



**Indeterminate Sentence Review Board
Decision and Reasons Summary**

Name: McClellan, Michael	DOC#: 627492	Case Type: PAR	Date: 1/28/2025
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Note: This is a summary of the Decision and Reasons dated 2/10/2025, and should not be substituted for the full document.

Decision: Not Parolable. Add 90 months to Minimum Term.

Next Action: Schedule a .100 Hearing approximately 120 days prior to PERD. However, if Mr. McClellan completes any significant change program, the Board may be willing to consider scheduling him early.

Recommendations:

- **Sex Offense Treatment and Assessment Program (SOTAP), if eligible**
- **Substance Abuse Treatment, Assessment and Follow Recommendations**
- **Sober Support Groups**
- **Other Change Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence, Domestic Violence Treatment**
- **Remain infraction free and have positive interactions with staff**
- **Participate in next Hearing**



DECISION AND REASONS

NAME: MCCLELLAN, Michael
DOC #: 627492
FACILITY: Coyote Ridge Corrections Center
DATE OF HEARING: January 28, 2025
TYPE OF HEARING: .100
PANEL MEMBERS: Jill Getty & Jeff Patnode
FINAL DECISION DATE: February 10, 2025 **AMENDED: 3-7-25**

I. DECISION/LEGAL STANDARD

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. This statute directs the Board to not release an individual unless in the Board’s opinion his or her rehabilitation has been completed and he is a fit subject for release. Consequently, the Board finds Michael McClellan **not parolable** and adds 90 months to the minimum term.

Both the Prosecutor and Judge originally recommended Life in this case. In addition, the ISRB received a letter dated December 26, 2024, from the Pierce County Office of the Prosecuting Attorney stating that Mr. McClellan would be danger to the community if released, and urging the Board to deny Mr. McClellan’s parole.

NEXT ACTION: Schedule a .100 Hearing approximately 120 days prior to PERD. However, if Mr. McClellan completes any significant change program, the Board may be willing to consider scheduling him early.

II. JURISDICTION

Michael MCCLELLAN is under the jurisdiction of the Board on a May 31, 1985, conviction in Pierce County Cause #84-1-01153-1 for Rape in the First Degree Count I, Robbery in the First-Degree Count II, and Burglary in the First-Degree Count III. Special Finding of Armed with a Firearm per RCW 9.41.025 as well as Armed with a Deadly Weapon per RCW 9.95.040 was found on all three counts. The original time start is May 31, 1985. The minimum term (MT) on Count I was set at 89 months from a Sentencing Reform Act (SRA) range of 67 to 89 months. The minimum term on Count II was set at 57 months from a Sentencing Reform Act (SRA) range of 46 to 61 months. The minimum term on Count III was set at 54 months from a Sentencing Reform Act (SRA) range of 41 to 54 months. The counts all run concurrently with one another. The statutory maximum term is Life. Mr. MCCLELLAN served approximately 127 months in prison and 0 days of jail time during the initial period of confinement.

Revoke(s): Mr. MCCLELLAN was previously released on December 20, 1995, and revoked on June 9, 1997. The new MT was set at 24 months. The current time served on revocation is 331 months.

III. LAST BOARD DECISION

A .100 Hearing was last held in Mr. McClellan's case on April 3, 2019. Mr. McClellan refused to attend and refused legal representation, and the hearing was held in absentia. He was found not parolable and 120 months were added to the minimum term. The Board recommended that Mr. McClellan manage his behavior, and that he participates in change programs that he might be eligible for. The Board also noted that they may be willing to see Mr. McClellan early if he participated in programming, participated in a psychological evaluation, and was willing to attend the hearing.

On March 11, 2024, the ISRB was notified by Mr. McClellan's Counselor that he was willing to participate in a psychological evaluation and attend a .100 Hearing. A psychological evaluation was then completed, and he was scheduled on the next available docket.

IV. OFFENSE DESCRIPTION

File materials describe the underlying offenses as an armed home invasion and robbery by Mr. McClellan. Reports indicate the husband and wife were bound and the wife taken to another part of the house by Mr. McClellan and sexually assaulted. When arrested, items of the burglary were found in Mr. McClellan's possession. The victims were in their mid-sixties. Mr. McClellan has claimed that he was never in the residence, that he did not commit a sexual assault, and was only a "lookout" for another person involved in the crime. He says the victims were drug dealers and the intent of the crime was solely a robbery.

