



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

DECISION AND REASONS

NAME: AIKEN, Arthur
DOC #: 029644
FACILITY: Stafford Creek Corrections Center – SCCC
DATE OF HEARING: May 15, 2018
TYPE OF HEARING: .100
PANEL MEMBERS: Jeff Patnode and Lori Ramsdell-Gilkey
FINAL DECISION DATE: June 4, 2018

This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a .100 hearing in accordance with RCW 9.95.100. In preparation for the hearing, the Board reviewed Mr. Aiken's ISRB file. Mr. Aiken appeared in person and was represented by attorney, Jon Zulauf. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Robert Aleksinski.

LAST BOARD DECISION:

At the July 7, 1998 hearing, the Board found Mr. Aiken parolable from Count II to Count III on October 24, 1998.

CURRENT BOARD DECISION:

Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered by the Board, the Board finds that Mr. Aiken is not parolable and adds no time to his minimum term.

NEXT ACTION:

Schedule a .100 hearing 120 days prior to his PERD. A new psychological evaluation will be needed.

REASONS FOR DECISION:

This was a deferred decision following a full Board discussion, using a structured decision-making framework that takes into consideration: the statistical estimate of risk, criminal history, parole/release history, ability to control behavior, responsivity to programming, demonstrated offender change, release planning, discordant information, and other case specific factors. Based on the requirements of RCW 9.95.100, the Board finds Mr. Aiken not parolable for the following reasons:

- Mr. Aiken has not completed offender change programming to address his criminogenic needs.
- He takes little to no responsibility for the three murders for which he is convicted.
- Mr. Aiken cannot demonstrate insight into his offense behaviors or contributing circumstances.
- His most recent psychological assessment (January 16, 2018) is not favorable in assessing him for movement to lower levels of custody. Dr. Wentworth noted that overall Mr. Aiken's level of risk places him in the moderate range to reoffend. "His lack of engagement with criminogenic focused treatment and ongoing behaviors do not bode well for a successful transition to the community at this time." "Mr. Aiken does not appear to be a good candidate for release to the community at this time."

Recommendations:

Mr. Aiken has little offender change programming and the Board would like him to participate in Bridges to Life, T4C, Redemption, and any other programming that would provide Mr. Aiken with the skills he will need to utilize outside of prison.

JURISDICTION:

Arthur Aiken is under the jurisdiction of the Board on an October 29, 1965 conviction in King County Cause No. 42464 for Murder in the First Degree, Counts I - III. The time start is October 29, 1965. Mr. Aiken was originally sentenced to death. In 1971 Mr. Aiken was re-sentenced and received a Life sentence on all three counts of Murder in the First Degree, to run consecutively. The Board set 240 months on Count I, and 400 months on both Counts II and III. In January of 1992 a Murder One Review was held and the decision was made to maintain the minimum term on Count I at 240 months, and parole him to Count II. Count II was re-determined to 360 months and Count III was maintained at 400 months. The Sentencing Reform Act (SRA) guideline range on Count I is 233 to 313 months, and on Counts II and III is 240 to 320 months. All counts to run consecutive. Mr. Aiken has served approximately 52 years, 5 months, and 13 days in total prison time and no days of jail time.

In 2010, the Board determined they would meet with Mr. Aiken for a .100 hearing three years prior to his ERD.

OFFENSE DESCRIPTION:

Both Mr. Aiken (age 19) and his crime partner (Antonio Wheat, DOC #029645) were airmen stationed at Paine Field in 1965 (entered the military in 1963). On three subsequent weekends they went into Seattle and robbed late night service stations, in each case murdering the lone attendant. The three robberies and associated murders took place over a short period of time, less than 30 days.

PRIOR CRIMINAL / RISK RELATED CONDUCT:

There is no record of prior criminal conduct for Mr. Aiken though he did receive two Court Martial Hearings in the Air Force for minor offenses related to alcohol and assaultive behavior.

PROGRESS/BEHAVIOR SINCE LAST HEARING:

Mr. Aiken has not had a serious infraction since 2008 which was for Sexual Acts in which no coercion or force was involved and a total of 29 serious infractions for his prison term. He has had very little offender change programming

CC Aleksinski provided a summary of programming, behavior and other relevant activities (see above) for Mr. Aiken. He stated that Mr. Aiken has not been a management issue in any way and always receives favorable reports from his work supervisors.

Mr. Aiken's attorney addressed the Board initially by providing information regarding Mr. Aiken's third conviction in which he is seeking a new trial and he reported there will be a hearing the following week to determine if a new hearing will be granted. He further indicated that Mr. Aiken takes responsibility for his participation in the other two Robbery/Homicides and admits to being the shooter in one of the murders. He summarized by requesting the Board not add time to Mr. Aiken's minimum term and allow for him to participate in recommended programming.

Mr. Aiken provided an explanation for the two murders for which his attorney indicated he accepts culpability, completely minimizing his involvement and laying the blame on his co-defendant. Even in the murder in which he admits to shooting the victim, he described himself as a victim of the circumstances he was in and that he had no other options. Mr. Aiken also could not provide any insight into his thinking or circumstances at the time that resulted in his horrific crime spree. This is likely a result of very limited offender change programming. Mr. Aiken indicated he had not wanted to participate in programming as he believed he would never get out of prison even if he did.

Prosecutors Recommendations:

In 1971, both the Prosecutor and Judge recommended the minimum term of Life, and that Mr. Aiken never be paroled. In 1989 an updated recommendation was received that stated their recommendation remained a minimum term of life, with no parole. Also included in their

statement were letters from law enforcement officers who wished to be heard on the matter.

The King County Prosecutor submitted a letter to the Board dated May 9, 2018 in which several factors are specified that support a do not release recommendation from them.

JP:ffo

May 18, 2018

June 4, 2018

June 6, 2018

cc: SCCC
Arthur AIKEN
Jon Zulauf, Attorney
File



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DEPARTMENT OF CORRECTIONS
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P.O. BOX 40907, OLYMPIA, WA 98504-0907

TO: Full Board

FROM: Jeff Patnode (Fawn Opp)

RE: AIKEN, Arthur DOC # 029644

Panel recommends: Not parolable, but does not add time to his minimum term.

Next action: Schedule a .100 hearing 120 days prior to his PERD.

Agree	Disagree
Jeff Patnode 6-4-2018 Lori Ramsdell-Gilkey 6-4-2018 Elyse Balmert 6-4-2018 Kecia Rongen 6-4-2018	