

COMPREHENSIVE RISK ASSESSMENT
FOR THE BOARD OF PAROLE HEARINGS
FORENSIC ASSESSMENT DIVISION
CHUCKAWALLA VALLEY STATE PRISON

Copy to
Inmate via CCI
6-26-09 PS

I. IDENTIFYING INFORMATION

Inmate Name: Chuck Johnson
CDCR Number: K-11650
DOB (Current Age): 9/25/69: 39
Controlling Offense: PC 187 First Degree Murder
Date of Offense (Age at time): 10/10/93: 26
Sentence: 25 years to Life
County of Commitment: San Bernardino
Date Entered into CDCR: 6/20/96
Date Received at Institution: 2/5/09
Placement Score: 19
MEPD: 1/25/11
CDCR Forensic Evaluator: Robin Campbell, Ph.D.

II. SOURCES OF INFORMATION AND SCOPE OF ASSESSMENT

The inmate's Central File and Unit Health Record (UHR) were reviewed. The information used to come to the following conclusions and clinical findings was based on a review of the inmate's C-File and UHR. The reader is respectfully referred to the prior records for a full background and summary of the inmate's psychosocial background and history. Although all of the available documents were reviewed in detail, for the sake of brevity and clarity, only summary information as it pertains to the referral questions will be provided.

The inmate was interviewed on 6/4/09. He was informed that the interview was not confidential and that a report with the results of the assessment would be submitted to the BPH. He was also informed that the psychological report is one of many factors considered in determining parole suitability. He appeared to understand the nature of the evaluation and the possible consequences of the interview to the best of his ability. For reasons not limited to the possibility that an individual may have a mental disability or condition that may qualify under the Americans with Disabilities Act, the evaluation was conducted by a licensed psychologist. A Senior Psychologist for BPH, Dr. Jasmine Tehrani, was present during the clinical interview for observational purposes.

It was the conclusion of the undersigned examiner that it was not necessary to use auxiliary aids to achieve effective communication. Effective reciprocal communication was established by virtue of a series of questions by this evaluator and appropriate responses by the inmate, including the right to refuse to participate in his BPH psychological evaluation. This evaluator is not responsible for any inaccurate statements or subsequently changed opinions expressed by the inmate. There was no attempt to verify the information presented by the inmate other than by a review of the record.

III. PSYCHOLOGICAL QUESTIONS TO BE ANSWERED IN THIS EVALUATION

- 1) The prisoner's violence potential in the free community.

IV. BACKGROUND INFORMATION

This current report is an initial report to the BPH, and only information relevant to the current assessment will be addressed. The reader is respectfully referred to the C-File for more complete background information. At the time that this report was written, there was no documentation report to the Board available for review. However, the C-File should be consulted for any questions or concerns regarding background information, unless otherwise clarified below. This evaluation will contain any notable changes in status relative to the assessment of violence risk.

CHILDHOOD/ADOLESCENCE:

Family History:

Mr. Johnson was born in Richmond, Indiana and came to California most recently when he was 21. At that time, he had a sick grandparent who came to California to see a specialist. His parents divorced when he was about a year old and he was raised by his mother and his stepfather. He considers his stepfather to have been his best friend. He denied any difficulties getting along with him, except for "normal teenage kid problems." His stepfather worked in the military and then for the Department of Corrections. Both of his parents are deceased and passed away when he was incarcerated. He has one younger sister with whom he maintains contact. When he was growing up, contact with extended family was infrequent, due to many of them being in the military, but it was consistent. "My grandfather and my mom were close. My grandfather was retired and travelling around seeing his grandkids. When I was a baby, he was my hero. We made sure that we stayed with them once or twice a year. We would go camping."

As far as the inmate knows, there were no prenatal conditions or complications with his birth. There were no developmental delays and his developmental milestones were met on time. He was never on medication for a chronic illness or emotional problem, and was never treated for hyperactivity or attentional problems, although looking back he believes that he might have had some problems with attention. He reported having a head injury after a car accident with no loss of consciousness. Mr. Johnson describes himself as a child as "sociable and curious".

There is little evidence that the inmate qualified for a diagnosis of Conduct Disorder prior to the age of 15. The inmate said that he had some problems with fighting, "I was short. I had one of those short man complexes, I guess you could say. I was hyper as a child. I acted like that." He said that he stole "some Matchbox cars from K-Mart." He denied significant truancy, as the school computer would have called home and he would have been punished for it. He ran away once because "I was grounded for something and I thought it wasn't fair. I was gone for a couple of days." He stayed with friends who informed his parents of his whereabouts. He did some lying "to fit in ... to get out of trouble for ditching class or something like that. Not for any grand reason." He used marijuana "a few times between 13 and 15 ... Everybody was doing it. I was curious." He used "a couple of dozen times - give or take." Mr. Johnson denied vandalism or sexual or physical aggression. In addition, he denied weapon use. From the age of 15 to adulthood, he also denied serious problematic behaviors, denying vandalism, running away,

chronic lying, or physical or sexual aggression. He was suspended for ditching school. He stated that he fought "maybe a couple of times" and started drinking at the age of 17, getting alcohol from stores and drinking with other people. He denied use of a weapon. He denied gang involvement.

