



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

DECISION AND REASONS

NAME: Gilbert, Thomas
DOC #: 626436
FACILITY: Washington State Reformatory- Minimum Security Unit
TYPE OF HEARING: .100 Hearing
HEARING DATE: March 15, 2017
PANEL MEMBERS: LRG & KR
FINAL DECISION DATE: March 27, 2017

This matter came before Lori Ramsdell-Gilkey and Kecia Rongen, 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. Gilbert appeared in person and was represented by attorney Richard Linn. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Frank Kirby, and Psych. Associate, Dr. Henry Abghari.

BOARD 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 that Mr. Gilbert is parolable.

NEXT ACTION:

Submit an offender release plan for consideration.

JURISDICTION:

Thomas Gilbert is under the jurisdiction of the Board on a March 3, 1982 conviction of

Kidnapping in the First Degree Count I and II in Mason County Cause #C-1132. His time start on Count I was March 3, 1982. He was paroled to Count II on February 28, 1990. Mr. Gilbert was also sentenced to Count XIII Arson Second Degree, which reached its maximum expiration on February 29, 2000. The minimum term on each count was set at 150 months, aggravated up from a Sentencing Reform Act (SRA) range of 67 to 89 months due to the brutality of the offenses. The maximum term is Life and both the sentencing judge and the prosecutor recommended Life. He has served a total of approximately 419 months (95 months on Ct. I and 324 months on Ct II).

The original Judgment and Sentence and the 1400 review both noted that Mr. Gilbert was originally found guilty of nine counts. The Court merged a Robbery and Indecent Liberties with Count I and Attempted Robbery and Rape in the First Degree with Count II.

NATURE OF INDEX OFFENSE(S):

According to file materials, on July 16, 1981, Mr. Gilbert, at his age of 29, abducted two women in front of a bar in Shelton as approximately 3:00 A.M. as they were getting into their vehicle. Mr. Gilbert had reportedly been drinking for several hours prior to the abduction. Mr. Gilbert, while brandishing a knife, forced the two women to drive him to a remote area. He then forced one of the women to strip and fellate him. He then raped her and demanded money from both women. He beat and kicked both of the women during the attack. The victims were able to inflict a wound to his head with a board during the attack. Mr. Gilbert then ordered both of the women to lay down behind the car and he drove back and forth over them several times, leaving them for dead. He then set the car on fire and fled the area on foot. Mr. Gilbert was arrested about two weeks after the attack. Both the victims were hospitalized with a broken arm, finger, numerous lacerations and abrasions and one victim's ear was nearly severed

PRIOR CRIMINAL CONDUCT:

Mr. Gilbert was previously under the Board's jurisdiction for an auto theft that has long since "maxed out". He was 17 at the time of the commission of the crime but was charged as an adult. He was also convicted of Possession of Stolen Property while he was on parole for the auto theft.

HISTORY/COMMENTS:

Mr. Gilbert's last hearing was held on March 10, 2015. At that time the Board found him conditionally parolable to a MRP and added 36 months to his minimum term. The Board requested that he be transferred to a facility with access to SOTP Max Benefits and a camp setting if possible.

Classification Counselor Mr. Frank Kirby testified, Mr. Gilbert is doing well. He transferred to Monroe Correctional Complex-MSU shortly after his last hearing. He was not eligible to transfer to work release due to their denial. He has been working in Horticulture and is the lead man on the crew. He has not incurred any infractions since his last hearing. He completed the Goodwill New Connections Program while at the MSU. He is eligible for the DOC housing voucher. He has regular visits from family. Due to community concerns in Mason County he cannot return to that area. He has a referral for the substance abuse program and is just waiting to be accepted. He promoted from the dormitory housing to a two man room.

Mr. Gilbert admitted that transferring to the Monroe Correctional Complex-MSU dormitory setting was stressful as there were a lot of young inmates there. He stated he minded his own business and was happy to transfer to his 2 man room. He enjoys the work he does on the garden crew. He helped set up a program to grow vegetables for the local foodbank. Mr. Gilbert stated the Goodwill classes were very good and it helped him to think about how he will explain his absence from society. He has worked on a resume that includes his many prison jobs. He seems to realize at 64 years of age finding employment may be a challenge. He is physically healthy, though he does suffer from some anxiety, depression and PTSD. He stated he has ways of dealing with this and takes his medication as prescribed. He stated the medication has helped a good deal and he has taken it for about 10 years.

Mr. Gilbert laid out his offense cycle for the Board. He has a good deal of helpful information written down inside the front cover of a book "Men's Work-How to Stop the Violence that Tears our Lives Apart" that he stated has been very helpful to him. He admitted that the SOTAP was

initially difficult but once he got into it for a while he really wanted to learn and know who he was. Mr. Gilbert stated his participation in the Redemption Program had a positive impact on him and he enjoyed it a great deal.

Mr. Gilbert provided a description of the index offense. He admitted that at one point he lost control and became enraged. He stated he had no intent to kill the women and did not intend to run them over. He was trying to get the car out of the area and had difficulty doing so. He gave up, got out, set the car on fire and walked home. Later, after he sobered up he realized what he had done and it scared him. He was arrested approximately 2 weeks after the offense occurred.

Dr. Abghari stated Mr. Gilbert is not showing any remarkable symptoms. They are managed by the medication. He does have some anxiety which is secondary to his PTSD. He requests appointments with mental health via the kite system when he feels it necessary.

Mr. Gilbert seems committed to his sobriety and states he will be attending sober support groups in the community when he releases. He has approx. \$3,000 saved and the support of his ex-wife and daughter. He would like to release to King County and sign up for SSI as he lost sight in one eye due to a dynamite explosion that occurred when he was working. He can no longer work around big equipment due to this loss of vision. He believes he handles stress much better now and is much less impulsive. He just wants to live a quiet life on the outside. He stated that after he is out and doing well for a while he would ultimately like to move to Oregon to be close to his ex-wife and adult daughter and her children.

INFORMATION CONSIDERED:

In preparation for Mr. Gilbert's 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: the most recent DOC facility plan; information regarding institutional behavior and programming; the End of Sentence Review Committee's Report (which indicates he scores a 2 on the STATIC 99R which equates to a Low risk and he scores a 9 on the MnSOST-R which equates

to a high risk, and the recommended community notification level is a III); any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; and the psychological evaluations prepared by Dr. Donahue and Dr. Colby. The Board also considered the testimony of the witnesses listed above. The sentencing Judge and Prosecutor at the time both recommended Mr. Gilbert serve a life term.

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. Gilbert releasable.

Mr. Gilbert is admittedly a bit scared about his upcoming release to the community. He has a lot to learn about the community and realizes he will need to be patient and be willing to ask for help when he needs it. The Board advised him not to try to do everything at once or “try to make up for lost time”. He was also advised to be open and honest with his CCO and if he encounters a problem, to talk about it and not “run”. He has made good effort to become a better man and appears ready for release at this time. The Board will recommend that he seek out mental health treatment in the community upon release to assist him in dealing with the new stressors he is sure to encounter.

LRG: ts

(March 29, 2017)

March 30, 2017

April 4, 2017

cc: MCC-WSR-MSU
Thomas Gilbert
Richard Linn, Attorney
File



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

DATE: March 27, 2017

TO: Full Board

FROM: LRG (*Teresa*)

RE: Gilbert, Thomas/*DOC# 626436*

Panel recommends: Parolable

Next action: Submit ORP

Agree	Disagree
Lori Ramsdell-Gilkey 3-27-2017 Jeff Patnode 3-27-2017 Tom Sahlberg 3-27-2017 Kecia Rongen 3-27-17	