V. OTHER RISK RELATED BEHAVIOR

Mr. McClellan's juvenile history began at age 14 and includes joyriding, running away, damaging a car, shoplifting, alcohol use and possession of prescription pills. He shoplifted as early as age 7 to 9 and was formally deemed "incorrigible" in 1968 and placed in a juvenile detention facility.

Prior adult convictions in Washington include a 1971 Burglary and a 1978 Burglary. Following the 1971 arrest, he admitted to other residential burglaries, and the police were able to clear 32 open investigations. At the time of the arrest in 1978 for burglary, he was found to have two loaded handguns and other weapons on his person. While on abscond status from Washington parole in 1980, he encountered the police during the course of an armed assault on an adult female in Utah. Mr. McClellan put his gun against the officer's head and the officer grabbed the gun and it discharged burning the officer's hand. Mr. McClellan regained possession of the officer's gun as well as his own and began to flee the scene, being chased by the officer in his vehicle and shooting at the officer. The officer fired his shotgun, wounding Mr. McClellan. He received five years to life for this offense on a conviction of attempted homicide. Three years later he escaped from an institution in Utah, was apprehended and received an additional five years for Attempted Escape. While on this escape, he committed the instant offense in Washington. He was returned to Washington jurisdiction in 1984, and in 1990, he escaped from Larch Corrections Center and was found three hours later by a canine unit.

VI. EVIDENCE CONSIDERED

The Board considered the evidence presented at the hearing and reviewed **Michael McClellan's** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Kelly Hodgson, and Michael McClellan.**

The file review included the following documents:

- End of Sentence Review Committee (ESRC) Reports: **Dated 5/30/18**
- Criminal case records: **Pre-Sentence dated 4/15/85**
- Psychological Evaluations: **Completed by Dr. Robtoy dated 7/13/24**
- DOC Treatment and behavioral reports dated:
- Risk Assessments (Static, SOTIPS etc.):
 - **Violence Risk Assessment Guide-Revised (VRAG-R)** is a 12-item actuarial scale designed to predict violent recidivism.
 - **Hare Psychopathy Checklist-REVISED (PCL-R)** indicates the extent to which the individual has psychopathic tendencies.
 - **HCR-20v3** is an instrument that organizes known risk factors into three categories: historical, clinical, and risk management. Using past, present, and future factors the HCR-20v3 assesses dynamic risk for recidivism.
 - **Static-99R** is an actuarial risk prediction instrument designed to estimate the probability of sexual and violent recidivism. It is the most widely used sex offender risk assessment instrument in the world.
 - **Saint Louis University Mental Status examination (SLUMS)** is a brief screening tool to assess cognitive functioning.
- Findings and Conclusion (F&C), Prior Decision & Reasons (D&R): **D&R dated 4/17/19**
- DOC OMNI Records
- Other: **Pierce County Prosecutor Letter dated 12/26/24; Individual Release Plan**

VII. FINDINGS

1. In preparation for this hearing, Mr. Michael McClellan was advised of his hearing rights.
2. Michael McClellan appeared by video conference. He was represented by attorney Darrel Lahtinen.

