



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

DECISION AND REASONS

NAME: Frick, Charles
DOC #: 258422
FACILITY: Monroe Correctional Complex (WSR/MSU)
TYPE OF HEARING: .100 Hearing
HEARING DATE: April 3, 2018
PANEL MEMBERS: EB & LR-G
FINAL DECISION DATE: April 16, 2018

This matter came before Elyse Balmert and Lori Ramsdell-Gilkey, who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Frick appeared in person and was represented by attorney Rick Linn. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Cindy Kline-Swan, and Mr. Frick. Also present to observe, with the permission of Mr. Frick and Mr. Linn, was Professor Steven Herbert.

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. Frick is parolable.

NEXT ACTION:

Mr. Frick may submit an Offender Release Plan (ORP) for consideration.

JURISDICTION:

Charles Frick is under the jurisdiction of the Board on a May 17, 1983 conviction of Count I, Rape in the Second Degree; Count II, Rape in the First Degree (WAWADW); and Count III, Attempted Rape in the Second Degree in King County under Cause #82-1-03262-6. The time start is March 28, 1984. The sentencing Judge had no recommendation and the prosecuting attorney recommended 240 months. The minimum term was set at 90 months on Count I, 240 months on Count II, and 70 months on Count III, all to be served concurrently, from adjusted Sentencing Reform Act (SRA) ranges of 70 to 99 months on Count I, 112 to 154 months on Count II, and 48 to 70 months on Count III. At sentencing it appeared the max on each of these was Life.

In 2014, the ISRB was notified by DOC records that Counts I and III had statutory maximums of ten and five years respectively. Thus both of those counts have expired and Mr. Frick is serving time on Count II only. This count does have a maximum term of Life.

It should be noted Charles Frick was on parole at the time of these offenses. He was convicted of Burglary First Degree, under King County Cause #83322. This offense occurred in 1977. (See Prior Offense section below for details) Mr. Frick received a 20 year maximum term and was paroled in 1981. That parole was suspended and the sentence reinstated when he was arrested on his current offenses in 1982. That cause reached its maximum expiration date in 1997.

NATURE OF INDEX OFFENSE(S):

In regards to Count I, on June 19, 1982, Mr. Frick, at his age of 32, attended a party at the residence of the victim and her boyfriend. The party ended about midnight, and Mr. Frick left the victim's residence to take another friend home. He returned to the residence about 1:45 a.m. when the victim was alone. He entered the apartment under the guise that he had forgotten something. The victim walked back to her bedroom in search of the items, and Mr. Frick followed behind. Once they reached the bedroom Mr. Frick grabbed the victim by the throat and a struggle ensued. The victim began screaming, and Mr. Frick threatened to kill her if she did not stop. Mr. Frick proceeded to undress the victim and sucked on the victim's breasts and licked

her vaginal area. Apparently the victim was able to get Mr. Frick to stop; he apologized and left the apartment.

In regards to Count II, on October 12, 1982, Mr. Frick entered into the apartment of a 26 year old female without her knowledge. The victim lived in the same apartment complex where Mr. Frick had been staying. At about 2:00 a.m. the victim got up to get a drink of water and when she was returning to her bed she was accosted by Mr. Frick, who had been hiding in her closet. The victim tried to struggle and scream until Mr. Frick produced a knife and directed her to stop. Mr. Frick took the victim to her bed, where he proceeded to remove her clothing, placed his mouth on her vagina, and had intercourse with her. After the assault Mr. Frick left the apartment, and the police were contacted. The victim was able to identify Mr. Frick as someone she had seen around the apartment complex.

Regarding Count III, Mr. Frick had met the victim a couple days prior to the offense and invited her to a local tavern. On October 21, 1982, the two went to the tavern and then returned to the victim's apartment after purchasing more beer to consume there. They were listening to music when Mr. Frick grabbed the victim by the throat and knocked her to the floor. The victim was struggling and screaming; however, Mr. Frick was able to remove her clothing. A neighbor heard the screaming and cries for help, and called 911. During that time period Mr. Frick tried to rape the victim, but was unable to penetrate her. Mr. Frick stopped the attempt when the victim stated that she was ill and needed to use the restroom. The victim was able to flee the apartment and summon law enforcement for assistance. Mr. Frick was already gone when the police arrived, but he was later arrested on October 27, 1982, when he was located by police.

PRIOR CRIMINAL CONDUCT:

October 8, 1977: Burglary First Degree, King County Cause #83322.

According to file materials, Mr. Frick illegally entered an apartment of a young woman who was asleep on her couch. She awoke when she heard someone and noticed a light being turned off. Mr. Frick jumped on top of her, covered her mouth, and then put a towel in her mouth. The

victim began struggling, and Mr. Frick pulled her to the floor. He began choking the victim until she lost consciousness. Mr. Frick then left the apartment. The victim was able to identify Mr. Frick as she had met him through a friend before, and he lived in the same apartment building. Mr. Frick received a 20 year maximum term and was paroled in 1981. That parole was suspended and the sentence reinstated when he was arrested on his current offense in 1982. That cause reached its maximum expiration date in 1997.

September 20, 1974: Strong-Arm Rape amended to Sexual Battery, Kettering, Ohio.

