



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: FRAZIER, Robert  
DOC #: 280118  
FACILITY: Monroe Correctional Complex- TRU  
DATE OF HEARING: March 3, 2021  
TYPE OF HEARING: .100  
PANEL MEMBERS: TaTeasha Davis & Elyse Balmert  
FINAL DECISION DATE: March 22, 2021

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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. Frazier's ISRB file. Mr. Frazier appeared in person and was represented by Attorney Darrell Lahtinen. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Kerry Hansen.

In 2017 the Kitsap County Prosecutor's Office wrote that Mr. Frazier is not rehabilitated and recommended he not be paroled. Judge Sally Olsen of Kitsap Superior Court had no comment or recommendation.

**LAST BOARD DECISION:**

At the December 20, 2017 hearing, the Board found Mr. Frazier not parolable and added 60 months to his minimum term.

**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. Frazier is not parolable and adds 48 months to his minimum term.

**NEXT ACTION:**

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

**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, 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, the Board finds Mr. Frazier not parolable for the following reasons:

- Mr. Frazier has had three revocations within the past ten years and each has involved either possession of controlled substance, possession of a deadly weapon, failure to abide by all laws, or all three
- He has not participated in any programming since his revocation to improve his decision-making in the community or provide him with skills necessary to comply with supervision.
- Mr. Frazier's VRAG score fell within Bin 9 of 9, which estimates a 76% likelihood he will re-offend within 5 years, and 87% that he will re-offend within 12 years. PCL-R scored very high range for psychopathy, very high risk to re-offend

**RECOMMENDATIONS:**

Mr. Frazier should take advantage of any offender related programming such as Thinking for a Change and Redemption that will provide him with better problem-solving skills in the community and mitigate his chances of re-offending in the community.

**JURISDICTION:**

Robert Frazier is under the jurisdiction of the Board on a November 23, 1981 conviction of Murder in the First Degree in Kitsap County Cause #81-1-00394-8 for Murder in the First Degree.

His initial duration of confinement was set by the Judge at 316 months. The standard range of the Sentencing Reform Act at the time was 236 to 316 months. His maximum term is Life. He served approximately 336 months in prison and 0 days of jail time on the original sentence.

He was Released on November 23, 2001 and revoked on September 12, 2011. The new MT was set at 18 months. Time served on this first revocation was 12 months. Again, he was released on September 4, 2011. Revoked on July 9, 2013 with a new MT set at 36 months. The time served on the second revocation was 25 months. He was Released on August 11, 2015 and later revoked on November 17, 2015 with a new MT set at 42 months. Current time served on revocation is 39 months.

**OFFENSE DESCRIPTION:**

File materials describe the underlying offense as Mr. Frazier (age 15) and his co-defendant (age 16) taking a ferry to Bremerton, where they confronted an 83-year-old man in an alley. During robbing the man of his watch and wallet, the victim was badly beaten, causing broken ribs, broken nose, two skull fractures, heart contusions and bruises to his liver and spleen. The victim died a few days later due to his severe injuries.

**PRIOR CRIMINAL / RISK RELATED CONDUCT:**

One year prior to the instant offense, Mr. Frazier was charged in juvenile court with Theft Second Degree and Criminal Trespass Second Degree in Kitsap County. The matters were diverted. Seven months later, he was charged with Challenging to Fight in Public in San Diego, California and was ordered to return to Washington, as his family in California declined to assist him. Two months after his return to Washington and while at the Crisis Residential Center, police were called to assist in restraining him, as he had become out of control. He was charged with Simple Assault but did not appear for arraignment and was on warrant status at the time of the instant offense.

**PROGRESS/BEHAVIOR:**

Attorney Darrel Lahtinen submitted a memorandum in support of evaluating Mr. Frazier under RCW 9.94A.730 pursuant to the *Matter of Brooks*, 480 P.3d 399 instead of RCW 9.95.100. The Board disagreed with Mr. Lahtinen's assertion that RCW 9.94A.730 does not disqualify a petition for any subsequent crime after release.

Attorney Emily Gause appeared in order to testify about Mr. Frazier's character. She represented Mr. Frazier during his 2016 and 2017 case. She was not present to act as co-counsel to Mr. Lahtinen, she intended to provide testimony. Once her purpose was made clear this Board member notified her of our rule against allowing outside testimony at the .100 hearings. She was directed to send her support testimony in writing.

CC Kerry Hansen provided an overview of Mr. Frazier's behavior since his recent revocation in 2015. Mr. Frazier has received zero serious infractions since the last hearing. He's currently working as a custodian on the unit. He has had 29 Behavior Observations since the last hearing: seven positive, 17 negative, and five neutral. He has several open referrals for programming. He has his mother and brothers in the community that serve as community support. Mr. Frazier will not need a housing voucher and plans to release to Snohomish County.

Mr. Frazier plans to live in a home owned by Michael Elliott, an associate with a roommate, Shaun Tanberg.

Mr. Frazier claimed he currently does not have any mental health needs at this time, nor does he have any chemical dependency needs despite being revoked from community supervision due to possession of methamphetamines. It is important to note that Mr. Frazier was screened for chemical dependency August 2020 and there was no recommended level care.

When asked about his violation behavior he provided a long, very convoluted explanation about why he was found in a car with a deadly weapon and tried to flee from detainment. He could not

offer any insight about what he could have done differently. He did not accept responsibility for any of his violating behavior.

When discussing his release plans and employment opportunities Mr. Frazier focused centered the conversation on the businesses he's either developing or that he owns with his business partner. There was some explanation about which businesses exist and which businesses are in development. Mr. Frazier talked about helping at risk youth that had a similar upbringing; he talked about construction, writing grants for his new businesses and his micro-housing idea which I understood will aid homeless veterans. It should be noted, Mr. Frazier spoke about a variety of business, business ideas, and grants. He threw out multiple names of businesses he's involved in and it was hard at times to follow his explanations.

While I have no doubt that Mr. Frazier is an intelligent individual, his poor problem solving and lack of pro-social relationships seem to place him in situations and associations that end with him returning to jail. Dr. Lisa Robtoy summarized in Mr. Frazier's October 2020 psychological evaluation, "Another area of weakness that Mr. Frazier can still improve pertains to who he selects as far as social circle goes. It is concerning that part of his stated release plan involves working with at risk youth, as that plan seems to place him in direct involvement with individuals engaged in an antisocial lifestyle and is the same dynamic that Mr. Frazier stated he intends to stay away from in order to avoid future parole violations."

TD: TS

March 15, 2021

cc: MCC-TRU  
Darrel Lahtinen  
File



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**INDETERMINATE SENTENCE REVIEW BOARD**  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

TO: Full Board

FROM: TaTeasha Davis (TS)

RE: FRAZIER, Robert DOC #280118

Panel recommends: Not Parolable. Add 48 months onto his MT.

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

Agree	Disagree
<b>Lori Ramsdell-Gilkey 3-22-2021</b> <b>Elyse Balmert 3-22-2021</b> <b>Jeff Patnode 3-22-2021</b> <b>TaTeasha Davis 3-22-2021</b>	

- Kecia Rongen, Chair has recused herself from this decision and vote.