

BOARD OF PAROLE HEARINGS

P.O. BOX 4036
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(916) 445-4072



December 26, 2017

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

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : UNDERWOOD, JOSEPH,JAMES
CDCR# : BA5896
Location : COCF - La Palma Correctional Center
Court Case# : 15287, 15288

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

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

Respectfully,

BOARD OF PAROLE HEARINGS
NV Processing Unit

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: UNDERWOOD, JOSEPH,JAMES
CDCR Number: BA5896
Institution: COCF - La Palma Correctional Center

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:

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

STATEMENT OF REASONS:

Case Factor #1—Current Commitment Offense(s)

The circumstances of the inmate's current commitment offenses for PC 12025(a)/PC 186.22(b)(1)- Concealed Firearm in Vehicle with a gang enhancement and HS 11379(a)- Transport/Import Controlled Substance mitigate the inmate's current risk of violence. According to the Probation Officer's Report, on 2/27/10, officers recovered a bag of marijuana and two other bags that appeared to contain Ecstasy tablets on inmate's person. He was placed on probation. On 1/20/11, inmate, who is known to police as a Norteno gang member, was observed walking carrying a hoodie. As police attempted to question him, his hands were observed to be concealed under the hoodie. He was repeatedly directed by officers to show his hands, to which he replied, "Fuck you! I didn't do nothing." He fought with the officers and was eventually taken to the ground. A firearm was found in the hoodie.

Inmate's probation was revoked and reinstated numerous times until he violated his gang terms on 9/18/15. He was observed on video surveillance associating with other gang members a restaurant. He was present when a homicide took place but he was not involved. (A innocent bystander was stabbed to death by his gang cohorts.) On 7/5/16, the Yolo County Superior Court which accepted the transfer of jurisdiction from the Solano County Court revoked his probation and sentenced inmate to 10 years in prison.

Under current guidelines, there are no relevant circumstances aggravating the inmate's current risk of violence. The circumstances mitigating the inmate's current risk of violence are:

- (1) The inmate did not personally use a deadly weapon; and
- (2) No victims suffered physical injury or threat of physical injury in his commitment offenses.

Accordingly, the inmate's current commitment offenses mitigate the inmate's current risk of violence as they did not involve use of a deadly weapon or physical injury/threat of physical injury to anyone.

Case Factor #2—Prior Adult Criminal Record

The inmate has no prior adult felony convictions. Therefore, his lack of prior adult criminal record also mitigates his current risk of violence.

Case Factor #3—Institutional Adjustment

The inmate has been incarcerated on the current offense since 8/4/16. The inmate's institutional record shows compliance with institutional rules and programs. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury, and 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 admission to prison. The record reflects he has participated in self-help/improvement programs such as Anger Management, Victim Impact, Cognitive Behavior and a parenting course. Therefore, inmate's institutional behavior and rehabilitative programming also mitigate the inmate's current risk of violence.

Case Factor #4—Legal Notices

Response to Legal Notices from the Yolo County District Attorney's Office in opposition to release and inmate's letter and supporting letter were received and considered in this decision.

CONCLUSION:

Under current guidelines, inmate's current commitment offenses, prior criminal record and good institutional adjustment all mitigate the inmate's current risk of violence. His current commitment offenses did not involve use of a deadly weapon or physical injury/threat of physical injury to anyone. He has no prior adult felony conviction. And, he has programmed well since his incarceration. Although it is of great concern he was present when a homicide occurred in 2015, he was not involved in the stabbing and was not charged with any crimes involving victim's death. Therefore, based on the totality of the circumstances, release is approved.

SIGNATURE

LAM, NGA

NAME

DECEMBER 22, 2017

REVIEW DATE

If you believe this decision contains an error of fact, an error of law, or if you have additional information you believe would change the outcome of this decision, you may request that it be reviewed by the Board of Parole Hearings by sending 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 received this decision and your request must include a brief statement explaining why you believe the decision is wrong. You may include additional information to support your request.