

NO. 80834-1

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
2008 MAR 21 P 3:36
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CLERK

SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of:

JAY PULLMAN,

Petitioner,

RESPONSE TO MOTION FOR DISCRETIONARY REVIEW

ROBERT M. MCKENNA
Attorney General

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ORIGINAL

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COMES NOW the Respondent, Washington State Department of Corrections (DOC), by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and GREGORY J. ROSEN, Assistant Attorney General, and respectfully submits this response to Mr. Pullman's Motion for Discretionary Review.

I. IDENTITY OF RESPONDENT

The Respondent is the Washington State Department of Corrections.

II. DECISION

Respondent respectfully requests that this Court deny Mr. Pullman's Motion for Discretionary Review, which seeks review of the Order of Dismissal entered by the Washington Court of Appeals, Division I, as to his personal restraint petition. See Appendix A, Order of Dismissal, In re Pullman, Jr., Washington Court of Appeals, Cause No. 60245-4-I.

III. ISSUES PRESENTED FOR REVIEW

In his motion for discretionary review, Mr. Pullman raises the following issues:

1. Is the Appellate court decision in my matter consistent with the decision they made in Adams Wn. App. 640.

2. Did I receive written notice before cancellation of my release date.

3. Did I have a opportunity to be heard before a competent tribunal.

4. Did I have a opportunity to challenge the facts relied on to change my tentative release date.

Motion for Discretionary Review, at 1.

IV. STATEMENT OF THE CASE

Mr. Pullman is currently in the custody of the Department of Corrections, pursuant to two judgment and sentences, King County Superior Court Cause Nos. 01-1-08905-2 and 04-1-10110-3. Appendix B, Declaration of Karen Thompson, Attachment A, Legal Face Sheet, Offender Based Tracking System (OBTS). Mr. Pullman was convicted of two counts of VUCSA (delivery and possession with intent to deliver) and one count of bail jumping (Cause No. 01-1-08905-2), and VUCSA-possession with intent to deliver (Cause No. 04 1 101110 3). Appendix C, Declaration of Judy Hubert, Attachment A, Judgment and Sentence, State v. Pullman, King County Cause No. 01-1-08905-2; Appendix C, Attachment B, Judgment and Sentence, State v. Pullman, King County Superior Court Cause No. 04-1-10110-3. Petitioner's potential early release date (ERD) is June 26, 2010, with a maximum release date of August 5, 2011. Appendix B, Attachment A.

Since arriving at DOC, Mr. Pullman has had multiple risk assessments done pursuant to DOC Policy 320.400. Appendix D, Declaration of Marjorie Owens, Attachment A, DOC Policy 320.400, Risk Assessment Process, effective 04/30/2007; Appendix B, Attachment A, at 5 - 6. On February 22, 2005 and April 28, 2005, DOC performed a risk assessment on Mr. Pullman, and found him eligible to earn early release credits at a rate of 50 percent, resulting in an early release date of August 24, 2006. Appendix C, Attachment G, Early Release Date Calculation, printed on 03/16/2005, at 3; Appendix C, Attachment F, Letter from DOC dated 07/11/2006.

On February 3, 2006, Mr. Pullman's classification counselor reviewed his most recent risk assessment, which was completed on April 28, 2005. Pursuant to DOC Policy 320.400, Risk Assessment Process, the Counselor/Facility CCO will complete a risk reassessment to correct any scoring inaccuracies identified during review of the most recent risk assessment within 30 days of arrival at a new facility/placement; or if a new or additional conviction or behavioral information not previously considered in the risk assessment process is discovered; or when an event occurs that demonstrates an increase in risk-related behaviors. Appendix D, Attachment A.

Based on the review of Mr. Pullman's previous risk assessment score, and his current infraction history, the assessor changed his risk assessment score from 40 to 41, causing him to be ineligible to earn early release credits at a rate of 50 percent. Appendix C, Attachment D, Facility Plan dated 02/03/2006. Mr. Pullman's earlier risk assessment score was 40, which was one point away from the risk management level B category, making him ineligible to get 50 percent off his sentence. Appendix C, Attachment C, Facility Plan dated 04/28/2005. The one-point score increase moved his designation from RMC to RMB, removing his eligibility for half-time. Appendix C, Attachment C; Appendix C, Attachment D. His early release date changed from August 24, 2006, to May 21, 2007. Appendix C, Attachment F.

Before Mr. Pullman filed his personal restraint petition, the DOC notified him by letter it uses after the Washington Court of Appeals' decision in In re Adams, 132 Wash. App. 640 (2006), of the reason it had raised his score. Appendix C, Attachment F. His score changed because of four serious major infractions, which occurred after the April 28, 2005, risk assessment:

- 04/21/2005 WAC 557 - Refusing to Program;
- 06/04/2005 WAC 505 - Fighting;
- 06/30/2005 WAC 740 - Fraud;

- 01/06/2006 WAC 657 - Four or more general infractions within a 6-month period.

Id. at 2. Mr. Pullman claims that he was denied due process due to not receiving notice, not having an opportunity to be heard, and not receiving a written statement of the grounds for the decision.

V. ARGUMENT

A. **MR. PULLMAN'S MOTION FOR DISCRETIONARY REVIEW FAILS TO MEET ANY OF THE REQUIREMENTS FOR DISCRETIONARY REVIEW AS SET OUT BY 13.4(b).**

Washington State Rules of Appellate Procedure (RAP) 13.4(b) sets forth requirements that govern the acceptance of discretionary review following the dismissal of the personal petition by the Washington Court of Appeals. See RAP 13.4(b); see also RAP 13.5(A)(1) & (B). RAP 13.4(b) provides that discretionary review will be accepted by the Supreme Court only:

(1) If The decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or (4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

RAP 13.4(b).

The Washington Court of Appeals properly determined the following in Mr. Pullman's case:

Pulliam (sic) challenges the DOC's decision to award him earned early release credits at a rate less than the maximum authorized by law. In 2003, the Legislature amended the Sentencing Reform Act of 1981 to allow an inmate, who DOC classifies in the two lowest risk categories, to qualify for earned early release at 50 percent of the sentence instead of the previous 33 percent. RCW 9.94A.728(1)(b). The statute requires DOC to perform a risk assessment on every eligible inmate to determine eligibility for the enhanced early release program. Based on the answers an inmate gives in the Level of Service Inventory - Revised (LSI-R), together with other relevant information, DOC calculates a risk assessment score. The score, in turn, determines the inmate's classification level, RM-A, RM-B, RM-C, or RM-D. Only inmates whose DOC scores fall within classifications RM-C and RM-D qualify to earn early release time at 50 percent.

Pulliam argues that DOC's decision to reclassify him as RM-B was unlawful. Pulliam claims that, under his original classification, he was eligible to receive 50 percent earned release time under RCW 9.94A.728(1)(b)(ii). Because the change to his risk management score was done in violation of his due process rights, Pulliam argues, he should be immediately released from DOC custody "in the interest of justice." This claim fails.

The case of In re Pers. Restraint of Adams, 132 Wn. App. 640, 134 P.3d 1176 (2006) is instructive. In that case, the DOC initially informed Adams that he would be eligible to earn early release credits at a rate of 50 percent pursuant to RCW 9.94A.728(1)(b). At some later date, the DOC reassessed Adam's risk of reoffending, raising his risk assessment score over 40. This revised score rendered him ineligible for the enhanced early release program. The court in Adams held that in these circumstances "minimum due process requires written notice of the reasons DOC is seeking to change [an inmate's] classification and an opportunity to challenge the facts DOC relied on from his files to reach that decision." 132 Wn. App. at 653.

Here the reclassification resulted in Pulliam's risk assessment score changing from 40 to 41, which rendered him ineligible to receive 50 percent earned early release credit. Even before Pulliam filed his petition, the DOC notified him by letter of the specific factors used to increase his risk assessment score.¹ The letter also advised Pulliam that he had the right to challenge "any inaccuracies." And while Pulliam complains that the reclassification occurred without any input from him,² he fails to establish that he was denied any process due him under Adams.

Pulliam's argument unquestionably has a certain appeal. While Pulliam is correct that he was reclassified without any advance notice or opportunity to respond, the reclassification was made only after Pulliam had been given prison disciplinary hearings and found guilty of disciplinary violations. Pulliam does not dispute that he violated certain prison rules or that he was afforded a disciplinary hearing after being accused of each violation. Minimum due process hearings are provided in situations where an inmate is accused of violating disciplinary rules within the correctional facility. Monohan v. Burdman, 84 Wn.2d 922, 530 P.2d 334 (1975). In all but one case, Pulliam does not challenge the results of the disciplinary hearings on due process or other grounds.³ Since the

¹ At the time the risk assessment was reviewed by your classification counselor on 2/3/2006 you had incurred several events that impacted your risk assessment scoring. The change in the risk assessment score is based on your behaviors while incarcerated and events that occurred after the 4/4/2005 risk assessment. The one item which was changed to increase the risk assessment score is based on the following:

Offender Based Tracking System (OBTS) indicates guilty findings of four (4) serious major infractions:

1. 4/21/200[5] WAC #557 Refusing to Program
2. 6/4/2005 WAC 505 Fighting
3. 6/30/2006 WAC 740 Fraud
4. 1/6/2006 WAC 657 Four or more general infraction within a 6-month

period of time. [Footnote by the court.]

² Pulliam asks rhetorically, "[h]ow can a letter sent July 11, 2006 give notice to an event that took place February 3, 2006[?]" [Footnote by the court.]

³ Pulliam appears to argue that he would have done things differently had he known that the fraud disciplinary infraction could be used to increase his risk assessment score. This argument is based on pure speculation and cannot be the basis for relief in a personal restraint proceeding. In re Pers. Restraint of Rice, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). [Footnote by the court.]

reclassification was virtually preordained by the outcome of the underlying disciplinary hearings, and since Pulliam was afforded due process at those hearings, it appears his rights were adequately protected. See In re Pers. Restraint of Piercy, 101 Wn.2d 490, 495-96, 681 P.2d 223 (1984). Under the circumstances, Pulliam has not shown, either legally or factually, that the change in his risk assessment level unfairly prejudiced him. A due process violation is not established without a showing of prejudice. See Smith v. United States Parole Comm'n, 875 F.2d 1361, 1368 (9th Cir. 1989); Standlee v. Rhay, 557 F.2d 1303, 1307-08 (9th Cir. 1977); In re Pers. Restraint of Reismiller, 101 Wn.2d 291, 294, 678 P.2d 323 (1984).

Finally, Pulliam appears to dispute whether prison disciplinary infractions can properly be included as one of the criteria for establishing an offender's risk assessment score. The premise underlying this argument is flawed. The Legislature granted DOC discretion to select the appropriate risk assessment instrument. In re Pers. Restraint of Adams, 132 Wn. App. 640, 648, 134 P.3d 1176 (2006). "It appears the LSI-R is consistent with the requirement of RCW 9.94A.030(35)⁴ and RCW 9.94A.728." Adams, 132 Wn. App. at 649. Accordingly, Pulliam has not stated a ground upon which relief can be granted by way of a personal restraint petition.

Appendix A at 2-5.

The Washington Court of Appeals' decision in Mr. Pullman's case is not in conflict with the decision of this Court or a decision of the Washington Court of Appeals. Nor does the Washington Court of Appeals' decision present a significant question of law under the

⁴ The term "risk-assessment" is defined in RCW 9.94A.030(35) as: "the application of an objective instrument supported by research and adopted by the department for the purposes of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations." [Footnote by the court.]

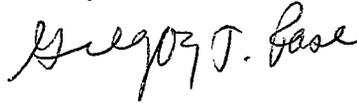
Constitution of the State of Washington or the United States. Finally, Mr. Pullman's petition does not involve an issue of substantial public interest that should be determined by this Court. Therefore, this Court should deny Mr. Pullman's motion for discretionary review.

VI. CONCLUSION

For the above stated reasons, the Respondent respectfully requests that this Court deny Mr. Pullman's motion for discretionary review.

RESPECTFULLY SUBMITTED this 21 day of March, 2008.

ROBERT M. MCKENNA
Attorney General



GREGORY J. ROSEN, WSBA #15870
Assistant Attorney General
Criminal Justice Division
PO Box 40116
Olympia, WA 98504-0116
(360) 586-1445

CERTIFICATE OF SERVICE

I certify that I served a copy of RESPONSE TO MOTION FOR DISCRETIONARY REVIEW on all parties or their counsel of record as follows:

- US Mail Postage Prepaid
- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by _____

TO:
JAY PULLMAN - DOC #845002
McNEIL ISLAND CORRECTIONS CENTER
PO BOX 881000
STEILACOOM, WA 98388-1000

EXECUTED this 21st day of March, 2008 at Olympia, Washington.

Karen Thompson
KAREN THOMPSON

APPENDIX A

Following his imprisonment, Pulliam was screened on February 24, 2005, and found to be eligible to receive 50 percent earned release time under RCW 9.94A.728(1)(b). Pulliam's eligibility for the earned early release program was reassessed on February 3, 2006.

Pulliam challenges the DOC's decision to award him earned early release credits at a rate less than the maximum authorized by law. In 2003, the Legislature amended the Sentencing Reform Act of 1981 to allow an inmate, who DOC classifies in the two lowest risk categories, to qualify for earned early release at 50 percent of the sentence instead of the previous 33 percent. RCW 9.94A.728(1)(b). The statute requires DOC to perform a risk assessment on every eligible inmate to determine eligibility for the enhanced early release program. Based on the answers an inmate gives in the Level of Service Inventory – Revised (LSI-R), together with other relevant information, DOC calculates a risk assessment score. The score, in turn, determines the inmate's classification level, RM-A, RM-B, RM-C, or RM-D. Only inmates whose DOC scores fall within classifications RM-C and RM-D qualify to earn early release time at 50 percent.

Pulliam argues that DOC's decision to reclassify him as RM-B was unlawful. Pulliam claims that, under his original classification, he was eligible to receive 50 percent earned release time under RCW 9.94A.728(1)(b)(ii). Because the change to his risk management score was done in violation of his due process rights, Pulliam argues, he should be immediately released from DOC custody "in the interest of justice." This claim fails.

The case of In re Pers. Restraint of Adams, 132 Wn. App. 640, 134 P.3d 1176 (2006) is instructive. In that case, the DOC initially informed Adams that he would be

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Here the reclassification resulted in Pulliam's risk assessment score changing from 40 to 41, which rendered him ineligible to receive 50 percent earned early release credit. Even before Pulliam filed his petition, the DOC notified him by letter of the specific factors used to increase his risk assessment score.¹ The letter also advised Pulliam that he had the right to challenge "any inaccuracies." And while Pulliam complains that the reclassification occurred without any input from him,² he fails to establish that he was denied any process due him under Adams.

