



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

Name: Green, Michael	DOC#: 680340	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 60 months to Minimum Term.

Next Action: Schedule a .100 Hearing approximately 120 days prior to PERD. A new psychological evaluation is needed prior to the next hearing.

Recommendations:

- **Sex Offense Treatment and Assessment Program (SOTAP), if eligible**
- **Sober Support Groups**
- **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:	GREEN, Michael
DOC #:	680340
FACILITY:	Coyote Ridge Corrections Center
DATE OF HEARING:	June 25, 2024
TYPE OF HEARING:	.100
PANEL MEMBERS:	Elyse Balmert & Jill Getty
FINAL DECISION DATE:	July 8, 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 Michael Green **not parolable** and adds 60 months to the minimum term.

The Judge and Prosecutor Recommendations: Original – Death by hanging.

New Trial/Resentence after stay of execution: Life imprisonment with a minimum term of life imprisonment.

A letter from King County Prosecuting Attorney Leesa Manion dated June 20, 2024 provided the following conclusion: *After a careful review of the documents and reports presented to my office regarding Mr. Green's readiness for parole or release as well as considering the totality of the circumstances, I strongly oppose release of Mr. Michael Green. Mr. Green's rehabilitation does not meet the statutory requirements and is not complete. Therefore, the Board should find that Mr. Green is not fit for release or parole.*

NEXT ACTION: Schedule a .100 Hearing approximately 120 days prior to PERD. A new psychological evaluation is needed prior to the next hearing.

II. JURISDICTION

Michael Green is under the jurisdiction of the Board on a January 19, 1977 conviction in King County Cause #78729 for Murder in the First Degree with Deadly Weapon. The time start is January 19, 1977. The minimum term was set at 314 months from a Sentencing Reform Act (SRA) range of 234 to 314 months. The statutory maximum term is Life. Mr. Green has served approximately 569 months in prison and 0 days of jail time during the initial period of confinement.

III. LAST BOARD DECISION

On 3/23/21 a .100 Hearing was held, and Mr. Green was found not parolable, and 60 months were added to the minimum term. The Board recommended that Mr. Green participate in any programming available to include SOTAP program at any level assessed as eligible, which may provide him with insight related to his criminogenic factors and reduce risk to the community. Additionally, he needs to improve his behavior and refrain from behavior that result in serious infractions. The Board also requested an updated Psychological Evaluation.

IV. OFFENSE DESCRIPTION

According to file material, on 9/28/76, at the age of 18, Mr. Green killed an unknown 8-year-old girl. It was noted that on the morning of the murder, Mr. Green had decided to rape and/or kill someone that day. File materials describe the underlying conviction as Mr. Green following a woman to the store with the intention of raping her. He did not follow through with this assault; however, while going back to his apartment he observed an eight-year-old girl with a 16-month-old child. The child ran to a playground area. Mr. Green grabbed the eight-year-old, and when she screamed, he pulled out a butcher knife and stabbed her, including stab wounds to the heart. He then carried the victim to a recessed stairwell at the rear of a building with the full intention of raping her. Mr. Green has reported he found the victim's unconsciousness/death very arousing, and he planned to vaginally rape her. He pulled down the victim's pants and

underwear and removed his penis from his pants. However, he was interrupted by a passerby who called police and an ambulance. Mr. Green initially told police that he had interrupted the victim's attacker and chased him off. He provided police with a false description of the "attacker." However, Mr. Green's underwear was soaked with blood and his genitals were exposed. The blood had not soaked through from his outer pants, so when police arrived, they suspected he was the perpetrator. Mr. Green initially claimed an "Afro-American male" had attacked the victim and had run off. He maintained that story through two trials, and only after having been found guilty the second time Mr. Green admitted he was the only assailant. Mr. Green said he had taken 80 – 100 milligrams of Valium and some Ambien, had consumed seven or eight beers, a pint of wine, and had smoked some marijuana on the day he committed the index offense.

V. OTHER RISK RELATED BEHAVIOR

6/1974 - Mr. Green was charged with curfew and disorderly conduct. At that time, he was found to be prowling in an apartment complex. He was suspected of attempting to remove a window screen. At the time of arrest, had a buck knife in his possession.

12/1974 & 4/1975 - Again charged with prowling in an apartment complex. Was observed by police officers standing by an apartment building, looking into the windows after midnight. Was arrested and released to parents. Within two days, was reported to be carrying a rifle in the neighborhood. This rifle may have actually been a pellet gun. Concern was raised because Mr. Green had been shooting a .22 rifle the previous year, at which time a bullet had gone through a neighbor's screen door and lodged in a washer or dryer. Mr. Green spent about 5 weeks at Cascadia for carrying a concealed weapon.

4/22/1976 – Several months before committing the Murder, on or about 4/22/1976, Mr. Green shot at a woman he was following with the idea that he wanted to rape her. She was not hit by the shot, nor did she sustain any injuries. Upon questioning he indicated that it was his intention to find someone to rape or kill, and that he had followed this woman as she was driving to her

home with the intention of raping her. It appears he was released without formal charges being filed for this criminal activity and was told to leave Seattle.

9/3/76 – Arrested in Seattle after he struck a police officer in the Kingdome parking lot. He had ignored police officer's instructions to move to the back of the line. He was charged on 9/7/76 with obstructing a public officer. Received a 5-day suspended sentence.

