

BOARD OF PAROLE HEARINGS

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



January 14, 2021

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 : California Medical Facility
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: California Medical Facility

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 fourteen years, eight months on the current commitment offense(s). The commitment offense(s) is/are

PC 273.5(a), Corporal Injury on Specific Persons Resulting in Traumatic Condition (midterm doubled under PC 667(b)-(i)/PC 11170.12, strike prior, for six years), with a one-year enhancement under PC 667.5(b) (Prior Prison Term/Non Violent New Offense is Any Felony) from an offense on December 21, 2014

PC 422, Criminal Threat to Cause GBI/Death (one-third the midterm double, due to strike prior, for one year, four months) with a four month enhancement under PC 12022(b)(1) (Personal Use of Dangerous or Deadly Weapon) from an offense on December 21, 2014

PC 135.1(c), Prevent/Dissuade Victim/Witness Under Specified Circumstances (one-third the midterm doubled, due to strike prior, for two years) from an offense on December 21, 2014

PC 136.1(b), Prevent/Dissuade Victim/Witness (four years) from an offense on March 17, 2015

On or about December 21, 2014, the inmate argued with his significant other/victim over many issues for two days. On the afternoon of the twenty-first, the inmate followed the victim with a knife and stated "might as well just kill her" placing the victim in fear. Then, the inmate decided to leave with one of the victim's children, indicating that having the child with the inmate would prevent the child's father from shooting the inmate and that the inmate wanted to go to the child's father's house to fight the child's father. The victim and the victim's mother (victim two) believed that the inmate was suffering from lack of sleep and was on methamphetamine and out of control and attempted to stop the inmate from taking the child, who was strapped into a car seat. The inmate grabbed the victim's arm, leaving marks. When victim two began to contact the police, the inmate unplugged the phone. The inmate started walking with the child in the car seat but dropped the car seat when the victim tried to stop the inmate. The inmate then pushed the victim to the ground then got on top of the victim and yelled at the victim. The inmate then got into a vehicle with the child and locked it. The inmate did not cooperate with police and struggled. Police used a Taser to apprehend the victim. While in custody, the inmate contacted the victim and told the victim to recant.

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 threatened the victim while holding a knife.
2. There were one or more victims who suffered physical injury or threat of physical injury. The inmate grabbed

the first victim leaving marks on the victim's arm and pushed the victim to the ground. The inmate also threatened the first victim with death, putting that victim in fear. A second victim was also threatened by the inmate's actions. In addition, the inmate put a small child in danger by engaging in an assaultive altercation with the victim in the presence of the child.

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 2016. 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 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 the current convictions show a pattern of assaultive behavior. The inmate has a prior felony assault in 2011. The inmate also has misdemeanor assaultive convictions in 2010 and 2013. Those prior convictions, combined with the current assaultive convictions, reveals 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 the current convictions. The inmate received a prison term in October of 2011 and received parole on November 14, 2012. The inmate received the current conviction on February 18, 2016 approximately three years and three months later. The inmate received a misdemeanor conviction with a ninety day jail term in December of 2013 and received the current conviction approximately two years and two months later.

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 great weight was given to the pattern of assaultive behavior that has been demonstrated by the inmate over the years, which, when combined with the highly assaultive nature of the current commitment offenses, indicates a high risk of violence. The inmate's quick recidivism indicates that despite intervention and punishment in the past, the inmate returned to criminal behaviors. The quick recidivism also indicates that the inmate has failed to benefit from prior opportunities for rehabilitation and is resistant to supervision, thus, quick recidivism is also relevant to a current risk of violence for this inmate.

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 four years and six months.

The inmate has been involved in the following activities:

Educational

The inmate has a verified HS Diploma

The inmate has earned milestone credits in education twice in 2018

02/02/2019 - 07/05/2019 - College, Correspondence (5 mo)
08/15/2018 - Completed 12/21/2018 - College (Onsite) (4 mo)
08/15/2018 - 01/17/2019 - College (Onsite) (5 mo)

Work

06/21/2018 - 08/14/2018 - Painter - Facility Maintenance (2 mo)
02/01/2018 - 06/20/2018 - Main Kitchen Cook (5 ½ mo)
01/12/2018 - 01/31/2018 - Recreational Aid (1/2 mo)

Vocation - none

Self-Help/Rehabilitation

The inmate earned milestone credits as of February 2017 while in EOP.

The inmate earned milestone credits for each sixty hours of mental health treatment plan completed activities in September and December of 2019 and in August of 2020.

Inmate provided in Letter - PREP Domestic Violence courses, completion of seven modules between November 2019 and September 2020 with seven more modules to complete.

