

BOARD OF PAROLE HEARINGS

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



November 23, 2022

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : CROY, NORMAN,WAYNE
CDCR# : BP0270
Location : California Men's Colony
Court Case# : 191665

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: CROY, NORMAN,WAYNE
CDCR Number: BP0270
Institution: California Men's Colony

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 Croy, Norman, BP0270: 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 8.8 years on the current commitment offense(s). The commitment offense(s) is/are

PC 245 (a) (4) [01] Assault with GBI Likely – 6 years (Doubled per Penal Code 667, subds. [b] - [i] or 1170.12: Strike Prior)

PC 69 [02] Resisting/Deterring Officer w/Threat/Violence – 1.4 years Consecutive

PC 459 Burglary Second – 1.4 years Consecutive

Subject was convicted on 06/17/21

On 08/15/19, subject began demanding alcohol, cigarettes, and money from victim, who was inside his [victim's] apartment. Victim told subject, who was outside the residence, to leave. Subject replied, "You're going to give me what I want or I will take it!" Subject then threw a lawn ornament through a window of the apartment and struck the second victim on the back of the head with the ornament and the shattered glass. Subject, who was intoxicated at the time, began yelling profanities at the responding officer and spitting on him. Subject also physically resisted the officer and threatened to kill him in retaliation for being arrested.

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:

1. The subject personally used a deadly weapon. Subject threw a lawn ornament through a glass window, striking one victim in the back of the head with the ornament and shattered glass.
2. There were one of more victims who suffered physical injury or the threat of physical injury. One victim suffered physical injury by being struck in the head with a lawn ornament and glass, and both victims in the apartment had reason to fear physical injury when subject threatened to enter the apartment and take their money, alcohol, and cigarettes. The responding officer also was threatened when subject to kill him in retaliation.

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 2000 and continued until the commitment offense(s) in 2021. 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:

Felony convictions [8]: PC 4532 (b) (1) [01] Escape County/Prison w/o force (2014)

PC 69 [02] Resisting/Deterring Officer w/Threat/Violence (2013)

HS 11377 (a) Possession of a controlled substance (2012)

HS 11377 (a) Possession of a controlled substance (2012)

PC 69 [02] Resisting/Deterring Officer w/Threat/Violence (2008)

PC 459 Burglary First/Disabled victim, or 65 or older, or under 14 (2008)

PC 69 [02] Resisting/Deterring Officer w/Threat/Violence (2007)

PC 69 [02] Obstruct/resist executive officer (2000)

Pertinent Misdemeanor convictions [8]:

PC 148 (A) (1) Obstruct executive officer (2020)

PC 148 (A) Obstruct/etc Public officer (2017)

PC 148 (A) Obstruct/executive officer (2017)

PC 69 Obstructing/Resist executive officer (2005)

PC 422 Criminal threats (2005)

PC 243 (E) (1) Battery on spouse (2005)

PC 243 (B) Battery on a peace officer (2000)

PC 273.5 (A) Infliction of corporal injury (2000)

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
2. The subject was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to subject's current convictions

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:

PC 69 [02] Resisting/Deterring Officer w/Threat/Violence (2013)

PC 69 [02] Resisting/Deterring Officer w/Threat/Violence (2008)

PC 69 [02] Resisting/Deterring Officer w/Threat/Violence (2007)

PC 69 [02] Obstruct/resist executive officer (2000)

Pertinent Misdemeanor convictions [8]:

PC 148 (A) (1) Obstruct executive officer (2020),

PC 148 (A) Obstruct/executive Public officer (2017)

PC 148 (A) Obstruct/executive officer (2017)

PC 69 Obstructing/Resist executive officer (2005)

PC 422 Criminal threats (2005)

PC 243 (E) (1) Battery on spouse (2005)

PC 243 (B) Battery on a peace officer (2000)

PC 273.5 (A) Infliction of corporal injury (2000)

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, 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 subject not having been convicted of a violent felony and subject's remaining free in the community for five years before being convicted of the current offenses. In addition, the subject has a criminal record consisting of 8 prior felony convictions and many more than the 8 prior misdemeanor listed, covering a span dating back to 2000. In the current matter, subject has suffered three additional felony convictions and the current offenses involved subject engaging in assaultive, threatening behavior. Consequently, for such reasons, subject's inability to remain free in the community for five years and to refrain from committing crimes while in the community also outweighs subject not having suffered a prior violent felony conviction.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since June 26, 2021, a period of approximately 17 months.

The inmate has been involved in the following activities:

RVR's for physical injury or threat thereof/Serious RVR's: None

Confidential information: None

Vocational training: None

Work assignments: None

Educational programming: None

Self-help classes/rehabilitative programming: Life skills (80 hours - currently)

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 not been found guilty of institutional RVR's resulting in physical injury or threat of physical injury since subject's last admission to prison, or of a Serious RVR.
2. There is no reliable information in the confidential section of the subject's central file indicating that subject has engaged in criminal activity since subject's last admission to prison.

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 No participation in available vocational, educational, or work assignments. The subject has been incarcerated for a period of 17 months. Given the length of incarceration, the subject must participate in positive programming for a sustained period of time to better prepare subject for a successful and self-sustaining reentry into the community, either by way of upgrading educationally or for employment purposes.
2. 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 17 months. The subject has participated in some Self-help programming, such as: Life skills. However, given the nature of the commitment offenses, which included the subject being assaultive and threatening while intoxicated on alcohol, 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 despite 17 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. Moreover, subject has not done sustained programming in available vocational, educational or work assignments to better prepare for a successful and self-sustaining parole.

Case Factor #4 - Response to Legal Notice

The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision: Croy BP0270, 10/19/22, and John Quinn, 11/04/22, Siskiyou County District Attorney's Office

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 and subject's personal use of a deadly weapon.

Subject's prior criminal record is aggravating because subject's past crimes and current convictions demonstrate a continued pattern of assaultive behavior and because of subject's extensive and continuing record of criminal convictions.

Subject's conduct while incarcerated is aggravating because, despite 17 months of incarceration, subject has not done sustained programming in the areas of work, education or vocation this prison term to better prepare for success upon return to the free community and to ensure that subject will be able to become a productive member of society without having to resort to criminal means. In addition, 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.



November 22, 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.