



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

DECISION AND REASONS

NAME: Anderson, Michael
DOC #: 287309
FACILITY: Coyote Ridge Corrections Center
TYPE OF HEARING: .100 Hearing
HEARING DATE: March 20, 2018
PANEL MEMBERS: LRG & KR
FINAL DECISION DATE: April 2, 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 9.95.100. Mr. Anderson appeared in person and was represented by attorney George Critchlow. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Joseph Goodman, and Mr. Anderson.

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. Anderson is parolable from Spokane County Cause #79-1-00490-2, Counts IV, XII, XIII, XIV, XV to begin serving consecutive counts V and VI effective June 14, 2018.

NEXT ACTION:

Schedule a Redetermination hearing within the next six months to address the minimum term on these remaining two counts.

JURISDICTION:

Michael Anderson is under the jurisdiction of the Board on multiple convictions in Benton and Spokane County. It should be noted that none of the actual offenses occurred in Spokane County, but due to a change of venue, the Franklin County cases were heard in Spokane County. He previously completed serving time on/was paroled from the Benton County cases as well as Count XI Robbery First Degree, Spokane County Cause #79-1-00490-2.

He is currently serving time on Spokane County Cause #79-1-00490-2, Kidnapping in the First Degree, Counts XII, XIII, XIV and XV as well as Robbery in the First Degree, Count IV. These Counts each have a 10 year minimum term and a max of Life. Mr. Anderson has served 76 months on these counts, with a time start of October 15, 2011 for a total of approximately 478 months (39+ years) in prison. Remaining to serve is Counts V and VI of Spokane County Cause #79-1-00490-2, which are concurrent to each other but consecutive to Count IV above. Counts V and VI have 120 month minimum terms and a Life maximum.

NATURE OF INDEX OFFENSE(S):

Mr. Anderson is under the Board's jurisdiction for a series of robberies, rapes, assaults and kidnappings that occurred during a three month period. The first began as a robbery of the Liberty Theater in Pasco, Washington on January 26, 1978. Mr. Anderson brandished a handgun on the female cashier taking the business' money then took the victim to a nearby church and raped her.

Less than ten days later, on February 4, 1978. Mr. Anderson entered a Pasco motel and asked a female night clerk if he could see a room, then forced her into the room at gun point. After some scuffling he then took her to the main section of the motel at gun point. He then woke the managers and forced the male manager to open the safe and took a large amount of money.

Two days later, at another motel in Pasco, a woman was checking in late at night and moving luggage into her room when Mr. Anderson walked through the open door of her motel room. He

threatened her with bodily harm and told her he had a gun and he would use it, that he had killed before and would kill again. He struck her, made her remove her clothing and raped her. He then went through her purse and took her cash and credit cards. Subsequently he was arrested following the robbery of a Safeway store in Pasco.

Approximately two months later Mr. Anderson escaped from the Franklin County Jail. The day after his escape he snuck into a home in Pasco and was hiding in the home when he was surprised by the victim, who returned home and discovered him hiding behind the door in the basement. She began to scream, at which time he grabbed her, knocked her down, kicked her, and pistol whipped her with a gun he had. Mr. Anderson also subdued the woman's three children, a neighborhood friend, and finally the woman's husband, whom he also robbed at gunpoint. During this time he bound and gagged all of the victims except for the woman, held the gun to the children's heads and cocked the trigger repeatedly, threatening the children (ages 11, 12 and 14). Sometime during the night he then took the woman and, using the family vehicle traveled from Franklin County into Benton County and raped her, then he robbed a store in Kennewick where he kidnapped another person and fled with the two hostages to Seattle, where he was apprehended by a Seattle Police SWAT Team.

The last series of incidents, which occurred in Franklin County and are described above, were moved to Spokane County on a change of venue.

PRIOR CRIMINAL CONDUCT:

Mr. Anderson's criminal history is very extensive and officially begins at age 16 when he was convicted for auto theft and was sent to a boy's home in Illinois. He escaped twice from this facility and was apprehended for at least one additional auto theft. From age 18 on, records indicate that he had at least 12 arrests in Illinois for crimes including criminal trespass, armed robbery, theft, unlawful use of weapons, battery, and escape. In 1974 he was convicted of Attempted Murder, Aggravated Battery, and Robbery and was sentenced to five years maximum in the penitentiary. Mr. Anderson admits shooting a man in the course of a robbery and that the

victim almost died. He released from prison in Illinois in March of 1977 and travelled to Washington State several months later.

HISTORY/COMMENTS:

Mr. Anderson's last hearing was held on July 6, 2011. At that time the Board found him parolable from Spokane County Cause #26472, Counts I, II, and VI, and Spokane County Cause #79-1-00490-2, Count XI, to Spokane County Cause #79-1-00490-2, Counts IV, XII, XIII, XIV, & XV, on his PERD on Count XI. The Board noted that Mr. Anderson had demonstrated remarkable commitment to personal improvement for over 20 years. They indicated that when it became available and he was found eligible to participate, they would like him to complete the DOC Sex Offender Treatment and Assessment Program (SOTAP) as well as chemical dependency treatment.

