



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

DECISION AND REASONS

NAME: THOMAS, Gregory
DOC #: 743752
FACILITY: Airway Heights Corrections Center (AHCC)
DATE OF HEARING: May 26, 2021
TYPE OF HEARING: LT JUVBRD
PANEL MEMBERS: Lori Ramsdell-Gilkey & Jeff Patnode
FINAL DECISION DATE: June 7, 2021

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. In preparation for the hearing, the Board reviewed Mr. Thomas's ISRB file. Gregory Thomas appeared in person via video conferencing and was represented by Attorney Jeffrey Ellis. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Beth Anderson. The Board Members were located at their office in Lacey, Washington.

In 2016 the King County Prosecutor's Office wrote the Board a letter of opposition to Mr. Thomas being considered for release.

LAST BOARD DECISION:

The Board last met with Mr. Thomas in person on July 29, 2020. At that time the Board determined Mr. Thomas was not more likely than not to commit any new criminal law violations if released on conditions. However, shortly thereafter the Board was notified that Mr. Thomas had incurred a serious infraction that was of a sexual nature. Due to the nature of both the Index

offense and the infraction, an Administrative Decision was made by the Board that a new Release Determination hearing needed to be held as soon as possible.

CURRENT BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 and the totality of evidence and information provided to the Board, the Board does not find by a preponderance of the evidence that Mr. Thomas is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Thomas 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 the Board finds Mr. Thomas is not more likely than not to commit a new crime if released with conditions. Mr. Thomas is determined to be releasable based on the following:

- Mr. Thomas participated in mental health treatment to address his PTSD. He participated in an evidence-based treatment protocol called Cognitive Processing Therapy, as well as some interventions directed towards increasing Mr. Thomas' ability to correctly interpret and label emotions.
- He has completed the core SOTAP program and associated aftercare with positive reports from his providers.
- He appears to understand his Dynamic Risk Factors and Interventions, which should result in mitigating his risk to the community.
- He has completed a chemical dependency (CD) treatment program.

- Mr. Thomas will be on the highest level of supervision with conditions, for the first year and will be on electronic monitoring for the first 90 days.

RECOMMENDATIONS:

Mr. Thomas should continue to maintain his sobriety and utilize sober support groups as directed. He should continue to seek out mental health services and follow all recommendations of the provider. Mr. Thomas will be required to enter and successfully complete the community portion of SOTAP.

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.

Gregory Thomas is currently incarcerated on a 1996 conviction in King County under Cause #95-1-02081-6 for Murder in the First Degree with Sexual Motivation. The time start is March 15, 1996. The Court set the original confinement term at 999 months from a Sentencing Reform Act range of 250 to 333. He has served approximately 301 months in prison plus 352 days in jail.

Mr. Thomas also has a concurrent OAA count under the same cause for Attempted Residential Burglary, which has a confinement length of 9 months and has expired.

OFFENSE DESCRIPTION:

Mr. Thomas (age 15) sexually assaulting and murdering a known 72-year-old female in her residence. He entered the home through a window and after stealing items and watching TV, he hid in the victim's closet. When she returned home and found him in the closet, he struck her multiple times in the head with a hammer. He then penetrated her vagina with a brush and cut her breast with a knife.

The burglary was a separate incident that occurred a month earlier when Mr. Thomas attempted to enter the residence of a 39-year-old female. The victim refused to answer the door when he rang the doorbell, then he went to her backyard and unscrewed the light bulbs to her motion sensors. The victim called 911 and Mr. Thomas was arrested.

PRIOR RISK RELATED/ CRIMINAL CONDUCT:

Mr. Thomas has a 1991 juvenile diversion arrest for Third Degree Theft.

PROGRESS/BEHAVIOR:

CC Anderson testified that Mr. Thomas received one negative behavioral observation and one serious infraction since last seen by the Board. The behavioral observation from August of 2020, written by a female Correctional Officer (CO) indicates that when she walked up to Mr. Thomas's cell front while doing a tier check, she saw Mr. Thomas sitting on his bunk pant-less. She warned him she would be writing something in the Behavioral Observation (BO) log for this behavior.

Then in September of 2020, this same CO infringed Mr. Thomas for Indecent Exposure and Sexual Harassment. She indicated that again she was conducting a tier check and when she approached his cell, she saw Mr. Thomas "sitting on his bunk with his penis exposed masturbating facing the door". Within this infraction write up, the CO stated that in August she had also observed him to be sitting on his bunk without his pants on, indecently exposing his genitals.

Mr. Thomas wanted it noted that the CO provided different versions of what happened in August. In her original BO Log entry, she stated only that he was pant-less. He acknowledged he did not have his trousers on but stated he had on his boxers and t-shirt. He stated he was not masturbating and that this claim that he was masturbating did not even come up until September when she infringed him. Regarding the infraction for indecent exposure and sexual harassment, he stated that on this occasion he was sitting on his bunk with a blanket covering his lap. He was applying an anti-fungal cream to his genitals. He stated there was no way that the CO saw his

genitals as they were covered by the blanket. At his disciplinary hearing Mr. Thomas was found guilty of the infraction. He appealed this but the guilty finding was upheld.

Mr. Thomas was vehement in a request to take a polygraph to prove he is telling the truth about what occurred. The Board does not use polygraphs for this purpose. Mr. Thomas was advised that the Board cannot rehear the infraction. He was found guilty through an established disciplinary process. The Board does note that he is correct about the differing information provided by the CO regarding the August incident. In addition, one could assume that were Mr. Thomas openly masturbating in August, this would have been made clear and a serious infraction would have been written at that time. Finally, Mr. Thomas has no history of sexual infractions during his incarceration. In fact, he hadn't incurred any serious infractions in many years.

CC Anderson stated that there has been little to no opportunity for Mr. Thomas to participate in offender programming as most everything has been on hold due to the COVID-19 pandemic. His unit just came off quarantine status. Regarding release Mr. Thomas had hoped to release to the Journey Project. However, release planning was put on hold pending this hearing with the Board. Mr. Thomas stated his current plan is to go to the House of Mercy. He acknowledged he is Muslim and understands that the House of Mercy is a Christian transitional residence and they will require he attend their church services.

Mr. Ellis asked Mr. Thomas several questions to elicit additional information regarding the infraction and what has occurred since his last hearing with the Board. Mr. Thomas acknowledged that the CO may have thought that she saw him masturbating. He stated that he knows that staff should not be sexually harassed and that he has not done so. He also confirmed that he was not attempting to sabotage his release.

The Board notes that Mr. Thomas previously completed the Sex Offender Treatment and Assessment Program (SOTAP) and worked with Psychology Associate Mike Spencer on issues associated with PTSD. In addition, he participated in dialectic behavior therapy groups and

worked on emotional awareness and regulation. A Forensic Psychological Evaluation (FPE) completed in June of 2020 revealed the examiner did **not** find Mr. Thomas met the statutory and does not meet criteria.

LRG: ffo

June 1, 2021

cc: AHCC
Gregory THOMAS
Jeffrey Ellis, Attorney
File



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

TO: Full Board

FROM: Lori Ramsdell-Gilkey (Fawn Opp, CRT)

RE: THOMAS, Gregory, DOC# 743752

Panel recommends: Find Releasable

Next action: Submit ORP

Agree	Disagree
Lori Ramsdell-Gilkey 6-7-2021 Jeff Patnode 6-7-2021 Elyse Balmert 6-7-2021 TaTeasha Davis 6-7-2021 Kecia Rongen 6-7-2021	