



**Indeterminate Sentence Review Board
Decision and Reasons Summary**

Name: Smith, Scott	DOC#: 278891	Case Type: PAR	Date: 10/15/2024
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Note: This is a summary of the Decision and Reasons dated 10/28/2024, and should not be substituted for the full document.

Decision:

Not Parolable. Add 120 months to Minimum Term

Next Action: Schedule a .100 Hearing approximately 120 days prior to PERD. An updated Psychological Evaluation will be required for the next hearing.

Recommendations:

- **Substance Abuse Treatment, Assessment and Follow Recommendations (based on significant history)**
- **Sober Support Groups**
- **Other Risk Related Programs, if eligible. Such as: Thinking for a Change, Bridges to Life, Alternatives to Violence, etc.**
- **Remain infraction free and have positive interactions with staff**
- **Participate in next Hearing**



DECISION AND REASONS

NAME:	SMITH, Scott
DOC #:	278891
FACILITY:	Stafford Creek Corrections Center
DATE OF HEARING:	October 15, 2024
TYPE OF HEARING:	.100
PANEL MEMBERS:	Jill Getty, Kecia Rogen, Elyse Balmert, Jeff Patnode & Corey McNally
FINAL DECISION DATE:	October 28, 2024

I. DECISION/LEGAL STANDARD

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 Revised Code of Washington RCW 9.95.100. This statute directs the Board to not release an individual unless in the Board's opinion his or her rehabilitation has been completed and he or she is a fit subject for release. Consequently, the Board finds Scott Smith **not parolable** and adds 120 months to the minimum term.

At the time of conviction both the Prosecutor and the Judge recommended Life imprisonment for each of the three counts of Murder. In 1990, they updated their recommendation to include a minimum of 120 years for each of the three counts of First-Degree Murder.

The King County Prosecuting Attorney's Office recently sent a letter to the ISRB dated August 28, 2024, stating they would not support any release or parole of Mr. Smith.

NEXT ACTION: Schedule a .100 Hearing approximately 120 days prior to Earned Release Date (ERD). An updated Psychological Evaluation will be required for the next hearing.

II. JURISDICTION

Scott Smith is under the jurisdiction of the Board on a September 17, 1981, conviction in King County Cause #80-1-02459-7 for Assault in the Second Degree Counts I and II; and Murder in the First Degree Counts III, IV, and V. The time start is September 17, 1981. The minimum term was set at 132 months on Counts I and II, to be served concurrently with each other as well as Count III, from a Sentencing Reform Act (SRA) range of 62-82 months; 304 months on Murder in the First Count III with Sentencing Reform Act (SRA) range of 224-304 months; 320 months on Murder in the First Count IV with SRA range of 240-320 months; and 320 months on Murder in the First Count V with an SRA range of 240-320 months. The maximum term is Life.

Mr. Smith served approximately 254 months on Counts I, II, and III, prior to his parole to consecutive Count IV on November 25, 2002. Mr. Smith has served approximately 262 months on Count IV to date.

Mr. Smith still has a consecutive confinement term left to serve on Count V. His ERD on Count V is currently scheduled for October 4, 2042.

III. LAST BOARD DECISION

Mr. Smith last met with the Board in a .100 Hearing on April 13, 2021. He was found not parolable and 60 months were added to the minimum term. The Board recommended that Mr. Smith should continue to maintain positive prison behavior and complete a Substance Use Disorder (SUD) treatment program. The ISRB also recommended that Mr. Smith seek out any available change program that may support his ability to make good decisions.

Mr. Smith was scheduled for his next .100 Hearing on September 11, 2024. However, he declined to attend the hearing. Consistent with ISRB Washington Administrative Code (WAC) guidelines, he was scheduled for the next available docket to give him a second opportunity to participate.

IV. OFFENSE DESCRIPTION

Scott Smith, age 21, and his co-defendant Timothy Pauley entered the Barn Door Tavern in King County, Washington in the early morning hours of June 12, 1980, while armed, with the intent to commit a robbery. Five people were present in the tavern when they entered, two men and three women. Mr. Smith and Mr. Pauley went through the cash register, stole a ring from one of the women, and a wallet from one of the men. The men were taken to a walk-in cooler, their hands were tied, and they were subsequently shot and killed by Timothy Pauley. Mr. Smith, meanwhile, had the remaining three women remove their clothing and crawl to the bathroom. In the bathroom, he tied two of the women together by the neck with electrical cord. He also tied their hands. Mr. Smith took the other female back to the bar area and tied her to a pole with a cord tied around her neck. She died of strangulation as a result. The two women survived their strangulation and were eventually able to summon police.

