



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

Name: JOHNSON, Curtis	DOC#: 125311	Case Type: PAR	Date: 10/22/2024
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Note: This is a summary of the Decision and Reasons dated 11/13/2024, 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. A new psychological evaluation will be required for the next hearing.

Recommendations:

- **Sober Support Groups**
- **Continue with Mental Health Treatment (including any prescribed medications)**
- **Other Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence, etc.**
- **Remain infraction free (particularly around drugs or alcohol) and have positive interactions with staff**
- **Develop a release plan/community support**



DECISION AND REASONS

NAME:	JOHNSON, Curtis
DOC #:	125311
FACILITY:	Airway Heights Corrections Center
DATE OF HEARING:	October 22, 2024
TYPE OF HEARING:	.100
PANEL MEMBERS:	Jill Getty & Jeff Patnode
FINAL DECISION DATE:	November 13, 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 rehabilitation has been completed and he is a fit subject for release. Consequently, the Board finds Curtis Johnson **not parolable** and adds 24 months to the minimum term.

Original Recommendation - The Judge made no recommendation, and the Prosecutor recommended Life in prison without parole.

NEXT ACTION: Schedule a .100 Hearing approximately 120 days prior to PERD. A new psychological evaluation will be required for the next hearing.

II. JURISDICTION

Curtis JOHNSON is under the jurisdiction of the Board on a October 15, 1976 conviction in Walla Walla County Cause #66747 for First Degree Murder. The time start is November 24, 1978. The minimum term (MT) was set at 416 months from a Sentencing Reform Act (SRA) range of 312 to

416 months. The statutory maximum term is Life. Mr. Johnson has served approximately 495 months in prison and 0 days of jail time during the initial period of confinement.

Revoke(s): Mr. Johnson was first released on March 19, 2014 and revoked on December 5, 2015. The new minimum term was set at 18 months. The time served on revocation was 16 months.

Mr. Johnson was next released on May 1, 2017 and revoked on January 31, 2018. The new minimum term was set at 60 months. The time served on revocation was 39 months.

Mr. Johnson was last released on May 17, 2021 and revoked on May 25, 2021. The new minimum term was set at 30 months. The time served on revocation is 40 months.

III. LAST BOARD DECISION

Mr. Johnson last met with the Board on September 27, 2022 in a .100 Hearing. He was found not parolable, and 36 months were added to the minimum term. However, the Board noted that he may be considered for an early hearing if he remained serious infraction free, and successfully completed of Substance Use Disorder (SUD) treatment. The Board further recommended that he participate in any other programming that would assist in mitigating risk.

IV. OFFENSE DESCRIPTION

In 1976 while incarcerated at the Washington State Penitentiary, Mr. Johnson (age 31) threatened to kill another inmate if the victim did not turn over his stash of heroin. Mr. Johnson had a large knife which he used to threaten the victim. Sometime in the early morning hours the next day, Mr. Johnson stabbed the victim in the chest causing his death. Two other inmates provided witness testimony.

V. OTHER RISK RELATED BEHAVIOR

Juvenile:

2/6/61 – Larceny of Auto. Oklahoma City, OK.

8/28/61 - Burglary. Tulsa, OK.

Adult:

1/29/63 - Robbery with a Firearm. Oklahoma City, OK. 5 years at Oklahoma State Penitentiary.

10/19/65 – Count 1 - Robbery While Armed with a Deadly Weapon, Count II - Robbery While Armed with a Deadly Weapon. Yakima County cause #13766. On September 8, 1965, and September 29, 1965, Mr. Johnson used a firearm to rob two gas stations. He also committed a third identical robbery but was not charged for that offense.

3/19/71 - Robbery While Armed with a Deadly Weapon. King County cause #55540. On July 3, 1970, Mr. Johnson robbed a jewelry store at gunpoint and struck the store owner in the forehead with the barrel of his gun. Mr. Johnson committed the current offense while incarcerated on this charge.

