

BOARD OF PAROLE HEARINGS

P.O. BOX 4036
SACRAMENTO, CA 95812-4036
(916) 445-4072



January 11, 2023

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SISKIYOU
PO BOX 986
YREKA, CA 96097

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : BROWN, SKYLER, RAMOND
CDCR# : BA4084
Location : Mule Creek State Prison
Court Case# : 20141833

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Offender Parole Review Process. The board has denied the inmate for release. Enclosed is a copy of the board's decision.

If you believe the board's decision contains an error of law or error of fact, or you have new information you believe would have materially impacted the board's decision had it been known at the time of the decision, please submit a written statement to:

Board of Parole Hearings
Attn: Nonviolent Parole Review
P.O. Box 4036
Sacramento, CA 95812-4036

Please direct any inquiries concerning the inmate's release to the institution where the inmate is housed.

Respectfully,

BOARD OF PAROLE HEARINGS
NV Processing Unit

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: BROWN, SKYLER, RAMOND
CDCR Number: BA4084
Institution: Mule Creek State Prison

BPH DECISION

JURISDICTIONAL REVIEW

- BPH does not have jurisdiction, no further review.
 BPH has jurisdiction.

REVIEW ON THE MERITS

- Recommendation to release approved.
 Recommendation to release denied.

Decision for Brown, Skyler, BA4084: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.

Statement of Reasons:

Case Factor #1 - Current Commitment Offense

The circumstances of the inmate's current commitment offense(s) aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 14 years, 8 months on the current commitment offense(s). The commitment offense(s) is/are

- (1) PC 273.5(a) – Corporal injury to spouse for which the inmate received a term of 6 years, (doubled per PC667(b)(1)/PC1170.12, a prior strike enhancement).
- (2) PC 422 – Criminal threats for which the inmate received a term of 16 months, consecutive to the other charge(doubled per PC667(b)(1)/PC1170.12, a prior strike enhancement).
- (3) PC 136.1(c) – Dissuade a witness under specified circumstances for which the inmate received a term of 2 years, consecutive to the other charge(doubled per PC667(b)(1)/PC1170.12, a prior strike enhancement).
- (4) PC 136.1 – Dissuade a witness for which the inmate received a term of 4 years, consecutive to the other charge (doubled per PC667(b)(1)/PC1170.12, a prior strike enhancement).
- (5) There was an enhancement per PC667.5(b) for a prior prison term (1 year).
- (6) There was an enhancement pursuant to PC 12022(b)(1) for 4 months for personal use of a deadly weapon.

FACTS: On December 21, 2014, Police Officers responded to a report of domestic violence. The inmate attempted to take a child without the mother's (victim) permission. The inmate locked herself in a van with the child. Inmate Brown had recently smoked methamphetamine and reportedly was out of control. She was observed to be fidgety, sweating and pulling at her chest hairs. The victim provided a key to the van and as officers attempted to arrest her, she fled on foot and was subsequently arrested.

The victim reported that she and the inmate had argued for two days. The inmate physically assaulted the victim by pushing her to the ground. On one occasion, the inmate followed the victim to the bathroom with a knife in her hand threatening to kill the victim.

A criminal protective order was put in place prohibiting the inmate from contacting the victim. However, on March 17, 2015, the inmate called the victim from the county jail on a recorded line telling her to recant her statements to police. The inmate told her to say that she lied, that her statement was false, and that the evidence had been tampered with by the district attorney. The inmate called the victim again on March 19, 2015, trying to direct her testimony. On March 22, 2015, the inmate called the victim and told her to recant her statement. Later that day, the victim contacted the Siskiyou County Deputy District Attorney handling the case

and recanted her statement. The inmate continued to contact the victim via a recorded line while in was in county custody regarding her statements to police.

After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:

- 1.The inmate personally used a deadly weapon. The inmate used a knife during the commission of the crime.
- 2.There were one or more victims who suffered physical injury or threat of physical injury. The inmate assaulted the female victim by pushing her to the floor. The inmate stated that she might as well kill the victim while she (the inmate) was holding a knife. The inmate took the victim's child and placed it in a vehicle with the intention of going to the home of the child's father and starting a fight.

Therefore, the current crimes are found to be an aggravating risk factor in the case.

Case Factor #2 - Prior Criminal Record

The inmate's prior criminal history began in 2010 and continued until the commitment offense(s) in 2015. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:

05/04/2010 - PC 243(c)(2), Battery on a Peace Officer, with Injury MISDEMEANOR
10/04/2011 – PC 245(c), Assault on a Peace Officer
10/04/2011 – PC 69, Obstruct Executive Officer MISDEMEANOR
10/04/2011 – PC 243(b), Battery on a Peace Officer MISDEMEANOR
01/03/2013 – PC 242, Battery MISDEMEANOR
12/12/2013 – PC 243(e)(1), Domestic Battery MISDEMEANOR (90 days Jail)

The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:

- 1.The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate does not have any convictions for statutorily violent crimes.

The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:

- 1.The inmate's prior criminal convictions coupled with her current convictions show a pattern of assaultive behavior. The current offenses involve highly assaultive behavior against several victims. The behavior involved actual violence and threats of violence. These crimes, coupled with the inmate's prior convictions for battery on a peace officer, assault on a peace officer, battery, and domestic battery constitute a pattern of assaultive behavior.
- 2.The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim and a felony conviction within five years prior to her current convictions. The inmate was last incarcerated in state prison for assaulting a peace officer with a deadly weapon. Her parole date was November 14, 2012. The inmate was convicted of the current offense on February 18, 2016, approximately 3 years and 3 months later. In addition to the short period of time between his felony incarcerations, the inmate was incarcerated for two misdemeanors involving physical violence between her two prison terms.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate's prior convictions display a continuing pattern of assaultive behavior over a period of time and is highly relevant to the inmate's current risk of violence.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since July 13, 2016, a period of approximately 6 years, 6 months.