Pulliam's argument unquestionably has a certain appeal. While Pulliam is correct that he was reclassified without any advance notice or opportunity to respond, the reclassification was made only after Pulliam had been given prison disciplinary hearings

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- Offender Based Tracking System (OBTS) indicates guilty findings of four (4) serious major infractions:

1. 4/21/200[5] WAC #557 Refusing to Program
2. 6/4/2005 WAC 505 Fighting
3. 6/30/2006 WAC 740 Fraud
4. 1/6/2006 WAC 657 Four or more general infraction within a 6-month period of time.

² Pulliam asks rhetorically, "[h]ow can a letter sent July 11, 2006 give notice to an event that took place February 3, 2006[?]"

and found guilty of disciplinary violations. Pulliam does not dispute that he violated certain prison rules or that he was afforded a disciplinary hearing after being accused of each violation. Minimum due process hearings are provided in situations where an inmate is accused of violating disciplinary rules within the correctional facility. Monohan v. Burdman, 84 Wn.2d 922, 530 P.2d 334 (1975). In all but one case, Pulliam does not challenge the results of the disciplinary hearings on due process or other grounds.³ Since the reclassification was virtually preordained by the outcome of the underlying disciplinary hearings, and since Pulliam was afforded due process at those hearings, it appears his rights were adequately protected. See In re Pers. Restraint of Piercy, 101 Wn.2d 490, 495-96, 681 P.2d 223 (1984). Under the circumstances, Pulliam has not shown, either legally or factually, that the change in his risk assessment level unfairly prejudiced him. A due process violation is not established without a showing of prejudice. See Smith v. United States Parole Comm'n, 875 F.2d 1361, 1368 (9th Cir. 1989); Standlee v. Rhay, 557 F.2d 1303, 1307-08 (9th Cir. 1977); In re Pers. Restraint of Reismiller, 101 Wn.2d 291, 294, 678 P.2d 323 (1984).

Finally, Pulliam appears to dispute whether prison disciplinary infractions can properly be included as one of the criteria for establishing an offender's risk assessment score. The premise underlying this argument is flawed. The Legislature granted DOC discretion to select the appropriate risk assessment instrument. In re Pers. Restraint of

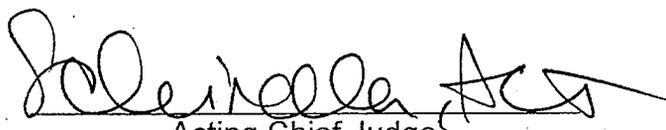
³ Pulliam appears to argue that he would have done things differently had he known that the fraud disciplinary infraction could be used to increase his risk assessment score. This argument is based on pure speculation and cannot be the basis for relief in a personal restraint proceeding. In re Pers. Restraint of Rice, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992).

Adams, 132 Wn. App. 640, 648, 134 P.3d 1176 (2006). "It appears the LSI-R is consistent with the requirement of RCW 9.94A.030(35)⁴ and RCW 9.94A.728." Adams, 132 Wn. App. at 649. Accordingly, Pulliam has not stated a ground upon which relief can be granted by way of a personal restraint petition.

Now, therefore, it is hereby

ORDERED that the personal restraint petition is dismissed under RAP 16.11(b).

Done this 10th day of October, 2007.


Acting Chief Judge

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2007 OCT 18 AM 9:36

⁴ The term "risk-assessment" is defined in RCW 9.94A.030(35) as: "the application of an objective instrument supported by research and adopted by the department for the purposes of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations."

APPENDIX B

**COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JAY PULLMAN,

Petitioner.

DECLARATION OF
KAREN THOMPSON

I, KAREN THOMPSON, make the following declaration:

1. I am a legal secretary employed by the Criminal Justice Division of the Attorney General's Office in Olympia, Washington.

2. I am familiar with the Offender Based Tracking System (OBTS) used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from the OBTS. Among other things, information regarding an offender's location, custody, birth date, sentence, infractions and grievances are entered and tracked on OBTS.

3. Attached to this declaration as Attachment A is a true and correct copy of the Legal Face Sheet screen for Jay Pullman, DOC # 845002, which I obtained from OBTS.

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//

4. Attached to this declaration as Attachment B is a true and correct copy of the current Release Date Calculation screen for Jay Pullman, DOC # 845002, which I obtained from OBTS.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED this 27th day of July, 2007, at Olympia, Washington.


KAREN THOMPSON

ATTACHMENT A

IISO100

LEGAL FACE SHEET

TIME 13:38

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***
BED NO: I03E4292 COUNSELOR: HD82 JOHNSON, CLINT

CURRENT LOCATION: MICC MIN SECURTY UNT MXED: 08/05/2011 MNED:
SEX: M AGE: 33 FBI NO: 557477PA6 ERD : 06/26/2010 ADJ.: 06/26/2010
RACE : BLACK SID NO: 19930713 NRD : 02/14/2008 SCORE: 62
HISP ORIG : NO CUS.: MIP MFED: 06/26/2006
HEALTH RECORD REVIEW : NOT REQUIRED COMM. CONCERN: N RMI: RMB

NAMES: PULLMAN, JAY R. ("AA") VW ELIGIBLE:NO COMM.PLACEMENT: NO
PULLMAN, JAY R. ("AB")
PULLMAN, JAY R. ("AC") LSI-R: 41 AND LSI LEVEL : HIGH
PULLMAN, JAY R. ("AE") SSA NO: BIRTH:
PULLIAM, JAMES R. (AKA)
POLLIAM, JAMES R. (AKA)
PILLIAM, JAY R. (AKA)
JOHNSON, STEVEN (AKA)
PILLMAN, JAMES (AKA)
PULLMAN, JAMES R. (AKA)
PULLMAN, JAMES (AKA)
JOHNSON, JARREN (AKA)
PULLIAM, JAMES (AKA)

P. PREL: DOC POLICY P. WTR: ACCEPTED 700 WR
P. MFED: MFSC ASSIGNS TO P03 P. REL: N/A
P U L H E S D X T DATE REGISTERABLE OFFENDER : N
1 1 1 1 1 1 2 1 1 12/20/2004

Table with columns: COM., COUNTY, GTL, TIME, START, RECEIVED, OC, MIN. TERM, CC, CS, REL. DATE, STATUS. Row 1: #AA#N KING, 33, 03/16/2004, 03/16/04, 01, 0Y 9M 0D, 06/06/2005, EX. Row 2: CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN. TERM CC CS MANDATORY JAIL. Row 3: 001 17-011059323 BAIL JUMPING N 01 1C 0Y 9M 0D 0Y 0M 0D 27

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 06/27/07 PAID \$*****9.18
SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES
STAT MAX: 02/16/2009

Table with columns: #AB#N KING, 33, 03/16/2004, 03/16/04, 81, 2Y11M21D, AA, 12/19/2006, EX. Row 2: CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN. TERM CC CS MANDATORY JAIL. Row 3: 001 17-011089052 DRUGS-MFG, DELIVER, N 81 2C 2Y11M21D RVKD-TEC 27

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 07/18/07 PAID \$*****0.00
SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES
STAT MAX:

Table with columns: #AC#N KING, 33, 12/19/2006, 12/10/04, 81, 1Y 8M 0D, AB, 01/28/2008, AC. Row 2: CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN. TERM CC CS MANDATORY JAIL. Row 3: 001 17-041101103 DRUGS-MFG, DELIVER, N 81 1C 1Y 8M 0D RVKD-TEC 352

IISO100

LEGAL FACE SHEET

TIME 13:38

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN.TERM CC CS MANDATORY JAIL

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 07/18/07 PAID \$*****0.00

SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES

STAT MAX:

COM. COUNTY GTL TIME START RECEIVED OC MIN.TERM CC CS REL.DATE STATUS

#AD#N KING 33 03/16/2004 03/16/04 81 5Y11M15D 11/26/2008 AC

CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN.TERM CC CS MANDATORY JAIL

001 17-011089052 DRUGS-MFG,DELIVER, N 81 2C 5Y11M15D 0Y 0M 0D 27

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 07/18/07 PAID \$*****0.00

SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES

STAT MAX: 10/17/2024

#AE#N KING 33 11/26/2008 12/10/04 81 3Y 4M 0D AD 06/26/2010 FU

CMP. CO./CAUSE OFFENSE DESC. V OC CNTS MIN.TERM CC CS MANDATORY JAIL

001 17-041101103 DRUGS-MFG,DELIVER, N 81 1C 3Y 4M 0D 0Y 0M 0D 352

TOTAL MONETARY OBLIGATION: ORDERED \$****500.00 ;AS OF 07/18/07 PAID \$*****0.00

SCHEDULE: 0 SET BY: SPECIAL CONDITIONS: YES

STAT MAX: 04/18/2024

COMMENTS: 03/19/04 CD LEVEL 111 APP WR/SEATTLE/MAINTAIN MIL

PROG AS REQ ON WR 2/28/05 XP 10058 69 06/04/05 B04

MOVEMENT	DATE & TYPE	DESTINATION	REASON FOR	ORIGIN
03/16/04	NEW COMMITMENT	WA COR CTR RC	INITIAL CLASSI.	KING
04/20/04	OUT TO COURT	KING	COURT ORDER	WA COR CTR RC
12/10/04	RET.FM.COURT-NS	WA COR CTR RC	RETURN FR COURT	KING
12/20/04	TRANSFERRED TO	STAFFORD CREEK	INITIAL CLASSI.	WA COR CTR RC
03/09/05	TRANSFERRED TO	CEDAR CREEK CO	PROGRAM CHANGE	STAFFORD CREEK
03/09/05	IN TRANSIT AT	STAFFORD CREEK	PROGRAM CHANGE	WA COR CTR RC
03/11/05	IN TRANSIT TO	CEDAR CREEK CO	PROGRAM CHANGE	WA COR CTR RC
04/29/05	TRANSFERRED TO	CL.BAY MSC	CUSTODY CHANGE	CEDAR CREEK CO
04/29/05	IN TRANSIT AT	CEDAR CREEK CO	CUSTODY CHANGE	WA COR CTR RC
05/04/05	IN TRANSIT TO	CL.BAY MSC	CUSTODY CHANGE	WA COR CTR RC
05/04/05	IN TRANSIT AT	WA COR CTR RC	CUSTODY CHANGE	CL.BAY COR CTR
05/12/05	IN TRANSIT TO	CL.BAY MSC	PROGRAM CHANGE	CL.BAY COR CTR
06/04/05	TRANSFERRED TO	CL.BAY COR CTR	DISC. PROELEM	CL.BAY MSC
06/08/05	TRANSFERRED TO	CL.BAY MSC	PROGRAM CHANGE	CL.BAY COR CTR

IISO100

LEGAL FACE SHEET

TIME 13:38

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

MOVEMENT DATE & TYPE	DESTINATION	REASON FOR	ORIGIN
03/15/06 TRANSFERRED TO	OLYMPIC CORR.	PROGRAM CHANGE	CL.BAY MSC
03/15/06 IN TRANSIT AT	CL.BAY MSC	PROGRAM CHANGE	WA COR CTR RC
03/20/06 IN TRANSIT TO	OLYMPIC CORR.	PROGRAM CHANGE	WA COR CTR RC
05/01/06 TRANSFERRED TO	LARCH CORR CEN	PROTECTION	OLYMPIC CORR.
05/01/06 IN TRANSIT AT	OLYMPIC CORR.	PROTECTION	WA COR CTR RC
05/05/06 IN TRANSIT TO	LARCH CORR CEN	PROTECTION	WA COR CTR RC
06/02/06 TRANSFERRED TO	STAFFORD CREEK	LAW LIBRARY USE	LARCH CORR CEN
06/02/06 IN TRANSIT AT	LARCH CORR CEN	LAW LIBRARY USE	WA COR CTR RC
06/05/06 IN TRANSIT TO	STAFFORD CREEK	LAW LIBRARY USE	WA COR CTR RC
07/12/06 TRANSFERRED TO	LARCH CORR CEN	PROGRAM CHANGE	STAFFORD CREEK
07/12/06 IN TRANSIT AT	STAFFORD CREEK	PROGRAM CHANGE	WA COR CTR RC
07/14/06 IN TRANSIT TO	LARCH CORR CEN	PROGRAM CHANGE	WA COR CTR RC
11/09/06 ESCORTED LEAVE	CLARK	MEDICAL NEEDS	LARCH CORR CEN
11/09/06 RET.FM.AUTH.LV.	LARCH CORR CEN	MEDICAL COMPLTD	CLARK
12/01/06 TRANSFERRED TO	WA COR CTR RC	DOSA RECLASSIFI	LARCH CORR CEN
01/24/07 TRANSFERRED TO	AIR.HGTS-MIN.	INITIAL CLASSI.	WA COR CTR RC
03/02/07 TRANSFERRED TO	AIRWAY HEIGHTS	LAW LIBRARY USE	AIR.HGTS-MIN.
04/15/07 TRANSFERRED TO	AIR.HGTS-MIN.	FAC ASSN CHANGE	AIRWAY HEIGHTS
05/03/07 TRANSFERRED TO	MICC MIN SECUR	EDUCATION NEEDS	AIR.HGTS-MIN.
05/03/07 IN TRANSIT AT	AIR.HGTS-MIN.	EDUCATION NEEDS	WA COR CTR RC
05/10/07 IN TRANSIT TO	MICC MIN SECUR	EDUCATION NEEDS	WA COR CTR RC

DATE	PROGRAM-POSITION	--WEEK--	-----DAY-----	---TIME---	STATUS
03/16/05	J213K232 FOOD SERV I W	1 2 3 4	M T W TH F	04:30-11:30	TRN
08/11/05	V253A011 INFORMATION T	1 2 3 4	M T W TH	08:30-10:30	RSH
08/23/05	J326H008 CUSTODIAN I	1 2 3 4	M T W TH F	17:00-22:00	TER
10/04/05	V024A011 HUMAN RELATIO				CMP
10/04/05	V024A012 HUMAN RELATIO				RSH
10/05/05	V253D015 INFORMATION T	1 2 3 4	M T TH	13:05-15:55	TRN
02/22/06	V253A021 INFORMATION T	1 2 3 4	T TH	08:30-11:30	TRN
03/31/06	J411O037 FORESTRY I WO	1 2 3 4	M T W TH	06:30-16:30	TRN
04/14/06	V253B027 INFORMATION T	1 2 3 4	W	18:00-21:00	TRN
05/05/06	J998C037 GENERAL CLEAN	1 2 3 4	M T W TH	08:00-15:00	DRP
05/17/06	J213I062 FOOD SERV I W	1 2 3 4	SU M T F S	11:30-15:30	TRN
05/17/06	T304A056 CDT LONG TERM	1 2 3 4	SU M T W TH F S	08:00-16:00	TRN
07/11/06	T304A030 CDT LONG TERM				TRN
07/14/06	J998C027 GENERAL CLEAN	1 2 3 4	M T W TH F	08:00-15:00	DRP
07/19/06	T304A063 CDT LONG TERM	1 2 3 4	SU M T W TH F S	08:00-16:00	TRN
07/31/06	J213I045 FOOD SERV I W	1 2 3 4	SU M T W S	07:30-11:00	TRN
09/19/06	C003D307 STANDARDIZED				CMP
02/08/07	J326H004 CUSTODIAN I	1 2 3 4	SU M T F S	06:45-14:00	TRN
02/12/07	V253A307 INFORMATION T	1 2 3 4	M T W TH F	18:00-21:00	TRN
03/12/07	V253A313 INFORMATION T	1 2 3 4	M T W TH F	13:00-16:00	RSH

