



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 Correctional Center (AHCC) – via SKYPE
DATE OF HEARING: July 29, 2020
TYPE OF HEARING: Lt JUVBRD
PANEL MEMBERS: Elyse Balmert, Jeff Patnode & TaTeasha Davis
FINAL DECISION DATE: August 17, 2020

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 or RCW 10.95.030. In preparation for the hearing, the Board reviewed Mr. Thomas' ISRB file. Gregory Thomas appeared in person and was represented by attorney Jeffrey Ellis. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Bryce Oman, Sex Offender Treatment and Assessment Program (SOTAP) Specialist Susan Gallagher, Psychology Associate (PA) Mike Spencer, and Mr. Thomas.

This hearing was held via video conferencing with the Board Members located in Lacey, Washington, and Mr. Thomas and the DOC staff located in Airway Heights, Washington, and Mr. Ellis located in Portland, Oregon.

No current recommendation from the King County Prosecutor's Office or presiding Judge. 2016 - The King County Prosecutor's Office wrote the Board a letter of opposition to Mr. Thomas being considered for release.

LAST BOARD DECISION:

February 24, 2016 – He was found not releasable at that time and the Board stated he would be eligible to re-petition in January of 2021. The Board noted that Mr. Thomas' change in attitude since 2003 was commendable. However, the Board felt that Mr. Thomas needed more intensive trauma therapy that may require transfer to another institution after he completed SOTAP, T4C, and chemical dependency treatment.

Mr. Thomas wrote the Board to request that he be seen early in 2019. At that time, he had completed SOTAP, SOTAP Aftercare, Intensive Outpatient Substance Abuse Treatment, T4C, PTSD treatment, and 12 months dialectical behavior therapy, Aerospace Composites Tech, and Job Seeking Skills. At that time, Mr. Thomas was placed on the June 2020 docket, and later rescheduled in July of 2020 at Mr. Thomas' request.

CURRENT BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 **or** RCW 10.95.030(3)(f) 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 **or** RCW 10.95.030 the Board finds Mr. Thomas is not more likely than not/is more likely than not to commit a new crime if released with conditions

that are designed to help better prepare him for a successful re-entry into society. Mr. Thomas is determined to be releasable based on the following:

- Followed the recommendation of the ISRB, Mr. Thomas sought mental health treatment for 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 number of additional risk related programs in addition to SOTAP, most notably chemical dependency (CD) treatment program.
- He has no Serious Infractions (SI) since his last hearing, his last SI was in 2003.
- He has a well-developed realistic release plan and three years of supervision.

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 into 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. Mr. Thomas's petition, resulted in the hearing on this date.

RCW 10.95.030(3)(f), enacted in 2014, puts offenders who were under the age of 18 when they committed aggravated murder under the jurisdiction of the Indeterminate Sentence Review Board.

Mr. Thomas is currently incarcerated on a 1996 conviction in King County; 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 Sentencing Reform Act ranges of 250 to 333. He has served approximately 291 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 Oman provided an overview of Mr. Thomas' programming (vocation/education and offender change) since his last hearing. He has completed SOTAP, T4C, T4C Advanced Skill Building, SOTAP Community Transition, SOTAP Aftercare, Mathematics for the Trades, Homebuilders Carpentry, Food Packer/ Packager/Handler, and Intensive Out-Patient treatment. Mr. Thomas has also completed numerous mental health groups. He works in the Food Factory with good reports. Mr. Thomas has not incurred any new Serious Infractions – his last one was in 2003. He has two negative and six positive Behavior Observations and Unit Staff describe Mr. Thomas as an "easy keep" and respectful. He has support from the Post Prison Project and his sister.

Mr. Thomas agreed with the file material describing his crime. He said during the time of his crime he was using drugs (LSD), watching pornography, felt worthless, and hated everyone.

Mr. Thomas reported that he completed Post Traumatic Stress Disorder and Dialectical Behavioral Therapy (DBT) programs and learned a lot. He said he has learned to face his shame and how to process his emotions and not suppress them. He reported he takes medications and will continue seek out mental health services in the community. Mr. Thomas completed SOTAP and the aftercare portion. He was able to articulate his Dynamic Risk Factors and interventions for them.

When released if he is not able to reside in Pierce County with his sister, he would live in Seattle at a transitional home either Oxford or Journey Center. He will obtain employment and education with the assistance of the Post Prison Education program and the Transition Specialist. Mr. Thomas will look for work in the food service industry or construction. He has support from his sister who resides in Pierce County and from a pen pal who lives in Australia. Mr. Thomas has written to his pen pal for a couple of years and that they are just friends. Mr. Thomas stated that he is not the same person he was as a child.

SOTAP Specialist Gallagher testified that in Aftercare Mr. Thomas was fairly quiet but became more vocal and participated. He showed good insight into other people's thinking errors. Mr. Thomas appears to be bright and has learned the treatment materials. He was always respectful and asked good questions. She stated Mr. Thomas all in all did well in Aftercare. He has a solid grasp on problem solving and setting boundaries with peers.

Attorney Ellis referred to the Miller vs Alabama decision regarding a minor's ability to change. Mr. Ellis argued that Mr. Thomas has changed and is not the same person he was as a youth. He is fully committed to being the new person he has become and wants the community to be proud of him. Mr. Thomas has worked to change who he is and has attended to the issues in his life. Mr. Ellis stated Mr. Thomas is not a risk to reoffend and should be released.

PA Spencer provided an overview of Mr. Thomas' progress. He has worked with his for three years and focused on his PTSD due to years of childhood trauma. The goal was for him to see the abuse he endured from different perspectives. He also work with him on emotional awareness and regulation. He also completed numerous DBT groups. He stated Mr. Thomas made remarkable improvement. When released in the community he should continue to seek out a circle of support.

Mr. Thomas had a Forensic Psychological Evaluation (FPE) completed in June of 2020 to determine if he qualified for Civil Commitment under RCW 71.09. The FPE came back that he does not meet the criteria.

EB:ffo

August 19, 2020

cc: AHCC
Gregory THOMAS
Attorney Ellis
File



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

TO: Full Board

FROM: Elyse Balmert (Fawn)

RE: THOMAS, Gregory DOC #743752

Panel recommends: Find Releasable.

Next action: Submit an ORP.

Agree	Disagree
Elyse Balmert 8-17-2020 Jeff Patnode 8-17-2020 TaTeasha Davis 8-17-2020 Lori Ramsdell-Gilkey 8-17-2020 Kecia Rongen 8-17-2020	