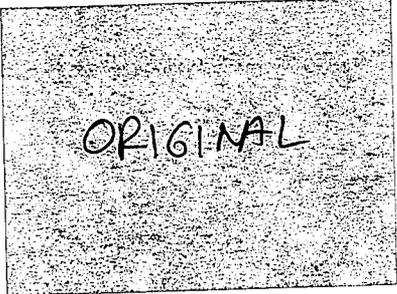


Washington Supreme Court No. 79872-9



IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint of:

RICHARD J. DYER,

Petitioner.

APPENDIX TO PERSONAL RESTRAINT PETITION

By:

David B. Zuckerman
Attorney for Petitioner
1300 Hoge Building
705 Second Avenue
Seattle, WA 98104
(206) 623-1595

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A. Excerpt of Presentence Report, 1982

By the time Dyer was six years old, the couple had separated. Dyer recalled nothing of his relationship with Mr. Messner. His mother remarried a second time to John Pasek when Dyer was approximately age eight. He stated this relationship lasted a few years and again, he recalled nothing of his relationship with his stepfather. Dyer denied ever having been physically or sexually abused as a child. He described his childhood as "normal" stating he suffered no ill effects from the lack of a father figure. He claimed to have always been close to his mother and able to discuss problems with her. He stated neither his mother nor any of his stepfathers were involved in alcohol or drug abuse to the best of his knowledge.

Dyer has four siblings, Dale, age 42, described as a quality control agent for a Seattle shipyard, William Dyer, age 40, disabled, Don Dyer, age 37, currently incarcerated at the Monroe State Reformatory, and Carol Waples, age 35, a bartender. Mrs. Naples described her brother's upbringing as rather chaotic, stating her mother was a divorced alcoholic who had to work two jobs to support the family. Consequently, she was out of the home alot, requiring Carol to be a surrogate mother to younger brother Richard. Both Richard and Carol indicated the three older brothers were initially raised by their father and the two were not even aware they had three older brothers until the three came to live with them when Richard was only six years of age. While the other three brothers were always in trouble, according to Mrs. Waples, Richard never experienced any difficulties in his youth. According to Mrs. Waples, her mother's alcoholism was never an issue that was discussed in the family, and although Mrs. Dyer was very strict with the children, she was described as non-abusive. When asked if she had an awareness of Richard's early sexual education, Mrs. Waples advised her mother was involved in various relationships with men she brought into the home. According to Mrs. Waples, her mother moved men friends in and out of the home at the rate of "more than one or two per year." Ms. Naples was not aware of the particular impact of Mrs. Dyer's socialization on Richard.

The criminal court file of Donald Dyer was reviewed for purposes of obtaining additional family background information only. In the Pre Sentence Investigation Report, Edward Dyer was described as having served in the Marine Corps and the Navy eventually working as a sandblaster or machinist at the Puget Sound Naval Shipyard. Donald Dyer blamed his parents divorce on his mother's alcoholism and infidelity. He described how he and the older children were often locked in an upstairs bedroom by their mother and sometimes left there for days at a time while his mother frequented local bars. He described his mother and her boyfriends as physically abusive, and claimed that the children's physical needs were often neglected. In a Court psychological report, Dyer described incest occurring between siblings. William O. Dyer has an extensive criminal record having first been convicted in this State in 1965 of Second Degree Burglary. He was determined to be an Habitual Criminal in 1978, but this later was set aside. He was also convicted of Possession of Stolen Property in 1979. Bill Dyer has been on active parole supervision since 12/80. Donald O. Dyer was sentenced to prison in 1979 for Incest and Third Degree Statutory Rape. Although he described close relationship with his sister,

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Pre Sentence
DYER, Richard J.
Kitsap 81-1-00398-1

Richard Dyer stated he has always tried to "veer away" from the rest of the family, claiming "the kind of people you hang around with are the kind of people you are."

According to Dyer, he attended West High School in Bremerton through the first quarter of the eleventh grade when he quit school to get married and join the Army. He stated school had always been a hardship for him from the very beginning after he flunked the first grade. He described himself as "not administratively smart" receiving bad grades but never incurring discipline problems. Dyer advised he obtained his GED while in the Army through Alaska University in 1976. He stated he has been involved in numerous training sessions as Olympic College through his employment. He reported no specific educational goals at this time.

Dyer advised he enlisted in the U. S. Army effective 6/26/67 receiving an honorable discharge effective 5/25/76. He stated he enlisted because it was a challenge and also because his girlfriend was pregnant and he needed to support her. He described his military involvement as a positive experience which taught him discipline. He reported two separate one year tours of duty in Viet Nam in which he was involved in combat. He was wounded on at least one occasion, but stated he has no bitterness regarding the experience. He stated he received one Article 15 in Viet Nam for deserting his weapon.

Dyer married his first wife, Janet Cutting, effective 6/26/67. The marriage ended in divorce effective 1972. According to Dyer, out of the five year marriage, he and his wife were together only two years due to his involvement in the military. As a result, he believes the marriage failed due to his non-involvement. He stated his wife needed alot of affection, did not receive it from him, and thus pursued it in other relationships. He denied ever having been physically abusive or experiencing sexual problems in the marriage. He also denied alcohol or drug abuse as a factor in the break up. A review of the civil court divorce file revealed a restraining order filed against Dyer effective 1/72. In the motion and affidavit for such order, Janet Dyer advised in the present and past, her husband had been physically violent towards her and she was fearful if he was not restrained he would cause her bodily harm. It was also noted he had threatened and taken steps to deprive her of custody of their child and was very upset at the dissolution of the marriage. According to Dyer, his first son, Richard James Dyer, Jr., age 14, was legally adopted by his ex-wife's new husband. Although the Court file reflects child support owing in the amount of \$70.00 per month, Dyer stated his son was adopted nine years ago and he has not seen him during that period of time, nor has he paid support.

Dyer married his second wife, Ethel Acord, effective 12/6/78. That marriage ended in divorce effective 3/31/81. Although the marriage went smoothly at first, Dyer stated problems began arising when Ethel began experiencing "the thirty year old blues" which caused her to want to "get out and see some life."

B. Overview Report by Richard Watson, Classification Counselor,
March 3, 1982.

OVERVIEW

I. INTRODUCTION

Richard J. Dyer #281744 is a 33 year old, white, male, Christian resident of the state of Washington who was born in Bremerton, Washington on 12-20-48. He has been committed to the Department of Corrections for Rape in the 1st degree Counts II, IV, and VII, Unlawful Imprisonment Count V and Burglary in the 1st degree Count VI, all under Kitsap County Cause #81-100398-1.

II. PRIOR INSTITUTIONAL ADJUSTMENT

Does not apply.

III. ESSENTIAL ADDENDA

See attached information.

IV. EVALUATIONS

Dyer comes across in the interview situation as a basically open and prosocial individual who is exceedingly manipulative, and capable of turning in a good story. He stated during the interview that he only victimized his wife, and that nobody else was involved. The records reflect that there were 2 other victims that were abducted and raped, using a great deal of brutality in each instance. I do not see Dyer as being a problem during his forthcoming period of confinement, and will probably do his best to go along with the rule and published procedures of the institution. He will undoubtedly serve an extensive minimum term, and for that reason could not be considered a good minimum custody risk.

V. RECOMMENDATIONS

Because of the above factors, this writer would recommend that Dyer be transferred to the McNeil Island Corrections Center, and that his programs consist of those recommended by the vocational counselor, in addition to a general maintenance assignment.

VI. ATTACHMENTS

Presentence Intake Form
Vocational Counselor's Report
Presentence Investigation Report
Inmate's Version

RCW

RICHARD C. WATSON
Classification Counselor III
Dictated: 3-3-82

C. Sex Offender Psychological Evaluation by Carson E. Carter,
September 26, 2001

I = R B
COPY

McNEIL ISLAND CORRECTIONS CENTER

Sex Offender Psychological Report

Dyer, Richard # 281744
Date of Birth: 12/20/48
Age: 52

Evaluator: Carson E. Carter, Licensed Mental Health Counselor
Evaluation Date: September, 21, 2001
Report Date: September 26, 2001
ERD: 02/19/2002

Sources of Information

Clinical Interview 09/19/2001
MMPI-2 09/21/2001
Criminal History Summary 01/08/90
Level of Service Inventory-Revised 07/19/2001,
Hare Psychopathy Checklist-Revised 09/19/2001
Minnesota Sex Offender Screening Tool-Revised 09/21/2001
Rapid Risk Assessment for Sexual Offense Recidivism 09/21/2001
Psychological Report: Gary J. Lauby, Ph.D., 06/16/98
Psychological Report: Helmut Riedel, Ph.D., 03/05/93
Presentence Investigation Report: 02/16/82
Offender Based Tracking System
Medical & Central Files
Indeterminate Sentence Review Board, 02/24/94

Purpose of Report

The intent of this report is to provide a comprehensive overview of Mr. Dyer to the End of Sentence Review Committee.

This is a psychological report providing information for DOC classification staff, community corrections officers, the Indeterminate Sentence Review Board, the End of Sentence Review Committee, and care providers within DOC who have a need to know. Disclosure and dissemination of this report shall be in accordance with RCW 70.02 and DOC Policy 640.020. It shall not be released to individuals outside DOC without the inmate's consent or unless otherwise authorized by law. The inmate was advised of the purpose of the evaluation and department policy regarding information practices. The inmate has signed a release sheet to release all relevant psychological material to any DOC personnel who have a need to make decisions concerning his disposition. The psychological scores that are included in this report can only be properly interpreted by a person who has been trained in the use of these instruments.

The inmate may request a copy of this report. An interpretative appointment will be scheduled upon request.

This health care information is expected to be used by classification and other staff who have a legitimate need to know it to effectively manage the inmate within the DOC. This report is replicated in the inmate health record.

Alerts to Correctional Unit Staff

None.

Alerts to Community Corrections Staff

This person should attend groups at a Veteran's Hospital to continue addressing his PTSD issues and he will require continued general practitioner follow-up to assist him with his physical problems.

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Criminal Behavior

Instant Offense: Mr. Dyer is presently incarcerated, after appeals, on two counts of rape in the first degree; the inmate received life for those offenses.

Criminal History: According to the files, Mr. Dyer has no criminal history prior to the offenses for which he has been serving time.

Social History

Family: Richard J. Dyer has three brothers and 1 sister; he is the youngest. His father left the family when Mr. Dyer was very young. The accounts of the family dynamics vary considerably between siblings, some describing the mother a very hard working alcoholic, while Richard Dyer always perceived her as very hard working and loving to him. He did spend a great deal of his time at neighbor's homes; he remembers it was more entertaining there. The sister of Mr. Dyer reports that her mother was not abusive and that alcoholism was not an issue with her mother. She goes on to say that when Mr. Dyer was young he had a good adjustment to the world in which he lived, as opposed to his brothers who were oft times in trouble. Two of the brothers were incarcerated in the DOC. Mr. Dyer's father and mother have now passed away. This individual is presently married and he has children at home with whom he communicates. Interest in a more detailed family history will be gratified by previous reports.

School/Work/Vocational: School was not easy for Richard J. Dyer, he reports having great difficulty learning, yet he reports enjoying the experience of school itself. He was sent to a special school for persons with learning disabilities when he was in the 6th grade. He reports getting along well with the teachers and the students, but never quite understanding how to learn the material. Mr. Dyer quit school in the 11th grade, got married, and joined the Army. He later obtained a GED while in the Army. Mr. Dyer had a distinguished career in the army, spending 9 years in that service until he was honorably discharged in 1976. During his 2 tours in Vietnam he was awarded 2 Bronze Star Medals with Citations to the Bronze Star by direction of the President of the United States, Republic of Vietnam Cross of Gallantry (with Palm), Army Commendation Medal for Heroism with " V ", The Air Medal for Heroism - 5 special awards for heroism and 5 separate award with " V ", Citations to the 5 Air Medals by The President of The United States, The Purple Heart (wounded in battle), Vietnam Campaign Medal, National Service Medal, and a Certification of Appreciation from the United States Army signed by General Westmoreland.

After Richard J. Dyer was discharged, he began work in the Puget Sound Naval Shipyard. He rose quickly to supervisory level, completing many USN supervisory courses. He was awarded with a Superior Accomplishment Award from the naval shipyard. After incarceration, this person worked at Redwood-Outdoors, Inc. as an inspector of textile products. He presently works on the yard crew, a job he enjoys. This individual has programmed extensively in a highly successful manner. He earned the Training in Nonviolence Certificate in 1991, Stress and Anger Management 1986-1996, Breaking Barriers 1992, Work Ethics Certification 1995, Victims Awareness 1996, Moral Reconciliation Therapy 1997, KAIROS participant and volunteer 1992-1994, Toastmasters International President of the Year Award 1992, Breaking Barriers Registered Facilitator 1993-1994. Presently Mr. Dyer operates a profitable home refurbishing business from prison with the assistance of several attorneys and the contract workers who are responsible for the construction on the projects. He apparently has the desire to continue grow as a person and be prosocial in the prison environment.

Substance Abuse: Mr. Dyer had no substance abuse issues prior to or during incarceration according to the records and his report.

Mental and Physical Health: There are several health issues that the medical department address with Mr. Dyer regarding blood pressure, arthritis, residual pain from surgery on his spinal column and occasional gastric distress. He does take an extensive list of medications and there is some concern that he may be developing a cancerous growth on his ear. Mr. Dyer suffers from no serious mental illness, but he does suffer the lingering effects of PTSD, much like many war veterans.

Past Treatment for Sexual Deviance: Mr. Dyer has not had treatment from SOTP nor any other standardized program, contending, as he has for twenty years, that he is not guilty of the rapes for which he has been sentenced.

Conduct Under Supervision: This person has not been under supervision prior to incarceration.

Current Behavior/Functioning

Support System: Mr. Dyer currently works, as an inmate on the yard crew for the DOC and he runs a profitable home refurbishing business from prison. He reportedly has investments and is financially in a comfortable position. His present wife and children visit him on a regular basis and he has many associates whom he enjoys writing.

Infractions: Richard J. Dyer has 12 major infractions in the files, extending from 1984 to 1999.

Interpersonal Relationships: Mr. Dyer enjoys writing and talking to his children and they also write him. He reports loving his wife and enjoying her letters in addition to her visits. Inmates and staff know him as a congenial person. Mr. Dyer is gregarious and from his conversation, has compassion for others with whom he interacts.

Sexual Behavior

According to the files, this inmate was 31 years old when these crimes of rape occurred. The crimes occurred to 2 adult women. The offending pattern was very much the same in regards to kidnapping, using duct tape, perpetrating physically violent measures to control the victims, and the extended timeframe of being held captive. No risk factors are explicitly apparent other than a hypothesized buildup of tension from the frustration of non-complementary relationships. People who are not as motivated or invested to perform life's tasks in a very exacting manner baffle this person. During this sentence, the inmate has displayed no apparent unacceptable sexual behavior.

Clinical Interview

Behavioral Observations: Mr. Dyer presented himself for the interview with exceptionally good hygiene and he was neatly groomed. He was cooperative, appropriately animated, and made good eye contact. His rate of speech was normal and he did not appear to be distressed. He was not defensive in posture or in content, nor was he boastful or arrogant. None of the behaviors observed were intimidating and even though some of the subject matter in the conversation could have given him an opportunity to vent in an unproductive manner, he did not. Mr. Dyer did not appear to be overly controlled nor did he appear glib or deceptive; he was articulate in a simple, modest manner.

