

BOARD OF PAROLE HEARINGS

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SACRAMENTO, CA 95812-4036



**COMPREHENSIVE RISK ASSESSMENT
THE BOARD OF PAROLE HEARINGS
FORENSIC ASSESSMENT DIVISION
CHUCKAWALLA VALLEY STATE PRISON (CVSP)**

IDENTIFYING INFORMATION

Inmate Name:	Chuck Edward Johnson
CDCR Number:	K11650
DOB (current age)	9/25/1969 (46)
MEPD:	1/25/2011
- YPED:	
- EPRD:	
- EPED:	9/25/2029
Latest Admission Date:	6/20/1996
Life Term Start Date:	6/20/1996
Commitment Offense (s):	1 st Degree Murder
County of Commitment:	San Bernardino
Placement Score:	19
CDCR Forensic Psychologist:	W. Chan, Psy.D.

SOURCES OF INFORMATION AND SCOPE OF RISK ASSESSMENT

This evaluator met with Mr. Johnson on 8/24/2016.¹ He was advised of the purpose of the assessment and that he had the right not to participate in the examination. He was also informed that the interview was not confidential and that a written report would be submitted to the Board of Parole Hearings (BPH) and considered at a hearing to determine parole suitability. He appeared to understand the nature of the evaluation and the possible consequences of the interview to the best of his ability. He agreed to participate with those explanations in mind.

This evaluator also considered the relevant information contained in Mr. Johnson's Central File (C-File), Unit Health Record (UHR), and the confidential file. Those data were incorporated with the findings from the clinical interview and the administration of standardized approaches to risk assessment to determine his relative risk of violent re-offense.

¹ FAD Comprehensive and Subsequent Risk Assessments are administered by licensed psychologists and reviewed by Senior Psychologist supervisors.

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Prior to the evaluation, I reviewed the Disability and Effective Communications (DEC) System, pursuant to *Clark* and *Armstrong*; no disabilities or limitations were noted in the records for Mr. Johnson. The DEC System also reflected adequate cognitive scores (NCF) and no need for adaptive services (per CDATS; dated 10/8/2002). Additionally, based upon his responses to questions, it was the conclusion of this evaluator that it was not necessary to use auxiliary aids or a language interpreter to achieve effective communication.

PSYCHOSOCIAL DEVELOPMENT**CHILD AND ADOLESCENT DEVELOPMENT:**

Mr. Johnson was born Richmond, Indiana and "moved around a lot" to several different states during his childhood. He moved to California as an adult in 1989 to help his grandfather attend medical appointments. There was no known exposure to toxic substances or serious complications in utero or at birth. He also indicated that, to his knowledge, he reached all developmental milestones (e.g., learning to walk and talk) within a normal age range.

Mr. Johnson was born to an intact family, and his parents divorced when he was a year old. He reported his father was not in his life following the divorce. He was raised by his mother and after she remarried, his step-father. He described their relationship as "rough," and indicated that witnessed his step-father "beat my mom really bad" when he was nine or 10 years old. He stated he would try to grab his little sister from the room while his mother was being abused and indicated that he believed his step-father was violent due to his status as a Vietnam Veteran. It should be noted that in the 2009 CRA, Mr. Johnson reported he had "normal teenage problems" and described that his step-father "would hit my mom sometimes," but also described his step-father as "very supportive" when he was growing up. Mr. Johnson was the only child born to his parents, with one younger sister from his mother and step-father who grew up in the home with him and a half brother and sister from his father with whom he had little relationship. There is no known history of substance use, mental health, or legal issues within his immediate family.

Mr. Johnson reported no history of neglect or abuse directed toward him. He stated that his punishments at times consisted of spankings, but he did not feel any of the disciplinary actions he endured were excessive or overly harsh.

Regarding his education history, Mr. Johnson stated that he dropped out of school during the 11th grade because "I was more interested in making money." He reported he received his GED while incarcerated in 1993 and earned his Associate's Degree in 2016. He stated that he was the "class clown" in school and was placed in special education classes in high school due to his behavioral issues. In the 2009 CRA he reported he was in special education courses for math and social studies. He noted that he believes he has "learning

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difficulties" but has never been formally diagnosed. He later stated, "I was just lazy. If it didn't pique my interest, I didn't pay attention." He also reported being held back for a semester in 9th grade "because we moved around a lot and I needed credits." In the 2009 CRA he reported he was never held back a grade in school. He indicated that he earned "Average [grades] up until high school, but I started hanging around with a bad crowd." On the most recent administration of the Test of Adult Basic Education (TABE; administered on 11/29/2012), Mr. Johnson obtained a reading Grade Placement Level (GPL) of 12.9.

