



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

DECISION AND REASONS

NAME: LAKEY, Hershel
DOC #: 255710
FACILITY: Stafford Creek Corrections Center – SCCC
TYPE OF HEARING: .100 Hearing
HEARING DATE: March 13, 2018
PANEL MEMBERS: KR & JP
FINAL DECISION DATE: March 26, 2018

This matter came before Kecia Rongen and Jeff Patnode, 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. Lakey appeared in person and was represented by attorney Don Miller. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Jodie Wright and Mr. Lakey.

BOARD 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. Lakey is not parolable and adds 60 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing 120 days prior to his PERD. The Board requires an updated psychological evaluation prior to his next hearing.

JURISDICTION:

Hershel Lakey is under the jurisdiction of the Board on a 1979 conviction in Thurston County Cause Number 79-1-00082-9 for Murder in the First Degree. The time start is June 18, 1979. The minimum term was set at 480 months at a Duration of Confinement Hearing. The minimum term was aggravated up from an SRA range of 246 to 329 months. The maximum term is Life. The judge and prosecutor recommended 99 to 150 years for the Duration of Confinement Hearing. Mr. Lakey has served approximately 465 months in prison.

NATURE OF INDEX OFFENSE(S):

File materials describe the underlying conviction as Mr. Lakey celebrating his 21st birthday and meeting a woman at a bar. They went back to her home after spending time together at the bar, and she apparently was not receptive to his advances. Reports indicate that Mr. Lakey grabbed a butcher knife and fought with the victim, stabbing her multiple times in her back. When she was on the ground he took off most of her clothing, raped her, and stabbed her multiple times again. He then stole her car, went to his home, and continued on to another city looking for marijuana or some other drugs. After murdering the victim, Mr. Lakey continued to drive her car from place to place, until he got in an accident and was arrested a short time later by the police.

PRIOR CRIMINAL CONDUCT:

Mr. Lakey has a 1974 juvenile conviction for Indecent Liberties. This involved him at age 16 luring a 6-year old boy into the woods where he sexually assaulted him.

HISTORY/COMMENTS:

Mr. Lakey's last hearing was held on February 11, 2015. He was found not parolable and 60 months were added to his minimum term. The Board recommended Mr. Lakey attend the Sex Offender Treatment and Assessment Program (SOTAP).

CC Wright testified that Mr. Lakey is employed as a Food Worker and receives above average to superior ratings. He has not completed any other programming since the Board last saw him.

Little has changed since the Board last saw Mr. Lakey, he refuses to attend SOTAP as he feels he will lose respect among the “Native Circle.” He maintains that they do not know why he is in prison and if they knew it was for a sex offense, he would be in danger. This fear overrides his desire to get out of prison. Mr. Lakey appears remorseful for the crime and harbors a lot of shame.

Dr. Wentworth completed a psychological evaluation on Mr. Lakey and assessed his overall risk in the moderate to high range to reoffend. She also indicated that “his lack of engagement with criminogenic-focused treatment and ongoing behaviors do not bode well for a successful transition to the community at this time”.

INFORMATION CONSIDERED:

In preparation for Mr. Lakey’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: 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 prepared by Dr. Deborah Wentworth. The Board also considered the testimony of the witnesses listed above.

The Board received an updated recommendation from Thurston County Prosecuting Attorney, Jon Tunheim, who did not recommend the Board find Mr. Lakey releasable. This was based on “his apparent lack of any desire to engage in sex offender treatment, and the statistical likelihood of re-offense for those similarly situated to Mr. Lakey”.

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. Lakey not parolable.

Mr. Lakey has not completed offense specific treatment related to his sex offense. The Board is unsure if he will at this point. It is important for Mr. Lakey to gain insight into the sexual homicide he committed as well as the previous sex offense against a minor male. Until that time, it is unlikely the Board will find him rehabilitated and a fit subject for release. Mr. Lakey should also consider additional offender change programs such as Moving Forward, Bridges to Life and Thinking for a Change. If Mr. Lakey decides to apply to SOTAP, he can write the Board for consideration of an earlier hearing.

KR:ffo

March 23, 2018

March 26, 2018

March 27, 2018

cc: Institution/SCCC
LAKEY, Hershel
Don Miller, Attorney
File/ffo



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P.O. BOX 40907, OLYMPIA, WA 98504-0907

DATE: *March 23, 2018*

TO: Full Board

FROM: KR & JP (*Fawn*)

RE: LAKEY, Hershel / DOC #255710

Panel recommends: Not releasable – add 60 months to minimum term.

Next action: Schedule .100 120 days prior to PERD or upon completion of SOTAP.

Agree	Disagree
Jeff Patnode 3-26-2018 Lori Ramsdell-Gilkey 3-26-2018 Elyse Balmert 3-26-2018 Kecia Rongen 3-26-18	