The next day Mr. Smith was identified and arrested. He provided a statement to police and told them where to find the gun and knife used in the robbery as well as the money taken.

V. OTHER RISK RELATED BEHAVIOR

Mr. Smith has no prior convictions. However, he stated that he became involved in theft from his job sites and various burglaries prior to the index offense. In addition, he was arrested for a Driving Under the Influence in Alaska, but it is unknown if this resulted in a conviction.

VI. EVIDENCE CONSIDERED

The Board considered the evidence presented at the hearing and reviewed **Scott Smith's** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Andrew Andring**

The file review included the following documents:

- End of Sentence Review Committee (ESRC) Reports: Dated

- Criminal case records: **1981 Pre-Sentence and Intake Report; 1981 Judgment and Sentence and Information; 1990 Updated Statement of Prosecuting Attorney and Sentencing Judge; photos**
- Psychological Evaluations: **Lisa Robtoy, Psy.D. 2/10/2024**
- DOC Treatment and behavioral reports dated:
- Risk Assessments:
 - Hare Psychopathy Checklist-REVISED (**PCL-R**) indicates the extent to which the individual has psychopathic tendencies.
 - **HCR-20v3** is an instrument that organizes known risk factors into three categories: historical, clinical, and risk management. Using past, present, and future factors the HCR-20v3 assesses dynamic risk for recidivism.
 - Violence Risk Assessment Guide-Revised (**VRAG-R**) is a 12-item actuarial scale designed to predict violent recidivism.
- Findings and Conclusion (F&C), Prior Decision & Reasons (D&R): **D&R 4/13/2021 & D&R 9/11/2024**
- DOC OMNI Records
- Community concern information
- Other: **King County Prosecutor letter dated 8/28/2024; Smith letter received 7/20/2022**

VII. FINDINGS

1. In preparation for this hearing, the ISRB attempted to advise Mr. Scott Smith of his hearing rights. However, he refused to sign or acknowledge any documents.
2. Scott Smith refused to appear because: According to the Counselor, Mr. Smith stated that he did not want to put the victim or their families through the hearing process. In addition, it should be noted that Attorney Darrel Lahtinen provided testimony. He advised that after Mr. Smith declined his services for the September 2024 .100 Hearing, it would have been up to Mr. Smith to contact Mr. Lahtinen's office for representation. Mr. Smith did not make contact. In addition, the ISRB was not contacted by any private attorney regarding representing Mr. Smith for this hearing.
3. The Board has considered all potential Conditions of Supervision it may lawfully impose, including all identified by the End of Sentence Review Committee (ESRC), DOC psychological evaluations, and RCW 9.94A.704. These conditions include, but are not limited to, the following:

- DRUG / ALCOHOL RESTRICTIONS
- ELECTRONIC MONITORING
- GEOGRAPHIC RESTRICTIONS
- PARTICIPATION IN DRUG/ALCOHOL TREATMENT
- PROHIBITED CONTACTS
- SUBMIT TO POLYGRAPHS

4. The Board has considered the following evidence favorable to Scott Smith's release determination:

- Treatment/Programming. **Institutional employment.**
- Protective factors. **Last serious infraction was in 2011.**
- Risk Assessment Scores. **Scored low to moderate risk for future violence in 2024 Psychological Evaluation.**
- Other evidence: **Community support.**

5. The Board has considered evidence against Scott Smith's conditional release (WAC 381-60-160), examples of adequate reasons for a finding of non-parolability include, but are not limited to:

