



STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504 • (360) 493-9266 FAX (360) 493-9287

DECISION AND REASONS

NAME:	REED, Kenneth
NUMBER:	257825
INSTITUTION:	Washington State Penitentiary (WSP)
TYPE OF MEETING:	.100 Hearing
DATE:	March 21, 2017
PANEL MEMBERS:	JP & TS
FINAL DECISION DATE:	April 3, 2017

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. Reed refused to appear at the hearing and waived an attorney. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Ann Adams.

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. Reed is not parolable and adds 90 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to Mr. Reed's next Parole Eligibility Release Date (PERD). The Board requests and updated psychological evaluation be completed prior to Mr. Reed's next hearing.

JURISDICTION:

Kenneth Reed is under the jurisdiction of the Board on a November 9, 1977 conviction in Okanogan County Cause number 06355 for Assault in the First Degree while armed with a Deadly Weapon. The time start is November 9, 1977. The minimum term was set at 240 months, aggravated above the Sentencing Reform Act (SRA) range of 77 to 102 months. The maximum term is Life. Both the prosecutor and the judge recommended 99 years. Mr. Reed has served approximately 472 months in prison.

NATURE OF INDEX OFFENSE(S):

File materials indicate that one evening in 1977, while in jail, Mr. Reed and cellmate Johnny Mendoza apparently discussed the possibility of escape, made possible by removal of a portion of the jail cell bar. Later that same evening, Mr. Reed assaulted Mr. Mendoza with the cell bar, nearly killing him. During the course of the assault, other cellmates overheard Mr. Reed state that he had killed an old man and taken his money and car and words to the effect, "I'm going to do away with you just like I've done T.J." He was acquitted of the Murder in the First Degree and Robbery in the First Degree charges for that victim, due to insanity. However, he is currently under the Board's jurisdiction for the First Degree Assault that took place while he was in the Okanogan County Jail.

Mr. Reed has stated and continues to state that he killed his employer because the spirit told him that he had killed three teenage girls and as such Mr. Reed felt compelled to exact vengeance or to simply remove the man from potential threat to others.

PRIOR CRIMINAL CONDUCT:

Mr. Reed's Criminal History began in May of 1964, when he received a vehicle code arrest for which he was fined. His next arrest was in August of 1964 for being AWOL from the Army. In May of 1965 he was arrested for 17 different traffic tickets. In February of 1966, he received a traffic violation for driving with a suspended license and was fined. Mr. Reed

was in a “Road Camp” in Modesto, California for drunk driving when he felt he was having a recurrence of a LSD flashback. Mr. Reed left the camp and entered the residence of an older couple and demanded an automobile and a gun. Apparently after much erratic behavior and incoherent demands, Mr. Reed attempted to attack the elderly gentleman with a hammer. The victim received assistance from a neighbor. While trying to get Mr. Reed back to the camp, he threatened an assault on the arresting police officer. Mr. Reed continued to advance on that officer with a knife, prompting the policeman to discharge his shotgun into Mr. Reed's abdomen. Mr. Reed spent five years in the California penal system in disposition for those offenses, (and he apparently was actively hallucinating during that period).

RELATED BEHAVIOR:

In April 1977, the victim was in need of a laborer on his farm located near the Colville Indian Reservation. Mr. Reed accepted the position and took up residence on the farm. On April 20, 1977, the victim was found dead on the kitchen floor of his home. His body exhibited numerous stab wounds, two of which were fatal. There was also evidence that the victim had been assaulted with a blunt instrument. Although several persons had previously noted Mr. Reed's presence at the farm, he could not be located upon discovery of the victim's body. The police also noted the victim's car was missing and that Mr. Reed had apparently departed without pay. The car was subsequently found abandoned in the Seattle area. Mr. Reed was later arrested in Oregon and returned to the Okanogan County jail. He was found not guilty by reason of insanity.

HISTORY/COMMENTS:

Mr. Reed was last seen by the Board on December 20, 2011. The Board found him not parolable and added 90 months to his minimum term.

Since his last hearing Mr. Reed received a serious infraction for Strong-arming/Intimidation and Refusal/Resisting Safety (WAC 663 & 717). On July 6, 2013 he made physical contact

with a Corrections Office (CO) in an aggressive manner when the CO entered his cell. This Hearing was held in absentia as Mr. Reed refused to appear. He also he refused to participate in the psychological evaluation completed by Dr. James Johnson dated September 26, 2016.

CC Ann Adams stated Mr. Reed is currently housed in the hospital and as such has very little access to programming. She stated he spends most of his days sleeping and is prompted by staff to perform personal care. CC Adams added that his medical situation has significantly declined since his last hearing and that she does not believe he is physically capable of violence at this time. She stated that Mr. Reed has made it very clear that he is content where he is at and does not wish to be relocated for any reason.

INFORMATION CONSIDERED:

In preparation for Mr. Reed's hearing and its decision in this case, the Board completed a review of Mr. Reed's Department of Corrections (DOC) and ISRB files. 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; psychological evaluations; and the Pre-Sentence Investigation report. 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 9.95.009 (3) and RCW 9.95.100 the Board finds Mr. Reed not parolable.

Mr. Reed continues to suffer from a chronic serious mental health condition. He is currently in a highly controlled environment and it is not known how he might adjust to a less restrictive environment. According to Dr. Johnson in his most recent evaluation, dated September 26, 2016, it is possible that the added stress of a less structured environment may result in him becoming “increasingly aggressive and violent when he misperceives the communications or behaviors of those around him”. In the previous psychological evaluation, Dr. Page expressed concerns should Mr. Reed be placed in a less restrictive environment, where “it is not entirely unlikely that Mr. Reed again could develop a delusional sense of vulnerability in response to proximity with others, especially as engendered through his hallucinatory experience.”

Mr. Reed does have diminished physical capacity and is currently hospitalized. However, it is unclear as to how he might respond in a less structured, non-secure environment. It is also important to note that Mr. Reed did not participate in the interview process for his current psychological evaluation, refused legal representation for his hearing, and declined to participate in the hearing. Until Mr. Reed sees the Board again, he should continue to participate in his mental health treatment and continue to manage his behavior.

If Mr. Reed changes his mind about seeing the Board, he may request being scheduled for a hearing prior to his adjusted PERD.

JP: ch
March 21, 2017
April 5, 2017

CC: Institution, Kenneth Reed, File



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

DATE: March 21, 2017

TO: Full Board

FROM: JP & TS (Christine)

RE: REED, Kenneth, #8257825

Panel recommends: Not parolable; add 90 months to MT.

Next action: Schedule .100 hearing approx. 120 days prior to PERD.

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