

BOARD OF PAROLE HEARINGS

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



October 14, 2022

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

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : THOMPSON, MICHAEL, ROBERT
CDCR# : BI9320
Location : California Institution for Men
Court Case# : 20181072, 20181376, 2017167

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Offender Parole Review Process. The board has denied 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: THOMPSON, MICHAEL,ROBERT
CDCR Number: BI9320
Institution: California Institution for Men

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 Thompson, Michael, BI9320: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.

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 10 years on the current commitment offense(s). The commitment offense(s) is/are

(Convicted 02/19/19):

PC 273.5 (f) (1) [01] Corporal injury on spec person within 7 years of prior – 10 years (Doubled per Penal Code 667, subds. [b] - [i] or 1170.12: Strike Prior),
PC 1320 (b) [01] Failure to appear – 6 years Concurrent

(Convicted 07/31/18):

PC 136.1 (b) [01] Prevent/Dissuade victim/witness - 3 years Concurrent;
PC 245 (a) (4) [01] Assault with GBI Likely – 4 years Concurrent;
PC 530.5 (a) [01] Use ID of another to obtain personal identifying information – 3 years Concurrent;
PC 530.5 (a) [01] Use ID of another to obtain personal identifying information – 3 years Concurrent;

(Convicted 04/11/2017):

PC 273.5 (f) (1) [01] Corporal injury on spec person within 7 years of prior – 5 years Concurrent;
PC 273.5 (f) (1) [01] Corporal injury on spec person within 7 years of prior – 4 years Concurrent

Officers responded to reports of numerous purchases being made on the victims' debit cards on 09/09/17 and on 10/20/16. Subject and co-defendant were identified by photographs and video of their purchases.

On 01/03/17, victim informed authorities that subject (on 12/31/16) had accused victim of cheating. Subject then began choking her. Subject punched her in the face when she would not give subject her phone. Victim also reported that on 12/17/16, subject assaulted the victim and made threats to kill her with a gun.

On 07/11/18, victim reported that subject began disrespecting her and speaking nonsensically. Subject grabbed her by the throat and choked her until she could not breathe. Subject claimed to have hugged the victim but not choked her.

On 07/15/18, subject was recorded advising victim that she needed to change her statement about what subject had done to her.

On 07/31/18, subject was released from county custody and failed to appear in court on 09/12/18. On 09/17/18,

subject struck victim in the face during an argument.

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:

There were one or more victims who suffered physical injury or the threat of physical injury. The subject has multiple instances of physically assaulting and threatening the victim.

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 2019. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:

Misdemeanor PC 273.5 (A) Infliction of corporal injury – 180 days local jail time (05/04/2017);
Misdemeanor PC 273.5 (A) Infliction of corporal injury – 15 days local jail time (11/06/2012);
HS 11377 (A) Possession of a controlled substance (2009),
Misdemeanor PC 242 Battery - 20 days local jail time (2009)

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

1. The subject has not been convicted of a violent felony, as defined in subdivision (c) of section 667.5 of the Penal Code within 15 years of this review

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

1. The subject's prior criminal convictions, coupled with subject's current convictions, show a pattern of assaultive behavior. Subject has suffered separate, prior convictions for: Misdemeanor PC 273.5 (A) Infliction of corporal injury (05/04/2017), Misdemeanor PC 273.5 (A) Infliction of corporal injury (11/06/2012), and Misdemeanor PC 242 Battery (2009). These crimes encompass conduct that is both assaultive and inherently threatening. Subject's current convictions also have an assaultive and threatening nature as well, which demonstrates a continuation of this pattern of assaultive behavior.

Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because subject has a history of past convictions for assaultive and threatening behavior. This criminal record of repetitive assaultive conduct and subject not remaining free within the community for 5 years, coupled with the very assaultive and threatening behavior involved in the new current crimes for which subject has been convicted, make subject's continuing assaultive conduct and assaultive criminal record an aggravating risk factor that outweighs the fact that subject has not been convicted of a violent felony within 15 years of this review.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since April 2, 2019, a period of approximately 42 months.

