



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

NAME: RAETHKE, Robert
DOC #: 908707
FACILITY: Clallam Bay Corrections Center – CBCC
DATE OF HEARING: July 11, 2019
TYPE OF HEARING: .100
PANEL MEMBERS: Lori Ramsdell-Gilkey & Elyse Balmert
FINAL DECISION DATE: July 22, 2019

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. In preparation for the hearing, the Board reviewed Mr. Raethke's ISRB file. Robert Raethke appeared in person and was represented by Attorney Cameron Ford. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Kurt Grubb.

LAST BOARD DECISION:

The Board last met with Robert Raethke on June 30, 2016 for a revocation hearing. Having been convicted of a new felony (Assault in the Second Degree with Sexual Motivation) as well as a violation of his conditions of release, he was revoked and 60 months added to his minimum term.

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

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to his ERD.

REASONS FOR DECISION:

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, the Board finds Mr. Raethke not parolable for the following reasons:

- **Remains a High Risk Level III sex offender who reoffended after interventions**
- **Minimizes and rationalizes his ongoing inappropriate behavior while in the community and has not gained much insight since returning to prison**
- **Has not participated in offender change programming since returned to prison**
- **Though not infracted he continues to engage in concerning behaviors regarding female staff and a lack of appropriate boundaries**

RECOMMENDATIONS:

Mr. Raethke needs to seek out any programming or classes available to him that can assist him in learning to understand and respect personal boundaries. He was directed to cease concerning himself with DOC staff and what they may have going on in their lives and cease writing to them and/or writing about them to others. His lack of boundaries has been a very long term issue and he may need to seek out **mental health counseling**. He is an expert at presenting himself as a “nice guy” and rationalizing and justifying his behavior. This will likely be difficult to change without a good deal of work.

JURISDICTION:

Robert Raethke is under the jurisdiction of the Board on a June 7, 1985 conviction of Rape in the First Degree, Counts I–IV, and Attempted Rape in the First Degree, Count VI, in Snohomish County under Cause # 84-1-00795-2. His time start is June 7, 1985. The original minimum term was set

at 60 months on Count I on adjusted standard Sentencing Reform Act (SRA) range of 43 to 60 months, and 68 months on each of the other counts on SRA ranges of 51 to 68 months for each count. The maximum term on each count is Life. The judge made no recommendation and the prosecutor recommended 480 months. Counts I, II, and III are running consecutively and Count IV is running concurrently. His maximum term on each count is Life. Regarding Count VI, the court originally ordered that he serve 120 months on this count to be served consecutive to Counts I-IV. As the result of an appeal, the court issued an Amended Judgment and Sentence and ordered Count VI to be served concurrently. He completed this portion of his sentence on July 31, 1991. Mr. Raethke has served approximately 363 months in prison, which includes 35 months since his revocation.

OFFENSE DESCRIPTION:

Between the ages of 27 and 29 Robert Raethke raped four girls, ages 14 and 15, and attempted to kidnap and rape a 15-year-old female. These offenses began in August of 1982 and ended in August of 1984. Nearly all of these rapes occurred on or near local trails.

Count I – Robert Raethke abducted the first victim in August of 1982 as she walked through a wooded area near a recreation center. He blindfolded and gagged her, then removed her clothing. He sucked on her breast and orally raped her. He made the victim perform fellatio and then attempted to rape her anally.

Count II – In October of 1982 he assaulted another girl walking in the same area. He tied her hands behind her back then made her perform fellatio on him and anally raped her.

Count III – In January of 1983 Mr. Raethke assaulted a third girl in this same area. When the victim tried to fight him off and run, he grabbed her and strangled her. He threatened to kill her. Though the victim continued to struggle he digitally raped her, touched her breasts, and rubbed his bare penis on her vagina until he ejaculated on her.

Count IV – In March of 1983 Robert Raethke asked a girl what time it was then grabbed her, dragged her into a clearing, and sexually assaulted her forcing her to perform fellatio on him.

Count VI – Finally, in August of 1984, Robert Raethke grabbed the last of his known victims as she walked near the woods by the recreation center. He threatened her with a knife and told her not to scream. The victim apparently had a knife of her own and managed to stab Mr. Raethke in the hand and leg. He tried to cover the victim's mouth with tape but she prevented it. She began talking to him and eventually persuaded him to release her.

