



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

DECISION AND REASONS

NAME: BIDON, Mark
DOC #: 247534
FACILITY: Monroe Correctional Complex – WSR - MSU
TYPE OF HEARING: .100 Hearing
HEARING DATE: September 21, 2017
PANEL MEMBERS: EB & JP
FINAL DECISION DATE: October 9, 2017

This matter came before Elyse Balmert and Jeff Patnode, 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. Bidon appeared in person and was represented by attorney Richard Linn. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Frances Hall.

BOARD 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. Bidon is parolable.

NEXT ACTION:

Submit an Offender Release plan for consideration.

JURISDICTION:

Mark Bidon is under the jurisdiction of the Board on a 1978 conviction in King County Cause #86081 for Rape in the First Degree, Count I, and Assault in the First Degree, Count II. The time

start is August 14, 1993. The minimum term was set at 240 months from a Sentencing Reform Act (SRA) range of 75 to 92 months, and 62 to 82 months respectively. The maximum term is Life. Mr. Bidon has served approximately 289 months on King County Cause #86081, and 470 months total in prison. Under King County Cause #72738 (see description below under Prior Criminal Conduct) Mr. Bidon served approximately 180 months before being paroled to the current consecutive cause.

NATURE OF INDEX OFFENSE(S):

The current index offense involves an attack on a 15 year old girl as she walked to school in the morning. She took a wooded path near a housing development near her school, and Mr. Bidon jumped out at her armed with a long knife. Mr. Bidon was on work release from the Sexual Psychopath Program at the time. He moved her to a more isolated area and forced her to place his penis in her mouth. He then moved her to his vehicle and drove to a sandpit area, forcing her to fondle him as he drove. At the sandpit he forced her to disrobe and had intercourse with her on a blanket on the ground. He then told her to get dressed and moved her to a wooded area, where he began to choke her. She fought with him and bit his finger. He struck her a number of times on her head and once on her eye. He returned her to his car, drove around awhile, returned to the sandpit area, and again walked her to the woods. He told her to throw her books on the ground, begin running, and not look back. The girl ran to a house where the police and her mother were called.

PRIOR CRIMINAL CONDUCT:

In King County Cause #72738 Mr. Bidon was found guilty of Rape (Counts I & III), Sodomy (Counts II & IV), and Assault in the Second Degree (Count V). He was sentenced to prison for maximum terms of Life on the Rape counts, and ten years on the Sodomy and Assault counts. All counts ran concurrent to each other. The Sodomy and Assault counts have expired. The Board paroled Mr. Bidon from the Rape counts to the current cause in 1993.

In 1975 Mr. Bidon attacked a young woman who was sunbathing in a campground in King County. He was armed with a gun during this sexual assault. One month later he sexually assaulted a 17 year old girl who was walking home from school. He was armed with a knife during this assault and the victim was also hit multiple times in the head with a rock.

Mr. Bidon was initially given a suspended sentence for these crimes and sent to Western State Hospital's Sexual Psychopathy Program. He had progressed to the work release phase of that program by 1978. While on work release he committed the crimes for which he was convicted in King County Cause #86081, described above. Mr. Bidon's suspended sentence was revoked and he was sentenced to prison on the 1975 cause. His sentence in the more recent 1978 cause was to run consecutively with this cause.

According to file materials Mr. Bidon admitted to having raped a high school girl in 1975 in California, but he was never caught for this crime.

HISTORY/COMMENTS:

Mr. Bidon's last hearing was June 7, 2016. The Board found him not parolable, and added 18 months to his minimum term. The next action was to schedule a .100 120 days prior to his PERD or upon receipt of an updated Forensic Psychological Evaluation (FPE).

However, on November 22, 2016 after receiving an updated FPE, which found that Mr. Bidon does not meet RCW 71.09 Civil Commitment Criteria the Board made an Administrative Decision and found Mr. Bidon Conditionally Parolable to a Mutual Reentry Plan and added 12 months to his minimum term.

Mr. Bidon's attorney Richard Linn asked if there were any programs available to Mr. Bidon and whether CC Hall has gone over his release plan, she said Mr. Bidon would discuss this with the Board. Mr. Linn also stressed to Mr. Bidon how easy it is to access internet porn and advised him to stay away from it.

CC Frances Hall testified that Mr. Bidon has been doing very well at Minimum Security Unit (MSU). His last Serious Infraction was in 2002 for a dirty UA. She stated that he is employed in Correctional Industries and receives favorable reports from his supervisors. CC Hall said that he has not received any negative Behavioral Observations and is very polite. He receives visits from his wife and her two adult sons.

Mr. Bidon provided an appropriate disclosure of his version of his index offense and several other offenses, all of which did match file materials. He was very forthright in his description and had good recall surrounding the circumstances. Mr. Bidon demonstrated insight regarding his offending, the drivers and risk areas, and showed remorse for his behavior. He did not attempt to minimize or rationalize any of his offending behavior and appeared to understand the impacts of his sexual assaults and expressed remorse. He described his move to MSU has been a good opportunity for him to transition back into the community. He stated he does have some difficulty with the dorm like living arrangement at MSU but he feels it has been helpful to him in understanding some of the challenges he may face when released. He has completed Life Skills Commuting recently. Mr. Bidon believes he is ready to be released into the community and states he understands he will be required to attend Phase Three treatment once released. Mr. Bidon says he believes he will be able to obtain employment quickly and has a couple of leads on jobs. He testified he would like to release to King County where he has a strong support system in the community including his wife and his church members. Mr. Bidon says he takes full responsibility for the pain he has inflicted and is remorseful.

In Dr. Wentworth's 2015 psychological evaluation she states that Mr. Bidon is a "mixed bag" of risk levels. On some indicators he is considered low risk and some moderate to high. In Dr. Manley's 2016 Forensic Psychological Evaluation he states that Mr. Bidon appears to be ready to transition to the community and that his actuarial score for sexual re-offense is in the low and moderate range based on the MATS-1 and the Static-99R.

INFORMATION CONSIDERED:

In preparation for Mr. Bidon's hearing and its decision in this case, the Board completed a review of his 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; the Pre-Sentence Investigation report; and the psychological evaluation prepared by Dr. Deborah Wentworth, dated December 7, 2015. We also considered a FPE completed by Dr. Patterson dated June 29, 2016 and a psychological report completed by Dr. James Manley, Ph.D. dated September 9, 2016.

The original Judge and Prosecuting Attorney both recommended a minimum term of 20 years for Mr. Bidon.

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. Bidon parolable.

An updated FPE by Dr. Patterson and one by Dr. Manley both conclude Mr. Bidon does not meet the statutory requirement under RCW 71.09 for Civil Commitment.

Mr. Bidon has completed SOTAP, Aftercare and chemical dependency treatment. He has completed many offender change programs and has a detailed and comprehensive release plan including extensive community support. Mr. Bidon should attend Phase Three in the community and follow all conditions set forth.

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Mr. Bidon should be manageable in the community with supervision.

EB: ts

September 26, 2017, October 10, 2017, October 9, 2017, October 16, 2017

cc: MCC-WSR-MSU
Mark Bidon
File
Richard Linn, Attorney



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

DATE: September 26, 2017

TO: Full Board

FROM: EB & JP (*Teresa*)

RE: Bidon, Mark

Panel recommends: Releasable

Next action: Submit ORP

Agree	Disagree
Elyse Balmert 10-9-2017 Jeff Patnode 10-9-2017 Lori Ramsdell-Gilkey 10-9-2017 Kecia Rongen 10-9-2017	