



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

DECISION AND REASONS

NAME: Rodriquez, Arturo
DOC #: 782887
FACILITY: Monroe Correctional Complex – Twin Rivers Unit (TRU)
DATE OF HEARING: October 2, 2018
TYPE OF HEARING: Release Hearing
PANEL MEMBERS: Elyse Balmert and Kecia Rongen
FINAL DECISION DATE: October 15, 2018

This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a release hearing in accordance with RCW 9.94A.730. In preparation for the hearing, the Board reviewed Mr. Rodriquez's ISRB file. Mr. Rodriquez appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Deborah Bustamante and Mental Health Specialist.

Yakima Prosecuting Attorney's Office sent in their recommendation that they hope that the Board's position is for the defendant to serve his full sentence.

CURRENT BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 and the totality of evidence and information provided to the Board, the Board does find by a preponderance of the evidence that Mr. Rodriquez is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Rodriquez not releasable. Mr. Rodriquez can release on his Earned Release Date (ERD) October 27, 2022 and he will not be under the Boards jurisdiction.

NEXT ACTION:

Release on ERD.

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, 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 9.94A.730 the Board finds Mr. Rodriguez is more likely than not to commit a new crime if released with conditions that are designed to help better prepare him for a successful re-entry into society. Mr. Rodriguez is determined to be not releasable based on the following:

- **Over 50 Serious Infractions, last in 2016 - fighting, positive urinalysis (U.A.) for methamphetamine, possession of sexually explicit materials**
- **Gang member for years (has not debriefed but is at a “safe harbor facility” due to issues with La Fuma)**
- **16 negative Behavior Observations**
- **No chemical dependency screening or treatment**

RECOMMENDATIONS:

Mr. Rodriguez should be screened and enter into chemical dependency treatment to assess his treatment needs. He should also remain Serious Infraction free and improve his behavior.

JURISDICTION:

RCW 9.94A.730, enacted in 2014, allows offenders who were under the age of 18 when they committed their crime(s) and were sentenced as adults to petition the Board for consideration of early release consideration after serving no less than 20 years of total confinement. Mr. Rodriguez’s petition resulted in the hearing on this date.

Arturo Rodriguez is under the Department of Corrections on an August 20, 1998 conviction in Yakima County Cause #93-1-00348-5 for Murder in the First Degree. The time start is October 21, 1998. The Term of Confinement was set at 320 months from a Sentencing Reform Act (SRA) range of 240 to 320 months. The maximum term is Life. Mr. Rodriguez has served approximately 240 months in prison and 303 days of jail time.

OFFENSE DESCRIPTION:

On March 2, 1993, in the afternoon Mr. Rodriguez shot the victim, over a \$200.00 drug debt the victim owed him. Mr. Rodriguez began arguing with his father, called him a “fucking bastard,” and spoke about money the victim owed him. He then reached into his waistband and pulled out a gun. He shot the victim once in the middle of his body. The victim fell to the ground. Mr. Rodriguez then fired three more times at the victim’s head area. After the shooting Mr. Rodriguez fled to Mexico. Years later after the murder, Mr. Rodriguez was arrested without incident in Oregon.

PRIOR RISK RELATED/ CRIMINAL CONDUCT:

The Pre-sentence Investigation (PSI) report noted the following Misdemeanor history:

- 1992 - Unlawful Carry/Display of Firearm – Disposition Unknown
- 1992 - Discharge Firearm in City – Disposition Unknown
- 1992 - Obstructing a Public Officer – Disposition Not Reported

PROGRESS/BEHAVIOR:

CC Bustamante provided a summary of Mr. Rodriguez’s progress. He is typically quiet, respectful and keeps to himself. He is not currently working but previously he worked as a custodian. He has completed Cognitive Behavior Therapy (CBT), Bridges to Life, Breaking Barriers and Stress and Anger Management. Mr. Rodriguez is currently enrolled in English as a Second Language. He has family support from his sister, brother-in-law, mother and daughters.

During Mr. Rodriguez’s incarceration he has incurred over 50 Serious Infractions (SI). Below are the most recent;

