



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

DECISION AND REASONS

NAME:	ESPINOZA, Israel
DOC #:	758560
FACILITY:	Coyote Ridge Correctional Center (CRCC)
TYPE OF HEARING:	LTJUVBRD Hearing
HEARING DATE:	May 17, 2017
PANEL MEMBERS:	JP & KR
FINAL DECISION DATE:	June 12, 2017

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. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Brady Hinds and Mr. Espinoza.

BOARD DECISION:

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. Espinoza releasable on/or about June 1, 2018 upon his satisfactory completion of transitions through lower levels of custody, with approximately his last six months spent in a work release program. 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 consideration in March of 2018 (approximately three months prior to tentative release date) for Board approval.

JURISDICTION:

RCW 9.94A.730, 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 after serving no less than 20 years of total confinement. Mr. Espinoza' petition was accepted.

Israel Espinoza is incarcerated on a November 15, 1996 conviction in Yakima County for Murder in the First Degree, Cause 96-1-00884-8, Count 1 and Unlawful Possession of a Firearm, Ct. II. The time start is November 20, 1996. The minimum term was set at 360 months, Count 1 and 34 months, Count II from a Sentencing Reform Act (SRA) range of 321 to 407 months (Ct. I) and 26 to 34 months (Ct. II). The maximum term is Life (Ct. I) and 10 years (Ct. II). Mr. Espinoza has served approximately 245 months in prison and 182 days of jail time.

NATURE OF INDEX OFFENSE(S):

On May 17, 1996, police were dispatched to a shooting in Sunnyside, WA. The incident was reportedly gang related and the result of two rival gangs facing off with several individuals reportedly attacking the vehicle that Mr. Espinoza and his other gang members were in, while stopped at a traffic light near a convenience store. Upon arrival, law enforcement found that a man had been shot. The victim was transported to the hospital and was declared deceased upon arrival. Police received information that the victim was shot by someone in a white Lincoln Continental. Police found a spent .32 caliber casing at the scene of the shooting. When police found the suspect vehicle another spent .32 caliber round was found in the front passenger seat of the vehicle. When police located and questioned the vehicle passengers the suspects identified Mr. Espinoza as the person who fired the gun at the victim.

When Mr. Espinoza was tried for the index offense he was tried as an adult in adult court. Mr. Espinoza committed the index offense at the age of 17 years, 6 months. He arrived at the Department of Corrections at his 18th birthday.

PRIOR CRIMINAL CONDUCT:

Mr. Espinoza has a juvenile criminal history as follows:

- July 1991 Residential Burglary, Yakima County #91-8-01226-2 – Disposition Guilty;
- September 1994 Taking a Motor Vehicle without Permission, Yakima County #94-8-01292-5 – Disposition Guilty;
- December 1994 Controlled Substance Violation – Manufacture/Deliver/Possession, Yakima County #95-8-00130-1 Disposition Guilty;
- May 1995 Burglary in the Second Degree, Yakima County #95-8-01546-9 – Disposition Guilty – 10 days confinement, 12 months supervision.

HISTORY/COMMENTS:

This was Mr. Espinoza' first Board hearing.

Mr. Espinoza came to DOC at 18 years of age and has an infraction history that is somewhat typical for someone that has come to prison at that age. He has had 22 serious infractions with 20 occurring within the first ten years of his prison stay, three that involved aggression or violence as follows:

- **05/04/1998 #651 Inciting Riot**, Mr. Espinoza was yelling, "You all are prejudice mother fuckers!" while in front of other Hispanic inmates.
- **06/15/2006 #602 Possess Weapon**, Mr. Espinoza was found to be in possession of a six inch wooden shank.
- **03/22/2007 #505 Fighting**

Mr. Espinoza's last infraction was in 2013 for being in possession of another inmates shoes.

Mr. Espinoza has impressive program participation history and has completed two different Associate of Arts (A.A.) degrees. He has completed the AA requirements for both general studies and a welding certificate (1 of 5 offenders chosen for the program) and also has a bookkeeping

certificate. It appears that Mr. Espinoza has taken nearly every program that has been available to him and also obtained his GED in 2001. Mr. Espinoza has completed the following Offender Changes programs: MRT Step 4, October 2010; MRT, August 2010; Critical Thinking, May 2003; and Thinking 4 a Change, October 2014. He has employability skills as a welder and has worked in the dog program as a mentor and trainer. Mr. Espinoza is currently employed in the institution as a Custodian, and Welding Technology.

