



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

Name: AGTUCA, Kenneth	DOC#: 626184	Case Type: PAR	Date: 4/16/2025
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Note: This is a summary of the Decision and Reasons dated 4/28/2025, and should not be substituted for the full document.

Decision:

Not Parolable. Add 48 months to Minimum Term.

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

Recommendations:

- Substance Abuse Treatment, Assessment and Follow 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:	AGTUCA, Kenneth
DOC #:	626184
FACILITY:	Stafford Creek Corrections Center
DATE OF HEARING:	April 16, 2025
TYPE OF HEARING:	.100
PANEL MEMBERS:	Corey McNally & Jeff Patnode
FINAL DECISION DATE:	April 28, 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 Kenneth Agtuca **not parolable** and adds 48 months to the minimum term.

At the time of sentencing the court recommended a minimum term of 126 months. The prosecutor recommended a minimum term of 20 years with a note that 15 was mandatory. No updated recommendations have been received.

NEXT ACTION: Schedule a .100 Hearing approximately 120 days prior to PERD.

II. JURISDICTION

Kenneth Agtuca is under the jurisdiction of the Board on a September 4, 1991, conviction in Walla Walla County Cause #90-1-00246-0 for Assault in the First-Degree Count I. The time start is September 4, 1991. The minimum term was set at 150 months from a Sentencing Reform Act (SRA)

range of 129 to 171 months. The statutory maximum term is Life. Mr. Agtuca has served approximately 113 months in prison and 0 days of jail time to date prior to his release. Mr. Agtuca has served approximately 469 months in prison total on this cause and 0 days of jail time.

Cause #68035 for Assault in the First Degree (Habitual Criminal) was originally sentenced on July 15, 1977, but was vacated in June 1990 and re-sentenced under Cause #90-1-00246-1 on September 4, 1991. Mr. Agtuca has been in prison since July 21, 1970, with the exception of about six months of parole, for a total of 51 years, of which nine months were on consecutive Causes prior to his current cause.

Mr. Agtuca has a Notify Only Warrant from the US Marshal.

Revoke: Mr. Agtuca was released on March 18, 1992, and revoked on November 10, 1992. The new MT was set at 60 months. The current time served on his first revocation is 335 months.

Revoke: Mr. Agtuca was released on October 21, 2020, and revoked on November 3, 2021. The new MT was set at 36 months. The current time served on his current revocation is 40 months.

III. LAST BOARD DECISION

Mr. Agtuca last saw the Board in a .100 hearing on August 1, 2023, where he was found not releasable, and 30 months were added to his minimum term. The Board recommended he continue to attend sober support groups, attend other programs if eligible, remain infraction free, complete a relapse prevention plan to provide to the Board at the next hearing.

IV. OFFENSE DESCRIPTION

Mr. Agtuca and another incarcerated individual (I/I) stabbed a third I/I 31 times while confined at the Washington State Penitentiary (WSP). Mr. Agtuca was originally convicted of this offense in 1977 with a Habitual Criminal finding. After resentencing it was determined that the Habitual Criminal finding did not survive the Sentencing Reform Act, and it was not included.

Mr. Agtuca was originally paroled on this offense in 1992. However, he absconded from parole and committed a bank robbery. As a result, Mr. Agtuca now has a consecutive Federal sentence to serve. The Board paroled Mr. Agtuca to his Federal detainer in 1996. However, he refused to sign Washington State Parole orders. Thus, his parole was cancelled.

Mr. Agtuca was found parolable in April 2020 and was paroled to community supervision on October 21, 2020. After his release he participated in three violation processes: In-custody Hearing to address a DUI arrest on February 17, 2021, consuming alcohol, and possessing marijuana (parole reinstated), a Board Warning on April 27, 2021 to address consuming alcohol, possessing marijuana, and associating with known drug users. Information provided during a polygraph on April 13, 2021, and an In-custody Hearing on December 2, 2021 to address use of alcohol on or about October 19, 2021. Mr. Agtuca's parole was revoked, and a new minimum term of 36 months was set.

V. OTHER RISK RELATED BEHAVIOR

Mr. Agtuca has been incarcerated since the approximate age of 17 and his crimes date back to 1970. His criminal history includes:

July 21, 1970 – Count I – Robbery and Count II – Committing a Felony While Armed with a Firearm, King County Cause #54034. In this incident, Mr. Agtuca robbed a pharmacy at gunpoint, obtaining approximately \$38.00.

February 7, 1972 – Counts I and II – Robbery and Count III – Assault in the Second Degree, King County Cause #58785. While Mr. Agtuca was on furlough status on #54034, he and two co-defendants robbed the home of three University of Washington students.

November 6, 1974 – Assault in the Second Degree, Walla Walla County Cause #62328. In this incident, Mr. Agtuca and another inmate assaulted a correctional officer at WSP.

February 27, 1995 – Count I – Conspiracy to Commit Armed Bank Robbery, Count II – Armed Bank Robbery, Count III – Use of Firearm During a Crime of Violence, and Count IV – Felon in Possession of a Firearm; Armed Career Criminal, United States District Court #CR93-00407R(T). As stated, Mr. Agtuca committed a bank robbery while on parole on cause #68035. He was sentenced to Life Imprisonment and five years of Federal Probation. As stated, the ISRB attempted to parole Mr.

Agtuca to his Federal hold in 1996. However, he refused to sign parole paperwork. Thus, his parole was cancelled. On August 2, 2018, Mr. Agtuca was re-sentenced on the federal cause to 185 months of imprisonment to run concurrently with any sentence imposed in Walla Walla County, Washington with the sentence to commence on May 7, 1996. Upon release from imprisonment, he will be on supervised release for a term of five (5) years. The 185-month sentence is just over 15 years.

