



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 – Twin Rivers Unit (TRU)
TYPE OF HEARING: .100 Hearing
HEARING DATE: November 1, 2016
PANEL MEMBERS: LRG & KR
FINAL DECISION DATE: November 14, 2016

This matter came before Lori Ramsdell-Gilkey and Kecia Rongen, 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) Melinda Murray, James Manley, Ph.D., and Mr. Bidon.

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 conditionally parolable to a MRP (Mutual Reentry Plan) and adds 12 months to his minimum term to allow time for transitioning.

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to PERD.

JURISDICTION:

Mark Bidon is under the jurisdiction of the Board on a 1978 conviction in King County under Cause #86081 for Rape in the First Degree While Armed with a Deadly Weapon, Count I, and Assault in the First Degree, Count II. The time start is August 14, 1993. The minimum term was aggravated to 240 months on a Sentencing Reform Act (SRA) range of 75 to 92 months on Count I and 62 to 82 months on Count II. The maximum term is Life. Mr. Bidon has served approximately 274 months on King County Cause #86081, and 35 years and five months total in prison. Under King County Cause #72738 (see description below under Prior Criminal Conduct) Mr. Bidon served approximately 17 years before being paroled to the current cause.

NATURE OF INDEX OFFENSE(S):

The current index offense involved an attack on a 15 year old girl in May of 1978, as she walked to school in the morning. She took a wooded path 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 engaged in penile/vaginal rape 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 contacted.

PRIOR CRIMINAL CONDUCT:

In King County under Cause #72738 Mr. Bidon was found guilty of Rape (Counts I and III), Sodomy (Counts II and IV), and Assault in the Second Degree (Count V). This offense occurred on May 9, 1975. 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 I and III, to the current cause in 1993.

In 1975 Mr. Bidon also 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 under 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:

When the Board met with Mr. Bidon in September of 2010, he was found conditionally parolable to a MRP and 24 months were added to his minimum term to allow for transition planning. The Board also indicated that as part of the parole/release process his case would be reviewed by the End of Sentence Review Committee (ESRC) and they might decide a Forensic Psychological Evaluation (FPE) be completed through the Joint Forensic Unit (JFU) to determine if Mr. Bidon meets the criteria for civil commitment. That is exactly what happened. The Board received a copy of the FPE completed by C. Mark Patterson, PhD, dated June 1, 2011. At that time Dr. Patterson concluded that Mr. Bidon met the criteria of a sexually violent predator as described in RCW 71.09. The Board considered that evaluation to be new information and sufficient cause to review its previous decision granting a conditional parole.

The Board next met with Mr. Bidon on October 4, 2011, at which time the Board rescinded its previous decision and found Mr. Bidon not parolable and added 36 months to his minimum term.

Mr. Bidon was seen by the Board again in 2014 and the decision at that time read, “When the totality of information in Mr. Bidon’s case is viewed in conjunction with RCW 9.95.100 and RCW 9.95.009(3), the Board finds that Mr. Bidon is not parolable at this time. In addition, based on Washington Administrative Code provision 381-60-160(5), the Board finds that the information in the FPE constitutes evidence that Mr. Bidon cannot at this time be considered fully rehabilitated and a fit subject for release. The Board requests an updated FPE from the JFU prior to the next hearing.”

Mr. Bidon was scheduled for a hearing with the Board in January of 2016. That hearing was continued at the request of Mr. Bidon’s attorney. The purpose of delaying the hearing was to allow time to determine if Mr. Bidon would be able to obtain an FPE at his own expense.

The Board met with Mr. Bidon and his attorney Richard Linn on June 7, 2016. At that time the no new FPE’s had been completed. The Board found him not parolable and added 18 months to his minimum term. The Board recommended a new hearing be held upon receipt and review of two pending Forensic Psychological Evaluations (FPE). Mr. Bidon had hired Dr. Manley to complete an FPE and the state had requested an updated FPE through the Joint Forensic Unit. Both FPE’s have since been completed and received by all parties. Today’s hearing was primarily to meet and discuss the conclusions of the two FPE’s.

Classification Counselor Murray stated that since the last Board hearing Mr. Bidon has incurred no new infractions and in fact has incurred no infractions since 2002. He continues to work as a machine operator in the Correctional Industries laundry. He has received positive work reviews. He demonstrates positive behavior on the living unit. His release plan is to his wife’s home in Federal Way, Washington.

Mr. Linn asked to call Dr. Manley to testify regarding Mr. Bidon. Dr. Manley was hired by Mr. Bidon and his attorney and Mr. Bidon paid for the evaluation. Mr. Linn questioned the Doctor regarding his completed evaluation. He asked him to summarize why he concluded Mr. Bidon does not meet the 71.09 criteria for SVP. Dr. Manley stated he does not believe Mr. Bidon has a “mental abnormality”. Nor does he believe Mr. Bidon is the same man as he was when he committed the offenses he did many years ago. Dr. Manley stated that he does not meet the criteria for a diagnosis of sexual sadism per the DSM-V. It was his opinion that although Mr. Bidon used physical violence in his offenses it was more related to anger than to sexual arousal. Dr. Manley testified that the marriage to his current wife could be seen as a protective/mitigating factor. He stated he was in good shape for release to the community and has a very good social support system in place. Dr. Manley completed numerous psychological tests as part of his evaluation of Mr. Bidon. The Hare Psychopathy Checklist Revised (PCL-R) indicates places him in the low range of psychopathy. The Static99-R placed him in the moderate range for sexual re-offending.

An updated FPE was also completed by Dr. Patterson through the Joint Forensic Unit (JFU). Dr. Patterson’s report also indicates Mr. Bidon has a relatively low level of psychopathic traits. He opined Mr. Bidon does continue to have a mental abnormality (sexual sadism) but that due to the increase in his age and the treatment he has received, his risk of violent sexual recidivism has diminished to a significant degree, “such that is it reasonable to conclude that he is no longer likely to engage in predatory acts of sexual violence.”

Mr. Bidon is married to a woman who is well aware of his criminal history. They met through Mr. Bidon’s mentoring relationship with her son who was incarcerated. They appear to have taken the relationship slowly and are aware of the challenges they may encounter upon first living together. Mr. Bidon has \$7,500 saved in his inmate account and should have some VA benefits as well.

INFORMATION CONSIDERED:

In preparation for Mr. Bidon'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; the psychological evaluation prepared by Dr. Deborah Wentworth dated December 7, 2015, and the FPE's completed by Dr. Patterson and Dr. Manley. The Board also considered the testimony of the witnesses listed above. The sentencing Judge and Prosecutor originally recommended a minimum term of 20 years. No updated recommendations have been received.

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 to be appropriate for a stepped down release. He has two recent FPE's that both indicate he no longer meets the criteria for sexually violent predator. He has completed a good deal of programming during his many years of incarceration. He has matured and now has a positive support system in place. While Mr. Bidon would understandably like to release directly to his wife at the first opportunity, the Board believes a period of transition through a camp setting or other lower level of custody would be beneficial and help him adjust to this major change in his life.

LRG:jas

November 9, 2016

cc: Institution
Mark Bidon
Richard Linn, Attorney
File



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

DATE: November 9, 2016

TO: Full Board

FROM: LRG & KR (Jody)

RE: BIDON, Mark #247534

Panel recommends: Find Mr. Bidon conditionally parolable to MRP and add 12 months to his minimum term.

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

Agree	Disagree
Lori Ramsdell-Gilkey 11-14-16 Tom Sahlberg 11-14-16 Jeff Patnode 11-14-16 Kecia Rongen 11-22-16	