



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

DECISION AND REASONS

NAME: BETOURNAY, Daniel
DOC #: 740835
FACILITY: Monroe Correctional Complex (IMU)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: June 21, 2017
PANEL MEMBERS: JP & L R-G
FINAL DECISION DATE: June 26, 2017

This matter came before Jeff Patnode 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 9.94A.730. Mr. Betournay appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Harold Archibald, SOTAP Specialist Susan Colville, and Mr. Betournay.

BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 (3) and the totality of evidence and information provided to the Board, the Board does find by a preponderance of the evidence that Mr. Betournay is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Betournay not releasable.

NEXT ACTION:

Mr. Betournay may re-petition the Board in June of 2022 for another hearing. If He continues to meet statutory requirements, the Board will schedule Mr. Betournay for another release hearing. An updated psychological evaluation is required.

Daniel Betournay is under the jurisdiction of the Board on a September 8, 1995 conviction in Kitsap County Cause #95-1-00040-9 for Murder in the First Degree Count I, II. The time start is September 13, 1995. The term of confinement was set at 380 months each count, to run consecutively, from a Sentencing Reform Act (SRA) range of 240 months to 320 months. Mr. Betournay has served approximately 261 months on count I in prison and 274 of jail time.

NATURE OF INDEX OFFENSE(S):

Mr. Betournay (age 15) murdered his 14 year old biological sister and her 14 year old female friend by striking them with a night stick, binding their hands and feet with duct tape, putting plastic bags over their heads, and using duct tape to secure the bags around their necks. Mr. Betournay stayed home from school that day claiming to be ill and planned to kill whichever one of his sisters came home first. Mr. Betournay carried out the murder on his younger sister and her friend after both arrived at the home first.

PRIOR CRIMINAL CONDUCT:

No known history.

HISTORY/COMMENTS:

This is the first Board hearing for Mr. Betournay.

Mr. Betournay has the follow infraction history for the last ten years with 23 total serious infractions during his prison term.

- May 2007 #504 Sexual Acts, #714 Borrow Lend Sell Trade – Mr. Betournay attempted to pass a letter sexual in nature for sexual favors.
- January 2011 – 12/30/2012 #635 Sexual Assault/Offender – Mr. Betournay manipulated another offender to let Mr. Betournay perform oral sex on him.
- May 2012 #509 refuse to Proceed/Disperse Area – Mr. Betournay refused to yard in stating “Fuck that, just take me to the hole, I’m sick of these fucking chimos in here.”
- May 2017 #810 Fail Maintain – Due to Mr. Betournay’s behavior and choices resulting in PREA investigations, he is not able to be housed at a facility that provides SOTAP which includes TRU and AHCC.

Mr. Betournay has participated in a relatively small number of programs considering the length of his confinement and are as follows:

- Thinking 4 A Change, October 2015
- Job Psychology, September 2015
- Vocational Writing, August 2015
- Reentry Life Skills June 2015
- *SOTAP, Terminated September 2016 and second attempt terminated on May 2017.*

Classification Counselor Harold Archibald provided testimony regarding Mr. Betournay's behavior, programming (see above), and community support. The hearing was held in the MCC IMU as Mr. Betournay had been transferred to that unit pending the outcome of a sexual assault investigation. Mr. Archibald informed the Board that Mr. Betournay has been found Guilty on May 23, 2017 of a Major Infraction, sexually assaulting another inmate. The infraction behavior reportedly took place across the 2011/2012 time frame.

During his initial testimony, Mr. Betournay was asked to explain the changing requests he has made to the Board regarding petitioning for a release hearing. He stated the original request was only made because his Classification Counselor informed him it was mandatory and he would be infraacted if he did not submit the petition. He stated he did not believe he was ready to make a case for release and when he discovered he was not required to submit a petition, he decided to withdraw until he felt he was ready. Regarding the most recent multiple communications, he stated he has been struggling and had a strong emotional reaction to the psychological evaluation, but once he was less disoriented, decided he wanted the hearing. The Board explained to Mr. Betournay that a variety of activities go into preparing for a hearing that are far reaching beyond impacts to him and to be mindful in the future, that he is creating significant work for staff, costs related to the activities, and most importantly impacting the survivors/families of his victims. They are notified, potentially recreating trauma that they have experienced since the loss of their loved ones. He stated he understands and will be more mindful in the future.

