



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

**DECISION AND REASONS**

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NAME: KRAUS, Martin  
DOC #: 244325  
FACILITY: Monroe Correctional Complex - Special Offenders Unit  
TYPE OF HEARING: .100 Hearing  
HEARING DATE: June 21, 2017  
PANEL MEMBERS: JP & L RG  
FINAL DECISION DATE: June 26, 2017

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This matter came before Jeff Patnode and Lori Ramsdell-Gilkey who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Asen Deshev, Correctional Mental Health Specialist Ismel Concepcion, and Psychologist Dr. Davis. The hearing was held in absentia as Mr. Kraus declined attendance and refused to be represented by an attorney.

**BOARD DECISION:**

This was a Deferred 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. Kraus is not parolable and affirms the previous Board decision from July 2013 to extend him to his maximum expiration date of March 14, 2019.

**NEXT ACTION:**

Release Mr. Kraus on his maximum.

**JURISDICTION:**

Martin Kraus is under the jurisdiction of the Board on a February 28, 1977 conviction in King County Cause Number #78824 for Attempted Robbery in the First Degree (Count I) and Robbery in the First Degree (Count II). The time start is February 28, 1977. The minimum term was set at 29 months on Count I and 52 months on Count II from a Sentencing Reform Act (SRA) range of 29.5 to 40.7 months on Count I and 52 to 70 months on Count II. The sentences run concurrently. The maximum term is 120 months on Count I, which has expired, and 240 months on Count II. Mr. Kraus has served approximately 214 months in prison.

He had previously escaped from Washington in August of 1979. Mr. Kraus went to Illinois where he committed a Murder in 1982 and served time there before being returned to Washington in January of 2002.

**NATURE OF INDEX OFFENSE(S):**

Mr. Kraus was released to parole on September 7, 1976. He had been serving a prison sentence on a 1975 conviction for Credit Card Theft (*see* description below). Fourteen days after Mr. Kraus was released, he robbed a pharmacy in Seattle. Two days later, law enforcement found him siphoning gasoline from a vehicle, and he was arrested. The police then transported Mr. Kraus to Harborview Hospital, as they believed that he had a possible drug overdose. No charges were filed at that time. Approximately two weeks later, Mr. Kraus attempted to rob a cashier in a store but was not successful and fled. The police saw him getting into a cab nearby, stopped the cab and returned him to the store, where he was identified by the employee he attempted to rob.

**PRIOR CRIMINAL CONDUCT:**

Mr. Kraus' criminal history is lengthy. His first contact with law enforcement was at his age of 13 for delinquency and incorrigibility. His offenses included: writing vulgar words on a bridge; shooting toward a house; petty larceny; theft of gasoline; enticing a boy to fight with a knife; breaking and entering; trespassing; larceny from a residence; and truancy. Mr. Kraus was sent to McLaren School for Boys on three occasions.

Mr. Kraus' adult criminal history is also lengthy. He has a prior conviction for Theft First Degree from Salem, Oregon, where he spent a two year confinement at an Oregon State Correctional Institution and was released without parole. A drug charge was dropped prior to sentencing. Two weeks after Mr. Kraus' release from his first incarceration, he was arrested again in Medford, Oregon for Possession of Burglary Tools and Conspiracy to Commit First Degree Burglary, although the disposition is unknown. Mr. Kraus was arrested in Tacoma, Washington in December of 1974 for Loitering and Possession of a Dangerous Drug. Mr. Kraus also had a prior conviction in 1975 in Pierce County Cause #46782 for Credit Card Theft, which was the index offense from which he was paroled when he committed the two current offenses.

Mr. Kraus escaped from the Department of Corrections Monroe Work Release in August of 1979 and was on escape status when he committed Murder in Illinois. Mr. Kraus stabbed a man to death in what he self-reports as "a drug deal gone bad." He was committed to the Illinois State Prison for 20 years before being returned to Washington in 2002 to complete the sentence he had here.

**HISTORY/COMMENTS:**

Mr. Kraus refused to attend this hearing. He also refused to participate in the psychological evaluation by Dr. Deborah Wentworth or be represented by an attorney. (See below for a detail of previous hearing).

Mr. Kraus had previously been found conditionally parolable to a Mutual Agreement Plan (MAP) in October of 2002; however, that MAP was interrupted when Mr. Kraus was moved to the Special Offender Unit (SOU) for mental health concerns. He was seen by the Board on January 10, 2007. At the 2007 Board hearing, classification, psychiatric, and mental health staff testified that Mr. Kraus had done quite well and was medication compliant. He was found not parolable and 36 months were added to his minimum term, with a suggestion that Mr. Kraus participate in a Therapeutic Community (TC).

Between the 2007 hearing and his hearing in October, 2008, Mr. Kraus had incurred five major infractions, and this had affected his custody level. At the 2008 hearing, the Special Offender Unit mental health staff and counselors described Mr. Kraus as having made significant gains in his attitude and behavior and overall mental health. They described him as much more stabilized and indicated that he participated in activities in the unit, as well as in the classroom at school.

Mr. Kraus still had not participated in a TC. It had been the Board's desire for his significant chemical dependency issues to be addressed, along with his mental health issues. Mr. Kraus described to the Board that he was still not interested in participating in the TC. Apparently he had issues with sharing his room and other socializations that would occur were he be moved to the unit where the TC is available. The Board remained convinced that a TC was still a necessity for Mr. Kraus. Consequently, the Board found Mr. Kraus not parolable and added 24 months to his minimum term.

When the Board saw him again in 2010, Mr. Kraus had entered into the TC, continued with his mental health treatment at SOU and developed an eating disorder. He indicated at the 2010 hearing that this eating disorder had been a life long struggle for him since he was a teenager. He worked with medical staff, stopped losing weight and had stabilized. He seemed to have the issue under control. He had progressed to Phase III in his CD treatment and had assumed positions of responsibility, such as education lead, in the TC.