VI. EVIDENCE CONSIDERED

The Board considered the evidence presented at the hearing and reviewed **Michael Green's** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Tyler Lindsley, and Michael Green.**

The file review included the following documents:

- End of Sentence Review Committee (ESRC) Reports: **Law Enforcement Alert Dated 8/13/2020.**
- Criminal case records: **Judgement and Sentence 1/19/1977 and Pre-Sentence Investigation 3/6/1981.**
- Psychological Evaluations: **Dr. Robtoy Psychological Evaluation 10/5/2023.**
- DOC Treatment and behavioral reports dated: **Sex Offender Treatment Summary 12/21/2004 and Chemical Dependency Discharge Summary and Continued Care Plan 1/26/2011.**
- Assessments:
 - *Hare Psychopathy Checklist-REVISED (PCL-R) indicates the extent to which the individual has psychopathic tendencies.*
 - *Violence Risk Assessment Guide-Revised (VRAG-R) is a 12-item actuarial scale designed to predict violent recidivism.*
 - ***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.*
 - ***Structured Assessment of Protective Factors (SAPROF)** structured clinical judgement instrument to consider relevant factors that may reduce or protect from future risk behaviors.*
 - ***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.

- Findings and Conclusion (F&C), Prior Decision & Reasons (D&R): **D&R 3/23/2021.**
- DOC OMNI Records
- Other: **Community Concerns and letters of support.**

VII. FINDINGS

1. In preparation for this hearing, Mr. Michael Green was advised of his hearing rights.
2. Michael Green appeared by video conference. Michael Green 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
 - MENTAL HEALTH TREATMENT COMPLIANCE
 - 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 Michael Green's release determination:
 - Treatment/Programming. **Since his last Hearing he has completed Re-Entry Life Skills and has been participating in Redemption. Completed SOTAP 2004 and Substance Use Disorder treatment in 2011.**
 - Protective factors. **No new Serious Infractions.**
 - Risk Assessment Scores.
 - Other evidence: **Community support.**

5. The Board has considered evidence against Michael Green'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). **Has not completed additional SOTAP as recommended by the Board. During Dr. Robtoy's evaluation, Mr. Green continued to deny the need for treatment related to sexual deviancy, insisting that his religion is the only "cure" he needs, however he was unable and/or unwilling to hold a detailed conversation about his risk factors and/or interventions. He presented as easily irritated when questioned about his criminal history, particularly his criminal history related to sexual offending, and he seemed to disregard the effects that his behavior had on the victims as he tended to change the subject to times he has been victimized and "chose" to participate. His self-report over the years and across evaluations about his sexual interests and/or motivations has varied greatly, calling into question the reliability of his self-report. For example, he reported violent ideation during this review period when told by a staff member that he could not carry out his duties as a wheelchair pusher. However, review of the records suggests he was never assigned to work as a wheelchair pusher, and he was resistant to staff directives to follow unit rules.**
- ☒ Serious and concerning behavior during incarceration. **General infractions for the following behaviors: refusing an order (x4), unauthorized absence (x2), being out of bounds (x2), and lying to staff. During an interaction with medical personnel on 2/12/2024 Mr. Green dropped his bottoms, bent over, and spread his buttock cheeks exposing himself to staff. He has received 12 negative Behavior Observations since his last Hearing. Per Dr. Robtoy's evaluation, 'While he avoided serious infractions during this review period, Mr. Green continues to demonstrate a clear lack of regard for rules and/or authority figures, making it difficult to believe that he would be responsive to conditions of parole. At this time, based on the evidence available to me, in my opinion, Mr. Green continues to present with treatment needs related to sexual deviancy, is not amenable to additional SOTAP involvement, and it is unlikely that he possesses the willingness and/or ability to participate effectively with conditions of supervision.'**
- ☒ 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). **Dr. Robtoy Psychological Evaluation 10/5/2023 summary, "Mr. Green has not demonstrated evidence of rehabilitation since he last saw the Board. Overall, at the time of this evaluation, Mr. Green is assessed to be high moderate to high risk for violent recidivism in less restrictive settings. At the time of this evaluation, it was unlikely that Mr. Green possessed the skills and/or willingness that would allow him to participate effectively with parole."**

- Statements or declarations by the inmate that he or she intends to re-offend or does not intend to comply with conditions of parole. **During his psychological evaluation when Dr. Robtoy asked him about participating in CSOTAP if found releasable, he stated that he'd be "willing to try it". When asked for clarification he explained that he would "try it and see what it was." He indicated that he would not participate if he did not like the program stating, "If I could work with the Board [on a different option], otherwise I'd do what I have to do." When she asked what that meant he stated that he would stop attending.**
- 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 Michael Green committing new offenses because:

- **Dr. Robtoy opined that at the time of the evaluation Mr. Green was high moderate, if not high risk for future violence.**
- **Mr. Green has not completed additional risk related programming, as recommended by the Board, to assist with mitigating his risk (SOTAP).**
- **As noted in the 11/9/20 psychological eval Dr. Richel recommended an FPE if Mr. Green is to release to a less restrictive environment.**
- **He has shown serious and concerning behavior: During an interaction with medical personnel on 2/12/2024 Mr. Green dropped his clothing, bent over, and spread his buttock cheeks exposing himself to a female staff member. General infractions for: refusing an order (x4), unauthorized absence (x2), being out of bounds (x2), and lying to staff.**
- **Mr. Green does not appear to be a fully rehabilitated and fit subject for release and has made little progress since his last Board hearing in 2021.**

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. Green is not parolable and adds 60 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

- **Sex Offense Treatment and Assessment Program (SOTAP), if eligible**
- **Sober Support Groups**
- **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**

EB: ch

6/26/2024

cc: Facility: CRCC
Michael Green, Incarcerated Individual
File



TO: Full Board

FROM: EB (ch)

RE: GREEN, Michael DOC # 680340

Panel recommends: Not Parolable and add 60 months to minimum term.

Next action: Schedule a .100 Hearing approximately 120 days prior to PERD. A new psychological evaluation is needed prior to the next hearing.

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

Jeff Patnode, Not Present