



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

DECISION AND REASONS

NAME: VICKERS, Teddy
DOC #: 912730
FACILITY: Airway Heights Corrections Center
TYPE OF HEARING: .100 Hearing
HEARING DATE: November 28, 2017
PANEL MEMBERS: LRG & EB
FINAL DECISION DATE: December 11, 2017

This matter came before Lori Ramsdell-Gilkey and Elyse Balmert, 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. Vickers appeared in person and was represented by attorney George Marlton. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Peggy Smet, and Mr. Vickers.

Attorney George Marlton stated that as a **preliminary issue** he was noting for the record that Mr. Vickers wishes to maintain his objection to the Board's jurisdiction over him, and references In Re: Meyers as the basis for this. This was previously addressed at the revocation hearing. In addition, the Board noted that a Personal Restraint Petition (PRP) regarding this issue, filed after his revocation, was denied on July 19, 2017, by the Court of Appeals in Division One. Mr. Vickers stated it is now going to be heard by the state Supreme Court. The Board advised him that if the Supreme Court found in his favor we would take the action necessary to comply with the decision.

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. Vickers is not parolable and adds 60 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing 120 days prior to his next Parole Eligibility Review Date (PERD).

JURISDICTION:

Teddy Vickers is under the jurisdiction of the Board on an October 1, 1985, conviction of Rape in the First Degree while armed with a Deadly Weapon in King County under Cause #85-1-00024-9. He is also under the jurisdiction of the Board on an October 1, 1985, conviction of Robbery in the First Degree while armed with a Deadly Weapon in King County under Cause #85-1-01986-1. His original time start on both causes is May 8, 1990. His initial Duration of Confinement was set by the Board at 160 months on the Rape and 90 months on the Robbery. The standard range of the Sentencing Reform Act (SRA) at the time was 96 to 120 months on the Rape and 69 to 86 months on the Robbery. His maximum term is Life. Mr. Vickers has served approximately 302 months in total to date, to include his revocation time.

NATURE OF INDEX OFFENSE(S):

Rape in the First Degree while armed with a Deadly Weapon: During the Spring of 1984, Mr. Vickers and an accomplice contacted the manager of an apartment complex and requested to look at a vacant apartment. The apartment manager lived at that apartment complex with her husband and 13 year old son. She arrived with her son to show the vacant apartment to Mr. Vickers and his accomplice.

After being admitted into the vacant apartment, Mr. Vickers and his accomplice brandished a sawed-off shotgun and pointed it at the manager and her son. The two men moved the victims into an adjacent bedroom and tied up the boy's hands and feet with a thick type of adhesive

tape, and placed tape over his eyes and mouth. Mr. Vickers and his accomplice repeatedly asked the Manager where the money was. She told them she had no money, at which point they removed a ring from her finger and threatened to kill her, her son, and her husband.

The men then tied up the Manager in a similar manner to her son. The mother and son were then taped together, back to back, and pushed into a large closet in the bedroom. Mr. Vickers and his accomplice obtained the master keys to the apartment complex and told the victims that they were going to go to the apartment office, and if there was no money they were going to kill her husband, then return and kill her and her son.

Prior to leaving the apartment, Mr. Vickers grabbed the tied up apartment manager's breast through her shirt, then ripped her shirt open and began to fondle her. Mr. Vickers then removed the tape from the female victim's mouth and forced her to perform fellatio on him. Subsequently, Mr. Vickers removed the female victim's pants and raped her. Once Mr. Vickers had completed his rape of the female victim, his accomplice also raped her.

After leaving the victims in the apartment, the 13 year old male was able to free himself and his mother. He left to warn his father and was seen by Mr. Vickers and his accomplice, who chased him. Again the boy was able to escape, and warn his father by telephone. His father was able to call the police. Mr. Vickers and his accomplice were later identified and convicted of this offense.

