Parole Hearing – comparison of Psych Reports

* Child/Adolescent Development
* Adult Development
* Criminal History: Juvenile Record, Prior Performance on Supervised Release, Prior Violence (detailed list of violent acts)
* Mental Status – Suicide attempt
* Substance abuse
* Institutional programming
* Parole Plan
* Assessment Risk

Child/Adolescent Development (school truancies, fighting)

|  |  |  |  |
| --- | --- | --- | --- |
| Issue | 2009 Psych Report: | Parole | 2016 Psych Report: |
| Parents | Stated he would get a spanking with a paddle or a belt.  Stated that his stepfather was his “best friend.” Denied any difficulty getting along with him. Except for “normal teenage problems.”  Step-father “would hit my mom sometimes,” but described his step-father as “very supportive.”  Dad “didn’t have an enemy in the whole world – very supportive.” |  | Stated he was spanked, and reported no history of abuse.  Step-father “beat my mom really bad.” He would have to get his little sister out of the room. |
| Grandparents | Went camping with grandparents once or twice a year.  During the summer time fi I got into trouble I was sent to my grandparent’s house. |  |  |
| Fighting, suspensions | 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 stated that he fought "maybe a couple of times." |  | Stated “one to two fights a year” beginning in 5th grade “for no specific reason.”  Stated he was suspended 3 times for fighting. |
| Stealing | He said that he stole "some Matchbox cars from K-Mart." |  | Stated he stole money off of father’s dresser at age 13 or 14. Also stole a BB gun from Kmart at 15 for which he was arrested and released to parents. |
| Lying | He did some lying "to fit in .'.. to get out of trouble for ditching class or something like that. Not for any grand reason." |  |  |
| Truancy in school | He denied significant truancy, as “the school computer would have called home and he would have been punished for it.”    2009 Psych report states: “He was suspended for ditching school.”  Referring to being disciplined by his parents, he stated, “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.” |  | Stated he skipped school approximately once a week during a couple of class periods. |
| Held Back in School | Stated he had never been held back in school. |  | Held back in 9th grade because “moved a lot” and needed credits |
| Dropped out | Dropped out in 11th grade. “I was just burnt out, just got bored, got lazy.” | Said he dropped out in sophomore year (10th grade) p. 30 “I just went to work” | Dropped out of school during 11th grade to make money. |
| Special Education |  |  | Due to Behavioral issues. Believes he has learning disabilities, but not diagnosed. Later said he was “just lazy.” |
| Running away | 2009 Psych Report:  He ran away once because “I was l 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. |  | 2016 report – ran away “a couple of times.” |

Adult Development

|  |  |  |
| --- | --- | --- |
| Issue | 2009 Psych Report | 2016 Psych Report |
| Employment |  | Unstable employment history |
| Relationships | He denied having problems with his peers and said that he still has contact with some childhood friends. |  |
| sons | “I don’t see my kids that often” due to having arguments with his wife. | No contact since they were 5 or 6 years old. Said oldest said he put alcohol first (no mention of abuse or murder.) |
| Extended family | 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 has contact with aunts, uncles and cousins every other month. He tries to avoid calling, as it is expensive. Most of his family lives back East. |  |
| Sexual relationships | His first sexual experience was when he was 17 with an older, consenting female. She was the older sister of a friend. | First sexual experience was with a same-aged female. He denied having sex with minors.  (Angela was 16 when started dating, she was 17 and pregnant when married, he was 22.) |
| Marriage | Stated they were married one year before his incarceration and the marriage lasted for 17 or 18 years.  Stated they lived together for a year and a half prior to the marriage, living with his wife's parents.  Re: her moving and not talking to him – “I think she’s being considerate of me.”  Asked what his wife got from the relationship: “I think I was giving her what she wanted. I think she found self-reliance, a team, a partner.”  Psych - “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.” | Stated he was married for 2 ½ years. He stated they had not had a relationship since the time prior to his arrest.  (Fact – Lived together for 6 months before marriage moved in Dec 1991, then married 5-9-1992.)  Reason for separation: “my history of abuse of alcohol and being incarcerated. I verbally abused her. I was arrested once for being physically abusive.” He stated he “slapped her.” “I think being an excessive drinker contributed to that.”  (No mention of black eyes or other injuries.) |
| Spousal abuse | 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 were "some bad arguments" but no pattern of chronic conflict or turmoi1. | Minimizing multiple instances of abuse, pattern of violence (see Application for Domestic Violence Order) |
| Relationships | He maintains ties to the community, having contact with his brother in law, his cousin, and the Los Angeles Diocese.  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." The only visits he gets are from his sister when she comes out to California. | Maintains contact with his sister who he writes monthly and some of his cousins. He also continues communication with a few friends he met through incarceration. |
| Finances |  | Stated no history of financial negligence, defaulting or failing to pay rent. |