IISO100

LEGAL FACE SHEET

TIME 13:38

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

DATE	PROGRAM-POSITION	--WEEK--	-----DAY-----	---TIME---	STATUS
04/18/07	J206G025 COMMUNITY WOR	1 2 3 4	M T W TH F	05:00-15:00	RSH
04/25/07	J206F010 COMMUNITY WOR	1 2 3 4	M T W TH F	08:00-14:00	TRN
06/05/07	J822W105 WELDER HELPER	1 2 3 4	M T W TH F	07:00-14:00	ASG

EARNED EARLY RELEASE DATE & TYPE	DOC	ISRB	STATUS	LOCATION
03/16/04--04/19/04 EARNED TIME	5.67	0.00	APPLIED	WCCRC
AD	5.67	5.67		
12/10/04--02/01/05 EARNED TIME	8.83	0.00	APPLIED	WCCRC
AD	8.83	8.83		
02/01/05--03/01/05 EARNED TIME	4.67	0.00	PENDING	SCCC
AD	4.67	0.00		
03/01/05--04/01/05 EARNED TIME	5.17	0.00	PENDING	SCCC
AD	5.17	0.00		
04/01/05--05/01/05 ET NOT EARNED	5.00	0.00	APPLIED	CCCC
AD	5.00	5.00		
05/01/05--02/01/06 EARNED TIME	92.14	0.00	PENDING	WCCRC
AD	92.14	0.00		
02/01/06--03/01/06 EARNED TIME	9.35	0.00	PENDING	CBCCMSC
AD	9.35	0.00		
03/01/06--04/01/06 EARNED TIME	5.17	0.00	PENDING	CBCCMSC
AD	5.17	0.00		
04/01/06--05/08/06 EARNED TIME	6.17	0.00	PENDING	OCC
AD	6.17	0.00		
05/08/06--06/01/06 EARNED TIME	4.00	0.00	PENDING	LCC
AD	4.00	0.00		
06/01/06--07/01/06 EARNED TIME	5.00	0.00	PENDING	LCC
AD	5.00	0.00		
07/01/06--12/01/06 EARNED TIME	25.50	0.00	PENDING	SCCC
AD	25.50	0.00		
12/01/06--01/01/07 EARNED TIME	5.17	0.00	PENDING	WCCRC
AD	5.17	0.00		
01/01/07--04/01/07 EARNED TIME	15.00	0.00	PENDING	WCCRC
AD	15.00	0.00		
04/01/07--05/01/07 EARNED TIME	5.00	0.00	PENDING	AHCC
AD	5.00	0.00		

INFRACTION DATE & TYPE	CELL	DOC	ISRB	STATUS	SANCTIONS	LOCATION
04/21/05 557 REFUSE TO PROG.	N	45	45	APPLIED	DENY GCT CUST./PGM MAX SECUR.	CCCC
					09	

* OFFENDER REFUSED TO WORK JW 04/2705

06/04/05 505 FIGHTING	N	0	0	APPLIED	MAX SECUR.	CBCC
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IIS0100

LEGAL FACE SHEET

TIME 13:38

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

INFRACTION DATE & TYPE	CELL	DOC	ISRB	STATUS	SANCTIONS	LOCATION
06/30/05 740 FRAUD	N	0	0	APPLIED	05 CONFINEMNT 10 CONFINEMNT 10 LOSE PRIV. 30	CBCCMSC
01/06/06 657 4 GENERAL INFRA.	N	0	0	APPLIED	LOSE PRIV. 15	CBCCMSC
12/07/06 762 DOSA FAILURE	N	0	0	APPLIED	REVOKED	WCCRC

OUT-TIME DATE & TYPE	MIN. TERM.	MAX TERM.	CONVICTED	COMM.	MIN.	MAX.
04/20/04 WICKERT	12/10/04	12/10/04	/ /	AD	234	234

HOLDS: DATE	REASON FOR HOLD	TRANSFER	LOC	STAFF	UNTIL
12/27/06	MII - MINIMUM 1 TARGETED	N	C01	BS68	12/25/09

CUSTODY DATE	SCORE	TYPE	ASSIGNED	CUSTODY	OVERRIDE	LOCATION
03/30/2004	41	INITIAL	04/16/2004	MEDIUM		WA COR CTR RC
02/22/2005	57	PLAN RVW	02/28/2005	MINIMUM		STAFFORD CREEK
04/28/2005	55	PLAN RVW	04/28/2005	MEDIUM		CEDAR CREEK CO

THE FRMT MET TO DISCUSS THE FACILITY PLAN CHANGE. COMMITTEE MEMBERS WERE CUS S. E WART, CC3 ALLEN, CC2 BROSEY, CC2 CHERRINGTON, CC2 HALL, CC2 RUSSELL AND P. H E RECENTLY WAS INFRACTED FOR #557, WHICH HAS REDUCED HIS CUSTODY TO MEDIUM. HE IS REQUESTING TO REMAIN AT CCCC AND BE PLACED ON A BEHAVIOR CONTRACT. RECOMME N. DATIONS: DEMOTE TO MEDIUM CUSTODY, CANCEL TARGET FOR MII CUSTODY, CANCEL REFE R RAL TO SEATTLE WORK RELEASE, TRANSFER TO CBCC, DENY EARNED TIME FOR THE MONTH OF APRIL 2005

02/03/2006	57	PLAN RVW	02/23/2006	MINIMUM		CL.BAY MSC
04/25/2006	62	PLAN RVW	04/26/2006	MINIMUM		OLYMPIC CORR.

FRMT MET WITHOUT P PRESENT. P WAIVED HIS 48 HOURS AND HIS APPEARANCE FOR THE M E ETING. FRMT MEMBERS INCLUDE: CUS LAWSON, CC2 OLSON, C/O PEGRAM, CC2 KERSCHNER . P ARRIVED AT OCC ON 03/20/06 AS A PROGRAM CHANGE FROM CBCC/MSC. UPON ARRIVAL , THIS CC NOTICED HIS LSI SCORE WAS 41, BUT HE WAS STILL ASSESSED RMC. BASED O N SCORING RULES, THIS WAS INACCURATE AND HE WAS UPDATED TO AN RMB. HE WAS PREV I OUSLY AWARDED 5990-QA AUDIT COMPLETED-THEN HE INCURRED FOUR SEPERATE MAJOR IN F RACTIONS, BUMPING HIS SCORE UP TO 41. HE WAS NOTIFIED OF THE CHANGES, HIS ERD IS NOW 05/21/07. HE IS MIP, CRS IS NOW 62 INFLUENCED BY A 4 MINOR MAJOR 01/20

05/22/2006	62	PLAN RVW	05/30/2006	MINIMUM		LARCH CORR CEN
------------	----	----------	------------	---------	--	----------------

THE FRMT MET WITH PULLMAN TO DISCUSS HIS FACILITY PLAN. CC RECOMMENDS TRANSFER TO SCCC, OVERRIDE TO MI3, CONTINUE IN LONG TERM CD TX AT SCCC, AND WORK AND P

IISO100

LEGAL FACE SHEET

TIME 13:38

DOC NO: 845002 NAME: PULLMAN, JAY R. ("AD") STATUS: ACTIVE ***

CUSTODY DATE SCORE TYPE ASSIGNED CUSTODY OVERRIDE LOCATION
R OGRAM AS DIRECTED. PULLMAN IS REQUESTING A LAW LIBRARY TRANSFER. FRMT CONCURS
WITH THE REPORT AS WRITTEN. FRMT INFORMED PULLMAN THAT ANY RELEGIOUS ISSUES N
E ED TO BE WORKED THROUGH THE CHAPLAIN AND THE DOC ADVISOR IN OLYMPIA.

07/21/2006 62 PLAN RVW 08/21/2006 MINIMUM LARCH CORR CEN
W ENT OVER P-REVIEW WITH PULLMAN. HE IS REUESTING ANOTHER LEGAL LAW LIBRARY TRA
N SFER BECAUSE HE STATES HIS LAW LIBRARY NEEDS WERE NOT MET WHEN HE WAS AT SCCC
. ANOTHER TRANSFER TO SCCC IS BEING RECOMMENDED IN ACCORDANCE WITH POLICY 590.
5 00. RECOMMENDATIONS ARE AS FOLLOWS: 1) WORK AND PROGRAM AS DIRECTED. 2) TRANS
F ER TO SCCC FOR LEGAL LAW LIBRARY. RETURN TO LCC UPON MEETING LEGAL LAW LIBRAR
Y NEEDS. CONTINUE PARTICIPATION IN LTR CD TREATMENT IN ODYSSEY PROGRAM AT SCCC
. 4) OVERRIDE CUSTODY TO MI3, TRANSFER TO SCCC. PAPERWORK FOR THE REVIEW FORWA
R DED TO UNIT OAS FOR AN UPCOMING FRMT.

11/29/2006 62 PLC ELIG 11/29/2006 MINIMUM LARCH CORR CEN
X -REVIEW. P IS CURRENTLY AWAITING A DOSA REVOCATION HEARING. INFRACTION WILL B
E FAXED TO WCC AFTER COMPLETION. LCC WILL TRAVEL TO WCC FOR HEARING AND THEN C
O Mplete A FP AFTER THE OUTCOME. FRMT RECOMMENDS: TRANSFER TO WCC; CONDUCT DOSA
REVOCATION HEARING. LCC WILL COMPLETE THE FP.

12/22/2006 57 INITIAL 01/19/2007 MINIMUM WA COR CTR RC
02/14/2007 62 REVIEW 03/15/2007 MINIMUM AIR.HGTS-MIN.
R ECEIVED APPROVAL FOR OFF SITE CREWS.

IISUI012 NO WARRANTS OR DETAINERS FOUND

IISUI008 NO INTERNAL MOVEMENTS FOUND

IISUI009 NO ISR BOARD INFO FOUND

ATTACHMENT B

IISO005

RELEASE DATE CALCULATION

DOC NO: 845002 NME: PULLMAN, JAY R. STA MAX: 10/17/24 STATUS: ACTIVE

COMMITMENT: "AD" COMM.STATUS: ACTIVE

"AD"

"AD"

"AD-AD"

TIME START DATE-----* 03/16/2004

TIME SERVED TO-DATE 1012

+ MAX (5Y11M15D) 2175

MINIMUM EXPIR. DATE-----* 09/23/2010

- CREDIT TIME SERVED 18

GCT CERT. & ADDR. 0 0

+ OUT-TIME + WICKERT 234

GCT CERT. ONLY 0 0

+ CCI OUT/PAR ABSC TIME 0

+ GCT DENIED & ADDR. 45 45

MAXIMUM EXPIRATION DATE--* 10/02/2010

+ GCT NOT CERTIFIED 0 0

+ MIN (5Y11M15D) 2175

FUTURE/UNCERT.GCT 432 432

- CREDIT TIME SERVED(SRA) 18

ET I & II 196.84 196.84

- GOOD TIME (JAIL) 9

+ ET NOT EARNED 5.00 5.00

+ OUT-TIME + WICKERT 234 33%

FUTURE ET 36.83 36.83

MINIMUM EXPIRATION DATE--* 09/23/2010

EARNED RELEASE DATE-----* 11/26/2008

+ MAND (0Y 0M 0D) 0000000

ADJ. EARNED RELEASE-----* 11/26/2008

- CREDIT TIME SERVED 0

EARLY POSS. REL. DATE-----* 11/26/2008

+ OUT-TIME + WICKERT 0

ADJ. EARLY POSS. REL-----* 11/26/2008

- EARNED RELEASE 0

TIME REMAINING TO SERVE 497

MANDATORY EXPIR. DATE----* 00/00/0000

SANCTION ADMIT DATE-----*

SANCTION RELEASE DATE-----*

IISO005

RELEASE DATE CALCULATION

DOC NO: 845002 NME: PULLMAN, JAY R. STA MAX: 04/18/24 STATUS: ACTIVE

COMMITMENT: "AE" COMM.STATUS: FUTURE CONSECUTIVE TO "AD"

"AE"

"AE"

"AD-AE"

TIME START DATE-----* 11/26/2008

TIME SERVED TO-DATE 0

+ MAX (3Y 4M 0D) 1217

MINIMUM EXPIR. DATE-----* 04/10/2011

- CREDIT TIME SERVED 235

GCT CERT. & ADDR. 0 0

+ OUT-TIME + WICKERT 0

GCT CERT. ONLY 0 0

+ CCI OUT/PAR ABSC TIME 0

+ GCT DENIED & ADDR. 0 45

MAXIMUM EXPIRATION DATE--* 08/05/2011

+ GCT NOT CERTIFIED 0 0

FUTURE/UNCERT.GCT 192 624

+ MIN (3Y 4M 0D) 1217

ET I & II 0.00 196.84

- CREDIT TIME SERVED(SRA) 235

+ ET NOT EARNED 0.00 5.00

- GOOD TIME (JAIL) 117

FUTURE ET 96.11 132.94

+ OUT-TIME + WICKERT 0 33%

EARNED RELEASE DATE-----* 06/26/2010

MINIMUM EXPIRATION DATE--* 04/10/2011

ADJ. EARNED RELEASE-----* 06/26/2010

+ MAND (0Y 0M 0D) 0000000

EARLY POSS. REL. DATE-----* 06/26/2010

- CREDIT TIME SERVED 0

ADJ. EARLY POSS. REL-----* 06/26/2010

+ OUT-TIME + WICKERT 0

TIME REMAINING TO SERVE 929

- EARNED RELEASE 0

SANCTION ADMIT DATE-----*

MANDATORY EXPIR. DATE-----* 00/00/0000

SANCTION RELEASE DATE-----*

APPENDIX C

NO. 60245-4-1

**COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JAY PULLMAN,

Petitioner.

DECLARATION OF
JUDY HUBERT

I, JUDY HUBERT, make the following declaration:

1. I am the Legal Liaison Officer for the McNeil Island Corrections Center (MICC) and have held that position with the Washington State Department of Corrections (DOC) for two (2) years.

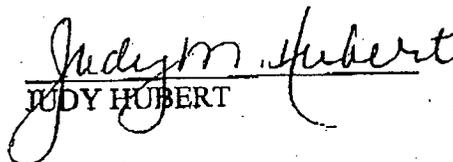
2. As the Legal Liaison Officer at MICC, one of my job duties is to retrieve and/or maintain records kept by the facility in the ordinary course of business.

