



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

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Name: SMISSAERT, Dwight	DOC#: 632057	Case Type: PAR	Date: 7/16/2024
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**Note: This is a summary of the Decision and Reasons dated 7/22/2024, and should not be substituted for the full document.**

**Decision**

**Move to Next Cause**

**Next Action: Parole to consecutive cause. The Board should receive notice prior to release from his non-Board jurisdiction consecutive and a fully investigated Offender Release Plan should be submitted for Board approval. The Board requests to be notified of any infractions after this decision.**

**Recommendations:**

- **Strong controls around alcohol use**
- **Strong controls around drug use**
- **Strong controls around relationships**
- **Electronic Monitoring**
- **Sober Support Groups**



## DECISION AND REASONS

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NAME: SMISSAERT, Dwight  
DOC #: 632057  
FACILITY: Stafford Creek Corrections Center  
DATE OF HEARING: July 16, 2024  
TYPE OF HEARING: .100  
PANEL MEMBERS: Jeff Patnode & Kecia Rongen  
FINAL DECISION DATE: July 22, 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 third .100 hearing since his revocation 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 Dwight Smissaert **parolable**.

- **The King County Prosecutor submitted a letter dated July 11, 2024, indicating the following. Based on the record provided to us for review, it is my opinion that Mr. Smissaert is not fit for release, nor does the records demonstrate a pattern of behavioral change that warrants placement in a less restrictive confinement.**
- **The Prosecutor submitted a recommendation dated July 6, 2022, recommending the Board fine Mr. Smissaert not parolable. The Judge made no new recommendation.**

**NEXT ACTION: Parole to consecutive cause on or about his PERD date of November 23, 2024. The Board should receive notice prior to release from his non-Board jurisdiction consecutive**

**and a fully investigated Offender Release Plan should be submitted for Board approval. The Board request to be notified of any infractions incurred after this decision.**

## **II. JURISDICTION**

Dwight Smissaert is under the jurisdiction of the Board on an August 25, 1980, conviction of Murder in the First Degree While Armed with a Deadly Weapon in King County Cause #80-1-01791-4. The original time start is April 6, 1981. His initial duration of confinement was set by the Judge at 347 months. The standard range of the Sentencing Reform Act at the time was 261 to 347 months. His maximum term is Life. He has served approximately 27 years in prison and 0 days of jail time prior to his first release.

He has paroled twice from this cause, with the last parole date of September 14, 2011. He was issued a Final Discharge on September 14, 2014. The Final Discharge was rescinded on January 14, 2018, due to his pending new charges. He was sentenced on King #17-1-06275-4 Attempted Burglary 2nd Degree in February 2018. He was then revoked and returned to prison in March of 2018, and a new minimum term of confinement was set at 36 months on King #80-1-01791-4. Mr. Smissaert has served approximately 76 months on this sentence since revocation.

Note: Other Causes/Counts: On February 9, 2018, Mr. Smissaert was convicted of Attempted Burglary in the Second Degree under King County Cause No. 17-1-06275-4. This conviction falls under the Offender Accountability Act (OAA). He was sentenced to 12.75 months from an SRA range of 17 to 22 months. The maximum term is five years; and this sentence runs consecutive to the ISRB sentence under King #80-1-01791-4. The Court also ordered he was to not have contact with Kirby Electric in Auburn, Washington.

## **III. LAST BOARD DECISION**

Following a July 12, 2022, .100 Hearing, Mr. Smissaert was found not parolable and 36 months were added to his minimum term. The Board recommended he remain serious infraction free, be assessed for participating in T4C, CD Tx, and any other programming that will assist in his poor problem-solving skills. Develop a thorough release plan.

#### **IV. OFFENSE DESCRIPTION**

Mr. Smissaert at age 18 and his 16-year-old co-defendant burglarized an elderly woman's home in the early hours of the morning and the co-defendant stabbed the victim repeatedly when she awoke to their presence in her home.

#### **New Violation Behavior/New Conviction:**

##### **January 8, 2016 – Attempted Burglary in the Second Degree, King County Cause No. 15-1-06318-**

**5.** Sentenced to five months with 30 days of confinement converted to 240 hours of community service. The Court ordered Mr. Smissaert to not have contact with the Valerie Staley Law Office. On September 26, 2015, witnesses called police after observing a male, later identified as Mr. Smissaert, attempting to break into a window of the law office at approximately 3:45 am. When contacted by police Mr. Smissaert had burglary tools and a small amount of a clear crystalline substance was in his wallet. The ISRB Disposition and Conclusions dated March 16, 2018, stated Mr. Smissaert denied committing this offense. He stated he pled guilty because his attorney told him to. He denied having burglary tools on his person and stated he had been riding his bike around at 2:00 am and had stopped to repair a flat tire.

