



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

DECISION AND REASONS

NAME: JOHNSTON, Gerald
DOC #: 691281
FACILITY: Cedar Creek Corrections Center – CCCC
DATE OF HEARING: May 16, 2018
TYPE OF HEARING: .100
PANEL MEMBERS: Elyse Balmert and Jeff Patnode
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. Mr. Johnston appeared in person and was represented by attorney Don Miller. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Andre Casey.

LAST BOARD DECISION:

At the November 15, 2016, .100 hearing, the Board found Mr. Johnston conditionally parolable and added 30 months to his minimum term. The Board wanted Mr. Johnston to spend approximately 12 months in a camp setting, preferably at Coyote Ridge to participate in the Therapeutic Community, if possible. He was to continue to remain infraction free and participate in programming available to him.

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. Johnston is parolable.

NEXT ACTION:

Submit an Offender Release Plan (ORP) for consideration.

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. Johnston parolable for the following reasons:

- Dr. Wentworth assesses his overall risk as low/medium with protective factors
- Extensive programming, T4C, Smart Recovery, Bridges to Life X 3
- Multiple chemical dependency programs
- No Serious Infractions since 2010
- Job skills and community support
- Positive work evaluations
- No behavioral issues
- Three years of supervision

JURISDICTION:

Mr. Johnston is under the jurisdiction of the Board on a March 4, 1982, conviction for Murder in the First Degree under King County Cause #82-1-00087-2. The conviction has an enhancement for being armed with a deadly weapon. His time start is April 19, 1994. His initial duration of confinement was set by the Board at 580 months; however, during the Murder One Review the minimum term was re-determined to 388 months from a Sentencing Reform Act (SRA) range of 291 to 388 months. His maximum term is Life. Mr. Johnston has served approximately 455 months (288 months on the current sentence) on the above cause, and a total of 438 months in prison with zero days of jail time credit.

OFFENSE DESCRIPTION:

Gerald Johnston was serving the remainder of a prison sentence at Bishop Lewis Work Release when the offense occurred. On January 4, 1982 during the commission of a robbery Mr. Johnston, age 29, shot and killed the elderly owner of a pharmacy in Seattle.

PRIOR CRIMINAL / RISK RELATED CONDUCT:

The file material is unclear, but it appears as a juvenile Mr. Johnston had a minimum of two juvenile convictions for Burglary in the state of Idaho. He did serve time under the Idaho Department of Institutions at Saint Anthony State Training School.

As an adult he was first convicted in April of 1971 for Burglary in the Second Degree. He was next convicted in November of 1972 for Burglary in the Second Degree, and in June of 1975 he received an additional Burglary in the Second Degree conviction.

In October of 1976 Mr. Johnston was convicted of Possession of Stolen Property in the Second Degree and in October of 1980 he was convicted of Burglary in the Second Degree.

During his confession to the murder Mr. Johnston also confessed to eight additional armed robberies occurring in King County between August and December of 1981, while he was in work release.

While awaiting sentencing on his murder conviction Mr. Johnston was told that he would not be prosecuted for any burglaries he may have committed while in work release and he subsequently confessed to approximately 85 residential burglaries.

Mr. Johnston admitted that these offenses were committed for the sole purpose of obtaining illegal and/or prescription drugs or the money to buy them. He stated he was addicted to drugs, primarily “downers” and “pain pills” like Dilaudid.

PROGRESS/BEHAVIOR SINCE LAST HEARING:

CC Casey reported that Mr. Johnston has incurred no Serious Infractions since his last .100 hearing, and his last Serious Infraction was in 2010. He has completed; Bridges to Life three times and assisted with the program at times. He completed T4C, Smart Recovery, Material Handler, Custodian, Keyboarding, and computer basics. Washington One provided him with a Moderate RLC. He has been working at C.I. in the community. He would like to release to his fiancé Kathy who he reconnected with about a year ago. She is currently living with her daughter who is married and has minor children. The fiancé is still legally married, although she has been separated for over 16 years according to Mr. Johnston. His fiancée also has a medical condition.

Dr. Wentworth's January 26, 2018 psychological evaluation recommends in part that if Mr. Johnston is released to the community that he may benefit from the following:

- Involvement in therapy for stress and anger issues, especially concerning those that may stem from possible reintegration into the community.
- Mandatory ongoing external supervision and monitoring to be required by the legal system as well as various support systems.
- The presence of strong family and positive peer connections.
- "Thinking for a Change" which is available in the community.
- Continuing with basic re-entry planning for housing, budget, treatment options, and aftercare is recommended.
- Participation in regular employment.
- Abstain from alcohol or other drugs and participation in sober support groups.

“Mr. Johnston's actuarial level of risk places him in the moderate to high range to reoffend with protective factors that may reduce his risk level to low-moderate. His engagement with criminogenically-focused treatment and ongoing behaviors have improved his chances to succeed in a transition to the community at this time. He has more pro- social relationships that may motivate him to succeed in the community at this time.”

INFORMATION CONSIDERED:

In preparation for the hearing, the Board reviewed Mr. Johnston's ISRB file. CC Casey provided a summary of programming, behavior, and other relevant activities (see above) for Mr. Johnston. Both the prosecutor and the judge recommended a Life sentence for Mr. Johnston originally. The updated recommendation in 2016 by the judge still recommended Life, and the prosecutor recommended 120 years from the Murder One Review. The Psychological Evaluation dated January 26, 2018 provided by Dr. Deborah Wentworth, PhD.

EB:ffo

June 4, 2018

June 6, 2018

cc: CCCC
Gerald JOHNSTON
Don Miller, Attorney
File



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INDETERMINATE SENTENCE REVIEW BOARD
P.O. BOX 40907, OLYMPIA, WA 98504-0907

TO: Full Board

FROM: Elyse Balmert and Jeff Patnode (Fawn)

RE: JOHNSTON, Gerald DOC #691281

Panel recommends: Parolable

Next action: Submit an ORP for consideration

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