



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

DECISION AND REASONS

NAME: PIERCE, Bernard
DOC #: 231996
FACILITY: Monroe Correctional Complex-Twin Rivers Unit (TRU)
TYPE OF HEARING: .100 Hearing
HEARING DATE: October 3, 2017
PANEL MEMBERS: KR & JP
FINAL DECISION DATE: October 23, 2017

This matter came before Kecia Rongen 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. Pierce appeared in person and was represented by attorney En-Tie Soon. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Melinda Murray and Mr. Pierce.

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

NEXT ACTION:

Schedule a .100 Hearing 120 days prior to his ERD. A new psychological report will be required.

JURISDICTION:

Mr. Pierce is under the jurisdiction of the Board on a Murder in the Second Degree conviction in King County Cause #62322. His time start is February 21, 1973. His initial Duration of Confinement Hearing was set by the Board at 361 months, aggravated up from the standard range of the Sentencing Reform Act (SRA) at the time, which was 144 to 192 months. His maximum term is Life. Mr. Pierce has served approximately 535 months. The Judge made no recommendation regarding the minimum term, but expressed that the term be not more than Life, and the prosecutor recommended Life.

NATURE OF INDEX OFFENSE(S):

File materials describe the underlying murder as an extremely violent offense where Mr. Pierce raped and strangled a young female who was acquainted with him, leaving her unconscious in the middle of a football field before running over her body twice with his car. He pled guilty to this murder, and as part of a plea bargain was not prosecuted for a second murder of a young woman in 1969. In that incident he knocked the victim unconscious before either throwing her off a bridge or rolling her down a hill into a river, where she drowned. Mr. Pierce was never prosecuted or convicted of this crime, but does admit to committing the murder.

PRIOR CRIMINAL CONDUCT:

Mr. Pierce was on probation for a 1971 Assault in the Second Degree, which was actually the choking and rape of a 15 year old female, at the time of the second murder.

Mr. Pierce also has additional sexually motivated offenses that did not result in a charge or conviction. In 1967, while in the Navy, Mr. Pierce choked a prostitute into unconsciousness after having sexual intercourse with her and her demand for money. In 1970, while at the apartment of a female acquaintance he choked her into unconsciousness, but did not rape her.

HISTORY/COMMENTS:

The Board last saw Mr. Pierce on February 3, 2015. He was found not parolable and 48 months were added to his minimum term.

CC Melinda Murray testified that Mr. Pierce is currently working as a dishwasher for Correctional Industries. Since his last hearing, he has received a serious infraction on St. Patrick's Day March of 2015 for Sexual Harassment. The narrative of the infraction describes a female officer walking towards Mr. Pierce and another offender. He made a comment to the other offender that he should pinch her "butt" for not wearing green. Mr. Pierce indicates that he just repeated what the other offender had said earlier. In addition, he has completed aftercare for the Sex Offender Treatment and Assessment Program (SOTAP) since the Board last saw him.

Mr. Pierce was asked how he has changed since his crimes. He testified that he does not have the same thought patterns as he did 45 years ago and he also is not drinking alcohol. He understands that he still has issues to deal with due to his upbringing. He readily admits that he tends to be sarcastic and pushes people away. He admits his first instinct is to lie for self-preservation. Mr. Pierce appears honest about his crimes and expresses remorse, however does not fully understand why he committed these crimes. He describes his motivation towards these assaults and murders toward women as anger. He also indicated he was intoxicated with all of these offenses. In regards to his index murder, he is unclear why he committed it.

Mr. Pierce participated in a Forensic Psychological Evaluation (FPE) with Dr. Packard in 2009 at his age of 60 which found him to meet the criteria as a sexually violent predator per RCW 71.09. Mr. Packard's diagnostic impressions was that he suffered from three mental disorders, Sexual Sadism, Alcohol Dependence (in a Controlled Environment) and Antisocial Personality Disorder. He participated in an updated FPE with Dr. Packard in 2017 where he continues to find that he suffers from those three mental disorders. In addition, Dr. Packard notes that Mr. Pierce is "unable or unwilling to provide an adequate understanding of his motivations for the homicides and other sexual offenses."

INFORMATION CONSIDERED:

In preparation for Mr. Pierce's hearing and its decision in this case, the Board completed a review of his ISRB file. The Board considered all information contained in that file, 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; psychological evaluation prepared Dr. Deborah Wentworth; Forensic Psychological Evaluation by Dr. Richard Packard dated June 30, 2017. The Board also considered the testimony of the witnesses listed above.

The original recommendation from the Judge and Prosecutor was Life.

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. Pierce not parolable.

Mr. Pierce did receive an updated FPE which continues to say that he meets the criteria as a sexually violent predator per 71.09 RCW. The Board finds that Mr. Pierce is lacking clear insight into the motivations of his offenses. He has admitted to two murders and choking at least three other females into unconsciousness. The Board finds that he is not fully rehabilitated and a fit subject for release at this time.

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The Board recommends he remain infraction free and participate in Bridges to Life prior to his next hearing.

KR: ts

(October 20, 2017)

October 23, 2017

October 24, 2017

cc: MCC-TRU
Bernard Pierce
File
En-tie Soon, Attorney



STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD**

P.O. BOX 40907, OLYMPIA, WA 98504-0907

DATE: *October 20, 2017*

TO: Full Board

FROM: *PM (Teresa)*

RE: PIERCE, Bernard 231996

Panel recommends: Not parolable, add 90 months to minimum term.

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

Agree	Disagree
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Jeff Patnode 10-23-2017

Lori Ramsdell-Gilkey

10-23-2017

Elyse Balmert 10-23-2017

Kecia Rongen 10-23-2017