The inmate said that he was closest to his mother when he was growing up. His stepfather had some difficulties adjusting after he came back from Vietnam and there was some violence in the home. "He would yell a lot, would hit my mom sometimes ... Him and I ... when I started getting into my teens, we got into it." He said that his stepfather would hit him "enough that I remembered it" but did not characterize it as abuse. He said that the relationship changed for the better after his stepfather recovered from the combat-related stress. He denied sexual abuse or other physical abuse. Mr. Johnson said that there was some family legal trouble, as he had an uncle who served "county time." He denied a family history of mental illness or substance abuse. He described his family as "average ... blue collar, middle class. My mom was not quite a soccer mom, but she was a PTA type of mom. My dad was hard working. He said very much with very little words ... very supportive. Didn't have an enemy in the whole world. Very supportive family." He described his childhood as "outside the average ... we moved around a lot. A lot of times it was just my sister and I. We got along real good. At birthdays and Christmas we got a lot of board games. My sister and me, we played a lot of sports." Mr. Johnson said that he worked to gain his stepfather's approval and found it rewarding. "Yes ... I would say so." He laughed and said, "My dad's personality ... If I did something big for my mother ... I would wait for him to give me the nod. That was priceless. With my dad, actions spoke louder than words."

The inmate said that he was disciplined as a child by both parents. "It was fifth-fifty. We would get a spanking with a paddle or belt. As I got older, it was a grounding. If it was [serious like] ditching school, they would take all of the luxuries out of my room and just leave in the school stuff. During the summer time, if I got in trouble, I would get sent to my grandparent's house."

The inmate said that he got along well with his family members and describes his family relationships, past and current, as rewarding. He has contact with his sister, aunts, uncles, and cousins. He gets letters from his sister and will hear from her by letter "a couple of times a month if it gets too expensive to call." He has contact with aunts, uncles and cousins every other month. He tries to avoid calling, as it is expensive. The only visits he gets are from his sister when she comes out to California. Most of his family lives back East. He has some letters of support and is waiting for more updated ones.

EDUCATION:

Mr. Johnson dropped out of school in the eleventh grade. "I was just burnt out ... just got bored with it. I was a very active person ... I just got lazy. I regret it. I should have stayed in school." When asked how his parents reacted, he said, "They were mad. They couldn't understand it. I had this conception that I don't need school ... I don't need this. I didn't see the bigger picture. I saw the future as three months. I was naïve." He was in Special Education for Math and Social Studies. "I had no interest and so they thought that I couldn't do it." He denied having problems with his peers and said that he still has contact with some childhood friends. He did, however, have some problems with authority, having an attitude of "If you aren't my parents, you can't tell me what to do. I was a class clown." The inmate was never held back or expelled. He obtained his GED while incarcerated and has attended Coastline Community College, working on his

Associate's Degree. He has received good grades, mostly As and Bs with one C. His family contributes funds for his education. His attitude toward education has changed. "I am just ... I guess my curiosity is bigger now. I guess I don't have all of my friends around me to tell me to go here or to go there. I used to think a lot about what people thought of me, now I don't care. It is like the old cliché – wish I knew then what I know now." He has a GPL of 12.4.

PSYCHOSEXUAL DEVELOPMENT / SEXUAL ORIENTATION:

The inmate stated that he went into puberty at about the age of 13 or 14. His first sexual experience was when he was 17 with an older, consenting female. She was the older sister of a friend. He has had "maybe a dozen" sexual partners, seven or eight of them in the context of a relationship. The rest he labeled as "one night stands." He describes his sexual orientation as heterosexual and has no concerns or conflicts regarding his gender identity. Mr. Johnson denies a history of non-normative sexual behaviors, such as paraphilias, prostitution, pimping, aggressive sex, group sex, or obscene phone calls. He went with some friends when he was 16 to visit a prostitute, "but I chickened out." He has never had treatment for an STD. There are no RVRs in this reporting period that would suggest inappropriate sexual behavior. There is no self-reported history of sexual violence.

