



STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD

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DECISION AND REASONS

NAME:	BROOKS, Harry
NUMBER:	287316
INSTITUTION:	Monroe Correctional Complex (TRU)
TYPE OF MEETING:	.100 Hearing
DATE:	January 9, 2018
PANEL MEMBERS:	JP & L R-G
FINAL DECISION DATE:	January 22, 2018

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. Mr. Brooks appeared in person and was represented by attorney Richard Linn. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Drew Wood, Sex Offender Treatment and Assessment Program (SOTAP) Specialist Stephanie Pitkin, and Mr. Brooks.

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 Mr. Brooks not parolable on Snohomish #78-1-00523-8 Assault in the Second Degree, and extends him to his maximum release date of July 31, 2021 on this cause.

NEXT ACTION:

Schedule a Cashaw hearing in May 2020.

JURISDICTION:

Harry Brooks is currently serving on Snohomish County Cause #78-1-00523-8, Assault in the Second

Degree. The time start is September 8, 2011. The term was set at 120 months minimum and the statutory maximum term 10 years. The Sentencing Reform Act (SRA) range is 12 to 14 months. Mr. Brooks has served approximately 77 months in prison and 0 of jail time on this cause.

Note: Other Causes/Counts:

Mr. Brooks previously completed serving the following conviction under Board jurisdiction, a December 12, 1974 conviction in Spokane County Cause #22582 for Murder First Degree. His time start was December 12, 1974. His minimum term was set at 480 months from a Sentencing Reform Act (SRA) range of 235 to 315 months. His maximum term was Life. He was paroled from this cause on September 8, 2011 to begin serving on his consecutive cause #78-1-00523-8.

Mr. Brooks was also convicted in January 2000 of two Counts of Custodial Assault and Malicious Mischief Third Degree in Spokane County Cause #00-1-00799-1. He was sentenced to 20 months on this Sentencing Reform Act offense, and his sentence is to be served consecutively to that of the 1979 Assault Second Degree, both counts will be served concurrently.

NATURE OF INDEX OF CRIME(S):

Mr. Brooks was convicted in January, 1979 of Assault Second Degree in Snohomish County Cause #79-1-00523-8. While in prison, Mr. Brooks approached a Catholic nun in the chapel and asked her to pray with him, because he'd been having sexual thoughts. She agreed. Mr. Brooks then abruptly stopped in the middle of the prayer stating: "this isn't working." He then pushed the nun to the ground and struck her in the face causing immediate bleeding. The nun began screaming, and Mr. Brooks immediately went to a Lieutenant and turned himself in. As indicated above, Mr. Brooks received a maximum 10 years confinement on this offense to be served consecutive to his murder cause. The Board set the minimum term at 120 months. This offense was originally charged as Assault Second Degree and Attempted Rape First Degree.

ADDITIONAL CRIMINAL CONDUCT:

Mr. Brooks has already served his original conviction for Murder First Degree and was moved to his current index offense by the Board in 2011 (see above). File materials indicate that on August 30, 1974, Mr. Brooks picked up the victim who was hitch-hiking. Rather than taking her to her desired destination, he drove her down a dirt road and then pulled over. He began making sexual advances toward her. The victim responded to the advances by saying “please don’t hurt me” and appeared to be frightened. Mr. Brooks proceeded to undress the victim and himself, and they stepped out of his truck and lay on the ground. Mr. Brooks stated he originally planned to seduce the victim but then changed his mind. At that point, he heard a motorcycle and became scared. He then choked the victim until she was motionless. Mr. Brooks retrieved a claw hammer from his truck and struck the victim several times on the top of the head with enough force to break the hammer head from the handle. At that point, he threw the hammer pieces in the bed of the truck and got a steak knife. He proceeded to cut the victim’s throat with the knife. Mr. Brooks left the scene and returned to his home where he cleaned up.

Mr. Brooks has two pending convictions to be served consecutive to his current index offense of Assault 2 Cause #79-1-00523-8. These convictions also occurred after Mr. Brooks came to prison on his original Murder conviction. He was convicted on January 6, 2000 on two counts Custodial Assault, Malicious Mischief Third Degree; Spokane County Cause #00-1-00799-1: Mr. Brooks argued with staff about a cell move, then threw the contents of a large coffee mug on two custody staff members. The contents included feces. One of the staff members ingested some of the contents. Mr. Brooks was sentenced to 20 months confinement, consecutive to the ISRB causes.

JUVENILE CRIMINAL CONDUCT:

Mr. Brooks has an extensive juvenile record which includes multiple incidents involving violence and sexually motivated assaults against females. This behavior includes the following: an assault on a female in 1967 (he was 13 and she was 16) in which he pushed her to the ground and she was

able to fight him off (appeared to be sexually motivated); assaulting a younger familial female (he was 14 and she was 11) by choking her (appeared sexually motivated); an assault on another young female in 1968 during which he struck her in the head with a rock and choked her (he was 14 and she was in graduate school).