Robbery in the First Degree while armed with a Deadly Weapon: Again in the spring of 1984, Mr. Vickers, along with several accomplices, robbed a Seattle couple. The male victim had received a phone call from a man who stated he was a "new neighbor" and he would like to borrow a pipe wrench. A short time later the male victim received a knock at the door and found a man standing there. The man indicated to the male victim that he was the one who called about borrowing the wrench. When the male victim returned with the wrench, one of Mr. Vickers' accomplices pulled out a sawed-off shotgun and pointed it at the male victim. This accomplice waved Mr. Vickers and another accomplice into the house from where they were hiding in the bushes. Once

they gained access to the house they demanded the victim's money and took his wallet, which contained \$900.00. At this time two of the offenders went into the bedroom where the female victim, who was terminally ill, was resting. They demanded her diamond rings. When she resisted, they pulled her wedding ring off of her finger. They fled the residence at that point.

PRIOR CRIMINAL CONDUCT:

Mr. Vickers' criminal history is extensive. His juvenile offense history began at his age of 10 years old with stealing a car. Mr. Vickers was arrested and convicted six times between 1977 and 1982 in the Portland, Oregon, area where he grew up. The six convictions were Unauthorized Use of a Motor Vehicle on four different occasions, Criminal Mischief in the Second Degree, and Criminal Mischief in the First Degree. Mr. Vickers received probation for the first two car thefts. On the third offense he was made a ward of the Court and sent to live at a boy's home. Upon his fourth juvenile conviction Mr. Vickers was sentenced to MacLaren School for Boys, a juvenile institution in Oregon, for a five year term. He was paroled twice. Each time he was paroled, it was revoked for another conviction.

Upon his release from the juvenile facility he began accumulating adult felony convictions. Around the same time period as the index crimes, Mr. Vickers committed multiple crimes of robbery in Oregon and pled guilty to two counts of Robbery with a Deadly Weapon and one count of Burglary in the First Degree upon the agreement that six other robberies and two burglaries would be dismissed. Mr. Vickers served time in Oregon from November 1984 to 1990, when he was transferred back to Washington State to begin serving time on the Index offenses.

HISTORY/COMMENTS:

Mr. Vickers was paroled on June 29, 2012. Within two months his parole was suspended when he was found to have alcohol in his possession, refused to submit to a polygraph, and left the state without permission. He was reinstated shortly thereafter. His parole was then suspended for violation behavior after submitting a UA (urinalysis) positive for morphine, and he was arrested on May 23, 2013. After his arrest it was learned he was under investigation for criminal

activity in Oregon. His ISRB hearing was continued while he transferred to Oregon to answer to new charges there. He was ultimately convicted of one count of **Attempt to Commit a Class B Felony-Compelling Prostitution**, on November 19, 2014, in Multnomah County, Oregon. He was sentenced to 16 months in prison and two years of post-release supervision.

When he completed his Oregon sentence he was returned to Washington State to participate in a parole revocation/Akridge Hearing. That hearing was held on February 12, 2015, and his parole was revoked and he was ordered to serve a new minimum term of 60 months. This is his first appearance before the Board since that revocation.

CC Smet testified Mr. Vickers is currently working in the Correctional Industries Bakery. He has completed Life Skills Computing and Thinking for a Change (T4C) since his return to confinement. Prior to his last release he completed the SOTAP (Sex Offender Treatment and Assessment Program) and Chemical Dependency. He was found guilty of a serious infraction of possession of sexually explicit material in September of 2015. He has incurred several minor infractions, as well as several negative behavioral log entries.

CC Smet mentioned there was an incident at Coyote Ridge Corrections Center when he was there which resulted in his transfer to Airway Heights Corrections Center approximately six months ago. He was found to be in possession of a photo of his female T4C instructor. Mr. Vickers claimed the instructor had given it to him and he simply ripped it to remove the other inmates from the photo. There is now a prohibited placement in the system and he cannot return to that facility. (It should be noted that Mr. Vickers allegedly previously compromised a female nurse at a different facility. She quit her job, divorced her husband, and later married Mr. Vickers. She remains married to him.)

Mr. Vickers' release plan is to release to his wife Veronica Vickers, who works as a Registered Nurse. He released to her previously when last paroled. Mr. Vickers stated he was able to find employment after his release, however he lost it after he was suspended for violation behavior.

When he was reinstated he got a job in a wrecking yard, then as a tow truck operator, then he began running the tow yard in Portland, Oregon. He stated it took him approximately 15 minutes to get to work as it was just over the state line.

