



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

DECISION AND REASONS

NAME: JACKSON, Michael
DOC #: 626441
FACILITY: Monroe Correctional Complex TRU
DATE OF HEARING: March 3, 2021
TYPE OF HEARING: .100
PANEL MEMBERS: Elyse Balmert and TaTeasha Davis
FINAL DECISION DATE: March 22, 2021

This matter came before the above-named Board 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. Jackson appeared in person and was represented by Attorney Darrel Lahtinen. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Andre Poirier and Mr. Jackson. This Hearing was held via video conferencing with the Board Members located in Lacey, Washington while Mr. Jackson and DOC staff were located in Monroe, Washington.

Pierce County Deputy Prosecuting Attorney Scott R. Peters' recommendation in part reads; Out of a concern for the safety of the citizens, this office urges the Indeterminate Sentence Review Board to find Mr. Jackson not parolable.

PREVIOUS BOARD DECISION:

At the September 14, 2016 hearing, the Board found Mr. Jackson not parolable and added 72 months to his minimum term. The Board requested an updated psychological evaluation and/or Forensic Psychological Evaluation (FPE) should be completed prior to Mr. Jackson's next hearing.

The Board commended Mr. Jackson for his efforts in attempting to get into programming and recommended that he continue to remain infraction free and participate in additional offender change programs that may be available to him.

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. Jackson is conditionally parolable to a Mutual Reentry Program (MRP) and add 24 months to his minimum term.

NEXT ACTION:

Schedule .100 120 days prior to parole eligibility review date (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 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. Jackson conditionally parolable for the following reasons:

- An updated Forensic Psychological Evaluation was completed by Dr. Marianne Davis on January 27, 2021. That evaluation found that Mr. Jackson DOES NOT MEET criteria as a Sexually Violent Predator under RCW 71.09.
- Psychologist report by Dr. Robtoy his risk assessment tools suggest his risk to be Moderate/High but his protective factors are moderate which might bring his risk level closer to moderate.
- He has completed the core Sex Offender Treatment and Assessment Program (SOTAP) twice and the aftercare portion.
- He appears to understand his high risks and Interventions.
- He has completed several additional risk related programs, most notably chemical dependency (CD) treatment programs, Stress and Anger Management, Victim Awareness, Redemption and Bridges to Life.
- He has had no Serious Infractions since 2006, is reported to be pleasant and has no issues on the Unit.
- Age and medical issues may mitigate his risk.

RECOMMENDATIONS:

Mr. Jackson should continue to focus on continuing with his positive behavior along with transitioning through Camp if eligible and preparing for release to the community. If Camp is not available to Mr. Jackson, he may write the Board and request an earlier Hearing.

JURISDICTION:

Michael Jackson is under the jurisdiction of the Board on a June 24, 1982 conviction in Pierce Cause #81-1-01205-3 for Rape First Degree. The time start is February 18, 1995. The minimum term was set at 89 months from a Sentencing Reform Act (SRA) range of 67 to 89 months. The maximum term is Life. Mr. Jackson has served approximately 312 months in prison on the current offense, and 0 days of jail time.

King County #71109 Rape Count II maxed out on 2-18-1995.

OFFENSE DESCRIPTION:

According to file materials, on or about November 10, 1981, at his age of 28, Mr. Jackson gained entry to the apartment of a woman who lived alone with her 3-year-old daughter. He initiated a conversation with the woman and learned that she was looking for a job. Mr. Jackson told her he could offer her a job if she could demonstrate good physical condition and had the woman do sit ups and leg lifts. While she was on the floor Mr. Jackson grabbed her by the neck and told her that if she screamed, he would hurt her child. Mr. Jackson then removed her bra and pulled her to a bedroom, where he raped her.

PRIOR RISK RELATED CRIMINAL CONDUCT:

Primarily due to running away from home, Mr. Jackson had several confinements in state prisons as a juvenile between 1967 and 1971.

According to file materials, in May of 1975 Mr. Jackson was sentenced in King County for Rape, Count II. A brief description indicates Mr. Jackson, at approximately the age of 20, entered the

apartments of two separate women and raped both. One charge was dismissed as part of a plea bargain and the Court sentenced him to 20 years. Mr. Jackson was subsequently paroled in May of 1981. It was during this parole that Mr. Jackson was arrested and convicted of his current offense of Rape in the First Degree. As indicated previously, the Court initially suspended the sentence pending his treatment at Western State Hospital's sexual psychopath program, although records indicate he did not participate in that program.

Mr. Jackson was paroled again in November of 1988, and one month following his release he was charged with another Rape in the Second Degree, which involved an acquaintance's 14-year-old daughter. This conviction was overturned on appeal, and Mr. Jackson plead guilty to a Gross Misdemeanor for Attempted Rape. Mr. Jackson's return to custody in 1992 was the result of assaulting his girlfriend.

PROGRESS/BEHAVIOR:

CC Poirier provided a summary of Mr. Jackson's programming (vocation/education and offender change). Mr. Jackson has not incurred any Serious Infractions since his last Hearing, is pleasant and has no issues on the Unit. Mr. Jackson is currently working as a Food Preparation worker and he reports he is a Level four worker and gets above average evaluations from his Supervisors.

Mr. Jackson continues to agree with the facts of his crime as they are outlined in the file material. He has community support from his siblings, the Veteran's Administration and his church. Mr. Jackson reported he has learned a lot from Redemption, T4C and Bridges to Life. He said he's learned skills to deal with his anger and will reach out for assistance when in need. Mr. Jackson would like to go to Camp and work in the kitchen. He would like to transition to lower levels and be released to transitional house in King County. He believes that transitioning will assist him in a successful release.

Attorney Lahtinen said that Mr. Jackson no longer meets the criteria as an SVP. Mr. Lahtinen said he has done everything he can do. He says that Mr. Jackson would like the opportunity to

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have a graduated re-entry. Mr. Jackson acknowledges his criminal behavior. He has significant health issues which reduces his risk. Attorney Lahtinen believes Mr. Jackson is fully rehabilitated and should be found releasable.

EB:ts

Date Typed

cc: MCC-TRU
Michael Jackson
Attorney Lahtinen
File



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

TO: Full Board

FROM: Elyse Balmert (Teresa)

RE: Jackson, Michael DOC # 626441

Panel recommends: Find Conditionally Parolable to an MRP and add 24 months to the minimum term.

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

Agree	Disagree
Elyse Balmert 3-22-2021 TaTeasha Davis 3-22-2021 Lori Ramsdell-Gilkey 3-22-2021 Jeff Patnode 3-22-2021 Kecia Rongen 3-22-2021	