##### **February 9, 2018 – Attempted Burglary in the Second Degree, King County Cause No. 17-1-**

**06275-4.** Sentenced to 12.75 months. *This will be served consecutive to his parole revocation.* On July 10, 2017, police responded to a burglary at Kirby Electric. Employees arrived to find the front glass door broken. A male was seen on surveillance video walking around the interior of the building, and he stole several items from the business including laptops and tablet PC's. Mr. Smissaert admitted to burglarizing Kirby Electric with the intent of finding food. He had changed the profile and passwords on some of the electronic devices before attempting to sell them outside of a Fred Meyer store. When searched Mr. Smissaert was found to have foil with a white substance in his pants pocket. The substance tested positive for methamphetamine.

## V. OTHER RISK RELATED BEHAVIOR

As a juvenile Mr. Smissaert had two Burglary 2nd Degree charges and one Grand Larceny charge in 1975. In 1976 and 1978 he was convicted of Taking and Riding in a Motor Vehicle without the Owner's Permission. In 1979 he incurred another Burglary 2nd Degree. In addition, between 1973 and 1979 there were three other arrests for Car Theft, Car Prowl and Burglary without any dispositions.

## VI. EVIDENCE CONSIDERED

The Board considered the evidence presented at the hearing and reviewed **Dwight SMISSAERT's** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Paul Nelson and Dwight SMISSAERT.**

The file review included the following documents:

- End of Sentence Review Committee (ESRC) Reports: Dated
- Criminal case records:
- Psychological Evaluations: **PhD Robtoy dated 2-26-2024**
- DOC Treatment and behavioral reports dated: **SUD Treatment Summary (2.5) dated 2-16-2023**
- Risk Assessments (Static, SOTIPS etc.):
  - **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.
  - **Violence Risk Assessment Guide-Revised (VRAG-R)** is a 12-item actuarial scale designed to predict violent recidivism.

- Findings and Conclusion (F&C) **dated 3-16-2018**, Prior Decision & Reasons (D&R): dated **7-25-2022**.
- DOC OMNI Records
- Other:

## VII. FINDINGS

1. In preparation for this hearing, Mr. Dwight SMISSAERT was advised of his hearing rights.
2. Dwight SMISSAERT appeared by video conference. Dwight SMISSAERT was represented by attorney Darryl 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
  - PARTICIPATION IN DRUG/ALCOHOL TREATMENT
  - UNAPPROVED RELATIONSHIPS
4. The Board has considered the following evidence favorable to Dwight SMISSAERT's release determination:
  - Treatment/Programming. **Since his last hearing he has completed SUD treatment, Thinking for a Change (T4C), maintained his behavior, and developed a detailed release plan.**
  - Protective factors. **He has medical conditions that are risk mitigating and may be placed in a adult supported living environment.**
  - Risk Assessment Scores.
  - Other evidence: **He appears to have some insight into his violation behavior and committed to living a crime free life if he is released.**
5. The Board has considered evidence against Dwight SMISSAERT'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).
- 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.

6. The Conditions of Supervision, and any favorable evidence noted above considered by the Board would sufficiently reduce the likelihood of Dwight SMISSAERT committing new offenses because:

- **Mr. Smissaert has completed the recommendations from his last hearing to include completing SUD treatment, T4C, maintaining appropriate behavior, and developed a release plan.**
- **He demonstrates some insight into his criminal behavior that resulted in his 2018 return to prison.**
- **He does have medical conditions that may act to mitigate his risk for a future criminal offense.**

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. SMISSAERT is parolable to his consecutive sentence.

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**

- **Strong controls around alcohol use**
- **Strong controls around drug use**
- **Strong controls around relationships**
- **Electronic Monitoring**
- **Sober Support Groups**

JP: nt

7/17/2024

cc: Facility: SCCC  
Dwight SMISSAERT, Incarcerated Individual  
File





TO: Full Board

FROM: **JP (nt)**

RE: SMISSAERT, Dwight DOC # 632057

Panel recommends: **Move to consecutive count/cause**

Next action: **Parole to consecutive cause. The Board should receive notice prior to release from his non-Board jurisdiction consecutive and a fully investigated Offender Release Plan should be submitted for Board approval. The Board request to be notified of any infractions incurred after this decision.**

Agree	Disagree
<b>Jeff Patnode 07/22/2024</b> <b>Lori Ramsdell-Gilkey 07/22/2024</b> <b>Jill Getty 07/22/2024</b> <b>Elyse Balmert 07/22/2024</b> <b>Kecia Rongen 7/22/2024</b>	