



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

GOVERNOR'S ORDER CANCELING PAROLE PURSUANT TO RCW 9.95.160

IN THE MATTER OF:

Name: PAULEY, Timothy Robert
DOC#: 273053
Date of Birth: 9/20/1958
Date of Sentence: 2/20/1981
Statutory Maximum Term: Life
County: King County Superior Court Cause #80-1-2459-7

ACTION: ISRB Parole Order Canceled

I, Jay Inslee, Governor of the state of Washington, by virtue of the power vested in me by RCW 9.95.160, do hereby order and direct:

The Order of the Indeterminate Sentence Review Board (ISRB) of the state of Washington in this matter, with a final decision date of April 4, 2022, and attached here is canceled. The Secretary of the Department of Corrections (DOC) is ordered not to release TIMOTHY PAULEY, DOC #273053. The parole granted to Mr. Pauley by the ISRB in this order and any prior orders is canceled.

STATEMENT OF FACTS AND REASON¹

In June 1980, Mr. Pauley and an associate entered the Barn Door Tavern and announced that it was a robbery. Mr. Pauley carried a revolver, and his associate held a knife. They made all five victims, three women and two men, lie down while they began their robbery. Mr. Pauley's associate then tied up the men with an electrical cord and walked them back to one of the coolers. The women were ordered to disrobe and two of them were tied together at the hands with an electrical cord and then tied around the neck, causing them to pass out. The third woman was tied to a post by her neck with a knotted cord on which she strangled to death. Before leaving, Mr. Pauley shot the two men in the cooler, killing them. The two surviving women were able to escape and contacted police. Authorities arrested and then prosecuted Mr. Pauley and his associate. Mr. Pauley pleaded guilty to three counts of first degree murder.

Mr. Pauley was sentenced in February 1981, and his maximum term is life. The ISRB maintains jurisdiction over Mr. Pauley for these convictions.

¹ This factual statement and decision reasoning are based solely on materials included in the ISRB hearing record.

During his lengthy incarceration, the ISRB found that Mr. Pauley has shown signs of rehabilitation. He has not received any serious infractions since 1995, and he has not received a general infraction since 2012. Mr. Pauley has also never received a serious infraction related to violence during his time in custody.

The ISRB record reveals that Mr. Pauley has maintained his sobriety since April 1995, and he has successfully completed chemical dependency treatment. He has also built strong pro-social community support and completed numerous self-help programs and education, as well as cognitive behavioral therapy programs and seminars to address his criminogenic risk factors.

The ISRB's review of Mr. Pauley's most recent psychological assessment also indicates that he has made positive strides in his rehabilitation. Several risk assessment tools rate his overall risk of offending as low in terms of violent recidivism.

At Mr. Pauley's 2022 ISRB hearing, the Board's statutory duty was solely to determine whether Mr. Pauley's "rehabilitation has been complete and he or she is a fit subject for release." The ISRB, citing many of the indicia of rehabilitation outlined here, unanimously found Mr. Pauley rehabilitated and thus, parolable.

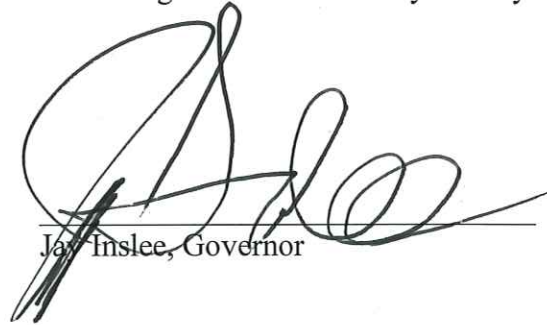
Nevertheless, I am concerned by what is missing in Mr. Pauley's ISRB record. At his March 2022 ISRB hearing, Mr. Pauley was given the important opportunity to testify and offer his thoughts on how his behavior has impacted the victims and families of the victims. He expressed feeling ashamed for his "horrible" actions causing unimaginable problems. But in doing so Mr. Pauley distanced himself from his actions and the direct consequences of those actions. He spoke to the post-traumatic stress disorder that he suffered stemming from an earlier industrial accident and how he is ashamed that, through his crimes, he "passed that [PTSD] on to them [the victims]." He referred to the victims and their families as "them" and "these people," never directly acknowledging by name or apologizing to the victims and their families. This is troubling.

