



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

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Name: CLARK, Robert	DOC#: 623112	Case Type: PAR	Date: 6/25/2024
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**Note: This is a summary of the Decision and Reasons dated 7/8/2024, and should not be substituted for the full document.**

**Decision**

**Not Parolable. Add 24 months to Minimum Term**

**Next Action: Schedule a .100 Hearing approximately 120 days prior to PERD**

An updated psychological evaluation should be completed for the next hearing.

**Recommendations:**

- **Substance Abuse Treatment, Assessment and Follow Recommendations**
- **Sober Support Groups**
- **Other Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence**
- **Remain infraction free**
- **Continue to develop a release plan/community support**



## DECISION AND REASONS

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NAME:	CLARK, Robert
DOC #:	623112
FACILITY:	Coyote Ridge Corrections Center
DATE OF HEARING:	June 25, 2024
TYPE OF HEARING:	.100
PANEL MEMBERS:	Jill Getty & Elyse Balmert
FINAL DECISION DATE:	July 8, 2024

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### **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 Robert Clark not parolable and adds 24 months to the minimum term.

At the time of sentencing the judge and prosecutor recommended life imprisonment.

**NEXT ACTION: Schedule a .100 Hearing approximately 120 days prior to PERD. An updated psychological evaluation should be completed for the next hearing.**

### **II. JURISDICTION**

Robert Clark is under the jurisdiction of the Board on a March 3, 1972 conviction in Yakima County Cause #16768 for Second Degree Murder. The time start is July 11, 1992. The minimum term was set at 40 years (7.5 years mandatory) aggravated up from a Sentencing Reform Act (SRA) range of 175 to 233 months. The statutory maximum term is Life. Mr. Clark has served

approximately 383 months in prison and 0 days of jail time during the initial period of confinement.

### **III. LAST BOARD DECISION**

Mr. Clark last appeared before the Board on November 8, 2023 in a .100 Hearing. He was being held in Kentucky at that time. Mr. Clark was found not releasable, and 36 months were added to his minimum term. The Board recommended that Mr. Clark participate in Substance Use Disorder (SUD) treatment if eligible, that he attends AA/NA groups, that he participate in other programs that may be available such as Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence (or the Kentucky equivalent), that he remain infraction free, and that he further develop a release plan and community support. Since that time, Mr. Clark was returned to Washington State in December of 2023. He was scheduled for a new .100 Hearing upon his arrival.

### **IV. OFFENSE DESCRIPTION**

While Mr. Clark, age 24, was on furlough from another unrelated conviction, he and a co-defendant committed an armed robbery at a mini mart. As they were leaving the scene, they were pulled over by a State Trooper for a traffic infraction. The co-defendant/driver was removed from the vehicle, given field sobriety tests, and was placed in the back of the Trooper's car. The Trooper returned to the vehicle to talk with Mr. Clark who provided his furlough paperwork as identification. He was then asked to get out of the car to be placed under arrest. He stepped from the car, produced a gun from the waistband of his pants, and shot the officer. The officer was knocked to the ground. Mr. Clark then approached the officer and shot him in the back of the head, killing him. Mr. Clark and his co-defendant fled the crime scene and later returned to retrieve their identification and belongings. Mr. Clark has reported being heavily under the influence of alcohol and drugs at the time of the offense.

**V. OTHER RISK RELATED BEHAVIOR**

**1972 – Armed Robbery. Yakima County #16775.** Mr. Clark was convicted of armed robbery for his robbery of the mini mart just before he committed his current offense. The Board set the minimum term at 40 years, consecutive to Yakima County #17503. The time start on this cause was July 20, 1978. Mr. Clark was “paroled” to begin serving confinement on the current cause of July 11, 1992.

**1970 - Auto Theft. Yakima County #17503.** Mr. Clark was on furlough on this sentence when he committed the current offense. The original time start was February 6, 1970, and he was “paroled” to begin serving confinement on #16775 on July 20, 1978.

**1964 - Negligent Homicide. Yakima County ##13212.** Mr. Clark, age 17, caused a traffic accident that caused the death of another driver. He was under the influence of alcohol at the time. Witnesses noted that Mr. Clark had been driving erratically at a high rate of speed before causing the accident. The original time start on this offense March 2, 1964. He was first paroled 1966. He later returned to prison in 1968 as a parole violator after a Driving Under the Influence conviction. He was paroled again in 1969.

It should be noted that Mr. Clark has admitted to playing a significant role in the “Lifer’s Club” at the Washington State Penitentiary in the 1970s and 1980s, and also participated in a prison riot in 1982 while being housed in New Mexico. Mr. Clark also has a juvenile criminal history for behavior including theft and vandalism and spent time at both Fort Warden and Green Hill School.