Mental Status Exam: Mr. Dyer was alert, lucid, and oriented to time, place, person, and situation. He gave a self-report that was well organized and consistent. His memory appeared to be intact both short term and long term. His level of intelligence seemed to be average, and there was no evidence of any thought disorder. His mood was normal and his affect was appropriate. His insight and judgment did not appear to be impaired, even though he contends he is an innocent man.

Psychological Testing

On both the Minnesota Sex Offender Screening Tool-Revised (MSOST) and the Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR) Mr. Dyer received low scores. **His scores are typical of sex offenders who present a low risk to reoffend.**

The MMPI-2 indicates an L that is consistent with clergy or persons who have conforming and conventional attitudes; he is certified to be a clergyman as well as a registered counselor. His F is indicative of a conventional, moderate, dependable, person who minimizes psychological difficulties, much as a person taking the test in a job setting would. Mr. Dyer's K indicates a person who is independent, enterprising, and resourceful, much like a person who is not incarcerated would score if they felt in control of their faculties. This person has health concerns that are real, his body appearing to be a source of pain for him. Together the validation profile indicates a person

who, in a non-clinical setting, is reporting to be in good mental condition. The clinical scales indicate there is a difference between how he perceives himself and how he is feeling. According to the clinical scale 2, he is feeling depressed at a level that would feel mildly dissatisfying, but he would deny this and try to work through it by occupying his mind with other activities (the "don't worry about me, I am just doing fine" attitude that is asserted by the Protestant ethic). The hypothesis about the 2 is that he has not lived up to his own expectations or that of others. His 4 is indicative of a sociable, assertive, enterprising, independent individual who becomes irritable when others don't "lead, follow, or get out of the way". His 1-3-6 profile is that of a tense, hypersensitive person who is highly competitive, and is suspicious about other's motives. This is a combination of "type A" personality and PTSD features. He has taken several courses to moderate this profile and he is aware of how this type of profile can create a condition where others become secondary to a job or a goal.

On the Hare Psychopathy Checklist - Revised (PCL-R) Mr. Dyer received a **very low score** indicating a **low risk** of committing another violent offense within six months after his release from custody. His score was 5, which is the lowest score this psychologist has ever interpreted on this test. He does not come close to psychopathic status.

On the Level of Service Inventory - Revised Mr. Dyer scored in the **low Risk/Needs range**, according to his counselor, suggesting an approximately 11.7% chance of recidivism. It must be noted that the LSI-R is designed to be used with offenders while they are living in the community, not while they are incarcerated, so the validity of these results is questionable. It must also be noted that the LSI-R is designed to measure current risk and needs, and its ability to predict future risk and needs has not yet been validated. The authors of the LSI-R have stated that it is not valid for use with sex offenders.

Diagnosis:

Axis I 309.81 Post Traumatic Stress Disorder
309.0 Adjustment Disorder with depressed mood
Axis II 799.9 Diagnosis Deferred on Axis II with obsessive compulsive personality features
Axis III Several physical maladies that necessitate medication on a daily basis
Axis IV No significant psychosocial problems
Axis V GAF = 90

Summary and Conclusions

Mr. Richard Dyer has served approximately 20 years in the Department of Corrections for the Rape of 2 adult females, rapes that were violent and traumatizing. He denies guilt in the commission of these offenses. His institutional adjustment has been less than stellar, with extended periods of positive reports concerning his work ethic and his character. His testing indicates he has a profile similar to what we find in the general population of society, with the exception of his PTSD diagnosis. Richard Dyer has not allowed himself to become assimilated into the "convict" culture, a test of character for any inmate. The instruments that typically predict recidivism indicate he is a low risk to reoffend, yet he has not admitted guilt nor has he engaged in a sex offender program. Mr. Dyer has a legitimate home address, realistic plans for the future, and employable skills; he is prepared to take his place in society as a productive citizen. If we are gauging risk, he has met the criterion for a less restrictive environment. According to the file data, interview and tests, this person could be considered for community supervision with less concern for the community than many of the offenders who are released into society.

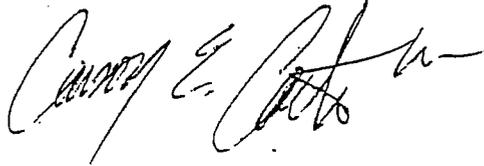
Management Recommendations

This individual should be managed by community supervision and placement, as stated by the DOC; he should also attend PTSD treatment until the professionals involved decide treatment measures are no longer necessary. He has no history of substance abuse, nor does he have any type of thought disorder that would cause him to be dysfunctional. Law enforcement officials, as well as his victims, should be alerted to his presence in the community.

Richard J. Dyer # 281744
September 26, 2001
Page 5 of 5

Working is a very valuable and necessary activity for this person, so he should be allowed to pursue his business interests.

Carson E. Carter, M.S., Licensed Mental Health Counselor

A handwritten signature in black ink, appearing to read "Carson E. Carter". The signature is written in a cursive style with a long horizontal stroke at the end.

D. Memorandum to ISRB from David Monson, Ph.D., November 9,
2001



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

McNEIL ISLAND CORRECTIONS CENTER

P.O. Box 88900 • Steilacoom, Washington 98388-0900

November 9, 2001

TO: Indeterminate Sentence Review Board

FROM: David Monson, Ph.D., FPPR, FACAPP
Psychologist 5

SUBJECT: Sex Offender Psychological Report dated 9/26/01 on Richard Dyer 281744

Carson Carter, the author of the report on Mr. Dyer, is a Psychologist 3 employed by the Washington State Department of Corrections. In addition to his position as a Psychologist 3 he is licensed by the State of Washington as a Mental Health Counselor. It is common practice in this state for Psychologist 3's to also be licensed as Mental Health Counselors. Mr. Carter has been doing risk assessments and psychological evaluations in prisons for thirteen years and has become very expert in his field. He consulted with me, as his supervisor, on the evaluation he did on Mr. Dyer and I completely support his conclusions and recommendations.

ISRB-000603

E. Sex Offender Psychological Evaluation by David Monson, Ph.D.,
February 9, 2005

Sex Offender Psychological Evaluation

INDETERMINATE SENTENCE
REVIEW BOARD

DYER, Richard – 281744
Date of Birth: December 20, 1948
Age: 56

Evaluator: David Monson, Ph.D., FPPR, FACAPP
Evaluation Date: January 26, 2005
Report Date: February 9, 2005
ERD: June 20, 2005

Sources of Information

Clinical Interview 1/26/05	Rapid Risk Assessment for Sexual Offense Recidivism 1/26/05
MMPI-2 1/26/05	Minnesota Sex Offender Screening Tool-Revised 1/26/05
MCFI-III 1/26/05	Psychological Report: Carson Carter 9/26/01
Kinetic House-Tree-Person Test 1/26/05	Offender Based Tracking System
Hare Psychopathy Checklist-Revised 1/26/05	Medical & Central Files

Purpose of Report

The intent of this report is to provide the Indeterminate Sentence Review Board with an overview of Mr. Dyer's level of risk.

This is a psychological report providing information for DOC classification staff, community corrections officers, the Indeterminate Sentence Review Board, the End of Sentence Review Committee, and care providers within DOC who have a need to know. Disclosure and dissemination of this report shall be in accordance with RCW 70.02 and DOC Policy 640.020. It shall not be released to individuals outside DOC without the inmate's consent or unless otherwise authorized by law. The inmate was advised of the purpose of the evaluation and department policy regarding information practices.

The inmate may request a copy of this report. An interpretative appointment will be scheduled upon request.

This health care information is expected to be used by classification and other staff who have a legitimate need to know it to effectively manage the inmate within the DOC. This report is replicated in the inmate health record.

Alerts to Correctional Unit Staff

No alerts at this time.

Alerts to Community Corrections Staff

No alerts at this time.

Criminal History/Offense Behavior

Instant Offense: Mr. Dyer is incarcerated on two counts of Rape in the First Degree, for which he is serving a life sentence. He claims that his convictions are the result of false charges by his ex-wife. He has pursued several legal appeals and continues to do so.

Criminal History: Mr. Dyer has no criminal history aside from the Instant Offenses.

Substance Abuse: Mr. Dyer has no history of substance abuse.

Relevant Personal History

Family: Mr. Dyer is the youngest of five children, having three brothers and one sister. His parents separated when Mr. Dyer was very young and he was raised by his mother with help from the neighbors. His mother was an alcoholic, but very hard working and loving to him. Though his older brothers were often in trouble as children, Mr. Dyer was not and feels he had a good childhood. As an adult he has been divorced and remarried. He reports his wife and six children stand by him and remain in contact with him. He reports that three of his children are in college, one in high school, and one in Jr. high school.

School/Work/Vocational: Mr. Dyer experienced difficulty in school and was in a special school for children with disabilities. He dropped out of the 11th grade and joined the Army. While in the Army he earned his GED. He served nine years in the Army, including two tours in Vietnam, and was repeatedly decorated for gallantry and heroism. He received an honorable discharge in 1976. Following his military career, Mr. Dyer worked in the Puget Sound Naval Shipyards as a nuclear foreman. After being incarcerated he started a housing construction company that he runs from inside the prison. In addition Mr. Dyer works on the yard crew maintaining and improving the yard facilities at MICC.

Mental and Physical Health: Mr. Dyer suffers from Posttraumatic Stress Disorder secondary to his experiences in Vietnam.

Current Behavior/Functioning

Programming: In addition to his work on the yard crew and running his own outside business, Mr. Dyer has taken classes in Stress and Anger Management, Alternatives to Violence, Breaking Barriers, Work Maturity Training, Victim Awareness, Moral Reconciliation Training, Restorative Retelling Group, and Family Dynamics.

Infractions: Mr. Dyer has committed eleven major infractions since he was incarcerated on February 19, 1982. Four of the infractions were violence related. None were related to substance abuse. Ten of the infractions occurred prior to 1989. His most recent infraction was for fighting on April 13, 1995.

Support System: Mr. Dyer maintains close contact with his wife and children, who are his primary support system. He has daily telephone contact with his family and has achieved the extraordinary feat of supporting his family financially throughout his incarceration through his outside business. He states that it is important for him to keep his focus outside of prison so as to not become institutionalized.

Goals and Plans for the Future: Mr. Dyer's primary goals relate to winning his legal appeals and a release from prison. However, regardless of his appeal, he plans to continue to provide for his family and to maintain close contact so that he can be an integral part of their lives.

Clinical Interview

Behavioral Observations: Mr. Dyer presented himself for the interview neatly groomed. I explained the reasons for the evaluation and he agreed to participate fully. He was cooperative, appropriately animated, and made good eye contact. His rate of speech was normal and he did not appear to be distressed.

Mental Status Exam: Mr. Dyer was alert, lucid, and oriented to time, place, person, and situation. He gave a self-report that was well organized and consistent. His memory appeared to be intact both short term and long term. His level of intelligence seemed to be above average, and there was no evidence of any thought disorder. His mood was normal and his affect was appropriate. His insight and judgement appeared to be good.

Psychological Testing

The following data are part of a psychological evaluation/assessment performed for diagnostic and treatment purposes and is intended to be used by persons specifically trained in psychological assessment techniques including but not limited to psychological interviews, psychological test instruments, psychological raw test data interpretation, meaningfulness of raw test data, and validity and reliability measures. These data are considered confidential under DOC policy 640.020 and are part of the medical/mental health record with access controlled by the health authority. These data may not be released to others without the written consent of the offender, or in response to a court order, other appropriate legal action, law, or statute. When required by court order or in response to other appropriate legal action, law, or statute to release raw test data, DOC and its employees shall not be held responsible nor civilly or professionally liable for information released to or used by any other agency, entity, group, or individual not trained or qualified to use such data.

On the MMPI-2 Mr. Dyer obtained a Welsh code of 3'6+1-478 25/90:K-L/:F#. This is a valid profile with no elevated validity scales. On the clinical scales he obtained a 3-6 code type. His clinical profile corresponds to a Megargee Type E profile. This is characteristic of prisoners who might be referred to as "psychopathic manipulators." Individuals in this subgroup tend to be brighter than most offenders but lack achievement drive. Research supports the view that Type E inmates are more likely to be diagnosed as psychopathic than psychotic. They are generally from nondisturbed backgrounds that may have offered them some advantages in life, and they tend to impress other people favorably with their social skills. In spite of their opportunities, however, they have not been able to achieve success in society. They are somewhat prone to engage in larceny and drug offenses, and their crimes tend to be on the "milder" end of the spectrum. Their illegal acts are more likely to be deliberate than impulsive. Such individuals may be less prone to change than some other offenders because they feel little anxiety about their behavior. However, there is some research support for the view that Type E individuals may develop positive work performance in prison and may adjust to the prison environment.

On the MacAndrew Alcoholism scale from the MMPI-2 Mr. Dyer obtained a normal *t*-score of 46 indicating no greater tendency than normal to become addicted to addictive substances.

On the MCMI-III Mr. Dyer obtained a valid personality code of - ** 4 * 7 5 + - " 3 6A 1 6B 8A 2A 2B 8B ' ' // - ** - * // and a syndrome code of A ** - * // - ** - * //. This profile suggests a well-functioning individual with no major personality disturbances; however, he currently may be undergoing psychological stressors and therefore may exhibit troublesome symptoms that are largely situational and transient in nature. Most such individuals are concerned with appearances, that is, with being seen by others as composed, virtuous, and conventional in their behavior. Many attempt to downplay any distressing emotions and try to deny troublesome relationships with others, especially in their family or personal life. There is a strong inclination on the part of this offender to behave in an accommodating and compliant manner, to follow rules and regulations faithfully, and to try to be a model prisoner. There is little evidence that he is escape prone. This offender is characteristically diligent and responsible and is not disposed to malingering. Indications are that this inmate has a moderate need for mental health intervention, low need for substance abuse treatment, and low need for anger management services.

The Kinetic House-Tree-Person test indicates that, despite a mild tendency to be defensive, Mr. Dyer is emotionally open to others and willing to disclose his thoughts and feelings. He is well grounded with a strong character. There is evidence of a good level of self-acceptance and strong indications of optimism and hope for the future.

On the Hare Psychopathy Checklist-Revised (PCL-R) Mr. Dyer received a score of 3, placing him at the 0.9 percentile, indicating a less than fifty-percent risk of committing another violent offense within four years after his release from custody. He scored 2 on Factor 1, placing him at the 5.4 percentile for callous use of other. He scored 0 on Factor 2, placing him at the 0.4 percentile for social deviance. It should be noted that the PCL-R only measures risk of recidivism due to psychopathy and not risk due to other factors such as mental illness or substance abuse.

DYER, Richard - 281744

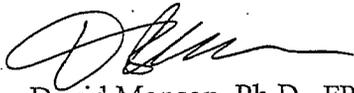
February 9, 2005

Page 5 of 5

On the Minnesota Sex Offender Screening Tool-Revised (MSOST) Mr. Dyer received a score of -5. On the Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR) he received a score of 0. These scores are typical of sex offenders who present a low risk to reoffend.

Summary and Conclusions

For the past sixteen years Mr. Dyer has been a model inmate, with only one infraction nine years ago, maintaining a stellar work history, programming through all the classes available to him and, extraordinarily, financially supporting his family. He has good community support and a good intact plan. In addition, the psychological testing indicates a low risk to reoffend. Mr. Dyer appears to be an appropriate risk for community placement.