Here, for Mr. Pauley's rehabilitation to be complete, he must engage in serious introspection to ultimately achieve and affirmatively demonstrate both a full acceptance of his responsibility and remorse. Absent this adequate showing of responsibility and remorse, I respectfully disagree with the ISRB and do not find that Mr. Pauley's rehabilitation is complete under RCW 9.95.100.

Accordingly, I CANCEL the ISRB's decision to grant parole release to Mr. Pauley. Consequently, I remand this matter to the ISRB for further proceedings.

This order takes effect immediately.

Signed and sealed with the official seal of the state of Washington on this 18th day of May 2022, at Olympia, Washington.



Jay Inslee, Governor

BY THE GOVERNOR:



Secretary of State
Trova O'Heffernan
Assistant Secretary of State



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

DECISION AND REASONS

NAME: PAULEY, Timothy
DOC #: 273053
FACILITY: Monroe Correctional Center- WSR
DATE OF HEARING: March 16, 2022
TYPE OF HEARING: .100
PANEL MEMBERS: TaTeasha Davis, Kecia Rongen, Elyse Balmert, Jeff Patnode,
& Lori Ramsdell-Gilkey
FINAL DECISION DATE: April 4, 2022

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 Marla Zink. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Larry Verlinda and Mr. Pauley.

There was also a number of observers to include former King County Sheriff Dave Reichert and Washington State Representative Jenny Graham.

The hearing was held via videoconference with the Board Members being in Lacey, WA.

Mr. Dan Satterberg, King County Prosecutor submitted a recommendation March 14, 2022, stating that he "strongly" objected to the release of Timothy R. Pauley.

LAST BOARD DECISION:

A 2018 Division One Court of Appeals decision in the matter of Timothy Robert Pauley remanded Mr. Pauley's case back to the Board for a new .100 hearing after they found, *"The ISRB's failure to consider evidence of Pauley's rehabilitation and its reliance on the relative low sentence and circumstances of the offense, was an abuse of discretion."* A new hearing was held July 17, 2019. At this .100 hearing, the Board found Mr. Pauley not parolable and added 84 months to the minimum term on Count III and 113 months on Count V. At that time the Board recommended that Mr. Pauley remain infraction free and participate in Substance Abuse Treatment, Cognitive Behavioral Therapy (CBT) programming, and any available re-entry programming to prepare for release.

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. Pauley is parolable on or about his Parole Eligibility Release Date of July 2, 2022.

NEXT ACTION:

Submit an Offender Release Plan (ORP) for approval.

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. Pauley parolable for the following reasons:

- **Mr. Pauley's risk assessment tools rate his overall risk of reoffending as LOW in terms of violent recidivism:**
 - **Psychopathy Checklist Revised (PCL-R) scored him in the low range for psychopathy; Violence Risk Appraisal Guide (VRAG) Bin 6 of 9; Historical**

Clinical Risk Management-20 Version 3 (HCR-20 V3) HCR-20v3- low range for Imminent violence; Structured Assessment of Protective Factors (SAPROF)- High range of protective factors in all three categories; internal, external, and motivational.