11/13/2020 – 01/08/2021 – Health & Wellness Programs (2 mo)
10/05/2020 - 01/08/2021 – Health & Wellness Programs (3 mo)
11/23/2019 – 01/13/2020 – Substance Abuse Recovery Support Groups – NA (1 ½ mo)
10/07/2019 – 01/13/2020 – Substance Abuse Recovery Support Groups – NA (3 mo)
04/19/2019 – Chrono and Certificate of completion of GOGI Release Preparation (1 mo)
04/18/2018 – Chrono and Certificate GOGI Tools for Positive Decision Making (12-15 weeks)
04/05/2019 – 07/06/2019 - Anger Management (Reentry) (3 mo)
03/13/2019 – 07/06/2019 – Self Awareness & Improvement Groups - Kid C.A.T. (4 mo)
03/08/2019 – 07/06/2019 - Sub. Abuse Pgm (Reentry) (3 mo)
03/07/2019 – 03/07/2019 - Sub. Abuse Pgm (Reentry) (0)
02/16/2019- 02/26/2019 – Parenting/Family Support - place for grace father 2 child (10 day)
12/11/2018 – 03/06/2019 - Sub. Abuse Pgm (Reentry) (3 mo)
10/18/2017 – Chrono and Certificate for GOGI, Increasing Your Peace anger management (8 wks)

Discipline

08/28/2019 -Fighting
08/28/2019 -Fighting
08/27/2019 -Refusing to Accept Assigned Housing-Delaying a PO
05/04/2019 -Fighting
02/21/2019 -Tattoo Paraphernalia

Confidential: 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:

1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since the 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:

1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since the last admission to prison. The inmate has five serious rules violations this term, three of which are for assaultive behavior. The last assaultive behavior occurred on August 28, 2019, approximately sixteen months ago.

2. The inmate has limited participation in available vocational, educational, or work assignments. The inmate has approximately a year of college between August of 2018 and July of 2019. The inmate has worked as a cook for over five months. The inmate has no vocational assignments. This area is deemed to be limited because, although upgrading educationally is highly commended, the inmate has not been able to demonstrate that these activities that are considered to be pro-social activities have helped the inmate to develop a pro-social support group that can lead to the cessation of criminal behaviors.

3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior, such as domestic violence. The inmate has begun a PREP course on domestic violence but has not yet completed the program. While the inmate has participated in other programming considered to be relevant to developing pro-social behavior, such as substance abuse recovery, anger management, and GOGI, the inmate's recent disciplinary issues indicate that the inmate has failed to incorporate the strategies and coping skills that would prevent assaultive behavior and rule breaking within the prison. The lack of coping skills for negative behaviors indicates that the inmate remains vulnerable to stressors and triggers in the community.

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 great weight is given to the assaultive behaviors in 2019 with three incidents of fighting. The inmate is commended for going to college, working, and attending self help and rehabilitative programming, but this work deemed to be limited due to the demonstration by the inmate of an inability to consistently manage the inmate's behaviors to remain pro-social. It is acknowledged that the inmate has been participating in a mental health treatment plan and is working on gaining the skills necessary to be successful upon release, but the inmate's process of change is, at this time, deemed to be insufficient to be deemed to be sustained. Recent chronos from May 26, 2020 and April 17, 2020 indicate recent impulsive and aggressive behaviors and these items in the central file are deemed to be relevant to this analysis.

Case Factor #4 - Response to Legal Notice

There were response(s) to the Legal Notices in support of release from Inmate Brown dated on or about December 7, 2020, May 20, 2020, December 12, 2018, November 28, 2017 which were reviewed and

considered in this decision.

There were response(s) to the Legal Notices in opposition to release from District Attorney of Siskiyou County dated December 2, 2019 by John H. Quinn, Chief Deputy District Attorney; Jackie D. Peters, mother of inmate, dated November 14, 2017 which were reviewed and considered in this decision.

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.

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.

The inmate's commitment offense was highly aggravated, indicating a risk of violence. The inmate's criminal history was also aggravated due to the number of previous assaultive convictions that indicate a pattern of assaultive behavior as well as quick recidivism. The inmate's institutional behavior was also aggravated because a pattern of assaultive behavior continued within the institution with three rule violations for fighting in 2019 and indication in the central file of very recent angry behavior in April and May of 2020. Great weight was given to the assaultive rule violations as the last occurred only sixteen months ago and is deemed to be relevant to a current risk of violence. The inmate is commended for strong efforts to upgrade educationally, work, and take relevant self help and rehabilitative programming. However, the efforts are deemed to be limited as these efforts have not been incorporated by the inmate sufficiently to help the inmate to avoid recent assaultive rule violations. The inmate is encouraged to build upon the base of information gathered thus far in self help and rehabilitation to strengthen coping skills and strategies to avoid assaultive behavior and to practice those coping skills and strategies daily. The inmate is encouraged to complete the domestic violence course through PREP and to continue with all available programming relevant to the inmate's needs. Careful consideration of all factors indicates that the inmate currently poses an unreasonable risk of violence or significant criminal activity to the community. The inmate is denied for release.



January 12, 2021

SIGNATURE

REVIEW DATE

NEAL, MIRANDA - 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.