Mr. Frick stated that he met a lady that he cared for very much, but that she used to tease him sexually. Mr. Frick indicated that he “eventually used physical force to seduce her.” He indicated that he was under the influence of alcohol at the time and that he received five years of probation.

Mr. Frick disclosed two additional sexual assault victims in a previous psychological evaluation. The first incident occurred when he was 26 years old and hitchhiking in Oklahoma. Mr. Frick encountered a woman whose car had broken down and was walking to a telephone. He pulled her to the side of the road and raped her. He then left her on the side of the road.

Mr. Frick additionally reported at age 27 he entered the apartment of a woman whom he had previously met on the beach in Chelan, Washington. Mr. Frick stated that she had been sleeping on her couch, and he placed his hand over her mouth and raped her. He further advised that he performed cunnilingus on her and had her perform fellatio on him, and that he raped her three or four more times.

According to Mr. Frick’s Sex Offender Treatment Assessment Program (SOTAP) Treatment Summary, he reported five un-adjudicated victims. Some of the victims were female strangers, and all of the incidents included threats of violence.

Mr. Frick also has a prior conviction for Possession of LSD in 1971.

HISTORY/COMMENTS:

Mr. Frick's last hearing was held on January 4, 2017. At that time the Board found him conditionally parolable to a Mutual Reentry Plan (MRP) and added 24 months to his minimum term. The Board recommended Mr. Frick become involved in re-entry or transition classes/programs that may be available to him now. They also wanted him to consider going through a substance abuse program and stress/anger management again since it has been quite a long time since he has done this. The Board asked for an updated psychological evaluation completed prior to his next hearing.

After being found Conditionally Parolable Mr. Frick was transferred to WSR-MSU on February 2, 2017 then was sent back to Twin Rivers Unit on April 18, 2017 for a Forensic Psychological Evaluation (FPE) to be completed. He then went back to WSR-MSU on February 23, 2018.

CC Kline-Swan provided the following summary;

Mr. Frick has had no new Serious Infractions since his last hearing. He completed Intensive Out-Patient treatment on July 13, 2017. He is currently participating in Bridges to Life. He stays busy in the Building Maintenance program. He would like to release to a friend's sister's home in Lake Tapps, WA. There are other sex offenders renting from this woman, who also provides employment with her trucking company. He has support from his sister in Ohio.

Mr. Frick provided the following summary;

He said he was not surprised by the outcome of the FPE and was happy. He is doing well as far as his medical issues and his cancer is in remission. He previously had a lot of rage and has realized how much he lost because of his behavior. Bridges to Life has given him an opportunity to share the details of his crime and understand the impact. He says he is now a different man and has changed a whole lot in the last 36 years. He has been clean and sober since 1991. Other than participating in the Home Builders class he also reads quite a bit in his spare time. He would like to release to a home in Lake Tapps, Washington where other sex offenders live. The owner of the home also provides employment in her trucking company, although he has not made contact with her yet. He says he is eligible for the Housing Voucher program but eventually like

to move to Ohio where his sister resides. When asked about how he would pay for housing after the three months is up, he said he thought he would be eligible for Social Security, he has an Associate of Arts degree in drafting, and he previously has worked as a welder and cook. One day he hopes to open a donut shop. His sister said she would fly out to Washington when he is released and help him get settled and purchase a cellular phone.

INFORMATION CONSIDERED:

In preparation for Mr. Frick's hearing and its decision in this case, the Board completed a review of his ISRB file. The Board considered all information contained in that file, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; FPE prepared by C. Mark Patterson, PhD September 17, 2017. The Board also considered the testimony of the witnesses listed above.

REASONS:

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 9.95.009 (3) and RCW 9.95.100 the Board finds Mr. Frick parolable. The FPE completed by Dr. Patterson dated August 29, 2017 finds that Mr. Frick does not meet criteria for RCW 71.09 civil commitment. Dr. Patterson's report states in part that "At this time, in light of his current age and his treatment completion status (and possibly his history of cancer), Mr. Frick's static risk factors and long-term vulnerabilities (i.e. dynamic risk factors) do not render him likely to reoffend sexually without appropriate confinement." "At age 67 it is likely that his antisocial personality traits have lessened in their severity relative to that period in his life when he was committing violent sexual offenses".

Mr. Frick has continued to make positive changes since his last hearing with the Board. The Board

is disappointed that Mr. Frick has not made more of an effort to work on his release plan over the last year. Mr. Frick has done well on his MRP, completed IOP, has many employable skills, and may be eligible for Social Security. The Board would like Mr. Frick to enter into and complete the Offender Re-entry class prior to his release. Mr. Frick has been incarcerated for many years and now appears to be ready to transition into the community with supervision.

EB: ts

(April 13, 2018)

April 16, 2018

April 18, 2018

April 25, 2018

cc: MCC-WSR-MSU
Henry Frick
File
Rich Linn, Attorney



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

DATE: April 13, 2018

TO: Full Board

FROM: EB & LR-G (*Teresa*)

RE: Frick, Henry/*DOC# 258422*

Panel recommends: Parolable

Next action: Mr. Frick may submit an ORP.

Agree	Disagree
Elyse Balmert 4-16-2018 Lori Ramsdell-Gilkey 4-16-2018 Jeff Patnode 4-16-2018 Kecia Rongen 4-16-2018	

