



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

DECISION AND REASONS

NAME: HUNSAKER, Harold
DOC #: 289596
FACILITY: Monroe Correctional Complex – Twin Rivers Unit (TRU)
TYPE OF HEARING: .100 Hearing
HEARING DATE: November 1, 2016
PANEL MEMBERS: KR & LRG
FINAL DECISION DATE: November 16, 2016

This matter came before Kecia Rongen and Lori Ramsdell-Gilkey, 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. Hunsaker appeared in person and was represented by attorney Richard Linn. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Steven Sager, Psychologist Dr. Luis Rosell and Mr. Hunsaker.

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. Hunsaker is not parolable and adds 36 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing 120 days prior to his next PERD. The Board requests an updated psychological evaluation and a Forensic Psychological Evaluation (FPE) prior to the next Board hearing.

JURISDICTION:

Harold Hunsaker is under the jurisdiction of the Board on a December 15, 1983, conviction in King County; Cause #82-1-02588-3 for Statutory Rape in the First Degree, Count III, and Burglary in the First Degree, Count VI. The time start is December 15, 1983. The minimum term was set at 240 months on Count III and 81 months on Count VI, from a Sentencing Reform Act (SRA) range of 70 to 99 months on Count III and 50 to 72 months on Count VI. The maximum term is Life. The sentencing Judge made no recommendation and the prosecutor recommended 20 years. Mr. Hunsaker has served approximately 395 months in prison and 0 days of jail time.

At the time of sentencing Mr. Hunsaker was also sentenced under the same cause on Count II – Statutory Rape in the Second Degree; Count IV – Assault in the Second Degree; Count V – Indecent Liberties; and Count VII – Statutory Rape in the Third Degree. The Court ordered that all counts be served concurrently. The time start on counts II, IV, V, & VII was also December 15, 1983. However, Counts II, IV, & V had ten year maximum terms and Count VII had a five year maximum term. The maximum terms on all of those counts have expired.

NATURE OF INDEX OFFENSE(S):

According to file materials, between August 1979 and May 1982, Mr. Hunsaker, between his ages of 45 to 50 years, approached six Asian children between the ages of 8 and 16 at their homes while their parents were not present. He would gain entry into their homes under the guise of being some type of school or other official and would do physical exams of the children. Mr. Hunsaker would take measurements of the children and then take the female children into the bathroom, where he would digitally penetrate them. In one instance he fondled the victim's breast area, and when she began to scream, he fled the scene. Mr. Hunsaker engaged in this behavior with four separate female victims while their minor brothers were also in the house.

PRIOR CRIMINAL CONDUCT:

On December 21, 1958, Mr. Hunsaker was convicted of Lewdness in Richland, Washington. In this incident Mr. Hunsaker, aged 24, was caught masturbating outside of a church classroom where he had been peeping at children. He was given a one year deferred sentence. Mr. Hunsaker, at age 33, was convicted of a Lewd and Lasciviousness Act in Montana in September 1967, and of a Lewd and Lascivious Act upon a Child in Montana in January 1968. Mr. Hunsaker has admitted to a hundred victims “with half being hands-on offenses” during his lifetime, and that his offending behavior began at age 14.

HISTORY/COMMENTS:

Mr. Hunsaker’s last hearing was held on May 6, 2014. At that time the Board found him not parolable and added 36 months to his minimum term.

Attorney Richard Linn brought up a preliminary matter in regards to Mr. Hunsaker and the fact that the Board did find him conditionally parolable in 2011 and a Forensic Psychological Evaluation (FPE) was completed which found him to meet the criteria as a Sexually Violent Predator per RCW 71.09. As a result, the Board held a new hearing with this new information and found him not parolable. Mr. Linn pointed out that Mr. Hunsaker’s FPE is now five years old. He did request a new FPE prior to Mr. Hunsaker’s hearing, however this would have put Mr. Hunsaker further past his PERD and the Board decided they would make a decision after their hearing with Mr. Hunsaker.

CC Steven Sager testified that since the Board’s last hearing, Mr. Hunsaker has received one general infraction. This was originally written up for drug/alcohol possession for having pruno in his cell. This was for a bowl of fruit with a cookie on top being found in his cell. The infraction was dropped to a general infraction for Unauthorized Possession. Mr. Hunsaker is not currently in any programming or working. He is 82 years old and likely low on the priority list.

