



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

DECISION AND REASONS

NAME: JOE, Jermal
DOC #: 773167
FACILITY: Airway Heights Corrections Center
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: December 19, 2017
PANEL MEMBERS: LRG & KR
FINAL DECISION DATE: January 8, 2018

This matter came before Lori Ramsdell-Gilkey and Kecia Rongen, 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 9.94A.730. Mr. Joe appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Dawnel Southwick, and Mr. Joe.

BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 (3) and the totality of evidence and information provided to the Board, the Board does not find by a preponderance of the evidence that Mr. Joe is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Joe releasable on or about June 2019 upon his satisfactory completion of a transition through lower levels of custody that preferably includes a period of time in work release. The actual release date is contingent upon the approval of the Offender Release Plan (ORP) and the mandatory Law Enforcement Notification.

NEXT ACTION:

Submit an Offender Release Plan (ORP) for approval by the Board in February 2019.

JURISDICTION:

RCW 9.94A.730 (3), enacted in 2014, allows offenders who were under the age of 18 when they committed their crime(s) and were sentenced as adults to petition the Board for consideration of early release consideration after serving no less than 20 years of total confinement. Jermal Joe's petition was submitted and accepted, which resulted in his hearing on this date.

Jermal Joe is currently incarcerated on a November 12, 1997, conviction in Yakima County; Cause #96-1-02018-0 for one count of Murder in the First Degree. The time start is December 17, 1997. The Court set the original confinement term at 380 months. The standard range from the Sentencing Reform Act (SRA) for Murder First was 240 to 320 months, however there was a special finding of a firearm which carries a mandatory 60 month enhancement. Mr. Joe has served approximately 240 months, plus 396 days of jail time credit.

NATURE OF INDEX OFFENSE:

According to file materials, on or about October 27, 1996, 17 year old Jermal Joe shot a known male in the back of his head at point blank range, killing him. The victim was found deceased by police shortly thereafter, and the subsequent investigation revealed the victim had attended a party the evening of his death, at which Mr. Joe was also present. Shortly after the victim left the party he was shot by Jermal Joe.

PRIOR CRIMINAL CONDUCT:

Jermal Joe has a significant juvenile criminal history starting at his age of 13. His juvenile felony history is as follows:

June 7, 1993, Assault Second Degree; July 28, 1994, Assault Second Degree; and September 9, 1994, Burglary Second Degree.

In addition he has the following misdemeanors/gross misdemeanors:

November 14, 1993, Theft Third Degree; May 19, 1994, Theft Third Degree; May 21, 1994, Possession of Stolen Property Second Degree; January 30, 1995, Vehicle Prowl and Theft Third Degree; and May 10, 1996, Criminal Trespass Second Degree.

HISTORY/COMMENTS:

This was Mr. Joe's first hearing with the Board. His Classification Counselor Dawnel Southwick testified Mr. Joe is currently working as a Quality Control Clerk in Food Services and receives positive work evaluations. He received a promotion and his work is appreciated. He is living in the Violence Reduction Unit and is doing great. She noted he has no mental health or medical issues. During his incarceration, which began in 1997, he has completed a good deal of programming to include: HVAC Industry Safety, Graphic Design, Victim Awareness, Achieving your Potential, Job Dynamics, Anger and Stress Management, Life Skills Computing, Chemical Dependency, Reentry to Life Skills, Thinking for a Change, Redemption, and Roots of Success, as well as taking college classes which have resulted in an AA Degree. Mr. Joe stated he hopes to get a BA Degree in Social Psychology and work with troubled youth.

CC Southwick also testified Mr. Joe generally has a good rapport on the Unit with staff and inmates. He has incurred 20 serious infractions, the last of which was in 2013. His last violent infraction was in 2008 for fighting. However, he has incurred several infractions for basically being rebellious and ignoring or resisting staff orders. The last of these incidents was in 2013. The write-up by staff stated Mr. Joe was threatening and intimidating and assistance had to be called for before he complied fully. We discussed some of these issues and it seemed that Mr. Joe sometimes reacted poorly and impulsively towards staff when he was feeling "disrespected" by them. He stated that he knows better and he was disappointed in his responses.

