



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

DECISION AND REASONS

NAME: SPRUEL, Richard
DOC #: 766783
FACILITY: Airway Heights Corrections Center (AHCC)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: January 30, 2018
PANEL MEMBERS: JP & KR
FINAL DECISION DATE: February 12, 2018

This matter came before Jeff Patnode 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. Spruel appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Dawnel Southwick, DOC Sex Offender Treatment and Assessment Program (SOTAP) Specialist Kerry McCarthy, DOC Mental Health Specialist Zach Reiter, and Mr. Spruel.

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. Spruel is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Spruel releasable in approximately 12 months upon his satisfactory completion of a transition through lower levels of custody that preferably includes a period of time in work release. The Board establishes a release date on or about March of 2019. 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 November of 2018.

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. Richard Spruel's petition was accepted, which resulted in his hearing on this date.

Richard Spruel is currently incarcerated on a July 17, 1997, conviction in King County; Cause #96-1-07935-5 for Count I Kidnapping in the First Degree (with deadly weapon, firearm enhancement on ALL Counts). The time start is August 19, 1997, on Count I. The minimum term was set at 128 months from a Sentencing Reform Act (SRA) range of 111 to 128 months for Count I, to include the enhancement. The maximum term is Life on Count I. Mr. Spruel has served approximately 245 months in prison and 208 days of jail time.

Note: Other Causes/Counts: King County Cause #96-1-07935-5 for Count II Rape in the First Degree; Count III Assault in the Second Degree; and Count IV Robbery in the First Degree (with deadly weapon, firearm enhancement on ALL Counts). The minimum term was set at 207 months from a SRA range of 171 to 207 months for Count II with the enhancement. The minimum term was set at 79 months from a SRA range of 69 to 79 months for Count III with the enhancement. The minimum term was set at 162 months from a SRA range of 137 to 162 for Count IV with the enhancement. Counts II, III, & IV are to run concurrent, but consecutive to Count I. The maximum term for Counts II and IV is Life, but Count III had a ten year maximum term that should have expired in 2010. Mr. Spruel's Judgment and Sentence was amended in 2001. The original sentence had the counts all running consecutive to each other. After the amendment, Counts two, three, and four are to run concurrent, but consecutive to Count I.

NATURE OF INDEX OFFENSE(S):

According to file materials, on October 26, 1996, Mr. Spruel, at his age of 17, sexually assaulted an unknown 19 year old female (along with two friends, one male and one female). Mr. Spruel and a male codefendant abducted the woman from a car wash after assaulting her and her boyfriend and stealing their vehicle. The victim was taken to a secluded area by Mr. Spruel, at which time he proceeded to sexually and physically assault the victim. Mr. Spruel's sexual assaults included oral and vaginal rape. He threatened to kill the victim if she did not comply with his demands. Mr. Spruel eventually allowed her to leave the area and she immediately contacted law enforcement.

RELATED BEHAVIOR:

File materials indicate that according to Juvenile Rehabilitation Administration (JRA) records, on November 18, 1995, Mr. Spruel threatened to sexually assault a female staff while incarcerated at Maple Lane School. However, it is unknown if Mr. Spruel was ever formally sanctioned for this behavior. Additionally, on August 16, 1996, while incarcerated at Green Hill School it was reported that Mr. Spruel and some other inmates asked a weaker inmate to allow them to perform oral penile rape on him. According to file material, Mr. Spruel threatened to knock out that inmate and rape him if he did not comply. The investigation into this matter was inconclusive and no charges were ever filed.

PRIOR CRIMINAL CONDUCT:

Mr. Spruel has the following juvenile criminal history: Custodial Assault times two; Taking a Motor Vehicle without Owner's Permission First Degree; Theft Third Degree times three; Criminal Trespass First Degree; Minor in Possession of Alcohol; Robbery Second Degree; and Residential Burglary times two.

HISTORY/COMMENTS:

This was Mr. Spruel's first hearing before the Board.

Mr. Spruel has had 34 total serious infractions during his prison stay and has remained infraction free for the last seven years.

Mr. Spruel has a long list of behavior change and education programming, with the most risk relevant being his completion of SOTAP and associated Aftercare Program, Chemical Dependency (CD) Treatment, and Thinking for a Change (T4C). He has also participated in a number of vocational programs and held many different prison jobs, which should assist him in finding employment following his release. Mr. Spruel has also completed an Associate of Arts Degree from Walla Walla Community College.

