



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

Name: BARKER, William	DOC#: 241981	Case Type: PAR	Date: 5/24/2024
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Note: This is a summary of the Decision and Reasons dated 6/10/2024, and should not be substituted for the full document.

Decision: Not Parolable. Extend to maximum.

Next Action: Release on Maximum Expiration Date. Schedule a Cashaw Hearing. The Board will need an updated psychological evaluation for his next hearing to assess his fitness for release.

Recommendations:

- **Mental Health Treatment (including any prescribed medications), if eligible**
- **Other 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**
- **Develop a release plan/community support**



DECISION AND REASONS

NAME: BARKER, William
DOC #: 241981
FACILITY: Airway Heights Corrections Center
DATE OF HEARING: May 22, 2024
TYPE OF HEARING: .100
PANEL MEMBERS: Jeff Patnode & Lori Ramsdell-Gilkey
FINAL DECISION DATE: June 10, 2024

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 or she is a fit subject for release. Consequently, the Board finds William Barker **not parolable** and adds 90 months to the minimum term.

- **This is his second scheduled hearing this year as he refused to participate in his last, and in accordance with statute, he was given a second opportunity to attend today.**

The original recommendation from the Judge and Prosecutor was for 25 years.

NEXT ACTION: Extend to maximum. Schedule a Cashaw like Hearing between now and his maximum release date. An updated psychological evaluation will be needed for the next hearing.

II. JURISDICTION

William BARKER is under the jurisdiction of the Board on a December 15, 1981 conviction in King County Cause #81-1-02710-1 for Rape in the First Degree, Ct I (WAWADW). The time start is December 15, 1981. The minimum term was set at 174 months. The statutory maximum term is 720 months. Mr. BARKER has served approximately 508 months in prison on this cause and 121 days of jail time during the initial period of confinement.

Note: Other Causes/Counts: Mr. Barker was also convicted of Assault Two and was sentenced to 120 months and Unlawful Imprisonment for which he was sentenced a 60-month term under the same cause number. Both are expired.

III. LAST BOARD DECISION

Mr. Barker was last seen by the Board for a .100 Parole Hearing on July 23, 2019. The hearing was held in absentia as Mr. Barker refused to attend. The Board found Mr. Barker not parolable and added 77 months to his minimum term. The Board recommends that Mr. Barker focus on remaining infraction free, participate in his next psychological evaluation and attend his next Board hearing.

IV. OFFENSE DESCRIPTION

A 15-year-old female and 17-year-old male were walking together in a park at 11PM when they were approached from behind by Mr. Barker, who was on the first of a five-day furlough from the Penitentiary at Walla Walla. He grabbed the male, holding a sharp object to his throat, grabbed the girl by the arm, and directed them to some nearby bushes. He took a whiskey bottle from his pants, broke it against a concrete wall, and held it to the male while he ordered him to lie down. The male complied and Mr. Barker tied the boy's hands. He then held the broken bottle to the girl and directed her to comply or he would hurt her. He took her to the other side of the bushes and had her remove her clothing. Mr. Barker removed his own clothing and proceeded to vaginally rape the victim. He also performed cunnilingus on her and had her perform fellatio on him. After the assault, Mr. Barker allowed her to get dressed but kept her

underwear. He took both teenagers to a nearby bus stop where he threw the broken bottle on the ground. As police officers were taking the teenagers to a hospital, they saw Mr. Barker and pointed him out. Police arrested him and found the girl's underwear in his pocket.

V. OTHER RISK RELATED BEHAVIOR

1974 Robbery 1st Degree. In this incident, Mr. Barker entered a mini mart, picked up some merchandise, and approached the attendant. He then drew a firearm and demanded the money from the till. The attendant complied. Mr. Barker then asked the attendant if he had a car, to which the attendant stated he did. Mr. Barker then had the attendant drive them away from the mini- mart. An off-duty officer had seen part of the crime, and called it in. The off-duty officer continued to follow the vehicle until police responded. Mr. Barker was paroled on this offense in 1978 and spent 9 months in the community before being revoked. After his revocation, he was on a furlough from WSP in 1981 when he committed his current offense.

