



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

**DECISION AND REASONS**

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NAME: Osborne, Donald  
DOC #: 267767  
FACILITY: Monroe Correctional Complex-Twin Rivers Unit (TRU)  
TYPE OF HEARING: .100 Hearing  
HEARING DATE: March 7, 2017  
PANEL MEMBERS: LRG & KR  
FINAL DECISION DATE: March 20, 2017

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This matter came before Lori Ramsdell-Gilkey and Kecia Rongen, 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. Osborne appeared in person and was represented by attorney Richard Linn. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Frederick Rogers, and Mr. Osborne.

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

**NEXT ACTION:**

Schedule a .100 hearing approximately 120 days prior to PERD.

**JURISDICTION:**

Donald Osborne is under the jurisdiction of the Board on a December 13, 1982, conviction in Snohomish County Cause #82-1-00510-4 for Kidnapping in the First Degree, Count I. The time start is December 13, 1982. The minimum term was set at 130 months, aggravated up from a Sentencing Reform Act (SRA) range of 63 to 85 months. The maximum term is Life. Mr. Osborne has served approximately 411 months in prison and 100 days of jail time.

Mr. Osborne was also convicted on Counts II, III, and IV on the instant offense for Assault in the Second Degree, Malicious Mischief, and Attempt to Elude a Pursuing Police Vehicle. All of these counts have reached their maximum expiration dates. At the time of the index offense Mr. Osborne was on parole and Court ordered to participate in sex offender treatment for a prior Indecent Liberties offense that occurred in 1978. That cause reached its ten year maximum term in 1992.

**NATURE OF INDEX OFFENSE(S):**

According to file materials, on July 18, 1982, Mr. Osborne, at his age of 30, abducted an unknown 4 year old girl from an apartment complex playground area and sexually assaulted her. He was subsequently involved in a high speed chase with law enforcement, which resulted in collisions between his, police, and bystanders' vehicles. Police were finally able to stop him after firing shots into his tires and pinning his car against a telephone pole. The victim was discovered unharmed in his vehicle, although she reported her vagina hurt and she was wearing no underwear. Mr. Osborne later admitted to digital penetration of the victim and putting his penis into her mouth.

**PRIOR CRIMINAL CONDUCT:**

File materials indicate Mr. Osborne was a suspect in an Indecent Liberties case in March of 1972 at his age of 20. He was suspected of putting his penis into the mouth of a 4 year old girl and pulling her pants down. The case was closed with no action. Mr. Osborne later admitted to having committed this offense. It is noted that during the investigation of this incident Mr.

Osborne's father indicated there had been other accusations in the past, but nothing had been substantiated.

In February of 1979, at his age of 27, Mr. Osborne was charged with three counts of Indecent Liberties in Snohomish County and eventually pled guilty to one count. This involved Mr. Osborne, in December of 1978, sexually molesting two 4 year old girls and one 8 year old girl while he was babysitting them. The behaviors included him touching and licking the girls' vaginal area.

In April of 1982 Mr. Osborne was suspected of sexually molesting two girls, both under the age of 4, when he was babysitting them. He allegedly performed a variety of sexual acts with the two girls. The victims' mother left the state prior to pursuing charges.

**HISTORY/COMMENTS:**

Mr. Osborne's last hearing was held on October 22, 2014. At that time the Board found him not parolable and added 48 months to his minimum term. The Board recognized his efforts to rehabilitate himself and acknowledged there was little else he could do in terms of programming that can help him reduce his risk to sexually reoffend. The Board recommended he consider the suggestions made in his most recent psychological evaluation and advised him to research release options that would provide him more structure and support than the plan he had proposed.

Classification Counselor Rogers testified Mr. Osborne is doing well on the unit. He described him as an "easy keeper". He causes no problems with staff or other inmates. He works in the inmate kitchen at this time. He is attending chemical dependency for a second time and doing well and reports he is learning new things. He has not had any new serious infractions since 2007. He has an older brother in Mount Lake Terrace that would allow him to release there if necessary but he would prefer to go to a transitional house using the DOC voucher.

Mr. Osborne provided the Board with a folder of certificates he has received over the years as well as his last work evaluation. Programming completed by Mr. Osborne include the following: Understanding Substance Abuse, Forklift Safety, Stress/Anger management, SOTAP and Aftercare, Alternatives to Violence, Building Positive Self-esteem, Victim Awareness, Non-violent communication, Getting it Right, and Smart Recovery.

Mr. Osborne reports his health is good. He is in need of new glasses as he broke his last pair. He does suffer from acid reflux and this causes problems for him. He does take medication for this. His attorney pointed out he does have some memory issues and tends to refer to notes.

