



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: CHARLIAGA, Harold  
DOC #: 269461  
FACILITY: Coyote Ridge Corrections Center  
TYPE OF HEARING: .100 Hearing  
HEARING DATE: March 22, 2017  
PANEL MEMBERS: JP & TS  
FINAL DECISION DATE: April 3, 2017

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This matter came before Jeff Patnode and Tom Sahlberg, 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. Charliaga appeared in person and was represented by attorney Jason Couey. Testimony was provided by Department of Corrections (DOC) Classification Counselor(s) (CC) Jeremy Westphal and Mr. Charliaga.

**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. Charliaga is conditionally parolable to a Mutual Reentry Plan (MRP) and adds no time to his PERD.

**NEXT ACTION:**

Submit a MRP. Schedule a 100 hearing approximately 120 days prior to his next PERD.

**JURISDICTION:**

Harold Charliaga is under the jurisdiction of the Board on a March 18, 1980 conviction in Cowlitz County Cause 7223 for Aggravated Murder First Degree, Count I and Murder in the First Degree

Count II. The time start is February 10, 2002. The original time start was March 18, 1980. The minimum term was set at 320 months from a Sentencing Reform Act (SRA) range of 271 to 361 months on each count to run consecutive to each other. The maximum term is Life. Mr. Charliaga has served approximately 181 months on Count II, and a total of 444 months in prison.

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

Mr. Charliaga with two co-defendants, killed two teenage boys as they were robbing them for their marijuana. In previous reports, one of Mr. Charliaga's co-defendants describes a day of drinking and using drugs. Mr. Charliaga and his codefendants had planned to rob the victims, as the victims had previously mentioned that they were going to return with some marijuana. The victims were tied up and searched for marijuana, but it was not present. At that point, the three men then brutally attacked the two boys. It is disputed amongst the defendants if the victims begged for their lives or not. One of Mr. Charliaga's co-defendants took a knife and stabbed one of the victims through the heart several times. The other victim was strangled by Mr. Charliaga in an especially grotesque manner, with the ligature placed through the boy's mouth, and each of the other defendants pulling on a side. To ensure the death of the boy that was strangled, he was also stabbed. Mr. Charliaga and his co-defendants attempted to get rid of the evidence by burning down the cabin that the murders occurred in. Ironically, this was exactly what led to the discovery of the murders of the teenage boys.

**PRIOR CRIMINAL CONDUCT:**

None known.

**HISTORY/COMMENTS:**

The Board's last meeting with Mr. Charliaga was in December of 2001 at which time he was paroled from Count I to Count II.

Mr. Charliaga has a significant infraction history with 114 total serious infractions, however he has no serious infractions that are of concern over the last five years of his prison stay.

Mr. Charliaga has completed the following offender change programs and/or educational/vocational programs:

- *Job Seeking skills January 31, 2017*
- *Getting it Right- June 2016*
- *CD Treatment*
- *Life Skills Computing 2014*
- *ITC – 2011*
- *Stress Anger Management- 2006*

Mr. Charliaga is noted to be working on completing his A.A. degree. In addition, he requested Thinking for a Change but his score is Low and so doesn't meet criteria. He has also been referred for Redemption and Roots for Success, as well as Life Skills class for Re-entry.

CC Jeremy Westphal provided a summary of programming, behavior and release plan information for Mr. Charliaga. He stated that Mr. Charliaga had a shift in attitude in 2006 and it has shown in both his programming and infraction information since that time. CC Westphal spoke about Mr. Charliaga's involvement in charitable contribution to tribal organizations and his belief that Mr. Charliaga has made significant progress since 2006.

Mr. Charliaga provided a description of his index offense that matched with file material. He provided a good description with context for what his life was like at the time, his drug and alcohol abuse, and his general chaotic lifestyle. He stated that he had limited recall for that time in his life as he spent his waking hours drinking and using drugs. He showed what appeared to be genuine emotion and remorse for the lives that he took and the associated harm that it has caused. He spoke about the maturation and change in his thinking that has occurred during his time in prison. He stated he has a strong Native American spiritual practice and the focus it has helped him to gain as well as perspective. Mr. Charliaga stated his greatest desire is to give back and help others as a means of making reparations. He described the person he was at that time of his index offense and who he has become.

Mr. Charliaga's most recent psychological report was completed by Dr. Deborah Wentworth on November 16, 2016. Dr. Wentworth notes that Mr. Charliaga may be ready to transition through lower levels of custody with his adjustment and re-entry issues monitored. She further notes that he may benefit from additional program training. Dr. Wentworth indicates that Mr. Charliaga is an overall low risk and that participating in Thinking for a Change and reentry training that includes basic life skills will be important for Mr. Charliaga to receive prior to his release.

**INFORMATION CONSIDERED:**

In preparation for Mr. Charliaga's hearing and its decision in this case, the Board completed a review of Mr. Charliaga'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 completed by Dr. Wentworth on November 17, 2016. The Board also considered the testimony of the witnesses listed above.

Both the prosecutor and Judge recommended life sentences.

**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. Charliaga conditionally parolable to a MRP.**

Mr. Charliaga has been in prison since 1980. He is now 65 years of age and seems to have turned a corner in his life around the 2006 timeframe. He shows appropriate remorse for his index offense behavior and appears to have made significant changes in his thinking since he was 27 years of age. He has been assessed as a low risk in his last psychological evaluation and "the best

course of action may be transitioning to a less restrictive setting with graduating level of step down through lower custody levels” as offered by Dr. Wentworth.

The Board recommends that during his MRP, Mr. Charliaga have an opportunity to participate in T4C, camp or work release setting, and additional programming that addresses basic life skills that he will need to live outside of prison.

JP: ch

March 21, 2017

April 20, 2017

cc: Institution  
Harold Charliaga  
File  
Jason Couey, Attorney



STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS  
INDETERMINATE SENTENCE REVIEW BOARD**

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

DATE: April 3, 2017

TO: Full Board

FROM: JP & TS (Christine)

RE: CHARLIAGA, Harold, #269461

Panel recommends: Conditionally parolable to an MRP and adds no time to his PERD.

Next action: Submit a MRP. Schedule a .100 hrg. approx. 120 days prior to his PERD.

<b>Agree</b>	<b>Disagree</b>
<p>Jeff Patnode 4-3-2017 Tom Sahlberg 4-3-2017 Kecia Rongen 4-3-17</p> <p>This case falls under 6242, and the decision must be processed no later than 30 days from the hearing. Therefore, this decisions will be processed without Lori Ramsdell-Gilkey's vote as she is unavailable from March 31, 2017 through April 14, 2017.</p>	