



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

DECISION AND REASONS

NAME:	Barker, William
DOC #:	241981
FACILITY:	Washington State Penitentiary
DATE OF HEARING:	July 23, 2019
TYPE OF HEARING	.100
PANEL MEMBERS:	Jeff Patnode and Kecia Rongen
FINAL DECISION DATE:	August 14, 2019 AMENDED August 15, 2019

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. Barker's ISRB file. Mr. Barker did not attend the hearing and as such it was held in absentia. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) JoAnn McCoy. Mr. Barker was represented by attorney George Marlton.

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

LAST BOARD DECISION:

The Board met with Mr. Barker in August of 2014 for a .100 hearing. Mr. Barker chose not to attend his hearing and the Board found him not parolable and added 90 months to the minimum term.

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. Barker is not parolable and adds 77 months to his minimum term.

NEXT ACTION:

Schedule .100 hearing 120 days prior to his (PERD). An updated psychological evaluation will be needed for Mr. Barker's next .100 hearing. The Board may see Mr. Barker earlier if he participates in the psychological evaluation process and agrees to attend his hearing.

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 does not find Mr. Barker parolable for the following reasons:

- **Mr. Barker continues to demonstrate risk related behavior in prison.**

He has three serious infractions since his last Board hearing, two of which either involved direct physical violence or threats of violence against both DOC staff and other inmates and he has a pending infraction for another assault on an offender. Violence and use of aggression are high risk areas for Mr. Barker and his recent infraction history is indicative of his lack of progress in addressing and managing this area.

- **The Board has not been able to speak with and assess Mr. Barker.**

He refuses to participate in his .100 hearings, making it impossible for the Board to assess his rehabilitation and fitness.

- **The Board is missing a key element determine his rehabilitation and fitness for release.**

Mr. Barker refused to participate in his psychological evaluation, a key consideration for the Board as it relates to assessing his rehabilitation and fitness for release.

- **Mr. Barker has a prior Forensic Psychological Evaluation which indicates he may meet criteria as a Sexually Violent Predator under RCW 71.09.**

This FPE is additional evidence that indicates Mr. Barker is not a fit subject for release at this time.

RECOMMENDATIONS:

William Barker should focus on remaining infraction free, participate in his next psychological evaluation, and attend his next Board hearing. The Board may see Mr. Barker sooner if he requests a hearings and meets the expectations outlined above.

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, Count I, Assault in the Second Degree, Count II and Unlawful Imprisonment Count III. The time start is December 15, 1981. The minimum term was set at 174 month on Ct. I, 90 months on Ct. II and 60 months on Ct. III from a Sentencing Reform Act (SRA) range of 62 to 82 months. The maximum term is 60 years. Mr. Barker has served approximately 452 months in prison and 121 days of jail time.

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 orally raped the female victim. Police subsequently arrested him and found the female victim's underwear in his pocket.

PRIOR CRIMINAL / RISK RELATED CONDUCT:

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 nine 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.

PROGRESS/BEHAVIOR:

Classification Counselor JoAnn McCoy provided a summary of Mr. Barker's programming, behavior, and other relevant information. She indicated that Mr. Barker had refused to discuss today's hearing and refused to participate. She summarized his three serious infractions (an assault on another offender, tampering with a locking device, and disruptive behavior) which appear to be risk related. CC McCoy further indicated that Mr. Barker has an additional pending infraction for another assault on an offender and he is currently in the Intensive Management Unit (IMU). She indicated that he has not participated in any programming since his last hearing and he also has 13 negative behavioral observations, primarily for inappropriate interactions with staff.

JP: ch

July 23, 2019

August 14, 2019

August 15, 2019

cc: Institution
Attorney, George Marlton
File



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

TO: Full Board

FROM: Jeff Patnode (Christine)

RE: BARKER, William DOC #241981

Panel recommends: Not Parolable and adds 77 months to his minimum term.

Next action: Schedule .100 hearing 120 days prior to PERD. Updated Psych Eval is requested for the next hearing.

Agree	Disagree
Jeff Patnode 8-14-2019 Lori Ramsdell-Gilkey 8-14-2019 Elyse Balmert 8-14-2019 Kecia Rongen 8-14-2019	