Mr. Kraus stated that he needed a stabilization period before being completely released to the community. He felt that Lincoln Park would be a good transition location, particularly because there is a therapeutic community there where he could continue to address his substance abuse issues. Mr. Kraus said that his main objective was to remain clean and sober. At his 2010 hearing, Mr. Kraus had completed MRT, Stress/Anger Management, and Victim Awareness. The Board found Mr. Kraus conditionally parolable to a Mutual Re-Entry Plan (MRP), with hopes that he could transition through a work release.

After the hearing in February, 2010, Mr. Kraus incurred four major infractions. Also in April, he refused to participate in a new psychological evaluation to the extent that Dr. Scholtz was prompted to state: "In my attempts to interview Mr. Kraus he is uncooperative, appears to be feigning cognitive impairment and is generally unwilling to participate in the evaluation. Mr. Kraus has had a significant number of problems recently and any consideration of parole is strongly discouraged."

Mr. Kraus' 2013 hearing had to be continued three times from the beginning due to medical issues. He also has continued to incur infractions, four majors for: Making Drugs/Alcohol (pruno), Abusive Language, Strong-arming/Intimidation, Threatening and Refusing Cell/Housing Assignment. Mr. Kraus was extended to his maximum release date and the Board recommended his participate fully in his next psychological evaluation and remain infraction free.

Mr. Kraus has the following infraction history since his last hearing in 2013:

December 2013 #555 Theft – Mr. Kraus took paperwork regarding another offender from the Officer Station; January 2014 #505 Fighting – Mr. Kraus was witnessed to be throwing closed fist punches at another offender who called him a "faggot"; May 2016 #508 Throwing Objects – while at pill line, Mr. Kraus threw his cup of Mylanta liquid toward the garbage can hitting the edge of the can and staff's leg getting Mylanta on the unit staff; June 2016 #506 Threatening – Mr. Kraus told staff that he wanted to "PC up" and stated that if he wasn't placed in protective custody he would fashion a weapon and stab someone with it; June 2016 #724 Refuse Cell Housing – Upon completing his sanction, he refused his housing assignment to return to E Unit; August 2016 #752 Positive Drug/Alcohol Test – Mr. Kraus submitted a urine sample that tested positive for Methamphetamine; August 2016 #724 Refuse Cell/Housing Assignment – Mr. Kraus refused his housing assignment stating that he was promised protective custody. December 2016 #509 Refuse to Proceed – He refused to yard in saying that he wanted to go to the Close Observation Unit; December 2016 #506 Threatening – Mr. Kraus said that he is assaultive and suicidal and

that he will do whatever it takes to get off of the unit. He then stood up out of his wheelchair, got in a fighting stance and said, “I want out of here even if I have to kick your ass, I will”; December 2016 #506 Threatening, #724 Refuse Cell Housing – Mr. Kraus refused to return to E Unit and said that he would fight if staff attempted to return him to E Unit.

CC Asen Deshev stated that Mr. Kraus has been difficult at times as reflected by his infraction history since his last hearing. He said Mr. Kraus swings 180 degrees when he has discussed his participation at a final Board hearing. He stated Mr. Kraus is participating in an active mental health plan and Mr. Deshev said he does not believe Kraus is prepared for release on his maximum.

Mental Health Specialist Ismel Concepcion discussed Mr. Kraus and his participation in his weekly treatment group. He said that overall his participation was acceptable and he provided good feedback to the group. Dr. Davis also discussed Mr. Kraus and stated he is compliant with his mental health plan. He also said Mr. Kraus is very intelligent/cerebral and appears to have significant issues related to self-worth and status which may be related to his reluctance to be released from prison. Dr. Davis said that Mr. Kraus will need a supported release environment and not having access to DOC resources and supervision will create a significant challenge for Mr. Kraus.

**INFORMATION CONSIDERED:**

In preparation for Mr. Kraus’ hearing and its decision in this case, the Board completed a review of Mr. Kraus’ Department of Corrections (DOC) and ISRB files. The Board considered all information contained in those files, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; psychological evaluation prepared by Dr. Deborah Wentworth, dated December 19, 2016. The Board also considered the testimony of the witnesses listed above.

**REASONS:**

**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 9.95.009 (3) and RCW 9.95.100 the Board finds Mr. Kraus NOT parolable and he will be released on his maximum.**

Today's hearing focused mainly on information regarding Mr. Kraus' current mental health and medical issues. He was not at the hearing to provide the Board with direct testimony and as such the Board was left to rely solely upon testimony from those working with him in order to make a determination. It does not appear that Mr. Kraus has followed any of the Board's recommendations from his last hearing as he refused to participate in his psychological evaluation and has incurred numerous serious infractions as detailed above.

The Board would prefer Mr. Kraus be released prior to his maximum in order to have a parole period that would provide structure, resources, and reentry assistance. However, it is not possible to assess Mr. Kraus as being fully rehabilitated and fit subject for release given his institution behavior and refusal to participate in Board recommendations.

JP: ts

June 29, 2017

June 29, 2017

cc: MCC-SOU  
Martin KRAUS  
File



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

DATE: June 29, 2017

TO: Full Board

FROM: JP & L R-G (Teresa)

RE: KRAUS, Martin, DOC# 244325

Panel recommends: Not parolable – affirm the previous decision in July 2013 to extend him to his maximum expiration date

Next action: Release on maximum expiration date of March 15, 2019.

<b>Agree</b>	<b>Disagree</b>
Jeff Patnode 6-26-2017 Lori Ramsdell-Gilkey 6-26-2017 Elyse Balmert 6-26-2017 Kecia Rongen 6-26-2017	