

BOARD OF PAROLE HEARINGS

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



December 07, 2021

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

Subject: **NONVIOLENT PAROLE REVIEW DECISION**

Inmate's Name : TIMS, CARROLL,LANE
CDCR# : AY2757
Location : California Correctional Institution
Court Case# : 181763

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: TIMS, CARROLL,LANE
CDCR Number: AY2757
Institution: California Correctional Institution

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 Tims, Carroll, AY2757: 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 8 years on the current commitment offense(s). The commitment offense(s) is/are
Case: 181763, Conviction Date: 4/9/19, Sentencing Date: 5/21/19

PC 273.5(f)(1), corporal injury upon a spouse/cohabitant/dating relationship - Sentencing: 4 years doubled to 8 years as a result of a prior strike conviction.

PC 236, false imprisonment - Sentencing: 2 concurrent years.

The inmate was also convicted of a misdemeanor PC 417(a)(1), exhibiting a deadly weapon: not a firearm.

On 11/11/18, law enforcement was dispatched to a location regarding a domestic violence incident. The perpetrator was reported as holding a knife and breaking things inside the residence. Upon arriving to the location the deputies observed the inmate open the front door, step outside, and then run back inside slamming the door shut behind him. The officer heard yelling and things being slammed or thrown around inside the residence. Law enforcement announced their presence and advised the inmate to come outside with his hands up, but received no response from inside the residence. Law enforcement made a forced entry into the home and cleared the first floor, but heard commotion on the second floor. A deputy heard a voice asking for help, and from the outside observed the victim run to the second floor window and state, "get me out." The victim began to climb out the second story window and the officer helped. However, the inmate approached the window and grabbed the victim's arms to prevent her from leaving. The officer directed the inmate to let go. At that time, the officer was able to assist the victim to the ground. During the incident the victim attempted to leave the residence several times, but the inmate prevented her from leaving. During the altercation the inmate threw the victim around, held her in choke holds, dragged her around the house while in a choke hold, and choked her several times. The inmate choked the victim to the point that she could no longer breathe. The inmate threatened to kill the victim's dogs. The inmate took wood from the burning fireplace, held it to the victim's face, and threatened to kill her. The inmate also took the victim's phone and car keys.

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:

The inmate personally used a deadly weapon, to wit a knife and burning wood.
There were one or more victims who suffered physical injury or threat of physical injury.

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 2002 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:

2002 - Oregon - Statute: Menacing - Domestic Abuse 163.190 OR, Intimidation which includes stalking - misdemeanor
2003 - PC 273.5, corporal injury upon a spouse/cohabitant/dating relationship
2005 - PC 273.5, corporal injury upon a spouse/cohabitant/dating relationship - misdemeanor
2005 - PC 273.5, corporal injury upon a spouse/cohabitant/dating relationship - misdemeanor
2010 - PC 243(e)(1), battery: spouse/exspouse/dating relationship - misdemeanor
2011 - PC 166(c)(1), violation of a protective order - misdemeanor
2012 - PC 273.5, corporal injury upon a spouse/cohabitant/dating relationship
2012 - PC 236, false imprisonment with violence
2015 - PC 166(c)(1), contempt: violation of a protective order - misdemeanor
2015 - PC 166(c)(1), contempt: violation of a protective order - misdemeanor
2015 - PC 422, criminal threats.

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's prior criminal conviction(s) coupled with his or her current conviction(s) show a pattern of assaultive behavior or a pattern of similar criminal conduct that is increasing in severity. The inmate has a long history of domestic violence related convictions beginning in 2002. Since 2002 the inmate has sustained domestic violence related convictions in 2003, 2005, 2010, and in 2012. In 2011 and 2015 the inmate was convicted of violating protective orders. In 2015, the inmate convicted of a PC 422, criminal threats. So, the inmate's criminal history has demonstrated a pattern of domestic violence, and general violence that is increasing in severity.
2. The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his or her current conviction(s). The inmate was released from CDCR and placed on parole on 9/7/16, for a felony violation of PC 422, criminal threats. The inmate was convicted of the current commitment offenses, PC 273.5(f)(1) and PC 236, on 4/9/19. Thus, the inmate did not remain free from incarceration the five years prior to sustaining the convictions for the current commitment offenses.