MARITAL / RELATIONSHIP HISTORY:

The inmate is married. The two got married one year before his incarceration and the marriage lasted for 17 or 18 years. They lived together for a year and a half prior to the marriage, living with his wife's parents. He says that contact with his wife has become more infrequent recently, as she moved to Wisconsin. "We have had a couple of arguments about the kids. I don't see my kids that often." He gave the impression that he is afraid to query too closely or to press matters for fear of precipitating a crisis in the marriage. He learned about her moving about five months ago and says that that they have not had much contact since. "I don't know what she is thinking ... and I don't want to bring it up. I am semi-scared to bring it up. I think that she just doesn't want to shoot it at me. I think that she is just being considerate of me." When asked what he thought his wife got out of the relationship, he said, "At the beginning, I figured that she ... she is a big dreamer. I think I was giving her what she wanted. I think that she found self-reliance, a team, a partner. We had a couple of sons. I think that she felt useful."

Prior to his marriage, the inmate reported that his relationships were not very long, due in part to the fact that his family moved around a lot. Some of the relationships ended because he moved, some because either partner became interested in someone else, and one because he was not faithful. There was violence the relationship with his wife. "I have a spousal ... I don't know if they call it that ... I think that they just call it battery." There was some mutual substance abuse in some of his relationships. "I had a girlfriend who used speed ... we had an argument about it." There were "some bad arguments" but no pattern of chronic conflict or turmoil. Mr. Johnson admitted that his drinking was problematic in his relationships. "It became an issue a couple of times."

Given the length of his marriage under these circumstances, it appears that the inmate may have the capacity to form and maintain an intimate relationship which is an important component for social support in the future.

ADULT PEER RELATIONSHIPS / GANG AFFILIATIONS:

Mr. Johnson denied a history of gang affiliation. He maintains ties to the community and says that he has amicable relationships with most of the people that he comes into contact with in the institution. He reports positive adult relationships. "I have a couple of friends in Avenal. I have one friend who is paroled – he writes me. I didn't want to come down here, I had a lot friends in Avenal. We all went to the same church. The majority of us were lifers." He is adjusting and said, "I mind my own business. I am not a loner ... I think of myself as a people person. [Right now] I just keep to myself. I play a lot of sports." When asked about any social activities that he attends, the inmate said, "I go to church, I play a lot of soccer, I go to AA. I have a few friends; we read books [together]." Mr. Johnson is on the waiting list for ADV and Toastmasters. "I was in CGA at Avenal – there was a guy on the yard at Avenal ... he used to talk about the resources that you could get into." He maintains ties to the community, having contact with his brother in law, his cousin, and the Los Angeles Diocese. He considers members of the church in the community to be friends. In addition, the inmate says that he gets along well with his co-workers and supervisors. He said that at work, "We like to laugh." He has a laudatory chronos for work performance and his work ratings are superior.

LEISURE / RECREATION:

The inmate tries to use his leisure time productively. He enjoys reading, doing puzzles, playing sports, and will "catch a good movie on TV." He is starting a rosary program in church. "I am in-between semesters right now, but usually I study." He enjoys reading fiction and has an interest in oceanography and marine life. "I love National Geographic." Mr. Johnson says that he was more productive when he was at Avenal. "Right now I don't have papers due or deadlines. There were some people who were illiterate in Avenal, I would help them. I was in the process of learning Spanish. There were a couple of people there who were helping me with my Spanish."

MILITARY HISTORY:

The inmate has never served in the military.

EMPLOYMENT / INCOME HISTORY:

The inmate says that he primarily worked in fast food when he was in the community. "I had a paper route before that, but then my first real job with the public was with Carl's Junior." He worked at the age of 15 after school, on a part-time basis. He also worked in a flower shop and at a pizza restaurant. He also worked in a window frame factory and in construction. "I had a couple of friends who gave me construction jobs, and then I got back into fast food, got a couple of jobs." He last worked as an electrician's apprentice, working on cooling towers. He has also worked in a dairy, doing maintenance and construction. Mr. Johnson said that the length of the job depended on the area. The shortest period of time that he worked was for a month for a McDonalds, when he got offered a better job. His longest job lasted for two years. He only left one job because he wasn't getting paid. He was never fired but was laid off when the window frame company wasn't doing well. "I was low man on the totem pole." He never left a job without another in reserve. He got along well with his coworkers and supervisors. He was written up once for being late, but there were no other disciplinary actions.

If he is released, the inmate hopes to work. "My strongest points when I get out would be a warehouse job and or like a job in customer service filling orders for parts." When asked about his aspiration, he said, "I would do ... what I would really want to do is ... I would like to buy a boat and start my own business. Fishing ... charters." He has some experience in the industry. "[It was] more under the table. But that is more of a dream."