**VI. EVIDENCE CONSIDERED**

The Board considered the evidence presented at the hearing and reviewed **Robert Clark’s** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Hayley Shepard, and Robert Clark.**

The file review included the following documents:

- End of Sentence Review Committee (ESRC) Reports: Dated
- Criminal case records: **J&S; Statement of Trial Court and Prosecuting Attorney dated 3/14/72**
- Psychological Evaluation: **Dated 7/6/2023**
- DOC Treatment and behavioral reports dated: **Mental Status Examination dated 12/20/23**
- Risk Assessments (Static, SOTIPS etc.):
  - **Violence Risk Assessment Guide-Revised (VRAG-R)** is a 12-item actuarial scale designed to predict violent recidivism.
  - **Hare Psychopathy Checklist-REVISED (PCL-R)** indicates the extent to which the individual has psychopathic tendencies.
  - **HCR-20v3** is an instrument that organizes known risk factors into three categories: historical, clinical, and risk management. Using past, present, and future factors the HCR-20v3 assesses dynamic risk for recidivism.
  - **Saint Louis University Mental Status examination (SLUMS)** is a brief screening tool to assess cognitive functioning.
- Findings and Conclusion (F&C), Prior Decision & Reasons (D&R): **D&R dated 11/27/2023**
- DOC OMNI Records
- Other: **Individual Release Plan**

## VII. FINDINGS

1. In preparation for this hearing, Mr. Robert Clark was advised of his hearing rights.
2. Robert Clark appeared by video conference. He was represented by attorney Darrel Lahtinen.
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
  - PROHIBITED CONTACTS
  - SUBMIT TO POLYGRAPHS

4. The Board has considered the following evidence favorable to Robert Clark's release determination:
  - Treatment/Programming. **Attending gardening class with positive reports and weekly AA/NA meetings.**
  - Protective factors. **No serious infractions for several years (since 2017).**
  - Risk Assessment Scores. **PCL-R 22/Moderate for psychopathy; HCR-20v3/Low-Moderate range for future violence; VRAG bin 8/9; According to 7/2023 Psychological Evaluations may be a reasonable candidate for release.**
  - Other evidence: **Has a release plan; almost 78 years old.**
  
5. The Board has considered evidence against Robert Clark's conditional release (WAC 381-60-160), examples of adequate reasons for a finding of not parolable include, but are not limited to:
  - Lack of participation in programs or resources designed to assist and offender to reduce the risk of re-offense (e.g., anger management, substance abuse treatment). **He has not participated in recent programs to address criminogenic needs.**
  - Serious and repetitive disciplinary infractions during incarceration.
  - 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).
  - 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.
  - Other: **The 7/2023 Psychological Evaluation noted cognitive impairment, and possibly the beginning stages of dementia. However, in the hearing Mr. Clark denied any such difficulties. In addition, staff working Mr. Clark since his return to Washington in December of 2023 have not witnessed any significant cognitive impairment. Mr. Clark's current needs in this area are unclear.**
  
6. The Conditions of Supervision, and any favorable evidence noted above considered by the Board would sufficiently reduce the likelihood of Robert Clark committing new offenses because:
  - **The Board continued to question whether Mr. Clark fully understood the circumstances that led to his offense, or the impact that his crime has had on the community. He was much more forthcoming in his 7/2023 psychological evaluation that he's been in either .100 Hearing that he's had in the past year.**
  - **He has a history severe substance use and committing acts of considerable violence both in the community and institutional settings.**

- **He has not participated in any programs to develop skills to mitigate risk since his last hearing, and has participated in minimal criminogenic programming over the years. He most recently completed Substance Use Disorder treatment in 2011 and has regularly been attending AA/NA since his return to Washington in 12/2023, but he has done little else to address other issues that may have contributed to his offense.**
- **His current level of cognitive functioning and related risk needs are unclear given the disparity between issues identified in the 7/2023 psychological evaluation and testimony of Mr. Clark and DOC staff.**

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. Clark is not parolable and adds 24 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**

- **Substance Abuse Treatment, Assessment and Follow Recommendations**
- **Sober Support Groups**
- **Other Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence**
- **Remain infraction free**
- **Continue to develop a release plan/community support**

JG: ch

6/27/2024

cc: Facility: CRCC  
Robert Clark, Incarcerated Individual  
File



TO: Full Board

FROM: **JG** (ch)

RE: CLARK, Robert DOC # 623112

Panel recommends: Not parolable and adds 24 months to the minimum term.

Next action: Schedule a .100 Hearing approximately 120 days prior to PERD. An updated psychological evaluation should be completed for the next hearing.

Agree	Disagree
<b>Lori Ramsdell-Gilkey 07/08/2024</b> <b>Jill Getty-07/08/2024</b> <b>Elyse Balmert-07/08/2024</b> <b>Kecia Rongen 07/08/2024</b>	

Jeff Patnode, Not Present