

**BOARD OF PAROLE HEARINGS**

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



May 17, 2021

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : PHILLIPS, ALAN,EUGENE  
CDCR# : BL7784  
Location : California City Correctional Center  
Court Case# : 191726, 192336

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: PHILLIPS, ALAN,EUGENE  
CDCR Number: BL7784  
Institution: California City Correctional Center

## 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 Phillips, Alan, BL7784:** When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity 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 or significant criminal activity. The inmate was sentenced to a total term of 4 years on the current commitment offense(s). The commitment offense(s) is/are

PC29800(a)(1) – Poss/Own Firearm by Felon or Addict – 2 years and 8 months  
PC29800(a)(1) – Poss/Own Firearm by Felon or Addict – 1 year and 4 months

On 8/23/2019, police were dispatched regarding an argument between several males. When police arrived and searched the inmate's truck, they found a 20 gauge semi-automatic shotgun, a box of 20 gauge ammunition, a box of Mini-Mag .22LR CCI Ammunition, a 410 shotgun ammunition live round, methamphetamine, and a "Glass meth Bong Pipe" in the truck.

On 12/16/2019, the inmate was a passenger in a vehicle stopped by an officer. The inmate admitted to the officer he was in possession of a rifle. After searching the vehicle, the inmate found a rifle, a 12 gauge shotgun, 25 rifle shells, ammunition, and 5.7 grams of methamphetamines.

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 2000 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:

2000  
PC470 – Forgery

2002

Grand Theft over \$500 (South Dakota felony conviction – NCIC Offense Code 2399, six year sentence)

2007

VC2800.2(a) Evade or Attempt to Evade Peace Officer While Driving Recklessly

2013

PC459 – Burglary Second

PC487(a) – Grand Theft Exceeding \$950

PC487(d)(1) – Two counts Grand Theft Auto

PC496a(a) – Receiving Stolen Property

VC2800.2(a) – Evade or Attempt to Evade Peace Officer While Driving Recklessly

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 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:

1. 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 convictions. The inmate was convicted of his current offenses on 12/4/2019 and 1/28/2020, which is less than four years after he was released from prison from his prior felony term on 7/2/2016.

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 the inmate was convicted of his current offense less than four years after he was released from prison from his prior felony term. While the inmate has not been convicted of a violent felony under Penal Code section 667.56(c), that mitigating factor is outweighed by the aggravating factor in this case. In reaching this decision, greater weight was given to the relatively brief period of time between the inmate's conviction for his current offense and his release from prison from his prior felony term. The inmate's criminal history spans over 20 years and his repetitive criminality demonstrates the inmate's inability to remain crime-free in the community for any significant length of time and further demonstrates his prior incarcerations were not a deterrent to future criminality. As such, the inmate's prior criminal record aggravates his current risk of violence or significant criminal activity in this case.

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

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since March 17, 2020, a period of approximately 1 year and 2 months.

The inmate has been involved in the following activities:

Confidential Information:

None.

Rules Violations Reports (RVRs):

None.

Educational Programming:

None.

Vocational Training:

None.

Work Assignments:

10/10/2020 – 3/23/2021 – Main kitchen pot crew

Self-help or Rehabilitative Programs:

None.

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 his last 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 his 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 inmate has limited participation in available vocational, educational, or work assignments. Though the inmate has worked in the kitchen for approximately five months, his limited participation is not considered to be a sustained period of time. Additional educational, vocational, and employment upgrades would benefit the inmate to provide marketable skills and an increased ability to find lawful employment upon release to the community.

2. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse.

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 or significant criminal activity because the inmate has remained disciplinary free and there is no information in the confidential section of the inmate's central file indicating he has engaged in criminal activity. While the inmate has no participation in self-help programming, that aggravating factor is outweighed by the mitigating factors in this case. Additionally, while the inmate has limited participation in vocational, educational, or work assignments, this aggravating factor was given less weight in this decision because the inmate has worked as a Porter even though it has not been for a sustained period of time. Finally, great weight was given to the fact the inmate has remained disciplinary free during his incarceration and there is no reliable information indicating the inmate has engaged in criminal activity since his last admission to prison. Therefore, overall the inmate's institutional adjustment is found to mitigate his current risk of violence or significant criminal activity in this case.

#### **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 mitigating the inmate's current risk of violence outweigh the factors aggravating 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.

While the inmate's prior criminal record was found to be aggravating, this factor is outweighed by the mitigating commitment offense and institutional adjustment, which are more probative of his risk of violence because they occurred more recent in time. Specifically, the inmate's commitment offenses were found to be mitigating because they were nonviolent, no weapons were used, and there was no injury or threat of injury to the victims, which weighed heavily in this decision. Further, great weight was given to the inmate's mitigating institutional adjustment, which included no institutional RVR, no violence while incarceration, and no reliable information indicating he has been engaged in criminal activity since his last admission to prison. For these reasons and those detailed above, the inmate is found not to pose a current, unreasonable risk of violence or significant criminal activity in the community despite his aggravating prior criminal record. The inmate is approved for release.



May 13, 2021

**SIGNATURE**

**REVIEW DATE**

**LOZA, NORMA - 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.