



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)  
DATE OF HEARING: August 5, 2020  
TYPE OF HEARING: .100  
PANEL MEMBERS: Jeff Patnode and Kecia Rongen  
FINAL DECISION DATE: August 17, 2020

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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. Osborne’s ISRB file. Classification Counselor (CC) Andre Poirier provided a summary of programming, behavior and other relevant activities. Mr. Osborne refused representation of a Board appointed attorney and refused to participate in the hearing and as such, the hearing proceeded in absentia.

The hearing was held remotely with the Board Members in the ISRB office in Lacey Washington and Mr. Osbornes counselor being at the facility in Monroe.

**LAST BOARD DECISION:**

Mr. Osborne was last seen by the Board on March 17, 2017 for a .100 parole hearing. The Board determined that he was not parolable and added 60 months to his minimum term. The Board cited Mr. Osborne’s inconsistent performance in SOTAP as a significant factor in determining Mr. Osbourne is not a fully rehabilitated and fit subject.

**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 does not find that Mr. Osborne parolable and adds 36 months to his minimum term.

**NEXT ACTION:**

Schedule a .100 Hearing 120 days prior to his PERD. The Board may see Mr. Osborne sooner if he agrees to participate in the hearing.

**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. Osborne is not parolable.

- **The Board cannot determine if Mr. Osborne is a fully rehabilitate and fit subject for release as he refused to meet with the Board in today's hearing. He continues to have risk assessments that indicate he is in the moderate to high range for future criminal behavior.**
- **Mr. Osborne's most recent participation in SOTAP indicated his progress was inconsistent and he has not completed additional risk related programming to further his rehabilitation and reduce his risk since his last Board hearing.**
- **Dr. Robtoy opines in the most recent psychological evaluation (March 25, 2020) that "while he has completed SOTAP, Mr. Osborne continues to demonstrate only limited insight into his offense behavior. This may be due to his cognitive abilities, as testing suggests mild cognitive impairment, but nevertheless, constitutes a risk factor for repeat offense behavior".**

**RECOMMENDATIONS:**

The Board would like to see Mr. Osborne participate in any programming available that will

reduce his risk to the community. He may benefit from additional sex offender treatment if assessed as eligible for any of their programs. The Board will see Mr. Osborne sooner if he contacts the Board and agrees to participate in the hearing process.

**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 452 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.

**INDEX 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. 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 / RISK RELATED 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.

**PROGRESS/BEHAVIOR:**

CC Poirier provided information regarding programming (see above), behavior, employment and release planning for Mr. Osborne. The report was favorable regarding his performance in work settings though Mr. Osborne has not completed additional offender change programs. CC Poirier indicated that Mr. Osborne informed him that he was "done fighting with the Board" and has resigned himself to die in prison. The Board asked the CC Poirier let Mr. Osborne know that he will be scheduled for an earlier hearing if he agrees to meet with the Board.

JP: ts

August 5, 2020; August 18, 2020; August 20, 2020

cc: TRU  
File



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INDETERMINATE SENTENCE REVIEW BOARD  
P.O. BOX 40907, OLYMPIA, WA 98504-0907

TO: Full Board  
FROM: Jeff Patnode (ts)  
RE: Osborne, Donald DOC #267767

Panel recommends: Not parolable and adds 36 months to his minimum term.

Next action: Schedule a .100 120 days prior to his PERD. The Board may see him sooner if he agrees to attend his hearing.

Agree	Disagree
<b>Jeff Patnode 8-17-2020</b> <b>Lori Ramsdell-Gilkey 8-17-2020</b> <b>Elyse Balmert 8-17-2020</b> <b>TaTeasha Davis 8-17-2020</b> <b>Kecia Rongen 8-17-2020</b>	