- No participation in programs or resources designed to assist and offender to reduce the risk of re-offense (e.g., anger management, substance abuse treatment). **Despite having a Substance Use Disorder (SUD) treatment referral from 2017, he has not participated in any treatment. His Counselor also noted that he had not made any attempts to participate in any other change programs since his 2021 Hearing.**
- Serious and repetitive disciplinary infractions during incarceration.
- Evidence of an inmate's continuing intent or propensity to engage in illegal activity (e.g., victim harassment, criminal conduct while incarcerated, continued use of illegal substances).
- Statements or declarations by the inmate that he or she intends to re-offend or does not intend to comply with conditions of parole.
- Evidence that an inmate presents a substantial danger to the community if released.
- Other evidence: **Although his Counselor testified that Mr. Smith was aware of the DOC Accountability Letter Bank and the process to participate, he instead wrote an inappropriate letter that he addressed to the victims and their families that he sent to the ISRB in 2022.**

6. The Conditions of Supervision, and any favorable evidence noted above considered by the Board would not sufficiently reduce the likelihood of Scott Smith committing new offenses because:

- **Mr. Smith refused to sign/acknowledge any documents issued in preparation for this hearing. He also refused attorney representation and refused to attend the hearing. Therefore, the Board was unable to meet with Mr. Smith to assess his current rehabilitation.**
- **Despite the Board’s recommendations after his 2021 .100 Hearing, Mr. Smith has not participated in either SUD treatment or any other change program since that time to develop additional skills that may mitigate his risk. In the 2024 Psychological Evaluation Mr. Smith addressed this issue stating he didn’t like prison programs because there were “too many politics involved”. Later in the evaluation it was further noted by Dr. Robtoy, “Mr. Smith’s level of motivation to put forth the effort to change is less than is typical of correctional samples. This finding puts Ms. Smith at increased risk for treatment noncompliance and/or resistance should he become involved in offender change programming or treatment. It is likely that he is satisfied with his current status and sees little need to change”. His prior drug involvement that was concerning to the Board in 2021, and his minimal participation in risk-related change programming in general, remain unaddressed.**
- **The November 2024 Psychological Evaluation estimated Mr. Smith to be a low to moderate risk for future violence. However, it should be noted that Dr. Robtoy recommended caution about information dependent on Mr. Smith’s self-report stating, “Regarding Mr. Smith’s reliability, all testing completed during this evaluation suggest his responses were significantly influenced by intentional positive impression management (as opposed to lack of insight regarding his problems). Consequently, the reliability of his self-report was considered questionable...”. In addition, the characterization of Mr. Smith in the Psychological Evaluation appeared to be incongruent with his letter addressed to the victims and their families submitted to the Board in 2022, and his refusal to participate in the current hearing process.**
- **The Board has significant concerns regarding a letter that Mr. Smith submitted to the ISRB addressed to the victims and their families in 2022. Rather than working through the DOC Accountability Letter Bank to ensure that his letter was appropriate, Mr. Smith’s letter appeared to seek guilt or pity from the victims and survivors, which is unacceptable. In addition, in the 2024 Psychological Evaluation, while describing his remorse for the crime he committed he added, “That small piece of life changed everything. It’s been a nightmare for me”. Mr. Smith has demonstrated an overall lack of empathy or insight into the impacts of the crime on the victims and survivors.**
- **The absence of risk related behavior alone is not an indicator of rehabilitation.**

- **In his 2022 letter addressed to the victims and their families, Mr. Smith also stated that he did not feel that he was deserving of release.**

7. Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and after weighing all of the totality of the evidence, including the community custody conditions and any favorable evidence noted above by the Board, the Board finds that Mr. Smith is not parolable and adds 120 months to his minimum term.

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 9.95.100.

VIII. RECOMMENDATIONS

- **Substance Abuse Treatment, Assessment and Follow Recommendations (based on significant history)**
- **Sober Support Groups**
- **Other Risk Related Programs, if eligible. Such as: Thinking for a Change, Bridges to Life, Alternatives to Violence, etc.**
- **Remain infraction free and have positive interactions with staff**
- **Participate in next Hearing**

JG: ah

10/15/2024

cc: Facility: SCCC
Scott Smith, Incarcerated Individual
File



TO: Full Board

FROM: JG (ah)

RE: SMITH, Scott DOC # 27891

Panel recommends: **Not Parolable - Add 120 months to minimum term**

Next action: Schedule a .100 Hearing approximately 120 days prior to PERD. An updated Psychological Evaluation will be required for the next hearing.

Agree	Disagree
Jill Getty, 10.28.2024 Corey McNally, 10.28.2024 Elyse Balmert, 10.28.2024 Jeff Patnode, 10.28.2024 Kecia Rongen, Not Present	