This Board member asked Mr. Vickers how he came to be involved in the drama in Portland if he was only to be there for work purposes. Mr. Vickers stated he grew up in that neighborhood and had a lot of old friends and family in the area. He stated that he sometimes went to the nearby home of his 30 year old nephew as he heard he was struggling. He said he sometimes bought him food or gave him money. He indicated there were a lot of people hanging out at the house and admitted it was basically a flop house. He said a teenage girl stayed there, along with about seven other people. It was this teenager that was involved in his subsequent arrest. He admitted he was in a car with this teenage girl and her teenage girlfriend as he was driving them to a Fred Meyer Store in Southeast Portland to pick up one of their boyfriends. He was stopped by police and it was discovered one of these girls was a runaway minor. Further investigation resulted in his new charge and subsequent conviction for **Attempt to Commit a Class B Felony-Compelling Prostitution**. Mr. Vickers denied being involved in promoting prostitution and maintained he was only trying to do a friend a favor by trying to get her granddaughter out of a bad situation. It appears Mr. Vickers spent more time with these teenaged girls than he disclosed to the Board. He presented the entire situation in a very altruistic manner and maintained he was just trying to be helpful.

In trying to get Mr. Vickers to explain how he could even begin to think his extracurricular activities in Portland were in any way permissible, he began espousing the illegality of his sentence. He stated in his mind he believed he should be able to do whatever he wanted based on his understanding of the law. Mr. Vickers was asked if that remains his belief, then how could we expect him to behave any differently this time if we found him releasable. He then began a bit of a tirade about the Board not abiding by the law, etc. He said he would “jump through whatever hoops” are required. He said living under supervision is like having a gun held to his head. He then began comparing his sentence to the sentences of other inmates. When this was

cut off and he was asked again what he would do if released, he said “Everything will be different. I’ll just stay at home and do nothing.” He admitted he can be stubborn when he feels strongly about his convictions.

INFORMATION CONSIDERED:

In preparation for Mr. Vickers’ 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; and the psychological evaluation prepared by James D. Johnson, Licensed Psychologist, on June 14, 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. Vickers not parolable.

Mr. Vickers was asked to describe what he had learned from his participation in the SOTAP and he described only being able to speak honestly of his sex offending. In light of that, it is somewhat concerning that he minimized the index rape offense when describing it to the Psychologist earlier this year. That report states Mr. Vickers claimed the victim was “in on the robbery” and did not come through as planned. He did, however, express empathy regarding the rape and related it to the trauma he experienced as a victim of molestation.

The psychological report indicates Mr. Vickers has some personality disorder features that might

reflect an added risk of reoffending. His score on the Violence Risk Appraisal Guide (VRAG-R) showed he is a fairly high risk for violent reoffending. He is in risk category nine, which indicates a 76% chance of violent reoffending within five years of release. On the Structured Assessment of Protective Factors (SAPROF) he was in the Moderate range for violent recidivism over the first 12 months in the community.

Mr. Vickers has been incarcerated most of his adult life. Since his return to prison on the revocation he has incurred several minor infractions and two serious infractions. During his brief period of parole he made several bad decisions that led to his revocation, to include committing a new felony offense. The psychological report indicated it would be desirable for Mr. Vickers to release to a structured setting where he could develop problem solving strategies and address unresolved issues. This could best be done through a work release program or transitional housing. The Board will consider this when we next meet with Mr. Vickers. In the meantime we would like to see him avail himself of substance abuse treatment while incarcerated and to remain infraction free.

LRG:jas

December 5, 2017

December 11, 2017

December 20, 2017

cc: Institution
Teddy Vickers
File
George Marlton, Attorney



STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD**

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

DATE: December 5, 2017

TO: Full Board

FROM: LRG & EB (Jody)

RE: VICKERS, Teddy/DOC# 912730

Panel recommends: Find not parolable and add 60 months to his minimum term.

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

Agree	Disagree
Lori Ramsdell-Gilkey 12-11-17 Elyse Balmert 12-11-17 Jeff Patnode 12-11-17 Kecia Rongen 12-11-17	