- **Mr. Pauley has successfully completed Chemical Dependency treatment and has abstained from using drugs or alcohol since April 1995. His release plan also incorporates residing at a transitional home that mandates weekly sober support groups.**
- **Mr. Pauley has strong pro-social community support in his brother and sister with whom he has maintained regular contact. He also submitted thirty-four letters of support from the community and a thorough release plan. “Mr. Pauley is less likely to engage in criminal activity in the presence of strong family and positive peer support.” Lisa Robtoy, Psy. D.**
- **Mr. Pauley has not received any serious infractions since 1995 (27 years) and has not received a general infraction since 2012 (10 years). Mr. Pauley has never received a serious infraction related to violence during his incarceration, all of which indicate he will be able to manage his behavior on community supervision.**
- **Mr. Pauley has completed numerous Cognitive Behavioral Therapy (CBT) programs and seminars such as Alternatives to Violence, Bridges to Life, and Healing and Education for Accountability and Liberation (H.E.A.L.) to address his criminogenic risk factors.**
- **Mr. Pauley displayed insight into his offending behaviors and provided interventions for maintaining his sobriety in the community.**
- **Mr. Pauley has participated in re-entry programming such as the Men Facilitating Change program and Interaction Transition Group.**
- **Mr. Pauley has completed a significant amount of educational courses through University Behind Bars (UBB) and is just short of earning a Bachelor’s Degree.**
- **Mr. Pauley’s age and medical condition are mitigating factors related to his ability to commit future violent crimes.**

RECOMMENDATIONS:

Mr. Pauley should follow the recommendations of his chemical dependency treatment for aftercare and have strong controls around the use of drugs and alcohol. He should focus on his strong family support and building pro-social peer sober support in the community. Mr. Pauley will be subject to electronic monitoring for a minimum of 90 days.

JURISDICTION:

Timothy Pauley is currently under the jurisdiction of the Board on a February 20, 1981, conviction of Murder in the First Degree, Counts III and V under King County Cause #80-1-02459-7. His initial

duration of confinement was set by the Board at 400 months on Count III and 311 months on Count V to be served concurrently. The standard range of the Sentencing Reform Act at the time was 240 to 320 months. His maximum term is Life. He has served approximately 279 months in prison and 0 days of jail time on these two Counts.

Under the same cause, Mr. Pauley previously served 214 months for Murder in the First-Degree, Count IV, on a minimum term of 320 months, before being paroled to his current Counts III and V. Mr. Pauley has served 493 months total on this cause.

Other information: The sentencing court ordered Counts III and V to be served concurrently but consecutive to Count IV. Mr. Pauley's minimum terms were set above the standard Sentencing Reform Act (SRA) range during the Duration of Confinement hearing in 1990 due to the egregiousness of the crime. Mr. Pauley's terms were again reviewed in 1992 during the Murder 1 Review (in order to be consistent with SRA). Count V was re-determined to 311 months and Count III and IV were maintained. The Board does not have the authority to change whether the counts are served concurrently or consecutively.

OFFENSE DESCRIPTION:

Mr. Pauley at age 21 and his co-defendant, Mr. Smith, murdered three adult victims (two men and one female) during the course of a robbery.

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:

Attorney Marla Zink provided an opening statement which referenced what the Board must find in order to decide that Mr. Pauley is parolable. Pursuant to the *Dyer* decision, “ The inmate bears the burden of establishing his parolability. In turn, the ISRB must base its decision on the evidence presented at the hearing.” *In Re Dyer*, 139 P. 3d 320. Attorney Zink spotlighted the evidence that would be presented during the hearing, which was: The Psychological Evaluation dated January 9, 2022, completed programming and treatment, disciplinary record, letters of community support, and a comprehensive release plan. The hearing was structured around the Board’s recommendations from the 2019 hearing.

CC Larry Verlinda testified about Mr. Pauley’s progress and programming since the last Board hearing. He stated Mr. Pauley has been focused on carrying out the Board’s recommendations. His last serious infraction was in 1995 and his last general infraction was in 2012, which means he has remained infraction-free for the past 10 years. He successfully completed Substance Abuse treatment in May 2021 and has completed Alternatives to Violence (basic and advanced) and became a facilitator. He was a Men Facilitating Change mentor. He completed the Healing and Education for Accountability and Liberation (H.E.A.L.) program in 2017, and eventually became a facilitator in 2019. He has also completed Bridges to Life. Mr. Pauley currently works as a porter and has maintained his employment notwithstanding his serious medical issues. Covid-19 has paused the Cognitive Behavioral Training (CBT) programming at the facility; however, Mr. Pauley took the initiative, with the help of his attorney, to find an outside mental health provider to work on CBT.