1978 Unlawful Use of a Weapon. Seattle Police. Dismissed as the prosecution was unable to produce a witness.

1978 Criminal Trespass. Seattle Police. 30 days suspended. Mr. Barker appealed this conviction, and charges were later dismissed.

1978 Cts. 1 & 2 Theft 2nd Degree. Seattle Police. Dismissed due to speedy trial issues.

1971 Possession of Marijuana, Disorderly Conduct, and several counts of Burglary. San Diego, California.

VI. EVIDENCE CONSIDERED

The Board considered the evidence presented at the hearing and reviewed **William Barker's** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor James Funnemark and Mr. William Barker declined to attend his hearing.**

The file review included the following documents:

- End of Sentence Review Committee (ESRC) Reports: Dated **10-21-2009**
- Criminal case records: **Presentence Investigation Report**
- Psychological Evaluations: **9-12-2023 PhD Robtoy, 5-04-2010 Forensic Psychological Evaluation**
- DOC Treatment and behavioral reports dated:
- Risk Assessments (Static, SOTIPS etc.):
 - **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.**
 - *Hare Psychopathy Checklist-REVISED (PCL-R) indicates the extent to which the individual has psychopathic tendencies.*
 - *Minnesota Sex Offender Screening Tool-Revised (MnSOST-R) is a risk assessment tool that provides empirically based estimates of risk for sexual recidivism for incarcerated male sex offenders.*
 - **Violence Risk Assessment Guide-Revised (VRAG-R) is a 12-item actuarial scale designed to predict violent recidivism.**
- Findings and Conclusion (F&C), Prior Decision & Reasons (D&R): **7-23-2019**
- DOC OMNI Records
- Other:

VII. FINDINGS

1. In preparation for this hearing, Mr. William Barker was advised of his hearing rights.
2. William Barker refused to appear because: He indicated he has no interest in speaking to the Board. William Barker was not represented by an attorney. He refused representation from attorney Don Miller.
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
- GEOGRAPHIC RESTRICTIONS
- 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 William Barker's release determination:

- Treatment/Programming.
- Protective factors.
- Risk Assessment Scores.
- Other evidence:

5. The Board has considered evidence against William Barker'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 declined to participate in his psychological evaluation and his Board .100 Hearings.**
- Serious and repetitive disciplinary infractions during incarceration. **Multiple Serious Infraction including violence.**
- 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). **Recent Psychological Evaluation and 2010 FPE which indicates he meets 71.09 SVP criteria.**
- Statements or declarations by the inmate that he or she intends to re-offend or does not intend to comply with conditions of parole.
- Evidence that an inmate presents a substantial danger to the community if released.

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

- **A current psychological evaluation for Mr. Barker was completed on September 12, 2023, by Dr. Lisa Robtoy. Mr. Barker declined the evaluation. Dr. Robtoy notes the following in summary: 1. Mr. Barker has not made progress toward rehabilitation since he was last seen by the Board. 2. Overall, Mr. Barker is assessed to be high risk for violent recidivism in less restrictive settings. 3. Based on the available data, which did not include any participation from Mr. Barker, I am not convinced that Mr. Barker possess the skills, desire, and/or ability to be successful on community supervision.**
 - **King County Prosecuting Attorney's office requested a self-referral on 11/16/09 and a FPE was requested. The FPE was assigned to a Joint Forensic Unit expert who determined that he does meet SVP Civil Commitment Criteria under RCW 71.09.**
 - **Mr. Barker has continued to refuse to participate in his .100 Hearing which limits the Boards ability to determine if he is a rehabilitated and fit subject 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. Barker 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

- Mental Health Treatment (including any prescribed medications), if eligible

- Other 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
- Develop a release plan/community support

JP: hd

5/24/2024

cc: Facility: AHCC
Barker William, Incarcerated Individual
File



TO: Full Board

FROM: **JP** (hd)

RE: Barker, William DOC #241981

Panel recommends: **Not Parolable**

Next action: Extend to maximum. Schedule a Cashaw Hearing prior to his maximum.

Agree	Disagree
Jill Getty 06/10/2024 Elyse Balmert 06/10/2024 Jeff Patnode 06/10/2024 Lori Ramsdell-Gilkey 06/10/2024	