



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

DECISION AND REASONS

NAME: McVAY, Raymond
DOC #: 239524
FACILITY: Airway Heights Corrections Center
DATE OF HEARING: September 25, 2018
TYPE OF HEARING: .100
PANEL MEMBERS: Jeff Patnode and Lori Ramsdell-Gilkey
FINAL DECISION DATE: October 8, 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. McVay's ISRB file. No new recommendation has been received. Mr. McVay appeared in person and was represented by Attorney George Marlton. Department of Corrections (DOC) Classification Counselor (CC) Jeremy Garberg provided a summary of programming, behavior, and other relevant activities for Mr. McVay.

Original Prosecutor/Judge Recommendation:

Not available.

Current Prosecutor/Judge Recommendation:

Not available.

LAST BOARD DECISION:

At the April 4, 2016 .100 hearing, the Board found Mr. McVay not parolable and added 48 months to his minimum term. Additionally, he was seen by the Board in 2015 and his parole was revoked.

The Board recommended in his 2016 hearing that he work on building a “very structured” release plan that includes high risk situation interventions and participate in T4C (Thinking for a Change) if he is eligible.

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. McVay is not parolable and adds 36 months to his minimum term.

NEXT ACTION:

Schedule .100 hearing 120 days prior to Parole Eligibility Review Date (PERD). An updated psychological evaluation will be needed for Mr. McVay’s next .100 hearing.

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 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. McVay not parolable for the following reasons:

- **Needs additional offense specific treatment as it has been a lengthy period of time since completing a sex offender treatment program.**
- **Assessed by the ESRC as a Level Three for community notification.**
- **Has a large number of victims and with an offending history that spans decades.**
- **His most recent Psychological Evaluation assesses Mr. McVay as a moderate risk for a future sexual re-offense.**

RECOMMENDATIONS:

Mr. McVay should reapply for the SOTAP (Sex Offender Treatment and Assessment Program) as

the Board will be asking for an override for his participation. Additionally, the Board would like to see Mr. McVay participate in the Bridges to Life Program.

JURISDICTION:

Raymond McVay is under the jurisdiction of the Board on a June 13, 1983 conviction in Whatcom County Cause #82-1-00332-1 for Rape in the Second Degree and Habitual Criminal. The time start is June 13, 1983. The minimum term was set at 180 months mandatory due to the Habitual Criminal Finding. The standard range of the Sentencing Reform Act at the time for the Rape in the Second Degree was 22 to 32 months. The maximum term is Life. Mr. McVay has served approximately 434 months total in prison, and 269 days of jail time.

OFFENSE DESCRIPTION:

Mr. McVay (age 30) sexually assaulted a known, unrelated vulnerable female (age 70). The victim was developmentally disabled, and only marginally able to care for herself. Mr. McVay's mother provided foster care for the victim.

Mr. McVay became angry with the victim for coming into his shop and hiding tools. Mr. McVay had his wife bring the victim to their apartment, where he intimidated and slapped the elderly woman. He then forced her into the bedroom, where he tied her up and raped her. Two years earlier the victim had complained that Mr. McVay had raped her. He subsequently admitted to both sexual assaults.

PRIOR CRIMINAL /RISK RELATED CONDUCT:

Mr. McVay has no known juvenile convictions. He was previously under the jurisdiction of the Board for two separate convictions of Burglary in the Second Degree, which do not appear to be sexually motivated. Mr. McVay was also convicted of Carnal Knowledge, described as the forcible rape of his 15 year old babysitter.

Mr. McVay disclosed numerous victims while he was in the Sex Offender Treatment Program (SOTP) in 1996. He stated that he began offending at his age of 11 against an 8 year old girl. Mr. McVay has numerous attempted rapes of familial females. He admitted to an additional 19 rapes committed against adolescent females, four rapes against adult females, and the rape of his first wife, as well as forcing her into group sex acts. It is noted that he used his wives to gain access and compliance to his victims. He also disclosed that he was having sex with his cellmate while involved in SOTP at the Twin Rivers Unit of Monroe Correctional Complex (MCC). He has not received any infractions for sexual contact with other inmates since then.

PROGRESS/BEHAVIOR:

CC Garberg provided a summary of programming, behavior, and other relevant activities for Mr. McVay. He stated Mr. McVay has not had a serious infraction since 2013 and that he is not a management issue. CC Garberg indicated Mr. McVay is seen by mental health quarterly and is not currently on medication. He stated Mr. McVay hopes to release to the Pierce County area on the Housing Voucher with transitional housing. He stated Mr. McVay is working as a custodian and gets good reviews.

Mr. McVay discussed the facts surrounding his revocation in 2015. He did not demonstrate any insight as to why he had been so sexually preoccupied and focused on obtaining a sexual relationship. He stated this was due to the fact that he could not see his wife as she was in Lacey and he was not allowed to enter that county. Mr. McVay struggled with identifying the high risk behavior he was participating in which resulted in his revocation and/or what he could have done differently to avoid revocation. He also blamed his CCO (Community Corrections Officer) for not helping him when he needed assistance, taking little or no personal responsibility for why he was violated.

It is of particular concern to the Board that Mr. McVay seems unaware of his high risks or how his behavior on supervision was related. It is also disappointing that Mr. McVay had a release

plan that appeared to consist of approximately five sentences. The Board had previously requested Mr. McVay develop a very detailed release plan.

JP:jas

October 3, 2018

October 8, 2018

October 12, 2018

October 22, 2018

cc: Institution
Raymond McVay
George Marlton, Attorney
File



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TO: Full Board

FROM: Jeff Patnode (Jody)

RE: McVAY, Raymond, DOC #239524

Panel recommends: Find Mr. McVay not parolable and add 36 months to his minimum term.

Next action: Schedule .100 hearing 120 days prior to PERD.

Agree	Disagree
Jeff Patnode 10-8-2018 Lori Ramsdell-Gilkey 10-8-2018 Elyse Balmert 10-8-2018 Kecia Rongen 10-8-2018	