



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

DECISION AND REASONS

NAME: Dodge, David
DOC #: 772835
FACILITY: Monroe Correctional Complex – Twin Rivers Unit
DATE OF HEARING: September 4, 2018
TYPE OF HEARING: LT JUVBRD
PANEL MEMBERS: Lori Ramsdell-Gilkey and Elyse Balmert
FINAL DECISION DATE: September 19, 2018

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. Dodge's ISRB file. Mr. Dodge appeared in person and was not represented by an attorney. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) James Leffew and Sex Offender Treatment and Assessment Program (SOTAP) Specialists Charles Van Ness and Stephanie Pitkin. Others present at the hearing but not participating were Victim Advocate, Sheila Lewallen, concerned members of the community and an observer from the Sentencing Guidelines Commission.

CURRENT BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 and the totality of evidence and information provided to the Board, the Board does find by a preponderance of the evidence that Mr. Dodge is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Dodge not releasable.

NEXT ACTION:

Mr. Dodge can re-submit a petition for review in September of 2023.

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 the Board finds Mr. Dodge 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. Dodge is determined to be not releasable based on the following:

- **Level III, high risk sex offender**
- **VRAG-R is high**
- **Mr. Dodge's description of the crime does not match file material, provoking doubt about his ability to understand his criminogenic treatment needs and risk factors.**
- **Needs to continue to work on negative emotionality and handling stressors**

RECOMMENDATIONS:

The Board would like to see Mr. Dodge screened for participation in minimal arousal conditioning if appropriate. He should participate in programming to address his negative response to criticism/feedback. His resorting to intimidation through removing his jacket, standing up or puffing out his chest is concerning. Participation in Changing Thinking, Attitude and Behavior (CTAB) may be appropriate.

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. Dodge's petition, resulted in the hearing on this date.

David Dodge is in the DOC on a February 3, 1998 conviction of Count I, Murder in the First Degree; Count II, Rape in the Second Degree; Count III, Residential Burglary; Count IV, Burglary in the First Degree; and Count V, Burglary in the First Degree in Snohomish County under Cause # 97-1-01505-1. His time start is March 28, 1998. At sentencing in 1998, the Prosecutor recommended a term of confinement totaling 983 months. The Court originally set a minimum term totaling 746 months.

At **resentencing** on December 1, 2000, the Prosecutor recommended a minimum term of 728 months. The Court determined Counts I and IV encompassed the same criminal conduct as did Counts II and V. This therefore changed the offender score for the purposes of sentencing.

The Court then sentenced David Dodge as follows: Count I, 374 months; Count II, 222 months, Count III, 84 months, Count IV, 89 months and Count V, 89 months. Further the Court ordered that **Counts I and II be served consecutively** with the remaining counts running concurrently for a **total minimum term of 596 months**. The Court indicated that an **exceptional sentence** was appropriate as a sentence within the standard range for all counts would be clearly too lenient given the seriousness of the offenses involved. The maximum term on Counts I, II, IV and V is Life. David Dodge has served approximately 245 months plus 141 days of jail time credit.

OFFENSE DESCRIPTION:

According to file material, Mr. David Dodge, at his age of 17, brutally raped and murdered a 12 year old girl. At the time of the offense Mr. Dodge was on escape status from a juvenile placement at "Larch Way Home". The night of the offense Mr. Dodge had been drinking alcohol and smoking marijuana at a party with friends who lived in the area where the murder occurred. Mr. Dodge decided to roam the neighborhood shortly after midnight and look for a residence he could break into as he was low on money and he hoped to find cash.

David Dodge told the Board that prior to entering the residence where the victim was babysitting, he first removed his jacket and armed himself with a “club” (a large stick he had found outside) in case he ran into anyone in the house. He first looked around upstairs. After finding nothing to steal he went down to the basement. He saw that someone was sleeping on the couch. He continued down the hallway and encountered the victim. He struck her and then ran out of the house. He remained in the backyard for a few minutes to see if anyone in the house had woken up. He went back in the house and saw the victim on the floor. He admitted at that time his “motive” changed. He thought he could sexually assault her while she was unconscious and not get caught. He then raped the victim and left the residence. Mr. Dodge told the Board that he only hit the victim one time. He also told the Board that he had never raped anyone before or had such thoughts.