David Monson, Ph.D., FPPR, FACAPP
Psychologist 5

- F. Washington State Institute for Public Policy, Sex Offender Sentencing in Washington State: Does the Prison Treatment Program Reduce Recidivism? June 2006



SEX OFFENDER SENTENCING IN WASHINGTON STATE: DOES THE PRISON TREATMENT PROGRAM REDUCE RECIDIVISM?

The 2004 Legislature directed the Washington State Institute for Public Policy (Institute) to conduct a comprehensive evaluation of the impact and effectiveness of current sex offender sentencing policies.¹ Because this is an extensive topic, we are publishing a series of reports.

The Washington State Department of Corrections (DOC) has operated a prison-based Sex Offender Treatment Program (SOTP) at the Twin Rivers Corrections Center since 1988. The program has undergone a series of changes since its inception. Since 1996, the program has used a combination of treatment techniques including group therapy, psycho-educational classes, behavioral treatment, and family involvement. The length of treatment has decreased from two years in 1996 to approximately one year currently. Since 2000, sex offenders assessed as having a high likelihood to reoffend, based on their criminal history, are prioritized for program entry.²

Offenders selected for the treatment program must meet the following five requirements:

- Sex offense conviction
- Voluntary participation
- Admission of guilt
- One year minimum remaining in prison
- Medium or lower custody classification

This report estimates whether SOTP reduces recidivism by comparing the recidivism rates of sex offenders who were willing but did not participate in SOTP with those who did participate in the program.

A previous Institute report determined there are significant differences between sex offenders who participate in the SOTP and sex offenders not willing

SUMMARY

The Washington State Department of Corrections (DOC) has operated a prison-based Sex Offender Treatment Program (SOTP) at the Twin Rivers Corrections Center since 1988. SOTP uses a combination of treatment techniques including group therapy, psycho-educational classes, behavioral treatment, and family involvement.

The purpose of this study is to estimate whether SOTP reduces recidivism by comparing the recidivism rates of sex offenders willing but not participating in SOTP with those who did participate. The study sample consists of sex offenders released between January 1996 and December 1999 after serving at least one year in prison.

Two methods of analysis are employed: logistic regression for the entire study sample and logistic regression for a risk-factor matched sample. Both methods find the following:

- No statistically significant differences are found between the two study groups for felony and non-sexual violent felony recidivism.
- The SOTP group has a statistically significant higher felony sex recidivism rate than the comparison group. However, the difference in the felony sex recidivism rates between the groups is small—less than two percentage points.

This study finds that SOTP does not reduce the recidivism rates of participants.

to participate.³ Because of these differences, the comparison group for this study includes only those sex offenders who indicated they were willing to participate in the program.

¹ ESHB 2400, Chapter 176, Laws of 2004.

² The SOTP uses three risk for sexual reoffense assessments: MnSOST-R, RRASOR, and Static 99.

³ R. Barnoski (2006). *Sex Offender Sentencing In Washington State: Who Participates in the Prison Treatment Program?* Olympia: Washington State Institute for Public Policy, Document No. 06-06-1204.

Study Groups. SOTP staff indicated that the program changed significantly in 1996, and any evaluation should include only sex offenders who have participated since that year. In addition, measuring sex offender recidivism rates requires a five-year follow-up period for reoffending and an additional one-year period for the adjudication of offenses.⁴

Thus, this outcome study examines sex offenders willing to participate in the STOP who were released between January 1996 and December 1999 after serving at least one year in prison. This group meets the required six-year period to adequately measure recidivism.⁵

Exhibit 1 displays the number of sex offenders in the two study groups and their characteristics: those participating in SOTP and those willing but not participating. The SOTP group has 655 sex offenders; 983 are in the comparison group.

The analyses reveal the following differences between the study groups:

- The SOTP group includes slightly more repeat sex offenders.
- SOTP participants have a higher percentage of sex offenders with a prior conviction for a child sex offense.
- SOTP participants spent a slightly longer time in prison.

Based on these differences, one might expect that the SOTP participants would be at a higher risk for committing another felony than the comparison group.

⁴ R. Barnoski (2005). *Sex Offender Sentencing in Washington State: Measuring Recidivism*. Olympia: Washington State Institute for Public Policy, Document No. 05-08-1202.

⁵ A 1994 study by the Institute examined sex offenders who completed the program in 1993 and compared them to a similar group who were released during the same time period who did not participate in the program. The follow-up period was three years. The study examined rearrest rates and found that program participants had slightly lower rates for sex crimes (11 percent compared to 12 percent), violent crimes (1 percent compared to 3 percent), and non-violent crimes (5 percent compared to 6 percent). None of the differences were statistically significant, meaning they could have occurred by chance. See L. Song and R. Lieb (1994). *Preliminary Recidivism Rates: The Twin Rivers Sex Offender Treatment Program (Revised)*. Olympia: Washington State Institute for Public Policy, Document No. 04-06-1102.

However, when actuarial risk scores are applied for these two groups, a different picture emerges.⁶ The risk scores are calculated using an actuarially based static risk assessment tool being developed by the Institute for DOC.⁷ The SOTP group exhibits a slightly lower, yet statistically significant, risk for reoffending.

Exhibit 1
Characteristics of Sex Offenders in Study Groups Released From Prison Between 1996 and 1999

Sex Offender Characteristic	Study Groups		Difference
	SOTP	Comparison	
Number of Offenders	655	983	n/a
Average Felony Risk Score	43.5	44.8	-1.3*
Average Violent Felony Risk Score	25.6	26.2	-0.6*
Percentage With Two or More Felony Sex Sentences	14.2%	12.9%	1.3%*
Percentage With Prior Child Sex Conviction	63.8%	50.3%	13.5%*
Average Years in Prison	4.3	3.9	0.4*
Average Age at Release	38.6	39.3	-0.7 ^{ns}
Race/Ethnicity:			
European-American	89.2%	78.8%	10.4%*
African-American	7.9%	13.8%	-5.9%*
Native-American	2.1%	3.4%	-1.3% ^{ns}
Asian-American	0.8%	3.1%	-2.3%*
Hispanic Origin	5.0%	13.1%	-8.1%*

* Statistically significant at the .05 probability level

^{ns} Not a statistically significant difference

n/a: not applicable

Exhibit 2 displays the five-year recidivism data for the study groups. Of the 655 offenders in the SOTP group, 82 recidivated with a felony, 27 with a violent felony other than sex, and 12 with a felony sex offense. These figures represent recidivism rates of 12.5, 4.1, and 1.8 percent respectively. The recidivism rates of the SOTP group are within three percentage points of the rates for those in the comparison group.

⁶ The comparison group includes all incarcerated sex offenders who indicated a willingness to participate but did not (willing, applied, declined, and rejected).

⁷ There is no static risk score for felony sexual reoffending because criminal history alone does not adequately predict sexual reoffending. The Institute's criminal history database is used to calculate these scores.

Exhibit 2
Comparison of Study Groups'
Actual Five-Year Recidivism

	Study Groups		
	SOTP	Comparison	Difference
Number of Offenders	655	983	1,638
Number Recidivating Within Five Years			
Felony	82	151	n/a
Violent Felony (Not Sex)	27	50	n/a
Felony Sex	12	6	n/a
Percentage Recidivating Within Five Years			
Felony	12.5%	15.4%	-2.8%
Violent Felony (Not Sex)	4.1%	5.1%	-1.0%
Felony Sex	1.8%	0.6%	+1.2%

n/a: not applicable

Adjusted Recidivism Rates by Key Factors

While it is straightforward to compute the recidivism rates of SOTP participants, the difficult task is estimating what the recidivism rates would have been if, keeping everything else the same, these sex offenders had not participated in the program. The ideal method is to randomly assign a group of sex offenders to either SOTP or a no-treatment comparison group. Under this optimal research design, one can be quite certain that any observed differences in recidivism rates between the treatment and comparison groups is due solely to the effect of the treatment.

However, a random assignment design cannot be used since the task is to retrospectively evaluate SOTP. Therefore, two alternative approaches are used to evaluate the impact of SOTP on recidivism:

- Standard logistic regression, and
- Risk-factor matching in combination with logistic regression.

The SOTP evaluation is a challenge because of the self-selection process for participation in this program. Factors we cannot measure in this study may influence an offender's decision to participate in the SOTP. As a result, SOTP participants may have recidivism rates different than the comparison group not necessarily due to the effects of the treatment, but due to the factors that resulted in the offender deciding to enter the program.

Method 1: Standard Logistic Regression. This approach uses logistic regression to estimate whether SOTP participation affects recidivism by statistically controlling for systematic differences in offender characteristics between the two study groups. These characteristics include age, gender, ethnicity, prior criminal convictions, and the defendant's current charges.

Method 2: Risk-Factor Matching. In a second approach, we create a comparison group of sex offenders who did not participate in SOTP but have characteristics matched to the participants. A comparison group is chosen by finding individual sex offenders with risk factors that match specific SOTP participant risk factors. The result is a one-to-one match between a SOTP participant and a non-participant where both offenders have the same risk factors.

Exhibit 3 presents the results of Method 1, the standard logistic regression analyses. The exhibit displays adjusted recidivism rates. These represent the recidivism rates assuming all the offenders have the same risk factors. The statistical adjustments reduce the differences in recidivism rates between the two groups.

There are no statistically significant differences between the two study groups for felony and non-sexual violent felony recidivism. The SOTP group has a higher felony sex recidivism rate that is statistically significant, although the difference is only 0.8 percentage points.

Exhibit 3
Standard Logistic Regression:
Adjusted Five-Year Recidivism Rates

Type of Recidivism	SOTP	Comparison	Difference
Number of Offenders	655	983	1,638
Felony	9.2%	10.4%	-1.2% ^{ns}
Violent Felony (Not Sex)	3.7%	3.8%	-0.1% ^{ns}
Felony Sex	1.3%	0.5%	+0.8%*

* Statistically significant at the .05 probability level
^{ns} Not a statistically significant difference

Exhibit 4 displays the actual five-year recidivism data for the two risk-factor matched groups. Of the 655 SOTP participants, 432 sex offenders were matched with those who indicated a willingness to participate but did not (66 percent). The matching by risk factors means there are no differences between the groups on these variables.

Of the 432 offenders in the SOTP group, 46 recidivated with a felony, 17 with a violent felony other than sex, and 8 with a felony sex offense. These numbers result in recidivism rates of 10.6, 3.9 and 1.9 percent respectively. The +1.6 percent difference in felony sex rates between the SOTP and comparison groups is statistically significant.

Exhibit 4
Risk-Factor Matched Sample
Actual Five-Year Recidivism

	Study Groups		
	SOTP	Comparison	Difference
Number of Offenders	432	432	
Number Recidivating Within Five Years			
Felony	46	49	-3
Violent Felony (Not Sex)	17	14	+3
Felony Sex	8	1	+7
Percentage Recidivating Within Five Years			
Felony	10.6%	11.3%	-0.7% ^{ns}
Violent Felony (Not Sex)	3.9%	3.2%	+0.7% ^{ns}
Felony Sex	1.9%	0.2%	+1.6%*

* Statistically significant at the .05 probability level

^{ns} Not a statistically significant difference

Exhibit 5 displays the adjusted five-year recidivism rates for the risk-factor matched cases using logistic regression as in the standard regression method. Because only one sex offender in the comparison group recidivated with a felony sex offense, it is not possible to calculate an adjusted

felony sex recidivism rate.⁸ As a result, felony sex offenses are included in the violent felony rate.

There are no statistically significant differences between the two study groups for felony and violent felony recidivism.

Exhibit 5
Logistic Regression Results
Adjusted Five-Year Recidivism Rates

Type of Recidivism	SOTP	Comparison	Difference
Felony	6.2%	6.7%	-0.4% ^{ns}
Violent Felony	4.4%	2.6%	+1.8% ^{ns}
Felony Sex	n/a	n/a	n/a

^{ns} Not a statistically significant difference

n/a: A recidivism rate cannot be estimated because only one sex offender in the comparison group recidivated with a felony sex offense.

Findings

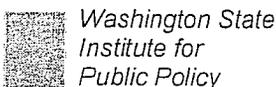
The purpose of this study is to estimate whether SOTP reduces recidivism by comparing the recidivism rates of sex offenders willing but not participating in SOTP with those who participated. Two methods of analysis are employed: logistic regression for the entire study sample and logistic regression for a risk-factor matched sample. Both methods find the following:

- There are no statistically significant differences between the two study groups for felony and non-sexual violent felony recidivism.
- The SOTP group has a higher felony sex recidivism rate than the comparison group that is statistically significant. However the difference in the felony sex recidivism rates between the groups is small—less than two percentage points.

⁸ Five comparison group sex offenders who recidivated with a felony sex offense were not matched to the SOTP group.

For further information, contact Robert Barnoski at (360) 586-2744 or barney@wsipp.wa.gov

Document No. 06-06-1205



The Washington State Legislature created the Washington State Institute for Public Policy in 1983. A Board of Directors—representing the legislature, the governor, and public universities—governs the Institute and guides the development of all activities. The Institute's mission is to carry out practical research, at legislative direction, on issues of importance to Washington State.

G. Letter to ISRB from Stephanie Dyer, August 26, 2006

281744

Stephanie Dyer
P.O. Box 134
Panama, OK 74951

August 26, 2006

RECEIVED
SEP 01 2006

INDETERMINATE SENTENCE
REVIEW BOARD

To Whom it May Concern,

My name is Stephanie Dyer and I am the oldest daughter of Richard Dyer. I am writing to you today because I want you to allow my dad to parole so that he can come home. My father has been incarcerated my entire life. He has maintained his presence in my life through phone calls and visits but unfortunately has been unable to participate in everyday life, from the little things to milestones.

I have never blown out birthday candles or opened Christmas presents with my father. He did not come to my school plays, my high school or college graduation. I don't even have any family photo's to display. It's hard growing up not only with an absent father but with a father in prison. Meals from vending machines don't exact compensate for a family dinners.

My dad has not only achieved much in life before he was incarcerated, but also in spite of. He participates and even has lead in many seminars and events inside the prison. He works hard at his job and maintains good relationships with not only other inmates but his authorities as well. It is certain that he is a stable, contributing citizen that will not only survive, but thrive wherever he is planted.

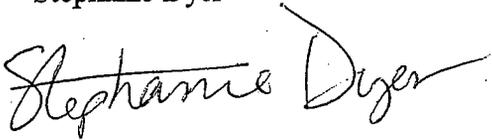
I am now 25 years old. Despite society's predictions of girl's growing up under my circumstances, I have never done drugs, have never been in trouble with the law, and do not have any children. Because of my parents persistence to raise us in a united, stable and supportive environment, I have volunteered overseas, completed my Bachelor's degree and am now

ISRB000689

pursuing another. Though, with the help of my parents, I am a mature and confident woman, I am still just a girl. A little girl who misses her dad. Who always dreamt of hugs and bedtime stories. Who upon every blowing out of birthday candles or sight of a falling star, wishes that her dad would come home. I am asking that you please make this one and most important lifelong wish of mine come true.

Sincerely,

Stephanie Dyer

A handwritten signature in cursive script that reads "Stephanie Dyer". The signature is written in dark ink and is positioned below the typed name.

