



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

**DECISION AND REASONS**

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NAME: Rivas, Rey  
DOC #: 250527  
FACILITY: Monroe Correctional Complex TRU  
DATE OF HEARING: January 8, 2019  
TYPE OF HEARING: .100  
PANEL MEMBERS: Elyse Balmert and Kecia Rongen  
FINAL DECISION DATE: January 28, 2019

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This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a .100 hearing in accordance with RCW 9.95.100. In preparation for the hearing, the Board reviewed Mr. Rivas' ISRB file. Mr. Rivas appeared in person and was represented by Attorney Darrel Lahtinen. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Steven Sager and Mr. Rivas.

Original recommendation; the Prosecuting Attorney and Judge both recommended Life.

**LAST BOARD DECISION:**

At the July 18, 2017 hearing, the Board found Mr. Rivas conditionally parolable and added 30 months to his minimum term to allow for transition to a camp setting and possibly work release if appropriate. The Board also wanted him to complete CD treatment while on his MRP.

**CURRENT 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. Rivas is parolable.

**NEXT ACTION:**

Submit Offender Release Plan (ORP) for consideration.

**REASONS FOR DECISION:**

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, 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 9.95.100, the Board finds Mr. Rivas parolable for the following reasons:

- Completed risk related programming; Sex Offender Treatment and Assessment Program (SOTAP) and Aftercare
- Completed chemical dependency treatment and attends AA
- Extensive and significant medical issues that mitigate risk
- Static 99-R 2 Points Low to Moderate risk
- Forensic Psychological Evaluation – does not meet criteria under 71.09

**RECOMMENDATIONS:**

Mr. Rivas should abstain from any mind altering substances and attend sober support groups. He should enter into and successfully complete the community portion of SOTAP.

**JURISDICTION:**

Rey Rivas is under the jurisdiction of the Board on a December 10, 1982, conviction in Skagit County Cause #82-1-00152-9 for Attempted Murder in the First Degree, Count I, and Rape in the First Degree, Count II. The time start is December 10, 1982. The minimum term was set at 240 months on Count I and 98 months on Count II, to be served concurrently, from Sentencing Reform Act (SRA) ranges of 214 to 287 months on Count I, and 73 to 98 months on Count II. The maximum term is Life on each count. Mr. Rivas has served approximately 434 months in prison on this cause.

**OFFENSE DESCRIPTION:**

According to file materials, on January 17, 1982, Mr. Rivas, at his age of 29, used a rouse to get into an unknown young woman's vehicle, then raped her at knifepoint, tied up her hands and feet, and pushed her car into a river. The victim was able to move herself into the front seat and roll down the window and escape. She managed to swim part way to shore, where she was discovered by two fishermen. In today's hearing Mr. Rivas estimates he raped the victim three times over a six hour period. He acknowledged he was intoxicated when he committed this offense. He also claimed to be suffering from flashbacks of childhood sexual abuse at the time of the offending.

**PRIOR CRIMINAL / RISK RELATED CONDUCT:**

In June 1979 Mr. Rivas, at his age of age 27, was convicted of Rape in the Second Degree. In this crime he drove a known female to a deserted area and raped her, holding a screwdriver to her throat. He also threatened to kill her and dump her body where no one would find her. During today's hearing Mr. Rivas claimed the woman was an ex-girlfriend and the mother of two of his children. He was angry because her current boyfriend had beat their little boy. He claimed he was getting revenge on her for allowing this to happen.

Mr. Rivas' criminal history began at age 13 when he stole a car. In 1973, at age 21, he was arrested for Assault with a knife against a female. In March 1976 Mr. Rivas was convicted in Whatcom County Superior Court for Assault in the Second Degree for slashing a man's face with a knife.

**PROGRESS/BEHAVIOR:**

CC Sager provided an overview of Mr. Rivas' Programming (*vocation/education and offender change*). Mr. Rivas is currently participating in the Intensive Day Treatment chemical dependency program and attends AA. He has a current referral for IOP. He completed Living Smart. He has a total of nine Serious Infractions since being incarcerated with the last ones in 2013. He has no negative Behavior Observations, one positive and one neutral and is doing great on the unit. He

was unable to transfer to his Mutual Reentry Program due to his medical issues and being in a wheelchair. Since his last hearing he was working as a porter and doing a great job but due to his medical issues he no longer can work. He plans to release utilizing the Housing Voucher program and will access Social Security Insurance (SSI) to support himself. He has support from his family.

Mr. Rivas is currently participating in AA and has a sponsor. He is also participating in chemical dependency treatment and should complete in a couple of months. When released one of the first things he will do is get an AA sponsor. He listed his high risks and interventions. Mr. Rivas appears to understand the impact of his crime and is remorseful. He reports he will play and write music in his spare time. His brother and nieces are supportive of him and visit regularly.

Mr. Lahtinen presented that Mr. Rivas has done as much as he can due to his health issues. He believes Mr. Rivas is appropriate for release at this time.

In the report from Dr. C. Mark Patterson, Ph.D., dated February 2, 2017 it states in part;  
“At this time, in light of his current age, his current health status, and his treatment completion status, Mr. Rivas’s static risk factors and long-term vulnerabilities do not render him likely to reoffend sexually without appropriate confinement. In other words, the totality of the available evidence indicates that Mr. Rivas is not likely to commit future acts of predatory sexual violence due to his diagnosed mental disorders if not confined in a secure facility.”

EB: ts

January 28, 2019;

January 29, 2019

January 31, 2019

cc: MCC - TRU  
Attorney Darrel Lahtinen  
File



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

TO: Full Board

FROM: Elyse Balmert (Teresa)

RE: Rivas, Rey DOC # 250527

Panel recommends: Releasable

Next action: Submit an Offender Release Plan

Agree	Disagree
<b>Elyse Balmert 1-28-2019</b> <b>Lori Ramsdell-Gilkey 1-28-2019</b> <b>Jeff Patnode 1-28-2019</b> <b>Kecia Rongen 1-28-2019</b>	