PAROLE PLANS IF GRANTED RELEASE:

The inmate stated he is working with the Catholic Church to arrange for residence and says that his parole plans are not yet firm. His contact in the community is Sister Mary Sean Hobbes and he has regular contact with her. He plans to support himself by working and his family will also help with the finances. When asked about specifics, Mr. Johnson turned red in embarrassment. "I feel really stupid. I haven't gotten that far." When asked why he had not solidified his plans, he said, "Actually, it is my initial [hearing], so I know it won't be good. I have been focusing on my schooling and working on personal issues." He stated that he thought that self-improvement was a beneficial use of his time. When asked what it was that he was working on, he said, "Morals ... anger. Like I said, there are a lot of different personalities and characters [here]. I have been working on how to accept it, to say, that is him ... that is how it is. How to be happy all of the time. I have anger issues – I am trying to learn how to not get angry." The inmate stated that he has been using techniques such as breathing and talking to others to get a different perspective and has found this helpful in managing his emotions more adaptively.

He considers his family to be his social support and also has "a few friends that I have met in the last ten years that I have learned to respect. I have grown a lot ... I am not the same person I was ten years ago. What really helps is that a lot of people have done a lot of time. They can understand things that my family can't understand." He plans to continue to attend AA. "I haven't drank anything in so many years. I can help someone. I have a list of places in a few counties. I have an idea for a letter to send to a sponsor." When asked why he hasn't yet sent the letter off, Mr. Johnson said that he has been focusing his efforts on self-improvement, as he sees the chance of getting paroled to be slight. "I haven't done it because ... just ... I don't think it's necessary. I know I won't be getting out this time. I don't think it will be worth the time right now. Going to AA and helping out other people ... right now, I am comfortable with that." It did not appear that the inmate was pessimistic or hopeless, but that he had a realistic view of his situation. His focus on self-improvement and serving others appears to be a good use of his available resources and a good foundation for a successful transition into the community in the future. He seemed aware that his statements could be construed as a lack of interest in parole, but said that this was not so. He did not state or intimate that he was not interested in, or not prepared to parole, but viewed his current actions as being the best course at this time.

The inmate has no physical problems that would hinder his functioning in the community. Mr. Johnson's plans appear to be reasonable. He is aware of the resources that he will need and has planned for social and financial support. He has plans for residence. His prognosis for a successful transition into the community is good. It should be added that his parole plans are based on his report and are subject to independent verification.

V. CLINICAL ASSESSMENT

MENTAL HEALTH HISTORY:

There is no significant history of mental health treatment in the community. Mr. Johnson has never been involuntarily hospitalized or received psychotropic medication on an outpatient basis. There is no evidence of a mental disorder that is related to episodes of violence or the instant offense. He has no history of seizures or other neurologically based conditions. There do not appear to be any current suicide concerns. He has been in treatment since he has been incarcerated, but is no longer under the care of CCCMS or MHSDS. Mr. Johnson was originally treated for anxiety and depression and did take psychotropic medication. "When I first came to prison, I had trouble sleeping, I was stressed out. My uncle works for the federal prison as a counselor. He said that I should talk to a psychologist and I did. I saw a psychiatrist and got medication that helped me sleep." He has had Anger Management and parenting classes. He reported having a head injury when he was a child, saying that he was in a car accident and had a concussion. He said that he "lost time" but did not lose consciousness.

He is asymptomatic at this time and reported that treatment was very beneficial. There were no prior mental health evaluations available for review at the time this report was prepared.

MEDICAL HISTORY:

There do not appear to be any medical conditions that would limit the inmate's daily functioning. There are no significant visual or hearing impairments and no medical conditions that would limit ambulation.

SUBSTANCE ABUSE HISTORY:

Mr. Johnson said that he has used marijuana and alcohol. He tried LSD once. He says that alcohol was the most problematic for him. When asked how much he was drinking at its height, and said, "It was a lot. It was more than people than twice my weight. The year before my crime, I was drinking daily – a couple of shots a day and a six pack a day. I felt like I had to have a buzz every day." His drinking started when he was 19 and when he reached the legal age for drinking, his alcohol use increased. "I was a functioning alcoholic. I went to work every day, I went to work." He reported a detrimental effect from drinking on family, work and relationships. "I woke up late a couple of times, got written up ... that is the reason I was late." He had minimal substance abuse treatment when in the community, having been in detox overnight one time.