VI. EVIDENCE CONSIDERED

The Board considered the evidence presented at the hearing and reviewed **Kenneth Agtuca's** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Leon Harder, and Kenneth Agtuca.**

The file review included the following documents:

- ☐ End of Sentence Review Committee (ESRC) Reports: Dated
- ☒ Criminal case records:
- ☒ Psychological Evaluations: **Psychological Evaluation completed by Lisa Robtoy Psy.D. 10-30-2024.**
- ☒ DOC Treatment and behavioral reports dated: **DOC Substance Use Disorder Discharge Summary 3/9/2023.**
- ☒ Risk Assessments (Static, SOTIPS etc.):
 - ***Hare Psychopathy Checklist-REVISED (PCL-R)*** indicates the extent to which the individual has psychopathic tendencies.
 - ***HCR-20v3*** is an instrument that organizes known risk factors into three categories: historical, clinical, and risk management. Using past, present, and future factors the HCR-20v3 assesses dynamic risk for recidivism.
 - ***Saint Louis University Mental Status examination (SLUMS)*** is a brief screening tool to assess cognitive functioning.
 - ***Violence Risk Assessment Guide-Revised (VRAG-R)*** is a 12-item actuarial scale designed to predict violent recidivism.
 - ***Personality Assessment Inventory (PAI)*** is a self-administered objective test of personality and psychopathology.
 - ***Paulhus Deception Scales (PDS)*** is designed to assess socially desirable responding both as a response set (temporary tendency caused by situational demands) and a response style (a trait-like tendency apparent whenever the individual gives self-reports).

- ☒ Findings and Conclusion (F&C) **12-8-21**, Prior Decision & Reasons (D&R): **3-11-25, 8-1-23**
- ☒ DOC OMNI Records
- ☒ Other: **Individual Release Plan submitted by Mr. Agtuca; Letter of support 12-13-24**

VII. FINDINGS

1. In preparation for this hearing, Mr. Kenneth Agtuca was advised of his hearing rights.
2. Kenneth Agtuca appeared by video conference. Kenneth Agtuca was represented by attorney Darrell Lahtinen.
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
 - PARTICIPATION IN DRUG/ALCOHOL TREATMENT
 - SUBMIT TO POLYGRAPHS
 - UNAPPROVED RELATIONSHIPS
4. The Board has considered the following evidence favorable to Kenneth Agtuca's release determination:
 - ☒ Treatment/Programming. **Completed the following programs: Substance Use IDT March 9, 2023; Thinking for a Change June 17, 2024; Participated in: Alcoholic Anonymous Attendance log March 12, 2023 through September 9, 2024.**
 - ☒ Protective factors. **Mr. Agtuca has refrained from engaging in violence for approximately 30 years..**
 - ☒ Risk Assessment Scores. **HCR 20v3 indicates he is of low to moderate risk of imminent violence.**
 - ☒ Other evidence: **support people in the community and is able to utilize tribal benefits.**
5. The Board has considered evidence against Kenneth Agtuca'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. **Since his last hearing in July 2023, he has earned 3 serious infractions which are all drug and/or alcohol related. His most recent stems from an incident in December 2024 in which he is actively appealing the guilty finding.**
- ☒ 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). **He continues to use illegal substances while incarcerated.**
- ☐ 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. **Per Dr. Robtoy's psychological evaluation his risk assessments scores are as follows:**
 - **PCL-R Moderate High (+29 points)**
 - **VRAG-R high bin 9 of 9 indicating individuals scoring the same recidivate at a rate of 76% within 5 years and 87% within 10 -12 years.**

6. The Conditions of Supervision, and any favorable evidence noted above considered by the Board would not sufficiently reduce the likelihood of Kenneth Agtuca committing new offenses because:

- **Mr. Agtuca has completed substance use treatment and continues to get infractions for using substances which indicate he is not rehabilitated.**
- **Mr. Agtuca has been incarcerated almost continuously since the age of 17, is 72 years old and continues to be a management problem resulting in him being in maximum custody/IMU.**
- **He is considered moderate to high risk to reoffend and continues to engage in risk related behaviors while incarcerated.**
- **Mr. Agtuca is not able to manage his behavior while in prison giving the impression he would not be able or willing to comply with conditions of supervision if released.**
- **The most recent psychological evaluation indicates he is a questionable candidate for release due to his on-going risk related/antisocial behaviors.**
- **Mr. Agtuca has two prior failures on supervision, both times resulting in new crimes. This is indicative of future failure on supervision in the absence of programming which develops skills that he demonstrates using on a regular basis. He regularly demonstrates he is not using skills to mitigate his risk as evidence by his infraction history.**

- **Due to Mr. Agtuca's infraction behavior he remains at a high custody level eliminating his eligibility for substance use programming. He is to manage his behavior to reduce his custody level in order to participate in programming.**
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. Agtuca is not parolable and adds 48 months to his minimum term.

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

- **Substance Abuse Assessment and Follow Treatment 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 and a relapse prevention plan and be prepared to share with the Board upon the next hearing.**

CM: vj

4/17/2025

cc: Facility: SCCC
Kenneth Agtuca, Incarcerated Individual
File



TO: Full Board

FROM: **CM** (ah)

RE: AGTUCA, Kenneth DOC # 626184

Panel recommends: **Not Parolable and adds 48 months to MT**

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

Agree	Disagree
Corey McNally, 4.28.2025 Jill Getty, 4.28.2025 Jeff Patnode, 4.28.2025 Meghan Kelly-Stallings, 4.28.2025 Kecia Rongen, 4.28.2025	