



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

DECISION AND REASONS

NAME: DEARBONE, Simon
DOC #: 229014
FACILITY: Airway Heights Corrections Center (AHCC)
TYPE OF HEARING: .100 Hearing
HEARING DATE: April 17, 2018
PANEL MEMBERS: JP & KR
FINAL DECISION DATE: May 7, 2018

This matter came before Jeff Patnode 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. Dearbone appeared in person and was represented by attorney George Marlton. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Kevin Lightbody, and Mr. Dearbone.

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 that Mr. Dearbone is not parolable and adds 36 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to PERD. The Board requests an updated psychological evaluation for Mr. Dearbone's next .100 hearing.

JURISDICTION:

Mr. Dearbone is under the jurisdiction of the Board on a 1974 Murder in the First Degree

conviction in King County Cause #65631. The time start is January 21, 1974. The minimum term was set at 354 months from a SRA (Sentencing Reform Act) range of 271 to 361 months, with a maximum term of Life. To date Mr. Dearbone has currently served approximately 515 months on this offense. There are concurrent causes for Indecent Liberties and Burglary Second Degree which reached their maximum expiration dates in 1994 and 1988 respectively.

NATURE OF INDEX OFFENSE(S):

File materials describe the underlying offense as the planned murder of Mr. Dearbone's male cousin, whom he stabbed and crushed his skull with a rock. This murder occurred while he was on probation for a previous conviction. Reports indicate that the victim was left to die in the woods, and that he did not succumb to his injuries for two days.

The Indecent Liberties conviction involves Mr. Dearbone sexually assaulting a six year old girl. The Burglary Second Degree conviction is described as Mr. Dearbone burning a house occupied by an individual with whom he was angry.

ADDITIONAL CRIMINAL CONDUCT:

Mr. Dearbone was involved in a theft in 1958 as a juvenile. He has a domestic violence history with two wives.

During his incarceration Mr. Dearbone was convicted in 2010 for Assault in the Third Degree; Grays Harbor County Cause #10-1-00047-2. This runs concurrently with his other convictions and has a time start of April 26, 2010, and a maximum expiration date of December 25, 2010. This crime was an assault upon another inmate in which he poured scalding water on the victim's face.

HISTORY/COMMENTS:

Mr. Dearbone was last seen on January 24, 2017, for a .100 hearing. At that time the Board found him not parolable and added 24 months to his minimum term. The Board commended him on

completing the SOTAP (Sex Offender Treatment and Assessment Program), but noted that he still needed to work on controlling his behavior. The Board expects Mr. Dearbone to be infraction free and to continue to participate in offender change groups such as Thinking For a Change (T4C) and/or Bridges to Life (if available) by the time he is seen again. Mr. Dearbone was screened for T4C and was deemed not eligible. He was also not able to participate in Bridges to Life as it is not available at his current prison location.

Mr. Dearbone has incurred 147 infractions over the duration of his prison stay, many of which are violent assaults, fighting, and more than one that have a sexual element and include an Indecent Exposure in 2011 for exposing himself to DOC staff and Sexual Harassment in 2016 during which he yelled at a Corrections Officer (CO), "Fuck you in your ass".

Since his last hearing in January of 2017 Mr. Dearbone has participated in the Redemption Program and is not currently working. He did receive one serious infraction since his last hearing that occurred in December of 2017 for WAC 509, Refusing to Leave, during which he argued with a Corrections Officer about the television and ignored a directive to go to his cell, and he was subsequently placed in restraints and placed in the Segregation Management Unit (SMU).

CC Lightbody provided a summary of Mr. Dearbone's behavior, treatment, and release planning. He stated that Mr. Dearbone has made progress in managing his behavior, though he did have a serious infraction since his last hearing. He further stated that the CO which Mr. Dearbone had the interaction in the infraction with is known for being very firm with offenders, and this may have contributed to the situation. CC Lightbody stated that Mr. Dearbone was assessed for T4C and found ineligible and that Bridges to Life is not available at AHCC. He stated that if the Board again recommends Mr. Dearbone participate in T4C, he will ensure the referral is made. He stated that Mr. Dearbone has community support from his cousin in the Seattle area, and if that is not a placement option he will utilize the Housing Voucher to release to King County. CC Lightbody stated that Mr. Dearbone has discussed the possibility of working as a horse trainer as he has experience in that kind of work before coming to prison.

Mr. Dearbone addressed the reasons why he has not been able to complete the programs as recommended by the Board at his last hearing, matching what his counselor had provided the Board. He also discussed the serious infraction and acknowledged he would have handled it differently if he could do it again, though he felt he was treated unfairly by the CO.

Mr. Dearbone provided a description of his index offense which matched file material. He stated that he did not know in advance that he was going to commit the murder, but knew it was possible depending on how the victim responded to questions that he had for him. He stated that he was very angered by how the victim responded to his questions and felt that he needed to kill the victim at that point. He stated that he was working with other individuals at the time that he knew would kill his victim in a much more painful way and that he was more merciful than what would otherwise have happened. He was very matter of fact in his description of the murder and it was apparent that he has described the event many times in the past.

Mr. Dearbone did discuss his military service and how it connected to training he received and his activities that ultimately led to the murder. He stated he is not sure if he suffers from PTSD (Post Traumatic Stress Disorder), but believes he has adjusted okay and that he is likely eligible for Veteran's benefits. Mr. Dearbone stated that he believes he has done the work needed to address his criminal thinking and believes he is ready to be released to the community and be a contributing member of society. He stated that though he is 73 years of age, he believes he is in good enough physical condition to work. He also stated that he receives money from his Tribe and has a significant amount saved. Mr. Dearbone stated that he agrees he would benefit from a transition to lower levels of custody before being released and would prefer the camp at MCC-MSU as it is near his support in the King County area.

INFORMATION CONSIDERED:

In preparation for Mr. Dearbone'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; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; the psychological evaluations; and the testimony of the witnesses listed above.

The Board did not receive a recommendation from the King County Prosecutor related to this hearing.

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. Dearbone not parolable and adds 36 months to his minimum term.

Mr. Dearbone has been in prison for most of his adult life. He appears to have participated in programming to address his criminogenic needs to include SOTAP as requested by the Board (two different times), as well as a number of other offender change programs to include a number of Chemical Dependency Programs. The Board understands that Mr. Dearbone may not meet the eligibility criteria for T4C, but believes that Mr. Dearbone would benefit from this program and would like to see him complete it prior to his release, as well as the Bridges to Life Program if it is available at his location. As the Board has also previously stated, Mr. Dearbone should remain free of any serious infractions between now and his next hearing.

JP:jas

May 7, 2018

May 15, 2018

cc: Institution/Simon Dearbone/File/George Marlton, Attorney



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

DATE: May 7, 2018

TO: Full Board

FROM: JP & KR (Jody)

RE: DEARBONE, Simon #229014

Panel recommends: Find Mr. Dearbone not parolable and add 36 months to his minimum term.

Next action: Schedule .100 hearing 120 days prior to PERD.

Agree	Disagree
Jeff Patnode 5/07/18 Elyse Balmert 5/07/18 Lori Ramsdell-Gilkey 5/07/18 Kecia Rongen 5/07/18	