ROLE THAT ALCOHOL/DRUGS PLAYED IN THE COMMITMENT OFFENSE AND INMATE'S ABILITY TO REFRAIN FROM FUTURE USE IN THE FREE COMMUNITY:

It appears as if alcohol use played a role in the Life crime, even if indirectly. The inmate reported that he had been drinking the night before the crime and after the crime, he drank as well. He has been working in substance abuse treatment and has worked on a relapse prevention plan. He described his commitment to sobriety as solid, due to the consequences of the crime and also because of the progress that he has made in treatment while incarcerated.

When asked about why he thought it was that he drank, Mr. Johnson said, "It is a negative – nasty. I won't say I hate it, but I am glad that it is not in my life. My life is way better now that I am not drinking. Because as far as I am concerned, I am a happier person, I like where I am now. I don't need it. Before I couldn't say no, I used to say, 'I can't say no to a cold beer, I can't say no to ice

cream.' Now I can. It has been there, but I have no craving for it at all." When asked what would keep him from drinking the inmate said, "After what has happened to me in my life, it would flash before my eyes. It is non-negotiable, it is not worth it." He emphasized that it was not the external constraints that would keep him from drinking. "If I get away with it or not, it would be the first step. There is your heart and there is your brain ... my heart wouldn't go there."

When asked what he would do if he had a strong desire to drink or use, Mr. Johnson said, "I would call one of three people – my three close friends. [I would] call my sister, cousin. I would call a sponsor." He was able to identify triggers for using, saying, "A big gathering with alcohol. A wedding, a big party. Maybe New Year's ...". In regard to managing those high risk situations, the inmate said that he would inform others that he cannot drink. "Worst case scenario – last resort, I would rather leave. I think I would ... I think I would tell other people that I had been invited [to someplace where there could be drinking], just in case."

The inmate says that he uses the principles of AA and applies them to his life. "I have a moral view of things, of myself. And my shortcomings. Whatever I do affects and reflects the things around me. Taking a moral inventory of myself – of right and wrong. I am not the only one who suffers from this... [my] drinking alcohol."

Mr. Johnson did not blame his behavior during the Life crime on drug use or any other external factors. He has worked in substance abuse treatment while incarcerated and has demonstrated his understanding of those things that he has learned in treatment. It appears that the inmate's ability to refrain from using drinking or using drugs in the community is good, but any opinion regarding his risk is subjective and speculative in nature, and should be interpreted with this limitation in mind.

CURRENT MENTAL STATUS / TREATMENT NEEDS:

Mr. Johnson was alert and oriented in all spheres and demonstrated clear and unimpaired cognitive functioning. He presented as neatly dressed and groomed, wearing a yellow jumpsuit. He is somewhat small of stature and appeared younger than his stated age. He was clean-shaven. His clothing was clean and well-maintained. He expressed himself with no difficulty, except when discussing the Life crime. He did appear to be nervous initially, but he became more relaxed as the interview progressed. He was forthcoming. His psychomotor activity was within normal limits.

The inmate's mood was euthymic. His affect was within normal limits, if tense at times. He was subdued. His responses were relevant and on-topic. He was able to track and follow the conversation with no difficulty. He seldom needed clarification or restatement of a question, and did not appear to have any difficulties in comprehension. His ability to abstract was intact. His thought process and content were unremarkable and the content of his speech was logical and goal-directed.

The inmate's memory functioning appeared to be intact, and there was no evidence of cognitive impairment. Based on his responses and behavior during the interview, his cognitive functioning is estimated to be in the at least average to above average range. The inmate showed no evidence of psychotic or delusional material in his thought content or process. Eye contact was good and

rapport was able to be established. The inmate showed no unusual mannerisms or expressions. He had adequate insight into the current situation and the purpose of the evaluation.

IMPULSIVITY / BEHAVIORAL CONTROL:

There was no evidence of behavioral or emotional instability during the interview. His attitude toward the interviewer was courteous and cooperative. At no time during the interview was he irritable or hostile. Throughout the interview, he was attentive. He has three 115's, one for having a new tattoo, one for mutual combat, and one for participating in a sit down strike. He reports that he has had no difficulty in managing his behavior adaptively.

Given the facts of the crime, the question of behavioral stability is an important one. Mr. Johnson was asked about any recent situations where he had trouble maintaining his behavior. He said that, in general, he doesn't have problems with irritability, but he admits that the attitude of other people can be bothersome. "Someone's attitude – I think that the thing that irks me the most is that people choose to not communicate ... to be very inconsiderate toward me or people around me. I have a few people and I will talk to them. Rather than just confront them like I would have in the past, I just go and sit down and just focus on it and talk about it. Because if I don't verbalize it, it will just build up. If I don't have anybody [to talk to], I will just walk away. I haven't been in the situation where I couldn't talk about it or walk away. If I couldn't get away, I might try to make light of it ... with a sense of humor. If it is a total stranger, I can just let it go. I have found that making it humorous helps it go away."