Mr. Hunsaker denies that he had pruno in his cell. He indicated that it was a bowl of fruit with a cookie on it for a sweet treat, which he said he has done for a number of years. Mr. Hunsaker

was adamant about this not being pruno and wanted to make sure that the panel understood his point. Mr. Hunsaker took responsibility for his extensive history of sexually offending beginning when he was in his teens. He did appear remorseful. He did admit that he used to use sexual offending as a way to cope with stress, which he does not do now.

The Board also heard from Dr. Louis Rosell, who is a private psychologist that evaluated Mr. Hunsaker at the request of Mr. Linn. Dr. Rosell found that Mr. Hunsaker did not meet the criteria as a sexually violent predator in contrast to Dr. Hupka's conclusions. Dr. Rosell testified that the main reason for his opinion is that Mr. Hunsaker has completed treatment and his age. He went on to say that he isn't saying that the pedophilia isn't present, but that it is manageable with treatment. Dr. Rosell also indicated that there isn't any research related to people who are Mr. Hunsaker's age. He reiterated that it was not just Mr. Hunsaker's age that makes him ready for release, but also his treatment completion. Dr. Rosell's report indicated that he believes, "Mr. Hunsaker's rehabilitation has been completed and he is appropriate for release." He also indicated that the issue of public safety has been considered and he believes his risk will be decreased based on his three years of parole and conditions that he will be required to follow. He also does not believe that Mr. Hunsaker has a mental abnormality which predisposes him to sexually reoffend.

Dr. Hupka's FPE was completed when Mr. Hunsaker was 77 years old. He noted that Mr. Hunsaker has a "long history of sexual molestation of children and meets the criteria for Pedophilia." He went on to say that his sexual attraction to children is chronic and not likely to change simply by incarceration or the passage of time. Dr. Hupka indicated that Mr. Hunsaker has used sexual molestation of children as a coping mechanism for stress and if left to his own devices without appropriate supervision, he is not confident Mr. Hunsaker would be able to manage his pedophilia. He does note that Mr. Hunsaker's mitigating factors are completion of treatment and his age. Despite these mitigating factors he came to the conclusion that Mr. Hunsaker "is more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility."

In Dr. Zeisler's psychological evaluation she noted that Mr. Hunsaker does present with some protective factors such as advanced age, family support, appropriate prison behavior, completion of sex offender treatment and increased prosocial behavior. In addition she advised that Mr. Hunsaker would require an intense level of supervision if he were to be released.

INFORMATION CONSIDERED:

In preparation for Mr. Hunsaker'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. Patricia Zeisler; the Forensic Psychological Evaluation (FPE) prepared by Dr. John Hupka dated July 11, 2011; and the Parole and Risk Evaluations completed by Dr. Luis Rosell dated March 27, 2013 and June 21, 2016. The Board also considered the testimony of the witnesses listed above.

The original recommendation from the Prosecutor was 20 years and the Judge did not provide one. There was no updated recommendation from the Prosecutor and Judge.

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. Hunsaker not parolable.

Mr. Hunsaker's sexual offense history is extensive, however the Board does recognized that he has completed treatment and is now in his early 80's. The FPE by Dr. Hupka was completed in

2011 when Mr. Hunsaker was in his 70's. This is noteworthy as it is unusual for someone over the age of 60 to be found to meet criteria as a sexually violent predator. The Board recognizes that the FPE conducted by Dr. Hupka is now five years old and would like an updated one completed. This will be requested through DOC. We also will request Mr. Hunsaker be re-screened for the SOTAP (Sex Offender Treatment and Assessment Program) since he last completed it in 1998. At this time Mr. Hunsaker is not viewed as fully rehabilitated and a fit subject for release.

KR:jas

November 14, 2016

November 17, 2016

cc: Institution
Harold Hunsaker
File
Richard Linn, Attorney



STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD**

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

DATE: November 14, 2016

TO: Full Board

FROM: KR & LRG (Jody)

RE: HUNSAKER, Harold #289596

Panel recommends: Find not parolable – add 36 months to the minimum term.

Next action: Schedule .100 hearing 120 days prior to PERD. Reevaluate for SOTAP; updated psychological evaluation and FPE requested.

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