Mr. Brooks was subsequently committed to Echo Glenn School in 1968. While there he was involved in an assault on a female counselor while he was armed with a pair of scissors (also appeared sexually motivated). He was involved in a subsequent assault on a female staff and was transferred to a more secure institution (Green Hill School) as he was considered dangerous. While on Juvenile Parole, Mr. Brooks and his brother were involved in an incident of Indecent Liberties and attempted rape of two known females, ages 8 and 10.

HISTORY/COMMENTS:

The purpose of today's hearing with Mr. Brooks was to determine whether or not to release him to his pending consecutive Custodial Assault conviction or to extend him to his maximum sentence on his 1979 Assault in the Second Degree conviction. This is his first hearing on his current cause.

The Board met with Mr. Brooks for a .100 hearing on April 26, 2011 and found him parolable from his Murder First Degree cause #22582 to the consecutive sentence for the current cause, #78-1-00523-8.

Mr. Brooks does have a prolific infraction history which includes new serious felony convictions while in prison. He does have a recent serious infraction which occurred in May of 2017 for a WAC 509: Refusing to Disperse as he refused to return to his cell when directed by DOC staff. Mr. Brooks has completed offender change programming to include Self Awareness in December of 2017 and Bridges to Life in December of 2017. He is currently participating in the Intensive Outpatient Program (IOP) for Chemical Dependency (CD) and the SOTAP.

CC Wood provided testimony summarizing Mr. Brooks programming, behavior, and release plans. He stated that Mr. Brooks does have an extensive infraction history, although he has only had a single serious infraction since 2010 (above). CC Wood stated that Mr. Brooks was the victim of a serious assault in 2010 for which he had no fault. He said Mr. Brooks is currently participating in both SOTAP and IOP. CC Wood also said that Mr. Brooks has very limited community support and that he hopes to release to the King County area (possibly the House of Mercy) utilizing the Housing Voucher program. He stated that Mr. Brooks does have several negative behavioral observations that are relatively minor in nature.

Mr. Brooks provided a description of his Murder offense that was primarily consistent with file material. He stated that he did not have a plan to commit a murder or a rape but that he did know he was looking for someone for which he could have a sexual contact. He said he had no intention of committing a murder but panicked and knew he did not want a witness that could get testify against him. Mr. Brooks denied ever having thoughts of rape prior to this event and stated he does not have current thought about forced sex in spite of the multiple incidents from his juvenile history (five) that indicate prior attempts at forced sex, one which occurred when he was on juvenile parole .

Mr. Brooks described his 1979 assault again a nun in the prison chapel, he denied having any intent to obtain forced sex. He explained that he was trying to avoid being discovered for an alcohol operation in the rafters of the Chapel. He indicated that he had no intent of harming her but only wanted to leave the area. He stated the physical assault was a result of the anger he felt when the victim showed disgust after he kissed her.

SOTAP Specialist Pitkin stated that Mr. Brooks was approximately at the half way point of treatment. She said that he struggled initially with the process of group treatment. She stated overall his participation to date has been satisfactory and that he provides good feedback to other

group members. She also said he has yet to present his high risks to the group but that would be happening soon.

INFORMATION CONSIDERED:

In preparation for Mr. Brooks' hearing and its decision in this case, the Board completed a review of his ISRB file. 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; the August 14, 2017 psychological evaluation prepared by Dr. Deborah Wentworth. 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. Brooks Not Paroleable and extend him to his maximum term.

Mr. Brooks' is assessed as a Moderate/High and High risk on the SOTAP prescreening assessments. Additionally, in his most recent psychological evaluation by Dr. Wentworth, he is assessed as an overall Moderate risk to reoffend. He is approximately half way through participation in the SOTAP with reasonable progress to date. Upon completion of his current cause (July 31, 2021) he will release to a 20 month non-Board jurisdiction conviction (custodial assault).

Mr. Brooks is currently too high of a risk to be found releasable at this time and it is unknown as to how effectively the SOTAP may mitigate his risk. Mr. Brook will likely require time to transition

BROOKS, Harry –287316

Page 7 of 8

through lower levels of custody and develop a reasonable release plan that will meet his medical needs.

The Board recommends Mr. Brooks complete SOTAP and CD treatment and apply for SOTAP aftercare upon completion of the core program. He may also benefit from additional cognitive behavior treatment that addresses his problem solving skills (possible T4C), use of aggression (particularly toward women), and any reentry programming that may prepare him for post- prison life.

Mr. Brooks will ultimately release on the Custodial Assault conviction. Upon his release from prison from the Custodial Assault he will have three years of supervision under Spokane #22582, Murder in the First Degree. The Board requests notification (by the DOC) at least 60 days prior to release, with any recommended release conditions at that time. The Board will issue supervision conditions prior to his release.

JP: ts

January 17, 2018

January 22, 2018

February 1, 2018

February 1, 2018

CC: Harry Brooks
Richard Linn, attorney
Institution
File



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

DATE: January 17, 2018

TO: Full Board

FROM: *JP & L-RG*

RE: BROOKS, Harry #287316

Panel recommends: Not Parolable.

Next action: Extend to maximum and schedule a Cashaw Hearing in May 2020.

Agree	Disagree
Jeff Patnode 1-22-2018 Lori Ramsdell-Gilkey 1-22-2018 Elyse Balmert 1-22-2018 Kecia Rongen 1-22-2018	