

BOARD OF PAROLE HEARINGS

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



January 25, 2023

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

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : COLLINS, TRISTAN,GERALD
CDCR# : BH0507
Location : North Kern State Prison
Court Case# : 20288

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: COLLINS, TRISTAN,GERALD
CDCR Number: BH0507
Institution: North Kern State Prison

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 Collins, Tristan, BH0507: 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) mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 6 years 8 months on the current commitment offense(s). The commitment offense(s) is/are

1. PC 530.5(a), Identity Theft.
2. PC 459, Second Degree Burglary.
3. VC 10851(a), Unlawful Taking of Motor Vehicle.
4. PC 1320(b), Failure to Appear.

Tristan Collins (inmate) was convicted of the four commitment crimes on 8/11/2020 in Siskiyou County. He was sentenced to the low term on the PC 530.5(a) count, doubled to 32 months because of a prior strike conviction. Consecutive terms of 16 months, one-third of the middle term doubled, were imposed on the other three counts, for the total term of 6 years 8 months.

On 1/25/2020 an officer contact the inmate in regards to a reported prowler. The inmate identified himself as Tanner Langer, dob 10/12/1996. A check was made on this name and no warrants were outstanding, so the inmate was released. The inmate's true identity was established on 1/26/2020, when another officer watched the surveillance video from the apartment complex; the second officer recognized the inmate as Tristan Collins.

On 2/29/2020, the inmate took a vehicle without permission.

On 3/10/2020, a burglary was committed at a business that has been closed for several years. Officers investigated and caught the inmate inside the business.

On 5/5/2020 the inmate failed to appear in court on the original charges in this case, and an amended complaint was filed charging the inmate with failure to appear.

There is a lengthy delay between the date of the plea and the date of sentencing in this case. By the terms of the plea agreement, the inmate was to enroll in Teen Challenge pending sentencing. Upon successful completion of the Teen Challenge program, the inmate could asked the court to dismiss the strike conviction at the time of sentencing and be granted probation. The inmate was released OR. The inmate did not enroll in Teen Challenge and failed to appear for sentencing. A bench warrant for the inmate's arrest was issued on 4/18/2021. The inmate was not sentenced until 10/18/2022.

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 2010 and continued until the commitment offense(s) in 2022. 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:

PC 245(a)(1), Assault with a Deadly Weapon, Shasta County, 6/25/2014.
PC 459, Second Degree Burglary, Nevada County, 10/18/2017.

Inmate Collins was initially placed on felony probation for the PC 245(a)(1) conviction in Shasta County. Supervision was transferred to Siskiyou County. Inmate Collins was convicted of Second Degree Burglary in Nevada County while on probation; the inmate's probation in Siskiyou County was revoked and the inmate was committed to prison. The inmate was released from CDCR on 6/21/2019. The inmate was convicted of the current commitment offenses on 8/11/2020, approximately 1 year 2 months after release from incarceration.

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

The inmate was incarcerated for a felony conviction within five years prior to the current convictions. Inmate Collins was released from CDCR on 6/21/2019, and was convicted of the current commitment offenses on 8/11/2020, approximately 1 year 2 months after release from incarceration.

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 because the inmate committed and was convicted of the current offenses only 14 months after serving a sentence in state prison for Assault with a Deadly Weapon. Commission and conviction of multiple new felony offenses so soon after incarceration is highly probative of the inmate's risk of violence and significant criminal activity to the community. Incarceration alone has not deterred the inmate from engaging in criminal behavior. Great weight is given to the fact that the inmate committed the current offenses so soon after incarceration for a prior conviction involving violence. The aggravating circumstance outweighs the mitigating circumstance.

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 14, 2022, a period of approximately two months.

The inmate has been involved in the following activities:

Serious RVRs. None.

Confidential Information. None.

Education Assignments. None.

Vocational Training Assignments. None.

Work Assignments. None.

Rehabilitative/Self-Help Programs. None.

Inmate Collins has been incarcerated in CDCR for only two months on the current commitment; the inmate is still unclassified.

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

2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since 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 inmate has no participation in available vocational, educational, or work assignments.
2. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior.

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 the inmate has no participation in rehabilitative/self-help programs during the current term of incarceration. It is noted that the inmate has been incarcerated for only two months, and the commitment offenses are a mitigating factor in the decision. None of the commitment crimes involved the use of a weapon, the threat of physical injury to a victim, or physical injury to a victim. Notwithstanding these mitigating considerations, the inmate committed the current commitment offenses less than one year after serving a prison sentence for Assault with a Deadly Weapon. The inmate was initially placed on probation for this crime and was subsequently convicted of Second Degree Burglary in Nevada County. The inmate's probation on the Assault with a Deadly Weapon was revoked. The inmate's PC 245(a)(1) conviction in 2014 remains probative of the inmate's risk of violence and significant criminal activity to the community because of the inmate's recent incarceration for this crime. Incarceration alone has not deterred the inmate from criminal behavior. Participation in rehabilitative programs addressing the circumstances that contributed to the inmate's criminal behavior in the commitment crimes is needed in order to mitigate the inmate's risk of violence or significant criminal activity to the community. To date the inmate has none. The aggravating circumstances outweigh the mitigating circumstances.

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 the passage of time, the inmate's age (32), and the inmate's physical and cognitive limitations, 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 inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.

The commitment crimes are a mitigating factor in this decision. These offenses, however, were committed only 14 months after the inmate was released from prison following a prison sentence for Assault with a Deadly Weapon conviction in 2014. Commission and conviction of multiple new felony offenses so soon after incarceration in state prison is highly probative of the inmate's risk of violence and significant criminal activity to the community. The inmate's PC 245(a)(1) conviction in 2014 remains probative of the inmate's current risk of violence and significant criminal activity to the community because of the inmate's recent incarceration for this crime. Incarceration alone has not deterred the inmate from criminal behavior. The inmate has been in CDCR for only two months as of the date of this review. The inmate has not yet participated in any rehabilitative/self-help programs. Participation in rehabilitative programs addressing the circumstances that contributed to the inmate's criminal behavior in the commitment crimes is needed in order to mitigate the inmate's risk of violence or significant criminal activity to the community. The aggravating factors outweigh the mitigating factor. The inmate is encouraged to enroll in rehabilitative/self-help programs in CDCR as soon as possible, and to look into self-study programs as well.. The inmate is denied for release.



SIGNATURE

SPARKS, THOMAS - Deputy Commissioner

January 24, 2023

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.