PRIOR CRIMINAL / RISK RELATED CONDUCT:

Mr. Raethke has two misdemeanor convictions. One of them in 1980 is a conviction for Lewd Conduct. In that offense he exposed himself, naked from the waist down, while parked near a woman's salon. In 1983 he was convicted of Damaging Private Property. This offense consists of Mr. Raethke drilling holes in his apartment walls, allowing him to see into his female neighbor's bathroom.

In addition, though not charged with a crime, Mr. Raethke has previously admitted that he attacked an 11-year-old girl in 1981, subdued her with the use of ether, and then masturbated in front of her.

Mr. Raethke was convicted of Assault in the Second Degree with Sexual Motivation under Snohomish County Cause # 14-1-01200-9. He received Life Without Parole to be served consecutive to his sentence under the Board.

PROGRESS/BEHAVIOR:

CC Grubb testified that Mr. Raethke is currently a custodian in the IMU. Previously he worked in the inmate kitchen for two years. He transferred temporarily to Monroe Correctional Complex for medical reasons. He has four positive behavior observation entries and four negative

observations. Two of these negative observations involve Mr. Raethke's contact and/or comments about staff. The CC did not have any additional information regarding these entries. Mr. Raethke testified he also goes to chapel regularly and walks in the yard for his health. Regarding programming, he stated he is considered a very low priority as he is considered Life without Parole (LWOP) on his most recent sentence.

Mr. Raethke previously released from prison in October of 2012. Within two months there were concerns about his attempts to befriend strange women he saw in the community. He continued this behavior throughout his supervision even though he was counseled about it **many times** by both his supervising CCOs and sex offender treatment providers. There were at least three occasions when Mr. Raethke was contacted by police and directed to leave certain women alone. He had to be told not to return to a particular coffee stand because of his intrusive overly friendly behavior. Multiple women also contacted the DOC to express concerns about him. There were also concerns about long letters he was writing to women he barely knew, including a DSHS worker.

The Board asked Mr. Raethke why he persisted in trying to make contact with different women in the community. Mr. Raethke had little information to share and still appeared to think he had a "good rapport" with these women and was only being nice. He claimed to understand **now** that his actions could have been misinterpreted.

Regarding his reason for being on a walking trail on the date of the most recent assault with sexual motivation, Mr. Raethke stated that he was walking for his health as he had undergone prostate surgery 29 days prior to the offense. He was on medication that his doctor had told him would cause him to be "up and down hormonal wise" and on this date he was highly euphoric. While out walking he got tired and tried to call the house for a ride and when he couldn't get one he decided to take a "short cut" using the trail. Because of his euphoria when he saw the young lady on the trail he decided to ask her for a hug. (He did not explain why he also chose to kiss the victim's neck.) He said he "was celebrating beating cancer". He now realizes he should never

have asked her for a hug. His said his euphoria overrode his rational thinking. “We both stopped and looked at each other. I apologized to her. It wasn’t planned or intentional. It just happened.” His attorney asked him how he would avoid situations like this in the future. He said he would get permission from his CCO first and would take a buddy with him when walking. He admitted he had gone walking on trails previously while on supervision and told his CCO he had someone with him but he did not. The CCO discovered this after his arrest when the other men in the house were questioned and most denied they had ever gone walking with Mr. Raethke as he claimed.

Mr. Raethke was asked to explain the two negative behavioral observations that relate to his behavior regarding female staff. He explained them away as him just being nice and being concerned about them. He wrote to a friend describing one staff member’s movements (in very complimentary terms) as she was demonstrating something to another staff person. The other issue involved him trying to get a former staff member’s address so he could send her a card as he heard she was going through a difficult time. It is very concerning that even with the revocation and his current setting, Mr. Raethke continues to demonstrate such poor judgment and continues to minimize things.

LRG:ffo

July 15, 2019

cc: CBCC
Robert RAETHKE
Cameron Ford, Attorney
File



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

TO: Full Board

FROM: Lori Ramsdell-Gilkey (Fawn Opp)

RE: Robert RAETHKE, DOC #908707

Panel recommends: Find Not Parolable and add 60 months to MT.

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

Agree	Disagree
Lori Ramsdell-Gilkey 7-22-2019 Elyse Balmert 7-22-2019 Jeff Patnode 7-22-2019 Kecia Rongen 7-22-2019	