Mr. Osborne was asked to describe the Kidnapping offense that occurred in 1982. He described what happened as follows. He had his female cousin, her boyfriend and her young daughter living with him in his trailer. (Mr. Osborne told the Board they only stayed at his place during the day while he was gone and left and stayed elsewhere at night) The day he was laid off from work he came home and learned his probation officer had gone through his trailer while he was gone and left a message that he wanted to see him. His probation officer had discovered these people were living with him and reported it to DSHS. Mr. Osborne stated he was stressed out and upset that his probation officer had been at his place. He made a poor decision to drink and smoke marijuana and drove to a friend's apartment. No one was home. While walking back to his vehicle he saw a little girl by herself at the playground. He figured, "I might as well have another fling". So I took the little girl. "I made the choice to re-offend." I pulled her into my car and took her back to my place. Mr. Osborne stated the victim had to go to the bathroom and when she came out he undressed her and then took his clothes off. He started rubbing his penis on her vagina and fondled her bottom and breasts. When he was fully erect he masturbated himself. At that point his cousin's boyfriend returned and he quickly packed her up and put her in his car and tried to sneak her back to the apartment complex but came upon a police vehicle and tried to evade them. After a pursuit he was finally apprehended after police shot out the tires on his car.

Mr. Osborne denied he ever intentionally rammed any of the police cars or tried to hurt any of the officers. The Board asked Mr. Osborne how he imagined this incident was going to end. He claimed that from the time he kidnapped the victim it was his intention to return her to the apartment complex.

Regarding his 1979 conviction of Indecent Liberties, for which Mr. Osborne received a four year suspended sentence, ordered to participate in sexual deviancy treatment and stay away from minors, Mr. Osborne described this as follows: He was doing drugs with a woman with a 4 year old daughter who lived in the same apartment complex. She introduced him to another woman who lived there who had two minor aged daughters, ages 4 and 8. He claimed he had plans to go to Whidbey Island one day and he offered to take the three girls with him as a favor to the women. He took the three victims to a motel that night and had the girls take a bath. Seeing them naked aroused him so he intentionally made sure their clothing got wet and they had to go to bed naked. He got into bed with the 8 year old, got naked and began wrestling around with her with the intention of touching her and getting aroused. The other two little girls were invited to join in. Mr. Osborne digitally penetrated at least one of the girl's vagina and when he was fully erect he went into the bathroom to masturbate. He went back to bed with the 8 year old girl and "cuddled" with her. The next day they went on a road trip (which he described in excessive detail) and he then returned the children home. After having returned the children one of the mothers asked to use his vehicle and while she was gone he took the opportunity to place one of the little girls on his lap and he rubbed his penis on the girl's rectum. Her mother returned and "caught him in the act". The rest of the abuse was then discovered.

Mr. Osborne denies he has any un-adjudicated victims. (His 2008 SOTAP Summary indicates he admitted to four un-adjudicated victims) He claimed not to recall the allegations that were made in 1972 or 1982. Or at least didn't remember them as they are written. He did admit he rubbed a little girl's vagina while his mother was babysitting her. He reported his mother babysat that little girl for a period of time.

Mr. Osborne stated he has no sexual attraction to anything at this time. He does see some girls on TV that he thinks are attractive but doesn't believe it is a "sexual" attraction. He claims his recollection of the fear on the face of his kidnapping victim keeps him from being sexually attracted to anyone.

Mr. Linn reflected on the large number of programs Mr. Osborne has completed and how much he has changed over the years. He reminded the Board the sexual offenses occurred many years ago. He asked Mr. Osborne if he was still attracted to little kids and he indicated he was not, that he realized the harm he has caused. He clarified that even though SOTAP was difficult for him, the benefits have been long lasting.

**INFORMATION CONSIDERED:**

In preparation for Mr. Osborne'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; the SOTAP Summary dated March 26, 2008, and the psychological evaluation prepared by Dr. Deborah Wentworth on November 14, 2016. 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. Osborne not parolable.

Mr. Osborne presented much as he has in the past. He basically describes himself as asexual and claims not to be aroused to anything. The most recent psychological evaluation indicates that as far as static factors go, Mr. Osborne remains a high risk, however taking some risk mitigating factors into consideration reduces that to a moderate risk.

It is unfortunate Mr. Osborne did not make more progress than he did while in the SOTAP. Although he completed 13 months of primary treatment and some additional adjunct groups, his progress overall was described as “inconsistent”. While he does have some cognitive issues it does not appear from the summary that the lack of progress was directly related to that issue but rather his resistance to change.

At this time the Board does not find him rehabilitated and believes his risk to sexually reoffend remains too high at this time to consider release.

LRG: ts

(March 21, 2017)

April 3, 2017

cc: MCC-TRU  
Donald Osborne  
Richard Linn, Attorney  
File



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

DATE: March 20, 2017

TO: Full Board

FROM: LRG (*Teresa*)

RE: Osborne, Donald/*DOC# 267767*

Panel recommends: Add 60 months to the minimum term.

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

<b>Agree</b>	<b>Disagree</b>
Lori Ramsdell-Gilkey 3-20-2017 Tom Sahlberg 3-20-2017 Jeff Patnode 3-20-2017 Kecia Rongen 3-20-17	