DIAGNOSTIC IMPRESSIONS:

There are no current mental health concerns. Mr. Johnson does not appear to meet DSM-IV-TR criteria for a personality disorder.

Axis I:		Alcohol Dependence in Sustained, Full Remission, in a Controlled Environment.
Axis II:		No Diagnosis
Axis III:		Deferred to physician

Based on his history, the inmate meets the diagnostic criteria for Alcohol Dependence as identified by the Diagnostic and Statistical Manual - Fourth Edition, Text Revision. Specifically, he engaged in more than a one year period of alcohol use that resulted in clinically significant impairment. He drank an increasing amount over time, his work, relationships, and family were negatively impacted, and he was unable to stop drinking, despite the negative effects. It should be noted that this substance use diagnosis is based entirely on historical (pre-incarceration) factors and that the specifiers "In Sustained, Full Remission, In a Controlled Environment" are included because he is in an environment where access to substances is restricted.

VI. CRIMINAL HISTORY / REVIEW OF LIFE CRIME

JUVENILE AND ADULT RECORD / PRIOR PRISON COMMITMENTS:

For a complete review of the inmate's criminal history, the reader is respectfully referred to the Central File – specifically the Probation Officer's Report of 1996, the CLETS printout, and the LPE. The inmate has no juvenile legal history.

PRIOR PERFORMANCE ON SUPERVISED RELEASE:

Mr. Johnson has no history of failure on supervision.

LIFE CRIME:

A complete description of the Life Crime can be found in the record. The crime can be briefly summarized as follows:

On October 10, 1993, the inmate had been interacting with the victim since early morning, and had tried to distract and keep her occupied so that the rest of the household could sleep. In slamming the door to his room, he struck the toddler and she began to cry. The inmate suffocated her in an attempt to quiet her. He then put her body in the closet and attempted to conceal her death, lying to her parents and police about her whereabouts.

REMORSE AND INSIGHT INTO LIFE CRIME:

Mr. Johnson appears to have regret for his actions and the consequences to the victim. As far as can be ascertained, he has gained some insight into the causal factors that led to the Life crime. It should be noted that this opinion regarding his remorse and insight is subjective and not objective in nature. Insight and remorse are abstract concepts and do not lend themselves to operationalized definition or measurement. Any opinions regarding insight and remorse should be interpreted with this caveat in mind. There is no evidence to suggest that an increase or decrease in the inmate's insight will impact his risk assessment in a significant manner. However, it seems like common sense that a person who regrets an action, or sees their own contribution to a tragic event will be more cautious and less prone to irresponsible or unconsidered behavior in the future.

When discussing the crime, the inmate became visibly upset and his narrative became disjointed at times, especially when discussing the actual murder of the victim. Mr. Johnson described the crime as follows. "I was getting frustrated, and ... um ... I got angry and she wouldn't listen. And out of anger, I went to slam the door and it hit her. And everyone was asleep and I panicked and I wanted her to stop screaming ... it was an accident. I had no intention ... to ... I stopped thinking and just started acting. I shut the door and it hit her in the head. She wouldn't be quiet, so I just ... put my hand over her ... she wouldn't stop crying ... All logical thoughts stopped."

"I didn't know what to do ... people were knocking on my door ... 'Where is Brittany at?' I played it off, saying I didn't know." He paused and said, "It isn't that easy to talk about it." Mr. Johnson continued, "I had to find ... I had to find a way to get out of the situation I found myself in." The inmate became tearful and said, "I thought I would buy myself some time by hiding her. And get out of part of the house and act like I was looking for her. And things were out of my

control. I didn't know what to do. I just played naïve. I was scared. I was confused. Everything was going too fast. I hid the body. The police were there. I led one to the back of the house. And then I just walked in front of the house."

✓ "I tried to keep her quiet and when people were getting up ... and I thought, 'What am I going to do?' ... 'What am I going to do?' ... So I hid her in my room and came out. People were panicking, mad. I picked up a phone and gave it so someone ... I walked to the front of the house – I didn't know what to do."

✓ When asked when it was that he knew that he killed the child, the inmate said that it wasn't until later that he realized that she was dead. He was asked why it was not clear immediately and he said, "When I hid her, I threw a bunch of stuff on her. Which made it worse. And I just figured that when she was found ... I was thinking, 'Uh oh, uh oh ... What am I going to do?'" Mr. Johnson was not immediately arrested. "When we were released, I went to a bar had a couple of drinks and then drove to my in-law's house to see my kids. And I went to my sister's after that. I didn't know what else to do."

