

**BOARD OF PAROLE HEARINGS**

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



September 13, 2018

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : LORRAIN, JAMES,TODD  
CDCR# : AV1399  
Location : California Medical Facility  
Court Case# : CRF13456

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: LORRAIN, JAMES, TODD  
CDCR Number: AV1399  
Institution: California Medical Facility

## 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 Lorrain, James, AV1399:** 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 18 years and 4 months on the current commitment offense(s). The commitment offense(s) is/are HS 11379 Transport/Import controlled substance (6 yrs.); HS 11378 Possession of a controlled substance for sale (4 yrs. Concurrent.); HS 11366.8(a) Possession of a false compartment to store controlled substance (1 yr. 4 mo. Consecutive); enhancements 3 Counts HS 11370.2(c) Possess/Sell controlled substance with prior felony conviction (3 yrs. Ea. For total 9 yrs.)(1/31/13).

HS 11359 Possession of marijuana for sale (8 mo. Consecutive); 2 Counts HS 11378 Possession of controlled substance for sale (8 mo. Ea. for total 16 months Consecutive); PC 12022.1 Offense committed while on bail (stayed)(12/18/13).

The facts are that on 1/31/13, police arrested the inmate with over an ounce of meth in a hidden compartment of his vehicle. Upon searching his residence, they found an additional ounce of meth and indicia of sales. On 12/18/13, officers found the inmate in possession of marijuana and meth for the purpose of selling it. Then on 4/17/14, officers again found the inmate with meth for the purpose of selling it.

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:

The inmate did not personally use a deadly weapon.  
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 2013 and 2014. 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: PC 459 Burglary 1st (1986); HS 11379(a) Transport/Import controlled substance (1991); HS 11377(a) Possession of controlled substance (1992); HS 11378(a) Possession of controlled substance for sale (1994); HS 11377(a) Possession of controlled substance (1997); HS 11379(a) Transport/Import controlled substance (2004); HS 11377(a) Possession of controlled substance (2004).

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

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 inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years (released 6/18/08) or more prior to his current conviction(s) (convicted 6/2/14 and 8/25/15).

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

No aggravating circumstances could be found.

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 Mr. Lorrain has not been convicted of any violent criminal offenses in the last 15 years and was paroled in the free community for over 5 years prior to his current commitment offense. He has no aggravated circumstances. Mr. Lorrain's prior criminal record is considered mitigating.

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

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since November 13, 2014, a period of approximately 3 years and 9 months.

The inmate has been involved in the following activities: Mr. Lorrain has no disciplinary violations while incarcerated. He has participated in the following: Dining room line server 12/15/15 to 2/8/16; Voluntary Adult Basic Education 1/26/16 to 1/10/17; Kitchen 2/9/16 to 1/10/17; Narcotics Anonymous 5/20/16 to 1/10/17; Vocational Computer Literacy 2/15/17 to 5/19/17; Teacher Aide 5/20/17 to 7/5/17 and 8/1/17 to 12/1/17; Narcotics Anonymous 8/1/17 to 12/1/17; Alcoholics Anonymous 8/2/17 to 12/1/17; Parenting/Family Support 9/5/17 to 12/20/17; College 9/19/17 to present; Alcoholics Anonymous 5/1/18 to present; Celebrate Recovery 5/3/18 to present; Al-Anon 6/26/18 to present; Narcotics Anonymous 7/19/18 to present; GOGI 30 days 11/30/16; and Managing Emotions 6/3/16 to 9/23/16.

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

The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.

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.

The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time (ABE III and College; Computer Literacy; Numerous work programs).

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 (Alcoholics Anonymous (8 months), Narcotics Anonymous (over 2 years), Celebrate Recovery (4 months), Al-Anon (over 2 months)).

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

No aggravating circumstances were found.

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 Mr. Lorrain has been active in Adult Basic Education, College, Computer Literacy, Alcoholics Anonymous, Narcotics Anonymous, Celebrate Recovery, Al-Anon and other programming. He has been involved in drug and/or alcohol programs for over 3 years. He has participated in numerous work details and was an Aide for the Computer Literacy Teacher. He has no violent disciplinary or any disciplinary actions and no confidential information for consideration. He has utilized his time while incarcerated to improve himself. His institutional behavior is considered mitigating.

### **Case Factor #4 - Response to Legal Notice**

There were response(s) to the Legal Notices in support of release from Mr Lorrain, dated 8/6/18 which were reviewed and considered in this decision.

There were response(s) to the Legal Notices in opposition to release from the Yolo County District Attorney's Office dated 8/3/18 and 8/3/17 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 3 years and 9 months, the inmate's age of 50, 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.

Mr. Lorrain received an 18 years and 4 month sentence at his hearing. While pending trial/court on bail, he went back out and continued dealing illegal drugs. He has a long history of violating the law and selling controlled substances as well as possessing the same. This was weighed against the fact that he has never been found using a weapon and has no violence in his history. While in the institution he did not violate any rules and has worked in numerous positions for employment. He learned a vocation with computer literacy and assisted the teacher for the class. He has not been found to use illegal substance in the institution and has been tested. Further, he has been diligent in taking self-help courses that address the reason he was incarcerated such as Alcoholics Anonymous, Narcotics Anonymous, Celebrate Recovery and Al-Anon for a sustainable period of time. He has educated himself and is taking college courses to upgrade himself. He is approaching 4 years served in the institution and has not committed any known violent act. Mr. Lorrain is not a current risk of violence.. The inmate is approved for release.



**SIGNATURE**

**GROTTKAU, MICHAEL - Deputy Commissioner**

September 12, 2018

**REVIEW DATE**

**DECISION**

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Concurs with approved recommendation to release.

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Does not concur with approved recommendation to release.

Decision based on the reasons stated below:

After a review of the proposed decision authored by Deputy Commissioner Grottkau, I concur with the recommendation to release Mr. Lorrain as he does not pose an unreasonable risk of violence to the community at this time. I have reviewed Mr. Lorrain's central file to include all available documentation involving his case, as well as letters from the Yolo County District Attorney's Office and from Mr. Lorrain. I agree with Deputy Commissioner Grottkau in that Mr. Lorrain has no instances of violence in his record. His commitment offenses are mitigating, his criminal history is mitigating, and his institutional adjustment is mitigating. He has remained violation free for over four years while in prison, has attended substance abuse groups, and has worked steadily or attended school a majority of the time. As a result, I concur with the recommendation to approve Mr. Lorrain for release at this time.



**SIGNATURE**

**MOELLER, DANIEL - Assoc. Chief Deputy**

September 12, 2018

**REVIEW DATE**

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.