3. When an offender is received into the custody of DOC, a certified copy of his judgment and sentence, as well as other conviction data become an official record in his DOC central file. It is also the regular practice of DOC to make a record of documents used, considered or generated relating to an inmate's risk assessment. Upon request of the Attorney General's Office, I have provided true and correct copies of the following documents from Mr. Pullman's central file:

- Attachment A: Judgment and Sentence in State v. Pullman,
King County Superior Court Cause
No. 01-1-08905-2;
- Attachment B: Judgment and Sentence in State v. Pullman,
King County Superior Court Cause
No. 04-1-10110-3;
- Attachment C: Facility Plan dated 04/28/2005;
- Attachment D: Facility Plan dated 02/03/2006;
- Attachment E: Memo to Pullman re 5990 Denial dated
04/13/2006;
- Attachment F: Letter to Pullman re ESSB 5990 Decision
and Risk Assessment dated 07/11/2006;
- Attachment G: Release Date Calculation Screen dated
03/16/2005.

I declare under the penalty of perjury of the laws of the State of
Washington that the foregoing is true and correct to the best of my
knowledge.

EXECUTED this 25th day of July, 2007, at Steilacoom,
Washington.


JUDY HUBERT

ATTACHMENT A

VUCSA OVER 21

FILED
02 AUG 19 AM 11 39
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

CERTIFIED COPY TO COUNTY JUDGE 9-2002

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)
)
) Plaintiff) No 01 C-08905 2 SEA
)
 Vs)
) JUDGMENT AND SENTENCE
 JAY ROBERT PULLMAN *aka Pullman*) FELONY
)
) *Counts I & II*
 Defendant,)

I HEARING

Thomas Cole
I 1 The defendant, the defendant's lawyer *BENNY LAMENDOLA* and the deputy prosecuting attorney were present at the sentencing hearing conducted today Others present were _____

II FINDINGS

There being no reason why judgment should not be pronounced the court finds
2 1 CURRENT OFFENSE(S) The defendant was found guilty on 5 29 2002 by jury verdict of

Count No I Crime VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT / DELIVER COCAINE
RCW 69.50.401 (a) (1) (i) Crime Code 07319
Date of Crime 9 13 2001 Incident No SPD 01-436257

Count No II Crime VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT / POSSESS WITH INTENT TO MANUFACTURE OR DELIVER COCAINE
RCW 69.50.401 (a) (1) (i) Crime Code 07318
Date of Crime 9 13 2001 Incident No SPD 01-436257

Count No III Crime RAIL JUMPING
RCW 9A.76.170 (1), (2) (c) Crime Code 05158
Date of Crime 9-13-2001 12/7/01 Incident No _____

Count No _____ Crime _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No _____

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S)

- (a) While armed with a firearm in count(s) _____ RCW 9 94A 310(3)
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9 94A 310(4)
- (c) With a sexual motivation in count(s) _____ RCW 9 94A 127
- (d) A V U C S A offense committed in a protected zone in count(s) I & II RCW 69 50 435
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41 61 5055
RCW 9 94A 310(7)
- (g) Non parental kidnapping or unlawful imprisonment with a minor victim RCW 9A 44 130
- (h) Domestic violence offense as defined in RCW 10 99 020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW
9 94A 400(1)(a)

2 2 OTHER CURRENT CONVICTION(S) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number) _____

2 3 CRIMINAL HISTORY Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9 94A 360)

- Criminal history is attached in Appendix B
- Prior convictions counted as one offense in determining the offender score (RCW 9 94A 360(5) are _____
- One point added for offense(s) committed while under community placement for count(s) _____

2 4 SENTENCING DATA

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	4	VIII	41 TO 54	24 months	41 TO 54 MONTHS	20 YRS AND/OR \$50 000
Count II	4	VIII	41 TO 54	24 months	41 TO 54 MONTHS	20 YRS AND/OR \$50 000
Count III (Surrender)	2	III	4 TO 12		4 TO 12	5 YRS AND/OR \$10 000
Count						

Additional current offense sentencing data is attached in Appendix C

2 5 EXCEPTIONAL SENTENCE

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____ Findings of Fact and Conclusions of Law are attached in Appendix D The State did did not recommend a similar sentence

III JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2 1 above and Appendix A

The Court DISMISSES Count(s) _____

IV ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below

4 1 RESTITUTION AND VICTIM ASSESSMENT

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E
 - Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9 94A 142(2) sets forth those circumstances in attached Appendix E
 - Restitution to be determined at future restitution hearing on (Date) _____ at _____ in
 - Date to be set
 - Defendant waives presence at future restitution hearing(s)
 - Restitution is not ordered.
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7 68 035 in the amount of \$500

4 2 OTHER FINANCIAL OBLIGATIONS Having considered the defendant s present and likely future financial resources the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them Defendant shall pay the following to the Clerk of this Court

- (a) \$ _____, Court costs Court costs are waived, (RCW 9 94A 030 10 01 160)
- (b) \$ _____, Recoupment for attorney s fees to King County Public Defense Programs Recoupment is waived (RCW 9 94A 030)
- (c) \$ _____, Fine \$1 000 Fine for VUCSA \$2 000 Fine for subsequent VUCSA VUCSA fine waived (RCW 69 50 430)
- (d) \$ _____, King County Interlocal Drug Fund Drug Fund payment is waived, (RCW 9 94A 030)
- (e) \$ _____, State Crime Laboratory Fee Laboratory fee waived (RCW 43 43 690)
- (f) \$ _____, Incarceration costs Incarceration costs waived (RCW 9 94A 145(2))
- (g) \$ 0, Other costs for interest & trust fees waived

4 3 PAYMENT SCHEDULE Defendant s TOTAL FINANCIAL OBLIGATION is \$ 500 The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms Not less than \$ _____ per month On a schedule established by the defendant s Community Corrections Officer Financial obligations shall bear interest pursuant to RCW 10 82 090 The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations

1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D O S A.)

The Court finds the defendant eligible pursuant to RCW 9 94A 120(6)(a) as amended by CH 197 1999 LAWS eff 7 25 99 [recodified RCW 9 94A 660 eff 7 1 01] that the defendant and the community will benefit from use of D O S A waives imposition of sentence within the standard range and sentences the defendant as follows

- (a) **TOTAL CONFINEMENT** RCW 9 94A 120(6)(b) The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT OF CORRECTIONS to commence immediately not later than October 11, 2002 at 4W P.M.

3575 months on Count No I _____ months on Count No _____

3575 months on Count No II _____ months on Count No _____

_____ months on Count No _____ months on Count No _____

- (b) The above term(s) of confinement represent one half of the midpoint of the standard range.
(c) The terms imposed herein shall be served concurrently

The term(s) imposed herein shall run concurrent/consecutive with cause No(s) _____

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment

- (d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause RCW 9 94A 120(17) The time shall be compiled by the JAIL unless specifically set by the court as follows _____

- (e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive within available resources appropriate treatment services

4 5 COMMUNITY CUSTODY The court further imposes 3575 months, the remainder(s) of the midpoint(s) of the standard range(s) as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody shall perform affirmative acts necessary to monitor compliance shall obey all laws and comply with the following mandatory statutory requirements

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9 94A.120(16)
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance RCW 9 94A 120 (6)(b)(ii) and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D S H S Division of Alcohol and Substance Abuse RCW 9 94A 120(6)(b)(i)

The court further imposes the following non mandatory conditions of Community Custody (if checked)

- (4) The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance
- (5) Devote time to a specific employment or training
- (6) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7) Report as directed to a community corrections officer
- (8) Pay all court ordered legal financial obligations
- (9) Perform community service work

(10) Stay out of designated areas as follows _____

(11) Other conditions as set forth in Appendix F

4 6 **NON-COMPLIANCE RCW 9 94A 120(6)(c)(e)** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

For offenses committed after 7 1 2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D O S A program the entire period of earned early release or for any "crime against person" in section 2 1 hereof 9 - 18 months for any violation of 69.50/52 in section 2 1 hereof 9 - 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4 5 hereof.

4 7 **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles) Appendix G covering blood testing and counseling is attached and incorporated by reference into this Judgment and Sentence.

4 8 **OFF LIMITS ORDER** The defendant, having been found to be a known drug trafficker shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.

4 9 **NO CONTACT** For the maximum term of _____ years defendant shall have no contact with _____

Date

August 14, 2002

JUDGE

Print Name

ARSPORF

Presented by

[Signature]
Deputy Prosecuting Attorney WSBA# 2914
Print Name Balin

Approved as to form

[Signature]
23689
Attorney for Defendant, WSBA #
Print Name Thomas P. Cox

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF

JAY ROBERT PULLMAN

DATED AUG 16 2002

Robert H. Alsdorf
JUDGE, KING COUNTY SUPERIOR COURT
ROBERT H ALSDORF

DEFENDANT'S SIGNATURE
DEFENDANT'S ADDRESS

James Pullman #102
11506 STOK AVENUE-102
Seattle WA 98133

ATTESTED BY BARBARA MINER,
SUPERIOR COURT CLERK
BY *Victoria Luccheso*
DEPUTY CLERK

CERTIFICATE

I, _____
CLERK OF THIS COURT, CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE
DATED _____

OFFENDER IDENTIFICATION

S I D NO
DOB APRIL 15, 1974
SEX M
RACE B

CLERK

BY _____
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)	
)	
Plaintiff)	No 01 C-08905 2 SEA
)	
vs)	JUDGMENT AND SENTENCE
)	APPENDIX H
JAY ROBERT PULLMAN)	COMMUNITY PLACEMENT / COMMUNITY
)	CUSTODY
Defendant,)	

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9 94A 120(9)(b) RCW 9 94A 120(10) RCW 9 94A 120(11) or RCW 9 94A 137 for Work Ethic Camp approved offenders

- Report to and be available for contact with the assigned community corrections officer as directed
- 2) Work at Department of Corrections-approved education, employment, and/or community service
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions
- 4) Pay supervision fees as determined by the Department of Corrections
- 5) Receive prior approval for living arrangements and residence location and
- 6) Not own, use or possess a firearm or ammunition. (RCW 9 94A 120(16)
- 7) Notify community corrections officer of any change in address or employment,
- 8) Remain within geographic boundary as set forth in writing by the Department of Corrections Officer or as set forth with SODA order

OTHER SPECIAL CONDITIONS

- The defendant shall not consume any alcohol
- Defendant shall have no contact with _____
- Defendant shall remain within outside of a specified geographical boundary to wit _____
- The defendant shall participate in the following crime related treatment or counseling services _____
- The defendant shall comply with the following crime related prohibitions _____
- _____
- _____
- _____

Other conditions may be imposed by the court or Department during community custody

Community Placement or Community Custody shall begin upon completion of the term(s) of confinement imposed herein or when the defendant is transferred to Community Custody in lieu of earned early release. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions [RCW 9 94A 120(15)] and may issue warrants and/or detain defendants who violate a condition [RCW 9 94A 207]

Date: August 16, 2002

[Signature]
JUDGE

APPENDIX H

AUG 19 2002
CERTIFIED COPY TO COUNTY JAIL

FILED
02 AUG 19 AM 11 39
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON)

Plaintiff,)

Vs)

Jay Robert Pullman aka Pullman)
Defendant,)

No 01-C-08905-2 SEA

JUDGMENT AND SENTENCE
FELONY

Count III

I HEARING

I 1 The defendant the defendant s lawyer Thomas Coe and the deputy prosecuting attorney were present at the sentencing hearing conducted today Others present were _____

II FINDINGS

There being no reason why judgment should not be pronounced the court finds
2 1 CURRENT OFFENSE(S) The defendant was found guilty on 5/29/02 by jury verdict of

Count No III Crime Bail Jumping
RCW 9A 76.170 (1)(2) (c) Crime Code _____
Date of Crime 12/7/01 Incident No _____

Count No _____ Crime _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No _____

Count No _____ Crime _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No _____

Count No _____ Crime _____
RCW _____ Crime Code _____
Date of Crime _____ Incident No _____

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S)

- (a) While armed with a firearm in count(s) _____ RCW 9 94A.310(3).
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9.94A.310(4).
- (c) With a sexual motivation in count(s) _____ RCW 9 94A.127
- (d) A V U C.S.A. offense committed in a protected zone in count(s) _____ RCW 69 50 435
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard.
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41 61.5055 RCW 9 94A.310(7)
- (g) Non parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A 44 130
- (h) Domestic violence offense as defined in RCW 10 99 020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW 9 94A 400(1)(a)

2.2 OTHER CURRENT CONVICTION(S) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number) _____

2.3 CRIMINAL HISTORY Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9 94A.360)
 Criminal history is attached in Appendix B.
 Prior convictions counted as one offense in determining the offender score (RCW 9 94A.360(5) are _____
 One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count	2	III	4-12		4-12	342, 210, 020
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C

2.5 EXCEPTIONAL SENTENCE

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____ Findings of Fact and Conclusions of Law are attached in Appendix D The State did did not recommend a similar sentence

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.
 The Court DISMISSES Count(s) _____

IV ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below

4.1 RESTITUTION AND VICTIM ASSESSMENT

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9 94A.142(2) sets forth those circumstances in attached Appendix E.
- Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
- Date to be set.
- Defendant waives presence at future restitution hearing(s)
- Restitution is not ordered
- Defendant shall pay Victim Penalty Assessment pursuant to RCW 7 68 035 in the amount of \$500

4.2 OTHER FINANCIAL OBLIGATIONS Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court.

- (a) \$_____ Court costs Court costs are waived, (RCW 9 94A.030 10 01 160)
- (b) \$_____ Recoupment for attorney's fees to King County Public Defense Programs Recoupment is waived (RCW 9 94A 030)
- (c) \$_____ Fine \$1 000 Fine for VUCSA \$2,000 Fine for subsequent VUCSA VUCSA fine waived (RCW 69 50 430)
- (d) \$_____ King County Interlocal Drug Fund, Drug Fund payment is waived (RCW 9 94A 030)
- (e) \$_____ State Crime Laboratory Fee Laboratory fee waived (RCW 43 43 690)
- (f) \$_____ Incarceration costs Incarceration costs waived (RCW 9 94A 145(2))
- (g) \$_____ Other costs for _____

Ordered in 945 for Court I & II

4.3 PAYMENT SCHEDULE Defendant's TOTAL FINANCIAL OBLIGATION is \$ 0 The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms Not less than \$_____ per month, On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10 82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations

4 4 CONFINEMENT OVER ONE YEAR Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows commencing [] immediately [X] (Date)

10/11/02 by 4m p m

4 months/days on count I months/days on count months/day on count months/days on count months/days on count months/day on count

The above terms for counts I, II, III are concurrent/consecutive

The above terms shall run concurrent/consecutive with cause No (s)

The above terms shall run consecutive to any previously imposed sentence not referred to in this order

[] In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2 1

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause (Use this section only for crimes committed after 6-10-98)

[] The enhancement term(s) for any special WEAPON findings in section 2 1 is/are included within the term(s) imposed above (Use this section when appropriate but for crimes before 6-11-98 only per In Re Charles)

The TOTAL of all terms imposed in this cause is 35.75 months each Cts I & II, 4 mos, Ct III

Credit is given for [] days served [X] days as determined by the King County Jail solely for conviction under this cause number pursuant to RCW 9 94A 120(17)

4 5 NO CONTACT For the maximum term of years, defendant shall have no contact with

4 6 Blood Testing (sex offense violent offense prostitution offense drug offense associated with the use of hypodermic needles) Appendix G is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence

4 7 (a) [] COMMUNITY PLACEMENT pursuant to RCW 9 94A 120(9) for qualifying crimes committed before 7 1 2000 is ordered for months or for the period of earned early release awarded pursuant to RCW 9 94A 150 whichever is longer (24 months for any serious violent offense, vehicular homicide vehicular assault, or sex offense prior to 7 6-96 12 months for any assault 2° assault of a child 2 felony violation of RCW 69 50/52 any crime against person defined in RCW 9 94A 440 not otherwise described above) APPENDIX H for Community Placement conditions is attached and incorporated herein

(b) [] COMMUNITY CUSTODY pursuant to RCW 9 94 120(10) for any SEX OFFENSE committed after 6-6-96 but before 7 1 2000 is ordered for a period of 36 months or for the period of earned early release awarded under RCW 9 94A 150 whichever is longer Appendix H for Community Custody Conditions and Appendix J for sex offender registration is attached and incorporated herein.