H. Letter to ISRB from Lisa Dyer, August 28, 2006

August 28, 2006

251744
MICC

Lisa Dyer
2515 S. OST
Fort Smith, AR 72403

To Whom it May Concern,

My name is Lisa Dyer. I am twenty years old and my father, Richard Dyer, has been in prison my entire life. I love my dad. At times, it has been hard maintaining a good, solid father/daughter relationship with my dad because of his being in prison, but we remain close despite it.

It has been difficult growing up without him around. Though my dad has always been loving and supportive, I've needed him in ways he could not provide due to his incarceration. It wasn't easy being a little girl without a daddy. It wasn't easy explaining to everyone why my dad wasn't at my house, school activities, birthday parties and graduation. As a little girl I would make up stories about where my dad was. Not because I was ashamed, but because others, adults more so than my childhood friends, can be ignorant.

I am now a young woman but there is still much of life that is sure to provide me need and want of my dad. Besides holidays and my upcoming college graduation, I one day would like my dad to walk me down the aisle at my wedding and spoil my children. More than that, I want him to be happy and healthy and I believe he would be if released. He is and has been outstanding among his peers pre and post incarceration. On behalf of myself, my siblings and my mother, please send my dad home.

Thank You,

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INDETERMINATE SENTENCE
REVIEW BOARD

ISRB000687

I. Letter to ISRB from Richard Dyer, August 29, 2006.

August 29, 2006

To: Indeterminate Sentence Review Board
4317 Sixth Ave., S.E.
P.O. Box 40907
Olympia, WA 98504-0907

From: Richard Dyer 281744 C-126-1
McNeil Island Corrections
P.O. Box 881000
Steilacoom, WA 98388

To Whom it May Concern,

My name is Richard Dyer and I have been incarcerated for 25 years. I am seeking your decision to find me eligible for parole. Despite my incarceration, I have successfully maintained my role as husband, father and financial provider to my family.

On August 1 of this year my wife, Rennetta, and I celebrated 25 years of marriage. We have remained a loving couple that has been supportive of one another through life's circumstances. We have grown together and actually have better communication than most couples. We have worked hard to maintain our relationship through daily phone calls(which I pay for), annual marriage seminars and E.F.V.'s, through which two of our children were conceived.

In need of family support and to pursue a career as a Registered Nurse, my wife moved, with our children, to Oklahoma in 1989. Unfortunately, our E.F.V.'s, due to a change in policy, were taken away but through the daily conversations and an annual week of visits, our family has remained closely connected. Rennetta has also traveled to Washington on numerous occasions to

attend, with me, marriage seminars for incarcerated couples. She and I love each other very much and I believe our ability to remain married and raise a healthy, stable family despite our circumstances, is a testament to that.

It's amazing how stable and well adjusted our children are. Statistics show that most children with incarcerated fathers don't pursue higher education and live lifestyles that could lead to their own imprisonment.

My oldest daughter, Stephanie, has received her bachelor's degree and is working toward another. She has said on several different occasions that through her educational experience she has met many people from different backgrounds and she is grateful that her parents are not only still married, but seem to be the most supportive and stable among her peers. Stephanie is very compassionate and in 2002, she took her leadership skills overseas to for a month to serve in South African orphanages, hospitals and schools.

Lisa has just finished her first year of college and is now renting her own home. She is very independent, financially stable and is pursuing a career in the field of radiology. My youngest, Matthew, is now a Junior in high school and is beginning to make decisions concerning college. He has good grades and is very active in wrestling. He's very resourceful and sensitive to the needs of others. Whatever path he chooses, he will make an impact on the lives of those around him.

I also have two sons, Richard and Mark, from my previous marriage. Richard is my oldest child and lives in Seattle where he owns and operates his own computer business. He has also pursued a college degree and has profited from his recent real estate endeavors.

When Mark was a teenager he had been living with his mother's sister. He had been abandoned and was going nowhere fast. My wife and I decided it would be best for him to move

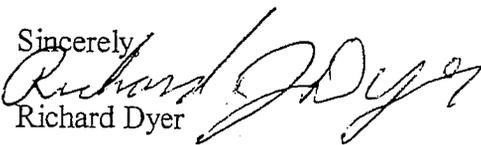
in with her. We bought him a vehicle and helped him finish his education after which he joined the Army. He now lives and works in Seattle and is expecting his first child in November. I am proud to say that I have been a father to my children. Though not there in physical form, I have worked hard to establish myself as a strong, reliable presence in their lives. Though only active in their daily lives through the phone, I act as disciplinarian, provider and confidant.

I have not let my incarceration stop my from faithfully providing for my family. I have done this through my investments in stocks, mutual funds, real estate and my Veteran's benefits. I have provided the essential needs such as medical and dental visits, clothing and tuition. I have also funded many extracurricular activities: cheerleading, annual girl scout and summer camps, overseas volunteer work, family vacations to Disney World, graduation and birthdays. I have also given all of my children \$5000 on their sixteenth birthday for their first car, presents and Christmas gifts. My family lives well.

My family is my first priority and I work hard to maintain an active, positive role within it. Upon my release I plan to continue this. If I had the chance I would take long walks with my wife, have family dinners, walk my daughters down the aisle on their wedding day and watch my grandchildren grow. On behalf of myself and my family, I am asking you for that chance.

Sincerely

Richard Dyer

A handwritten signature in cursive script that reads "Richard Dyer". The signature is written in dark ink and is positioned to the right of the typed name "Richard Dyer".

J. Letter to ISRB from Rennetta Dyer, August 29, 2006

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August 29, 2006

INDETERMINATE SENTENCE
REVIEW BOARD

Dear Board Members,

I am writing in regard to my husband Richard Dyer. He has told me that there will be a hearing October 18th regarding his eligibility for parole and that family members and loved ones are not allowed to be present, so I will try to express my continuing love and support in this letter.

It is very difficult to put in to words how much Richard means to me and how important he is to myself and to our children. He is an integral part of our lives. We exchange cards and letters frequently and talk on the phone at least once a day. We make all decisions concerning our family together. Richard and I have been married 25 years. Even from prison the love and support we exchange has bonded us in a wonderful way. With his continued love and support I have gone from being on public assistance, through nursing school and am now a registered nurse with a career in obstetrical nursing.

Our children look to their dad for guidance and understanding. He has a keen sense of awareness and is always able to calmly deal with problems that come our way. He has excellent parenting skills that are definitely an asset to our family.

As far as financial planning and understanding the importance of money, he is not doubt an extraordinary asset to our family. Financial details like insurance, saving accounts, investments, etc. are his "thing." this type of security is something I used to worry about, but with my career and his planning and assets, I know we are always going to be fine.

In closing, I implore you to release my husband. He has served his time in an extremely

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positive manner. Somehow he has always maintained honor and dignity throughout this ordeal. When faced with setbacks his positive attitude has seen us through mountains of adverse conditions that would have certainly destroyed most marriages, but not ours. I love Richard very much. I consider him my best friend. Our love, respect and admiration for each other continues to grow more as time passes. On behalf of myself and our children, I ask that this panel release my husband and make our family whole again.

Thank you for taking the time to read this letter.

Sincerely,

Rennetta Dyer

Rennetta Dyer

*Rennetta Dyer
PO Box 134
Panama, OK. 74451*

K. Letter to ISRB from Matthew Dyer, August 29, 2006

RYAN, RICHARD
281744

RECEIVED
SEP 01 2006

August 29, 2006

INDETERMINATE SENTENCE
-REVIEW-BOARD

Matt Dyer
P.O. Box 134
Panama, OK
74951

Dear Board Members,

My name is Matthew Dyer and I am 17 yrs old. My father, Richard Dyer, has been in prison my entire life. I have only gotten to see him through visiting rooms and before they were taken away, E.F.V.'s. My dad has played a major role in my upbringing. It's important to him that me and my sisters have a strong father figure in our life to help shape us and keep us balanced as we grow up.

I have just started my junior year of high school and am involved in wrestling. Unfortunately my dad won't be making it to my matches. Hopefully, though, he might make my high school graduation. We've missed many opportunities to do "guy stuff" but I know there will be many more in the future and with your help, me and my dad can enjoy them together.

My dad is a good father and husband. He is and has always been a hard worker and if he were to come home, I know he would make good contributions to our community. I've seen my two older sisters' pain and struggle as they go through life's transitions from high school to college and beyond without our dad and I somewhat fear going through it myself. Please send my dad home.

Sincerely,

Matthew Dyer



L. Facility Plan, August 30, 2006



Offender Information						
Offender Name (last, first, middle initial, suffix) DYER, RICHARD J.					DOC Number: 281744	Offender Status: Active Inmate
DOB 12/20/48	Time Start 02/19/82	(P)ERD 05/29/05	Maximum Exp Date Life	Mandatory Exp Date 11/14/84	Current Custody MI 3	
LSI-R Score 21	RMI Level RMA	SMIO Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	RMIT Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Community Custody/Placement Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Community Custody Range From To Life	
ISRB Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	SRA 10-day Release Status Eligible	End of Sentence Review Screening Completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Special Sentence Alternative None		
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 checked="" type="checkbox"/> Board Report	<input type="checkbox"/> Scan Only	<input type="checkbox"/> Override
<input type="checkbox"/> Plan Change (P) Review	<input type="checkbox"/> Extraordinary Medical Placement	<input type="checkbox"/> Map
<input type="checkbox"/> Time Exceeds 6 years	<input checked="" type="checkbox"/> Other (Specify): ISRB .100 Hearing	
Prepared By: Houston Wimberly, CC2	Referral Location: MICC I01	Date: 08/30/06

Offender Community Support	
Anticipated Release Address: 101 Sherry Rd., Panama, OK 74951 Phone Number: 918 963-4113	Residence Sponsor: Renetta Dyer Relationship to Offender: Wife

Additional Individuals in the Home		
Name: (last, first, MI) Dyer, Matthew A	Adult / Minor minor	Relationship to Offender: son
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 Dyer reports that he attended Anchorage High School in Alaska, but received his diploma through the Alaska Department of Education while in the Army in 1976. Inmate Dyer has expressed some interest in enrolling in correspondence courses, possibly at Southern Illinois University.
Job/Work	Narrative: Prior to incarceration, Inmate Dyer reports the following work experience: Puget Sound Naval Shipyard and U.S. Army. Inmate Dyer completed Industrial Safety on 06/11/99. Inmate Dyer is now assigned as a Recreation Assistant and receives Class 3 compensation. He has received positive work performance evaluations from his supervisor.
Offender Change	Narrative: Inmate Dyer received a certificate of completion in Restorative Retelling Story Group in December 2002. Inmate Dyer also completed Family Dynamics on 6/10/03. Previously Inmate Dyer has completed the following programs: Non-violent Conflict Resolution on 06/30/91, Anger/Stress Management on 01/30/96, Victim Awareness on 01/03/97, and Moral Reconation Therapy on 02/18/97. Inmate Dyer presented a new certificate of completion for Love and Forgiveness Couples Seminar completed on
Offender DOC # 281744	Offender Name: DYER, RICHARD J.

	07/29 & 30 /06. A chemical dependency evaluation conducted on 11/16/00 indicates no specific problems. An SOTP interview was conducted on 01/14/93 at MCC; Inmate Dyer denies guilt and is not considered amenable for treatment.
Vocational	Narrative: Inmate Dyer is not currently enrolled in a vocational program.

Additional Offender Classification Expectations

Expectations: Compliance w/court ordered conditions	Frequency: As required	Due Date:
Narrative: Review your judgement and sentence for any and all restrictions and prohibitions.		
Expectations: Transition Plan Development	Frequency: On-going	Due Date:
Narrative: Maintain contact with family and friends to develop a viable and sustainable release plan.		
Expectations: Program participation (see narrative)	Frequency: As available	Due Date:
Narrative: Complete crime-related intervention programming as assigned by your counselor.		
Expectations: Other (see narrative)	Frequency: On-going	Due Date:
Narrative: Continue to program in a positive manner and refrain from behavior or violations that could result in a custody demotion.		
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
	Select one:	Select one:		
	Select one:	Select one:		
	Select one:	Select one:		
	Select one:	Select one:		
	Select one:	Select one:		
	Select one:	Select one:		

Offender DOC # 281744	Offender Name: DYER, RICHARD J.
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Current Classification Action

Counselor Comments and Recommendations:

On 08-30-2006, Inmate Dyer met with Counselor Wimberly to address the institution Facility Plan as outlined above and provided input into the development of his plan. Inmate Dyer is an OAA offender that was classified on 02-28-06 and assigned MI3 Custody with a IND override. His current custody score is 67 points, which will equate to Minimum Custody. Inmate Dyer has remained major infraction since 04-13-95. Inmate Dyer has been screened for F.A.C.E. and has been found to be not eligible for prosecution under Title 18, US Code.

Inmate Dyer states that he is receiving support from his wife, Mrs. Rennetta Dyer, and children, who reside in Panama, OK through phone calls, correspondence, and visits. He also reports receiving support from his son, Richard, who resides in Seattle, WA through phone calls, correspondence, and visits.

A sex-offender psychological evaluation report conducted by Psychologist 5 David Monson, Ph.D., FPPR, FACAPP, dated 02-09-2005 is available in his file.

Based on the ISRB .100 Hearing scheduled for 04/18/05, it was determined that the hearing would be continued indefinitely until the Supreme Court of the State of Washington decision was rendered concerning Inmate Dyer case for parolability. Per the Supreme Court decision on title of case: "Personal Restraint Petition of Richard J Dyer", the Court finds that Inmate Dyer be scheduled for a new parolability hearing to determine eligibility based on the evidence and testimony. Therefore, ISRB .100 Hearing Tentative Docket is scheduled for 10/18/06.

Recommendations:

1. Maintain MI3 Custody with a IND override.
2. No level 2-facility placement is targeted due to being found not parolable during his last ISRB hearing on 05-17-2004. However, recent Supreme Court decision is to have a new parolability hearing based on evidence and testimony.
3. Minimum facility placement will be addressed when the ISRB sets conditions for parole or a MAP.
4. Complete offender change programs as appropriate and recommended by the ISRB.
5. Maintain current housing and programming.

Counselor: CC2 Houston Wimberly

Date: 08/30/06

Facility Risk Management Team CONCUR DO NOT CONCUR

Comments and Recommendations:

Continue current program pending a ISRB hearing. He has maintained compliance with his facility plan and ten years of infraction free behavior.

FRMT Chair: MARK WESNER, CUS,

FRMT: CC2 Walston, CC2 Wimberly, OAS Huntley, and SGT Gardnier.

Date: 09/08/06

Offender Comments:

Date: 09/08/06

I/M Dyer was present at FRMT and understands the recommendations. "I will continue programming in recommended programs."

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 # 281744	Offender Name: DYER, RICHARD J.
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Reviewer	<input checked="" type="checkbox"/> CONCUR	<input type="checkbox"/> DO NOT CONCUR
Comments and Recommendations:		
Reviewer/Chair: Daniel M. Fitzpatrick, CPM	Date: 9/19/06	
Superintendent/Designee	<input checked="" type="checkbox"/> CONCUR	<input type="checkbox"/> DO NOT CONCUR
Comments/Decisions:		
Superintendent/Designee: Daniel M. Fitzpatrick, CPM for Supt. Van Boening	Date: 9/19/06	
Headquarters Decisions:		
Date:		

DISTRIBUTION: Central File, Liberty File, Unit Copy, and Offender.

