



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

DECISION AND REASONS

NAME: DALAGER, Aaron
DOC #: 805010
FACILITY: Stafford Creek Corrections Center (SCCC)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: August 11, 2020
PANEL MEMBERS: Jeff Patnode, Elyse Balmert, Tateasha Davis
FINAL DECISION DATE: August 24, 2020

This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a release hearing in accordance with RCW 9.94A.730 or RCW 10.95.030. In preparation for the hearing, the Board reviewed Mr. Dalager's ISRB file. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) David Sherman. Others present at the hearing were Paul Heer – attorney representing Mr. Dalager.

CURRENT BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 or RCW 10.95.030(3)(f) and the totality of evidence and information provided to the Board, the Board does not find by a preponderance of the evidence that Mr. Dalager is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Dalager releasable.

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 9.94A.730 or RCW 10.95.030 the Board finds Mr. Dalager is not more likely than not to commit a new crime if released with conditions that are designed to help better prepare him for a successful re-entry into society. Mr. Dalager is determined to be releasable based on the following:

- **Mr. Dalager has completed the necessary programs to mitigate his risk to the community and demonstrated he can appropriately manage his behavior.**
- **He has received numerous favorable reports regarding his participation in treatment, education, and vocational programming.**
- **Mr. Dalager has good community support and a detailed realistic release plan that includes housing and employment as well as donated treatment services and mentors.**
- **Mr. Dalager's most recent psychological evaluation completed by Dr. Robtoy, February 27, 2020, assesses him as overall risk including protective factors to be in the low moderate range. Dr. Robtoy further indicates that "he may be a reasonable candidate for reduction in custody level and/or release to the community".**
- **Mr. Dalager will have 36 months of community supervision.**

RECOMMENDATIONS:

As indicated in his psychological evaluation, Mr. Dalager should remain free from substance use and participate in any available group treatment that would assist in his transition to the community after spending his adult life to date in prison.

JURISDICTION:

RCW 9.94A.730, enacted in 2014, allows offenders who were under the age of 18 when they committed their crime(s) and were sentenced as adults to petition the Board for consideration of early release consideration after serving no less than 20 years of total confinement. Mr.

Dalager' petition resulted in two prior hearings, and today's hearing was a function of an administrative decision by the Board based on new information related to Mr. Dalager' behavior.

Aaron Dalager is under the jurisdiction of the Board on a 2000 conviction in Stevens County Cause #99-1-00145-6 for Murder in the First Degree (while armed with a firearm). The time start is 2-17-2000. The minimum term was set at 15 years, plus 20 years mandatory for Murder 1st conviction, plus 5 year enhancement for firearm finding, for a total sentence of 480 months from a Sentencing Reform Act (SRA) range of 300 to 380 months. The confinement maximum is July 5, 2039. Mr. Dalager has served approximately 242 months in prison and 224 days of jail time to date. Time left to completion of his sentence is 230 months.

OFFENSE DESCRIPTION:

At Mr. Dalager's age of 17, he and two friends, killed a fourth similar age male. The goal was apparently to rob the victim. The victim was also 17 years old. He was shot 28 times, stabbed in the chest, his throat cut and he was placed on the railroad tracks in an attempt to cover up the crime. The victim's body was not hit by a train, but a train conductor did call to report the body on the tracks. One of the co-defendant's went to his former Juvenile Probation Officer two days later and reported he was with the people that killed the victim. Mr. Dalager attempted to have a plea deal to drop his charges down to manslaughter, when the plea deal was not accepted by the prosecution, Mr. Dalager refused to testify or give any information regarding his participation in the offense. Both of his co-defendants noted that Mr. Dalager was the one who stabbed the victim and attempted to cut his throat.

PRIOR RISK RELATED/ CRIMINAL CONDUCT:

Mr. Dalager has no other known related conduct.

PROGRESS/BEHAVIOR:

CC Sherman provided a summary of programming, behavior, and other relevant activities for Mr. Dalager. He indicated Mr. Dalager has not been a management issue. CC Sherman provided

summary information regarding infractions and behavioral observations, with the last serious infraction being in 2011 for possessing sexually explicit material and a total of five serious infractions during his prison stay. CC Sherman indicated Mr. Dalager is employed full time and has recently completed the Redemption program. He also indicated that Mr. Dalager has an AA Degree, housing, transportation, and employment opportunities in the Spokane area.

Mr. Dalager provided a summary of his index offense and the circumstances in his life at the time. His description did appear to diminish his role as compared to versions from his co-defendants. He denied having cut the victims throat, but admitted to stabbing him in the chest. He could verbalize insight into his behavior and describe his growth since that time. He appeared to be forthright and remorseful regarding his role in the murder. He described his release plan which included needed resources and appeared well planned and realistic.

Mr. Dalagers attorney provided a summary of why Mr. Dalager meets statutory criteria for release and highlighted his achievements, and addressing: behavior, treatment, education, and employment as well as describing elements of his release plan and support.

JP:is

August 11, 2020

cc: SCCC
File



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TO: Full Board

FROM: Jeff Patnode (is)

RE: Aaron DALAGER, DOC #805010

Panel recommends: Release.

Next action: Submit an ORP.

Agree	Disagree
Jeff Patnode 8-24-2020 Elyse Balmert 8-24-2020 TaTeasha Davis 8-24-2020 Lori Ramdell-Gilkey 8-24-2020 Kecia Rongen 8-24-2020	