

BOARD OF PAROLE HEARINGS

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YOLO COUNTY DISTRICT ATTORNEY

February 15, 2018

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
301 2ND ST.
WOODLAND, CA 95695

Subject: NON-VIOLENT SECOND STRIKER RELEASE DECISION

Inmate's Name: JACKSON, ROBERT, COLE

CDCR#: V42561

COURT CASE#: CRF167447

The California Department of Corrections and Rehabilitation (CDCR) is mandated by court order to have a parole process that allows certain offenders convicted of a "second strike" based on a non-violent offense to be eligible for parole after serving 50% of their term. It is for this reason the inmate referenced above was referred to the Board of Parole Hearings (Board) from CDCR with a recommendation for release. The Board reviewed the inmate's record and the Board's decision is to approve.

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

Respectfully,

BOARD OF PAROLE HEARINGS
NVSS Processing Unit

NON-VIOLENT SECOND STRIKER DECISION FORM

NON-VIOLENT SECOND STRIKER INFORMATION

Inmate Name: JACKSON, ROBERT, COLE
 CDCR Number: V42561
 Institution: California Correctional Institution

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 based on the reasons stated below:

Jackson V42561

Decision: When considering together the findings on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.

Statement of Reasons:

Case Factor #1- Current Commitment Offense

The circumstance of the inmate's current commitment offense aggravates the inmate's current risk of violence. The inmate was sentenced to a total term of two years eight months on the current commitment offense. The commitment offense is PC 69, resist/obstruct a peace officer. On December 13, 2016, the inmate was yelling, making threats to the officers and kicked the window of the patrol car.

After careful review and consideration of the aggravating and mitigating circumstances in the current crime, the following aggravating circumstance makes this an aggravating factor in the case: There was a victim who suffered the threat of physical injury.

Therefore, the current crime is found to be an aggravating risk factor in the case.

Case Factor #2- Prior Criminal Record

The inmate's prior adult criminal history began in 1996 and continued until the commitment offense in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions: In 1997 he was convicted of PC 459, burglary 2nd and PC 452(c), set fire to forest land, in 1998 he was convicted of PC 459, burglary 1st, and in 2004 he was convicted of VC 23153(A), DUI with great bodily injury and VC 10851(A), vehicle theft.

The circumstance of the inmate's prior criminal record that aggravates the inmate's current risk of violence is the inmate

NON-VIOLENT SECOND STRIKER DECISION FORM

REVIEW ON THE MERITS

was incarcerated on a felony conviction within five years prior to his current conviction as he was paroled December 28, 2014.

The circumstance of the inmate's prior criminal record that mitigates the inmate's current risk of violence is he 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.

Analysis: When balancing the aggravating circumstance against the mitigating circumstance, they tend to show that the circumstance of the inmate's prior criminal record mitigates the inmate's current risk of violence because the inmate hasn't been convicted of a violent felony.

Case Factor #3- Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since January 26, 2017, a period of approximately one year.

The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate his current risk of violence: The inmate has limited participation in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior and limited participation in available vocational, educational or work assignments.

The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence: There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison and he has not been found guilty of institutional rule violations resulting in physical injury or threat of physical injury since his last admission to prison.

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 mitigate the inmate's current risk of violence because he has not been found guilty of violent rule violations, and there is no information in the confidential section of his central file indicating he has engaged in criminal activity since his last admission to prison.

Case Factor #4- Response to Legal Notices

There was a response to the Legal Notices in opposition to release from the District Attorney's Office of Yolo County dated July 28, 2017, which was 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, the factors mitigating the inmate's current risk of violence outweigh the factor aggravating the inmate's current risk of violence.

The inmate does not have a violent felony conviction on his record, did not use a weapon in his commitment offense, and he has no rule violations involving violence. The inmate is approved for release.

Ana M. Soares

February 14, 2018

SIGNATURE

REVIEW DATE

SOARES, ANA

NAME