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's criminal history demonstrates a pattern of assaultive behavior that is escalating in severity. The inmate did not remain free from incarceration the five years prior to sustaining the convictions for the current commitment offenses. The inmate's conduct demonstrates a lack of rehabilitation, ongoing violent criminal thinking, and an overall reckless disregard for the safety of the public. The inmate has not sustained a PC 667.5(c) conviction within that last 15 years. However, the inmate's criminal history demonstrates that the inmate has a strong propensity for violence. The aggravating factors far outweigh the mitigating factors.

Case Factor #3 - Institutional Adjustment

The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since May 28, 2019, a period of approximately 2 years and 7 months.

The inmate has been involved in the following activities:

The inmate has not sustained any rule violations during his incarceration.

The inmate has participated in the following:

WORK, VOCATIONAL, EDUCATIONAL

09/23/2021 Warehouse Worker Currently Assigned 09/23/2021, 2.5 months, 261 hours
05/05/2021 Warehouse Worker Unassigned 09/22/2021, 4 months, 536.75 hours
05/23/2020 Porter Unassigned 04/21/2021, 11 months, 1195.75 hours
11/19/2019 Porter Unassigned 04/23/2020, 5 months, 715.25 hours

REHABILITATIVE PROGRAMMING

04/05/2021 NARCOTICS ANONYMOUS Unassigned 04/21/2021. 2 weeks, 4 hours
06/20/2019 NARCOTICS ANONYMOUS Unassigned 06/20/2019, 1 day, 1 hour.

MENTAL HEALTH PROGRAMMING

The inmate has participated in approximately 36 hours of mental health programming.

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 or her 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 or her 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.
2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior, such as domestic violence.

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 not participated in the needed duration and variety of rehabilitative programming to effectively assist the inmate with the internal factors that contributed to the commission of the commitment offenses. The inmate has participated in about 5 hours of substance abuse programming. The inmate has participated in mental health programming as well. This is commendable. However, the inmate has a long history of domestic violence convictions, including his current commitment offenses. The inmate needs additional programming that would effectively assist him with identifying and addressing the internal factors that contribute to his perpetual violent behavior toward his significant others. The inmate has not participated in the a vocational, working, and/or educational program for a sustained period of time. The inmate has participated in some working assignments. However, not enough that rises to a sustained period of time for this particular inmate. The inmate has not sustained any rule violations while incarcerated, nor is there any confidential information contained in the inmate's file indicating that the inmate has participated in undetected violence or criminal activity while incarcerated. These factors are commendable. Nevertheless, it has been noted that the inmate's particular victim pool is not accessible to the inmate while incarcerated. The aggravating factors outweigh the mitigating factors.

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: Carroll Tims, received 11/5/21.

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, 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 facts of the commitment offenses are violent and aggravating. The inmate held his significant other in a house against her will while he choked her, threatened her, brandished a weapon, threatened to kill her dogs, and held her in head locks. The inmate's criminal history is aggravating because the inmate's criminal history demonstrates a pattern of assaultive conduct that is increasing in severity. The inmate's institutional adjustment is aggravating because the inmate has not participated in the needed duration and variety of rehabilitative programming needed to effectively assist the inmate with identifying and addressing the internal factors that contributed to the commission of the commitment offenses. The inmate has not participated in a working, vocational, and/or educational program for a sustained period of time. The inmate has not sustained any rule violations during his incarceration, and there is no confidential information contained in the inmate's file that indicates the inmate has participated in any undetected violence or criminal behavior while incarcerated. These factors are noteworthy. However, considering all of the factors, the aggravating factors outweigh the mitigating factors. The inmate is denied for release.



December 6, 2021

SIGNATURE

REVIEW DATE

NIJER, CHRISTINE - 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.