Criminal History

|  |  |  |
| --- | --- | --- |
| Issue | 2009 Psych Report: | 2016 Psych Report |
| Violent or criminal acts | From age 15 to adulthood - 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. | CII record and the Probation Officer’s Report indicated no juvenile criminal record. (Due to name change?)  Johnson said he was arrested at age 15 or 16 for stealing a BB gun from Kmart. |

History of Criminal Acts:

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Incident/Statement | Witness | Document |
| childhood | Multiple fights in school | Chuck Johnson | Psych Report 2016 |
| 7-11-1989 | Petty theft (stole gas) | Chuck Johnson | Psych Report 2016 |
| 1991  (Interview 10-12-93) | JOHNSON had pulled a knife on her two  times and had told her, "l could kill any one.” She described him as an  "angry person." | Tammi Sepe (previous girlfriend) | 93-6318  DONLEY #50  Supp. #5  Page 6 |
| Feb 1991 | Angela (16) began dating Chuck Johnson (21) |  |  |
| Easter 1991 | Chuck JOHNSON told Wood that he had the perfect way to kill someone. He went on to  explain that all you would have to do was to come up behind someone with a plastic qrocery sack and tie it around their neck and they would suffocate slowly. Johnson also braqqed about crimes he had committed in other states. | Lisa Wood | CR# 93-6318  SUPP#16, PG 2  #50 DONLEY |
| January 1992 | First violent incident. Slapped her at the beach at a friend’s birthday party. | Angela Johnson | 93-6318, Supp 10, DeMoet, p. 5 |
| May 9, 1992 | Angela and Chuck married. (Angela 17 years old, Chuck was 22) | Angela Johnson | 93-6318, Supp 10, DeMoet |
| July 1992 | Johnson stayed out all night. They argued a few days later. He broke a phone and slapped her. | Angela Johnson | 93-6318, Supp 10, DeMoet, p. 5 |
| Sept/Oct 1992 | Johnson struck Angela in the face, giving her a black eye. | Angela Johnson | 93-6318, Supp 10, DeMoet, p. 6 |
| 11-16-92 | Wife given 2 black eyes, 2 days before birth of child. Struck her in the stomach. Labor was induced the next day, a month early | Angela Johnson, | 93-6318, Supp 10, DeMoet, p. 6 |
| Interview 10-14-93 | Asked if Johnson ever forced her to have sex, she said no. But on one occasion she was scared because Johnson had cut her underwear off with scissors after an argument. |  | 93-6318, Supp 10, DeMoet, p. 9 |
| Interview 10-12-93 | JOHNSON had beat Angela repeatedly, and bit, kicked and hit her when she was pregnant.    Bryant also related an incident where Angela's 78 year old grandfather was struck by JOHNSON. It was Bryant's belief that JOHNSON was a violent person and well capable of committing a serious crime such as a homicide. | Bill Bryant (Angela’s cousin)  Angela’s grandfather | 93-6318  DONLEY #50  Supp. #5  Page 6 |
| 12-4-92 | Acting in a violent manner, not giving son to wife, MIL called, hit her in the head with the phone. Police called – charged with AWDW. Johnson stated he “accidentally hit her on top of the head with the telephone receiver.” | Angela Johnson, Michelle Pamplin | Upland PD Report  93-6318, Supp 10, DeMoet, p. 2 and p. 6 |
| 1-16-93 | Johnson struck Angela in the face, giving her a black eye. She moved out and back to her parents. (photos of injuries taken the next day.) | Angela Johnson, | 93-6318, Supp 10, DeMoet, p. 2, p. 7 |
| 2-13-93 | Johnson withdrew money from ATM after depositing empty envelope. Angela went to his apartment to confront him. “He lost his temper and choked me.” | Angela Johnson | Application for Domestic Violence Order  Upland P.D. report - citation was given him as a Citizen's Arrest. |
| Date? | Dropped charges the day before his court date. That same day he got upset in the car, bit her arm and made the car veer off the road. He then hit her in the stomach with his tool box and slammed her in the car door. She tried to call the PD, then called her mother.  Filed a report with Ontario PD (first told it was Chino’s jurisdiction. | Angela Johnson | Application for Domestic Violence Order  Ontario PD report?  case number 93-5-375 |
| 5-16-93 | Became abusive at Angela’s parents house. Head-butted her. Hit her with a packed duffle bag. | Angela Johnson | Application for Domestic Violence Order |
| 5-31-93 | Threatened to kidnap their son. Threatened Angela and the MIL – said he would contact a friend and have them “done in.” Angela was 6 months pregnant with the 2nd child and her first child was about 2 ½ years old – born in Nov 1992) | Angela Johnson | Application for Domestic Violence Order |
| May/June 1993  (Approx) | Johnson asked James Cross advice on how to handle his temper. Johnson said he was going to “lose control.” Johnson said he couldn’t stand hearing the children cry and loses his temper when they do so. James and Kari cut ties with Johnson after seeing him force a bottle into his baby’s mouth, and seeing Angela’s bruises after a beating. Kari and James Cross both stated that they both thought that Johnson “was fully capable of committing homicide on a child.” | James and Kari Cross | 93-6318 Supp. 6, Donley; p. 2-3 |
| Interview on 10-14-93 | Michele Pamplin stated that Johnson had told her he had slit a kid’s throat and killed him while he was living in Colorado. She stated that she believed he was capable of killing a small child. She stated she feared for his son, Travis. | Michele Pamplin | 93-6318, Supp 10, DeMoet, p. 3 |