Mr. Betournay provided a disclosure of his index offense that matched file material. He provided some context for what was happening in his life at the time. He described his actions in a way that indicated his actions were not premediated and he had original plans of possibly restraining the entire family, stealing a car to escape, but not intention of committing murder. Mr. Betournay was very upfront in his acknowledgement that he did not expect to be found releasable based on his current circumstances and the results of his evaluation, but felt it was important to tell his story to the Board.

Mr. Betournay does appear to have limited insight into his thinking or emotions at the time of the murders. Mr. Betournay appeared to be much more concerned with his current circumstances than any harm he may have caused to his victims and their families. He did become very emotional at times when discussing his sexual behavior in prison and indicated he had recently made attempts to get out of "this lifestyle". He stated he had been prostituted while in prison and he has had oversight for other inmates "working" in a similar capacity. He expressed particular concern about being transferred to Coyote Ridge Corrections Center after his hearing. He stated prior to leaving that facility he spent three days "being worked non-stop", meaning he was continually subjected to sex acts with other inmates.

SOTAP Specialist Colville discussed Mr. Betournay's most recent SOTAP participation. She stated he was placed in the program as a result of his sexual behavior in prison. She stated he had been doing well overall, keeping up with assignments and actively participating in group. She said that had he not been transferred to IMU as a result of his infraction behavior, she expects he would have continued in the program and ultimately completed.

INFORMATION CONSIDERED:

In preparation for Mr. Betournay' 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: information provided by the sentencing court/prosecutor; 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 dated January 31, 2017 by Deborah Wentworth, Ph.D. The Board also considered the testimony of the witnesses.

The Walla Walla County Prosecutors provided a recommendation to the Board, dated May 12, 2017, requesting a do not release decision from the Board and stating that they believe Mr. Betournay should remain confined for the duration of the sentence imposed by the court.

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 9.94A.730 (3) the Board finds Mr. Betournay not releasable at this time.

Mr. Betournay continues to struggle in prison. He was recently infraacted for a sexual assault on another inmate and has had two unsuccessful attempts at SOTAP. The most recent psychological evaluation completed by Dr. Wentworth was not favorable for Mr. Betournay. Dr. Wentworth states that Mr. Betournay is seen as a "moderate to high" risk to reoffend and does not appear to be a reasonable candidate for transition to a less restrictive setting. It was recommended that Mr. Betournay continue in therapy for stress and anger issues, expressing appropriate emotions, and developing healthy, respectful relationships. It was further noted that Mr. Betournay would also benefit from learning self-regulation however it is uncertain due to his character issues that he would benefit from additional programming.

The Board concurs with the treatment recommendations for Mr. Betournay and would like to see him complete SOTAP, programming for stress anger management, and possibly Dialectical Behavior Therapy (DBT) or other Cognitive Behavioral Therapy (CBT) based programming that

will assist him in managing his emotions and teach him skills that he might use to replace maladaptive behaviors that he has developed.

JP: ts

June 23, 2017

June 29, 2017

June 30, 2017

cc: MCC-TRU
Daniel Betournay
File



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

DATE: June 29, 2017

TO: Full Board

FROM: JP & L R-G (Teresa)

RE: BETOURNAY, Daniel, DOC# 740835

Panel recommends: NOT Releasable

Next action: May petition the Board in June 2022.

Agree	Disagree
Jeff Patnode 6-26-2017 Lori Ramsdell-Gilkey 6-26-2017 Elyse Balmert 6-26-2017 Kecia Rongen 6-26-2017	