



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

DECISION AND REASONS

NAME: PLEMONS, Richard
DOC #: 286922
FACILITY: Airway Heights Corrections Center (AHCC)
DATE OF HEARING: March 29, 2022
TYPE OF HEARING: .100
PANEL MEMBERS: Jeff Patnode & Kecia Rongen
FINAL DECISION DATE: April 11, 2022

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. Plemons' ISRB file. Richard Plemons appeared in person and was represented by Attorney Don Miller. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Mark Roney, who provided a summary of Mr. Plemons' behavior, programming, community support, and transition plans since his last .100 hearing in 2019. The hearing was held remotely.

LAST BOARD DECISION:

The Board last met with Mr. Plemons on July 31, 2019, .100 Hearing wherein Mr. Plemons was found to be not parolable and 48 months were added to his minimum term. The Board recommended he continue to have positive behavior, be assessed for ongoing participation in any other sex offender treatment that might address his deviant arousal (with increased transparency). Mr. Plemons would also benefit from programming to address his poor problem solving (possibly T4C), as well as his hostility toward women and capacity for relationship stability. It was also noted that Mr. Plemons needs an updated psychological evaluation and FPE

as he has passed a significant age threshold (60). The 2012 FPE, completed by Dr. Patterson, indicates the evaluator believed that Mr. Plemons meets criteria for civil commitment under RCW 71.09.

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. Plemons is not parolable and adds 12 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing 120 days prior to PERD. An updated Forensic Psychological Evaluation (FPE) should be completed before his next hearing. The Board may see him sooner upon receipt of an updated FPE.

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 does not find Mr. Plemons parolable for the following reasons:

- **Mr. Plemons has not had the opportunity to have an updated FPE that most accurately assesses his current risk for future sex offending. His last FPE in 2012 indicated he likely meets criteria for RCW 71.09 commitment as a sexually violent predator.**
- **Mr. Plemons has not had the opportunity to participate in sex offender treatment since his last hearing and he has not sufficiently addressed his highest risks.**

He was not accurately reporting his deviant arousal and associated reinforcement through masturbation during his most recent time in SOTAP treatment (disclosed with

two weeks left in treatment out of a twelve-month participation) and has yet to engage in additional offender change programming to address this issue.

- **Mr. Plemons is not fully rehabilitated and needs additional programming.**

In the most recent psychological evaluation by Ph. D Robtoy, dated October 4, 2021, she opines “considering sexual preoccupation continues to present as a major challenge for Mr. Plemons (even though he appears to have made improvements as far as his ability to manage his sexual impulses), it is this evaluator's opinion that his protective factors are not strong enough to justify a reduction in the estimation of risk at this time”.

- **Supervision conditions can not sufficiently mitigate his risk in the community.**

Mr. Plemons appears to continue to be sexually preoccupied and there have been recent indicators he is not using the skills learned in SOTAP that are designed to mitigate these behaviors to avoid new sexual assaults. This failure when coupled with his actuarial risk assessments make clear that no conditions which can be imposed by the Board can offset risk for a future sexual offense. Additionally, as all conditions rely on a willingness for the individual on supervision to comply and or use skills learned in specific treatment programming, they cannot be successfully employed with an individual that demonstrates a lack of willingness or ability in both critical domains

RECOMMENDATIONS:

As previously recommended following his last hearing, Mr. Plemons should continue to remain infraction free and be assessed for ongoing participation in any other sex offender treatment that might address his deviant arousal (with increased transparency). For his next hearing, he needs an updated psychological evaluation and FPE as he has passed a significant age threshold (60). The 2012 FPE, completed by Dr. Patterson, indicates the evaluator believes Mr. Plemons meets criteria for civil commitment under RCW 71.09.

JURISDICTION:

Richard Plemons is under the jurisdiction of the Board on a November 15, 1982 conviction in King County Cause #82-1-02210-8 for Count II Attempted Murder in the First Degree. The time start is November 15, 1982. The minimum term was set at 480 months from a Sentencing Reform Act (SRA) range of 176 to 236 months. The maximum term is Life. Mr. Plemons has served approximately 440 months in prison and 0 days of jail time.

OFFENSE DESCRIPTION:

At his age of 23, Mr. Plemons attacked a 14- to 15-year-old girl as she was walking; he placed a webbed belt around her neck and strangled her to unconsciousness. He then drug her to a wooded area and took off her clothes and raped her, believing that she was dead. The victim did survive after being resuscitated by first responders.

PRIOR CRIMINAL/RISK RELATED CONDUCT:

The SOTAP Treatment Summary indicates that at his age of 14 to 15 Mr. Plemons attempted to rape a 60-year-old female neighbor. Both the SOTAP and Western State Hospital (WSH) reports indicate he stated that at his age 22 he raped a 22-year-old female he met at a party who was intoxicated. He further disclosed that his deviant behaviors included exhibitionism/exposure, breaking into homes to steal women's clothing, deviant fantasy, use of force and/or a weapon to gain compliance and rape.

Additional Disclosures:

In one of the earlier police reports Mr. Plemons noted "I didn't mean to kill her. It was an act of instinct. Some girls I rape and fuck fight me and I didn't want her to fight. I have an active killer instinct. I have this crazy thing about killing. I had to do it so I could get a piece of ass off her". Mr. Plemons disclosed in SOTAP that he has six un-adjudicated victims.

PROGRESS/BEHAVIOR:

CC Roney provided a summary of programming, behavior, and other relevant activities for Mr. Plemons. He stated Mr. Plemons has no infractions since his last hearing and is currently employed with positive reports from his supervisors

Mr. Plemons discussed his prior participation in SOTAP and explained that he waited to disclose his ongoing deviant arousal as he wanted to be transparent and could not keep it a secret any longer (disclosed with two weeks left in sex offender treatment). He still did not have a satisfactory explanation as to why he failed to disclose earlier so that it may have been addressed while still in treatment. He discussed his high risks and interventions and indicated he was aware that the Board has requested an updated FPE.

Mr. Plemons attorney requested the Board consider medical mitigators for Mr. Plemons, the fact he will have supervision, and his employability in their decision making.

JP:ffo

April 7, 2022

cc: AHCC
Richard PLEMONS
Don Miller, Attorney
File



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

TO: Full Board

FROM: Jeff Patnode (Fawn Opp)

RE: PLEMONS, Richard DOC #286922

Panel recommends: Find not parolable and add 12 months to MT.

Next action: Schedule .100 hearing 120 days prior to PERD. The Board may see him sooner upon receipt of an updated FPE.

Agree	Disagree
Jeff Patnode 4-11-2022 Lori Ramsdell-Gilkey 4-11-2022 Elyse Balmert 4-11-2022 TaTeasha Davis 4-11-2022 Kecia Rongen 4-11-2022	