



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

DECISION AND REASONS

NAME: BRASHEAR, Gail
DOC #: 765306
FACILITY: Washington Corrections Center for Women (WCCW)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: April 12, 2017
PANEL MEMBERS: JP & TW
FINAL DECISION DATE: April 21, 2017

This matter came before Jeff Patnode and Tana Wood, 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 9.94A.730. Ms. Brashear appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Jessica Poston, and Ms. Brashear.

BOARD DECISION:

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

NEXT ACTION:

Ms. Brashear may re-petition the Board in May 2022 for another hearing. If she continues to meet statutory requirements, the Board will schedule Ms. Brashear for another release hearing. An updated psychological evaluation is required.

Gail Brashear is under the jurisdiction of the Board on a May 7, 1997 conviction in Snohomish County Cause No. 96-1-01273-9 for First Degree Murder, Count I; First Degree Assault, Count II; and First Degree Burglary, Count III. The time start is May 8, 1997.

Count I: The minimum term for Count I was set at 407 months from a Sentencing Reform Act (SRA) range of 261 to 347 months. There was also a 60 month Firearm Enhancement (347 month base and 60 month Firearm Enhancement). The maximum term is Life.

Count II: The minimum term for Count II was set at 147 months from a Sentencing Reform Act (SRA) range of 93 to 123 months. There was also a 24 month Deadly Weapon Enhancement (123 month base and a 24 month Deadly Weapons Enhancement). The maximum term is Life.

Count III: The minimum term for Count III was set at 108 months from a Sentencing Reform Act (SRA) range of 36 to 48 months. There was also a 60 month Firearm Enhancement (48 month base and 60 month Firearm Enhancement). The maximum term is Life. This count has reached the maximum expiration date.

60 month DW enhancement on Counts I and III; 24 month Firearm Enhancement on Count II all served as flat time and consecutive. The Judge ordered Counts I and II, plus the enhancement on Count III to run consecutive; everything else is concurrent.

Ms. Brashear has served approximately twenty (20) years and ten (10) months in prison and 361 days of jail time.

NATURE OF INDEX OFFENSE(S):

File materials indicate that in 1996 Ms. Brashear, age 15 and two defendants were camping and decided they needed to steal a car. They had two weapons with them, a gun and a knife. Ms. Brashear flagged down the unknown adult male victim who had been fishing in the area and asked for a ride. When she got in the passenger seat, she shot the victim twice and then when

her two co-defendants came to the truck, Ms. Brashear stabbed the victim in the neck several times. Witnesses came upon them and asked if they needed help and they indicated they were trying to get the victim to the hospital. After the witnesses left, they dumped the victim's body over an embankment and tried to leave in the victim's truck but could not get it started so they discarded it as well.

PRIOR CRIMINAL CONDUCT:

Ms. Brashear was arrested prior to this murder and was under investigation for an earlier stabbing of a juvenile, and was also a suspect with one of the co-defendants from the index offense in a First Degree Burglary in which a handgun was stolen. According to the Supplemental Affidavit of Probable Cause dated January 23, 1997, on April 18, 1996, Ms. Brashear stabbed the victim twice in the abdomen, once in the hand, and inflicted several superficial scratches to his neck with a knife. Ms. Brashear was identified to police by the victim's cousin, who was acquainted with her. Additionally, on May 3, 1996, Ms. Brashear, along with two others, burglarized a residence and took several items. Among the items taken was a .380 caliber Jennings pistol. This is the firearm that was used in the murder described above.

HISTORY/COMMENTS:

This is the first Board hearing for Ms. Brashear.

Ms. Brashear has an extensive infraction history between 1997 and 2008 which consisted of 97 serious infractions. As a result she was transferred out of State for a period of time.

Ms. Brashear has participated in a long list of programs/seminars/groups in prison as follows: Stress and Anger Management – 2010; Capital and Culture – 2012; Moving On – 2015; Beyond Trauma – 2015; Re-entry Life Skills – 2015; Communications 101 – 2017. Relationships Training Seminar, Toastmasters Ice Breaker, Healthy Relationships, Sisters of Charity, Beyond Incarceration-Foundation of Character Understanding, Turn around System Conflict Work Shop (x2), Teaching to Learn and Facilitator Training, Women Navigating Life and Adversity,

Mindfulness Mediation Course, Anger Management, Peer Support Training, Emotional Predictability and Problem Solving, Prisoner Assistance Scholastic Service (PASS) the course consisted to the following Modules: Parenting, Victim Awareness, Living w/Purpose, Domestic Violence, Conflict Resolution, Addiction, Anger Management, Gang Diversion, Re-entry in Society and Nonviolent Communication, Health and Wellness, IF Program (x2), Success Program, Independent Women's Seminar, Re-employment training through the rotary club. Peer Support, Emotions Anonymous, Braille, Catechism, GED tutoring, Lifer's Group, attends lecture series and continues to participate in the I.F. Project.

