



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

DECISION AND REASONS

NAME: Brooks, Carl
DOC #: 259045
FACILITY: Washington State Penitentiary
DATE OF HEARING: November 13, 2018
TYPE OF HEARING: .100
PANEL MEMBERS: Lori Ramsdell-Gilkey and Jeff Patnode
FINAL DECISION DATE: December 3, 2018

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. Brooks' ISRB file. Mr. Brooks appeared in person and declined to be represented by an Attorney. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Tyler Tompkins.

The sentencing Judge and Prosecutor both recommended Life at the time of sentencing.

LAST BOARD DECISION:

At the September 24, 2013 hearing, the Board found Mr. Brooks not parolable and added 90 months to his minimum term.

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 that Mr. Brooks is not parolable and adds 60 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to his earned release date (ERD). A new psychological report will not be necessary.

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 9.95.100, the Board finds Mr. Brooks not parolable for the following reasons:

- Risk Level III sex offender
- Has not completed risk related offender programming
- Continues to incur serious infractions and negative behavioral observations
- Recent psychological assessment and actuarial tools indicate a high risk for re-offense

RECOMMENDATIONS:

Demonstrate consistent positive prison behavior. Participate in offense related offender programming as it becomes available, to include completion of the Sex Offender Treatment and Assessment Program (SOTAP) when eligible and Bridges to Life.

JURISDICTION:

Carl Brooks is currently serving confinement on a May 19, 1978 conviction of Count III, Kidnapping in the First Degree in King County under Cause #84744. His initial duration of confinement was set by the Board at 25 years. The standard range of the Sentencing Reform Act at the time was 75 to 92 months. His maximum term is Life. He began serving time on this count on September 20, 1991 and has served approximately 27 years on this count.

Under this same Cause number he was also convicted of Counts I, VI and VII, Robbery in the First Degree while armed with a Deadly Weapon; Count V, Assault in the First Degree While Armed

with a Deadly Weapon; and Count VIII, Burglary in the First Degree While Armed with a Deadly Weapon. He began serving time on these offenses on May 19, 1978 and paroled from all of these on September 20, 1991 to begin serving Count III above.

In addition, Mr. Brooks was convicted of Count II, Rape in the First Degree While Armed with a Deadly Weapon and Count IV, Murder in the Second Degree, While Armed with a Deadly Weapon. The minimum term on Count II is currently set at 25 years and 20 years on Count IV. These two counts are to be served consecutive.

OFFENSE DESCRIPTION:

File materials describe the underlying offenses as follows: Counts I, II and III - The victims of the Robbery in the First Degree were a woman and her 7 year old son who were returning to their home after shopping. Mr. Brooks (age 17) and his crime partner (age 19) ordered the woman to drive around while he went through her purse, throwing the contents out the window. She was then ordered to drive them to a park where Mr. Brooks drug her from the car, raped her at gunpoint, and then drug her back to the car where his partner raped her. After forcing her to drive around, she and her son were placed on the floor in the back seat of the car and covered up with a coat. They were both finally put in the trunk and left. A passerby heard them yelling and opened the trunk. The woman contracted gonorrhoea as a result of these rapes.

Counts IV and V involved an older husband and wife returning home after an evening out. The man was a retired law enforcement officer who had a gun. After retrieving a coat from the car, he saw that Mr. Brooks had grabbed his wife and was holding a gun to her. Mr. Brooks opened fire and a gunfight ensued until both were out of ammunition. Mr. Brooks then fled the scene. During this time the man was shot in the chest, and his wife was killed. Later testing showed that it was bullets fired from the husband's gun that killed his wife. The records describe that Mr. Brooks was using the wife as a shield. The man was in critical condition for some time but lived.

Count VI occurred January 29, 1978, only three hours after the previously described horrific shooting. Mr. Brooks and his crime partner carjacked a woman and forced her to drive them around, while trying to steal the transaction number for her bank card. Mr. Brooks stole her jewelry and \$4.00 she had in her purse and she was eventually let go.