NOT applicable

- (c) COMMUNITY CUSTODY pursuant to RCW 9 94A 120(11) for qualifying crimes committed after 6-30-2000 is ordered for the following established range
 - Sex Offense RCW 9 94A 030(36) 36 to 48 months
 - Serious Violent Offense RCW 9 94A 030(34) 24 to 48 months
 - Violent Offense RCW 9 94A 030(41) 18 to 36 months
 - Crime Against Person, RCW 9 94A 440 9 to 18 months
 - Felony Violation of RCW 69 50/52 9 to 12 months
- or for the entire period of earned early release awarded under RCW 9 94A.150, whichever is longer
 Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9 94A.205.
 APPENDIX H for Community Custody conditions is attached and incorporated herein.
 APPENDIX J for sex offender registration is attached and incorporated herein

48 WORK ETHIC CAMP The court finds that the defendant is eligible for work ethic camp is likely to qualify under RCW 9 94A 137 and recommends that the defendant serve the sentence at a work ethic camp Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement The defendant shall comply with all mandatory statutory requirements of community custody set forth in RCW 9 94A 120(9)(b). Appendix H for Community Custody Conditions is attached and incorporated herein

49 ARMED CRIME COMPLIANCE RCW 9 94A 103,105 The State's plea/sentencing agreement is attached as follows

Date August 16, 2002

[Signature]
 JUDGE
 Print Name ALSDORF

Presented by [Signature]
 Deputy Prosecuting Attorney WSBA# 21912
 Print Name Balin

Approved as to form.
[Signature] 27689
 Attorney for Defendant WSBA #
 Print Name Russ D Coe

ATTACHMENT B

FILED

NOV-8 14 2 51



CERTIFIED COPY TO COUNTY JAIL NOV 8 2004

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff

No 04 1 10110 3 SEA

Vs

JUDGMENT AND SENTENCE
FELONY

JAY ROBERT PULLMAN

Defendant

I HEARING

11 The defendant the defendant s lawyer CLORETTA JAMES and the deputy prosecuting attorney were present at the sentencing hearing conducted today Others present were _____

II FINDINGS

There being no reason why judgment should not be pronounced the court finds
21 CURRENT OFFENSE(S) The defendant was found guilty on 10/6/2004 by jury verdict of

Count No I Crime VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCES ACT/
POSSESS WITH INTENT TO DELIVER/COCAINE

RCW 69 50 401 (A)(1) (1)

Crime Code 07316

Date of Crime 11/18/2003

Incident No SPD 03-529954

Count No _____ Crime _____

RCW _____

Crime Code _____

Date of Crime _____

Incident No _____

Count No _____ Crime _____

RCW _____

Crime Code _____

Date of Crime _____

Incident No _____

Count No _____ Crime _____

RCW _____

Crime Code _____

Date of Crime _____

Incident No _____

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S)

- (a) While armed with a firearm in count(s) _____ RCW 9 94A 510(3)
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9 94A 510(4)
- (c) With a sexual motivation in count(s) _____ RCW 9 94A 835
- (d) A VUCSA offense committed in a protected zone in count(s) _____ RCW 69 50 435
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41 61 5055
RCW 9 94A 510(7)
- (g) Non parental kidnapping or unlawful imprisonment with a minor victim RCW 9A 44 130
- (h) Domestic violence offense as defined in RCW 10 99 020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW
9 94A 589(1)(a)

2 2 OTHER CURRENT CONVICTION(S) Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number) _____

2 3 CRIMINAL HISTORY Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9 94A 525)

Criminal history is attached in Appendix B

One point added for offense(s) committed while under community placement for count(s) 1

2 4 SENTENCING DATA

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	5	II	20+ TO 60 MONTHS		20+ TO 60 MONTHS	20 YRS AND/OR \$50,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C

2 5 EXCEPTIONAL SENTENCE (RCW 9 94A 535)

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____ Findings of Fact and Conclusions of Law are attached in Appendix D The State did did not recommend a similar sentence

III JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2 1 above and Appendix A
 The Court DISMISSES Count(s) _____

IV ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below

4.1 RESTITUTION AND VICTIM ASSESSMENT

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist and the court pursuant to RCW 9 94A 753(2) set forth those circumstances in attached Appendix E
- Restitution to be determined at future restitution hearing on (Date) _____ at _____ m
- Date to be set
- Defendant waives presence at future restitution hearing(s)
- Restitution is not ordered
- * Defendant shall pay Victim Penalty Assessment pursuant to RCW 7 68 035 in the amount of \$500

4.2 OTHER FINANCIAL OBLIGATIONS Having considered the defendant's present and likely future financial resources the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court

- (a) \$_____ Court costs Court costs are waived (RCW 9 94A 030 10 01 160)
- (b) \$100 DNA collection fee DNA fee waived (RCW 4 43 754)(crimes committed after 7/1/02)
- (c) \$_____ Recoupment for attorney's fees to King County Public Defense Programs Recoupment is waived (RCW 9 94A 030)
- (d) \$_____ Fine \$1 000 Fine for VUCSA \$2 000 Fine for subsequent VUCSA VUCSA fine waived (RCW 69 50 430)
- (e) \$_____ King County Interlocal Drug Fund Drug Fund payment is waived (RCW 9 94A 030)
- (f) \$_____ State Crime Laboratory Fee Laboratory fee waived (RCW 43 43 690)
- (g) \$_____ Incarceration costs Incarceration costs waived (RCW 9 94A 760(2))
- (h) \$_____ Other costs for _____

4.3 PAYMENT SCHEDULE Defendant's TOTAL FINANCIAL OBLIGATION is \$ 500 00. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms Not less than \$_____ per month On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10 82 090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations for crimes committed before 7/1/2000 for up to ten years from the date of sentence or release from total confinement whichever is later for crimes committed on or after 7/1/2000 until the obligation is completely satisfied. Pursuant to RCW 9 94A 7602 if the defendant is more than 30 days past due in payments a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9 94A 760(7)(b) the defendant shall report as directed by DJA and provide financial information as requested

- Court Clerk's trust fees are waived
- Interest is waived except with respect to restitution

4.4 1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D O S A)
The Court finds the defendant eligible pursuant to RCW 9 94A 120(6)(a) as amended by CH 197 1999
LAWS eff 7 25 99 [recodified RCW 9 94A 660 eff 7 1 01] that the defendant and the community will
benefit from use of D O S A waives imposition of sentence within the standard range and sentences the
defendant as follows

(a) TOTAL CONFINEMENT RCW 9 94A 120(6)(b) The defendant is sentenced to the following term(s)
of commitment in he custody of the DEPT OF CORRECTIONS to commence immediately not
later than _____ at _____ P M

20 months on Count No I _____ months on Count No _____
_____ months on Count No _____ months on Count No _____
_____ months on Count No _____ months on Count No _____

(b) The above term(s) of confinement represent one half of the midpoint of the standard range

(c) The terms imposed herein shall be served concurrently

The term(s) imposed herein shall run ~~concurrent~~ consecutive with cause No(s) 01-1-08905-2 SEA

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to
in this judgment

(d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under
this cause RCW 9 94A 120(17) The time shall be compiled by the JAIL unless specifically set by the
court as follows 200 days

(e) While incar erated in the Department of Corrections the defendant shall undergo a comprehensive
substance abuse assessment and receive within available resources appropriate treatment services

4 COMMUNITY CUSTODY The court further imposes 20 months the remainder(s) of the
midpoint(s) of the standard range(s) as a term of community custody during which time the defendant shall
comply with the instructions rules and regulations promulgated by the Department for conduct of the
defendant during community custody shall perform affirmative acts necessary to monitor compliance shall
obey all laws and comply with the following mandatory statutory requirements

- (1) The defendant shall not own use or possess any firearm or ammunition RCW 9 94A 120(16)
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to
monitor compliance RCW 9 94A 120 (6)(b)(ii) and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D S H S
Division of Alcohol and Substance Abuse RCW 9 94A 120(6)(b)(i)

The court further imposes the following non mandatory conditions of Community Custody (if checked)

- (4) The defendant shall not use any alcohol or controlled substances without prescription and shall
undergo testing to monitor compliance
- (5) Devote time to a specific employment or training
- (6) Remain within prescribed geographical boundaries and notify the court or the community corrections
officer of any change in the offender's address or employment
- (7) Report as directed to a community corrections officer
- (8) Pay all court ordered legal financial obligations
- (9) Perform community service work

(10) Stay out of designated areas as follows _____

(11) Other conditions as set forth in Appendix # 4

46 **NON COMPLIANCE RCW 9 94A 120(6)(c)(e)** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

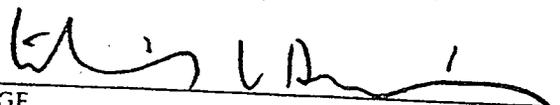
For offenses committed after 7/1/2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from DOSA program: the entire period of earned early release or for any crime against person in section 2.1 herein 9-18 months for any violation of 69-052 in section 2.1 herein 9-12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.5 herein.

47 **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles) Appendix G covering blood testing and counseling is attached and incorporated by reference into this Judgment and Sentence.

48 **OFF LIMITS ORDER** The defendant having been found to be a known drug trafficker shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.

49 **NO CONTACT** For the maximum term of _____ years defendant shall have no contact with _____

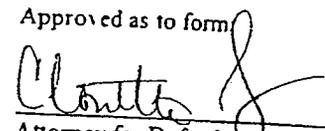
Date NOV 5, 2004



JUDGE
Print Name Dennis B

Presented by


Deputy Prosecuting Attorney WSBA# 28289
Print Name Erin H Becker

Approved as to form


Attorney for Defendant WSBA# 24938
Print Name Clonetta James

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF

JAY ROBERT PULLMAN

DEFENDANT'S SIGNATURE: James Pullman

DEFENDANT'S ADDRESS 11506 Stone Ave N Apt E102
Seattle WA 98133

DATED 05 Nov 2004

[Signature]
JUDGE KING COUNTY SUPERIOR COURT

ATTESTED BY BARBARA MIXER
SUPERIOR COURT CLERK

BY [Signature]
DEPUTY CLERK

CERTIFICATE

I _____
CLERK OF THIS COURT CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE
DATED _____

CLERK

BY

DEPUTY CLERK

OFFENDER IDENTIFICATION

S I D NO WA19930713

DOB APRIL 15 1974

SEX M

RACE B

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintf

No 04 1 10110 3 SEA

vs

JAY ROBERT PULLMAN

Defendant

JUDGMENT AND SENTENCE
(FELONY) APPENDIX B
CRIMINAL HISTORY

2 2 The defendant has the following criminal history used in calculating the offender score (RCW 9 94A 525)

Crime	Sentencing Date	Adult or Juv	Cause Number	Location
BAIL JUMPING	10/11/2002	ADULT	011059323	KING CO
VUCSA PWI DELIVER COCAINE	8/16/2002	ADULT	011089052	KING CO
VUCSA PWI DELIVER COCAINE	8/16/2002	ADULT	011089052	KING CO
BAIL JUMPING	8/16/2002	ADULT	011089052	KING CO

1 1 The following prior convictions were counted as one offense in determining the offender score (RCW 9 94A 525(5))

Date NOV 5, 2004

Wing L. Pullman
JUDGE KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff

No 04 1 10110 3 SEA

vs

JAY ROBERT PULLMAN

Defendant

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43 43 754)

The Court orders the defendant to cooperate with the King County Department of Adult Detention King County Sheriff's Office and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant if out of custody shall promptly call the King County Jail at 296 1226 between 8 00 a m and 1 00 p m to make arrangements for the test to be conducted within 15 days

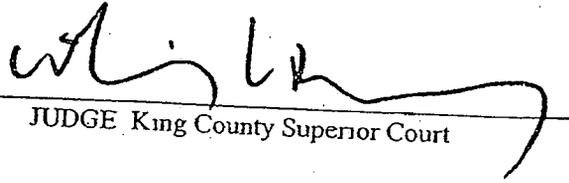
(2) HIV TESTING AND COUNSELING (RCW 70 24 340)

(Required for defendant convicted of sexual offense drug offense associated with the use of hypodermic needles or prostitution related offense)

The Court orders the defendant contact the Seattle King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70 24 RCW. The defendant if out of custody shall promptly call Seattle King County Health Department at 205 7837 to make arrangements for the test to be conducted within 30 days

If (2) is checked two independent biological samples shall be taken

Date NOV 5, 2004


JUDGE King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff

No 04 1 10110 3 SEA

vs

JAY ROBERT PULLMAN

Defendant

JUDGMENT AND SENTENCE
APPENDIX H
COMMUNITY PLACEMENT OR
COMMUNITY CUSTODY

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9 94A 700(4) (5)

- 1) Report to and be available for contact with the assigned community corrections officer as directed
- 2) Work at Department of Corrections approved education employment and/or community service
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions
- 4) Pay supervision fees as determined by the Department of Corrections
- 5) Receive prior approval for living arrangements and residence location
- 6) Not own use or possess a firearm or ammunition (RCW 9 94A 720(2))
- 7) Notify community corrections officer of any change in address or employment and
- 8) Remain within geographic boundary as set forth in writing by the Department of Corrections Officer or as set forth with SODA order

OTHER SPECIAL CONDITIONS

- The defendant shall not consume any alcohol
- Defendant shall have no contact with _____

Defendant shall remain within outside of a specified geographical boundary to wit _____

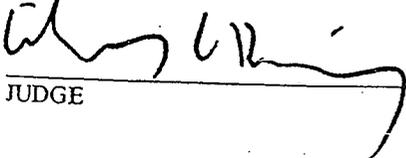
The defendant shall participate in the following crime related treatment or counseling services
substance abuse evaluation and follow up
all treatment recommendations

The defendant shall comply with the following crime related prohibitions
do not loiter in high narcotics areas

Other conditions may be imposed by the court or Department during community custody

Community Placement or Community Custody shall begin upon completion of the term(s) of confinement imposed herein or when the defendant is transferred to Community Custody in lieu of earned early release. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions [RCW 9 94A 720] and may issue warrants and/or detain defendants who violate a condition [RCW 9 94A 740].