Upon Completion of Headquarters Action, return to: Unit C

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 #	281744	Offender Name:	DYER, RICHARD J.
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M. Letter and Attachments to ISRB from Léonard M. Shaw, MSW,
ASCW, September 16, 2006

Leonard M. Shaw MSW, ASCW
702 11th Avenue East
Seattle, WA 98102-4620
(206) 322-5785

September 16, 2006

Indeterminate Sentence Review Board

Re: Richard J. Dyer

Dear Board Members,

I have been practicing psychotherapy for 43 years. I also teach a Love and Forgiveness Intensive (lasting 2 to 5 days). I have led this intensive in Germany, Poland, Austria, Denmark, and Canada as well as in five prisons in the state of Washington. Therapists, business people, and corrections personnel have come from throughout the world to attend these seminars. (I have led these prison groups at least 4 times per year for the last 19 years.)

Both of my graduate school internships (9 months each for 2 days per week) were in Corrections (one was at McNeil Island Federal Prison) and I also worked 3 ½ years in a juvenile corrections setting. Early in my career I was a consultant on a Federal Offenders Research Project for 22 months. I have had direct contact of an intense and extensive nature with thousands of offenders. I would be totally grateful to have Richard Dyer as my next door neighbor. I have never felt that confident about any other offender I have known.

Please see my enclosed letter on Richard from July 27, 1998.

Since my July 1998 letter to the board, Richard and I have continued to have monthly phone consultations and he has been moved to MICC. I have twice conducted my Love and Forgiveness Seminar at McNeil and Richard and his wife Renetta attended both times.

Richard continues to be a positive force in the prison with staff and inmates. He continues to support his family financially and emotionally. All of his children are in college or planning to go. Richard has developed into one of the most remarkable, altruistic, caring human beings I have ever known.

Feel free to contact me for any questions or if you would like me to attend his hearing. I would be pleased to do so.

Sincerely,

Leonard M. Shaw
MSW ASCW

Encl: letter of 7.27.98 and Leonard's vita

Curriculum Vitae

LEONARD MELVIN SHAW, MSW, ACSW
702 - 11th Avenue East
Seattle, WA 98102
(206) 322-5785

EDUCATION:

University of Washington: B.A. Degree, 1959; M.S.W. Degree, 1963.

{ 9 mos Juv. Parole
9 mos McNeil Isl. Fed. Pen
(Graduate School Intern)

PUBLICATIONS:

- "Love and Forgiveness," A Workbook For Self Healing and Healing Relationships, 1989
- "A Guy Called Society," in Family Affairs, Fall, 1963.
- "A Study of Counselor, Supervisor, Administrator Attitudes," in Case Recordings, IRS, Washington D.C., May, 1963, Macdonald and Shaw.
- "Who Actually Reads Case Records," in Case Recordings, IRS, Washington D.C., May, 1963, Macdonald, R.W., and Shaw, L.M.
- "CINDY," in VOICES: The Art and Science of Psychotherapy, Vol. 7, No. 4, 1972.

PROFESSIONAL:

- Dec. 1965 - Present Private Practice: Individual, Group, Family Psychotherapy. Business Consultant. Seminar Leader.
- Oct. 1982 - Present Consultant, Nordsjaellands Gestalt Institute, Copenhagen, Denmark.
- Feb. 1981 - Present Consultant, Gestalt Institute of Frankfurt, Germany.
- Sept. 1979 - Present Consultant, Warren Robinson and Associates, Toronto, Ontario, Canada.
- May 1987 - Present Sponsor - Volunteer Leader, three-day Love and Forgiveness Seminars at Monroe State Prison.
- 1976 - 1979 Instructor, Experimental College, University of Washington
 - Taught Self-Healing in Coping with Cancer and Other Illnesses.
- April 1969 - June 1970 Visiting Lecturer, Department of Architecture, University of Washington
 - Experientially taught classes on sensory awareness and contact with one's creativity.
- Jan. 1969 - April 1969 Co-Leader of Psychodrama group at University of Washington Hospital.
- Dec. 1968 - April 1969 Consultant, Staff Development Group. Psychiatric Ward, King County Hospital.
- Sept. 1967 - Mar. 1969 Consultant, Staff Development Groups. Western State Hospital.
- Mar. 1967 - Jan. 1969 Consultant, Federal Offenders Rehabilitation. Research Project.
- Jan. 1967 - Jan. 1969 Instructor, Free University of Seattle.
 - An Experimental Introduction to Group and Individual Dynamics.
- June 1964 - June 1967 Group co-therapy in private practice with Frank Hammer, Ph.D.
- Jan. 1966 - Mar. 1967 Assistant Director of Research. Rehabilitation Research Institute.
 - In charge of Family Therapy Project.
- Oct. 1966 - Nov. 1966 Neighborhood House, Seattle, WA.
 - Training sessions for Community Aides.

PROFESSIONAL EXPERIENCE (cont.):

- Jan. 1964 - Mar. 1966 Instructor, Shoreline Community College, Seattle, WA.
• Sociology, Child Development, and Deviant Behavior.
- June 1963 - Jan. 1966 Caseworker, Family Counseling Service, Seattle, WA.
- Oct. 1962 - June 1963 Project Assistant, Vocational Rehabilitation, Seattle, WA.
- May 1961 - Oct. 1962 Night Supervisor, Seattle Children's Home.
- June 1958 - Sept. 1958 Psychiatric Aide, Pinel Foundation Hospital, Seattle, WA.
- May 1957 - May 1961 Admissions Officer, Group Supervisor, Caseworker, King County Juvenile Court, Seattle, WA.

I have also led sensitivity and encounter groups of a racially mixed nature for Headstart, PTA groups, and Central Area schools, and have been the Field Faculty person for two masters candidates in Psychology through Goddard College, Plainfield, Vermont.

MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS:

- National Association of Social Workers (A.C.S.W.)
- • Board Member, Family House, 1968 - 1978. (D RUG REHAB)
- Advisory Board, Advanced Human Studies Institute, Coral Gables, Florida, 1981 - 1982.

PERSONAL:

Date of Birth: August 23, 1935
Marital Status: Married

REFERENCES:

John Enright, Ph.D.
621 Larkspur Plaza Drive
Larkspur, CA 94939

Thomas Bungardt, President
Gestalt Institute of Frankfurt
Herderstrasse 36
6000 Frankfurt A.M.1

Joe Goodman, Ph.D.
39 Laureleaf Road
Thornhill, Ontario, Canada L3T 2X6

Niels Hoffmeyer, Ph.D.
Nordisjæilands Gestalt Institute
GL Mollevej 1
DK 3000 Frederiksvarle
Denmark

Leonard M. Shaw, M.S.W., A.C.S.W.
702 - 11th Avenue East
Seattle, WA 98102
(206) 322-5785

27 July 1998

Indeterminate Sentence Review Board

Re: Richard J. Dyer

Dear Board Members:

I have been in the practice of psychotherapy for thirty-five years and for the past fifteen years, I have been teaching at training centers for therapists in Europe and Canada.

For over ten years now, I have been teaching the same three-day Love and Forgiveness seminar (that I teach in Europe and Canada) at Monroe Prison. We have thirty to sixty people, consisting of inmates, their families, a few other volunteers, and therapists from Europe and Canada. These are very intense seminars that deeply probe the areas, issues, and dynamics of childhood abuse, criminal addictions, P.T.S.D., as well as marital, interpersonal, and prison issues. Many people are profoundly affected by the intense healing and love that evolves in this work. The men sometimes comment that "this is the loving family I never had as a child." All of this does not come easily, however. A lot of pain comes with the healing and insights of this work as people re-live the trauma of their childhood abuse (and their crimes), first as themselves and then as the perpetrator or victim.

Before his transfer to Airway Heights, Richard for many years attended all my W.S.R. seminars. He became intensely involved. He took the "hot seat;" he studied my materials relentlessly. He started support groups to keep men focused on their growth and healing between seminars. (I was doing six or eight seminars per year.) He became a great source of wisdom, inspiration, and teaching for other inmates. At first, men would come to two or three seminars before they took the "hot seat" (me working with one person in front of the entire group). Now, men I have never met come to the seminar and take the "hot seat" immediately. I am sure that Richard's efforts and coaching have a lot to do with this factor.

There are other healthy, esteem-building programs in the prison that Richard has initiated and/or within which he has taken leadership roles. Wherever he goes, whatever he does, Richard is always looking for ways to improve things and encourage people. He is also very intelligent, resourceful, and committed. He goes to great lengths to facilitate and support my seminars being successful. I even used to ask him to present some of my Friday night introductory didactic material.



Indeterminate Sentence Review Board - Re: Richard J. Dyer
27 July 1998
Page 2

Now that Richard is at Airway Heights, he is missed very much by people. I am always asked, "Do you hear from Richard? How is he doing?" His heart and inspiration is still very much a part of our healing process even though physically he is on the other side of the state.

Richard has grown tremendously since I have known him. the depth of compassion and caring that he has developed is very rewarding for all of us and, of course, very healing for Richard. For him to discover that he has such intense love and commitment for his fellow brothers and sisters on the planet and for him to find so many ways to demonstrate this love, has given Richard an entirely new experience of life, relationships, and events. He now has such a heart connection with people and such compassion and insight regarding people's negative and conflictive behaviors, that I know he will be a powerful healing agent wherever he goes.

Numerous inmates have related to me during informal "breaks" in the seminars how Richard has helped them. They were in conflict with their wives or families, or they were on the verge of doing something illegal, violent, and/or self-defeating. Richard is brilliant and insightful at saying just enough and just the right thing, without being overbearing or preaching, to give the troubled inmate a new option on the situation or help him discover a healthier feeling or way of behaving.

After "hot seat" work in the seminars, we often give the person feedback on how we feel about them. Sometimes the person is still stuck in their "garbage" and did not achieve the breakthrough for which they had hoped. Often the person giving the feedback gets a bit self-indulgent and wordy. I was always impressed by how much restraint Richard exercised in this area. He would not talk a lot, but when he did, his comments were very efficient, insightful, and showed great caring, commitment, and concentration on the true needs of the people involved. Rarely did Richard's ego take precedence over other people's well-being. Now, who among us can claim that about themselves? He has truly become a very loving, serving human being.

I know A.H.C.C. is a frustrating experience for Richard, because there are few pathways for his desire to grow and to contribute to other peoples growth. I always teach "the bigger the disaster, the bigger the benefits" and Richard works very hard to make his time at A.H.C.C. a growth experience for himself and others.

JMS

Indeterminate Sentence Review Board - Re: Richard J. Dyer
27 July 1998
Page 3

Richard consults with me monthly by phone. He has re-connected with his two older sons, and is developing a loving, fatherly relationship with them. And I have a therapy appointment scheduled this week with Richard's sons. Richard is totally dedicated to be the best husband and father he can possibly be under the circumstances. He is also a great source of support, encouragement and inspiration for anyone with a genuine desire to grow.

Please feel free to contact me if you have any questions or wish further comments.

Sincerely,

Leonard M. Shaw MSW ACSW

Leonard M. Shaw, MSW, ACSW

N. Transcript of .100 Hearing, October 18, 2006

ORIGINAL

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

.100 HEARING FOR RICHARD DYER, DOC #281744

OCTOBER 18, 2006

Board Members:	Jeralita Costa, Dennis Thaut
Attorney for Mr. Dyer:	David Zuckerman
Counselor:	Houston Wimberly

Charlotte Corbley
Transcriber

AUDIO TAPE FOR DOC - October 18, 2007

Costa: Okay. We're on the record of Richard J. Dyer, DOC #281744. Good morning Mr. Dyer. My name is Jerri Costa. To my right is Mr. Dennis Thaut. We make up two of the board members. We have a three panel board. And Miss Julia Garrett is the other board member. She is not here today. And we will take what is called a deferred decision which is a normal procedure which you are familiar with, which means that you will not get a written decision or a verbal decision today. You will actually get a written decision from the board in about four to six weeks, after we go back and confer with the other board member. We are two new board members in relation to your, we've never met you before, so we're going to have some questions for you today. This hearing is being taped and as you know the microphones are in the middle of the table. If you or your attorney would like to have a copy of the tape, you just need to send us a written request with a blank ninety minute tape and we'll provide that for you. Um, we are here for a .100 hearing to determine parole eligibility. And my records indicate that you were last seen by the board on January 30th, 2002 and at that time found not parole-able with 60 months added to your minimum charge. Since that time you did have a State's appeal before the Supreme Court and the Supreme Court referred it back to the board to hold a new eligibility hearing. Are there any preliminary matters before we begin?

Atd: Just briefly. I guess it turned out that I had bad information about when to get my brief to the board and I understand that it got in a little late for the members to review it. Um, but you know, maybe I'll just mention some things in a more abbreviated way (unintelligible).

Costa: Your brief did arrive on our office on, last Thursday. The other two board members are part-time members and so they are not on the office except a couple days a month because otherwise we're out on the road at hearings. And so the time frame is important in terms of trying to (unintelligible). We have had the opportunity to briefly review your brief and....

Atd: Okay.

Costa: it will be part of the record that we look at as well.

Atd: Okay.

Costa: Okay. Anything further on preliminary matters?

Atd: No.

Costa: Alright. So what I am going to be doing Mr. Dyer is that I will be swearing in yourself and uh, Mr. Wimberly and we will asking for testimony from Mr. Wimberly regarding what you have been doing since the last time the board saw you. And he will be updating us on your behavior, any infractions, any program (unintelligible). And then we may have some questions for him and your attorney may have some questions as well. I do show that you are represented by Mr. Zuckerman here today, who is a private attorney (unintelligible) correct?

Dyer: (no audible response)

Costa: Okay. And after we speak to your (unintelligible) counselor, then we're going to turn the hearing over to your attorney and yourself. Your attorney may have some preliminary comments he'd like to make, the board would like to spend some time talking to him as well, and we will then try to hear from you in terms have any concerns or specific issues that you want the board to be aware of in our decision making process.

Dyer: Okay.

Costa: So if I could ask the two of you to please raise your right hands. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth?

(Joint): Yes. I do.

Costa: Thank you. And for the record would you please clearly state your names, starting with Mr. Wimberly.

Wimberly: My name is Houston S. Wimberly, classification counselor.

Costa: Thank you. Mr. Dyer?

Wimberly: Richard Dyer.

Costa: Thank you very much. Okay. Mr. Wimberly if you could, I show a facility plan here that looks like it was dated....

Wimberly: 8/30?

Atd: The last one in the file is 5/30/06. Do you have a

Costa: (unintelligible).

Wimberly: You have a 5/30?

Costa: Yeah, 5/30/06 is the last one we have in our file.

Wimberly: Uh?

Costa: Has the other one gone all the way through the process internally in DOC?

Wimberly: Yes. You didn't get this one? The reason, well, let me explain the reason for the 8/30 one. The reason for the 8/30 was generated based on otherwise (unintelligible) needed by virtue of the court dates, with the court case pertaining to the ...

Atd: Right.

Wimberly: (unintelligible).

Thaut: Well maybe what you could do is um, you could testify from that and then provide copies following the hearing...

Wimberly: Sure.

Thaut:for all parties.

Costa: Mr. Zuckerman do you, what is the last facility plan that you have a copy of?

Atd: Let's see. I believe I do have...

Costa: The date is found in the middle of the form....

Thaut: The middle of the right hand side on the front page.

Costa:on the right hand side. It's difficult.

Atd: Right.

Thaut: It's a DOC trick to

Atd: And I am, I do have a copy of the 8/30 (unintelligible)...