During the current evaluation, Mr. Johnson reported an extensive history of childhood behavior problems and juvenile delinquency beginning at approximately age 13 or 14. He noted, "In elementary school, I remember getting in trouble for talking a lot. I discovered I could make people laugh and it was a strong motivator for me." He then began skipping school approximately once a week during a couple of class periods so he could socialize with peers. He stated he began getting into "one or two fights a year" beginning in 5th grade "for no specific reason, although I don't remember starting the fights." He was suspended from school three times for fighting. He also ran away from home "a couple times because I was a teenage kid who knew it all, I thought I could prove something." He reported he returned home a day or two later after staying with a neighbor. Mr. Johnson also reported stealing money off of his father's dresser when he was 13 or 14 years old. As noted below, he also reported being arrested at age 15 for stealing a "BB" gun from K-Mart.

ADULT DEVELOPMENT:

Mr. Johnson reported a fairly unstable employment history. He stated that his first job was at a fast food restaurant when he was approximately 15 years old. He indicated that he then held positions at Thrifty's Drugstore as a sales clerk, was an apprentice electrician, did maintenance work in the dairy industry and did warehouse work. Mr. Johnson indicated that he never had issues with his supervisors, but acknowledged that he would drink a beer on the job occasionally. He reported that his longest length of employment at any one company was approximately two and a half years. Mr. Johnson reported no history of financial negligence, such as defaulting on a loan or failing to pay rent.

Mr. Johnson described his sexual orientation as heterosexual. He indicated that he was 17 when he had his first sexual experience with a same-age female. In the 2009 CRA, he reported his first partner was "older" and was the older sister of a friend. He estimated that he has had approximately "over a dozen" sexual partners in his lifetime, explaining that "maybe five" were one-night stands. He indicated that he did not always use protection when having sex, but denied ever contracting a sexually transmitted disease. Mr. Johnson reported no history of uncommon sexual behavior or deviant sexual interests, such as aggressive sex, prostitution, or sex with minors.

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Mr. Johnson was married at age 22 for approximately two and a half years and has two sons, ages 23 and 24. He and his wife divorced only last year, although he explained that they had not had a relationship since the time prior to his arrest. He stated they separated initially because of "My history of abuse of alcohol and being incarcerated. I verbally abused her, I was arrested once for being physically abusive to her. An argument got out of hand, for whatever reason I lashed out and slapped her. I think being an excessive drinker contributed to that." He also reported he currently has no relationship with his sons, saying, "My last contact was when they were five or six during a visit. They were brought up by my in-laws, my wife made mistakes and lost custody. They grew distant from me. I was told my oldest said I put alcohol and everything ahead of them and he was understandably upset." When asked who the most important people were in his life at the time of the crime, Mr. Johnson identified his sons.

Currently, Mr. Johnson maintains contact with his sister, who he writes monthly and some of his cousins and stated that he has a good relationship with his family. He also continues communication with a few friends he met through incarceration. He noted his parents died in 2005 and his father died in 1995. He had contact with them until the time they died.

CRIMINAL HISTORY**JUVENILE AND ADULT RECORD / PRIOR PRISON COMMITMENTS:**

The Bureau of Criminal Identification and Investigation (CII) record and the Probation Officer's Report (POR) indicated no juvenile criminal record for Mr. Johnson. However, he noted that he was arrested at age 15 or 16 for trying to steal a "BB" gun from K-Mart. He was released to his parents.

The CII record and the POR described the following ADULT criminal history prior to the instant matter:

<u>Offense Date</u>	<u>Arrest Offense(s)</u>	<u>Disposition</u>
7/11/1989	Petty Theft (retail merchandise)	One year probation, fine
6/11/1992	Force/Assault with Deadly Weapon not Firearm, GBI Likely; Battery	Convicted Battery Misdemeanor; 5 days jail, 24 months probation

When asked about his adult criminal history, he explained, "I had Spousal [arrest] on my wife and in Colorado I stole gas and they dropped it to petty theft. I spent three days in jail. I was arrested for ADW in like 1992, because I threw the telephone at my mother-in-law. I was drunk and my wife and I were fighting because of my drinking. Her mother came over and I told her to leave, she didn't want to leave. I got loud, she said someone is going to call the police. I told her "You call the police" and threw the phone across the room. I spent three days in jail, pled guilty, was released that night. I got probation and

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had to go to anger management once a week. I went three times, I drifted away after that and I forgot I was on probation. I was 23 and on probation when I got arrested for this crime."

PRIOR PERFORMANCE ON SUPERVISED RELEASE:

Based on his criminal record, Mr. Johnson has not done well under supervision in the past. He was on probation for the 1992 conviction when he committed the Life crime. There was no documented evidence that Mr. Johnson has ever attempted to escape from an institution.

PRIOR VIOLENCE:

Mr. Johnson acknowledged a history of violence prior to the instant offense, including fighting, domestic violence, and battery.