Date NOV 5, 2004


JUDGE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

State of Washington	No 04 1 10110 3 SEA
vs	FELONY WARRANT OF TRANSFER TO DEPARTMENT OF CORRECTIONS PENDING APPEAL
JAY ROBERT PULLMAN	2
Plaintiff	
Defendant	

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF KING COUNTY AND DIRECTOR OF INSTITUTIONS AND THE SUPERINTENDENT OF THE WASHINGTON CORRECTIONS CENTER OF THE STATE OF WASHINGTON

WHEREAS Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of King that the defendant be punished as specified in the Judgment and Sentence a full true and correct copy of which is attached hereto

WHEREAS the defendant (X) has () has not given Notice of Appeal from said Judgment and Sentence to the Court of Appeals of the State of Washington and has not posted bond pending said appeal and

- () Thirty (30) days have elapsed since entry of judgment
- (X) A defendant s waiver of thirty (30) day delay prior to transfer to Department of Corrections (RCW 36 63 255) has been filed
- () A signed order waiving the thirty (30) day delay has been filed

All of which appears of record certified copies of said Judgment and Sentence and other required documents being endorsed hereon and made a part hereof

NOW THIS IS TO COMMAND YOU the said Director of Adult Detention to detain the said defendant until called for by the transportation officers of the Department of Corrections authorized to conduct him to the Washington Corrections Center and THIS IS TO COMMAND YOU the said Superintendent of the Washington Corrections Center to receive of and from the said officers the said defendant for confinement in a penal institution or correctional facility designated by the Director of Institutions until further order of the Court of Appeals of the State of Washington and/or the Superior Court of the State of Washington in and for the County of King

Dated December 7, 2004

By Direction of the Honorable

WILLIAM DOWNING
Judge

BARBARA MINER Clerk

By 
Deputy Clerk

DOC 845002

JAIL LOCATION EBLC

DAF 2040 16171

CCN# 174 1168

SIF# WA 19930713

POE 4-15-74

ATTACHMENT C



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

FACILITY PLAN

Offender Information					
Offender Name (last, first, middle initial, suffix): PULLMAN, Jay				DOC Number: 845002	Offender Status: Active Inmate
DOB: 04/15/74	Time Start: 03/16/04	(P)ERD: 10/13/06	Maximum Exp Date: 10-09-07	Mandatory Exp. Date:	Current Custody: MIP
LSI-R Score:40	RMI Level: RMC	SMIO: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	RMIT Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Comm Custody/Placement Yes <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Community Custody Range: From: 9 To: 12
ISRB: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	SRA 10-day Release Status: Eligible	End of Sentence Review Screening Completed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Special Sentence Alternative: DOSA	
Detainer / Warrant: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If "Yes", please list:				

Purpose of Report			
Purpose of Report:		<input type="checkbox"/> Intake (P) Facility Plan	<input type="checkbox"/> HCSC
<input type="checkbox"/> Board Report		<input type="checkbox"/> Scan Only	<input type="checkbox"/> Override
<input checked="" type="checkbox"/> Plan Change (P) Review		<input type="checkbox"/> Extraordinary Medical Placement	<input type="checkbox"/> Map
<input type="checkbox"/> Time Exceeds 6 years		<input type="checkbox"/> Other (Specify):	
Prepared By: Nancy E. Russell, CC2	<i>[Signature]</i>	Referral Location: CCCC	Date: 04/28/05

Offender Community Support		
Anticipated Release Address: Phone Number:	Residence Sponsor: Relationship to Offender:	
Additional Individuals in the Home		
Name: (last, first, MI)	Adult / Minor	Relationship to Offender:
Has the sponsor or others residing in the home been a victim of the offender? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

Programs	
Basic Skills	Narrative: Inmate Pullman has a verified GED.
Job/Work	Narrative: Pullman is expected to maintain a job assignment as approved by the counselor and FRMT.
Offender Change	Narrative: Pullman is not currently enrolled in any offender change programs. He is on the waiting list for Victim Awareness, MRT and CD.
Vocational	Narrative: He is on the waiting list for the ITC computer class.

Offender DOC # 845002	Offender Name: PULLMAN, Jay
Don 20-402 (Rev. 08/14/03)	
1 of 3	

Additional Offender Classification Expectations		
Expectations: Compliance w/court ordered conditions	Frequency: On-going	Due Date:
Narrative:		
Expectations: Select one:	Frequency: On-going	Due Date:
Narrative:		
Expectations: Select one:	Frequency: Select one:	Due Date:
Narrative:		

Targeted Custody/Placement				
Target Date	Targeted Custody	Targeted Placement (if applicable)	Inmate Preferred Location	Comments
04/13/06	MI 1	700 Seattle Area WR		Cancel
	Medium	A15 Med. Cus. Screen	MCC/SCCC	Transfer
	Select one:	Select one:		

Current Classification Action

Counselor Comments and Recommendations:

Inmate Pullman arrived at CCCC on March 11, 2005. He received the following infraction:

04-21-05 CCCC #557 Pullman refused to go to work as instructed and was terminated from his job in the kitchen. Sanctions: 9 days D-seg with credit for time served, 45 days loss of Good Conduct Time, and a Suitability.

The infraction has reduced his CRS to 55, and his custody to Medium. His LSI-R score is 40 and he is RMC. He has been approved at Seattle Work Release and targeted for MI1 custody. There are no separate concerns listed.

Counselor: *Gary E. Russell* Date: 04/28/05

Facility Risk Management Team CONCUR DO NOT CONCUR

Comments and Recommendations:

The FRMT met to address the Intake Facility Plan. Committee members were CUS Stewart, CC3 Allen, CC2 Brosey, CC2 Hall, CC2 Cherrington, CC2 Russell and Inmate Pullman. The following is recommended:

1. Demote to Medium custody.
2. Cancel target for MI1 custody.
3. Cancel referral to Seattle Work Release.
4. Participate in crime-related programming as directed.
5. Transfer to CBCC.
6. Deny Earned Time for the month of April 2005.

FRMT Chair: Gregory Stewart, CUS

Date: *4-28-05* *Gregory Stewart, CC3* Date:

Offender Comments:

Pullman was present and understands the recommendations of the FRMT. He would like to remain at CCCC and be placed on a behavior contract since he "has never been in trouble before."

Offender DOC # 845002	Offender Name: PULLMAN, Jay
Don 20-402 (Rev. 08/14/03)	2 of 3

Reviewer	<input checked="" type="checkbox"/> CONCUR	<input type="checkbox"/> DO NOT CONCUR
Comments and Recommendations:		
Reviewer/Chair: Georgia Harvey, CPM	<i>Cy Stat for CPM</i>	
Date:		
Superintendent/Designee	<input checked="" type="checkbox"/> CONCUR	<input type="checkbox"/> DO NOT CONCUR
Comments/Decisions:		
Superintendent/Designee: Dan Pacholke, Superintendent	<i>for [Signature]</i>	
Date:		
Headquarters Decisions:		
		Date:

DISTRIBUTION:

Upon Completion of Headquarters Action, Return to:

Offender DOC # 845002	Offender Name: PULLMAN, Jay
Don 20-402 (Rev. 08/14/03)	3 of 3

ATTACHMENT D

RECEIVED

MAR 04 2006



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

CBCC RECORDS OFFICE

FACILITY PLAN

Offender Information

Offender Name (last, first, middle initial, suffix): PULLMAN, JAY R.				DOC Number: 845002	Offender Status: Active inmate
DOB: 04/15/1974	Time Start: 03/16/2004	(P)ERD: 10/13/2006	Maximum Exp Date: 10/09/2007	Mandatory Exp. Date:	Current Custody: MED
LSI-R Score 41	RMI Level: RMC	SMIO: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	RMIT Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Comm Custody/Placement Yes <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Community Custody Range: From: 9 To: 12 months
ISRB: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	SRA 10-day Release Status: Eligible	End of Sentence Review Screening Completed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Special Sentence Alternative: Select one:	
Detainer / Warrant: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If "Yes", please list:				

Purpose of Report

Purpose of Report:	<input type="checkbox"/> Intake (P) Facility Plan	<input type="checkbox"/> HCSC
<input type="checkbox"/> Board Report	<input type="checkbox"/> Scan Only	<input type="checkbox"/> Override
<input checked="" type="checkbox"/> Plan Change (P) Review	<input type="checkbox"/> Extraordinary Medical Placement	<input type="checkbox"/> Map
<input type="checkbox"/> Time Exceeds 6 years	<input type="checkbox"/> Other (Specify):	
Prepared By: C. Palmer, CCII	Referral Location: CBCC/MSC	Date: 02/03/06

Offender Community Support

Anticipated Release Address: 11506 Stone Avenue N. Apt. #E102, Seattle, WA 98133 Phone Number 206-363-6844	Residence Sponsor: Janice Spivey Relationship to Offender: Aunt
--	--

Additional Individuals in the Home

Name: (last, first, MI)	Adult / Minor	Relationship to Offender:
Has the sponsor or others residing in the home been a victim of the offender? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

Programs

Basic Skills	Narrative: Inmate Pullman has a verified GED. There are no further basic skills requirements.
Job/Work	Narrative: Inmate Pullman is currently not working. He is expected to obtain and maintain a work program as required and approved by Policy.
Offender Change	Narrative: Inmate Pullman is not currently enrolled in any offender change programming. He may be referred to offender change programs as indicated by his behavior, risk assessment or other documented needs.

Offender DOC # 845002	Offender Name: PULLMAN, JAY R.
Don 20-402 (Rev. 03/04/03)	1 of 3

Vocational	Narrative: Inmate Pullman is currently programming in Information Technology, and Mathematics. He may be referred to an appropriate vocational program as determined by the FRMT.
------------	---

Additional Offender Classification Expectations

Expectations: Compliance with court imposed conditions	Frequency: Ongoing	Due Date:
Narrative:		
Expectations: Chemical Dependency Evaluation	Frequency: As available	Due Date:
Narrative: Must participate in substance abuse evaluation/treatment if recommended.		
Expectations:	Frequency: As Available	Due Date:
Narrative:		
Expectations: Select one:	Frequency: Select one:	Due Date:
Narrative:		
Expectations: Select one:	Frequency: Select one:	Due Date:
Narrative:		
Expectations: Select one:	Frequency: Select one:	Due Date:
Narrative:		

Targeted Custody/Placement

Target Date	Targeted Custody	Targeted Placement (if applicable)	Inmate Preferred Location:	Comments
04/13/06	MI1	700-Work Release		Target date set six-months from ERD of 10/13/06.
	Select one:	Select one:		

Current Classification Action

Counselor Comments and Recommendations: Inmate Pullman arrived at CBCC on 05/04/05 from CCCC as a custody demotion due to WAC violation 505-fighting on 06/04/05 and 740-fraud on 06/30/05. He has a current custody review score of 57 points, minimum custody. He has received one infraction since his arrival at CBCC a 657 on 01/06/06 for four general infractions however this has not affected his custody review score. 5990 has been addressed. The counselor recommendations are as follows:

1. Assign MIP custody.
2. Transfer to A03/Camp facility.
3. Validate earn time from 05/01/05 to 02/01/06.
4. Target recommendations listed above.

Counselor: C. Palmer, CCII *C. Palmer* Date: 02/03/06

Offender DOC # 845002	Offender Name: PULLMAN, JAY R.
Don 20-402 (Rev. 03/04/03)	2 of 3

Facility Risk Management Team

CONCUR DO NOT CONCUR

Comments and Recommendations: On 02/10/06 the FRMT met to review the facility plan developed by Counselor Palmer. Inmate Pullman was provided with Notice of Meeting. The FRMT concurs with the Counselor recommendations listed above.

FRMT: C. Palmer CCII;

FRMT Chair: K. Bowen, CUS



Date: 02/10/06

Offender Comments: Inmate Pullman stated the report was accurate. He added that he prefers to go to CCCC.

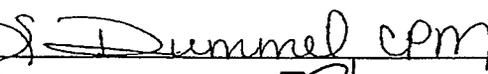
Date: 02/10/06

Reviewer

CONCUR DO NOT CONCUR

Comments and Recommendations:

Reviewer/Chair:



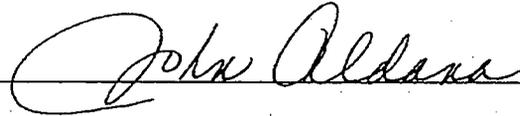
Date: 2/22/06

Superintendent/Designee

CONCUR DO NOT CONCUR

Comments/Decisions:

Superintendent/Designee:



2/23/06

Date:

Headquarters Decisions:

Date:

DISTRIBUTION:

Upon Completion of Headquarters Action, Return to:

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, REW 42.17, and RCW 40.14.

Offender DOC #
845002

Offender Name:
PULLMAN, JAY R.

ATTACHMENT E



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
OLYMPIC CORRECTIONS CENTER
11235 Hoh Mainline • Forks, Washington 98331

April 13, 2006

TO: Jay Pullman, DOC #845002
FROM:  Karen Brunson, Superintendent
SUBJECT: **DENIAL 5990**

I have received your letter and reviewed the documentation. Unfortunately, an error was made in the calculation of your custody level giving the impression that you were R.M.C. status when in fact, you were R.M.B. The current documentation has been audited by the headquarters team and found to be correct. I have spoken to the unit CUS who will work to provide you with work release given the new classification.

I encourage you to work closely with your counselor when you have questions or concerns.

KDB:dd

"Working Together for SAFE Communities"

ATTACHMENT F



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

July 11, 2006

Mr. Jay R. Pullman, DOC#845002
Stafford Creek Correctional Center
191 Constantine Way
Aberdeen, WA 98520

Re: ESSB 5990 Decision and Risk Assessment

Dear Mr. Pullman,

Thank you for your correspondence sent to the Department of Corrections, Headquarters, on 7/09/2006. The 5990 eligibility decision is considered a classification action and is only appealed through the institutional superintendent which it appears based on your correspondence you have already pursued. Once the superintendent responds to your appeal, the action is final. Headquarters does not review the decision. You also have the right to review any information in your offender file which was used in the risk assessment process, except for the risk assessment instrument itself. To review your file, you must make a written request to the Records Manager at the institution in which you are located. You may review DOC policy #280.510 "Public Disclosure of Records", and submit your written request on form #DOC 05-066 or a written letter of correspondence to the Records office.

The ESSB 5990 legislation requires that the department review the criminal history of offenders and determine if the offender is eligible to be awarded the 50% earned time credit and/or supervision closure based on past or current criminal convictions. If no criminal convictions exist that exclude the offender from 5990 considerations, the next step is to complete a risk assessment. That risk assessment (LSI-R/RMI) is designed to place offenders in one of four risk categories (RMA, RMB, RMC, or RMD). The offender is excluded from 5990 eligibility if placed in one of the two higher risk categories (RMA/RMB). The 50% earned time and supervision closure is awarded to those offenders placed in one of two lower risk categories (RMC/RMD).

