

INDETERMINATE SENTENCE REVIEW BOARD
BOARD MEETING
SUMMARY MINUTES

August 26, 2019

A regular meeting of the Indeterminate Sentence Review Board was held in the ISRB Office Building located at 4317 Sixth Avenue SE, Lacey, commencing at 11:00 a.m.

Present were:

Board Members:

Staff:

Kecia Rongen
Lori Ramsdell-Gilkey
Jeff Patnode
Elyse Balmert

Robin Riley, Executive Assistant

A. To the Table Case – Members had a full Board discussion of this ISRB case.

PRE-84

- MCVAY, Michael
- DOC #628500
- Purpose: Full Board Discussion
- Date: August 26, 2019
- List of Documents Reviewed
 - ISRB File
- An updated prosecutor recommendation was not received.

- Mr. McVay was seen for a .100 hearing at the Washington State Reformatory on August 7, 2019.

- **Summary Discussion**
Mrs. Ramsdell-Gilkey presented the case to the full Board

Mr. McVay is under the jurisdiction of the Board in Whatcom County Cause #83-1-00363-9 for Rape in the First Degree Count I; Burglary in the First Degree Count II and Kidnapping in the First Degree Count IV. Count III of this cause has reached the statutory maximum for taking a Motor Vehicle without Owner's Permission.

The crime involved Mr. McVay breaking into an unoccupied residence in Ferndale, Washington. When a woman entered the residence, he confronted her armed with a hammer. The woman was bound and raped.

He untied her to cook him breakfast, then took her at knife point and forced her to drive him from her house. He let her go hours later and stole her vehicle. He was 26 years old at the time of the crime and is currently 63 years of age.

Three days prior to the crimes for which he is currently serving, he committed a rape and kidnapping in King County Cause #83-1-03234-9. He served time for these crimes prior to the Whatcom County crimes.

Mr. McVay was original incarcerated on a Rape in Whatcom County Cause 8249 in 1973. He paroled three times, and on the last parole in the 1980's he committed the King County crimes and the current Whatcom County crimes.

Risk assessments show Mr. McVay to be a high risk to re-offend.

Mr. McVay has had five serious infractions overall with the last one occurring in 2015. He is clearly institutionalized and does well in confinement. Mr. McVay has recently been involved in concerning behavior with a female staff member. He was placed in segregation due to safety concerns regarding his interactions and comments to the female staff member. He was later moved to another facility. An investigation was completed, however he was not infraacted for this behavior.

Mr. McVay has completed Community Transition, Making it Work, Bridges to Life, the Sex Offender Treatment and Assessment Program (SOTAP) and CI Proficiency. He was in in SOTAP after care prior to his move to the Washington State Reformatory.

Mr. McVay is married and still has the support of his wife. However she has not been able to visit him for a long time.

Decision:

The panel recommends he be found not parolable and sixty (60) months be added to his minimum term.

• **Reasons:**

- Mr. McVay is not fully rehabilitated and a fit subject for release
- Mr. McVay has recently engaged in concerning, risk related behavior towards a female staff which resulted in a period of segregation. He repeatedly told a female Correctional Officer, over a 9 month period that he had observed her performing a sexual act on an inmate. He also told other inmates this CO was engaging in sex acts and indicated he wanted in on it. Several inmates reported this to staff when they became concerned for the CO's safety. Mr. McVay claims he spoke to

the CO about it several times because he liked her and did not want her to lose her job. He also indicated he was jealous that she was friendly with other inmates but not with him. There is no evidence this CO was engaging in inappropriate activity with any inmate.

- As a result of the behavior towards the female CO Mr. McVay was removed from the Aftercare portion of the SOTAP at Twin Rivers Unit and transferred to the Washington State Reformatory where this treatment is not available.
- Static 99R and Stable 2007, widely used actuarial tools for assessing risk, both indicate he is high risk for sexual reoffending. He is a Level 3 High Risk offender for community notification purposes per the End of Sentence Review Committee (ESRC).
- Upon the recent completion of crime related treatment Mr. McVay continues to be assessed as having high ongoing treatment needs in many areas, to include: Significant Social Influence, Capacity for Relationship Stability, Hostility towards Women, General Social Rejection, Lack of Concern for others, Poor cognitive problem solving, Sexual Drive-Preoccupation, Deviant Sexual Interests, Cooperation with Supervision, and Sexual Entitlement.
- Recent psychological evaluation concludes “Mr. McVay’s dysfunctionally disordered personality remains unchanged.”
- Additional risk assessment tools used in the psychological evaluation show the following: The HCR-20 rates future risk management problems as high; VRAG-R places him in the highest risk category, Bin 9; PCL-R indicates he meets the cut off score for psychopathy; and the SAPROF which addresses factors that may help reduce risk indicates this is low to moderate at best.
- His overall assessment places him in the high range of risk to engage in behavior that would result in recidivism.
- Prior releases resulted in multiple new sexual offenses within a short period of time.
- Mr. McVay’s risks cannot be managed safely in the community.
- **Recommendations:**
 - Mr. McVay should participate in available offender change programming to include Thinking for a Change, Redemption and additional SOTAP Aftercare if the program believes it might benefit him. He may need to be transferred to a different facility in order to accomplish this. If a therapeutic disclosure has not been completed with his wife, the Board would hope he completes that process as well, if the SOTAP staff are available to assist in this. The Board would like to see much more detailed release plan when next seen.

- **Next Action:**
Schedule a .100 Hearing 120 days prior to his next parole eligibility review date (PERD).
- **Vote:**

Jeff Patnode	Agree with recommendation
Kecia Rongen	Agree with recommendation
Lori Ramsdell-Gilkey	Agree with recommendation
Elyse Balmert	Agree with recommendation