



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

**DECISION AND REASONS**

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NAME: Pauley, Timothy  
DOC #: 273053  
FACILITY: Washington State Reformatory  
DATE OF HEARING: July 17, 2019  
TYPE OF HEARING: .100  
PANEL MEMBERS: Lori Ramsdell-Gilkey, Kecia Rongen, Jeff Patnode, Elyse Balmert, Tana Wood  
FINAL DECISION DATE: July 26, 2019

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This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a .100 hearing in accordance with RCW 9.95.100. In preparation for the hearing, the Board reviewed Mr. Pauley's ISRB file. Mr. Pauley appeared in person and was represented by Attorney Lenell Nussbaum. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Larry Verlinda. Others present at the hearing to observe the proceedings were concerned community members and members of the news media/press.

The Judge made no recommendation in Mr. Pauley's case and the prosecutor recommended 120 years for each of the three counts. In 2015, the prosecutor updated the recommendation to a term of 97-129 years confinement, indicating this is comparable to a term under the SRA.

The current recommendation from the prosecutor, dated July 12, 2019, requests the Board not find Mr. Pauley parolable and makes no other sentence related recommendation.

**LAST BOARD DECISION:**

At the January 5, 2016 hearing, the Board found Mr. Pauley not parolable and added 240 months to the minimum term on Count III, and 269 months to the minimum term on Count V of King County Cause # 80-1-02459-7.

**Mr. Pauley filed a Personal Restraint Petition following which the Washington State Court of Appeals, Division One, reversed the Board’s decision and remanded the case back to the ISRB to conduct a .100 hearing and “...properly consider the evidence of Pauley’s rehabilitation in accordance with its procedures.”**

**CURRENT 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 Mr. Pauley not parolable and adds 84 months to the minimum on Count III and 113 months to Count V. This term is based on programming recommendations to further his rehabilitation and the fact that he is significantly past his parole eligibility review date (PERD) due to the reversal of the Board’s previous decision.

**NEXT ACTION:**

Schedule .100 hearing 120 days prior to his (PERD). An updated psychological evaluation will be needed for Mr. Pauley’s next .100 hearing.

**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 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 9.95.100, the Board does not find Mr. Pauley parolable for the following reasons:**

- Mr. Pauley has not sufficiently addressed his substance abuse issue, one of his highest

risks.

- He last completed substance abuse “treatment” in 1992/1993 in Wyoming following which he had a positive urinalysis for substance use, indicating he likely did not internalize the substance abuse treatment programming he received.
- Mr. Pauley wrote a letter in 2012, during a time in which he indicates he was under unusual stress, which was extremely derogatory toward DOC staff and referenced the homicides of CCOs for which he “can’t say I would shed a tear” as well as a retributive action against a staff that he felt had treated him unjustly. This letter calls into questions Mr. Pauley’s ability to appropriately respond to stressful situations (problem solving skills), particularly when they do not go his way (revenge taking and/or homicidal ideations).
- The Board finds it concerning that in his most recent psychological evaluation, dated February 8, 2019, Mr. Pauley scored higher than 91% of a correctional sample on the positive impression management (PIM) scale, indicating he presented himself in a manner that is defensive and focused on presenting himself in the most positive light. Dr. Robtoy, the assessing Psychologist, opines “Mr. Pauley significantly downplayed more negative traits about himself or has poor insight into the potential problems/risk factors he presents. This was further supported in the interview where Mr. Pauley was unable to discuss why he engaged in certain behaviors, including the instant offense”.

#### **RECOMMENDATIONS:**

***Timothy Pauley should continue to remain infraction free and participate in the following programming: substance abuse treatment (Therapeutic Community (TC) if appropriate); additional CBT programming to address his problem solving skills, use of aggression or attitudes toward aggression; available reentry programming to prepare him for life outside of prison which may include a transfer to a different prison.***

**JURISDICTION:**

Timothy Pauley is under the jurisdiction of the Board on a February 20, 1981, conviction in King County under Cause #80-1-02459-7 for three counts of First Degree Murder (counts III, IV, and V). The Board paroled Mr. Pauley on December 11, 1998, from Count IV. Thus, the time start for Counts III and V is December 11, 1998. The original minimum terms set by the Board for Counts III and V were 400 months on Count III and 311 months on Count V, from a Sentencing Reform Act (SRA) range of 240 to 320 months on each count. The maximum term is Life. Mr. Pauley has served approximately 247 months on Counts III and V and 461 months total time in prison.

