

**BOARD OF PAROLE HEARINGS**

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



July 05, 2022

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

**Subject: NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : STRICKLAND, MALCOLM,LOWELL  
CDCR# : BC2320  
Location : Mule Creek State Prison  
Court Case# : 150336, 150393, 150689

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Offender Parole Review Process. The board has approved 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: STRICKLAND, MALCOLM,LOWELL  
CDCR Number: BC2320  
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 Strickland, Malcolm, BC2320:** When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is approved.

#### **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 16 years, four months on the current commitment offense(s). The commitment offense(s) is/are PC 4532(b)(2), escape from jail by force; PC 530.5(a), identity theft; and PC 4573, bring drugs into jail.

The inmate received a base term of six years on his controlling offense, doubled to 12 years due to a prior strike conviction; one year, four months consecutive on one subordinate count; two years consecutive on his final count; and an additional one year under PC 667.5(b) for one prison prior.

On September 16, 2014, an officer noticed a substance around the window of the inmate's jail cell. The officer used a screwdriver to scrape off the substance and discovered it was toothpaste and paper used to hide damage to a wall. The brick around the window had been scraped away and a sprinkler cover on the wall had been pushed. The officer also found a flattened piece of metal and two kitchen spoons that appeared to have been used for scraping.

On or about November 17, 2014, the inmate attempted to smuggle drugs into the jail through the mail system. Officers intercepted parcels containing books addressed to the inmate. Hidden inside the books were six tobacco cigarettes, eight matches, a striker plate, five Dilaudid prescription pills and eleven Oxycontin prescription pills. Available information suggests the drugs were for the inmate's personal use, and he admitted to using regularly.

On March 5, 2015, officers observed the inmate driving a vehicle with tinted windows and initiated a stop. Upon contact, the inmate gave officers an identification card of another person. Inside his vehicle was a bottle of morphine sulfate weighing 41.7 grams and drug paraphernalia.

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:

One or more victims suffered physical injury or threat of physical injury. Escaping a penal institution poses an inherent threat of violence to the community.

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 2004 and continued until the commitment offense(s) in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:

2004: burglary of motor vehicle (Tennessee)  
2004: burglary (Tennessee)  
2014: HS 11350, possession of controlled substance

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

The inmate has not been convicted of a violent felony as defined under PC 667.5(c) 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:

The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his current conviction(s). He was convicted of possession of a controlled substance on July 17, 2014 where he received probation and 40 months county jail. He received his current convictions on April 15, 2015 and September 27, 2016, approximately one year and two years later, respectively.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because while he is quick to reoffend when released, he has never been convicted of a statutorily violent felony. Greater weight was given to the fact that his prior crimes are nonviolent.

### **Case Factor #3 - Institutional Adjustment**

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since February 13, 2017, a period of approximately five years, four months.

The inmate has been involved in the following activities:

Serious Rules Violations:

06/08/2022: possession of alcohol [pending]  
12/06/2019: possession of alcohol  
01/22/2019: threatening staff  
08/20/2018: failure to be present for court

Confidential Information:

None

Work, Educational, Vocational Assignments:

Transitions  
05/05/2022 -- present (39.25 hours)  
Voluntary ABE  
12/09/2017 -- 05/17/2018 (none or unknown)  
e-Learning  
11/06/2019 -- 07/29/2021 (215 hours)  
Adult Basic Education  
10/18/2017 -- 05/17/2018 (210.25 hours)  
College AA/AS Degree  
01/19/2022 -- 06/03/2022 (6.25 hours)  
01/19/2022 -- 06/03/2022 (34.5 hours)  
01/19/2022 -- 05/20/2022 (0 hours/in progress)  
09/15/2021 -- 12/16/2021 (3 credits)  
09/03/2021 -- 12/17/2021 (3 credits)  
09/03/2021 -- 12/17/2021 (3 credits)  
08/26/2019 -- 12/19/2019 (45 hours)  
05/06/2019 -- 12/20/2019 (0.25 hours)  
08/07/2018 -- 01/29/2019 (0.5 hours)  
01/15/2020 -- 08/31/2021 (21.25 hours)  
Porter  
02/02/2022 -- present (700 hours)  
10/06/2020 -- 02/01/2022 (2,408 hours)  
07/30/2019 -- 10/05/2020 (1,751.5 hours)  
Main Kitchen Veg Room  
09/28/2018 -- 01/31/2019 (219.25 hours)  
05/18/2018 -- 09/27/2018 (388.5 hours)