Classification Counselor Southwick provided testimony regarding Mr. Spruel's behavior, programming, and possible release plans. CC Southwick provided a very favorable report on Mr. Spruel. She stated he has not been a management problem and his last serious infraction was in 2009. She stated that Mr. Spruel appeared to make a significant shift in his attitude following a fight in 2002 resulting in him being sent to segregation. Following the incident, he reportedly made a decision to change how he would spend his time in prison. CC Southwick indicated that Mr. Spruel has a well-developed release plan and very good family support in the King County area. She further stated that Mr. Spruel is interested in transitional housing with the House of Mercy and has multiple opportunities for employment.

Mr. Spruel provided a disclosure of his index offenses that matched file materials. He provided some explanation regarding what was happening in his life at the time of his index offense. He appeared to have good recall regarding his thinking at the time and could articulate the factors present in his life that preceded his index offense. He stated he believed SOTAP had been extremely helpful and he could describe his high risks and interventions he has learned. Mr. Spruel discussed his plans if released, and has previously sent the Board a 60 plus page document outlining the work he has done to prepare himself for release.

SOTAP/Mental Health Specialist Reiter was the initial therapist for Mr. Spruel when he started in SOTAP. He stated Mr. Spruel shows good insight into his offending pattern and after some initial resistance (experienced by many offenders), his participation improved significantly. He stated he initially struggled with accepting feedback from other offenders and appeared more interested in feedback from the staff/treatment professionals.

SOTAP Specialist Kerry McCarthy indicated that she took over Mr. Spruel's case from Mr. Reiter. She stated that Mr. Spruel was an active participant in the program and made "significant" progress, though he was initially challenged with the change to a new provider. Specialist McCarthy said Mr. Spruel provided good feedback to group members, did well in receiving feedback, and was a leader by the end of the program. Specialist McCarthy indicated that Mr. Spruel has also completed the SOTAP Aftercare Program and continued to make good progress during his time in that phase of treatment.

INFORMATION CONSIDERED:

In preparation for Mr. Spruel'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 Pre-Sentence Investigation report; and the Psychological Evaluation dated September 11, 2017, prepared by Dr. Deborah Wentworth. The Board also considered the testimony of the witnesses listed above.

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. Spruel 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. Spruel has been incarcerated for over 20 years and has no prior experience of living independently as an adult. The Board acknowledges that Mr. Spruel has completed several offender change programs and appears to have made meaningful change that will serve him well in the community. The psychological evaluation completed prior to his hearing also stated Mr. Spruel 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. Spruel will come under the jurisdiction of the Board. The Board expects Mr. Spruel to demonstrate infraction free behavior and adhere to all elements of the reentry/transition plan, especially any programs that address his risks and needs. If Mr. Spruel 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.

Mr. Spruel appears to have participated in the programming necessary to address his criminogenic needs and mitigate his risk to the community. He has a good reentry plan and community support. He appears to have fully taken advantage of the programming available to him in prison and has managed his behavior appropriately for many years. The Board has also received programming information and support regarding Mr. Spruel that is highly favorable and further demonstrates he has effectively used his time in prison to make significant changes. Dr. Wentworth indicated in her evaluation that Mr. Spruel, when considering protective factors, should be considered an overall a Moderate to Low risk and appears to be a reasonable candidate to a less restrictive setting.

Mr. Spruel is aware that he will need to complete the community phase of SOTAP and will have

a period of supervision under the Board in which he will need to be compliant with his conditions in order to be successful. During his remaining time in prison, the Board would like to see Mr. Spruel transition through lower levels of custody, to include at least six months in a camp setting.

JP:jas

February 8, 2018

February 12, 2018

February 16, 2018

February 22, 2018

cc: institution
Richard Spruel
File



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

DATE: 2-8-2018

TO: Full Board

FROM: JP & KR (Jody)

RE: SPRUEL, Richard /DOC# 766783

Panel recommends: Find Mr. Spruel releasable in March of 2019.

Next action: Submit an ORP for Board approval in November of 2018.

Agree	Disagree
Jeff Patnode 2-12-2018 Lori Ramsdell-Gilkey 2-12-2018 Elyse Balmert 2-12-2018 Kecia Rongen 2-12-2018	