**OFFENSE DESCRIPTION:**

Mr. Pauley at age 22, and a co-defendant participated in a robbery at the Barn Door Tavern after the business had closed for the evening. Mr. Pauley was armed with a handgun and his co-defendant was armed with a knife. There were three women and two men present in the business at the time. After taking the men's wallets and other valuables, the men's hands were tied behind their back and they were taken to a walk in cooler and made to lay on the floor. The women were forced to strip and one woman was tied by the neck (by Mr. Pauley's co-defendant) to a post in the front area of the tavern and the other two women were forced to crawl to the ladies restroom where they were tied by their necks to the bathroom stall. Mr. Pauley went and checked on the three women and believed they were already dead. (The two victims in the restroom survived and the woman in the front of the tavern died of strangulation as a result of being tied to the post). Timothy Pauley then entered the walk in cooler and shot both of the men tied up on the floor, killing them. He subsequently left the tavern and was arrested less than 24 hours later.

**PRIOR CRIMINAL / RISK RELATED CONDUCT:**

Mr. Pauley has a juvenile conviction for malicious mischief, occurring in 1976. Mr. Pauley verified he has a robbery conviction out of King County Juvenile Court, though the criminal history check through NCIC (National Crime Information Center) does not list this offense. Mr. Pauley indicated that when he was 17 years old he drove the car while a friend went into a store and robbed it.

He stated he did not know it was going to be a “robbery” just that he thought his friend was going to steal something.

**PROGRESS/BEHAVIOR:**

Classification Counselor Larry Verlinda testified Mr. Pauley has participated in most offender change programs offered. He provided a list of programs to include: college courses through the University Behind Bars (UBB) program; Toastmaster; Facilitator for Alternatives to Violence; a mentor in the Men Facilitating Change program; participating in the HEAL program; and currently working as a Unit Porter. He stated Mr. Pauley’s last serious infraction was in 1995 (positive urinalysis), last general infraction was in 2012, and has had several positive behavioral observations since his last hearing. CC Verlinda indicated Mr. Pauley has stated he would like to release to either his brother’s residence or his sister’s. Mr. Pauley added he also attends church services, Interaction Transitions weekly, ongoing writer’s workshop, and has completed SMART Recovery and Bridges to Life. He stated he is a couple of classes away from obtaining a Bachelor’s Degree.

The Board asked Mr. Pauley to describe his participation in his index offense crimes. He provided a description that was consistent with his last hearing and prior recounting of the events he has provided to the Board. Mr. Pauley was asked to describe the risk factors that led to his offending. He listed several factors and appeared to have some understanding of how they resulted in his crime. He provided a recounting of programs he has taken to address each of the factors he listed. He indicated he took substance abuse treatment in Wyoming in the early 90s (he had a subsequent drug use in 1995). He indicated he does not believe that substance abuse will be a problem for him though by his own description, this appeared to be his most significant issue.

The Board asked Mr. Pauley to discuss the letter he wrote to his brother in 2012. He stated he understood why the Board found this letter to be very disturbing particularly in light of his prior programming. In the letter he used inflammatory and crude language regarding DOC staff as well as expressing thoughts about DOC staff being killed by other inmates for which he said he would

not shed a tear. He indicated to the Board that he was only venting and thought that doing it with his brother was appropriate and he regrets writing the letter. He was asked how he would respond if one of the participants in the alternatives to violence program wrote a similar letter to which he responded he would talk to the person about it and express it wasn't acceptable.

The Board discussed Mr. Pauley's psychological evaluation with him and the elevated scales on one assessment, indicating he provided responses that create an overly positive image of himself. He maintained he is just a very positive person. Mr. Pauley was asked if he needs any additional programming to which he indicated he does not believe he needs additional programs. He indicated if he is not able to release to a family member, a DOC transition house (House of Mercy) would be his next option.

Mr. Pauley and his attorney Lenell Nussbaum recommended the board add 60 months to his minimum term to allow time for him to participate in a mutual reentry plan or possibly the graduated reentry process. They additionally recommended conditions that geographically restrict him victim concern areas as well as a prohibition against any drug and alcohol use. Ms. Nussbaum stated Timothy Pauley has done everything within his power to rehabilitate himself and he meets criteria to be found parolable.

JP: ts

July 26, 2019

August 2, 2019

August 6, 2019

August 12, 2019

cc: MCC-WSR  
Attorney/ Lenell Nussbaum  
File/ts



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

TO: Full Board

FROM: Jeff Patnode (Teresa)

RE: PAULEY, Timothy DOC #273053

Panel recommends: Not Parolable and adds 84 months on Count III and 113 months on CT V to his minimum term.

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

<b>Agree</b>	<b>Disagree</b>
<b>Jeff Patnode 7-26-2019</b> <b>Elyse Balmert 7-26-2019</b> <b>Kecia Rongen 7-26-2019</b>	<b>Lori Ramsdell-Gilkey 7-26-2019</b> <b>Tana Wood 7-26-2019</b>