Mr. Pauley has community support from his brother and sister and has regular family visits. He has received 11 positive and two negative behavioral observations since his last hearing. In addition, he has researched different options for release which could be to his sister’s home or to a halfway house in Auburn which focuses on clean and sober living.

Mr. Pauley discussed his recent experience in chemical dependency treatment as allowing him to develop more insight into his offending behavior. When asked what made the difference this time after participating in three previous chemical dependency treatment programs he responded: maturity, structure and depth of the Program, and the conversation around Post Traumatic Stress Syndrome (PTSD). He testified that his relapse prevention plan entails relying on family and community support, finding a sponsor, attending sober support meetings, and focusing on his hobbies and goals. He also expressed awareness of the consequences for relapse and drug use.

Mr. Pauley discussed specific re-entry programming and how it would aid in his re-entry process. He described the Men Facilitating Change program as impactful because as a mentor he was responsible for guiding his mentees through the program manual to help prepare them for re-entry. It helped him understand the components of a solid release plan and some of the pitfalls individuals encounter when they are released into the community, such as peer pressure. Another re-entry program, Interaction Transition, allowed him and others to practice basic skills such as interviewing for employment, or housing and budgeting.

Mr. Pauley identified H.E.A.L. as the most helpful in assisting him in gaining insight. He testified that it allowed him to broaden his perspective of the world and consider the harm he has done. He realized that although he was experiencing PTSD at the time he committed the offense, he passed it on to the victims of his crime as well. He stated the H.E.A.L. program allowed him to expand his empathy for other people. He gave a recent example of how he used his CBT skills to handle conflict in prison. In previous testimony, Mr. Pauley recognized the inappropriate nature of the letter he wrote to his brother in 2012 complaining about DOC staff. It is noted that he did not receive an infraction for writing the letter and has since participated in additional educational and CBT programs to assist with his coping skills.

Mr. Pauley's description of the index offense was consistent with the details he has shared in the past. He talked about the many things he could have done differently that night to create a different outcome and expressed regret for his actions.

In making its decision on an inmate's parolability, the ISRB is guided by WAC 381-60-160, which provides:

The Board shall render a decision of either parolable or not parolable on each case heard under this chapter. All decisions concerning inmates convicted of murder in the first degree will be made by the full board.

Examples of adequate reasons for a finding of non-parolability include, but are not limited to:

- 1. Active refusal to participate in available program or resources designated to assist an offender to reduce the risk of re-offense (e.g., anger management, substance abuse treatment).*
- 2. Serious and repetitive disciplinary infractions during incarceration.*
- 3. 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).*
- 4. Statements of declarations by the inmate that he or she intends to re-offend or does not intend to comply with the conditions of parole.*
- 5. Evidence that an inmate presents a substantial danger to the community if released.¹*

The record from the present case does not support any of these factors. It is clear from the testimony that Mr. Pauley actively participated in available programming and at times facilitated programming for other incarcerated individuals. He has demonstrated his ability to manage his behavior having received no serious infractions in 27 years. Of the 14 serious infractions he did incur previously, none were related to violence. His ability to manage his behavior while

¹ In re Dyer, 139 P.3d 320,323 (2006), 157 Wash.2d 358

incarcerated implicates his intention to abstain from criminal conduct in the community; furthermore, Mr. Pauley made several statements during the hearing regarding his intent to follow the conditions of his community supervision, follow the directives of his Community Corrections Officer, rely on the pro-social support of his family and friends, and stay away from individuals associated with criminal activity.

TD: TS

March 28, 2022

March 30, 2022

cc: MCC-WSR
Marla Zink
File



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

TO: Full Board

FROM: TD (TS)

RE: PAULEY, Timothy DOC #273053

Panel recommends: Parolable

Next action: Submit Offender Release Plan (ORP)

Agree	Disagree
Kecia Rongen 4-4-2022 TaTeasha Davis 4-4-2022 Elyse Balmert 4-4-022 Jeffrey Patnode 4-4-2022 Lori Ramsdell-Gilkey 4-4-2022	