Classification Counselor Goodman testified Mr. Anderson has been on his caseload since just this last November. Mr. Anderson has not incurred any new serious infractions since his last hearing with the Board. In fact his last serious infraction was in 2006. He has received three positive behavioral observations from staff. Mr. Anderson has exhibited very positive behavior. Since last seen by the Board Mr. Anderson has completed Making it Work and Lean Manufacturing programming. He previously completed Anger/Stress Management and participated in the Right Living Program when it was available. He is a lead sanitation worker in the food factory and receives very positive work reviews. He spends his free time working out, reading and attending religious services. He has good support from his wife of many years as well as from his attorney. CC Goodman stated Mr. Anderson is a good role model.

Mr. Anderson testified he enjoys working and has always maintained employment in the institution. He sends money to his church and to his wife when he can. He has three grown children and is in regular contact with them. He appears to be in fair health for a man who has been incarcerated most of his adult life.

Mr. Anderson has little explanation for the crimes he committed. He stated he lost his way early in life and this crime spree was a culmination of everything he had been through and his lack of a purpose in life. He expressed remorse and shame for his actions. He stated he was hedonistic back then. Regarding the rapes he thought it would bring him some sort of sick pleasure and confidence but it did not. He stated he immediately felt remorseful and pathetic as a person. He could not explain why he then went on to rape yet another woman during another incident.

Mr. Anderson stated that once he arrived in prison an Associate Superintendent convinced him that though he had a very long sentence there would be opportunities for him to improve himself and prepare for an eventual release. He shared with us letters and statements that several DOC staff had written on his behalf over the years, noting his excellent behavior and self-improvement.

Mr. Critchlow represented Mr. Anderson at trial and remains a friend and supporter of him. He noted that it was rare that DOC staff ever write a letter on behalf of an inmate. He provided copies of some of these letters. It appears clear that Mr. Anderson turned his life around in 1990 and the violence stopped. He stated that though Mr. Anderson will not try to tell the Board he got God or try to use it as a crutch, he does appear to have had a spiritual awakening that changed his life. Mr. Critchlow stated Mr. Anderson's wife Mary remains very committed to her husband.

INFORMATION CONSIDERED:

In preparation for Mr. Anderson'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; psychological evaluation prepared by Timothy Whetstine-Richel, PhD on October 20, 2017. The Board also considered the testimony of the witnesses listed above. At the time of sentencing the Judge and prosecutor in the Spokane causes recommended life.

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. Anderson not releasable, but parolable to begin serving time on his last 2 counts remaining to serve.

The psychological evaluation indicates Mr. Anderson remains at elevated risk to reoffend based on his criminal and behavioral history that inform actuarial statistics, but noted he has made significant progress towards radiating criminogenic dynamic risk factors such as antisocial attitudes, impulsivity, and the general belief that violence is an acceptable tool. The evaluator recommended Mr. Anderson take specific programming to include, Thinking for a Change, SOTAP and Chemical Dependency Treatment.

The prior evaluation by Dr. Sowers' read in part, "I find Mr. Anderson to be a professional, mature, stable, focused, hard -working, practical, patient and adaptive individual. He is not the same person he was 20 years ago, and I think he exemplifies that rehabilitation is possible."

The Board informed Mr. Anderson that he would be required to participate in the SOTAP and chemical dependency programming prior to release. We would also like to see him complete Thinking for a Change if he meets the requirements for participation in that program.

Mr. Anderson has been incarcerated for almost 40 years. He has exhibited very positive behavior for many years. He appears to be a hard working inmate, respectful of staff and focused on improving himself in every manner. The Board will hold a redetermination hearing within the next six months to consider a reduction in his minimum term.

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In the meantime, the Board will request the facility make every effort to enroll Mr. Anderson in the recommended programming immediately.

LRG: ch

March 28, 2018

April 2, 2018

April 5, 2018

April 12, 2018

cc: Institution
Michael Anderson
George Critchlow, Attorney
File



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

DATE: March 30, 2018

TO: Full Board

FROM: LRG & KR (*Christine*)

RE: Anderson, Michael/*DOC# 287309*

Panel recommends: Parolable from Spokane County Cause 79-1-00490-2, Counts IV, XII, XIII, XIV, XV to Counts V and VI effective June 14, 2018.

Next action: Schedule Redetermination Hearing within 6 months to address minimum term on the remaining two counts.

Agree	Disagree
Lori Ramsdell-Gilkey 4-2-2018 Jeff Patnode 4-2-2018 Elyse Balmert 4-2-2018 Kecia Rongen 4-2-18	