The inmate has been involved in the following activities:

WORK HISTORY:

06/21/2018 – 08/14/18 - Painter (66 Hours)
02/01/2018 – 06/20/18 - Main Kitchen Cook (351.75 Hours)
01/12/2018 – 01/31/18 - Recreational Aid (91 Hours)

VOCATIONAL TRAINING:

None

EDUCATIONAL PROGRAMS:

08/22/22 to 10/03/22 – College Program (14 hours – No additional units completed)
02/02/19 to 07/05/19 - College, Correspondence (6 Units Completed)
08/15/18 to 12/21/18 - College (Onsite)
08/15/18 to 01/17/19 - College (Onsite)

SELF-HELP PARTICIPATION:

12/19/22 to Present – Intensive Substance Use Disorder Treatment Program (2.0 hours)
10/17/22 to 10/28/22 - Victim Awareness Program (1.50 hours)
05/26/22 to 01/14/22 - Victim Awareness (0.00 hours)
11/24/21 to 03/13/22 - Narcotics Anonymous (0.00 Hours)
11/13/20 to 01/08/21 - Health & Wellness Programs (2.5 Hours)
10/05/20 to 01/08/21 - Health & Wellness Programs (9 Hours)
11/23/19 to 01/13/20 - Narcotics Anonymous (4 Hours)
10/07/19 to 01/13/20 - Narcotics Anonymous (6 Hours)
04/05/19 to 07/06/19 - Anger Management (Reentry) (58.50 Hours)
03/13/19 to 07/06/19 - Kid C.A.T. (4 mo)
03/08/19 to 07/06/19 - Substance Abuse Program (187.50 Hours)
02/16/19 to 02/26/19 - Parenting Class (2 Hours)
12/11/18 to 03/06/19 - Substance Abuse Program(105.50 Hours)

CERTIFICATES:

11/20/20 – Prep Domestic Violence Course
04/19/19 – GOGI Release Preparation
04/18/18 – GOGI Positive Decision Making Certificate Program
10/18/17 – GOGI Increase Your Peace

MENTAL HEALTH SERVICES DELIVERY SYSTEM

The inmate participates in the MHSDS at the CCCMS and EOP levels of care, which includes educational opportunities and individual and group therapy sessions that the inmate has engaged in and that were considered in rendering this decision.

SERIOUS RULES VIOLATIONS:

01/03/23 – Fighting (Pending – Not considered in this review- Included for accuracy only)
01/01/22 – Delaying a peace officer
12/27/21 – Refuse to accept housing
04/06/21 – Overfamiliarity
08/28/19 – Fighting
08/28/29 – Fighting
08/27/19 – Refuse to accept housing
05/04/19 – Fighting
02/21/19 – Possession of Tattoo Paraphernalia

CONFIDENTIAL INFORMATION:

None

The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:

There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since her last admission to prison.

The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:

The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since her last admission to prison or has one or more recent serious institutional Rules Violation Reports. Inmate Brown incurred eight serious RVRs this term, these violations include three RVRs for fighting.

The inmate has limited participation in available vocational, educational, or work assignments. Inmate Brown has not participated in vocational training and her work history is limited. She has not held a work assignment in more than four years. While inmate Brown attended the college program, her progress there was limited as well.

The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to her criminal behavior, such as substance abuse and domestic violence. Inmate Brown's current offense and her prior criminal history are highly aggravating due to her history of violent and assaultive behavior. The current offense involved assaultive behavior and threats of physical harm while armed with a knife. The prior history includes a felony assault on a peace officer and a pattern of misdemeanor battery charges. Therefore, the inmate's need for rehabilitative programming is heightened due to her history of violence. While she has engaged in some self-help programming, it is not sufficient to address the underlying causes of her criminal behavior.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate's RVR's for violent behavior coupled with an insufficient amount of rehabilitative programming in the area of violence prevention outweighs

the mitigating circumstances. Inmate Brown has not adequately addressed the underlying causes of her criminal behavior.

Case Factor #4 - Response to Legal Notice

The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision:

No responses were submitted for consideration in the review. However, other responses to legal notices are contained in the inmate's file. These letters were submitted for consideration for prior NV evaluations. These responses have been reviewed and considered.

SUMMARY: When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.

The inmate has a CSRA score of 1.

To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.

As noted above, all factors tend to aggravate the inmate's current risk of violence. The inmate has a history of violent conduct in the community which is demonstrated in the current offense and in her prior offenses. While incarcerated, the inmate continued to act out in a violent manner by incurring three serious RVRs for fighting. Finally, the inmate's participation in rehabilitation programs is deemed insufficient in light of her criminal history. Therefore, after considering together the findings on each of the inmate's case factors, the inmate poses a current, unreasonable risk of violence to the community. The inmate is denied for release.



January 10, 2023

SIGNATURE

REVIEW DATE

NEWMAN, KATHLEEN - Deputy Commissioner

If you believe this decision is not correct, you may send a written request to :

Board of Parole Hearings
Attn: Nonviolent Parole Review
P.O. Box 4036
Sacramento, CA 95812-4036

Your request must be post marked within 30 calendar days from the date you were served this decision and your request must include a brief written statement explaining why you believe the decision is not correct. You may include additional information to support your request.