Costa: Alright. Then in that case, we'll do is...

Wimberly: I'm surprised that you didn't get a copy.

Costa: ...yeah, in that case, I am too and it's frustrating, but what we'll do is we'll have you testify um, related to that and then since Mr. Zuckerman has a copy, just make sure that the board also gets a copy. Thank you.

Wimberly: Okay. Based on the prior classification, which is the facility plan, his date of birth has not changed, time structure, uh, ERD and all the

information above has not changed and the (unintelligible) LSI score remains the same. M, RMA as it states prior, serving life. Uh, this is a board action, a 100 hearing on this report. His community support uh, the purpose of the report is 100 hearing. His community support hasn't changed. He still anticipates living at 101 Sherry Road, Panama, Oklahoma. And um, 74951, the telephone number hasn't changed 918 963 (unintelligible) is the telephone number. Plans to reside with Renatta Dyer?

Dyer: Rennette.

Wimberly: Rennette Dyer...

Dyer: Yes.

Wimberly: ...his wife. His son would also be living there, Matthew A. Dyer, who is a minor. There are no victims in this residence as reported. Mr. Dyer's program, basic skills, uh, has not changed from last report. Mr. Dyer reports that he's attending Anchorage High, he's attended Anchorage High School in Alaska, but received his diploma through the Alaska Department of Education. That hasn't changed since the last report. That was while he was in the Army. Um, he expressed his interest in correspondence courses, the possibly in Southern Illinois. So that's still the same. Job, prior to his incarceration from the last report hasn't changed (unintelligible) the Puget Sound Naval Shipyard and U.S. Army. Um, he completed safety, industrial safety on 6/11/99. Dr. Dyer is now assigned as a recreation assistant and that hasn't changed, or that has changed since the last report.

Dyer: (unintelligible).

Wimberly: Right. And he has received three class compensation, (unintelligible) what's called Class three compensation. He has received a positive report on work performance, evaluation from the supervisor. Offender change programs, um, he received a certificate of completion for Restorative Re-telling Story group in December 2002. Inmate Dyer has completed family dynamics on 6/10/03 and previously Inmate Dyer has completed the following programs: Non-violent Conflict Resolutions, 6/30/91, Anger Stress Management on 1/3/96, Victim Awareness on 1/3/97 and Moral (unintelligible) therapy on 2/18/97. Inmate Dyer presented a new certificate of completion Love and Forgiveness Couples Seminar completed 7/29 and 30 of 2006. A chemical dependency evaluation conducted on 11/16/2000 states no specific problems. A SOTP interview was conducted 1/14/93

at MCC and Inmate Dyer denied his guilt and is not considered amenable, amenable to for treatment. That hasn't changed since the last report. Inmate Dyer is not currently enrolled in any vocational program (unintelligible). At this time, based on the counselor comments and recommendations, um, Mr. Dyer and I saw each other 8/30/2006. Inmate Dyer met with me and we addressed the facility plan outlined above and provided input in the development of his plan. Inmate Dyer is under the jurisdiction of the board and (unintelligible). Um then he was classified on 2/28/2006 and sign MI3, with the IND override. His current custody level is 67 points which places him in minimum custody. M. Dyer has remained infraction free since 4/13/95. M. Dyer has been screened for F.A.C.E and has been found to be not eligible for (unintelligible) under Title 18 of the U.S. Code. Inmate Dyer states that he receives support from his wife and his children who reside in Panama, Oklahoma through telephone calls, correspondence and visits. He also reports to receiving support from his son Richard who resides in Seattle, Washington through phone calls, correspondence and visits. A sex offender psychological evaluation conducted by psychologist 5, David Monson, dated 2/9/2005 is available in his file. Based on the .100 hearing scheduled for 4/18/05 (unintelligible) a decision was rendered concerning Inmate Dyer's case for parolability. Per the Supreme Court decision on, title of the case, "Personal Restraint Petition of Richard J. Dyer" the court finds that Inmate Dyer be scheduled for parolability hearing to determine eligibility based on the evidence and the testimony. 0100 hearing Tentative Docket is schedule for 10/18 (unintelligible). Recommendation was to maintain MI3 custody with IND override. No level of placement is with target dates found. Not parolable during his last hearing on 5/17/2004. However, recent Supreme Court decision is to have a new parolability hearing based on (unintelligible). Minimum facility placement will be addressed when ISRB sets conditions for parole or a MAP. Complete offender change programs as appropriate and recommended by ISRB. Maintain current housing and programming. Based on (unintelligible) and Inmate Dyer understood the recommendations.

Costa: Mr. Wimberly are you um, aware of any behavior, in terms of the unit and how he gets along with other offenders?

Wimberly: As far as his, first of all as far as his work days, starting recreation, his prior work uh, has been well maintained and his behavior has been well contained and his new current job is....

Dyer: (unintelligible).

Wimberly: ... (unintelligible) steady work, no complaints, no (unintelligible). As far as infractions of behavior within the unit, he hasn't received any infractions since the date I mentioned to you which was 4/13/95, so he's been an excellent person, very polite (unintelligible).

Costa: Okay. Thank you. Mr. Thaut?

Thaut: I don't believe I had any questions. Thank you.

Costa: Okay. Mr. Zuckerman, do you have questions for Mr. Wimberly?

Atd: Just briefly. You've, how long have you been Mr. Dyer's counselor?

Wimberly: I have been Mr. Dyer's counselor for what three months, roughly about three months.

Atd: So a lot of what you know of him comes from the report that you read (unintelligible)?

Wimberly: That's true.

Atd: And Mr. Cruck actually was his counselor for a longer period of time?

Wimberly: That's true.

Atd: I don't have any other questions.

Costa: Okay. Thank you. Then at this point Mr., thank you Mr. Wimberly. At this point Mr. Zuckerman I'm going to go ahead and turn it over to your client.

Atd: Thank you very much. I think that we might be hard pressed to find a prisoner who has done more to demonstrate (unintelligible) than Mr. Dyer. Um, in some ways his, his history is remarkable. Um, at the time the allegation came up that lead to his convictions he had been married to Renette Dyer for a month. She stood by him. He stood by her. They're still married. They have three children and miraculously Mr. Dyer has been supporting that family financially from the confines of prison. This is not because he was some wealthy man. He's actually been managing to uh, run successful businesses uh, from the confines of the prison. Um, he certainly has availed himself of all offender change programs available to him and uh, I think, as he can tell you, perhaps the most valuable thing that he has found is, he didn't learn until he was in prison that he suffered from post traumatic stress syndrome at this time. Um, and he has dealt with that appropriately during his time in prison as well. As the board knows the psychological evaluations um, are positive in the

extreme. In 2001 Carson Carter said he had never scored such a low risk of committing a new offense. Um, Dr. Monson, his supervisor had the time, sent a memo to the board saying that he had consulted with Mr. Carter and fully concurred in that. And of course Dr. Monson has evaluated Mr. Dyer more recently and once again said (unintelligible). Mr. Dyer has um, he's done a lot more than just stay out of trouble. Um, his work evaluations have been exemplary. (Unintelligible). And some of that is summarized by, summarized by the Washington Supreme Court (unintelligible). He's really done his best to keep himself very busy and (unintelligible). The um, as the Supreme Court said, noted in its decision, the board has some factors set out in the WACs, concerning the factors that they take into account (unintelligible). I think all of them (unintelligible). Mr. Dyer has never refused to participate in any program. He certainly has not had serious and repetitive disciplinary infractions. Much to the contrary. There is no evidence of his intent to engage in any (unintelligible). Certainly he's never made any such statement and all the evidence points to his being safe to be released. Certainly all of the State's psychologist reports so indicate, at least, you know, within the last 10 years or so. And I think one of the things the Supreme Court noted is that, yes, a long time ago there were some psychological reports suggesting that, largely based on the nature of the offenses, that he would need, the first ones were suggesting maybe a high risk, then over the years, moderate, and then in any recent time period, a very low risk. Um, and that all pretty much corresponds with the offender change programs he's done. I mean all those that he's, the decreases, changes in the psychological evaluations have come about during the same time period that he has so successfully completed all of the offender change programs. Um, he's gone beyond just the programs offered by DOC as you'll see (unintelligible). He's also done quite a bit of work with Diane Shaw, who is a counselor who comes into the prison, who is (unintelligible). The board has before it letters from Mr. Dyer and I hope that isn't buried too far into the materials I sent. It's one of the attachments, the April 29th letter. I actually, I apol', I neglected, there were some attachments to that which I neglected to send in initially. But they were faxed in, which are a list of the various um, programs he has done and they are some of his thoughts on what he has gained from them. And uh, I know that in the past the board has had some, past boards have had some concern with the fact that Mr. Dyer maintains his innocence of the crime. That's not something that's ever going to change. Um, I'm not going to dwell here on my reasons for why he may well be

innocent, because I understand that's beyond the scope of the board's hearing.

Costa: Correct.

Zuckerman: Um, it was a great blow to us that when the new DNA testing statute came out, Mr. Dyer immediately put in a request to have the DNA evidence tested. Um, I spent quite a bit of time dealing with the prosecutor from this county on that who really was very good about looking into it and turned out that all of the evidence that could be tested had been destroyed. In any event the Supreme Court found that uh, a denial of guilt, um, is not a reason for denial of parole, at least not in a case like this one. You know perhaps there have been other cases where if, where in some way certain denials tended to show a level of dangerousness. But there is no indication of that in this case (unintelligible). And perhaps I would leave it at that, simply to say, the record the Supreme Court reviewed, it found inadequate to support a finding of non-paroleability. If anything Mr. Dyer has just done the work since the time of the last hearing so show that he is fully rehabilitated and is subject to (unintelligible).

Costa: Thank you. Mr. Dyer, neither Mr. Thaut or I have met you before. And so this is the time of the hearing that we'd actually like to hear from you and want to know more, from your perspective, of what happened, what got you here, what your plans are and so forth. So um, I'd like to start with a description, if I could from you, of what got you incarcerated in the first place.

Dyer: Well...

Costa: We've got you under our jurisdiction for Rape 1st, for two counts of Rape 1st with life (unintelligible) and so how did you come to be charged with those crimes?

Dyer: Well first off, my ex-wife and I had just been through a lengthy divorce. It's probably lasted two to three years. And I went over to her house and I was sleeping with her off and on and uh, she accused me of raping her one time. I had custody of the child and I got the house and uh, she had taken off on me several times (unintelligible) with the baby. And so, then she said I raped her. And then when I went down to the county courthouse, they charged me for two more rapes. From that, when they arrested me and I went in there and they said they were charging me for two more rapes. The only thing I knew about those two rapes is what they said then. My ex-wife and I uh in no way, shape or form did I rape her. We did make love and

I said that during trial. And uh, then when they charged me for the other rapes, automatically I, there is no way, shape or form was I ready for anything like that. And they were done like two years before, 18 months before, and I went in the courtroom. One of them I guess had said that they couldn't even ID the guy, 'cause there were two guys that were supposed to have done the crime. And uh, anyways they, I didn't do it and they ID'd me in the courtroom is the only ID (unintelligible).

Costa: What were the similarities that the law enforcement drew in order to um, say that they were arresting you on this, charges of rape against your wife and that you also did this other (unintelligible)?

Dyer: Uh, I think it was shower, a shower. That was the common denominator (Unintelligible).

Costa: So you went to trial on all of the charges, correct?

Dyer: (unintelligible).

Costa: And you were found guilty on all of them?

Dyer: Yes.

Costa: Including further charges against your wife, you were originally found guilty on those and then the Court of Appeals sent those two back?

Dyer: Er no. They uh, yeah, they sent them back for a new trial, three of the charges.

Costa: Um, some of the file material that I've read indicated that um one of the other things that may have occurred that was a similarity that the law enforcement officers would have look at was the fact that all of the victims, including your wife, had claimed to have been bound.

Dyer: Oh, yes. (Unintelligible).

Costa: Did you ever, did you ever have sex with your wife that included bondage of any type?

Dyer: No. Never.

Costa: Used scarves to the side of the bed or anything?

Dyer: As a matter of fact that, I'm glad you bring that up, because in the transcripts of the trial they even went through that over and over and there was none (unintelligible) my ex-wife. She changed it from rope to tape. She changed what she was bound up with. And, so I'm glad you brought that up.

There was nothing like that.

- Costa: So, but in your previous sexual relations with her throughout your marriage did you ever....
- Dyer: No ma'am.
- Costa: ...have any bondage as part of your sexual...
- Dyer: No.
- Costa: ..encounter? And since you have been incarcerated, um, you've been incarcerated since 1982, um, it appears that you have actually done some programs and you've been doing, basically your work has been the work that you've run outside of the jail, outside of the prison, correct?
- Dyer: Yes.
- Costa: And that, what is that work again?
- Dyer: Well we buy houses, fix them up or tear down houses on distraught property and uh, sell the property....
- Costa: Who does the work for you?
- Dyer: My son. I'm just a paraplegic. I just kind of give guidance is what I do. And uh, I can't do any of the physical part, but I can give guidance and the financial support. (Unintelligible) the down payments for things.
- Costa: So why do you think that you've been in, you were convicted of these crimes. You were sent to prison and that over years the board has not found you paroleable?
- Dyer: Geez I don't know. I can't answer for them. I just try to do the best I can with the hand I've been dealt. So I come in front of the board members, such as yourself and I try to rely on my record, try to prove somehow that I wasn't guilty. I've done everything I can do.
- Costa: Have you ever taken a sexual history polygraph?
- Dyer: Uh, no I haven't.
- Costa: And it appears that you have gone through an evaluation for the sex offender treatment program, but the only reason you were denied is because you claim to have not done the crime, is that
- Dyer: Well I wrote over to Twin Rivers and asked them if they would accept me, because at that time the counselor I had said I wasn't eligible because of

my denial. And so I wrote to them myself and they told me that, you know, I was in a Catch-22, because I wasn't guilty, I can't go to the program. And so I tried everything I could do to take any concerns that you guys might have, take any classes.

Costa: (unintelligible) any questions.

Thaut: Well I'm not sure if it's a question or more of just a comment. I mean um, as your attorney indicated, we're not here to retry the case. And um, you've, if there is one thing that has been consistent it's that you have steadfastly maintained your innocence. Um, the, the elements, the facts of the case, are disturbing, seriously violent and predatory in nature. And it's all the things that the board and the community for that matter are most concerned about in terms of community safety if someone who could do an offense like those were to be released. And so that hasn't changed. Okay. I'm mean that's still there. You're convicted of those two offenses. And all of the good things that you do in prison are, are to be commended for. The fact remains is, the thing I would be most interested in would be whatever treatment and evaluation was most directly related to your offense behavior and that's the one missing element. And it's unfortunate because I'd like to have that information. It doesn't look like I'm going to get it. Um, obviously the sex offender treatment program can't treat someone who didn't do any, who didn't commit an offense. What would they treat? And this is not to persuade you to say, "Oh, yeah. I did it." I'm not saying that. I'm just saying that um, the, the sticky part of the decision with you has been the same for many, many years. I, um, how do we assess risk? Now one element is looking at the psychological evaluation and I've looked at all of them. And the last two have indicated low risk. That is just one factor for us to consider. Is there anything else in your mind that you could tell us that might indicate, that might help us to determine what your level of risk would be if you were returned to the community?

Dyer: Well, because I'm not guilty I don't feel myself, I'm a threat. But with this hand, I've asked every parole, what do you want me to do? Are there any classes that you've got that you'll let me go to.

