



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

DECISION AND REASONS

NAME: RAY, Duane
DOC #: 727859
FACILITY: Monroe Correction Complex- Twin Rivers Unit (TRU)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: October 3, 2017
PANEL MEMBERS: JP & KR
FINAL DECISION DATE: October 23, 2017

This matter came before Jeff Patnode 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 9.94A.730. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Steven Sager, Sex Offender Treatment and Assessment Program (SOTAP) Specialist Ursula Katolik-Johnson and Mr. Ray.

BOARD DECISION:

This was a Deferred 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. Ray is more likely than not to commit new criminal law violations if released on conditions. Consequently, the Board finds Mr. Ray not releasable.

NEXT ACTION:

Re-petition the Board in October of 2022.

JURISDICTION:

RCW 9.94A.730, enacted in 2014, allows offenders who were under the age of 18 when they committed their crime(s) and were sentenced as adults to petition the Board for consideration of early release consideration after serving no less than 20 years of total confinement. Duane Ray's petition submitted in September, 2016, was accepted, which resulted in his hearing on this date.

Mr. Ray is currently incarcerated on a December 23, 1994 conviction in Clark County; Cause # 94-1-00753-0 for Burglary in the First Degree, Counts I and IV; Rape in the First Degree, Count II; Robbery in the First Degree, Count III; Attempted Murder in the First Degree, Count V. Counts I, II, III, and IV are to run concurrent; Count V runs consecutively to Count II. The time start is December 30, 1994. The total term of confinement set by the Judge is 702 months. Mr. Ray has served 22 years, 9 months and 3 days (273 months) in prison as of this hearing date, and 243 days of jail time.

NATURE OF INDEX OFFENSE(S):

According to file material, on May 6, 1994, Mr. Ray, at his age of 16, physically and sexually assaulted a known 84 year old female. As a result of the physical attack, the victim's arms were both fractured and she had several lacerations to her skull and elsewhere on her body. She somehow managed to call 911 to report the crime and while she was on the phone, Mr. Ray re-entered the house and struck her with a meat tenderizer several times again. When the police arrived at the scene, the victim was 'covered in blood' and blood was found throughout the house in the living room, kitchen and bedroom. The victim required major surgery and as a result of her injuries was subsequently unable to live independently.

The victim told police the person who attacked her was the brother to her paperboy, which is how Mr. Ray was identified by police. Police interviewed Mr. Ray and he confessed to going to the victim's home and punching her earlier that evening. He stated the victim fell down and he picked her up and placed her on her bed. He also told police he had taken the victim's purse and

threw it by a tree on her property. Mr. Ray, who was on juvenile probation at the time of the offense had made several different statements about the crime to the police.

RELATED BEHAVIOR:

According to the SOTAP Treatment Summary report dated October of 2016, Mr. Ray admitted the following:

- On three different occasions he digitally raped three adult women whom at the time of his conduct were intoxicated. They were his friends' family members. It is unclear if they were known to Mr. Ray.
- Mr. Ray admitted to stealing women's underwear out of the laundry room of an apartment building. He masturbated with them.
- His age of 13 was the first time he thought about raping a woman.
- Mr. Ray had developed fantasies about killing someone during the same time as his rape fantasies were emerging. He said, "I thought if I did rape someone and she didn't enjoy it, I would have to kill her so no one would know."

PRIOR CRIMINAL CONDUCT:

Mr. Ray's juvenile criminal record started in 1988 at his age of 10 when he was arrested for Malicious Mischief in the Third Degree. He was counseled and released. In 1992, at his age of 13, Mr. Ray was charged with Assault in the Fourth Degree, which resulted in a diversion agreement. Mr. Ray, at age 13 was also charged with Theft in the Third Degree and Minor in Possession of Alcohol, resulting in a diversion agreement and a fine. In 1993, Mr. Ray was charged with Trespassing in the First Degree and Theft in the Third Degree, resulting in community restitution and community supervision. In 1994, Mr. Ray was charged with Possession of a Controlled Substance –Marijuana, resulting in community supervision and community service.

HISTORY/COMMENTS:

This was Mr. Ray's second hearing before the Board. Following his first hearing with the Board, 18 months were added as to when he could petition again as well as a recommendation for Mr. Ray to participate in and successfully complete chemical dependency and sex offender treatment. The Board also noted that, "If individual counseling was available, that would also be recommended to help Mr. Ray better understand and explain why he committed these egregious offenses against an elderly woman."