VI. EVIDENCE CONSIDERED

The Board considered the evidence presented at the hearing and reviewed **Curtis Johnson's** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Beth Hankins, Psychology Associate Daryl Singleton, and Curtis Johnson.**

The file review included the following documents:

- End of Sentence Review Committee (ESRC) Reports: Dated
- Criminal case records: **Updated Statement and Recommendation of Prosecuting Attorney and Trial Judge dated 10/26/89**
- Psychological Evaluations: **Dated 5/1/22**
- DOC Treatment and behavioral reports dated: **SUD Discharge Summary dated 8/1/24; Mental health encounter report dated 6/26/24**

- Risk Assessments:
 - 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.
 - Structured Assessment of Protective Factors (**SAPROF**) structured clinical judgement instrument to consider relevant factors that may reduce or protect from future risk behaviors.
 - 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 10/10/22 and F&C dated 6/28/21**
- DOC OMNI Records
- Other: **Individual Release Plan**

VII. FINDINGS

1. In preparation for this hearing, Mr. Curtis Johnson was advised of his hearing rights.
2. Curtis Johnson appeared by video conference. He was represented by attorney Brandon West.
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
 - SUBMIT TO POLYGRAPHS

- UNAPPROVED RELATIONSHIPS

4. The Board has considered the following evidence favorable to Curtis Johnson’s release determination:

- Treatment/Programming. **Completed SUD/Intensive Day Treatment (IDT) 2.5, involved with mental health services and the Black Prisoner’s Caucus, and insitutional employment.**
- Protective factors.
- Risk Assessment Scores.
- Other evidence: **Release through ERD voucher program and some community support; Age and medical issues may also be a mitigating factor.**

5. The Board has considered evidence against Curtis Johnson’s conditional release (WAC 381-60-160), examples of adequate reasons for a finding of non-parolability include, but are not limited to:

- 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). **It was originally recommended that Mr. Johnson participate in Therapeutic Community (TC) SUD treatment/Level 3.3. It appears that Mr. Johnson sent kites back and forth with DOC staff between 2022 and May 2024 either refusing or trying to negotiate level of treatment, until it was determined he was now unable to do TC because of needing a “wet cell”, at which point he was admitted to Level 2.5 SUD/IDT treatment.**
- Serious and repetitive disciplinary infractions during incarceration. **Since his last hearing, Mr. Johnson received two infractions in 2023 for Refusing Cell Transfer (essentially refusing to go to TC). He also received two infractions in 2024 for Making Alcohol (one while participating in SUD 2.5 treatment), and one in 2024 for failing to comply with cell confinement.**
- 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. **Mr. Johnson was the alleged perpetrator in two new unsubstantiated PREA allegations since his last hearing. He denied these incidents and had no idea how/why these allegations came about.**

☒ Risk Assessment Scores. **From 2022 Psychological Evaluation: VRAG - Bin 8/9; PCL-R – High; HCR-20v3 – Low risk for violence when sober, but moderate risk when under the influence. Dr. Robtoy further noted Mr. Johnson had not demonstrated evidence of maturation and/or rehabilitation since his last hearing, and that it was unlikely that he had the skills necessary to refrain from drug or alcohol use in less restrictive settings.**

6. The Conditions of Supervision, and any favorable evidence noted above considered by the Board would not sufficiently reduce the likelihood of Curtis Johnson committing new offenses because:

- **He minimized his challenges while on parole that resulted in three prior revocations, related to substance abuse and inability to follow basic parole conditions.**
- **Despite completing SUD/IDT treatment, he has received several serious infractions since his last hearing for behavior including refusing to move to the TC program and making alcohol. In addition, one of the infractions for making alcohol occurred while he was participating in IDT treatment.**
- **The 2022 Psychological Evaluation noted that Mr. Johnson had not demonstrated evidence maturation or rehabilitation, and that it was unlikely that he had the skills to refrain from drug or alcohol use in a less restrictive setting.**
- **Age and/or medical issues may be mitigators. However, Mr. Johnson denied any cognitive issues or other health problems that would significantly impact basic mobility.**

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. Johnson 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

- **Sober Support Groups**
- **Continue with Mental Health Treatment (including any prescribed medications)**
- **Other Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence, etc.**
- **Remain infraction free (particularly around drugs or alcohol) and have positive interactions with staff**
- **Develop a release plan/community support**

JG: hd

10/28/2024

cc: Facility: AHCC
Curtis Johnson, Incarcerated Individual
File



TO: Full Board

FROM: **JG** (hd)

RE: JOHNSON, Curtis DOC # 125311

Panel recommends: **Not Parolable** . Add 24 months to Minimum Term.

Next action: Schedule a .100 Hearing approximately 120 days prior to PERD . A new psychological evaluation will be required for the next hearing.

Agree	Disagree
Jill Getty, 11.13.2024 Jeff Patnode, 11.13.2024 Elyse Balmert, 11.13.2024 Corey McNally, 11.13.2024 Kecia Rongen, 11.13.2024	