



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

DECISION AND REASONS

NAME: Andrade, Adrian
DOC #: 743908
FACILITY: Airway Heights Corrections Center
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: September 27, 2016
PANEL MEMBERS: LRG & TS
FINAL DECISION DATE: 10-10-2016

This matter came before Lori Ramsdell-Gilkey and Tom Sahlberg, 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. Mr. Andrade appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Dawnel Southwick, and Mr. Andrade.

BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730(3) and the totality of evidence and information provided to the Board, the Board does find by a preponderance of the evidence that Mr. Andrade is more likely than not to commit any new criminal law violations if released on conditions. The Board finds Mr. Andrade not releasable.

NEXT ACTION:

The Board recommends Mr. Andrade submit a petition for another hearing in October of 2019.

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. Adrian Andrade's petition was submitted and accepted, which resulted in his hearing on this date.

Adrian Andrade is currently incarcerated on one count of Assault in the First Degree under Franklin County Cause #95-1-5-373-9. The time start is June 1, 2015. The Court set the original confinement term at 93 months from a Sentencing Reform Act (SRA) range of 93 to 123 months. The maximum confinement term, if released, would expire on April 27, 2024. This count was consecutive to one count of Murder in the First Degree which had a time start of January 10, 1996 and which expired on June 1, 2015. He has served approximately 248 months total plus 103 days of jail time credit.

NATURE OF INDEX OFFENSE(S):

According to file materials, on July 1, 1995 at approximately 1:45 am, 16 year old Adrian Andrade and 4 other gang members drove to a rival gang's neighborhood and fired several rounds at an apartment complex. Two persons were hit and one of them later died at the hospital.

PRIOR CRIMINAL CONDUCT:

Mr. Andrade has a prior juvenile conviction for Possession of a Firearm by a Minor in 1994 and received one juvenile count of Possession of a Firearm by a Minor for the 1995 shooting above. He also has one juvenile conviction for a Misdemeanor Assault in the Fourth Degree, 4/10/95.

HISTORY/COMMENTS:

This was Mr. Andrade's first hearing with the Board. His Class Counselor Dawnel Southwick stated Mr. Andrade has earned certificates of completion from Making it Work; Great truths of the Bible; Writing and Math; Stress/Anger Management and has obtained his GED. He has held employment in the laundry, textiles and the bindery. He has incurred 45 serious infractions. Although Mr. Andrade reports he left the gang behind in 2009, he has incurred several gang

related infractions since then, the last of which occurred in October of 2013. This was an Aggravated Assault on another inmate and was reported by staff to be gang related. (Mr. Andrade denies his involvement and said he was found guilty solely because of his history of gang affiliation) He was found to be in possession of a cell phone in 2011. It is impossible to know his current level of association with the gang.

Mr. Andrade reported that as a youngster, when he first arrived in Washington State from California, gang members were the only ones that were friendly towards him so he began associating with them. He admitted that on the night of the murder he had a .25 caliber hand gun with him and he knew something bad was going to happen. He claimed that when he and his co-defendants began shooting, he fired in the air as he didn't want to hit anyone. When he found out the next day that someone had been killed he left the state for a couple of weeks. He returned only when he learned his girlfriend was pregnant. Once he came back to the state someone alerted law enforcement and he was arrested.

Mr. Andrade stated he smoked marijuana regularly as a juvenile and drank alcohol occasionally. He asked to be placed in substance abuse treatment but has yet to be slated for treatment. He admitted he is eligible to attend Alcoholics Anonymous meetings but has not done so lately. He also expressed an interest in taking Thinking for a Change (T4C) but apparently he is not allowed to participate in this program because he has an active detainer from Immigration and Customs Enforcement and is expected to be deported upon release.

INFORMATION CONSIDERED:

In preparation for Mr. Andrade's hearing and its decision in this case, the Board completed a review of his/her ISRB file. The Board considered all information contained in that file, 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; the Pre-Sentence Investigation report; and the

Psychological Evaluation completed by Deborah Wentworth, PhD in March of 2016. The Board also considered the testimony of the witnesses.

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. Andrade is more likely than not to commit a new crime if released at this time. The infractions for possession of a cell phone and aggravated assault on an inmate are very concerning. This is not behavior the Board expects from a man seeking release. Instead it demonstrates continued antisocial behavior. In addition, Mr. Andrade showed little understanding of the impact his behavior had on others nor did he express empathy toward the victims.

The psychological evaluation completed on March 14, 2016 stated Mr. Andrade would benefit from participation in stress and anger management; T4C and chemical dependency. Additional job skills training was also recommended if allowed by the DOC. Because of his young age at the time of initial incarceration, he has no work or living experience as an adult in the community. The Board would like to see Mr. Andrade demonstrate infraction free behavior and expects no further gang related activity to occur during this incarceration. While the Board recommends participation in any programs that address his risks and needs and is hopeful the DOC will reconsider the policy that denies access to those inmates with detainers, an inability to participate will not be held against him.

LRG: ch

October 6, 2016

cc: Institution
Adrian Andrade
File

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

DATE: October 6, 2016

TO: Full Board

FROM: LRG (CH)

RE: Andrade, Adrian/DOC# 743908

Panel recommends: Do not release

Next action: Repetition in October of 2016

Agree	Disagree
Lori-Ramsdell-Gilkey 10-10-2016 Jeff Patnode 10-10-2016	Tom Sahlberg 10-10-2016