



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: BIRD, Daunell  
DOC #: 754754  
FACILITY: Washington Corrections Center - WCC  
DATE OF HEARING: June 13, 2018  
TYPE OF HEARING: LT JUVBRD  
PANEL MEMBERS: Kecia Rongen & Elyse Balmert  
FINAL DECISION DATE: June 25, 2018

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This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a release hearing in accordance with RCW 9.94A.730. In preparation for the hearing, the Board reviewed Mr. Bird's ISRB file. Daunell Bird appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Kathleen Glennon, Community Corrections Officer (CCO) Shea-Anne Mehus, and Mental Health Counselor (Psychology Associate) Josh Fields.

**LAST BOARD DECISION:**

Mr. Bird was last seen by the Board on January 10, 2017 and was found releasable in approximately June of 2018 after transition through lower levels of custody to include Camp and Work Release.

**CURRENT BOARD DECISION:** Based on the burden of proof set out in RCW 9.94A.730 or RCW 10.95.030(3)(f) and the totality of evidence and information provided to the Board, the Board does find by a preponderance of the evidence that Mr. Bird is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Bird not releasable. Mr. Bird can re-submit a petition for review in December of 2019.

**NEXT ACTION:**

Submit a petition in December of 2019. A new psychological evaluation will be required.

**REASONS FOR 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 or RCW 10.95.030 the Board finds Mr. Bird is more likely than not to commit a new crime if released with conditions that are designed to help better prepare him for a successful re-entry into society. Mr. Bird is determined to not be releasable based on the following:

- Returned from work release for leaving his job without permission and being unaccounted for in the community for five hours, posing a potential risk to the community or himself.
- Mental health issues that need to continue to be addressed.
- Needs a longer period of stability.
- Low-Moderate risk to re-offend.

**Recommendations:**

Continue to participate in mental health services to include medication if recommended. Attend Bridges to Life and more educational programs.

**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 consideration after serving no less than 20 years of total confinement.

Mr. Bird is incarcerated on 1996 convictions in Pierce County Cause #96-1-00512-8 for: Count I – Assault in the First Degree, Count II – Kidnapping in the First Degree, Count III – Kidnapping in the First Degree, Count IV – Assault in the Second Degree. The time start for Counts I and IV is October 29, 1996; April 29, 2011 for Count II; and December 22, 2016 for Count III. The minimum terms are: Count I – 130 months from an SRA range of 111-147 months plus 60 months Deadly Weapon enhancement; Count II and III – 68 months from an SRA range of 51 to 68 months; and Count IV – 43 months from an SRA range of 33-43 months. The maximum term is Life for Counts I, II, and III, and 10 years for Count IV. Mr. Bird has served approximately 260 months in prison and 266 days of jail time. The recommended times from the Judgment and Sentence are: Count I – 147 months plus 60 months enhancement for weapon, Counts II and III – 68 months, and Count IV – 43 months. There is no new recommendation from the judge or prosecutor.

**OFFENSE DESCRIPTION:**

File materials describe the offense as Mr. Bird (age 16) and nine accomplices robbing, beating and abducting two males. Female accomplices lured the men to an apartment and Mr. Bird and the other males “jumped” the men, one of whom was carrying a handgun. During the assault of the victims they were attacked with fists, bottles full of liquid, a brick, and a frying pan. One victim had a knife held to his throat. The victims’ mouths were then duct-taped and they were hog-tied and placed in the trunk of a car. While discussing what to do with the victims, a police car drove by and all 10 attackers fled. Law enforcement located the victims in the trunk, still alive. Mr. Bird eventually pled guilty to the above charges and the other co-defendants were convicted of a variety of crimes.

**PRIOR RISK RELATED/ CRIMINAL CONDUCT:**

Mr. Bird has juvenile convictions in 1995 for Theft in the 1<sup>st</sup> Degree and Assault in the 4<sup>th</sup> Degree.

**PROGRESS/BEHAVIOR:**

Mr. Bird was returned from work release for pending infraction behavior in February of 2018. The infraction was a result of Mr. Bird walking off of his job and being unaccounted for in the

community for five hours. He was found not guilty of this infraction as the hearings officer did not believe it was “willful” due to his mental health issues. The Board made an administrative decision on March 1, 2018 to cancel his release and see Mr. Bird for another release hearing resulting in the required 90 day notification and hearing being held today.

CC Gannon testified that Mr. Bird has not had any behavioral problems since returning to prison. He is working in the kitchen and receives above average remarks from his supervisor. He has completed a College Readiness Course and Ready for Release. He is scheduled to begin Making it Work through Correctional Industries.

CCO Mehus testified that Mr. Bird was honest about being nervous when he first arrived at work release. He appeared unsure of what direction he wanted to go into. He completed the orientation at Fare Start as he thought that is what he wanted to do but realized it was not for him. He got another job immediately, however this is the one that he walked away from. The employer did not notify work release until Monday. Mr. Bird requested to speak to staff on Monday to tell them what occurred and did in fact tell Ms. Mehus before she confronted him about it. Ms. Mehus indicated that Mr. Bird’s mental health needs to be stable before he can return to work release.

Psychology Associate Josh Fields testified that he has been working with Mr. Bird since he returned to prison. He actively participates in the therapeutic process and completes assigned homework. Mr. Fields describes Mr. Bird as a “survivor.”

Mr. Bird described what occurred with him at work release. He felt overwhelmed by the whole situation and didn’t reach out to his support system like he should of. He realized when he left his job and rode the bus around for five hours that he had made a very big mistake and figured since he was going to return to prison that he might as well “commit suicide by cop”. He realized that was not the right thing to do and returned to work release. He struggles with depression and anxiety. He indicated that he had stopped his medication when he got to work release

because he was trying to cut his expenses and didn't believe his insurance would cover it. He also didn't utilize the Fare Start counseling that was available to him. He indicated that he wanted to leave Fare Start because he didn't make any money there and needed money in the work release to wash clothes, etc.

Mr. Bird told the Board it was very difficult for him to return to prison and he does not believe he has the "criminality" mindset anymore. He did begin medication again when he re-entered prison, however it was not what he has found has helped him in the past so he requested to stop the medication which the doctor agreed too.

The Board appreciates Mr. Bird's transparency about his struggles with depression and anxiety. Mr. Bird indicated that he felt the best when he was on medication the doctor at SCCC prescribed him. He is not on any now as the ones prescribed were not working. The Board would like his mental health to be more stable before transitioning him back out to the community.

Mr. Bird would like to go back to Fare Start and they are willing to accept him back. He has support from his mother, father and grandparents.

**KR:ffo**

June 21, 2018

June 25, 2018

July 3, 2018

cc: WCC  
BIRD, Daunell  
File



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

TO: Full Board

FROM: Kecia Rongen (Fawn)

RE: BIRD, Daunell, DOC# 754754

Panel recommends: Not Releasable.

Next action: Re-submit a petition for review in  
December 2019.

<b>Agree</b>	<b>Disagree</b>
<b>Elyse Balmert 6-25-18</b> <b>Lori Ramsdell-Gilkey 6-25-18</b> <b>Jeff Patnode 6-25-18</b> <b>Kecia Rongen 6-25-18</b>	