

**BOARD OF PAROLE HEARINGS**

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



March 26, 2021

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

**Subject: NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : POLLARD, JASON, MICHAEL  
CDCR# : AY3315  
Location : California Rehabilitation Center  
Court Case# : 14990, 1293, 111410, 12749, 12430

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: POLLARD, JASON,MICHAEL  
CDCR Number: AY3315  
Institution: California Rehabilitation 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 Pollard, Jason, AY3315:** 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 15 years and 8 months on the current commitment offense(s). The commitment offense(s) is/are HS 11352(a) Transport Narcotic Controlled Substance (5 yrs.) with an HS 11370.2(C) (3 yrs.) enhancement. Convicted 3/17/15; PC 422 Threat to Terrorize (8 months, Consecutive); PC 484g Fraud (8 months, Consecutive); PC 459 Burglary 2nd (8 months, Consecutive); PC 4532(b)(1) Escape (8 months, Consecutive), and HS 11379(a) Transport Sell Control Substance (1 yr., Consecutive).enhanced with 4 counts of PC 667.5(b) Prior prison term ( 1 yr. ea. X 4 = 4 yrs.). Convicted 6/26/12.

On January 12, 2012, the inmate punched the victim in the head (a large red, circular-shaped, raise welt was observed on the left side of her forehead). The victim explained that the inmate was upset about the court proceedings earlier in the day and that she accidentally sat on the inmate's sunglasses. The inmate became extremely upset, grabbed the victim by the hair, and yelled, "I'll fucking slice your throat." When she attempted to break free, the inmate kicked her once on the side of her stomach. The inmate then got on top of her and punched her twice in her left forehead temple area with a closed fist.

On or around July 2, 2014, while on probation/parole the inmate was caught transporting or attempting to transport a controlled substance (Heroin).

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. Victim was kicked in the stomach, punched twice with a closed fist, had her hair pulled and was threatened to have her throat cut.

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 1993 and continued until the commitment offense(s) in 2015. 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: HS 11377(a) Possession of controlled substance (2005); HS 11379(a) Transport/Import controlled substance (2003); PC 273d(a) Corporal punishment or injury to child and PC 273.5(a) Inflict corporal injury on spouse/cohabitant (2001); PC 273.5(a) Inflict corporal injury on spouse/cohabitant (1997); PC 459 Burglary

(1993).

On 7/24/2012, the inmate has a PC 240 Assault on Peace Officer Emergency personal (Misdemeanor) and a PC 243(E) Battery on Spouse (Misdemeanor). The inmate was released from CDCR on 8/2/2010 with a felony conviction on 6/26/2012.

In addition, the inmate then has another felony conviction, which is part of the conviction within 5-years from the misdemeanor assaultive convictions and a felony conviction 3/17/2015, which is also within 5-years from release.

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's prior criminal convictions coupled with his current convictions show a pattern of assaultive behavior. The inmate has a pattern of inflicting corporal injury, corporal punishment, assault and battery on spouse.

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. On 7/24/2012, the inmate has a PC 240 Assault on Peace Officer Emergency personal (Misdemeanor) and a PC 243(E) Battery on Spouse (Misdemeanor). The inmate was released from CDCR on 8/2/2010 with a felony conviction on 6/26/2012.

Furthermore, the inmate then has another felony conviction, which is part of the conviction within 5-years from the misdemeanor assaultive convictions and a felony conviction 3/17/2015, which is also within 5-years from release.

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 of the following: While the inmate has not had a violent felony conviction within the last 15 years, more weight was applied to his continual assaultive behavior, convictions and short period between release in 2010 and conviction on new crimes in 2012 and 2015. The inmate's inability to remain crime free in the community for any significant period of time demonstrates prior incarcerations were not a deterrent to criminality.

### **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 17, 2015, a period of approximately 5 years and 3 months.

The inmate has been involved in the following activities:

Confidential:

Reliable Memo 3/28/20

Disciplinary:

None

Education:

ABE II 5/21/20 to present (10 months), 2/17/18 to 7/2/18 (5 months), 3/4/16 to 4/28/16 (2 months). Total 17 months.

Vocation:

None

Work Activity:

Porter 2/7/20 to 3/12/21 (13 months); Cook 2/17/18 to 3/20/18 (2 months); Dining Room 9/15/17 to 11/29/17 (2.5 months); Dining room line server 3/8/17 to 9/14/17 (4 months); Dining Room 7/20/16 to 3/7/17 (8 months). Total 29.5 months.

Self-Help Programming:

Substance abuse 12/2/19 to 1/16/20 (97.5 hrs.).

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:

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.

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:

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.

The inmate has limited participation in available vocational, educational, or work assignments. The inmate has participated in 17 months of education, no vocations and work activity for 29.5 months. Weighing factors, the period of participation is not considered to be for a sustained period of time.

The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as domestic violence. The inmate has participated in 97.5 hours of self-help. Given the inmates needs this is not deemed to be 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 of the following: While the inmate should be applauded for not receiving any rule violations, more weight was given to the fact that the inmate has reliable, confidential information (memorandum dated 3/28/2020) of criminal activity since the last admission to prison. He has yet to address the circumstances that contributed to his continual repeat criminal behavior, aggression toward women/others and assaultive behavior.

#### **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 5 years and 3 months, the inmate's age of 47, 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 offenses, prior criminal record and institutional adjustment are all aggravating. While mitigating circumstances were considered, including the lack of institutional rule violations, more weight was given to the following: The inmate acted out aggressively toward his victim. He kicked her in the stomach, punched her with a closed fist twice, grabbed her hair and threatened to have her throat cut. The inmate has prior assaultive convictions, has not learned from prior incarcerations, engaged in criminal activity and has yet to address the circumstances contributing to his criminal behavior. The inmate poses a current unreasonable risk of violence to the community. The inmate is denied for release.



March 25, 2021

**SIGNATURE**

**REVIEW DATE**

**GROTTKAU, MICHAEL - 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.