The instant offense occurred on 10/10/1993, when Mr. Johnson was age 24. On 11/14/1995, a jury convicted Mr. Johnson of 1st Degree Murder. He was sentenced to state prison for a term of 25 years to Life. Detailed accounts of the offense can be reviewed in the inmate's C-File. The following summary is reproduced in part from the 1997 appellate decision from The Court of Appeal of the State of California, Fourth Appellate District (Case No. E018777):

In October 1993, Jennifer Rethorn and Darrin Riggs lived with their three-year-old daughter, Brittany Riggs, in a four-bedroom house in Montclair. They rented out two extra bedrooms to a friend, Steve Lopez, and to Mr. Johnson, whom Mr. Riggs knew through work. Mr. Riggs was recently separated from his wife. At about 7:30 a.m. on October 10, 1993, Brittany knocked on her parents' bedroom door and entered. Her father told her to go watch cartoons in the living room and her parents remained in bed. Brittany's parents were awakened to rustling and banging noises. Her mother thought Brittany was getting into the bathroom cabinets and asked Mr. Riggs to get up and get her out of the bathroom. After he left the bedroom, Ms. Rethorn got dressed and heard her husband ask Steve Lopez if he had seen Brittany. Both Mr. Riggs and Mr. Lopez went out to the patio and yard looking for Brittany and Ms. Rethorn looked around the house. Mr. Riggs stood under Mr. Johnson's window and called out to him. Johnson came to the window and asked what was wrong. Johnson told Mr. Riggs he had seen Brittany on the couch 20 minutes earlier watching television. Ms. Rethorn knocked on Johnson's door. He said he was busy and would be out in a minute. About 10 minutes after Mr. Lopez and Brittany's parents were searching for her, Johnson came out of his room and repeated that he had seen Brittany on the living room couch. He said he had given her something to eat and gone back to bed. Ms. Rethorn said she was going to call the police. Johnson began dialing 911 and she took the phone from him. Later, Mr. Riggs reported he saw Johnson sitting on the hall floor and crying with his hand in his face. The police came and began searching. They searched Johnson's bedroom last. In his closet, they found Brittany's body, which had been covered in clothing. Her body was still warm and her head was

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covered by a black plastic trash bag. She was rushed to the emergency room but could not be revived. The autopsy revealed she had been killed by a combination of strangulation and smothering. She also had bruises on her upper lip and left shin, three contusions on her scalp, and a tear in her mouth. The contusions were caused by her striking something or being struck against something. All injuries occurred before death and appeared to be an indication of a struggle.

CLINICAL ASSESSMENT**REVIEW OF PRIOR PSYCHOLOGICAL EXAMINATIONS / RISK ASSESSMENTS:**

Previous psychological evaluations conducted for the BPH were reviewed and considered during the current evaluation. The conclusions and opinions from those evaluations conducted within the past 10 years are summarized below:

Psychological Evaluation for the BPH by Dr. Campbell, dated 6/24/2009: Dr. Campbell opined that Mr. Johnson presented a low to moderate risk for violence in the community. She noted that his risk would increase if he began using substances, associated with antisocial peers, possessed a weapon, had no permanent residence, did not have sufficient income, or lacked social support. She also reported he could reduce his risk if he developed and implemented a relapse prevention plan for criminal behavior, had verified parole plans, examined the causative factors surrounding the circumstances of the Life crime and developed strategies to avoid those liabilities.

MENTAL STATUS EXAMINATION:

Mr. Johnson is a 46-year-old Caucasian male who appeared his chronological age. He presented to the evaluation as well groomed with good hygiene. His gait was normal; he walked to the evaluation without assistance. There were no tics, tremors, or unusual body movements observed. There were also no notable displays of psychomotor agitation or slowness. His vision and hearing were adequate for the purpose of the evaluation.

Mr. Johnson was polite throughout the evaluation, and his behavior was appropriate. He was cooperative with the interview process, and answered all questions asked of him. He appeared to be open and forthright with information. He put forth adequate effort during the evaluation.

Mr. Johnson maintained an appropriate amount of eye contact and was attentive throughout the evaluation. He did not seem to have significant difficulty remaining focused on the tasks at hand. He did not appear to be internally preoccupied and was not observed responding to unseen stimuli or perceptual distortions during the evaluation. He also reported no history of hallucinatory experiences.

Mr. Johnson's mood was neutral and his range and depth of emotional expression was within normal limits. He was emotionally reactive, alternating between tearfulness and smiling at appropriate times. There were no overt signs of significant depression or

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mania. He described his mood on most days as "cheerful," and denied ever experiencing prolonged periods of elevated mood. He stated he was depressed when he was at trial for the Life crime and when he entered the prison system. He reported no history of suicidal ideation or attempts, however, his C-file noted that he attempted to kill himself in county jail. Mr. Johnson also reported no history of anger issues, and indicated that he has never experienced violent ideation or fantasies. Likewise, he did not endorse current thoughts of harm to self or others.

Mr. Johnson's speech was of normal rate, rhythm, and volume. His responses were coherent and clear, and he was able to express himself without difficulty. His stream of thought was logical and linear, and there was no evidence of a thought disorder as indicated by disorganization, tangential comments, or loosely associated themes. His thought content was within normal limits, with no evidence of paranoia (unreasonable fear) or delusional ideation (fixed false beliefs).

