



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

DECISION AND REASONS

NAME: GRAHAM, Stephen
DOC #: 943021
FACILITY: Airway Heights Correctional Center (AHCC)
DATE OF HEARING: April 26, 2021
TYPE OF HEARING: .100
PANEL MEMBERS: TaTeasha Davis & Lori Ramsdell-Gilkey
FINAL DECISION DATE: May 3, 2021

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. Graham's ISRB file. Stephen Graham appeared in person and was represented by Attorney George Marlton. Testimony was provided via video conferencing at Airway Heights, Washington, by Department of Corrections (DOC) Classification Counselor (CC) Mark Roney. The Board Members were located at their office in Lacey, Washington.

The Prosecutor recommended 54 months for both counts. The Judge recommended 41-54 months on Count I and 26 to 34 months on Count II.

LAST BOARD DECISION:

At the August 27, 2019 .100 hearing, the Board found Mr. Graham not parolable and added 24 months to his minimum term. The Board recommended he participate in the Moving Forward program if found not amenable for SOTAP. He should also access any cognitive behavioral therapy available to him and Thinking for a Change is available.

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. Graham is parolable.

NEXT ACTION:

Submit an Offender Release Plan (ORP) for approval.

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. Graham parolable for the following reasons:

- **Mr. Graham has not received any serious infractions since 2011;**
- **He is a Level II sex offender for notification purposes, and he scored Low for both SOTAP Static 99-r & ESRC Static 99-R; RLC-Low;**
- **Mr. Graham has not been a management risk and his deteriorating physical health mitigates his risk to reoffend; and he is going to require 24-hour medical care;**
- **He has three years supervision.**

RECOMMENDATIONS:

Mr. Graham should seek medical attention at the VA hospital for his physical health. Strong controls should be placed around interaction with children and frequenting areas where children tend to congregate.

JURISDICTION:

Stephen Graham is under the jurisdiction of the Board on a September 12, 1988, conviction in Yakima County Cause #84-1-00413-0 for Statutory Rape in the First Degree, Count I. The time

start is September 12, 1988. The minimum term was set at 54 months from a Sentencing Reform Act (SRA) range of 57 to 75 months. The maximum term is Life on Count I. Mr. Graham has served approximately 371 months in prison and no days of jail time.

Note: Other Causes/Counts: Under the same cause number Mr. Graham pled guilty to Statutory Rape in the Second Degree, Count II. The minimum term for Count II was set at 34 months from an SRA range of 41 to 54 months. Mr. Graham reached the maximum sentence of September 12, 1998, on this Count.

OFFENSE DESCRIPTION:

File materials indicate that the First Degree Statutory Rape conviction involved a 13-year-old victim whom Mr. Graham (approximate age 36) had been sexually touching, taking her clothes off for nude photos, requiring her to stroke his penis, and attempting to rape her six or seven times. The Second Degree Statutory Rape occurred in 1984 and involved a 10-year-old female victim. She confirmed that Mr. Graham had digitally raped her vagina and had required her to hold his penis until he ejaculated. Both girls were relatives of Mr. Graham

PRIOR CRIMINAL / RISK RELATED CONDUCT:

Mr. Graham has additional criminal history including Custodial Interference and Threats in 1981 and 1982, two counts of Lewd Act with a Child in 1987 from San Diego, California, and Fugitive Sexual Assault in 1988 from San Diego, California.

PROGRESS/BEHAVIOR:

The Board originally scheduled a .100 hearing in December 2020, but the hearing was continued because Mr. Graham was in the infirmary due to on-going health issues.

CC Roney provided testimony about Mr. Graham's overall behavior since the last Board hearing. This is Mr. Graham's 10th Board hearing and he continually denies details of his offense and refuses to participate in any programming, including SOTAP. Mr. Graham hasn't been working

because his physical health has meant several trips to the infirmary; additionally, the prison has been following COVID 19 protocol which means the facility has been on lockdown. He previously worked as a Game Porter. Mr. Graham has remained in the infirmary since December.

Mr. Graham has received two negative Behavioral Observations and two minor infractions since the last Board hearing. He plans to release to the VA hospital to further address his medical issues. He has community support from his ex-wife and daughter. CC Roney reported that Mr. Graham has not been a behavior issue on the unit and is often respectful to the other officers.

Mr. Graham testified about his poor health. He has congestive heart failure, kidney problems, a pacemaker, difficulty walking, and broken vessels in his testicles. Mr. Graham is also legally blind in one eye, insulin dependent, hypertensive, and has high cholesterol. He will need 24-hour care once released and is looking into nursing homes for long term care. He currently receives \$144 in disability income which he expects to increase upon release.

Mr. Graham appeared agitated when asked about his index offense. He claimed it is because he has spoken about the offense multiple times to the Board. He maintains he did not rape the children and did not harm the children. He admits that it was his idea to take off their clothes, and to take photos. He also admitted to touching their breasts. Mr. Graham testified that he believed his actions were wrong, but when asked if he personally believes his actions were wrong, or if it was wrong only because he got into trouble for it, he responded, “A little of both”. Mr. Graham doesn’t believe he needs any more self-improvement and could only list the fact that he’s been in prison for a long time as reason to be found rehabilitated and fit for release.

TD:ffo

April 29, 2021

cc: AHCC
Stephen GRAHAM
Attorney George Marlton
File



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

TO: Full Board

FROM: TaTeasha Davis (Fawn)

RE: GRAHAM, Stephen DOC # 943021

Panel recommends: Find Parolable

Next action: Submit an ORP for approval

Agree	Disagree
TaTeasha Davis 5-3-2021 Lori Ramsdell-Gilkey 5-3-2021 Elyse Balmert 5-3-2021 Jeff Patnode 5-3-2021 Kecia Rongen 5-3-2021	