Counts VII and VIII occurred on January 30, 1978 when a woman returned to her home to find Mr. Brooks in her residence. He held a gun to her head and demanded credit cards and transaction numbers. He assaulted and kicked her in the head then tied her up with electrical cords. No crime partner was involved in this offense.

PRIOR CRIMINAL / RISK RELATED CONDUCT:

Mr. Brooks' juvenile criminal history includes the following: Strong Armed Robbery in 1973, Larceny in 1974, Assault and loitering in 1975, Assault Third degree and Burglary in 1976 and Auto Theft in 1977. He was remanded from Juvenile to Adult Court for the current convictions.

PROGRESS/BEHAVIOR:

Classification Counselor Tyler Tompkins testified that Mr. Brooks is currently employed as a Unit Custodian and is apparently doing well. He has incurred two serious infractions since his last ISRB hearing. These are Sexual Harassment and Refusing a Cell Assignment. The sexual harassment involved him telling a female staff that she was a beautiful woman. In today's hearing he stated the female staff person was dressed inappropriately. When further questioning was attempted about this behavior he stated, "I'm going to plead the fifth". (He reportedly stated this woman looked like a prostitute.) The Refusing a Cell Assignment infraction involved him refusing to accept a cell assignment upon his transfer to Coyote Ridge Corrections Center. When the ISRB attempted to discuss this with him he again, 'Plead the 5th'. He has received negative behavioral observations from staff as well. It appears his interactions can be fairly negative and he becomes loud when he doesn't get his way.

Mr. Brooks did not appear to be interested in discussing his behavior in prison at all. He chose to focus on his legal issues which he described as the “Miller Fix” and the “Blakely Fix”. He appears to believe that since he was a juvenile at the time of his offense he is supposed to be able to “petition” the Board for release. He was advised that the Board cannot do this as he is not eligible for the “Miller” fix. He also seems to believe that as a “Miller” case we cannot consider any serious infractions more than 12 months old. This is incorrect, even for true Juvenile Board cases.

Mr. Brooks then stated that he wanted the Board to consider what he believed to be “mitigating” circumstances such as his claim that his adult crime partner basically “defrauded” him into “contributing to his own delinquency as a minor” by threatening the victim in order to get her to engage in sexual intercourse with Mr. Brooks. In addition he stated that because his Dad was a military veteran some sort of liaison should have been appointed to him as a juvenile prior to his sentencing. He expressed displeasure in the fact that his co-defendant received a lesser sentence and released from prison some time ago. He fails to note that his co-defendant had no prior criminal history and had more positive behavior while in prison.

When asked if he would be willing to participate in the Sex Offender Treatment and Assessment Program (SOTAP) he stated it was his understanding that he would not be eligible because he does not have any prior sex offenses. We explained that this was not accurate. Though the record indicates he was previously found not amenable the Board expects him to complete this program at some point during his incarceration if he is to be released.

Mr. Brooks was insistent that he is eligible to go to a halfway house situation and be allowed regular furloughs to go job seeking. When encouraged to participate in available programming he indicated doing his legal work is his program.

The Board advised him that we expect him to demonstrate positive behavior and participate in recommended programming. We are hopeful that Mr. Brooks can begin to see that improving his prison behavior and participating in offense related programming can be a positive thing for

him and he can still work to have his case reviewed by the Courts and changes made to his sentence and possible release dates. One does not negate the other. By the end of the hearing Mr. Brooks appeared more comfortable and open to suggestions.

LRG: ch

November 28, 2018

December 3, 2018

December 4, 2018

December 5, 2018

cc: Institution
Attorney
File



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

TO: Full Board

FROM: Lori Ramsdell-Gilkey (Christine)

RE: BROOKS, Carl 259045

Panel recommends: Not parolable, add 60 months to MT.

Next action: Schedule .100 120 days prior to PERD. A new psych eval will not be needed.

Agree	Disagree
Lori Ramsdell-Gilkey 12-3-2018 Jeff Patnode 12-3-2018 Elyse Balmert 12-3-2018 Kecia Rongen 12-3-2018	