



**Indeterminate Sentence Review Board  
Decision and Reasons Summary**

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Name: OSBORNE, Donald	DOC#: 267767	Case Type: PAR	Date: 7/10/2024
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**Note: This is a summary of the Decision and Reasons dated 7/22/2024, and should not be substituted for the full document.**

**Decision:**

**Conditionally Parolable to MRP. Add 24-months. The Board would like Mr. Osborne to receive additional assistance on re-entry and a step-down to camp if eligible.**

**Next Action: Schedule a .100 Hearing approximately 120 days prior to PERD.**

**Recommendations:**

- **Work with the facility Social Worker and focus on re-entry and a detailed release plan.**
- **The Board should be notified immediately if there are any Serious Infractions.**
- **Sober Support Groups**
- **Mental Health Treatment (including any prescribed medications), if eligible**
- **Other Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence, Domestic Violence Treatment**
- **Remain infraction free and have positive interactions with staff**
- **Participate in next Hearing**
- **Develop a release plan/community support**



## DECISION AND REASONS

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NAME:	OSBORNE, Donald
DOC #:	267767
FACILITY:	Monroe Correctional Complex - Twin Rivers Unit
DATE OF HEARING:	July 10, 2024
TYPE OF HEARING:	.100
PANEL MEMBERS:	Elyse Balmert & Kecia Rongen
FINAL DECISION DATE:	July 22, 2024

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### I. DECISION/LEGAL STANDARD

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](#). This statute directs the Board to not release an individual unless in the Board's opinion his or her rehabilitation has been completed and he or she is a fit subject for release. Consequently, the Board finds Donald Osborne **conditionally parolable to a MRP Camp**. Add 24-months. The Board would like Mr. Osborne to receive additional assistance on re-entry and a step-down to camp if eligible.

The Prosecutor and Judge recommendation is 20 years.

**Next Action: Schedule a .100 Hearing approximately 120 days prior to PERD.**

### II. 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 from a Sentencing Reform

Act (SRA) range of 63 to 85 months. The statutory maximum term is Life. Mr. Osborne has served approximately 499 months in prison and 100 days of jail time during the initial period of confinement.

Note: Other Causes/Counts: Osborne was also convicted of Snohomish County Cause #79-1-00054-4 for Indecent Liberties , Count I. The Max EX is ten years and has expired.

Under the same Cause number, Osborne was also convicted of Second-Degree Assault, Count II; First Degree Malicious Mischief, Count III; and Attempting to elude a Police Officer Count IV. The Max Ex is ten years for Counts II and III, and five years for Count IV, to run concurrent with one another and Snohomish County 79-1-00054-4. These counts have expired.

### **III. LAST BOARD DECISION**

July 7, 2022- .100 Hearing: Found not parolable, 36 months were added to his minimum term. Successfully complete a second round of SOTAP, re-entry programming, and any other risk related programming to mitigate his risk to the community. He will also need to develop a detailed release plan prior to his next .100 hearing.

### **IV. OFFENSE DESCRIPTION**

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.

### **V. OTHER RISK RELATED BEHAVIOR**

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.

## **VI. EVIDENCE CONSIDERED**

The Board considered the evidence presented at the hearing and reviewed **Donald Osborne's** ISRB file. The hearing was audio recorded and will be retained per retention schedules. Testimony was provided by the following individuals: **Classification Counselor Daniel Wisniowicz and Donald Osborne.**

The file review included the following documents:

- End of Sentence Review Committee (ESRC) Reports: Dated **Level II – aggravation due to past intervention did not deter sexually deviant behavior and he has a pattern of behavior that increases risk for sexual behavior.**
- Criminal case records:
- Psychological Evaluations: **Psychological Evaluation Lisa Robtoy, Psy.D., dated 1/2/24**
- DOC Treatment and behavioral reports dated: **SOTAP – March of 2024**
- Assessments:
  - *Hare Psychopathy Checklist-REVISED (PCL-R) indicates the extent to which the individual has psychopathic tendencies.*
  - **HCR-20v3** is an instrument that organizes known risk factors into three categories: historical, clinical, and risk management. Using past, present, and future factors the HCR-20v3 assesses dynamic risk for recidivism.
  - Violence Risk Assessment Guide-Revised (**VRAG-R**) is a 12-item actuarial scale designed to predict violent recidivism.