Mr. Ray's last serious infraction was in 2011 for the following:

10/16/2011 – **728, Possessing Sexually Explicit Material.** During a cell search three paperback books containing what was described as "pervasive and graphic descriptions of sexual acts" were located. All three books were marked with Mr. Ray's name and DOC number. Mr. Ray stated he had had the books "for years."

Since his last hearing Mr. Ray has completed the Board's programming recommendations to include the completion of SOTAP and Chemical Dependency Treatment. He also completed Redemption, Bridges to Life, CBT, and is enrolled currently in SOTAP Aftercare, AA and Toastmasters, and he has his GED and has completed several college courses.

Classification Counselor Sager provided testimony regarding Ms. Ray' behavior, programming, and possible release plans. CC Sager provided a favorable report on Mr. Ray. He stated he has not been a management problem and last serious infraction was in 2011. He also indicated Mr. Ray does have good community support from his family in Vancouver and he hopes to release to King County and pursue post prison educational programming. CC Sager said Mr. Ray is interested in pursuing a Welding Certificate in the Seattle area. He further stated that Mr. Ray has completed the programming the Board recommended at his last hearing. CC Sager stated that Mr. Ray receives excellent reports from his supervisor of his job in the SOTAP where he is a tutor. CC Sager indicated that Mr. Ray has a well-developed release plan and is purposefully avoiding the Vancouver area based on expected community concerns.

Mr. Ray provided a disclosure of his index offenses that matched file material. He provided some explanation regarding what was happening in his life at the time of his index offense. He appeared to have good recall regarding his thinking at the time and could articulate the build up to his offense. He stated he believed SOTAP had been extremely helpful and could describe his high risks and interventions he has learned. Mr. Ray also provided a disclosure of additional victims that he had disclosed during his participation in the SOTAP.

Mr. Ray indicated he is currently in the SOTAP Aftercare program and said his work as a tutor in SOTAP is useful in deepening his understanding of his offending. He stated he is currently a dog handler which he says has brought unexpected joy to his life. He appeared to have a genuine remorse for the damage he has created with his victims and survivors.

SOTAP Specialist Ursula Katolik-Johnson indicated that Mr. Ray was an active participant in the program and made “significant” progress. She stated Mr. Ray shows good insight into his offending pattern and after initial resistance, was very transparent in group. Specialist Katolik-Johnson said Mr. Ray provided good feedback to group members, did well in receiving feedback, and was a leader by the end of the program.

INFORMATION CONSIDERED:

In preparation for Mr. Ray’s hearing and its decision in this case, the Board completed a review of Mr. Ray’s ISRB file. The Board considered all information contained in those files, 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 dated June 12, 2017 by Dr. Deborah Wentworth. The Board also considered the testimony of the witnesses listed above.

The original prosecutor’s recommendation was 702 months.

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 Ms. Ray not releasable at this time.

The psychological report that was done in preparation for this hearing by Dr. Wentworth indicates Mr. Ray , based primarily on criminal and infraction history, would be considered to be in the “moderate” to “high-moderate” range for risk of reoffending after release. Accounting for positive dynamic factors and the lack of current biological/neurological development risk factors there were present as an adolescent, along with the results of the SAPROF the risk of reoffending would best be seen as in the “low/moderate” range. Mr. Ray does not meet current diagnostic criteria for a mental health disorder. Dr. Wentworth stated, “Overall the results of this evaluation suggest that Mr. Ray is at ‘moderate’ risk to reoffend.”

Mr. Ray has been assessed by the ESRC as a recommended level Two for community notification. He has completed SOTAP, in the aftercare program, and has also completed chemical dependency since his last hearing. Mr. Ray receives good reports from the SOTAP program regarding his job as a tutor as well as his participation in the core SOTAP.

Mr. Ray has completed most of the offense specific programming the Board and the DOC has recommended. However, he continues to be assessed as a relatively high risk to reoffend. Additionally, his offense was particularly egregious as it relates to both violence and sexual deviance.

The Board would like to see Mr. Ray complete SOTAP Aftercare, continue to participate his SOTAP tutor job to further address his sexual deviancy, and pursue individual counseling to deepen his understanding of the motivations for his offending.

JP: ts

October 23, 2017

October 24, 2017

October 25, 2017

October 26, 2017

cc: MCC-TRU
Duane Ray
File



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

DATE: October 24, 2017

TO: Full Board

FROM: JP & KR (*Teresa*)

RE: Ray, Duane/*DOC# 727859*

Panel recommends: Not releasable

Next action: Re-petition in October 2022

Agree	Disagree
Jeff Patnode 10-23-2017 Lori Ramsdell-Gilkey 10-23-2017 Elyse Balmert 10-23-2017 Kecia Rongen 10-23-2017	