Your current risk assessment is based on all information available to the assessor at the time of the review. The risk assessment is based on all criminal convictions and behaviors (past and present), community circumstances prior to your most recent incarceration and some circumstances during incarceration. The risk management level is used to assure that those individuals who pose an elevated risk in the community are not released inappropriately, as well as ensure those offenders receive community services after release. Your risk assessment score changed from 40 (risk assessment completed on 4/4/2005) to 41 (risk assessment completed on 2/3/2006). The Level of Service Inventory-

"Working Together for SAFE Communities"

Revised (LSI-R) score changed from 40 to 41 and the Risk Management Identification (RMI) designation was reassessed from RMC to RMB, which excludes your case from being awarded the 50% earned time credit.

At the time the risk assessment was reviewed by your classification counselor on 2/3/2006 you had incurred several events that impacted your risk assessment scoring. The change in the risk assessment score is based on your behaviors while incarcerated and events that occurred after the 4/4/2005 risk assessment. The one item which was changed to increase the risk assessment score is based on the following:

- Offender Based Tracking System (OBTS) indicates guilty findings of four (4) serious major infractions:
 1. 4/21/20056 WAC #557 Refusing to Program
 2. 6/4/2005 WAC 505 Fighting
 3. 6/30/2006 WAC 740 Fraud
 4. 1/6/2006 WAC 657 Four or more general infraction within a 6-month period of time.

Per DOC policy #320.400 Risk Assessment Process; the Counselor/Facility CCO will complete an LSI-R/RMI reassessment to correct any scoring inaccuracies identified during review of the most recent LSI-R/RMI assessment within 30 days of arrival at a new facility/placement; if new or additional conviction or behavioral information not previously considered in the risk assessment process is discovered; when an event occurs that demonstrates an increase in risk-related behaviors.

With a score of 41 it is certain that you have a number of dynamic risk/need factors that need your attention so that you can increase your chances for success in the community and avoid further incarceration. With a release date of 5/21/2007, I am hopeful that you will spend some of that time developing a transition plan that addresses/reduces your risk/need factors and ensures the safety of any community in which you choose to reside.

Sincerely,



Kevin Mauss
Correctional Program Manager
Department of Corrections

cc: Offender Central File
Cindy Tully, Classification Counselor
Jayme Rudloff, Correctional Unit Supervisor
Kathy Reninger, Correctional Program Manager
Arrel Dayton, Records Manager

ATTACHMENT G

P//N 1 845002

03/16/05 07.45.07

IISO005

RELEASE DATE CALCULATION

PAGE 001

DOC NO: 845002 NME: PULLMAN, JAY R.

STA MAX: 10/09/09 STATUS: ACTIVE

COMMITMENT: "AA" COMM.STATUS: EXPIRED

	"AA"	"AA-AA"
TIME START DATE-----*	03/16/2004	
+ MAX (0Y 9M 0D)	274	
- CREDIT TIME SERVED	27	
+ OUT-TIME + WICKERT	234	
+ CCI OUT/PAR ABSC TIME	0	
MAXIMUM EXPIRATION DATE---*	07/10/2005	
+ MIN (0Y 9M 0D)	274	
- CREDIT TIME SERVED(SRA)	27	
- GOOD TIME (JAIL)	0	
+ OUT-TIME + WICKERT	234	50%
MINIMUM EXPIRATION DATE---*	07/10/2005	
+ MAND (0Y 0M 0D)	0000000	
- CREDIT TIME SERVED	0	
+ OUT-TIME + WICKERT	0	
- EARNED RELEASE	0	
MANDATORY EXPIR. DATE-----*	00/00/0000	
TIME SERVED TO-DATE	151	
MINIMUM EXPIR. DATE-----*	07/10/2005	
GCT CERT. & ADDR.	0	0
GCT CERT. ONLY	0	0
+ GCT DENIED & ADDR.	0	0
+ GCT NOT CERTIFIED	0	0
FUTURE/UNCERT.GCT	82	82
ET I & II	19.17	19.17
+ ET NOT EARNED	0.00	0.00
FUTURE ET	22.00	22.00
EARNED RELEASE DATE-----*	03/09/2005	
ADJ. EARNED RELEASE-----*	03/09/2005	
EARLY POSS. REL. DATE-----*	03/09/2005	
ADJ. EARLY POSS. REL-----*	03/09/2005	
TIME REMAINING TO SERVE	0	
SANCTION ADMIT DATE-----*		
SANCTION RELEASE DATE-----*		

adjusted for 5990

P//N 1 845002

03/16/05 07.45.07

IISO005

RELEASE DATE CALCULATION

PAGE 002

DOC NO: 845002 NME: PULLMAN, JAY R.

STA MAX: 10/18/24 STATUS: ACTIVE

COMMITMENT: "AB" COMM.STATUS: ACTIVE

CONCURRENT TO "AA"

DOSA-2

"AB"

"AB"

"AA-AB"

TIME START DATE-----* 03/16/2004

TIME SERVED TO-DATE 158

+ MAX (2Y11M21D) 1086

MINIMUM EXPIR. DATE-----* 09/30/2007

- CREDIT TIME SERVED 18

GCT CERT. & ADDR. 0 0

+ OUT-TIME + WICKERT 234

GCT CERT. ONLY 0 0

+ CCI OUT/PAR ABSC TIME 0

+ GCT DENIED & ADDR. 0 0

MAXIMUM EXPIRATION DATE--* 10/09/2007

+ GCT NOT CERTIFIED 0 0

+ MIN (2Y11M21D) 1086

FUTURE/UNCERT.GCT 353 435

- CREDIT TIME SERVED(SRA) 18

ET I & II 19.17 38.34

- GOOD TIME (JAIL) 9

+ ET NOT EARNED 0.00 0.00

+ OUT-TIME + WICKERT 234 50%

FUTURE ET 157.33 179.33

MINIMUM EXPIRATION DATE--* 09/30/2007

EARNED RELEASE DATE-----* 04/18/2006

+ MAND (OY OM OD) 0000000

ADJ. EARNED RELEASE-----* 04/18/2006

- CREDIT TIME SERVED 0

EARLY POSS. REL. DATE-----* 04/18/2006

+ OUT-TIME + WICKERT 0

ADJ. EARLY POSS. REL-----* 04/18/2006

- EARNED RELEASE 0

TIME REMAINING TO SERVE 398

MANDATORY EXPIR. DATE-----* 00/00/0000

SANCTION ADMIT DATE-----*

SANCTION RELEASE DATE-----*

adjusted for 5990

P//1 1 845002

03/16/05 07.45.07

IISO005

RELEASE DATE CALCULATION

PAGE 003

DOC NO: 845002 NME: PULLMAN, JAY R. STA MAX: 04/19/24 STATUS: ACTIVE

COMMITMENT: "AC" COMM.STATUS: FUTURE CONSECUTIVE TO "AB"

DOSA=2 "AC" "AC" "AA-AC"

TIME START DATE-----*	04/18/2006	TIME SERVED TO-DATE	0
+ MAX (1Y 8M 0D)	608	MINIMUM EXPIR. DATE-----*	12/30/2006
- CREDIT TIME SERVED	235	GCT CERT. & ADDR.	0 0
+ OUT-TIME + WICKERT	0	GCT CERT. ONLY	0 0
+ CCI OUT/PAR ABSC TIME	0	+ GCT DENIED & ADDR.	0 0
MAXIMUM EXPIRATION DATE--*	04/26/2007	+ GCT NOT CERTIFIED	0 0
		FUTURE/UNCERT.GCT	85 520
+ MIN (1Y 8M 0D)	608	ET I & II	0.00 38.34
- CREDIT TIME SERVED(SRA)	235	+ ET NOT EARNED	0.00 0.00
- GOOD TIME (JAIL)	117	FUTURE ET	42.67 222.00
+ OUT-TIME + WICKERT	0 50%	EARNED RELEASE DATE-----*	08/24/2006
MINIMUM EXPIRATION DATE--*	12/30/2006	ADJ. EARNED RELEASE-----*	08/24/2006
		EARLY POSS. REL. DATE-----*	08/24/2006
+ MAND (0Y 0M 0D)	0000000	ADJ. EARLY POSS. REL-----*	08/24/2006
- CREDIT TIME SERVED	0	TIME REMAINING TO SERVE	480
+ OUT-TIME + WICKERT	0		
- EARNED RELEASE	0	SANCTION ADMIT DATE-----*	
MANDATORY EXPIR. DATE-----*	00/00/0000	SANCTION RELEASE DATE-----*	

adjusted for 5990

APPENDIX D

**COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JAY PULLMAN,

Petitioner.

DECLARATION OF
MARJORIE OWENS

I, MARJORIE OWENS, make the following declaration:

1. I am employed by the Washington State Department of Corrections (DOC) as the Policy Program Manager. In that capacity, my staff and I are responsible for responding to requests for specific policies promulgated by the Department of Corrections.

2. A true and correct copy of the Policy regarding the Risk Assessment Process, DOC 320.400, effective April 30, 2007, is attached to this Declaration as Attachment A.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 19th day of July, 2007, at Olympia, Washington.


MARJORIE OWENS

ATTACHMENT A



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
**PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL**

REVISION DATE
4/30/07

PAGE NUMBER
1 of 11

NUMBER
DOC 320.400

POLICY

TITLE

RISK ASSESSMENT PROCESS

REVIEW/REVISION HISTORY:

Effective: 9/1/93
 Revised: 8/1/99
 Revised: 6/26/02
 Revised: 4/15/03
 Revised: 9/19/05
 Revised: 12/10/06
 Revised: 4/30/07

SUMMARY OF REVISION/REVIEW:

Adjusted language to in Policy I. and II.; and Directive I.C.1.b., and II.B.1. to clarify intent and compliance with ACA

APPROVED:

3/16/07

HAROLD W. CLARKE, Secretary
Department of Corrections

Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON/WORK RELEASE/FIELD OFFENDER MANUAL		
	REVISION DATE 4/30/07	PAGE NUMBER 2 of 11	NUMBER DOC 320.400
	TITLE RISK ASSESSMENT PROCESS		

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; ACA 2A-07; ACA 5A-01; ACA 2A-01PP; ACA 2A-02PP; ACA 2A-03PP; ACA 2D-01PP; ACA 2D-13PP; DOC 300.380 Classification and Plan Review; DOC 310.100 Intake; DOC 320.420 Offender Accountability Plans

POLICY:

- I. The Department will manage offenders using a risk management system. Offender risk and changes in offender risk will be measured using objective assessment tools. The classification process identifies offender program needs and level of supervision. [2A-01]
- II. [2D-01PP] The Department will use the Level of Service Inventory-Revised (LSI-R) as the primary, standardized, validated instrument to assess offender needs and risk for re-offense, and the Risk Management Identification (RMI) Criteria (Attachment 1) to identify potential for future harm. [2A-02PP] Assessment tools will be used to identify dynamic risk factors that may be targets for intervention, determine supervision levels, measure offender change, and establish the foundation for supervision practices.

DIRECTIVE:

- I. Assessment
 - A. The LSI-R and RMI criteria will be the primary risk assessment tools to establish risk classification. [2A-02PP]
 1. The LSI-R/RMI assessments will be completed on every offender, and will be documented on the Offender Management Network Information (OMNI) LSI-R/RMI applications. [2A-07] [2A-02PP]
 - a. When staff are doing a risk assessment, the Counselor/Community Corrections Officer (CCO) will ask the offender if s/he is currently subject to court ordered services for mental health or chemical dependency.
 - 1) The offender must sign DOC 14-029 Criminal Justice System/Multi-Party Authorization for Release of Information. Offenders who refuse to sign the form may be processed as a violator by the Counselor/CCO.
 2. Eighteen months prior to the offender's Earned Release Date (ERD), the Counselor/ facility CCO will send DOC 13-409 High Needs B Assessment to the medical practitioner or mental health provider to identify medical or



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mental health needs that may meet the High Need Risk Management (RM)B criteria.

a. When the form is completed by the medical practitioner or mental health provider and returned to the Counselor/facility CCO, the counselor/facility CCO will document in OMNI RMI:

- 1) Designation of High Needs B,
- 2) Practitioner or provider who authorized the designation, and
- 3) A summary of the reason for the High Needs B designation.

b. The Counselor/facility CCO will ensure a copy of the form is sent to the Records Manager for placement in the central file.

3. If information is available or behavior is observed by the Field CCO that may indicate a need for mental health services, the CCO will refer the offender for an evaluation from a community mental health provider.

a. If the results of the evaluation indicate a high need for services, the CCO will document in OMNI RMI and contact the Community Re-entry Specialist for further medical and/or mental health assistance.

B. Facility Assessment

1. If the LSI-R/RMI has been completed as a component of the Pre-Sentence Investigation or Risk Assessment Report for the current conviction, no LSI-R/RMI assessment/reassessment is required unless new information is discovered or new events have occurred.

2. [2A-07] The Reception Diagnostic Center Counselor will complete the LSI-R/RMI assessment/reassessment for all offenders within available resources.

3. The Counselor/facility CCO will administer the LSI-R/RMI assessment or reassessment on all offenders committed to prison within 30 days of arrival at the initial placement, if one was not completed at the Reception Diagnostic Center for the current admission or as part of a Pre-Sentence Investigation or Risk Assessment Report for the current offense. [2A-07]

4. Youthful offenders committed as adults will be assessed using the LSI-R/RMI after turning age 16.

5. The LSI-R/RMI risk assessments will be based on behaviors and circumstances that occurred in the community prior to incarceration and



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any behaviors that occurred during confinement, past and present, that demonstrate increased risk.

C. Field Assessment

1. CCOs will complete the LSI-R/RMI assessment as a component of:
 - a. The Pre-Sentence Investigation or the Risk Assessment Report if requested by the court, or
 - b. The supervision intake process that identifies the supervision classification level that is completed within 30 days of receipt of the case. [2A-03PP]

II. Reassessments

A. Prison Reassessments

1. [5A-01] The Counselor/facility CCO will complete an LSI-R/RMI reassessment:
 - a. To correct any scoring or information inaccuracies identified during review of the most recent LSI-R/RMI assessment within 30 days of arrival at a new facility/placement.
 - b. If new or additional conviction or behavioral information not previously documented or considered in the risk assessment process is discovered.
 - c. When an event occurs that demonstrates an increase in risk-related behaviors that may include, but are not limited, to infractions.

B. [2A-02PP] Field Reassessments

1. CCOs will promptly complete the LSI-R/RMI reassessment for offenders at all classification levels, as deemed necessary by the CCO and/or his/her supervisor, as events occur during the supervision of the offender. [2A-07PP] This will be documented on the OMNI LSI-R/RMI application. [2A-03PP] Events are defined, at a minimum, as:
 - a. Prior to requesting an override.
 - b. When the offender no longer meets the current RMI designation criteria (i.e., 6 months of sexual deviancy treatment completed in the community, imminent threat no longer present, sex offender community notification level changes, etc.).



