



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

DECISION AND REASONS

NAME: LAKS, Justin
DOC #: 750696
FACILITY: Washington Corrections Center (WCC)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: November 7, 2018
PANEL MEMBERS: Jeff Patnode & Lori Ramsdell-Gilkey
FINAL DECISION DATE: November 19, 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 or RCW 10.95.030. In preparation for the hearing, the Board reviewed Mr. Lak's ISRB file. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Michael Stark. Others present at the hearing were Mr. Laks, and Hilary Madsen – an attorney from Columbia Legal Services – observing the hearing by telephone.

LAST BOARD DECISION:

The Board last met with Mr. Laks on February 14, 2017, at which time he was found releasable in 18 months upon satisfactory completion of a transition through lower levels of custody that preferably included a period of time in work release. Mr. Laks' tentative release date was established as August 1, 2018; however, that date was contingent upon an approved Offender Release Plan and mandatory Law Enforcement Notification. On July 20, 2018 the Board determined through an Administrative Decision, to schedule a new hearing with Mr. Laks to address recent infraction behavior.

CURRENT BOARD DECISION:

The Board establishes a release date on or about May 1, 2019. The actual release date is contingent upon the approval of the Offender Release Plan (ORP) and the mandatory Law Enforcement Notification. Based on the burden of proof set out in RCW 9.94A.730 or RCW 10.95.030(3)(f) and the totality of evidence and information provided to the Board, the Board does not find by a preponderance of the evidence that Mr. Laks is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Laks releasable in May of 2019.

NEXT ACTION:

Submit an Offender Release Plan (ORP) in January 2019 (approximately four months prior to tentative release date) for review and approval by the Board.

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 9.94A.730 or RCW 10.95.030 the Board finds Mr. Laks is not 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. Laks is determined to be releasable based on the following:

- **Mr. Laks has completed the necessary programs to mitigate his risk to the community.**
- **Mr. Laks has received numerous favorable reports regarding his participation in treatment, education, and vocational programming.**
- **Mr. Laks has good community support and a realistic release plan.**
- **Mr. Laks most recent psychological evaluation, August 8, 2016, assesses him as a Low to Moderate risk for future violent re-offense.**
- **Mr. Laks will have 36 months of community supervision.**

RECOMMENDATIONS:

Mr. Laks must abstain from further infraction behavior and focus on preparations for returning to the community. He needs to be cognizant of how he attempts to get his needs met as he can be perceived as entitled and “special” at times. He would benefit from any additional reentry programming or other programs that would prepare him for life in the community after spending his entire adult life to date in prison. Upon release, Mr. Laks should have strong controls related to abstaining from drug and alcohol use.

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. Laks’ petition resulted in two prior hearings, and today’s hearing was a function of an administrative decision by the Board based on new information related to Mr. Laks’ behavior.

RCW 10.95.030(3)(f), enacted in 2014, puts offenders who were under the age of 18 when they committed aggravated murder under the jurisdiction of the Indeterminate Sentence Review Board.

Justin Laks was incarcerated on a 1996 conviction in Snohomish County, Cause #95-1-01951-4, for Murder in the First Degree. The time start was July 1, 1996. The court set the original confinement term at 344 months from a Sentencing Reform Act range of 240-320 months. He has served approximately 268 months in prison plus 196 days in jail.

OFFENSE DESCRIPTION:

File materials describe the offense as Mr. Laks (age 16) and three accomplices robbing a 65-year-old male security guard at an auto sales lot and beating him to death. Mr. Laks reported he told his accomplices to distract the 65-year-old security guard, at which point he struck the victim in the head with a bottle which knocked him to the ground. Another accomplice kicked the victim

in the head twice and took his wallet. The group then left the victim and split up the \$71 in cash they stole. Mr. Laks and another accomplice took \$20 each and the other accomplices got \$15.

PRIOR RISK RELATED/ CRIMINAL CONDUCT:

Mr. Laks has two juvenile misdemeanor convictions for Theft Third Degree.

PROGRESS/BEHAVIOR:

The Board provided Mr. Laks with an overview of why he was having another release hearing, primarily related to behavior in work release as well as behavioral issues that occurred while in a camp setting.

CC Stark provided a summary of programming, behavior, and other relevant activities for Mr. Laks. He indicated that since returning to prison Mr. Laks has not been a management issue. CC Stark provided summary information regarding infractions and behavioral observations. He also indicated Mr. Laks has multiple referrals for programming. CC Stark indicate Mr. Laks is employed full time in maintenance and is currently assisting with the Redemption program. He also indicated that Mr. Laks is working on reentry planning (working with Franklin Smith) and that he has transition housing available to him in Vancouver Washington (his sister resides in Vancouver). CC Stark indicated Mr. Laks would like to continue with education programming in the Vancouver area and has employment skills.

Mr. Laks explained that the infraction from work release has since been adjudicated and reduced to a minor infraction. He took responsibility for his infraction behavior and explained it was mostly a lack of understanding on his part regarding computers and the nature of the internet and social media. The Board addressed Mr. Laks' behavioral observations and other attitude issues as documented at the work release program. He acknowledged that he is highly inquisitive and always wants to know the justification for things he can and cannot do. He stated he understands that this may at times comes across as abrasive, entitled, and this is an area that he needs additional growth. The Board explained that what appears to be a shift in attitude and

negative interactions with DOC staff creates a concern for the Board regarding his ability to follow supervision requirements and/or commit law violations. Mr. Laks also explained some of the details of noted behavioral observations and struggles at work release and camp. He did take responsibility for his behavior and also pointed out areas outside of his control that contributed to his circumstances. Overall Mr. Laks sufficiently addressed the concerns of the Board during this hearing.

JP:ffo

November 20, 2018

November 27, 2018

cc: WCC
File



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

TO: Full Board

FROM: Jeff Patnode (Fawn)

RE: Justin LAKS, DOC #750696

Panel recommends: Release on or about May of 2019.

Next action: Submit an ORP 120 days prior to projected release date in May of 2019.

Agree	Disagree
Jeff Patnode 11-19-2018 Lori Ramsdell-Gilkey 11-19-2018 Elyse Balmert 11-19-2018 Kecia Rongen 11-19-2018	