During a Mental Status Examination, Mr. Johnson was alert and oriented. His overall cognitive functioning appeared to be generally intact. He was able to learn and recall simple information both immediately and following a brief delay. His long-term memory seemed to be unimpaired, as he was able to discuss details from his childhood, adolescence, and adult life without difficulty. His general fund of information was adequate for the demands of the evaluation. Mr. Johnson's basic attention and concentration skills were intact, as he was able to count forward in increments of seven with no errors. His abstract reasoning abilities appeared to be within the average range as evidenced by his capacity to identify similarities between two neutral objects and interpret the meaning of common proverbs. His social judgment and consideration of the possible consequences to his actions seemed to be adequately developed, as demonstrated by his solutions to hypothetical social situations one might encounter in daily life.

SUBSTANCE ABUSE HISTORY AND RELATED DISORDERS:

Mr. Johnson disclosed a history of alcohol and marijuana use beginning at age 15 or 16. He first tried marijuana at approximately 15 years old and reported he used it "three to four times in a five-month period as a kid." At the age of 16, he began drinking alcohol "When at a party, as an adult it grew to everyday. I would drink a six-pack daily and on weekends whiskey, like a couple shots." He tried cocaine once as an adult. At age 18, he began using methamphetamine. He described, "First it was on weekends, then grew to a chronic addiction. The more people I knew had it, it was more accessible. It made me feel energetic and timelessness. I would use it daily."

Mr. Johnson acknowledged that his substance use had a significantly adverse impact on his life and overall functioning, stating, "At first it gave me energy, what my body lacked. But it grew into [having] more arguments with people. I would start doing it in secret. For me, it was a necessity to cope with day to day issues. I had high expectations of me and responsibilities I'd never had before. I thought I had it under control, I thought

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I was functioning and could drop it anytime. It alienated me from my family. I don't believe it affected my work, I did well there. It alienated friends and family. I thought I had it all secret, but they had suspicions."

Mr. Johnson also reported, "I would drive after drinking but I wasn't drunk." He also stated he incurred legal problems, including his Life crime, due in part to substance use at the time. He stated, "During my spousal arrest, I was using. For my life crime I was separated from my wife, kept my use all secret and was very protective of my use. I was coming down at the time of the crime I had been up drinking and doing methamphetamine all night at the time of the crime and was getting ready to do more." His substance use placed him in situations that were physically hazardous, and had legal, social, and interpersonal consequences. Moreover, his use of methamphetamine and alcohol became a daily routine, with evidence of physical dependence, including cravings, tolerance, and withdrawal symptoms. He noted, "Even now, if someone talks about using, my mouth gets watery."

Notably, Mr. Johnson reported that he has not used alcohol, marijuana, or any other substance since he was incarcerated. When asked why he stopped using, he stated, "Because of what I did, my crime. My aunt told me once that something bad has to happen to people for them to wake up. This has affected me and affects me everyday." He has also received no substance-related CDC-115s. Based upon available data, including file review, the following DSM-5 substance-related conditions are included:

Alcohol Use Disorder, severe, in sustained remission, in a controlled environment
Stimulant Use Disorder, severe, in sustained remission, in a controlled environment

MAJOR MENTAL DISORDER / PERSONALITY DISORDER:

Per the UHR, Mr. Johnson received mental health treatment through the Mental Health Services Delivery System (MHSDS) at the Correctional Clinical Case Management System (CCCMS) in 1997. At that time, he reported having difficulty sleeping and received a prescription for a mild sedative, which he took for approximately five months. He did not receive individual therapy beyond "check in" sessions to determine whether he still required mental health services. He was never diagnosed with a serious mental disorder and was removed from CCCMS after approximately one year. He has not received mental health services since that time.

Notably, Mr. Johnson has some history of antisocial behavior, impulsivity, deceitfulness, and disregard for the safety of himself and others. However, there does not appear to be a documented pattern of pervasive and ongoing difficulties in interpersonal functioning, impulse control, cognition, or emotional expression that would suggest the presence of a personality disorder.

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Based on a review of available records and clinical observations during the current evaluation, Mr. Johnson does not qualify for a DSM-5 diagnosis beyond his substance use disorders.

INSTITUTIONAL ADJUSTMENT / PROGRAMMING:

Mr. Johnson has been incarcerated within the California Department of Corrections and Rehabilitation (CDCR) since 1996. He is currently housed in SNY as a Level two inmate. There were no documents contained in the C-File suggesting that Mr. Johnson has ever been an associate or member of any prison gang or security threat group (STG). When asked why he was placed on SNY, he reported, "I went SNY because on the GP side I was in a trusted position going through a work change situation. The population asked me if I'd bring cell phones from the back. I did it once and wasn't comfortable with it. I confided to someone that I wasn't comfortable. I had used cell phones before to call my sister. Someone told that I had and I told them I couldn't go back to the mainline and I asked to go SNY in 2011."