"I was being selfish ... I thought she was alive. Actually I didn't think about anyone else at all. I didn't think that I killed anyone. I found out later that day, I was shocked. You know how rumors start? I heard that the police were looking for me. The phone rang ... and that was when I found out about it. I didn't believe it. I called my dad and he said to work with the police – he told me that they were professionals and to not play the game. I didn't admit to anything but my dad told me to turn myself in. Without my dad there, I denied doing anything. I didn't accept responsibility for it. I was in over my head. I kept thinking that I didn't know what to do."

When asked what he thought it was that led to the murder of the victim, Mr. Johnson said, "My wife and I were split up at the time and I was renting a room. The people that I was renting the room from ... they let Brittany run around more freely than I would have. I got up early to work things out with my wife. I was cleaning out my car. She kept bothering me ... I went into my room she kept coming in. I was tired and I was frustrated, and I slammed the door." He paused and said, "My wife and I were split up because I hit her." He said that felt frustrated and impatient. "I was grumpy – really annoyed. I remember thinking that I wished that someone would get up because I am not here to baby sit. I was sort of a guest in the house ... I didn't want to be a problem starter." The inmate also noted the effect of alcohol on his ability to manage his behavior. "I drank the whole night before ..., I wasn't in ... after the crime ... and ... everything. I was stressed out and scared and I really didn't say much. After I was able to get away from the officers ... I drank a couple of cans of confidence." He sat quietly for some time before the interview continued.

When asked if he thought that his Life sentence was a fair one, Mr. Johnson said, "Morally, yeah. I don't want to be here. I would like to go home, but who am I to say that?" He said that he thinks about the victim "All of the time. My niece was the same age, and my niece is now a nurse practitioner – wants to start her own family. I wonder what Brittany would be doing now. I still see her photo in my head. There's Darren [the victim's father], he looks like an actor that I see on TV, and whenever I see the actor, I think of Brittany. When I think of anger and drinking and AA or parenting classes ... I think of her all of the time. When I write to my niece I think of Brittany, they have the same characteristics. She would be twenty years old. I think about her all of the time. I think about the family. I wonder if they are still together, I wonder if I will see them at the

Board hearing. I wonder if I should say something, I wonder if they will say anything to me.” When asked what he would say to them if he did see them, Mr. Johnson said, “I would want to say that there was no motivation – no purpose, but I wonder if they would even believe me.” The inmate was asked if there was anything that he wanted to say to the Board and said, “I would just want to be honest. I am not the same person I used to be. I don’t know. It would depend on what they are going to ask me.”

When asked to tell a little about himself, the inmate said, “I used to be a loud, obnoxious person. I used to crave attention. I used to enjoy making people laugh, I am more reserved. I am not a loner by no means, I don’t need attention all of the time, like I used to. I enjoy people around me. I still like to laugh. I really focus all of my attention on avoiding negativity. I try to focus on taking a negative thing and turning it into a positive thing. I am open minded more than I used to be, I am more insightful, I can take other options, other philosophies. I don’t like being bored. I don’t like to sit idle a lot.” When asked if he saw himself as a criminal, the inmate said that he did not. “Because of what I have done? Or what I think now? I don’t see myself as a criminal, I see myself as making a mistake in the past, and having committed a crime, but not as a criminal. I like who I am now.” He said that his greatest personal strength was his sense of humor. “I can laugh at most things. I am a hard worker. I got a good ear. I listen real well.” His greatest weakness is his impatience. “I am working on making it bigger, longer. It is not that I have to have it now ... but I am not as patient as I want to be.” When asked what he thought might be his biggest obstacle when on parole, the inmate initially said that he might be late reporting to his PO and then paused, reflecting. “When I get out of prison, being able to ... share that I have been in prison for so many years and to be able to be comfortable with that. Starting new relationships; it is a new world. The biggest change in him over his incarceration is “I guess it would be ... whew ... maturity, I guess. I am not as immature as I used to be. I am not as angry as I used to be.”

VII. INSTITUTIONAL HISTORY / PROGRAMMING

A complete record of the inmate’s institutional programming can be found in the record. For a list of those self-help activities that he has attended, please refer to the LPE. It appears that he has taken advantage of those opportunities available to him in terms of educational and vocational training. He has a number of laudatory chronos that reflect his positive programming and interest in self-help.

VIII. ASSESSMENT FOR RISK OF VIOLENCE

The current research literature indicates that an empirically based approach is the most reliable and valid method for assessing risk of future violence. In the present evaluation, two separate assessment guides were used to help estimate this individual’s risk for future violence in the community: the Psychopathy Check List – Revised (PCL-R) and The Historical – Clinical – Risk Management – 20 (HCR-20). In addition, the Level of Service/Case Management Inventory (LS/CMI) was utilized for assessment of general risk for recidivism, not violent recidivism, per se.

