



**Indeterminate Sentence Review Board
Decision and Reasons Summary**

Name: Lakey, Hershel	DOC#: 255710	Case Type: PAR	Date: 3/18/2025
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Note: This is a summary of the Decision and Reasons dated 3/24/2025, and should not be substituted for the full document.

Decision: Conditionally Parolable to a Mutual Reentry Plan (MRP). The Board adds 36 months to his minimum term.

Next Action: Schedule a .100 Hearing approximately 120 days prior to PERD

Mr. Lakey was seen past his ERD due to him signing a SOTAP hearing Waiver in October of 2023. The mid treatment review was received in November of 2024, and he was placed on the next available docket.

Recommendations:

- Sober Support Groups
- Other Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence, Domestic Violence Treatment
- Remain infraction free and have positive interactions with staff
- Participate in next Hearing
- Develop a release plan/community support



DECISION AND REASONS

NAME:	LAKEY, Hershel
DOC #:	255710
FACILITY:	Airway Heights Corrections Center
DATE OF HEARING:	March 18, 2025
TYPE OF HEARING:	.100
PANEL MEMBERS:	Corey McNally & Jeff Patnode
FINAL DECISION DATE:	March 24, 2025

I. DECISION/LEGAL STANDARD

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. This statute directs the Board to not release an individual unless in the Board's opinion his or her rehabilitation has been completed, and he or she is a fit subject for release. Consequently, the Board finds Hershel Lakey **conditionally parolable to a MRP** and adds 36 months to the minimum term.

Mr. Lakey was seen past his earliest release date (ERD) due to signing a SOTAP hearing Waiver in October of 2023. The Mid-Treatment Review was received in November of 2024, and he was placed on the next available docket.

The Judge and Prosecutor recommended he never be released.

NEXT ACTION: Schedule a .100 hearing 120 days prior to this PERD.

II. JURISDICTION

Mr. Lakey is under the jurisdiction of the Board on a June 18, 1979, conviction under Thurston County Cause #79-1-00068-3 for Theft in the First Degree, Count I. The time start is December 12, 2022. The minimum term was set at 36 months from a Sentencing Reform Act (SRA) range of 0 to 2 months. The statutory maximum term is ten years. Mr. Lakey has served approximately 27 months in prison and 13 days of jail time during the initial period of confinement.

Mr. Lakey was also sentenced on Thurston County Cause 79-1-00082-9 for Murder in the First Degree. The Board set a minimum term of 480 months. Mr. Lakey served approximately 521 months on that cause before being paroled to his current cause.

III. LAST BOARD DECISION

Mr. Lakey last had a .100 Hearing on November 29, 2022, wherein he was found parolable to the consecutive Thurston County Cause #79-1-00068-3. In their decision, the Board noted this does not indicate that he is ready for release to the community. The decision was made to facilitate his ability to participate in SOTAP. The Board wanted him to enter and complete SOTAP while serving his consecutive term and, if he fails to do so, the Board reserves the right to revisit their decision at any time. The Board recommended he enter and complete both SOTAP as well as recommended SUD Treatment, maintain positive prison behavior, and begin working on a detailed release plan.

IV. OFFENSE DESCRIPTION

Mr. Lakey (21) met the victim (27-year-old woman) at a bar while he was celebrating his 21st birthday. The victim was celebrating graduating early from college. The two had never met before. The victim stated she had rooms for rent and Mr. Lakey requested to see a room. They went to her residence and, as she was showing her home, he propositioned her for sex to which she declined. He sexually assaulted and murdered the victim. Afterward, he stole her car, went home to change his clothes, and drove around looking for drugs. He crashed the car and fled

the scene when law enforcement arrived. Upon apprehension, law enforcement realized he did not own the car and attempted to contact the owner, discovering her body.

V. OTHER RISK RELATED BEHAVIOR

Juvenile: 1974 – Indecent Liberties, At the age of 16, Lakey lured a 6-and-a-half-year-old boy to a secluded area where he removed both their pants, and he rubbed up against the victim until ejaculation. He was arrested and sentenced to probation.

Juvenile: 1976 (OR), Stole his father's car from Washington and went to Oregon. He spent time in jail and was released.

Adult: 1976 (OR), Selling marijuana at a high school football game. He was given a one-year suspended sentence and one-year of probation.

VI. EVIDENCE CONSIDERED

The Board considered the evidence presented at the hearing and reviewed Hershel Lakey's ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Melissa Warfield, SOTAP Specialist Crystal Ramos, SOTAP Program Manager Brent Borg and Hershel Lakey.**

The file review included the following documents:

- ☒ End of Sentence Review Committee (ESRC) Reports: **Dated 2-18-25**
- ☒ Criminal case records
- ☒ Psychological Evaluations: **Dr. Lisa Robtoy Psychological Evaluation dated 11-20-25; Psychological Evaluation completed by Dr. Lisa Robtoy dated 3-18-21**
- ☒ DOC Treatment and behavioral reports dated: **SOTAP Mid-Treatment Review dated 11-8-25; DOC Substance Use Disorder Discharge Summary dated 9-26-23**
- ☒ Risk Assessments (Static, SOTIPS etc.):
 - ***Hare Psychopathy Checklist-REVISED (PCL-R)*** indicates the extent to which the individual has psychopathic tendencies.
 - ***Sex Offender Treatment and Intervention Progress Scale (SOTIPS)*** used to assess risk, treatment and supervision needs, and progress among adult male sex offenders. It is

reported combined SOTIPS/Static-99R scores have predicted sexual recidivism better than either instrument alone.