Mental Health History

|  |  |  |
| --- | --- | --- |
| Issue | 2009 Psych Report: | 2016 Psych Report |
| Suicide attempt | There were no prior mental health evaluations available for review at the time this report was prepared.  Johnson had never been involuntarily hospitalized. There do not appear to be any current suicide concerns. | He reported no history of suicide attempts – but C-file noted he attempted suicide in county jail. |
| Anger Issues | Said he was working on self-improvement – anger. “How to be happy all of the time. I have anger issues – I am trying to learn how to not get angry.”  Asked for situations where he had trouble maintining his behavior – he stated that he doesn’t have problems with irritability – but attitudes of others are bothersome.  Biggest weakness is lack of patience. | Report he had no history of anger issues.  “Living in prison for 20 years has taken the anger out of me.” |
| Antisocial behavior |  | Substance use, fighting and rebelling against authority, stealing. Continued to display antisoical tendencies during incarceration for failure to report to work, tattoo, being out of bounds. |
| Overall |  | “Some history of antisocial behavior, impulsivity, deceitfulness, and disregard for the safety of himself and others.” |

Institutional Adjustment/Programming

|  |  |  |  |
| --- | --- | --- | --- |
| Issue | 2009 Psych Report: | Parole | 2016 Psych Report |
| SNY – Sensitive needs year |  |  | “I went SNY because on the GP side I was in a trusted position going through a work change situation.”  “I asked to go to SNY in 2011.” |
| Self-help and therapeutic programs |  | AA and NA – page 46  12-step program 3-4 months before parole hearing.  List of chronos – page 51-53. | His participation has been fairly limited.  He may not be benefitting from all of his programming as his insight remains quite limited. |
| Job training |  | Did not complete computer program.  Did not complete the “office services and related tech program” p. 37  Upholstery class and on the job training – 13 months |  |