Mr. Joe was asked about the index offense of Murder and he provided a full disclosure, accepting responsibility and admitting his gang affiliation. He stated that as a youth in Yakima there were a lot of gangs. He and some of his buddies decided to start their own gang and they did so, calling

themselves “Westside Hustlers”. The night of the offense he was actually hanging out with the victim at the party earlier that night and he was generally considered to be his friend. Mr. Joe said the victim owed him money for drugs and kept blowing him off. When the victim left the party Mr. Joe decided he was going to go after him. He caught up with him in an alley near a park and asked him when he was going to pay up. When he blew him off again it was like the last straw, so Mr. Joe took out his gun and shot the victim in the back of his head. Mr. Joe estimated the victim owed him about \$25.00. He stated he also shot this victim because he was paying him back for some gang stuff that had happened. Mr. Joe said he threw up after shooting the victim.

Mr. Joe met his wife when he was still a teenager. They went their separate ways after he was incarcerated and then reconnected in 2011. They were married in 2015. His wife has no children. She moved to Kansas to attend Haskell Indian College. She now lives and works in Kansas.

Mr. Joe stated he has been working on having integrity. He made an oath to himself that he was not going to be a violent person. He said he has avoided fights and resisted acting out. He hopes to reside with his wife, preferably in Kansas. He was informed it was not likely the Board would be willing to allow him to leave the state immediately upon release. We will want him to demonstrate an ability to comply with the conditions of supervision here. In addition, we will want him to go through a step down process before leaving total incarceration.

Mr. Joe stated he has written an accountability letter to the victim’s family and he is hopeful they will one day receive the letter and perhaps forgive him. Mr. Joe has finally admitted to his own family that he was indeed guilty of this offense. Initially, and for many years, he denied he committed this offense as he was fearful they would stop loving him and would look at him like he was a monster. Mr. Joe claims he has not been involved in gang activity since coming to prison.

INFORMATION CONSIDERED:

In preparation for Mr. Joe’s hearing and its decision in this case, the Board completed a review of his ISRB file. The Board considered all information contained in that file, including but not

limited to: Information provided by the sentencing court/prosecutor; the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the police reports; and a psychological evaluation completed in August of 2017. The Board also considered the testimony of the witnesses listed above. No updated recommendation was received from the Prosecutor's office.

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 9.94A.730 (3) the Board finds Mr. Joe is not more likely than not to commit a new crime if he satisfactorily completes conditions that are designed to help better prepare him for a successful re-entry into society.

Mr. Joe has been incarcerated for approximately 21 years and has no prior experience of living independently as an adult. The Board acknowledges that Mr. Joe has completed numerous offender change programs, maintained steady prison employment, improved his infraction history, and earned an AA Degree. He has good community support and connections with the Islamic Chaplains Association in the community. The recent psychological evaluation notes he functions in the high average range of intelligence. On the VRAG-R he scores in the moderate/high range for violent recidivism. However, it is noted that a good deal of the negative scoring is due to the number of juvenile offenses he incurred prior to this incarceration. On the PCL-R he scored in the very low range for psychopathy. In addition, on the SAPROF, which considers protective factors, Mr. Joe scored 28 out of a total possible score of 32. This indicates he has a high level of protective factors. The psychologist stated that Jermal Joe's overall level of risk could be considered to be low/moderate. The psychological evaluation completed prior to his hearing also stated Mr. Joe would benefit from transition prior to full release. The Board would like to see how he manages lower levels of custody and increased responsibility, including

work release.

As a result of this release decision, Mr. Joe will come under the jurisdiction of the Board. The Board expects Mr. Joe to demonstrate infraction free behavior and adhere to all elements of the re-entry/transition plan, especially any programs that address his risks and needs. We do not want to see any troubles arise due to his feeling “disrespected”. He is expected to deal with any such concerns in a non-violent and responsible manner if he expects to release to the community.

If Mr. Joe incurs a serious infraction, is demoted from a custody level or returned to prison from work release, the Board shall have cause to hold a new hearing based on this new information to determine if he is still releasable. While Mr. Joe has a spouse living in another state and may wish to release to Kansas, the Board is not supportive of this. He will need to spend a period of time on active supervision here in Washington State ensuring he can be compliant before a transfer to another state is considered.

LRG:jas

January 3, 2018

January 8, 2018

January 16, 2018

cc: Institution
Jermal Joe
File

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

DATE: January 3, 2018

TO: Full Board

FROM: LRG & KR (Jody)

RE: JOE, Jermal/*DOC# 773167*

Panel recommends: Find Mr. Joe releasable on or about June 2019 after transition through lower levels of custody.

Next action: Submit an ORP for approval by the Board in February 2019.

Agree	Disagree
Lori Ramsdell-Gilkey 1-8-2018 Elyse Balmert 1-8-2018 Jeff Patnode 1-8-2018 Kecia Rongen 1-8-2018	