The inmate has been involved in the following activities:

RVR's for physical injury/threat thereof: Battery on a prisoner (07/25/19)

Serious RVR's: Possession of alcohol (06/29/21)

Confidential information: Memos dated 07/30/19, 07/29/19

Vocational training: Plant operations carpenter with a positive work chrono from N. Townsend 11/001/21 (1233 hours - currently)

Work assignments: Subject day labor (1906.75 hours)

Educational programming: College/Coastline Community 11 months/no hours – completed), Literacy student (37.5 hours)

Self-help classes/rehabilitative programming: Life skills (21.5 hours), Self-awareness 'Intellimen' (17 hours), Gavel club (14 hours), CBI outpatient SUDT (255.75 hours - currently), GOGI (64.5 hours - currently), Prep anger management 13 lessons

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. The subject has successfully participated in vocational, educational, or work assignments for a sustained period. Subject has been involved in the following positive programming: Subject has held working positions and participated in educational courses: Plant operations carpenter, Subject day labor, College/Coastline Community and as a Literacy student

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:

1. The subject has been found guilty of institutional RVR's resulting in physical injury or threat of physical injury since subject's last admission to prison. The following RVR's involved physical injury or the threat thereof: Battery on a prisoner (07/25/19)

The subject has also been found guilty of a Serious RVR: Possession of alcohol (06/29/21). However, this serious RVR's should be given little weight, as it did not result in physical injury or threat of physical injury, the distance in time since the occurrences, and there is also no nexus to the current commitment offense

2. There is reliable information in the confidential section of the subject's central file indicating the subject has engaged in criminal activity since subject's last admission to prison. This information is contained in the following: Memos dated 07/30/19, 07/29/19

3. The subject has Limited participation in available rehabilitative or Self-help/rehabilitative programming to address the circumstances that contributed to subject's criminal behavior. Subject has been incarcerated for a total of 42 months. The subject has participated in some Self-help programming, such as: Life skills, Self-awareness 'Intellimen,' Gavel club, CBI outpatient SUDT, GOGI, and Prep anger management. However, given the nature of the commitment offenses, which included the subject being assaultive and threatening and participating in domestic violence, as well as the recent serious RVR's involving assaultive, threatening behavior, subject must program in a manner to fully address the circumstances that contributed to the subject's criminal behavior for a sustained period of time.

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 subject has been found guilty of a RVR involving physical injury or threats thereof, there is confidential information in the subject's central file indicating that subject has been engaging in criminal activity this prison term, and despite 45 months of incarceration, subject has only begun to participate in rehabilitative Self-help programming; the efforts to date are not considered sustained or sufficient to address fully subject's criminal thinking and criminal behavior. Subject must program in a manner to fully address the circumstances that contributed to the subject's criminal thinking and behavior for a sustained period of time to ensure that subject will not again resort to such criminal conduct once returned to the community.

Case Factor #4 - Response to Legal Notice

There were no responses to Legal Notices.

SUMMARY: When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including all the aggravating factors and the absence of any mitigating factors, 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 subject's record to determine all physical and cognitive disabilities documented for this subject. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all the factors considered.

Subject's current crimes are aggravating because they involved subject engaging in assaulting and threatening behavior.

Subject's prior criminal record is aggravating because subject was unable to remain free in the community for five years before committing the current offenses, and because subject's past crimes and current convictions demonstrate a continued pattern of assaultive behavior.

Subject's conduct while incarcerated is aggravating because the subject has been found guilty of a RVR for physical injury or threats thereof, there is confidential information in subject's central file indicating subject has been involved in criminal activity this prison term, and despite 42 months of incarceration, subject has not done sustained Self-help programming to address the circumstances contributing to subject's criminal behavior to ensure that when returned to the community, subject will not resort back to the same criminal thinking that resulted in subject's commission of the current offenses.

For such reasons, subject does pose a current, unreasonable risk of violence, or a current, unreasonable risk of significant criminal activity to the community. The inmate is denied for release.

Ken Allen

October 13, 2022

SIGNATURE

REVIEW DATE

ALLEN, KENNETH - 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.