The data for scoring these instruments were obtained from information derived from the inmate interview and a file review. These measures are widely used and are supported research findings in the risk assessment field. They have been cross-validated with various forensic populations, including United States males in correctional settings. Ultimately, whether an inmate will engage in future violence is a function of a variety of factors that include history, personal disposition, and

situational variables. The evaluator has taken these factors into consideration in determining how much weight to give to each of the measures and in formulating an overall estimate of risk for future violence in the community. Estimates of risk for violence will be presented categorically: low, moderate/medium, or high, relative to normative offender populations.

1.) The prisoner's violence potential in the free community:

PCL-R: Mr. Johnson obtained a total score the PCL-R that places him in the **low** range of the clinical construct of psychopathy when compared to other male offenders. He scored higher than 9% of those offenders on this instrument. It should be noted that items were scored within the lifetime history of the individual and not on recent behavior alone. The endorsed items were related to interpersonal factors and background factors.

It seems as if Mr. Johnson has made progress while in custody. He did not present as lacking in empathy or callous. Those factors that increased his score on the PCL-R were primarily due to his history of impulsive behavior and not to interpersonal factors.

HCR-20:

The HCR-20 is a risk assessment tool that was developed from a review of the empirical literature concerning factors that relate to violence. The HCR-20 is used to assess risk of violence based on historical and dynamic risk factors (dynamic risk factors are based on clinical and risk management factors). This assessment represents a structured professional judgment approach and does not provide a scientifically meaningful actuarial prediction concerning a given inmate's likelihood of becoming dangerous after release.

Mr. Johnson's risk factors are related to his historical items and the inevitable stressors that he will face when he enters the community. On items tapping into background and history, his score was in the moderate range. On items tapping into clinical presentation, he scored in the low range. On items tapping into variables related to future risk management, he scored in the low range. He has no juvenile legal history, but has a history of substance abuse and relationship instability. It appears that Mr. Johnson has made some progress in understanding those factors that contributed to the Life crime. He does not have active symptoms of a mental illness. At this time, the inmate's parole plans appear to be reasonable, if lacking in detail. The inmate will have some inescapable exposure to destabilizers, and he has planned to buffer it with social support. There is no evidence that he will be exposed to a criminal element in his social support. He does not appear to have an active substance abuse problem that would lead to destabilization.

Mr. Johnson's overall score as measured by the HCR-20 was in the **moderate** range of violent recidivism. It should be noted that a portion of the data contributing to this risk estimate is not amenable to significant change regardless of the number of years of his incarceration or behavioral changes that the inmate has made.

Level of Service/ Case Management Inventory (LS/CMI): The LS/CMI is an actuarial instrument designed to evaluate levels of risk to recidivate. This instrument is focused on risk of general recidivism and not violence per se. Mr. Johnson's overall LS/CMI score indicates that he is in the **low** category, having scored higher than 6% of the North American sample of incarcerated male

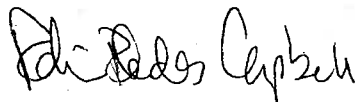
offenders. It should be noted that this estimate is based, to some extent, on historical factors that are not amenable to change.

Factors that increased his risk of recidivism were having been incarcerated and prior adult convictions. The factors that decreased his risk of recidivism included his current employment status, a lack of a current drug or alcohol problem, the presence of support from family members, and a lack of an antisocial mindset.

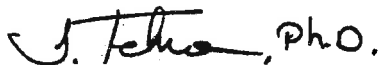
OVERALL RISK ASSESSMENT: After weighing the data from the available records, the clinical interview, and the risk assessment data, it is opined that Mr. Johnson presents a **low to moderate** risk for violence in the free community.

The inmate's risk of violent recidivism could be expected to increase if he turned to the use of intoxicating substances, associated with antisocial peers, possessed a weapon, found himself without a permanent residence, did not have income sufficient to meet his living expenses, or lacked social support in the community. He could decrease his risk of violent reoffense by developing and implementing a relapse prevention plan for criminal behavior, verifying all parole plans, examining and coming to terms with the causative factors surrounding the circumstances of the life crime, and developing proactive strategies to avoid those liabilities.

Respectfully Submitted,



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DATE APPROVED: 6/24/09

Note: If the inmate has any concerns or disagreements about the content of this report, he is free to offer said concerns, either verbally or in writing, at his next board appearance. If the inmate chooses to offer a written rebuttal, it can be attached to the current evaluation for future reference.

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