Per the C-File, Mr. Johnson has been issued the following CDC-115 Serious Rule Violation Reports during his incarceration:

<u>Date</u>	<u>Rule Violation(s)</u>
5/18/2003	Fresh Tattoo on Self
5/3/1999	Fighting/Mutual Combat
3/16/1997	Participating in a Sit Down

At the time of this report, Mr. Johnson's placement score was 19. Per the C-File, Mr. Johnson has been issued approximately four CDC-128A Custodial Counseling Chronos during his incarceration, between 1997 and 2003. Of those, it appears that two were issued for work-related issues (failure to report, work performance), one was for being out of bounds, and the other for delaying the feeding process. Moreover, he has recently received several Laudatory Chronos related to his character, self-development, and positive programming.

Mr. Johnson has participated in several available education and vocational opportunities during his incarceration. He earned his GED High School Equivalency Certificate in 1993. He has attained certification in Machine Shop and started the Office Services program, but stated he could not complete it because his points dropped and he was sent to a Level Two yard.

Additionally, Mr. Johnson has been employed in various positions throughout his incarceration, including library, clerical, maintenance, kitchen, porter, and yard crew. He reported that he has never been removed from a job in custody due to behavioral issues. Work Supervisor's Reports have consistently reflected satisfactory ratings.

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Mr. Johnson has chosen to take advantage of some available self-help and therapeutic programs, though his participation has been fairly limited. Chronos and/or certificates for his participation in the following group programs and correspondence courses were located in his C-file or described in his Life Prisoner Progress Reports: AA/NA, Golden Hills Adult School, Participated in Spiritual Retreat, Anger Management, AVP, and Toastmasters. He reported he was a peer mentor for "a short period" at Avenal. He also noted that he was baptized as Catholic in prison and attends services when he is off of work since his work schedule interferes with his ability to attend mass regularly.

PAROLE PLANS IF GRANTED RELEASE:

Upon his release from custody, Mr. Johnson indicated that he has been accepted into a few different transitional housing programs. He stated, "I have some options. I have a Phoenix House transitional housing, Delancey Street in Los Angeles, and some others. Phoenix House is my first choice. I've known the sister there for many years, it is successful as far as transitional housing. I could benefit a lot there and know people who have gone and been successful. I like that they have AA and help with support for college classes." He indicated that he would like to stay in a transitional program for approximately one year until he feels ready to live on his own.

In terms of employment, Mr. Johnson stated, "I will go to what I can get immediately and try to move up in the job I'm in. I'd like to get into refrigeration for the duration of the job/work. I'm signed up for the plumbing vocation here, that would be my second choice. I think a felony conviction may make it harder, but I'm told it isn't as bad if you're upfront about it."

Mr. Johnson was able to realistically discuss some of the challenges he may face when he is granted parole. When asked what he believed would be most difficult upon his release, he stated, "Getting up to speed with current events, overcoming where I've been for the past 23 years, and re-establishing friendships. I don't think I'll fail at any of them, it will be a matter of figuring out how to blend in. I look forward to getting a hobby like fishing. It will give me time to think, reflect on my week and help me solve problems." Mr. Johnson recognized the need to utilize professional services to assist in his transition and conveyed a willingness to seek any available resources, stating, "I plan on being part of AVP and joining an AA/NA group in the city. I'm not a material person, so financially I don't have a lot of needs. I'm a thrifty person. I think communication about where I've been and preparing to deal with the negative aspects of people finding out I've been in prison for twenty some years." He also noted he has adequate emotional support from "A cousin in Indiana, we kind of grew up together. He's very down to earth. My sister is down to earth and is like a best friend. We have some high school friends she talks to and they ask about me."

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**ASSESSMENT OF RISK FOR VIOLENCE: HCR-20^{V3 2}****ANALYSIS OF HISTORIC FACTORS:**

Mr. Johnson displayed eight out of 10 of the predictive factors for violent recidivism within the *Historical* domain of this instrument, at least to a partial degree. Notably, the ratings from this section are based on the lifetime history of the individual. Mr. Johnson presents with antisociality characterized by poor impulse control, entitlement, deceitfulness, recklessness, and irresponsibility but he does not present with, callousness or coldness, interpersonal dominance, hostility or meanness, or antagonism. His total PCL-R score is below the mean of North American male inmates and below the cutoff or threshold commonly used to identify dissocial or psychopathic personality.

Violence: Mr. Johnson acknowledged a significant history of violence prior to the instant offense, including: fighting, battery, and domestic violence. This pattern of violence culminated in the Life crime in which he killed a three-year old girl. He also incurred a 115 in prison for mutual combat. Given his history, this risk factor remains at least moderately relevant, despite the fact that there has been no documented violent behavior since 1999.

Antisocial Behavior: As a juvenile, Mr. Johnson engaged in other antisocial behavior including substance use, fighting, and rebelling against authority and his first contact with the legal system occurred at age 15 when he was arrested for attempting to steal a "BB" gun from a K-Mart store. During his incarceration, he continued to display antisocial tendencies including rules violations such as failure to report to work, getting a tattoo, and being out of bounds. To his credit, there appears to be a decrease in these types of behaviors in the past 13 years.