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c. When significant events occur that increase or decrease an offender's risk in the community. Significant events include, but are not limited to:

- 1) New violent offense behavior and/or new convictions,
- 2) Violations related to offender criminal behavior pattern,
- 3) Program completion or termination related to targeted risk factors (e.g., sexual deviancy, chemical dependency, domestic violence/batterers, cognitive change programs, etc.),
- 4) Victim access, behavior, or threats directed toward previous victims or potential victims, and
- 5) Life changes that increase or decrease risk (e.g., employment status change, family/marital changes, access to negative/pro-social companions, mental health diagnosis, change of residence, change of supervision location) if those changes could result in a classification change.

2. In the absence of an event, CCOs will complete the LSI-R/RMI reassessment for all RMA and RMB offenders at least every 6 months.
[2A-07PP] [2D-13PP]

C. Reassessments will include an update of the criminal history narrative sections of the OMNI LSI-R.

III. Verification Requirements

A. For the purpose of assessment, documented history means data obtained through a records check, information obtained by the Department from official sources, collateral contacts, and the offender's self report.

1. The initial LSI-R/RMI risk assessment will be done with the offender's participation. [2A-02PP]

a. If an offender refuses or is unable to participate, Counselors and CCOs will complete the assessment by:

- 1) Reviewing all available criminal history sources,
- 2) Reviewing all available file materials,
- 3) Using collateral contacts, and

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4) Documenting the refusal and sources used to obtain/verify information in the LSI-R Criminal History narrative.

B. The Counselor/CCO will use multiple sources whenever possible to verify the information provided by the offender to enhance the reliability and validity of the LSI-R/RMI assessment. The results of a risk assessment will not be based on unconfirmed or unconfirmable allegations.

1. Sources for verification include:

- a. Judgment and Sentence,
- b. National Crime Information Center (NCIC), Federal Bureau of Investigation (FBI), Washington Crime Information Center (WACIC),
- c. Superior Court Operations Management Information System (SCOMIS),
- d. District Court Information System (DISCIS),
- e. County Prosecuting Attorney's Statement, and
- f. Department files (i.e., electronic and hardcopy)

2. Additional sources for verification may include:

- a. County Department of Adult Detention,
- b. Department of Social and Health Services (DSHS) – Child Protective Services (CPS), Adult Protective Services (APS), Developmental Disabilities Division (DDD),
- c. Washington State Juvenile Rehabilitation Administration (JRA),
- d. Collateral contacts,
- e. Victim Impact Statement and/or other victim information, and
- f. Other states' criminal history information resources.

IV. Documenting LSI-R/RMI Assessment/Reassessment

A. The Counselor/CCO will document criminal history information in the LSI-R Criminal History subcomponent narrative on DOC 12-024 LSI-R Criminal History Narrative.

1. Criminal History narrative information will include:

- a. All convictions by date in descending chronological order from most recent date of offense to earliest date of offense. Include date of offense and crime title. Include cause number, sentence date, and disposition, if known.



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- 1) For multiple non-violent misdemeanor and criminal traffic convictions, group like-offenses with start and end dates listed by most recent offense (i.e., "05/17/97 back to 01/02/90, P had 7 DWLS 3rd Degree convictions").
 - b. A behavioral description for the current offense for any convictions on the Felony Index of Violent and Serious Violent Offenses and any conviction that is felony and misdemeanor domestic violence related.
 - 1) Behavioral descriptions include where, when, with whom, and to whom offenses occurred, and the role of accomplices, if any. Include whether the offense was planned or impulsive, if weapons were used, if the offender was under the influence of alcohol or drugs at the time of the offense, etc.
 - 2) Indicate whether behavioral descriptions are from official documents or offender self-report.
 - c. For sex offenses, how the victim was selected, relationship with the victim, and age of victim and description of harm, if applicable.
 - d. Any escape behaviors, unless previously included in the criminal history conviction record.
 - e. Brief summary of any violent, sex and/or crime-related incidents of misconduct occurring in prison, jail, or detention center, adult or juvenile.
 - f. Brief summary of any violent, sex, and/or crime-related community violations occurring while on any type of supervision, adult or juvenile.
2. Upon completion of the LSI-R/RMI assessment/reassessment, the Counselor/facility CCO will complete a DT07 RA (PRISON RA COMPL) coded entry.
 3. The Counselor/CCO will update the LSI-R Criminal History narrative of the OMNI LSI-R during reassessment with any new information related to additional past or present criminal convictions and/or behaviors not previously documented.

V. Risk Management Level Reclassification



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- A. Reclassification means a change in RMI classification. Reclassification can occur through reassessment or through the field override process.
1. Only RMA offenders who meet the following criteria can be reclassified through reassessment:
 - a. Have an LSI-R score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state.
 - b. Are considered an Imminent Threat.
 - 1) Cases designated as Imminent Threat during confinement in jail or prison are not to be reclassified while the offender is still in confinement, unless the victim of the threat dies or moves out of the state.
 - 2) The Imminent Threat designation may be considered for reclassification after the offender returns to the community following confinement if the offender is free of Imminent Threat behaviors and the offender has been compliant with all risk related supervision conditions for at least 12 months.
 - 3) Removing Imminent Threat must be a Risk Management Team decision which, at a minimum, must include the CCO/Re-entry Specialist (RES) and the Community Victim Liaison as well as any treatment providers working with the offender.
 - a) If the decision is to remove the Imminent Threat classification, the CCO will complete a reassessment of the OMNI RMI scoring.
 - b) If necessary, the Headquarters Victim Services Program Manager may be consulted.
 2. A reclassification of an RMA offender will require supervisory review.
 3. Offenders classified other than those with a score of 41 or higher and a violent offense or Imminent Threat must remain RMA. These offenders cannot be reclassified through the period of community supervision unless extenuating circumstances exist to warrant an override or the offender meets the classification reduction override criteria.



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4. Offenders classified RMB because they are Level II sex offenders cannot be reclassified downward.
 5. Offenders classified RMB because they are under the jurisdiction of the Indeterminate Sentencing Review Board (ISRB) cannot be reclassified downward.
 6. Field offenders classified RMC because they are Level I sex offenders for a current sex offense cannot be reclassified downward through the period of community supervision.
 7. All offenders incarcerated for a current sex offense will be classified no lower than RMB and will not be reassessed to a lower risk management level until released and compliant to community supervision requirements for at least a 6 month period; including sexual deviancy treatment, if ordered.
 8. Cases designated during incarceration as RMB due to a high need will not be reassessed to a lower risk management level until release, community transition has occurred, and the CCO has verified with the treatment provider that ongoing services are no longer necessary.
 9. Offenders classified RMC because they are a Drug Offender Sentencing Alternative (DOSA) case cannot be reclassified downward through the period of community supervision, unless their DOSA is revoked and they are subsequently released.
 10. RMD offenders in the community will only be reassessed when a disciplinary hearing has been completed or information is received that suggests an increased risk to the community, past victims, or potential victims. Reclassification of an RMD offender requires supervisory approval.
- B. Risk Management Level Overrides
1. Risk Management overrides will occur only in the field.
 2. An offender's risk management level may be overridden up or down when an aggravating or mitigating factor exists that was not taken into account by the RMI criteria.
 - a. Only DOSA and sex offenders will remain supervised at the RMC classification level. Upon completion of intake, classification, and



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any treatment referrals all other RMC offenders will be overridden to RMD.

- 1) Community service referrals will be completed prior to RMD override and transfer to the appropriate caseload.
 - 2) Non-DOSA and non-sex offense RMC offenders remain at the RMC classification level until court-ordered referral(s) has been made.
 - 3) Non-DOSA and non-sex offense RMC offenders with no treatment conditions and no community service will immediately be overridden to RMD.
- b. Offenders overridden to RMD will remain RMD unless violation behavior results in reclassification to RMA or RMB.
 - c. Only DOSA and sex offenders may be overridden from RMA and RMB to RMC. All other offenders who would be overridden to RMC will instead be overridden to RMD.
 - d. Eligible RMA and RMB offenders who have been violation free for 70 percent of their supervision or the low end of the community custody range, which is non-broken consecutive, not accumulative time between violations, whichever is greater will be overridden to RMD.
 - 1) Not all RMA or RMB offenders are eligible for consideration for this override. Offenders who are not eligible for an override to RMD are:
 - a) Sex offenders and felony or misdemeanor offenses with a finding of sexual intent,
 - b) DOSA offenders,
 - c) Insanity acquittal offenders,
 - d) Offenders on supervised appeals,
 - e) Dangerously Mentally Ill Offenders (DMIO),
 - f) Cases on Least Restrictive Alternatives, and
 - g) Offenders in violation of supervision conditions or a violation of any targeted risk factor for which a condition has been imposed resulting in a stipulated agreement; agreed sanction; or a hearing resulting in a guilty finding, except the disposition for non-payment of Legal Financial Obligations.



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- 2) Offenders with a violation that results in no action taken or if the deposition is a verbal and/or written reprimand are eligible for an override to RMD.
 - a) Overrides will be entered and approved using the OMNI LSI-R/RMI application. Approval and rationale for the override will be documented on the OMNI RMI Override Justification Narrative.
 - b) Overrides for RMA and RMB to a lower classification require Field Administrator approval, through the Community Corrections Supervisor (CCS). All other overrides require CCS approval.
 - c) Documented rationale for community cases will be forwarded to the CCS and/or Field Administrator.
- 3) All reviews and actions will be entered on DT37 chrono using the CRI chrono code.

VI. Risk Assessment Quality Assurance

- A. The Headquarters Case Management/Risk Assessment Program Manager will oversee quality assurance of a random selection of risk assessments for those cases determined to be eligible for ESSB 5990 legislation considerations.
- B. If a reassessment changes a prison offender's eligibility for ESSB 5990 (i.e., 50 percent Earned Release Time), the case will be referred to the Headquarters Case Management/ Program Manager for review.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

Risk Management Identification (RMI) Criteria (Attachment 1)

DOC FORMS:

- DOC 12-024 LSI-R Criminal History Narrative
- DOC 13-409 High Needs B Assessment
- DOC 14-029 Criminal Justice System/Multi-Party Authorization for Release of Information

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management A (RMA)

- I. Offenders will be assigned RMA if they meet one or more of the following criteria:
 - A. Have a Level of Service Inventory-Revised (LSI-R) score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state.
 - B. Are Level III sex offenders.
 - C. Have been designated as a Dangerous Mentally III Offender (DMIO) by the Statewide Multi-Service Review Committee.
 - D. Through documented history, meet any of the following:
 1. Have committed a sexual assault/violent act involving victim who was unknown to the offender.
 2. The offender has committed 2 or more aggressive acts, separated by time and/or location, which did not result in physical injury, but included threats of violence and/or threats with a weapon against victims unknown to the offender.
 3. Have committed a predatory act of sexual assault/violence directed toward an individual(s) with whom a relationship has been established or promoted for the primary purpose of victimization.
 4. Have committed a sexual assault/violent act where the victim was vulnerable due to age (i.e., 5 years or younger) or visible physical or mental disability.
 5. Have committed hate crimes:
 - a. Have committed a violent act or made threat(s) of violence against a person, group, or institution which was motivated in whole or in part by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.
 - b. Are a member of an organization whose primary purpose is to promote animosity, hostility, and/or malice, motivated in whole or in part by the organization's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; and have played a primary role in planning activities for the organization that has resulted in violence.
 6. Are considered an Imminent Threat:
 - a. Are exhibiting behavior demonstrating a current threat to past or potential victim(s) including, but not limited to, domestic violence or sexual acts.

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

- b. Have a current conviction for domestic violence and/or sexual assault behavior and continue to pursue a relationship with the victim, with or without the victim's consent.

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management B (RMB)

- I. Offenders who do not meet the criteria to be assigned to RMA will be assigned RMB if they meet one or more of the following criteria:
 - A. Have an LSI-R score of 41 or over, without a conviction on the Felony Index of Violent and/or Serious Violent Offenses or comparable offense not in OBTS/OMNI.
 - B. Have an LSI-R score of 32 to 40, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses or comparable conviction from another state.
 - C. Are under the jurisdiction of the Indeterminate Sentence Review Board (ISRB).
 - D. Are Level II sex offenders.
 - E. Are Level I sex offenders who have been ordered to obtain an evaluation/ participate in sexual deviancy treatment and are not in treatment, or are out of compliance with the treatment requirements and/or risk related condition(s) of the Offender Supervision Plan.
 - F. Are currently incarcerated for a sex offense in a Washington State Prison.
 - G. Are currently sentenced under the Special Sex Offender Sentencing Alternative (SSOSA) and, since their most recent sexual offense, have been participating in sexual deviancy treatment in the community for less than 6 months.
 - H. Have been identified and documented, by a qualified service provider, as having a high level of needs requiring ongoing services in order to transition to, or be maintained in, the community. This includes all offenders currently supervised on insanity acquittals and may include other seriously mentally or physically ill and developmentally disabled offenders.
 - I. Have a current domestic violence related offense and assessment of imminent threat has not yet been determined.
 - J. Have 2 or more domestic violence related arrests within the past 5 years, while living in the community, and meet all of the following criteria:
 1. Have an LSI-R score of 32 or higher,
 2. Have a childhood history of witnessing or being the victim of domestic violence,
 3. Have a history of alcohol and/or drug abuse, and
 4. Have any history of violence outside of a domestic relationship.

RISK MANAGEMENT IDENTIFICATION (RMI) CRITERIA

Criteria for Risk Management C (RMC)

- I. Offenders who do not meet the criteria to be assigned to RMA or RMB will be assigned to RMC if they meet one or more of the following criteria:
 - A. Have an LSI-R score of 24 to 40.
 - B. Are Level I sex offenders in compliance with the risk-related conditions of their Offender Supervision Plan, if any, and meet one of the following criteria:
 1. Were not ordered sexual deviancy treatment.
 2. Have provided written documentation from a certified sexual deviancy treatment provider that treatment is not deemed necessary.
 3. Are participating in sexual deviancy treatment with a certified sexual deviancy treatment provider, and have a minimum of 6 months of compliance to all sexual deviancy treatment conditions.
 4. Have a current SSOSA sentence and have been participating in sexual deviancy treatment, with a certified sexual deviancy treatment provider in the community, for a minimum of 6 months since their most recent sexual offense.
 5. Have successfully completed sexual deviancy treatment, with a certified sexual deviancy treatment provider, since their most recent sexual offense.
 6. Have 2 or more domestic violence related arrests within the past 5 years in the community and meet all of the following criteria:
 - a. Have a childhood history of witnessing or being the victim of domestic violence,
 - b. Have a history of alcohol and/or drug abuse, and
 - c. Have any history of violence outside of a domestic relationship.
 7. Are on supervision for Drug Offender Sentencing Alternative (DOSA) sentence.

Criteria for Risk Management D (RMD)

- I. Offenders with a LSI-R score of 0 to 23, who do not meet the criteria to be assigned to RMA, RMB, or RMC, will be assigned to RMD.
- II. Offenders who meet classification reduction incentive override criteria (i.e., 70 percent successful completion of supervision) will be assigned to RMD.