- **Stable-2007** is an empirically derived actuarial risk tool commonly used to assess treatment and supervision needs of sex offenders.
- **Static-99R** is an actuarial risk prediction instrument designed to estimate the probability of sexual and violent recidivism. It is the most widely used sex offender risk assessment instrument in the world.
- **Violence Risk Assessment Guide-Revised (VRAG-R)** is a 12-item actuarial scale designed to predict violent recidivism.

☒ Prior Decision & Reasons (D&R): **12-12-22**

☒ DOC OMNI Records

☒ Other:

- Letter from Jon Tunheim, Thurston County Prosecuting Attorney, dated **1-9-25**
- Statement of Presiding Judge dated **3-15-1990**
- Statement of Prosecuting Attorney dated **6-18-1979**
- Individual Release Plan submitted by Mr. Lakey received on **1-7-25**

VII. FINDINGS

1. In preparation for this hearing, Mr. Lakey was advised of his hearing rights.
2. Mr. Lakey appeared by video conference. He was represented by attorney Brandon West.
3. The Board has considered all potential Conditions of Supervision it may lawfully impose, including all identified by the End of Sentence Review Committee (ESRC), DOC psychological evaluations, and RCW 9.94A.704. These conditions include, but are not limited to, the following:
 - DRUG / ALCOHOL RESTRICTIONS
 - ELECTRONIC MONITORING
 - GEOGRAPHIC RESTRICTIONS
 - PARTICIPATION IN DRUG/ALCOHOL TREATMENT
 - PARTICIPATION IN SEX OFFENSE TREATMENT
 - SEXUALLY EXPLICIT MATERIAL
 - SUBMIT TO POLYGRAPHS
 - UNAPPROVED RELATIONSHIPS

4. The Board has considered the following evidence favorable to Hershel Lakey's release determination:

- ☒ Treatment/Programming. **Completed the institutional phase of SOTAP 11-18-24; completed in-patient substance use treatment 9-26-23**
- ☒ Protective factors. **No serious infractions since 2013**
- ☒ Risk Assessment Scores. **SOTIPS low risk (+9 points); PLC-R Mod/Low (+19 points)**
- ☒ Other evidence: **Psychological Evaluation by Dr. Robtoy indicating he is a low/moderate risk for violent recidivism and is a reasonable candidate for release.**

5. The Board has considered evidence against Hershel Lakey's conditional release (WAC 381-60-160), examples of adequate reasons for a finding of non-parolability include, but are not limited to:

- ☐ Active refusal to participate in available program or resources designed to assist and offender to reduce the risk of re-offense (e.g., anger management, substance abuse treatment).
- ☒ Serious and repetitive disciplinary infractions during incarceration. **Total of 31 serious infractions prior to 2013.**
- ☐ Evidence of an inmate's continuing intent or propensity to engage in illegal activity (e.g., victim harassment, criminal conduct while incarcerated, continued use of illegal substances).
- ☐ Statements or declarations by the inmate that he or she intends to re-offend or does not intend to comply with conditions of parole.
- ☒ Evidence that an inmate presents a substantial danger to the community if released.
 - **Scores moderate risk on the Static 99R (+4 points)**
 - **Scores high risk on the Stable 2007 (+13 points)**
 - **Scores High Risk on the V-RAG (Bin 8 of 9)**
- ☒ Other: Statements/recommendations from Prosecuting attorney and sentencing judge.

6. The Conditions of Supervision, and any favorable evidence noted above considered by the Board would sufficiently reduce the likelihood of Hershel Lakey committing new offenses because:

- **Mr. Lakey has not earned a serious infraction in 12 years (2013).**
- **He has completed the institutional portion of SOTAP with positive reports from his treatment providers.**

- **He has completed the Substance Use Therapeutic Community earning positive reports of his participation from his treatment providers.**
- **Mr. Lakey has a reasonable release plan.**
- **He has been determined to be a low/moderate risk for violent recidivism.**
- **Per the psychological evaluation he is a reasonable candidate for release.**

7. Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and after weighing all of the totality of the evidence, including the community custody conditions and any favorable evidence noted above by the Board, the Board finds that Mr. Lakey is parolable to a MRP.

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.

VIII. RECOMMENDATIONS

- **Sober Support Groups**
- **Other Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence, Domestic Violence Treatment**
- **Remain infraction free and have positive interactions with staff**
- **Participate in next Hearing**
- **Develop a release plan/community support**

CM: hd

3/24/2025

cc: Facility: AHCC
Hershel Lakey, Incarcerated Individual
File



TO: Full Board

FROM: **CM** (hd)

RE: LAKEY, Hershel DOC # 255710

Panel recommends: Conditionally Parolable to a Mutual Reentry Plan and adds 36 months to his minimum term.

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

Agree	Disagree
Jeff Patnode, 3.24.2025 Corey McNally, 3.24.2025 Jill Getty, 3.24.2025 Meghan Kelly-Stallings, 3.24.2025 Kecia Rongen, 3.24.2025	