PRIOR RISK RELATED/ CRIMINAL CONDUCT:

Mr. Dodge has shown a propensity for crime. He has illegally entered the homes and businesses of many persons on Camano Island where he was living. He had numerous encounters with law enforcement and nothing deterred his behavior.

10/21/95, Second Degree Burglary, two counts. Island County #96-8-00281-8. Originally a deferred sentence but was revoked in 1996 as the result of a new conviction. David Dodge and at least one friend burgled several places on Camano Island. Most of the property was later recovered after they attempted to hide it in the woods.

4/7/96, Residential Burglary, Island County #96-8-00089-9. David Dodge burgled a residence on Camano Island.

12/9/96, Residential Burglary, Island County #97-8-00020-0. David Dodge burgled a residence on Camano Island.

PROGRESS/BEHAVIOR:

Classification Counselor Leffew testified Mr. Dodge has completed a good deal of programming. He has completed Thinking for a Change, Bridges to Life, SOTAP, Non Violent Communication, Stress Anger Management, Community Transition, Chemical Dependency, Victim Awareness and others. He is currently working in the Inmate Kitchen and participating in the SOTAP Aftercare. He has also completed a paralegal correspondence course.

His last serious infraction was in 2007. This was for having an unauthorized tool in his possession. In addition he had three separate serious infractions over a three year period for masturbating in front of staff. When asked about this behavior Mr. Dodge admitted he enjoyed having someone watch him. After the third infraction he ceased the behavior.

Regarding his participation in the Sex Offender Treatment and Assessment Program, Specialist Charles Van Ness stated that on one occasion in group, Mr. Dodge had played a practical joke on him that was not well received. Specialist Van Ness stated Mr. Dodge completed his assignments in a timely manner and did a good job. He did not always accept feedback from his peers well and sometimes “puffed up” and or took off his coat (a typical behavior for inmates wishing to be intimidating). It will be important that he has support other than just his wife in the community.

Specialist Pitkin stated Mr. Dodge’s puffing up behavior tended to be directed towards those persons he did not respect. One of his highest risk is his negative emotionality and she recommends he receive individual therapy in the community to address this. In addition she also recommends couples counseling for he and his wife in the community. Specialist Pitkin stated it is her belief that Mr. Dodge truly has no idea how stressful life in the community will be for him.

Mr. Dodge plans on releasing to his wife in Tacoma. She is some 30 years his senior and they met in 2008 or 2009 when she was employed as a Correctional Officer on McNeil Island. Mr. Dodge claims they did not begin to engage in a relationship until after she left state service. They married in 2010. (His wife currently has a grown daughter living at home with her but it is expected she

will move out prior to Mr. Dodge's release. He admitted the daughter is not happy about his relationship with her mother.) The Board advised Mr. Dodge that thus far we have not seen such relationships survive the release of the inmate. This has been particularly true for our juvenile Board cases, as prior to coming to prison these young people have not had the opportunity to be involved in a mature and healthy relationship. The dynamics of the relationships change so drastically upon release that they end in divorce.

Mr. Dodge appears to have minimized his behaviors the night of the offense. It is doubtful he hit the victim only one time or that he raped the victim with his penis only. The medical records and autopsy report indicate the victim had a depressed skull fracture, multiple bruises on her body and serious internal vaginal trauma that continued to bleed throughout the short remainder of her life.

The Board is concerned about his impulsivity and sometimes intimidating behavior toward others. Though he has not been incarcerated for fighting for many years, the fact that he would become so agitated during a treatment group that he would remove his jacket and/or puff out his chest in response to feedback from other inmates is unacceptable. He has used vulgarity towards staff when he felt challenged or disrespected. We would like to see him become more emotionally stable and able to handle disappointments and perceived issues of disrespect.

LRG: ts

September 11, 2018

September 19, 2018

September 20, 2018

September 24, 2018

cc: MCC-TRU; David Dodge; File



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

TO: Full Board

FROM: LR-G & EB (TS)

RE: DODGE, David DOC #772835

Panel recommends: Not releasable

Next action: Re-Petition in September 2023

| Agree | Disagree |
|---|----------|
| Lori Ramsdell-Gilkey 9-19-2018 Elyse Balmert 9-19-2018 Jeff Patnode 9-19-2018 Kecia Rongen 9-19-2018 | |