CC Hinds provided a summary of programming (see above), behavior and other relevant plans for Mr. Espinoza. He was very complimentary in his descriptions and stated that Mr. Espinoza has not been a significant management problem and gets along well with staff and other inmates. He stated Mr. Espinoza has exemplary programming and has been highly motivated in his quest for education and knowledge. He also stated Mr. Espinoza does receive regular visits from his family and he hopes to transition to the King County area.

Mr. Espinoza was asked about two of his infractions and he described the details around the fight he was in and took full responsibility for his actions, explaining that it occurred while he was in an Arizona facility and made a bad decision. He stated he had the weapons infraction at the same facility because he feared for his life and he was in a very hostile environment with "dangerous" offenders from all over the country.

Mr. Espinoza was asked to describe in detail his index offense and he provided a disclosure of his index offense that was consistent with file material information. He did not minimize his offending behavior and fully acknowledged his culpability in the murder. He stated that he did not pull the trigger with the intent of killing one of the rival gang members, but feared for his life and wanted to get them away from his vehicle. He could verbalize the circumstances surrounding his offending behavior and appeared to have some understanding of the impacts to the family and survivors of his victim. Mr. Espinoza appeared to be honest, open, and genuine in his presentation.

Mr. Espinoza was able to identify the time he decided to change his life and left his gang

affiliation. He stated he has pursued as many opportunities available to him in prison to better his life. He said he has family that is very important to him and a strong support in the Yakima area. He stated he wants to release to the Seattle area and would like to pursue his Bachelor's Degree at the University of Washington and has potential funding source for both housing and tuition while attending school.

INFORMATION CONSIDERED:

In preparation for Mr. Espinoza' hearing and its decision in this case, the Board completed a review of his ISRB file. The Board considered all information contained in those files, 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; Psychological Evaluations and the Pre-Sentence Investigation. The Board also considered the testimony of witnesses. The Board did not receive recommendations from the Judge or Prosecutor.

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. Espinoza 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. Espinoza has been incarcerated for over 20 years and has no prior experience of living independently as an adult. The Board acknowledges that Mr. Espinoza has completed many offender change and education/vocation programs and appears to have made meaningful change that will serve him well in the community.

As a result of this release decision, Mr. Espinoza will come under the jurisdiction of the Board.

The Board expects him to demonstrate infraction free behavior and adhere to all elements of the re-entry/transition plan, especially any programs that address his risks and needs. If Mr. Espinoza 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.

In this hearing, Mr. Espinoza provided the Board with the information needed to assess his rehabilitation and his risk to commit a future crime. In his psychological evaluation completed by Dr. Deborah Wentworth dated January 18, 2017, Mr. Espinoza could be viewed as a "low to moderate" range when taking into account protective factors. Dr. Wentworth further states that "Mr. Espinoza may be a reasonable candidate for transitioning to a less restrictive setting. A gradual step down into less restrictive settings and increased responsibility and self-management is recommended". Mr. Espinoza appears to have done what he can to address his risk and set himself up for a successful transition back into the community after being incarcerated for 20 plus years starting at age 18.

JP: ch

May 17, 2017

cc: Israel Espinoza
Institution
File



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

DATE: June 12, 2017

TO: Full Board

FROM: JP & KR (Christine)

RE: ESPINOZA, Israel #758560

Panel recommends: Releasable on/about 6-1-18 upon satisfactory completion transitions through lower levels of custody, w/approx. last 6 months spent in work release. Actual release date contingent upon approval of ORP and mandatory LEN.

Next action: Submit ORP in March 2018 (approx. 3 months prior to tentative release date) for Board approval.

Agree	Disagree
Jeff Patnode 6-12-2017 Lori Ramsdell-Gilkey 6-12-2017 Elyse Balmert 6-12-2017 Kecia Rongen 6-12-2017	