Thaut: Well I, we're not the Department of Corrections.

Dyer: What I'm saying....

Thaut: (unintelligible) already said this is old ground...

Dyer: Yes.

Thaut: we're re-plowing here and nothing has changed in that. And um, my experience with sex offender treatment is that it would be pointless to send you to that program, if you can't admit your offense. I don't know what you would treat. And all of the elements of that program are geared around offense related behavior. And um, since you're denying any of that, then that would be pointless. And my question, I'm not sure I was, what I was searching for there except um, a little bit more of a piece of your mind I guess in terms of helping me understand who you are as a person and how you see this situation and to try to give you some perspective of where the board is with this too. It's a tough decision to make when we don't have um, offense specific information. And yet you have these (unintelligible). And I don't know that we're going to get beyond that, so the decision making elements of that are basically what we have before us. I don't see that changing unless there is something new that might occur or that you might say or however we come to that.

Atd: Okay.

Thaut: Like I said earlier, before, it's more of a comment than a question for you. But if there is anything that you want us to know that you have not either had the opportunity to say or put into proper perspective or some comment about (unintelligible) this is your time to tell us that now.

Atd: If I could make one suggestion. Perhaps you could ask Mr. Dyer to describe his um, what he knows about a psychological problems that (unintelligible) which is....

Thaut: PTSD...

Atd: ... which PTSD and experiences with that. Obviously he can't talk about what he has done in the sex offender program...

Thaut: Right. And that may be helpful. So if there's information in that regard then this would be a good time tell us.

Dyer: Well the PTSD, of course, rises from two tours in Vietnam and um, I, I was probably at the spearhead of most the contact in Vietnam. I mean I was contact almost every day. And I really didn't realize I had PTSD until I talked to Noshland at the reformatory and uh, I'd had seen her and she said, "You have PTSD from combat." And I didn't even know what a post traumatic stress disorder was at that time. And um, so after I, she was saying

well these are what you have. You have these nightmares of Vietnam and uh, always feeling trapped and survival jokes and I didn't understand what any of that was. So through our work we finally got a program going and I was instrumental in having PTSD program over there with Dr. Noshland. And so then I got more aware and into the veterans programs and I realized that, that the anxieties and things from PTSD that I had, that I thought I controlled very well, but I used to never sweat at all. And she had (unintelligible) seminar where she did a Gestalt therapy (unintelligible). And then the first day I did it, I soaked with sweat. It overtakes my body as far as the control factor. I just wept just uncontrollably. I had killed three Viet Cong. And they were soldiers just like me and I realized that uh, that it was just the circumstances that I had to get around and yeah I still have the nightmares and I still, but now I sweat and I'm kind of glad I do. And uh, uh, I didn't realize how it controlled my life, the post traumatic stress disorder did. The way I was uh, the empathy for other people's pains. I always thought of them from my point of view and what my past experience was. And after going through a lot of, I became a therapy junkie after that. And I craved, it's kind of like an onion. I was peeling away all these different pieces from me. And uh, the more that people would tell their stories, I realized other people had the problems I had. And um, that helped a lot, to realize I wasn't alone in the combat thing.

Costa: Were you having nightmares before you came to prison?

Dyer: Uh, yes.

Costa: For about how long?

Dyer: Oh, probably since (unintelligible).

Costa: And that was on a consistent basis?

Dyer: Yes.

Costa: Irregularly?

Dyer: Yeah. I still have them. It's a way of life, but now...

Costa: What other kinds of symptoms do you have for...

Dyer: One thing is I didn't sweat...

Costa: You talked about that.

Dyer: ...I mean I can run, three, four miles and just one

trickle would come down. It's amazing what it did to my mind. And then the day dreams. I mean I can have flashbacks from the littlest thing, smells. (Unintelligible).

Costa: What kind of smells?

Dyer: (unintelligible). Well...

Costa: (unintelligible) trigger it off.

Dyer: Especially if I smell anything dead or anything. More like, you know, I slept with uh, bodies all night long. I went at 19 you know. You kind of push down those feelings, when you're there, because if you don't do that.... But when you are able to do that Gestalt therapy it releases (unintelligible). Every time you do it, it's amazing how it works to me anyway. It was amazing to me because the first time I wept and couldn't control myself. Then the second time I tell the story, it wasn't so bad and the third time, the more I told the story and then I got up at the Toastmasters and I would tell those stories and it would relieve a lot of the pain. The more I tell the story, the more it took it out of me. I don't know if you understand that, but the more you are able to tell people, the more people you tell, the better off it is for you. And so then I started my own little program of uh, helping people out and Toastmasters was a real good place to do that. (Unintelligible) number two in the world of 7,000 clubs. I was Toastmaster of the year and I think I did that because of the therapy I was doing, because it was a place to vent feelings. It was a platform where I could have people that would listen to me and they would evaluate and not judge me. 'Cause a lot of people think if men, if they burst into tears they're weak, but they're not. They're healing.

Costa: Thank. I just want to, we're running out of time and we have other people scheduled as well. Um, but I want to reiterate something that uh, Mr. Thaut said and give you an opportunity to make any final comments before we (unintelligible) closing comments. And that is that our board, our responsibility, statutorily, is to determine whether or not somebody is rehabilitated and a fit subject for release. Overriding that is also the statutory obligation to put public safety first. Parole is a privilege. It's not a right. And so the burden is on the inmate to prove that they are rehabilitated. The difficulty that we have is because of um, the fact that you have been convicted of very horrendous crimes that would certainly indicate public safety concerns. And that you continue to maintain your innocence and so

it's difficult. It does place the board in a difficult position of how you determine if somebody is rehabilitated if they don't claim to have needed to be rehabilitated. Um, so we are challenged by that. And given that information is there, is there one thing that you think is really critical that the board consider in its decision making?

Dyer: Well one of the things that I have always tried to maintain is that I'm a member of society. And that's really hard to be behind these walls.

Costa: Uh, huh.

Dyer: But you know, and I don't know to get around this, but the court has convicted me and you are held responsible to see if I'm a threat to the community. And the only way I can see doing is I do all the programs I can, as a matter of fact I brought (unintelligible) seminary. I brought the (unintelligible). I started the first (unintelligible) fund raiser for all the institutions. I raised a tremendous amount of money for the treasury. I'm always trying to do something uh, as a matter of fact I'm instrumental in the Veterans' (unintelligible). We're going to have a pizza feed next, the 25th here. It's a fund raiser that goes to the Veterans. I'm instrumental in those things and I try, that's the way I try to be a part of the community. There's a community in here also, but I, I support my children. I make sure that all of them are going to go to college. That's uh, because I didn't go to college. I really think it's an important part of putting a foundation under our, my children's feet. So one of my daughters just finished two degrees. My other daughter is in college now. My 17 year old he talks about nothing but going to college. My older two boys from my ex-wife um, they uh, have gone to some college, but not as much as I want. But they were older and I wasn't able to give them the foundation (unintelligible). I do support my wife. Our houses are paid for. Everything we have is paid for. I don't, I don't have any debt and that's an important part of being in society is being responsible for your word. And I think that every time, and I try to keep this, instill it in my kids, when you sign your name, that's your word. And as far as a threat to the community. I don't think I'm a threat to the community. I think, I employ people. I try to insure that I'm responsible for them, responsible for their health care, their insurance, their taxes and I do uh, the best I can with the hand I've been dealt. And I'm just hoping that you can see and give me the opportunity to find these roles and uh, I don't know what else to say. I don't know how to address

...

Costa: There are actually a couple to the, I want you to understand and know, because this is going to be part of your planning process at some point and that is that um, you've been down since 1982, which means that there's going to, there will be (unintelligible) requirements to (unintelligible) to prove that you can work through those lower levels of custody. One of the issues also is that you have talked, your counselor indicated that all of your family is living in Oklahoma and that's where, if you were found paroleable that you would want to be released to. There are very strict rules in place um through interstate contact and throughout the United States now. And based on your crimes of conviction it is highly unlikely that you would be allowed by the Oklahoma, to move to Oklahoma. The State of Oklahoma has the say, even if the board were to authorize you to go there. (Unintelligible) whether we would authorize you to apply for interstate (unintelligible). But because of your crimes of conviction, and the fact that you yourself had not lived in Oklahoma prior to being sentenced, I would almost guarantee that Oklahoma would not accept you into their state for (unintelligible).

Dyer: Thanks for informing me of that.

Costa: So those are things that I think you need to be realistic about as well and understand that other, other rules that apply beyond whether or not you're (unintelligible).

Dyer: Alright. So I should make some kind of other arrangements in this state?

Costa: Um, it would be very, it would be a very good idea to consider discussing that with your counselor and (unintelligible), at some point, whether it's at this particular, after this hearing or after another hearing, if you are found paroleable, um, you need to understand that realistically you probably need to look for a place in Washington State.

Dyer: What do you recommend I do (unintelligible)?

Costa: That's the difficult part, because without some kind of sexual history polygraph or evaluation, it's difficult because we're not addressing the crime of conviction. And that's all the board is charged with. We have to look at your crime of conviction and then we need to look at whether or not you rehabilitated and subject for release. And so, as we said, it is the quandary that we have. I'm glad that you at least tried to avail yourself of the DNA testing. I'm sorry that that didn't

work out for you (unintelligible) the evidence, because that certainly would have been (unintelligible). But we can't, we have only your convictions to go on in terms of your (unintelligible). So um, I, I can't make (unintelligible).

(?): (unintelligible).

Costa: (unintelligible).

Atd: You know, I wasn't going to go into more of the facts of the offenses, but uh, the board itself has asked Mr. Dyer to explain uh, how he got convicted. I could if the board wished admit more information about it. I mean...

Costa: Well we are not here to decide the case.

Atd: (unintelligible). I understand. Perhaps all I'm saying is I don't know what he can say, you know, other than those were horrible crimes and I didn't do them. You know they were crimes that had no suspect for years, um, because there was no means of identifying who did it. Um, as far as the board is concerned about him not completing SOCC, I guess I'd just note, as I did in my brief, the latest studies seem to show that um, SOCC is not correlated (unintelligible) risk. In other words, if he had, if he admitted guilt and went through SOCC, the latest studies show that, there is no evidence that that would make a person the slightest bit safer. And I imagine you have seen those reports (unintelligible).

Costa: Well we have seen that as well as many others. So there are, there are ways that people learn about their behaviors through that program and learn what they can do to intervene in those behaviors. And so given, recidivism is not the only factor that is considered in terms of whether somebody is successful or not. (Unintelligible).

Atd: And I guess my final thought is, you know, certainly the DOC psychologist that has been evaluating Mr. Dyer is well aware that he is untreated. They certainly accept him.....

BREAK IN THE TAPE

Atd: For my final thought, which is just that, you know, the DOC psychologists are assuming him (unintelligible). Their understanding that he has not completed sex offender treatment and they are nevertheless finding him (unintelligible). And other than that there's never going to be anything more for the board to have. I mean he's in, he's in for life. If all that the board is going to go

by is uh, (unintelligible) conviction.
(Unintelligible) what else he can ever do to prove
himself (unintelligible). The facts of the crime
will never change.

Costa: Thank you. Alright. This will conclude your
hearing Mr. Dyer and as I stated earlier, you'll
have our written decision in approximately four to
six weeks. Based on the work load that we have
right now, I'd be looking further, to the six weeks
(unintelligible). Okay? Thank you.

TAPE ENDS

I certify, under penalty of perjury of the laws of
the State of Washington, that the foregoing is true and correct
to the best of my ability.

Dated this 24 day of January, 2007.


Charlotte Corbley
Transcriber

O. Audiotape of .100 Hearing, October 18, 2006

P. Decision and Reasons by ISRB, December 5, 2006



STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

4317 Sixth Ave., S.E. * P.O. Box 40907 * Olympia, Washington 98504-0907 * (360) 493-9266
(TDD Relay 1-800-833-6388)

DECISION AND REASONS

NAME: DYER, Richard J.
NUMBER: 281744
INSTITUTION: McNeil Island Corrections Center
TYPE OF MEETING: .100 Hearing
DATE: October 18, 2006
PANEL MEMBERS: JC & DT
FINAL DECISION DATE: December 5, 2006

BOARD DECISION:

This was a Deferred Decision. The full Board finds Mr. Dyer not parolable and adds 80 months to his minimum term.

(Note: Mr. Dyer's PERD is currently 04-08-05; thus adding 80 months is the equivalent of adding 60 months from the date of his hearing. Based on 1/3rd good time calculations that means we will see him in person again in about 3 1/2 years.)

NEXT ACTION:

Schedule an October 2008 Administrative Progress Review.

HISTORY/COMMENTS:

Mr. Dyer is currently under the Board's jurisdiction for two counts of Rape First Degree, with a time start of February 19, 1982. The Rape First, Count II, carries a Life maximum and the Rape First, Count IV, also carries a Life maximum. File materials show that the sentencing Judge recommended that Dyer "should be held in custody until the Parole Board is absolutely sure that he will not reoffend or until the end of his natural life," and the prosecutor recommended that Mr. Dyer serve 50

DYER, Richard J.

DOC #281744

HISTORY/COMMENTS CONTINUED - PAGE 2

years (600 months). In 1982, Mr. Dyer's minimum term was set by the Board at 600 months; this was 18 months outside the Sentencing Reform Act (SRA) guideline range. Under requirement to conduct an Obert Meyers Redetermination hearing, on November 14th, 1986, the full Board redetermined his minimum term to 240 months. The SRA guideline range for Rape First Degree is 63 to 88 months. The Board justified an aggravated minimum term based on the recommendations of the sentencing Judge and the prosecuting attorney and because the crimes manifested deliberate cruelty. Mr. Dyer has been seen by the Board for in-person parole eligibility hearings four times since then, not including today's hearing. Each time he was found not parolable and additional time was added to his minimum term. In July 2006, the Washington Supreme Court remanded Mr. Dyer's case to the ISRB for a new parolability hearing.

Mr. Dyer was already scheduled to have a .100 parolability hearing on March 22nd, 2005; however, his attorney requested in writing that the hearing be postponed until a decision was issued by the Washington Supreme Court. As a result, Mr. Dyer is past his PERD (Parole Eligibility Review Date). Mr. Dyer's attorney, Mr. Zuckerman, requested in writing that at the current hearing, the Board consider a brief he submitted to the Board on October 10th, 2006, as well as additional materials that included information from a 2005 psychological evaluation and a 2005 letter from a DOC program unit supervisor.

As of today's date, Mr. Dyer has served approximately 296 months. When Mr. Dyer was received at the DOC under Board jurisdiction February 19th, 1982, he also had been convicted of the following counts: Count V, Unlawful Imprisonment (5 years); Count VI, First Degree Burglary (Life), Count VII, First Degree Rape (Life). All sentences were to run concurrent. On August 14th, 1984, Mr. Dyer's convictions

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HISTORY/COMMENTS CONTINUED - PAGE 3

were reversed on Counts V, VI & VII; Counts II and IV, both First Degree Rapes, were affirmed. File materials show, and Mr. Dyer confirmed in his hearing, that the convictions that were reversed related to two incidents involving his former wife. In reversing the three counts on direct appeal, the Court of Appeals held that the trial court abused its discretion by denying Dyer's motion to sever the counts involving the two separate victims in Counts II and IV from the other counts that involved his former wife. The Court of Appeals found that evidence that Dyer forcibly raped the other victims was not admissible to prove that his former wife did not consent to sex; however, the Court held that evidence from the incidents involving his former wife was admissible to help identify Dyer as the rapist in the other two rape counts. The prosecutor never retried Dyer on the counts involving his former wife. Because these convictions were overturned on a technicality, he was not found innocent of them. The Board notes that there are file materials that indicate that in 1982, Dyer admitted to his prison classification counselor that he had "only victimized his wife" and not the two other rape victims. He has since continued to deny that he victimized his ex-wife.