Self Help Programming:

CBI - Outpatient  
08/09/2021 -- 04/29/2022 (109.25 hours)

08/07/2021 -- 08/06/2021 (0 hours)  
06/07/2021 -- 08/06/2021 (24 hours)  
05/21/2021 -- 06/03/2021 (0 hours)  
02/26/2021 -- 05/20/2021 (56 hours)  
CGA  
12/10/2019 -- 02/01/2022 (24 hours)  
07/04/2019 -- 07/29/2019 (5 hours)  
Freedom Writers  
08/06/2019 -- 11/26/2019 (12 hours)  
Lifer Support Group  
03/22/2019 -- 07/29/2019 (7.5 hours)  
Celebrate Recovery  
05/04/2019 -- 05/13/2019 (0 hours)  
AA/NA  
04/05/2019 -- 04/30/2019 (0 hours)  
01/29/2018 -- 04/13/2018 (7 hours)  
12/29/2017 -- 01/19/2018 (0 hours)  
11/04/2017 -- 05/17/2018 (14 hours)  
10/24/2017 -- 11/17/2017 (0 hours)

**CCCMS/EOP:**

Anger Management (15 hours)  
Prisoner Rehabilitation (1.5 hours)  
Rational Behavior & Decisions (3 hours)

**Chronos in ERMS:**

Personality Acceptance Conflict Transformation, participation chrono 2019  
Anger Management [12 lessons], chrono 2021  
Addition Awareness Program [14 weeks], chrono 2022  
High School Equivalency Certificate, 2018  
GED transcript, passed 2018

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 he has engaged in criminal activity since his admission to prison.
2. The inmate has successfully participated in educational, vocational or work assignments for a sustained period of time. His work, education, vocation is sustained because he has completed more than 6,000 combined hours in this category. Moreover, he is commended for passing the GED tests and earning a high school equivalency certificate.
3. The inmate has successfully participated in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. He has completed approximately 278.25 hours of self-help, along with additional independent self-study lessons, to address his criminal behavior.

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 Violation Reports resulting in physical injury or threat of physical injury since his admission to prison or recent serious rules violations. His rule violation for threatening staff is now three years, five months old. His rule violation for possession of alcohol in 2019 is nonviolent and approximately two years, six months old now. As such, they received little weight. In addition, his rule violation for possession of alcohol on June 8, 2022 is pending and not thus considered in this review.

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 he has been nonviolent for approximately three-and-a-half years now. The passage of time has rendered his rule violation for threatening staff in 2019 less significant and his violation for possession of alcohol in 2019 is nonviolent. Meanwhile, he has engaged in numerous self-help programming to address his criminal behavior and passed his GED tests to obtain his high school equivalency certificate. Ultimately, his three mitigating circumstances outweigh his one aggravating circumstance in this section.

**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: the inmate dated July 27, 2021; the inmate undated but received May 24, 2021; Freedom Thru Education dated June 13, 2022; Marsha Osborn dated June 10, 2021; Teresa [last name illegible] dated May 18, 2021; and Loretta Conway dated May 17, 2021.

**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 has been in prison for approximately five years, four months now. His last act of violence was for threatening staff approximately three-and-a-half years ago. Meanwhile, he has participated in numerous self-help programming to address his criminal behavior and upgraded educationally by passing his GED tests to obtain his high school equivalency certificate. His institutional adjustment is overall mitigating, more recent in time relative to his current commitment offense and, as such, more indicative of his current risk. Accordingly, it received great weight. With greater weight and number, his two mitigating factors outweigh his one aggravating factor in this case. Careful consideration of all factors indicate that the inmate currently does not pose an unreasonable risk of violence or significant criminal activity to the community. The inmate is approved for release.



July 1, 2022

**SIGNATURE**

**REVIEW DATE**

**WONG, NANCY - 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.