3. The Board has considered all potential Conditions of Supervision it may lawfully impose, including all identified by the End of Sentence Review Committee (ESRC), DOC psychological evaluations, and RCW 9.94A.704. These conditions include, but are not limited to, the following:
- DRUG / ALCOHOL RESTRICTIONS
 - ELECTRONIC MONITORING
 - PARTICIPATION IN DRUG/ALCOHOL TREATMENT
 - PARTICIPATION IN SEX OFFENSE TREATMENT
 - PROHIBITED CONTACTS
 - SEXUALLY EXPLICIT MATERIAL
 - SUBMIT TO POLYGRAPHS
 - UNAPPROVED RELATIONSHIPS
4. The Board has considered the following evidence favorable to Michael McClellan’s release determination:
- Treatment/Programming. **Institutional employment; GED (1998), Chemical Dependency treatment (1995), Stress/Anger management (1988), and Makin it Work.**
 - Protective factors.
 - Risk Assessment Scores.
 - Other evidence:
5. The Board has considered evidence against Michael McClellan’s conditional release (WAC 381-60-160), examples of adequate reasons for a finding of non-parolability include, but are not limited to:
- Active refusal to participate in available program or resources designed to assist and offender to reduce the risk of re-offense (e.g., anger management, substance abuse treatment). **He has not participated in any change programs since the 1990s. During the hearing, Mr. McClellan was clear that he was not willing to participate in any change programming as he did not feel that they would benefit him.**
 - Serious and repetitive disciplinary infractions during incarceration. **3 new serious infractions: Fighting (2022) and Refusing Cell/Housing Assignment (2019/2020).**
 - Evidence of an inmate's continuing intent or propensity to engage in illegal activity (e.g., victim harassment, criminal conduct while incarcerated, continued use of illegal substances).
 - Statements or declarations by the inmate that he or she intends to re-offend or does not intend to comply with conditions of parole. **Scored high/moderate risk for**

future violence if released in 7/2024 psychological evaluation. Dr. Robtoy opined that Mr. McClellan was a questionable candidate for release.

- ☒ Evidence that an inmate presents a substantial danger to the community if released. **Bin 9/9/High VRAG; High PCL-R; Low-Mod HCR20v3; 4pts/Mod-High Static 99R; Level 3 for community notification.**

6. The Conditions of Supervision, and any favorable evidence noted above considered by the Board would not sufficiently reduce the likelihood of Michael McClellan committing new offenses because:

- He is a Level 3 for community notification, and as scored as a high or moderate/high risk on multiple actuarial assessment measuring risk of recidivism and/or violence including sexual violence such as the PCL-R, VRAG, and Static 99R.
- He has not participated in any change programs over the last 30 years to develop skills or interventions to mitigate his risk of re-offense. In addition, he was quite clear during his hearing that he had no intention of participating in programs, using provocative language such as the Board could “kiss his ass”, and that if his participation in programs was a requirement of his release, then prison would be his “fucking retirement plan”.
- He has received three new infractions in the last few years, including one involving violence/aggression at his age of 74. In addition, during his 7/2024 psychological evaluation he agreed that he was not very skilled at managing interpersonal programs and/or his anger and stated that he enjoyed instigating conflict with other inmates who he perceived to be homosexual for his entertainment.
- Also, during the recent psychological evaluation, he acknowledged that he’d sabotaged his own parole in the past. When discussing what he would do if he were paroled and struggling to acclimate, he stated, “I’m not going to insult your intelligence and say absolutely not. It would depend”, regarding whether he would again sabotage himself. Overall, the evaluator, Dr. Robtoy felt that Mr. McClellan was a questionable candidate for release.

7. Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and after weighing all of the totality of the evidence, including the community custody conditions and any favorable evidence noted above by the Board, the Board finds that Mr. McClellan is not parolable and adds 90 months to his minimum term.

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 9.95.100.

VIII. RECOMMENDATIONS

- **Sex Offense Treatment and Assessment Program (SOTAP), if eligible**
- **Substance Abuse Treatment, Assessment and Follow Recommendations**
- **Sober Support Groups**
- **Other Change Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence, Domestic Violence Treatment**
- **Remain infraction free and have positive interactions with staff**
- **Participate in next Hearing**

JG: ch

1/31/2025

cc: Facility: CRCC
Michael McClellan, Incarcerated Individual
File



TO: Full Board

FROM: **JG** (ch)

RE: MCCLELLAN, Michael DOC # 627492

Panel recommends: Not parolable and adds 90 months to the minimum term.

Next action: Schedule a .100 Hearing approximately 120 days prior to PERD. However, if Mr. McClellan completes any significant change program, the Board may be willing to consider scheduling him early.

Agree	Disagree
Jill Getty, 2.10.2025 Corey McNally, 2.10.2025 Meghan Kelly-Stallings, 2.10.2025 Jeff Patnode, 2.10.2025 Kecia Rongen, 2.10.2025	