

BOARD OF PAROLE HEARINGS

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



May 14, 2021

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : MILLER, LOUIS,MILES
CDCR# : BD7747
Location : Sacramento Central Office
Court Case# : 16226

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: MILLER, LOUIS,MILES
CDCR Number: BD7747
Institution: Sacramento Central Office

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 Miller, Louis, BD7747: 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 6 years on the current commitment offense(s). The commitment offense(s) is/are

VC 2800.2(a) Evade or Att to Evade Peace Officer while Driving Recklessly, with a term of 3 years;
Enhancement PC 667(b) with a term of 3 years. Convicted on 1/11/2017 by plea.

STATEMENT OF FACTS

Around 2/24/2016, officers observed the inmate traveling at an extreme high rate of speed (160 mph) on Interstate 5, near Dunsmuir. The inmate had his 16-year old daughter in the vehicle. Officers eventually safely subdued the vehicle. Almost \$40,000 was found on the inmate's person. The inmate was on probation out of San Diego. The inmate's child was taken into protective custody.

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 threat of physical injury. Due to the high rate of speed, the general public was under threat of physical injury, as well as the inmate's child and pursuing officers.

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 1987 and continued until the commitment offense(s) in 2017. 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:

1987 PC 459 Burglary 1st
1995 PC 459 Burglary 1st
1995 PC 459 Burglary 2nd
1999 PC 459 Burglary 2nd
2002 PC 594(a)(1) Vandalism
2003 PC 12021(A) Possession firearm ex-felon
2007 HS 11359 Possession of marijuana for sale
2008 HS 11377(A) Possession controlled substance

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 misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his current conviction. The inmate was released from a prior felony term on 1/28/2015, and convicted of the current offense on 1/11/2017, which is 1 year, 11 months, 14 days later.

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 while the inmate may not have any felony convictions pursuant to PC 667.5(c), this is outweighed by the short amount of time from his release from prison for a prior felony term and the current conviction. The inmate was convicted of the current offenses less than two years after his release from a prior term. This short amount of time demonstrates that prior incarcerations were not a deterrent to criminality. This is probative of his risk to reoffend and commit significant criminal activity in the community. Accordingly, the prior criminal record factor is overall aggravating.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since August 1, 2017, a period of approximately 3 years, 9 months, 10 days.

The inmate has been involved in the following activities:

SERIOUS RULE VIOLATION REPORTS:

01/09/2019 Disobeying an Order
12/03/2018 Use of a Controlled Substance based solely on a positive test
09/11/2018 Unauthorized possession of drug paraphernalia
03/21/2018 Unauthorized possession of drug paraphernalia
03/05/2018 Unauthorized possession of drug paraphernalia

CONFIDENTIAL MEMOS:

9/17/2019 reviewed

VOCATIONAL/EDUCATIONAL/WORK ASSIGNMENTS:

01/28/2020 - 11/2020 Main Kitchen Worker Baker
03/30/2019 - 8/2019 Voc HVAC Program
01/11/2019 - 2/2019 College (Onsite)
10/11/2018 - 2/2019 Dining Room Scullery
12/30/2017 Physical Fitness Trng (39 hours)
12/27/2017 Car Washer
12/09/2017 Physical Fitness Trng
12/06/2017 Satellite Kitch Wrk

SELF-HELP AND REHABILITATION, CERTIFICATES:

5/6/2021 Male Community Reentry Program

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:

None

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 been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports. The inmate has numerous serious RVRs, the most recent dated 01/09/2019 for disobeying an order.
2. There is 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.
3. The inmate has limited participation in available vocational, educational, or work assignments. While the inmate has some work, vocational, and educational hours, they are limited.

4. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse, child endangerment, or gang involvement. The inmate's commitment offense included endangering a child and the general public. This has yet to be addressed through programming.

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 he has not yet successfully participated in self-help and rehabilitative programming to address the circumstances of his criminal behavior for a sustained period of time. The inmate's limited participation in self-help or rehabilitative programming is a factor that weighs heavily. Other circumstances are also aggravating: the inmate has numerous serious RVRs, a confidential memo reflecting non-legal activity, and limited vocational/educational/work assignment hours. The inmate would benefit from concentrating his energy into self-help programs. Accordingly, the institutional adjustment factor is overall aggravating.

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 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.

Under the review criteria, the inmate's current commitment offense, prior criminal record, and institutional behavior are considered aggravating. The inmate's current offense involved the threat of physical injury to victims as he evaded police while driving recklessly. The inmate's prior record demonstrates an inability to follow the rules and norms of society as he was free from incarceration for a relatively short period of time, less than two years, before being convicted of the current offense. The inmate has yet to successfully participate in vocational, educational or work assignments, or self-help and rehabilitative programming to address the circumstances of his criminal behavior, such as substance abuse, child endangerment, or gang involvement, for a sustained period of time. For these reasons, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The inmate is denied for release.



May 12, 2021

SIGNATURE

REVIEW DATE

ADAMS, ELEANORE - 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.