Degree in Kitsap County. The matters were diverted. Seven months later, he was charged with Challenging to Fight in Public in San Diego, California and was ordered to return to Washington, as his family in California declined to assist him. Two months after his return to Washington and while at the Crisis Residential Center, police were called to assist in restraining him, as he had become out of control. He was charged with Simple Assault but did not appear for arraignment and was on warrant status at the time of the instant offense.

**HISTORY/COMMENTS:**

Mr. Frazier last met with the Board for a Violation Hearing in October of 2016 following which he was returned to prison, receiving a new 42 month minimum term. Prior to that, he had been released to parole for a third time in August of 2015. In the Board findings from his revocation hearing, the following was indicated: "Mr. Frazier was found guilty of a very serious violation. As

in all of his previous hearings, Mr. Frazier had long convoluted stories to explain everything. He committed a serious law violation when he failed to immediately stop the vehicle he was driving and instead attempted to elude officers. He could have caused serious injury to DOC staff had he been exiting his vehicle when it was hit by Mr. Frazier.

Mr. Frazier's prior two attempts at parole resulted in revocations as well and included conspiring to deliver methamphetamine and cocaine and additional new law violations (Attempted Possession of a Stolen Vehicle, and possessing deadly weapons (brass knuckles and a fixed 6 inch blade knife).

Since his return to prison, Mr. Frazier has not incurred a serious infractions. He appears to have several medical conditions that are impacting his health, resulting in an inability to hold a job since his return. Mr. Frazier has participated in College Readiness Course and is currently enrolled in the Second Chance Reentry program.

CC Sager provided information regarding programming (see above), behavior, employment, and release planning for Mr. Frazier. The report was favorable in that Mr. Frazier has not been a management issue and does have referrals for employment, but is out of the unit frequently for various medical issues. CC Sager stated that Mr. Frazier does want to return to King County but he does not support this release plan as he believes Mr. Frazier has anti-social contacts and experiences in that area. Mr. Sager stated that Mr. Frazier is also reportedly having an attorney look at the possibility of his case been re-sentenced under the Juvenile Board statute.

Mr. Frazier was asked to explain to the Board what his part was in his revocation that resulted in his return to prison. He could not articulate anything he could have done differently with one exception. He explained that his only mistake was attempting to help an individual who is not prosocial and whom Mr. Frazier stated was a confidential informant. Other than that, Mr. Frazier expressed that he was a victim of circumstances that were beyond his control and that he acted as any reasonable person would. Mr. Frazier stated he has significant community support in King

County but struggled with providing specifics. Mr. Frazier also had several documents with him that he claims explain his legitimate business that he has (a web based e-commerce business). Mr. Frazier clearly wanted to focus on his medical struggles during this hearing, which appears to be consistent with his past hearings.

Mr. Linn stated that Mr. Frazier does have legitimate medical concerns that would be best served in the King County area and this should be a consideration for release location if Mr. Frazier was found to be releasable. Mr. Linn stated that if Mr. Frazier can demonstrate having legitimate business dealings in King County, this should be a consideration for release location. Mr. Linn also provided medical records for Mr. Frazier for the purpose of demonstrating the legitimacy of these issues.

**INFORMATION CONSIDERED:**

In preparation for Mr. Frazier's hearing and its decision in this case, the Board completed a review of Mr. Frazier's ISRB file. The Board considered all information contained in those files, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; psychological evaluation prepared by Dr. Deborah Wentworth dated August 2, 2017. The Board also considered the testimony of the witnesses listed above.

The Kitsap County Prosecutor's Office sent a letter to the ISRB dated October 16, 2017, voicing their opinion that Mr. Frazier is not rehabilitated, and recommending he be denied parole.

**REASONS:**

**This was a deferred decision following a full Board discussion using a structured decision-making framework that takes into consideration; the statistical estimate of risk, criminal history, parole/release history, ability to control behavior, responsivity to programming, demonstrated offender change, release planning, discordant information, and other case specific factors. Based on the requirements of RCW 9.95.009 (3) and RCW 9.95.100 the Board**

**finds Mr. Frazier Not Parolable.**

Mr. Frazier has recently been returned to prison after a third failed attempt at parole. His revocation included serious violent behavior. Additionally, the psychological evaluation from Dr. Wentworth indicates Mr. Frazier is a moderately high risk to reoffend. Dr. Wentworth also makes the following observations, “Mr. Frazier does not seem to have the skills necessary to avoid people who engage in anti-social activities.”

An additional concern is the lack of understanding/insight that Mr. Frazier demonstrated at his hearing regarding his responsibility in the circumstances that resulted in his third return to prison. At this time it is evident that he is not fully rehabilitated and ready for release.

The Board recommends Mr. Frazier take advantage of any programming available to him that can improve his decision making in the community and/or provide him with skills necessary to comply with supervision and ultimately lead a crime free pro-social life. Accessing mental health services and ongoing chemical dependency aftercare services will also be important from Mr. Frazier.

JP: ts

December 28, 2017

January 10, 2018

cc: MCC-TRU  
Robert Frazier  
File  
Richard Linn, Attorney



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**INDETERMINATE SENTENCE REVIEW BOARD**  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

DATE: December 28, 2018  
TO: Full Board  
FROM: *JP/EB (ts)*  
RE: FRAZIER, Robert #280118

Panel recommends: Not Parolable. Add 60 months to MT.

Next action: Schedule a .100 hearing 120 days prior to his PERD.

<b>Agree</b>	<b>Disagree</b>
Jeff Patnode 1-8-2018 Elyse Balmert 1-8-2018 Lori Ramsdell-Gilkey 1-8-2018	

Kecia Rongen, Board Member has recused herself from Mr. Frazier's Hearing Decision.