- 2011–Assault of Offender – Mr. Rodriguez assaulted another inmate by hitting him on the right side of his head near his eye.
- 2013–Fighting; Refusing Order; Possession of Unauthorized Tool – During a cell search a broken off toothbrush and a razor with a blade missing were found. Strongarming/Intimidation – Mr. Rodriguez intimidated another inmate for his store, and gave him a list of items to order. Mr. Rodriguez was aggressive, posturing, physically menacing towards another offender as he demanded payment in store from the other inmate.
- 2014–Refuse UA Test; Four General Infractions; Fighting; Unauthorized Gang/Club; Refusal/Resisting/Safety – Mr. Rodriguez was observed fighting with another inmate who is identified as a member of the STG Paisas. A summary of confidential information received indicated that the altercation was STG related. Both inmates refused multiple directives to stop fighting, and responding staff were required to use force (O.C.) to stop their actions.
- 2016–**Interfering with Count; Possession Positive Drug/Alcohol Test** – Mr. Rodriguez was selected for a suspicious UA test. His urine tested positive for methamphetamine and benzodiazepine. **Possession of Sexually Explicit Material** – a letter was found from Mr. Rodriguez to a female in Sunnyside, Washington that contained a tracing of his penis and detailed sexually explicit writing. **Assault of Offender** – Mr. Rodriguez and another offender were fighting in the Chapel. A review of the video from the Chapel at the time of the incident clearly shows Mr. Rodriguez lean over from a seated position and begin striking Inmate Castillo with what appears to be a closed fist. Inmate Castillo, who was also seated, stood up and attempted to get away from Mr. Rodriguez. Mr. Rodriguez is then observed following Inmate Castillo and attempting to strike him again. The video then shows Staff arriving and the offenders complying with directives.

The Behavior Observation Log has entries from 2015 to the present for Mr. Rodriguez. Many of them are behaviors that depict not following the rules. The most recent two entries are as follows:

- 3/24/18 - During Mainline, a Corrections Officer observed Mr. Rodriguez approach another inmate at a different table and take food from his tray. As Mr. Rodriguez exited the inmate kitchen the behavior was address via a warning being issued for not following kitchen rules.
- 8/26/18 - While a Corrections Officer was having a discussion with another offender, Mr. Rodriguez interrupted and aggressively accused her of skipping over him on the job list

for multiple jobs. She informed Offender Rodriguez that he was not accurate, and directed him to return to his wing.

Mr. Rodriguez provided the following summary of his incarceration. He admits to the facts of his crime as listed in official documents. He admits he went to the victim's home to get the money that was owed to him. Mr. Rodriguez said the victim approached him and he just pulled his gun and shot him. He said he knows what he did was wrong and that he can't repay what he did. He said he got into a gang when he entered prison to protect himself. He says he has not been in a gang since 2010 and says he has debriefed. His plan if he is released would be to live in Tijuana, Mexico where he owns a home. He would like to have his mother live with him so that he could take care of her. His family has multiple businesses he can gain employment in. His hope is to move to Asia to export products to Mexico and the USA.

Regarding his infraction for drugs in 2016, he admits to taking methamphetamine to help with his pain. He says the benzodiazepine was probably from his prescription medication. He says the fight was to get him into segregation. Regarding the sexually explicit material he sent his girlfriend, whom he met through his cellie, he did admit that he traced a drawing of his penis along with writing a sexually explicit story.

PA Watanabe provided the following summary; she initially was working with Mr. Rodriguez on coping with depression due to his issues with pain. She sees him for supportive therapy at this time. His depression has subsided and they've been working on a number of other issues including his gang involvement in prison. She reports he is open and honest during his sessions, has matured and had a lot of growth over the past couple of years.

Regarding testing, Dr. Wentworth stated Mr. Rodriguez scored in the low (non-psychopathy) range on the Hare Psychopathy List (PCL-R). For the VRAG-R, Mr. Rodriguez scored and placed in Bin 5 of 9 equal bins. This is described as a low to moderate level of risk to reoffend. 26% on average reoffended violently within five years, and 51% reoffended on average within 12 years.

His score placed him in the moderate violence risk to recidivate per the Historical-Clinical-Risk Management-20 (HCR-20). Per the Structured Assessment of Protective Factors (SAPROF) Mr. Rodriguez scored in bin 3 of 5, moderate level of protective factors. Dr. Wentworth stated, "Overall, the results of this evaluation suggest that Mr. Rodriguez is at 'moderate' risk to reoffend."

Dr. Wentworth noted that Mr. Rodriguez's weaknesses include never having lived or worked as an adult in the community. He still faces pressures from gang members to get re-involved. He also has some untreated substance use issues that must be addressed and remain a concern. It is also strongly recommended that he obtain his GED before being released. She noted he "may be a reasonable candidate for transitioning to a less restrictive setting at some point after a period of infraction-free behavior, and completion of recommended programming for substance use and offender change. He would benefit from continued involvement in therapy for stress and anger issues, especially concerning those that may stem from possible reintegration into the community."

EB: ts

October 15, 2018

October 16, 2018

October 25, 2018

October 25, 2018

cc: MCC-TRU
Arturo Rodriguez
File



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

TO: Full Board

FROM: Elyse Balmert (Teresa)

RE: Arturo Rodriquez, DOC #782887

Panel recommends: Not releasable.

Next action: Release on ERD – Will not be under Board's jurisdiction.

Agree	Disagree
<p>Elyse Balmert 10-15-2018 Lori Ramsdell-Gilkey 10-15-2018 Jeff Patnode 10-15-2018 Kecia Rongen 10-15-2018</p>	