Substance abuse

|  |  |  |  |
| --- | --- | --- | --- |
| Issue | 2009 Psych Report: | Parole Hearing | 2016 Psych report |
| Drinking – age at beginning | His drinking started when he was 17 and when he reached the legal age for drinking, his  alcohol use increased. “The year before my crime, I was drinking daily – a couple of shots and a 6-pack.” |  | Marijuana use only 3-4 times at age 15. Drinking started at age 16 and grew to a 6-pack daily and a few shots of whiskey. Tried cocaine once as an adult. At age 18 started using meth. He stated he used it daily and it became a chronic addition. |
| Drinking - relationships | “It became an issue a couple of times.” |  | It alienated me from my family.  Was using during spousal arrest.  He incurred legal problems, including his Life crime, due in part to substance use at the time. |
| Drinking – affect on work | "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." |  | “I don’t believe it affected my work. I did well there.”  He stated he never had issues with supervisors but acknowledged that he would drink a beer on the job occasionally.  “I would drive after drinking but I wasn’t drunk.” |
| Drinking – overnight detox? | minimal substance abuse treatment when in the community, having been in detox overnight one time. |  |  |
| Drinking support | 2009 Psych Report:  When asked what he would do ifhe 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." |  | Mentioned 3 close friends – but could only list sister (Florida) and cousin (also out of state, and “sponsor” (he had not even sent a letter to obtain one.) |
| Drugs - Meth | Stated he was drinking all night the night before the murder. (No mention of meth).  Mr. Johnson said that he has used marijuana and alcohoL He tried LSD once. (No mention at all of Meth.) Alcohol – “I have no craving for it at all"  “Johnson did not blame his behavior during life crime on drug use or any other external factors.” | At parole hearing he said he started using meth in February of 1992 – when he was 22 and ran into an old HS friend - p. 26.  Then on p. 27 he said he got away from meth when he went to grandparents – “sobriety as far as meht was a success”) | Stated at age 18 he started using meth – first on weekends, then grew to a “chronic addiction”.  Stated he was drinking and doing meth all night and getting ready to do more before the Life crime. He stated Even now, if someone talks about using, my mouth gets watery.” |
| Drugs, weapons | 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." 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. |  |  |

Other Issues

|  |  |  |  |
| --- | --- | --- | --- |
| Issue | 2009 Psych Report: | 2016 Psych Report | Parole |
| Memory | Memory functioning appeared to be intact.  He expressed himself with no difficulty, except when discussing the Life crime and it became disjointed. | Long term memory seemed to be unimpaired. Able to discuss details from childhood and adult life without difficulty.  Re: 1992 Probation – “I drifted away after that and forgot I was on probation.”  “I don’t recall strangling her. I just kept my hand over her mouth to stop the screaming. I’m not denying she could’ve been strangled, I didn’t remember it that way, I just remember trying to keep her from screaming.” |  |
| Blaming others | **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. | Stated he had average grades until he “started hanging around a bad crowd.” |  |
| Inflated ego – sees himself as a “helper” | Describes himself as a child as “sociable and curious.”  Likes to make people laugh – was a class clown.  Stated he helped inmates at Avenal who were illiterate.  “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.”  He had been trying to keep Brittany occupied so that the rest of the household could sleep.  Greatest strength is his sense of humor. He’s a hard worker and “I got a good ear. I listen real well.” | Tried to grab his sister and remove her when his parents were fighting.  Dropped out of school because he was “more interested in making money.”  Class clown. He stated he could make people laugh and that was a strong motivator.  Describes himself as “cheerful.”  He stated he “had high expectations” of himself.  Re why he went to SNY:  “I was in a trusted position going throu a work change situation.” “I asked to go to SNY.”  “I thought people thought a lot of me, like I was accomplished and could make people laugh. It was because of meth, but they didn’t know that, they thought it was me.” (Blamed perception on meth even though he said he could make people laugh since he was young.)  He stated he was a “peer mentor” for a “short period” at Avenal.  “I’m not a material person….I’m a thrify person.”  “I was spoiled. My wife spoiled me.”  “I don’t think I had an original personality, I would act like people I saw on TV.”  Day of murder:   * The day of the murder – wanted to let the parents sleep. * He described caring for Brittany, saying he gave Brittany something to eat, and juice and put the TV on. * Said he called 911 when Brittany was missing. | p. 30 – Would take on personalities of TV actors.  “I was always looking to please people because that made me feel good.”  He stated, “I was self-motivated, when people smiled and laughed I felt good. When people stopped laughing and smiling I felt either I wasn’t doing as good or it was time to leave, so take what I can get.” (Note – that is NOT being self-motivated if depending on others for your feelings.)  p. 31 – they laughed at my jokes and I was “a bitg hit.” Helped grandparents. Other people spoiled him. Knew someone would rescue him, so became irresponsible, and took advantage of people.  “I always graded myslelf on intentions rather than always the outcome.”  P. 51 – “I could become myself and play prison politics and put on the mask and be one of the regular people on the yards.” |