Relationships: Mr. Johnson reported a strained relationship with his step-father and a chaotic home environment in which his mother was being abused. He admitted to (and tended to minimize) domestic violence toward his partners in romantic relationships and reported that his separation from his wife at the time of the Life crime was a factor in his state of mind during the crime. Further, he indicated in his previous Board hearing that he had a good relationship with the victim's parents prior to the Life crime. As such, relationships (and the health and stability of his relationships) are a relevant factor in determining his risk for future violence.

Employment: Mr. Johnson does not have a stable employment history prior to the Life crime. Additionally, he incurred two job-related 128-As during his incarceration. He does not have specific plans for a job if he is paroled and currently has no job offers. Conversely, Mr. Johnson has received his GED, Associate's Degree, and a Vocational

² HCR-20^{V3} administration and decision making requires specific knowledge, skills, and abilities established through licensure and training and experience in forensic assessment of violence risk.

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Machine Shop certificate during his incarceration. Although he has done some positive work in order to make himself more employable, his history of employment instability and lack of plans for future employment make this factor relevant to his overall risk.

Substance Use: Mr. Johnson's substance use history constitutes another risk factor for violence and antisocial behavior. During the current evaluation, he disclosed significant use of alcohol and methamphetamine prior to his incarceration, and indicated that he was "coming down" from being under the influence of those substances at the time of the Life crime. Notably, however, Mr. Johnson stated that he has not used any substances since his incarceration, and his institutional record seems to support this claim. Although this risk factor appears to have less current relevance, it could have great significance and consequence if he were to return to using substances in the future.

Traumatic Experiences: During his childhood, Mr. Johnson experienced conflictual/abusive family relationships and was exposed to traumatic experiences that have been shown to disrupt normative development, attachment processes, and learning of pro-social attitudes. This consisted of observing his step-father hit his mother. Although this risk factor is somewhat less relevant in and of itself, it is conceivable that Mr. Johnson's childhood experiences contributed to his substance use, relationship issues, and violent attitudes later in life.

Violent Attitudes: When examining Mr. Johnson's history, his violent attitudes appear to have developed in adolescence. According to Mr. Johnson, he fought "for no specific reason," but got into at least two fights with peers per year. These violent attitudes carried into his romantic relationships and were often fueled by substance use. He reported he got angry and would "lash out" at his partner. At one point, he stated he threw a phone at this mother-in-law, which resulted in an arrest. During his description of that incident to this evaluator, he reported throwing the phone "across the room." During his last Board hearing, his mother-in-law explained she was struck in the face and required stitches. To his credit, Mr. Johnson has not engaged in known violence since 1999.

Treatment or Supervision Response: Mr. Johnson has evidenced a history of problems complying with and responding to supervision attempts, as evidenced by his commission of the Life crime during a period when he was on probation. To his credit, it appears that Mr. Johnson was compliant with and responsive to treatment during his involvement in CCCMS and he has seemingly followed all the rules of the institution since 2003. He has been participating in self-help programming regularly since his last CRA, although it appears (as noted below) that he may not be benefitting from all of his programming as his insight remains quite limited.

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**ANALYSIS OF CLINICAL FACTORS:**

The *Clinical* domain reflects Mr. Johnson's current behavior and functioning (since the 2009 CRA/appearance before the Board). At this time, one predictive factor for recidivism remains of concern, and is highly relevant to formulating what has caused Mr. Johnson to perpetrate violence in the past and how to prevent such violence in the future.

Insight: In discussing his version of the controlling offense, Mr. Johnson demonstrated acceptance, some responsibility, and remorse for his actions. He also conveyed an understanding of some of the personal, interpersonal, and contextual factors that contributed to his violent behavior at that time, including impaired judgment due to substance use. However, though improving, Mr. Johnson's insight into the underlying personality traits that made him more vulnerable to engaging in violence, and how these factors may impact his future decision-making and behavior remains limited. He still appears to minimize his responsibility in her death, indicating that he did not try to kill her. He indicated that he was trying to get her to "go to sleep" or "pass out," without any recognition of how harmful or dangerous that act, in and of itself could be to a three-year-old child. He tends to express that his intention to harm her in order to keep her quiet rather than killing her to keep her quiet somehow reduces his responsibility in the Life crime. Further, he has not been able to discuss in any detail why he felt it was acceptable at that time to engage in violence toward others beyond his stated "problems with anger." He also appeared to minimize his previous violent acts toward his romantic partners and his ex mother-in-law, which indicates that he still does not truly accept and or understand the causative factors in his violent behaviors. To demonstrate his thought process and level of insight, his responses to a selected portion of this evaluator's questions (noted in *italics*) is included below:

Inmates version of Life crime: "It started with me having an attitude of false entitlement. I was spoiled a lot. I wanted what everyone else wanted at any given time. The grass was always greener. I couldn't grasp the idea of accepting and being happy with what I had. It led to substance abuse and ultimately failure. Keeping that secret, it ruined my marriage, sent me to that house. I put so much value in my secret. When I felt it was violated I tried to protect it. Little Brittany, she didn't do anything wrong. She had a propensity for walking in my door. When the door opened, she came in while I was opening up drugs. When she did that, I slammed the door shut. She was in it, started crying, and I panicked. When I heard people getting up and calling her name, I panicked. I didn't want her to cry out. I did the first thing I thought made sense at the time, hide her real quick and go out there. I went out, things were going a mile a second, I wanted to be helpful but not give myself up. Guilt set in, I dialed 911. When the cops got there, I ran around the house in the guise of looking for her, knowing where she was all the time. When they discovered her, the wave of guilt, I'm sorry. It was shameful, it was too much. I stopped being helpful, talking. I put on a demeanor of denial. I'm not trying to minimize; it is hard to discuss it still."

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"I didn't know she was dead, I thought I got her to go to sleep, pass out. The possibility that she would die didn't dawn on me until I saw the officer carry her out. 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."

How did you think it would've ended if she had just passed out as you say you were trying to get her to do? "I didn't think that far. When she relaxed and stopped fighting me, I put her in my closet to hide her. When they were calling her name, I just joined in and started acting like I was looking for her. Somehow I didn't think what the next step was. I don't recall ever thinking what the next step was or what I would do. I never did. Even after they carried her out, I didn't know what I had planned to do."

What about the black garbage bag? If you didn't mean to kill her, why was a plastic bag on her? "I had just moved in; it was full of my clothes. I put my toolbox next to it and put the trash bag in front to hide her. I wasn't trying to wrap her in it, I was just trying to hide her."

What was your state of mind at that time? What were you thinking? "She was so energetic. I was trying to keep her out, when she saw the glass with my methamphetamine on it, I think it was just selfishness. I put all my value in that, it was more important to me then my actions at the time. 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."

Do you think that substance use influenced your behavior? How? "My wife and I were split up, my drinking was a big issue. It led to the arguing, spending too much money. I felt if anybody found out I was doing meth, I had told my wife I did it with friends when I was 18 and she, it just wasn't part of her life. I thought if they (friends/family) found out, I'd have to stop. My roommates would ask me to move out, it felt like if people found out it would add to my problems, so I kept it secret. If I stopped, I thought I would let people down. Coming down, you have no energy. When I didn't have energy, I'd get irresponsible, lazy. To give up face, 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. In perspective, I was lying to myself. My dad had suspicions anyway, it turned out. I was never more wrong."

How did you feel about the crime after you did it? "I was... I didn't think anybody would want to talk to me. I was so overwhelmed by shame and guilt. I

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didn't want to look at them, talk to them. I was in denial. Now I know, I'm guilty. It was my selfish greed that wanted everything. I denied to myself that I was addicted. I could've had everything without the drugs. I was so scared of failure, doing without. Not having what everyone else had. I was spoiled, my wife spoiled me and I didn't want to give it up. Looking back, I don't think I had an original personality, I would act like people I saw on TV. Seeing Brittany's parents, it was scary. I felt the old guilt and shame manifest in me again. I wanted to let them know that I'm sorry. I still don't know how. I can't expect them to forgive me. It is one of the hardest things I've had to do since incarceration was to face them again."

How are you different now? "My education has helped me learn a lot, opened my eyes to the idea that nothing is new. History repeats. I feel as though a switch is on in my head and I see things differently now. Living in prison in 20 years has taken the anger out of me and the education I received has taught me to express myself better and deal with different outcomes. I think being more understanding toward people, it helps to give me patience. I can be more helpful and pragmatic to deal with difficult situations."

ANALYSIS OF RISK MANAGEMENT FACTORS:

In terms of the *Risk Management* concerns identified by the HCR-20^{V3}, two of the five factors appear to be present, and at least moderately relevant to understanding possible impediments to Mr. Johnson's future psychosocial adjustment and management.

Personal Support: Mr. Johnson indicated his sister was a strong source of his support in the community. Although it is certainly beneficial for him to have familial support, the record indicates that Mr. Johnson's sister has advocated for his innocence in the recent past, as recently as his last Board hearing. This indicates that either he has been dishonest with her about his role in the Life crime or that she makes exceptions for his behavior. Considering he reports she is one of his strongest personal supports, there is concern that her support would potentially lessen his accountability for his actions in the community and increase his risk for violence.