- **Stable-2007** is an empirically derived actuarial risk tool commonly used to assess treatment and supervision needs of sex offenders.
  - **Static-99R** is an actuarial risk prediction instrument designed to estimate the probability of sexual and violent recidivism. It is the most widely used sex offender risk assessment instrument in the world.
  - Minnesota Sex Offender Screening Tool-Revised (**MnSOST-R**) is a risk assessment tool that provides empirically based estimates of risk for sexual recidivism for incarcerated male sex offenders.
- Findings and Conclusion (F&C), Prior Decision & Reasons (D&R): **D&R 7/7/2022.**
- DOC OMNI Records
- Other:

## VII. FINDINGS

1. In preparation for this hearing, Mr. Donald Osborne was advised of his hearing rights.
2. Donald Osborne appeared by video conference. Donald Osborne was represented by attorney Darrel Lahtinen.
3. The Board has considered all potential Conditions of Supervision it may lawfully impose, including all identified by the End of Sentence Review Committee (ESRC), DOC psychological evaluations, and [RCW 9.94A.704](#). These conditions include, but are not limited to, the following:
  - DRUG / ALCOHOL RESTRICTIONS
  - ELECTRONIC MONITORING
  - GEOGRAPHIC RESTRICTIONS
  - MENTAL HEALTH TREATMENT COMPLIANCE
  - PARTICIPATION IN DRUG/ALCOHOL TREATMENT
  - PARTICIPATION IN SEX OFFENSE TREATMENT
  - PROHIBITED CONTACTS
  - SEXUALLY EXPLICIT MATERIAL
  - SUBMIT TO POLYGRAPHS
  - UNAPPROVED RELATIONSHIPS
4. The Board has considered the following evidence favorable to Donald Osborne's release determination:
  - Treatment/Programming. **Completed SOTAP X 3**

- Protective factors. **No Serious Infractions in over 17 years.**
- Risk Assessment Scores. **Static-99R 3-points Low/Moderate Risk.**
- Other evidence: **Community support and a reasonable release plan.**

5. The Board has considered evidence against Donald Osborne’s conditional release ([WAC 381-60-160](#)), examples of adequate reasons for a finding of non-parolability include, but are not limited to:

- Active refusal to participate in available program or resources designed to assist and offender to reduce the risk of re-offense (e.g., anger management, substance abuse treatment).
- Serious and repetitive disciplinary infractions during incarceration.
- Evidence of an inmate's continuing intent or propensity to engage in illegal activity (e.g., victim harassment, criminal conduct while incarcerated, continued use of illegal substances).
- Statements or declarations by the inmate that he or she intends to re-offend or does not intend to comply with conditions of parole.
- Evidence that an inmate presents a substantial danger to the community if released. **Mr. Osborne has not been in the community since 1982 and there will need an opportunity for transition programming prior to his release.**

6. The Conditions of Supervision, and any favorable evidence noted above considered by the Board would sufficiently reduce the likelihood of Donald Osborne committing new offenses because:

- **Psychological evaluation authored by Lisa Robtoy, Psy.D., dated January 2, 2024. Dr. Robtoy stated.**
  - **“In my opinion, Mr. Osborne has demonstrated evidence of maturation and rehabilitation over the course of his incarceration, particularly over the course of the last decade.”**
  - **“Overall, Mr. Osborne is assessed to be low moderate to moderate risk for violent recidivism, including future sexual offending, in less restrictive settings.”**
  - **“At the time of this evaluation, Mr. Osborne was probably a reasonable candidate to be considered for release to less restrictive settings at some point in the future. He was in the process of participating in the SOTAP at the time of this evaluation, and in my opinion, should successfully complete that program before releasing from his current setting. His progress has been slower than**

**might be expected in the average sexual offender, and this is related to Mr. Osborne's cognitive abilities.”**

- **He has completed the core SOTAP (X 3) with a positive report from his provider.**
- **He appears to understand his Dynamic Risk Factors and Interventions, which should result in mitigated risk to the community.**
- **He has held employment with good reports from his Supervisor.**
- **He has not had any Serious Infractions in over 17 years.**
- **He has community support and a reasonable release plan.**

7. Based on the requirements of [RCW 9.95.009\(3\)](#) and [RCW 9.95.100](#) and after weighing all of the totality of the evidence, including the community custody conditions and any favorable evidence noted above by the Board, the Board finds that Mr. Osborne is conditionally parolable to a MRP. 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 9.95.100](#).

#### **VIII. RECOMMENDATIONS**

- **Work with the facility Social Worker and focus on re-entry and a detailed release plan.**
- **The Board should be notified immediately if there are any Serious Infractions.**
- **Sober Support Groups**
- **Mental Health Treatment (including any prescribed medications), if eligible**
- **Other Programs, if eligible. Such as: Thinking for a Change, Redemption, Bridges to Life, Alternatives to Violence, Domestic Violence Treatment**
- **Remain infraction free and have positive interactions with staff**
- **Participate in next Hearing**
- **Develop a release plan/community support**

EB: vj

7/11/2024

cc: Facility: MCC-TRU  
Donald Osborne, Incarcerated Individual  
File



TO: Full Board

FROM: EB (vj)

RE: OSBORNE, Donald DOC # 267767

Panel recommends: Conditionally Parolable to a Mutual Reentry Plan (MRP) Camp. Add 24 months to minimum term.

Next action: Schedule a .100 Hearing approximately 120 days prior to PERD.

Agree	Disagree
<b>Jeff Patnode 07/22/2024</b> <b>Jill Getty 07/22/2024</b> <b>Elyse Balmert 07/22/2024</b> <b>Lori Ramsdell-Gilkey 07/22/2024</b> <b>Kecia Rongen 7/22/2024</b>	