Classification Counselor Poston provided testimony regarding Ms. Brashear's behavior, programming, and possible release plans. She stated she has known and or worked with Ms. Brashear for many years at WCCW. CC Poston provided a very favorable report on Ms. Brashear. She stated she has been a model inmate since she made her turnaround in 2008 at which time she had her last serious infraction. CC Poston stated that Ms. Brashear's infractions were so significant that she was sent to another state in a program better equipped to handle her extreme acting out. CC Poston indicated that Ms. Brashear has taken advantage of all appropriate programs since her turnaround and that she has strong community support in the Snohomish County area. CC Poston indicated that Mr. Brashear is currently working in the CI Braille program and that there is a variety of employment opportunities for her in this area. CC Poston also stated Ms. Brashear had completed her AA degree and may attend college in Bellingham at Western Washington University if she is found releasable.

Mr. Brashear provided a disclosure of her index offense that mostly matched file material. She provided some context for what was happening in her life at the time. She described her actions in a way that indicated she was carrying out the requests of her "boyfriend" and co-defendant. She became quite emotional at times and did appear to be remorseful for her actions.

Ms. Brashear does appear to have somewhat limited insight into her thinking or emotions at the time of the murder and other violent assault beyond the connection to her codefendant. Ms. Brashear provided a description of how she has changed since the time of her offenses. Ms.

Brashear described some of the programming she has completed and how it has altered her thinking. She described a circumstance in 2008 during which she had a shift in her thinking and how she decided she wanted to live her life. She stated that since that time, she has taken advantage of programming opportunities that has been available to her, which is consistent with her CC's testimony as well as file material.

INFORMATION CONSIDERED:

In preparation for Mr. Brashear's hearing and its decision in this case, the Board completed a review of her ISRB file. The Board considered all information contained in that file, including but not limited to: information provided by the sentencing court/prosecutor; 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; and the Psychological Evaluation dated September 21, 2016 by Deborah Wentworth, Ph.D. The Board also considered the testimony of the witnesses.

The Snohomish County Prosecutor provided a recommendation to the Board, dated April 10, 2017, requesting a do not release decision from the Board.

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 9.94A.730 (3) the Board finds Ms. Brashear not releasable at this time.

In her most recent psychological evaluation completed in September 2016 by Dr. Wentworth, it was noted Ms. Brashear was open and transparently described the index offense with no distortions or denials about her role in killing the victim. Dr. Wentworth also stated that Ms. Brashear received mental health therapy after she returned to Washington State. Ms. Brashear

stated this therapy was helpful in giving her significant insight, and reported it as having been very helpful. Dr. Wentworth noted Ms. Brashear has been stable, and has not required mental health treatment since September 2013. Dr. Wentworth also notes that "Overall, the results of this evaluation suggest that Ms. Brashear is at a low risk to reoffend." If returned to the community Dr. Wentworth pointed out that Ms. Brashear will need continued support and structure to manage her levels of anxiety as she transitions into the community.

Ms. Brashear appears to have struggled during her first 10-11 years in prison. Her behavior escalated significantly during 2007/2008 to the extent that she was moved to a facility in Arizona that was better equipped to handle her acting out. Since that time, Ms. Brashear appears to have made a complete shift in her behavior and subsequent programming. Ms. Brashear acknowledges her role in her crimes and has participated in a variety of programs to assist her in understanding the "why" of her behavior so that she does not commit another crime if back in the community. However, Ms. Brashear has committed horrible crimes that have left lasting impacts to many of the survivors of her victims. The Board believes it is also important to note that Ms. Brashear has served a relatively small portion of what the minimum sentence is on all counts as well as the SRA minimum/maximum. Additionally, the Board has received a strong recommendation from the Snohomish Prosecutor that requests the Board to not release Ms. Brashear.

The Board acknowledges the good work Ms. Brashear has done since 2008. However the Board would like to see Ms. Brashear continue to demonstrate that her past behaviors are truly in her past and continue to participate in any programming available to her that will prepare her for a future step down to lower levels of custody and eventually release to the community.

JP: ffo

April 12, 2017

April 21, 2017

cc: Institution
Gale Brashear
File



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P.O. BOX 40907, OLYMPIA, WA 98504-0907

DATE: April 20, 2017

TO: Full Board

FROM: JP & TW (Fawn Opp)

RE: BRASHEAR, Gail, DOC# 765306

Panel recommends: Find Ms. Brashear NOT releasable.

Next action: May petition the Board in May 2022.

Agree	Disagree
Jeff Patnode 4-21-2017 Lori Ramsdell-Gilkey 4-21-2017 Kecia Rongen 4-21-17	Tana Wood 4-21-2017