



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

DECISION AND REASONS

NAME: HENDERSON, Germaine
DOC #: 775681
FACILITY: MCC – Twin Rivers Unit (TRU)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: December 5, 2017
PANEL MEMBERS: JP & EB
FINAL DECISION DATE: December 18, 2017

This matter came before Jeff Patnode and Elyse Balmert, 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 9.94A.730. Mr. Henderson appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) James Leffew and Mr. Henderson.

BOARD 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.

Consequently, the Board finds Mr. Henderson releasable in approximately 18 months upon his satisfactory completion of a transition through lower levels of custody that preferably includes a period of time in work release. The Board finds Mr. Henderson releasable in June of 2019. The

actual release date is contingent upon the approval of the Offender Release Plan (ORP) and the mandatory Law Enforcement Notification.

NEXT ACTION:

Submit an Offender Release Plan (ORP) in February 2019 for review and approval by the Board.

JURIDICTION:

Germaine Henderson was seen by the Board as the result of a February 20, 1998 conviction in King County Cause #97-1-03685-9 for Murder in the First Degree Count II. The time start is March 17, 1998. The Term of Confinement was set at 360 months (300 months base plus 60 months firearm enhancement) from a Sentencing Reform Act (SRA) range of 321 to 407 months. The maximum expiration date is January 26, 2027. Mr. Henderson has served approximately 237 months in prison and 413 days of jail time.

Note: Other Causes/Counts: Same cause, count I is Attempted Robbery in the First Degree with a firearm enhancement. The term of confinement is 100 months (40 months base plus 60 months firearm enhancement) from a SRA range of 90.75 to 100.5 months. Count I has expired.

NATURE OF INDEX OFFENSE(S):

Count I: Attempted Robbery, First Degree While Armed with a Firearm: On December 23, 1996, Letasha Garrett (age 15), Madreone Kinsey (age 18), and Germaine Henderson (age 15) went to the Highpoint Market, just before closing time. Mr. Henderson pulled out a sawed off rifle and fired at the owner who also pulled out a handgun, ducked and fired several times. Mr. Kinsey and Ms. Garret ran, but Mr. Henderson was shot in the neck. The owners called 911. Mr. Henderson was taken to Harborview Medical center for treatment.

Count II: : Murder, First Degree While Armed with a Firearm: On December 17, 1996, a cab driver picked up Letasha Garrett, Madreone Kinsey, and Germaine Henderson. A short while later,

police received a report that the cab driver had been shot. Witnesses reported they saw the three get out of the taxi. One leaned in the driver's door, then all three ran away.

Ms. Garrett told police she watched the other two saw off the end of the rifle and decide to rob a cab driver. She stated Mr. Kinsey used a potato wrapped in electrical tape to quiet the shot. Mr. Henderson put the potato and the rifle in a backpack, and the three of them left the house. She stated Mr. Kinsey shot the driver, and both of the others told her to grab the money. She stated her codefendants laughed and bragged about the shooting. Mr. Kinsey admitted to the shooting.

Count III of index crime: Attempted Robbery, First Degree (dismissed upon entry of guilty plea to counts I and II. On December 16, 1996, the victim was returning home when a young man in a skeleton mask approached him and pulled out a sawed off rifle. Two more youths approached and demanded the victim's rifle which he refused. The person in the mask demanded the victim's jacket. The victim yelled to a man in the distance to call 911. The three assailants began to retreat, and one said "pop him". The masked person shot the victim in his leg. Mr. Henderson denied that he was the individual wearing the mask or that he robbed the victim; however, the police confiscated a skeleton mask from his bedroom.

PRIOR CRIMINAL CONDUCT:

Mr. Henderson has juvenile convictions as follows:

February 1995 – Count I: Assault, 4th Degree; Count II: Obstructing Law Enforcement Officer. Deferred prosecution/ diversion completed

August 1995 – Dangerous Weapons on School Premises. Deferred prosecution/diversion completed

April 1996 – Residential Burglary

HISTORY/COMMENTS:

This is the first Board hearing for Mr. Henderson.

Mr. Henderson has incurred 11 total serious infractions dating back to 1999, a small number as compared to other Juvenile Board cases. The last that is risk related for Mr. Henderson is 2002 for participating in a Security Threat Group and 2000 for resisting assisted movement (he was refusing to leave another offenders cell). His infraction history is notably minor for an offender incarcerated for over 20 years and in particular for someone coming to prison at his early age.

Mr. Henderson has participated in a number of offender change programs during his prison stay to include: September 2009 – McNeil Island Corrections Center (MICC) Family Dynamics; June 2015 – Substance Abuse Intensive Out Patient; June 2015 – Reentry Life Skills; October 2015 – Thinking for a Change; March of 2016 – Financial Peace University

Classification Counselor James Leffew provided testimony regarding Mr. Henderson's behavior, programming (see above), and community support. CC Leffew stated that Mr. Henderson has not been a management issue and gets along well with staff and other offenders. He stated Mr. Henderson has held a variety of jobs during his stay in DOC and receives favorable reports from supervisors. CC Leffew said that Mr. Henderson has very good community support in the Kent area (south King County) with both family and a wife and step-son (he hopes to release to his wife).

Mr. Henderson provided a disclosure of his index offenses that matched file material. He took full responsibility for his actions and accurately described the events that occurred during his three index offenses. He demonstrated good insight into his thinking during that time and could describe that changes that have occurred in his thinking since his offending (he was 15 years of age at the time of the index offenses).

INFORMATION CONSIDERED:

In preparation for Mr. Henderson' hearing and its decision in this case, the Board completed a review of his ISRB file. The Board considered all information contained in that file, including but

not limited to: information provided by the sentencing court/prosecutor; 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; and the Psychological Evaluation dated August 23, 2017, by Deborah Wentworth, Ph.D. The Board also considered the testimony of the witnesses.

The ISRB received a recommendation from the Prosecutor, indicating they do not oppose release if Mr. Henderson meets release criteria.

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 9.94A.730 (3) the Board finds Mr. Henderson releasable about June 2019.

Mr. Henderson participated in a psychological evaluation by Dr. Wentworth in August of 2017. Dr. Wentworth noted that Mr. Henderson currently has a moderately high level of protective factors. Other mitigating factors include increasing age, medical condition, decreased frequency of institutional misbehavior, and participation in cognitive behavioral programming. Dr. Wentworth stated that when risk factors are combined with protective factors, Mr. Henderson's level of risk may be more accurately assessed as being LOW.

Mr. Henderson takes full responsibility for his crimes, has completed offender change programs to address his criminogenic needs, and has very good community support.

Mr. Henderson has spent his entire adult life in prison and as such will benefit from transition through lower levels of custody to include camp and work release.

JP: ts

December 13, 2017

December 19, 2017

December 20, 2017

January 2, 2018

January 3, 2018

cc: MCC-TRU
Germaine Henderson
File



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

DATE: December 13, 2017

TO: Full Board

FROM: JP & EB (Teresa)

RE: HENDERSON, Germaine, DOC# 775681

Panel recommends: Releasable in June 2019.

Next action: Submit an ORP in February 2019.

Agree	Disagree
Jeff Patnode – 12-18-2017 Elyse Balmert – 12-18-2017 Lori Ramsdell-Gilkey 12-18-2017 Kecia Rongen 12-18-2017	