

BOARD OF PAROLE HEARINGS

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



September 24, 2018

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : HARRIS, DENNIS,JOSEPH
CDCR# : T54066
Location : California Correctional Institution
Court Case# : CR017026

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: HARRIS, DENNIS,JOSEPH
CDCR Number: T54066
Institution: California Correctional Institution

BPH DECISION

JURISDICTIONAL REVIEW

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BPH does not have jurisdiction, no further review.

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BPH has jurisdiction.

REVIEW ON THE MERITS

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Recommendation to release approved.

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Recommendation to release denied.

Decision for Harris, Dennis, T54066: 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 circumstances of the inmate's current commitment offense(s) mitigate the inmate's current risk of violence. The inmate was sentenced to a total term of 19 years eight months on the current commitment offense(s). The commitment offense(s) is/are Inmate was convicted of PC 459, burglary 1st, six years (doubled to 12 per PC 667(b)-(1)/PC 1170.12), second strike, date of offense December 9, 2001, PC 459, burglary 1st, two years eight months, date of offense November 4, 2001, PC 667(a), prior felony, enhancement five years; PC 459, burglary 2nd, one year four months, date of offense August 28, 2001, PC 667.5(b), prior prison term one year; PC 459, burglary 1st, two years eight months, date of offense November 7, 2001.

On December 9, 2001, a witness observed the inmate exit the back door of a neighbor's residence. The witness told the inmate to stop but he fled on foot. The inmate was located by deputies. The inmate, a drug addict, was looking for methamphetamine.

On November 4, 2001, the inmate jumped over a backyard fence and ran with a duffle bag. The homeowners were out of town. Jewelry, watches and other items were stolen.

After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:

- 1.The inmate did not personally use a deadly weapon.
- 2.No victims suffered physical injury or threat of physical injury.

Therefore, the current crimes are found to be a mitigating risk factor in the case.

Case Factor #2 - Prior Criminal Record

The inmate's prior criminal history began in 1986 and continued until the commitment offense(s) in 2001. 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: He was convicted of PC 459, burglary 1st three counts in 1986, PC 666/484, petty theft with priors in 1990, and HS 11377(A), possession of controlled substance, methamphetamine, in 1994.

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

1. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was paroled October 11, 1996 and reoffended August 8, 2001.

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 because the inmate has not been convicted of a violent felony although he has five prior felony convictions.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since May 17, 2002, a period of approximately 16 years four months.

The inmate has been involved in the following activities: He has a participation in a riot rule violation from 2003, a theft of state food from 2008 and possession of inmate alcohol from 2010. He worked in the kitchen in 2003, was in ABE in 2004, as a kitchen worker in 2006, as a dining room server in 2006 and 2007, as a kitchen cook in 2007, as a dining room worker in 2008, in GED in 2015, as a porter in 2015, participated in Toastmaster in 2015, in ABE II in 2016, in GED in 2016, as a porter in 2016, in the dining room in 2017, in ABE III in 2018, in PIA Fabrics as a sewing machine operator in 2018, in NA in 2018, in Celebrate Recovery in 2018, in AVP in 2018, as an inmate day laborer in 2018, in AA in 2018, and in GOGI in 2018.

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

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 his last admission to prison.
2. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. He has worked in the kitchen and dining room from 2003 to 2008 and 2017, as a porter in 2015 and 2016, and in PIA Fabrics in 2018, and was in ABE in 2004, ABE II in 2016, and ABE III in 2018.
3. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse, for a sustained period of time. In 2018 he participated in AA, NA, GOGI, AVP and Celebrate Recovery.

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

1. The inmate has been found guilty of an institutional Rules Violation Report resulting in physical injury or threat of physical injury since his last admission to prison. He has a violent rule violation, participation in a riot, from 2003.

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 although the inmate has a rule violation indicating violence from 2003, it was fifteen years ago and he has consistently worked, participated in educational activities, and recently, in 2018, addressed his substance abuse issue.

Case Factor #4 - Response to Legal Notice

There were response(s) to the Legal Notices in support of release from the inmate dated May 3, 2016 and May 25, 2018, his sister Terrie Brown dated April 25, 2016, an Office Technician at Chuckawalla, Elisa Dorame dated May 3, 2016 which were reviewed and considered in this decision.

There were response(s) to the Legal Notices in opposition to release from the District Attorney's Office of Yolo County dated May 29, 2015, June 30, 2016, June 29, 2017, and August 30, 2018 and Yuba County, June 5, 2018 and August 8, 2018 which were reviewed and considered in this decision.

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

The inmate's commitment offenses were nonviolent, there were no weapons used or threats of physical violence in the record, he has served over 16 years in prison on the commitment offenses, his prior criminal record is mitigating consisting of three burglaries, a petty theft and possession of controlled substance, he has only one violent rule violation, the participation in a riot, 15 years ago, and his last rule violation, inmate alcohol, was eight years ago, he has consistently worked and participated in educational assignments during his incarceration, and has during the past year, participated in substance abuse programming. The inmate is approved for release.



September 21, 2018

SIGNATURE

REVIEW DATE

SOARES, ANA - 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.