Stress or Coping: Mr. Johnson can be expected to incur some degree of unavoidable stress as he transitions from the highly structured nature of the prison to the free community, as there is likely to be exposure to alcohol, drugs, weapons, and other destabilizing factors. To his credit, Mr. Johnson has been participating in self-help programming and has been making progress toward strengthening his pro-social values and behaviors. Additionally, he reported that he continues to work on fine-tuning his relapse prevention plan, and will continue to do so until the time of his release. When combined with the structure of a transitional residential program, this will increase the likelihood that Mr. Johnson will be able to manage the daily hassles, major life stresses, and temptations he will be confronted with upon his return to the community. As this is a

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work in progress, there appears to be at least some risk Mr. Johnson will utilize inappropriate coping strategies when faced with taxing situations and/or interpersonal conflicts in the future.

In evaluating this area, Mr. Johnson provided the following information and responses to the evaluator's questions (noted in *italics*), which reflected his coping resources:

How do you deal with anger? "I communicate it better. I tell someone I don't like a situation or what is happening. I offer suggestions for what makes it better. I accept that I can't fix everything. When it comes up, if this fails, I tell people I'll come back to it/them."

What strategies have you learned to avoid violence? "I'm active, I talk to people and try to help others. I am active in my community and was a MAC member."

How does this help you to avoid violence? "I stay focused on helping others that way."

How are you currently managing your substance abuse problem? "We have a little NA/AA class but it is a long list. We have an unofficial group twice a week in the building. We share stories, help to deal with problems and give each other advice. I'd like to say I don't have cravings anymore, but [drugs are not] here. Sometimes we challenge each other with how we'd handle things if we were offered. How do you deal. Our motto in our group is "You learn more as you teach others."

What are your triggers for using? "I used to think it was music, but it isn't. it is events, places. Like at a concert, that would be tempting. Hanging out with certain people. The alcohol, that would be when things get unmanageable and I start to worry or get scared. If it comes up, my plan is to go talk to people. My problems are the same everyone else has."

When you have to make an important decision, how do you that? I look at pros/cons. I ask, 'what would my dad say?' I make the best decision I can from there."

OTHER RISK CONSIDERATIONS

Aside from those noted above, there are no additional risk considerations.

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**RISK OF FUTURE VIOLENCE – CASE FORMULATION AND OPINIONS**³

Mr. Johnson's history of violence and antisociality began in adolescence. This consisted fighting, truancy, and substance use. As an adult, his substance use increased and he became violent toward his romantic partners and his mother-in-law. This culminated in the commission of the Life crime; the murder of a three-year-old girl. His violent and antisocial behavior continued into incarceration, as indicated in his 1999 mutual combat and other disciplinary actions up until 2003.

When examining his history, Mr. Johnson's decisions to perpetrate violence appear to have been motivated by the following perceived rewards: gaining compliance from others and increasing his status and esteem. It seems that his decision-making was disinhibited by an underlying negative self-concept, the development of negative/violent attitudes, and a lack of anxiety, as well as deficits insight and empathy. Finally, it appears that Mr. Johnson was destabilized by impulsivity and impaired reasoning/judgment, which were likely due, in part, to his substance intoxication just prior to the Life crime. Put simply, Mr. Johnson's violence risk appears to be attributable to the following key risk factors: substance abuse issues, negative/violent attitudes, and limited insight into these issues.

Based upon an analysis of the presence and relevance of empirically supported risk factors, case formulation of risk, and consideration of his anticipated risk management needs if granted parole supervision (i.e., intervention, monitoring), Mr. Johnson represents a **Moderate** risk for violence. More specifically, he presents with elevated risk relative to long-term inmates and non-elevated risk relative to other parolees. Moderate-risk parolees are expected to commit violence more frequently than Low risk long-term parolees but less frequently than other parolees. He may temporarily or periodically warrant risk management interventions not routinely provided to parolees.

It is noted that the 2009 CRA concluded that Mr. Johnson's risk was rated as Low-Moderate whereas the present evaluation finds him to be at Moderate risk. In considering this slight risk assessment discrepancy, it is noted that Mr. Johnson continues to display several historical and current factors that are at least moderately relevant to his risk of future violence, despite the benefit of long-term incarceration and many years to reflect on his offense conduct. Mr. Johnson's discussion of the Life crime revealed some degree of a failure to fully accept full responsibility for the consequences of his behavior. While he has gained some understanding of the underlying causes of his violence, his insight remains limited in many regards, such as the personality characteristics and relationship

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contexts that could make him vulnerable to engaging in antisocial and violent behavior in the future. Also, there are significant concerns about Mr. Johnson's sister providing the majority of his personal support in the community. On a positive note, Mr. Johnson displayed some improvements, such as completing an Associate's Degree and remaining discipline-free since his last Board hearing.

In reaching the opinion that Mr. Johnson represents a Moderate risk, the evaluator also considered a Memorandum contained in his confidential folder, dated 10/6/2008.

A handwritten signature in black ink, appearing to read "Wendy E. Chan".

Wendy E. Chan, Psy.D., CA License # PSY 24644

Forensic Psychologist

Board of Parole Hearings / Forensic Assessment Division,
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Reviewed By:

A handwritten signature in black ink, appearing to read "Emily Wisniewski, PsyD".

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DATE APPROVED: 9/6/16