

BOARD OF PAROLE HEARINGS

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



January 18, 2022

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

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : PASLEY, LARRY,WAYNE,JR
CDCR# : BB2061
Location : California State Prison, Los Angeles County
Court Case# : 16538, 161147

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: PASLEY, LARRY,WAYNE,JR
CDCR Number: BB2061
Institution: California State Prison, Los Angeles County

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 Pasley, Larry, BB2061: 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 8 years, 4 months on the current commitment offense(s). The commitment offense(s) is/are PC 459 Second Degree Burglary, 3 years doubled to 6 years due to a prior strike conviction, PC 664/4532(B) Attempt to Escape County/Prison Without Force, 8 months doubled to 1 year, 4 months due to a prior strike conviction, with an enhancement assessed pursuant to PC 667.5(B) Prior Prison Term, for a total term of 8 years, 4 months.

The inmate was viewed on video surveillance taken April 30, 2016, removing multiple items from a Pilot Travel Store and leaving without paying for the items. Items taken included 5 CB radios, 3 dash cameras and 3 flat screen televisions. Officers went to the inmate's residence and recovered some of the stolen items, and the inmate was arrested. On 8/5/16, the inmate was released from jail on a 48 hour furlough, and he failed to return on 8/7/16.

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 1996 and continued until the commitment offense(s) in 2016. 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: 1996 PC 459 First Degree Burglary; 1998 PC 11377(A) Possession of C/S; 2003 PC 69 Resist/Deter Officer with Threat/Violence; 2007 Misdemeanor PC 283.5(A) Inflict Corporal Injury on Spouse; 2011 PC 12303.2 Possession of Explosive Device with Intent to Injure.

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 felony conviction within five years prior to his current convictions. The inmate paroled on his prior term on 9/3/15, and was convicted of his commitment offenses less than 14 months later on 10/11/16.

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 paroled on his prior term on 9/3/15, and was convicted of his commitment offenses less than 14 months later on 10/11/16. The frequency of the inmate's felonious behavior indicating an entrenched criminal lifestyle is found to outweigh the absence of a PC 667.5(C) violent offense when assessing the inmate's current risk of violence.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since October 7, 2016, a period of approximately 4 years, 3 months.

The inmate has been involved in the following activities:

Future Tate Term:

2019 Conviction PC 4573.6 Possession CS in Jail/Prison; 2021 Conviction PC 4502 Possession of Deadly Weapon in Jail/Prison, 5 year total term

Serious RVRs:

Battery on a Peace Officer 11/10/21

Possession of a Deadly Weapon 12/18/20, 3/24/20

Battery on Prisoner 2/25/20, 10/14/19, 2/25/19, 10/24/18, 8/9/18

Fighting 12/17/20, 2/2/20, 2/25/19

Possession of Drug Paraphernalia 12/18/20, 12/22/18

Delaying a Peace Officer 5/1/18, 3/24/18

Tattooing 2/20/18, 7/6/17

Behavior Which Could Lead to Violence 2/15/18, 8/23/17

Disobeying an Order 8/3/17

Tattoo Paraphernalia 7/23/17

Damage/Destroy State Property Less Than \$400 6/28/17, 11/17/16

Work Assignments:

Porter 8/21/21 - 8/27/21, no hours documented, 7/7/20 - 11/1/20, 488 hours, 8/17/17 - 10/2/17, 201.5 hours

Dining Room Worker 2/21/19 - 4/30/19, 156.25 hours, All Unsatisfactory Work Report dated 4/29/19, 2/7/19 -

2/20/19, 27.25 hours, 1/29/19 - 2/6/19, 28.5 hours, 12/18/18 - 1/28/19, 120.75 hours, 6/27/18 - 7/23/18, 39.75 hours, 3/16/18 - 6/26/18, 434.25 hours, 11/14/17 - 11/21/17, 41.5 hours, 10/26/17 - 11/6/17, 25.5 hours, 4/27/17 -

5/2/17 26 hours, 4/5/17 - 4/26/17, 74 hours

Dining Room Scullery 5/3/17 - 5/22/17, 78 hours

Kitchen Worker 12/23/17 - 1/8/18, 26 hours

Education Assignments:

Adult Basic Education I 10/1/21 - 10/28/21, 34 hours, 5/25/21 - 7/23/21, 27.5 hours, 8/21/18 - 10/25/18, No

hours, all unsatisfactory marks on education progress report, 7/24/18 - 8/15/18, No hours documented

EOP Education 7/24/21 - 9/14/21, 2 hours

Coastline College 4/5/18 - 8/2/18, 6.75 hours

Self-Help Participation:

The inmate has participated in limited Mental health Groups during this term including Anger Management 1.78 hours, Life Skills 1 hour, Substance Abuse 8.01 hours, and Coping Skills, 3 hours, among others.

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 and has one or more recent serious institutional Rules Violation Reports. These include an RVR dated 11/10/21, approximately 2 months ago, for Battery on a Peace officer, as well as 2020 RVRs that include 2 for Possession of a Weapon, one for Battery on a Prisoner and 2 for Fighting.

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. This is documented on a confidential memorandum dated 12/22/16.

3. The inmate has limited participation in available educational and work assignments. As noted above, the inmate's work and educational assignments have been sporadic and limited, with noted unsatisfactory work and educational progress reports.

4. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate's participation in his mental health groups has been limited.

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's recent RVRs involving violence/threat of violence include an RVR dated 11/10/21, approximately 2 months ago, for Battery on a Peace officer, as well as 2020 RVRs that include 2 for Possession of a Weapon, one for Battery on a Prisoner and 2 for Fighting. This pattern of recent behavior resulting in physical injury/threat of physical injury is found to have high probative value when assessing the inmate's current risk of violence. Additionally, there is reliable confidential information of criminal activity by the inmate on the current term, and the inmate's work and education assignments have been limited. Lastly, the inmate's participation in his mental health groups has also been limited, and his continued violent behavior evidences he is not internalizing concepts he is exposed to in the groups. There are no mitigating circumstances to weigh against the aforementioned aggravating circumstances.

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: letters from the inmate dated 11/10/20, 7/19/20, 2/27/20, and 12/1/17.

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 and the inmate's current age of 44, 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.

The inmate's institutional adjustment was found to aggravate the inmate's current risk of violence as the inmate's recent RVRs involving violence/threat of violence include an RVR dated 11/10/21, approximately 2 months ago, for Battery on a Peace officer, as well as 2020 RVRs that include 2 for Possession of a Weapon, one for Battery on a Prisoner and 2 for Fighting. This pattern of recent behavior resulting in physical injury/threat of physical injury is found to have high probative value when assessing the inmate's current risk of violence. Additionally, there is reliable confidential information of criminal activity by the inmate on the current term, and the inmate's work and education assignments have been limited. Lastly, the inmate's participation in his mental health groups has also been limited, and his continued violent behavior evidences he is not internalizing concepts he is exposed to in the groups. The inmate's prior criminal record was also found to aggravate the inmate's current risk of violence given the frequency of the inmate's felonious behavior. The aforementioned aggravating circumstances are found to outweigh the mitigating circumstances of the inmate's 2016 commitment offense given the recent pattern of violent behavior, as more recent behavior has a higher probative value when assessing current risk. 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 above, the author fully considered any mitigating impact of each documented disability on all of the factors considered. The inmate is denied for release.



SIGNATURE

DENVIR, JOHN - Deputy Commissioner

January 14, 2022

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.