Parole Plan

|  |  |  |  |
| --- | --- | --- | --- |
| Issue | 2009 Psych Report: | Parole hearing | 2016 Psych Report |
| Housing |  |  | Said he was offered several options. His first choice was the Phoenix House. |
| Employment | Primarily worked in fast food, construction jobs from friends, flower shop, pizza shop. Longest job was 2 years.  Got along well with supervisors, only written up once for being late. |  | Would like to get into refrigeration or plumbing. No job offers or specific plans for a job. |
| Services – relapse preventtion | “I have an idea to get a sponsor.” Hadn’t sent a letter. | Did not have a relapse prevention plan in place. Had not written to anyone to find AA or NA programs. Didn’t know if housing allowed them to leave to attend AA meetings. P. 59  p. 65 – states what he needs to do to reduce risk of recidivism  P. 67 – prerelease plans | “I plan on being a part of AVP and joining an AA/NA group in the city.” (No mention of contacting any programs) |
| Probation violation | Mr. Johnson has no history of failure on supervision. |  | Johnson “has not done well under supervision in the past.” He was on probation for the 1992 conviction when he committed the life crime.  “I got probation and had to go to anger management once a week. I went three times.” |
| No motive | When asked what he would say to them if he did see them (parents) , Mr. Johnson said, "I would want to say that the there was no motivation - no purpose, but I wonder if they would even believe me." |  |  |
| Obstacles on parole | 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. |  | Getting up to speed with current events, overcoming where he’s been for 23 years and re-establishing friendships. |
| Social support | Said he has contact with sister, aunts, uncles and cousins.  Said he still has contact with childhood friends.  Stated he has a couple of friends in avenal – one who is paroled. The majority were lifers. |  | He noted adequate emotional support from a cousin in Indiana and his sister. (Out of state)  His sister advocated for his innocence as recently as the 2009 Board Parole Hearing, indicating that he has been dishonest with her, or that she makes exceptions for his behavior. This would lessen his accountability for his actions and increase his risk of violence. |
| Parole – criminal element | There is no evidence that he will be exposed to a criminal element in his social support.  Said most of his friends are from Avenal, and one is on parole. |  | Continues communication with a few friends he met during incarceration. |
| Parole risk | Mr. Johnson's overall score as measured by the HCR-20 was in the **moderate** range of violent  recidivism. |  |  |

Overview – Risk Factors; Causitive

|  |  |  |
| --- | --- | --- |
| Issues | 2009 | 2016 |
| Risk factors for violence | Moderate range for violent recidivism.  Low risk of general recidivism. | History including fighting, battery and domestic violence, and life crime of murder. 115 in prison for mutual combat. “at least moderately relevant.” |
| Causative factors (insight) | “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”  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.  **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 1was renting a room. The people that 1 was renting the room from ... they let Brittany run around more freely that I would have. 1 got up early to work things out with my wife. 1was cleaning out my car. She kept bothering me ... I went into my room she kept coming in. 1was tired and 1 was frustrated, and 1 slammed the door." He paused and said, "My wife and 1 were split up because 1hit her." He said that felt frustrated and impatient. "I was grumpy - really annoyed. 1 remember thinking that 1wished that someone would get up because I am not here to baby sit. I was sort of a guest in the house ... 1didn't want to be a problem starter." | Tended to minimize domestic violence and assault on MIL.  Minimizes responsibility in her death, indicating that he did not try to kill her. He was tryng to get her to “go to sleep” or “pass out.” No recognition of how harmful or dangerous that was to a 3-year-old. Just trying to “keep her quiet.”  Explains his violence towards others simply as “problems with anger.”  Limited insight into the underlying personality traits that made him vulnerable to engaging in violence, and how these impact his future decision-making.  “With more sleep or being more level headed I would’ve just put my body between her and the door, but instead I lashed out in frustration/anger. It was my intention to shut the door before she came in, I didn’t know it would hit her that way. |

Timeline

|  |  |
| --- | --- |
| 9-25-1969 | Johnson’s birthdate |
| 12-1-1974 | Angela’s birthdate |
| 2-13-91 | Began dating (Angela 16, Chuck 21) |
| Dec 1991 | Johnson moved in with Angela and her parents |
| Jan 1992 | 1st violent act – slapped her at the beach with friends |
| Feb 1992 | Says that’s when meth use started (parole hearing, |
| March 1992 | Pregnant – Due in December |
| 5-9-92 | Married (2-3 months pregnant) (Angela 17, Chuck 22) |
| July 1992 | He was out all night, argued. 2 days later he broke a phone and slapped her |
| Sept/October | Black eye |
| Nov 14 1992 | Beat up, black eyes. Hit her in the stomach. Angela said he got a strange look on his face, didn’t look like him. Scared her. |
| Nov 16, 1992 | Gave birth with black eyes from beating 2 days prior. Travis born a month early – fluid leaking and had to induce labor. Not sure if due to beating. |
|  |  |