File materials describe the two remaining convictions as two separate attacks on two different women who did not know Mr. Dyer. One occurred on January 27th, 1980. The 22 year old victim reported to the police that she had been raped and assaulted by two men. Officers noted that she had numerous bruises on her jaw, right cheek, and forehead. There were rope burns on her wrists and some cotton and tape residue on her face from being blindfolded; her mouth was bloody with a large laceration inside the right cheek and large quantities of dried blood on the front of her jacket. The victim reported that two men offered her a ride at about 2:30 a.m. in downtown Bremerton. She identified the driver as the defendant, Mr. Dyer. She was seated between the two men on the front seat of the vehicle. The victim

DYER, Richard J.

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reported that when they did not drop her off at her requested destination and instead headed out of town, she recognized something was amiss and she grabbed the steering wheel and attempted to jam on the brakes of the vehicle. She reported that the driver, later identified as Mr. Dyer, elbowed her in the face, cutting open her cheek inside the mouth. He then stopped the vehicle, threw her into the back seat, jumped into the back seat with her and started punching her with his fist. The second man then started driving. Dyer held her down on the back floorboard. She was driven to an isolated location; Dyer removed all her clothing in the backseat and offered her to the other suspect. The second man reportedly appeared to be very frightened and refused to rape the victim. Dyer then raped her and after the initial rape, she was tied with orange-red nylon rope and left naked. She was shoved back down into the rear floorboard while the second man drove the car again. After about 15 minutes, they arrived at what the victim later believed was Dyer's residence. She described the outside of the residence and then identified some road signs in her police statement. Dyer reportedly put a coat over her head and removed her from the car. He escorted her to a bedroom and tied her on her back to the bed. The victim reported that she was in fear for her life and began screaming loudly. She was then gagged with cotton and they taped cotton over her eyes. File materials indicate that Dyer told the other man to go ahead with her and that the victim reported that shortly after penetration, the second man got off and left the room. Her impression was that he left the residence as she did not see or hear him again. Dyer then raped her vaginally, fell asleep, awoke and raped her again, fell asleep; she reported that this occurred approximately eight times. Twice during the night, the victim was untied and forced to bathe. After each bath she was again tied to the bed and raped. During the daylight hours, Dyer washed the victim's clothes and then he dressed her. Her hands were tied behind her back again and the tape was pulled off her face. More cotton was put over her eyes, held in place

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by a stocking cap. Through the stocking cap, the victim was able to identify the vehicle she was placed in when leaving the residence and some other details about the location. After driving about ten to fifteen minutes, Dyer stopped the vehicle, and took her into the woods where he untied her and uncovered her eyes. She was told to wait and she managed to make it out to the road in time to see the car, a white Comet, speeding off into the distance. She walked to a nearby residence and called police. The victim required 13 sutures for her wounds. The victim positively identified Dyer in a photo lineup and clothing that she described Dyer wearing at the time of the crime was retrieved from Dyer's personal belongings. The investigation also confirmed that Dyer owned a Comet and she positively identified the vehicle.

The second Rape First Degree conviction resulted from a crime that occurred on August 23rd, 1980. When the victim was interviewed by police after reporting the rape, they noted that she was limping and favoring her right leg. Scratches were noted on her arms and the left side of her head. File materials indicate that she reported that she had been walking her dog at about 11:00 p.m. She walked to the downtown area where she met some friends and shortly thereafter she was walking alone when a car containing two white males pulled up and offered her a ride. She declined and the vehicle left. She reported that a few moments later the vehicle returned and she was forced into the car. She was driven to the south end of the county and at some point in the ride was blindfolded. She reported that the vehicle became stuck on two occasions and she had to help free the vehicle. During freeing the vehicle the car rolled into her, injuring her leg. She was then taken to a residence. She was tied to the bed with a rope that was taped to prevent rope burns. The rapist, who she later identified as Dyer, removed all of her clothing and raped her vaginally. He then required her to take a shower with him. She was again tied to the bed and Dyer went to sleep. The victim managed to get loose,

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getting only as far as the bedroom door before a dog awakened Dyer. She was recaptured and retied to the bed. About an hour later she was able to again free herself, but again the dog awoke Dyer before she got to the bedroom door. Finally she was awakened at about 5:30 a.m. and was told to take a bath. While she was bathing, Dyer washed her clothes. He transported her to a park and let her go. He told her he would meet her at the Inn and Out Café the following Friday and he said he had been drunk and he was sorry about everything. File materials show that at some point that morning he gave her a watch that was later positively identified as having been lost by the first victim during her abduction and rape. The second victim identified the abductor's vehicle as a Mercury Capri and the investigation revealed that Dyer had purchased such a car in May of 1980.

It appears that the reason these cases were originally tied with the charges of the alleged crimes against his wife was because of similarities in the use of bondage, repeated rapes while she was tied to the bed, the allegations that she had been abducted and driven to a place in the woods, the allegation that she was forced to shower after being raped, and the timing of the first reports made by his wife on October 25th, 1980, and then again on September 2nd, 1981. File materials indicate that Dyer alleged the sexual intercourse with his former wife was consensual and that she made up the rest of the "story."

File materials indicate some incest and sexual deviancy among his siblings, but Mr. Dyer has no other sexual offense charges or convictions, other than those noted previously. Mr. Dyer has no other known criminal convictions. File materials describe two divorces that alleged physical violence perpetrated by Dyer against his spouses, but no resulting arrests or convictions are noted, only a 1972 restraining order in which his wife alleged that her husband had been physically violent toward

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her. He married his current wife on August 1st, 1981, and she has continued to remain supportive of him throughout his incarceration.

REASONS:

The Board is statutorily required to *give public safety considerations the highest priority when making all discretionary decisions on the remaining indeterminate population regarding the ability for parole, parole release, and conditions of parole.* (RCW 9.95.009 (3)) Additionally, the Board is statutorily directed to not release a prisoner before the expiration of their maximum term, *unless in its opinion his or her rehabilitation has been complete and he or she is a fit subject for release.* (RCW 9.95.100)

The Board has the duty to thoroughly inform itself as to the facts of the person's crime; therefore all available information is reviewed in consideration of an offender's rehabilitation and risk. In carrying out its statutory duties, the Board conducts a complete review of an inmate's file; reviews all past materials and any newly available psychological evaluations and reports from the DOC, and conducts an in-person hearing with the inmate. The Board notes that Mr. Dyer was represented by legal counsel in the person of David B. Zuckerman at his hearing today.

At this .100 parole eligibility hearing, Mr. Dyer continued to deny any involvement in the crimes for which he was convicted. He has continued to deny these crimes from the very beginning. Despite Mr. Dyer's continued protestations of innocence, however, it is not within this Board's jurisdiction to retry cases or to adjudicate guilt or innocence of those offenders under its jurisdiction. Rather, as set out in RCW 9.95.100, the Board's function is to determine, based upon an amalgam of different factors, whether an offender's rehabilitation is complete and that he or she is a fit

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subject for release. Mr. Dyer has been convicted of these crimes by a court and his convictions for these two counts under our jurisdiction were reaffirmed by a court. RCW 9A.02.030 unequivocally places the burden of proof regarding rehabilitation on the inmate.

File materials indicate that Mr. Dyer had jury convictions involving three rapes, he has had several failed appeals, all three victims identified him as the perpetrator, investigators were able to confirm he owned the vehicles identified by the two stranger victims, and there was similarity of method in all of the rapes. The behaviors demonstrated in the rapes are consistent with Mr. Dyer's personality profile as identified in varying degrees in all of the psychological reports conducted on him. The Board is therefore faced with an inmate who has been convicted of multiple violent sexual assaults, who is an untreated sex offender who has not demonstrated any insight into the criminal behavior that resulted in his convictions.

File materials also indicate that Mr. Dyer has participated in the following programs during his incarceration: Family Dynamics; Restorative Retelling Story Group; Non-Violent Conflict Resolution; Anger/Stress Management; Victim Awareness; Moral Reconciliation Therapy; and Love and Forgiveness Couples Seminar. There was a chemical dependency evaluation conducted on November 16th, 2000, that indicated no specific problems. He was interviewed for the Sex Offender Treatment Program (SOTP) in January 1993 and found not amenable for treatment due to his denial of guilt. Mr. Dyer is not enrolled in a vocational program, but does work as a Recreational Assistant and receives class three compensation. Additionally, he runs an outside business which supports his family.

Mr. Dyer's early incarceration history consisted of a number of infractions involving physical violence and one suspected escape attempt in 1987. In recent years, he

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has demonstrated more control of his behavior. His last institutional infraction was in 1999 and his last serious infraction was in 1995.

At the behest of his attorney, Mr. Dyer discussed with the Board today his diagnosis of Post Traumatic Stress Disorder (PTSD). This diagnosis was made after he was incarcerated and was tied to his two tours of duty in Viet Nam. He reports that some of the symptoms were nightmares, inability to sweat, inability to have empathy for other people's reactions. He reported that he was having these nightmares before he was arrested and convicted of the underlying offenses. He reports that he has gone through Gestalt therapy to address and understand his PTSD; he reports that he now perspires, was able to gain empathy for other people's experiences, and has utilized Toastmasters as a way to talk about and work through his military experiences.

While the Board does not base any decision of rehabilitation and assessment of risk solely on psychological evaluations, we none-the-less do consider them in our decision making process. In fact, the Board considers all available information in its deliberations. The Board's file materials in Mr. Dyer's case include psychological evaluations dating from 1993.

- The 1993 psychological evaluation assessed him at high risk for reoffense based on the assumption that the jury convictions were accurate and that Mr. Dyer was currently in a state of denial. The depth of sexual deviancy was also estimated to be high based on the same assumption and that any sexual deviancy had remained essentially untreated. This 1993 report also stated that he continued to demonstrate PTSD symptoms.
- A 1994 report found that his PK scale was at an average elevation, which did not corroborate his claimed PTSD symptoms. This 1994 report indicated impulsivity, poor judgment, aggression and blaming. This report also states that his risk of reoffense remained high and that the depth of sexual deviancy could not truly be assessed with an uncooperative client.

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- The next psychological report in the file is from 1998 and it is more extensive than past reports, consisting of 13 pages. This report indicates that Mr. Dyer was diagnosed with PTSD and Sexual Sadism, as well as Personality Disorder with compulsive, dependent, histrionic, and anti-social features; however, it also notes that his risk of reoffense in the community appears to be low to moderate with a moderate potential for a violent reoffense in the community. Of special interest is this psychological evaluation's notation that Mr. Dyer presented himself as an individual *with an asexual image, failing to acknowledge even normal sexual desires and interests. It further noted that Mr. Dyer's knowledge of human sexuality is borderline and his general performance may be considered frankly dishonest.* Mr. Dyer's scores on a personal preference inventory appear to have been high on the need for order, planning and organization in detail; the need to receive encouragement from others and to have others behave kindly and sympathetically to him; the need to work hard at a task or puzzle until it is solved; and the need to be able to do things better than others. This report summarized his higher scores on the inventory as suggesting the presence of a strong compulsive tendency, while the lower scores suggested low needs to express himself to others in aggressive ways.
- The next psychological report was completed in 2001 and is five pages in length with supporting testing materials included. This report indicates a number of health issues that should be addressed by the medical department. This report utilized some risk assessment instruments and rated him to be low risk for reoffense. However, it is noted that when scoring the MNSOST-R, under length of sexual reoffending history the reviewer scored him as having a sex offending history of less than one year. The personality inventory in this report is substantially shorter than in the 1998 report, but is not markedly different. Notably, the 1998 psychological report identified him as scoring remarkably low on the psychopathy scale.
- The most recent psychological evaluation conducted on Mr. Dyer was completed in February of 2005 by Dr. Monson, who had reviewed and concurred in the 2001 report. Dr. Monson scored Mr. Dyer as a low risk to reoffend sexually; the scoring tools utilized were not provided with this report. On the other hand, Mr. Dyer reportedly scored on one test in a manner characteristic of prisoners who might be referred to as "*psychopathic manipulators*" and the report noted that individuals in this group tend to be brighter than most offenders but lack achievement drive. It further notes that inmates who score as Mr. Dyer did are more likely to be

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diagnosed as psychopathic rather than psychotic. Dr. Monson notes that Mr. Dyer has a strong inclination to behave in an accommodating and compliant manner, to follow rules and regulations faithfully, and to try to be a model prisoner. However, Mr. Dyer's score on the psychopathy checklist appears to be even lower in this report than in the 2001 report.

Mr. Dyer's attorney requested that the Board consider a June 2006 Washington State Institute for Public Policy (WSIPP) paper that compared the five year recidivism rate for 432 participants in the Department of Corrections' Sex Offender Treatment Program (SOTP) and 432 sex offenders who were willing to, but did not, participate in the SOTP. That report concluded that the SOTP does not reduce the recidivism rates of participants; it found a .8 percentage point difference in the felony sex recidivism rate between the two study groups. This paper is one of a whole series of reports on sex offenders done by the WSIPP.

The Board notes that another paper by the WSIPP in June 2006 found that those offenders not willing to participate are significantly different than those willing to participate in the SOTP. They report that some of the largest differences are related to risk for reoffending. *The 340 sex offenders not willing to participate in SOTP have much higher recidivism rates than those willing to participate: 63 percent recidivated with a felony offense, 30 percent with a violent felony, and almost 13 percent with a felony sex offense.*

The key findings in that report are:

- *Offenders who were unwilling to participate in SOTP differ significantly from those who volunteer to participate.*
- *The criminal histories, risk scores, and demographic characteristics are much higher for those who are unwilling to participate.*

Mr. Dyer's decision to not admit guilt necessarily results in an inability to participate in the SOTP; therefore, the paper that Mr. Zuckerman asked us to consider has little applicability to Mr. Dyer.

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The difficulty the Board has with Mr. Dyer's continual denial is that it makes him not amenable to treatment. We do not view sex offender treatment as a cure; what sex offender treatment can do is assist the offender in identifying their sexually deviant beliefs that contribute to their behaviors; it may enable them to identify their offense patterns and provide them with the opportunity to develop tools and skills to intervene in an offense cycle. Amenability to and application of treatment are entirely up to the offender. The result of such treatment, one hopes, is that the offender will not reoffend.

Mr. Dyer is to be commended for the self improvement work he has completed while incarcerated and for demonstrating an ability to significantly reduce his infraction behavior. However, without an exploration and understanding of the behaviors that directly resulted in his incarceration, he remains at risk to repeat those behaviors in the community. Therefore, the Board does not find that Mr. Dyer has sufficiently demonstrated that he is completely rehabilitated and a fit subject for release.

FACTS RELIED UPON:

The Board relied upon prior Board dictations, a review of the ISRB and DOC files, and the face-to-face interview with Mr. Dyer and his attorney, as well as several written documents submitted by both Mr. Dyer and his attorney.

JC:jas

November 21, 2006

CC: INSTITUTION
RESIDENT
FILE