

BOARD OF PAROLE HEARINGS

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January 10, 2018

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LOS ANGELES
210 W. TEMPLE ST., RM 16-105
LOS ANGELES, CA 90012

Subject: NONVIOLENT PAROLE REVIEW DECISION

Inmate's Name : FLORES, LUIS, STEVEN
CDCR# : K11263
Location : California State Prison, Los Angeles County
Court Case# : BA122895, BA110656

The above inmate was referred to the Board of Parole Hearings under the Nonviolent Parole Review Process. The board has approved the inmate for release. Enclosed is a copy of the board's decision.

Please direct any inquiries concerning the inmate to the institution where the inmate is housed.

Respectfully,

BOARD OF PAROLE HEARINGS
NV Processing Unit

NONVIOLENT DECISION FORM

NONVIOLENT INFORMATION

Inmate Name: FLORES, LUIS,STEVEN
CDCR Number: K11263
Institution: California State Prison, Los Angeles County

BPH DECISION

JURISDICTIONAL REVIEW

- BPH does not have jurisdiction, no further review.
 BPH has jurisdiction.

REVIEW ON THE MERITS

- Recommendation to release approved.
 Recommendation to release denied.

Decision based on the reasons stated below:

INTRODUCTION: Inmate Luis Flores (K11263) is being reviewed for release to parole pursuant to the Proposition 57 Non-Violent Parole Process (NVPP).

DECISION: After considering together the findings on each of the inmate's four case factors, the inmate is deemed to not represent an unreasonable risk of violence to the community. His release is therefore approved.

BACKGROUND

The inmate was originally sentenced to 16 years and 4 months in prison for two counts of P245(b) (1)/12022.5(a) Assault with Semi-Automatic Firearm/Use of Firearm and H11352(a) Transport/Sell CS. On 02/22/02, the inmate was re-sentenced to life in prison with the possibility of parole following his conviction of two in-prison offenses of P4501.1(a) Aggravated Battery on PO by Gassing and P4501.5 Battery on Non-Prisoner. On 09/01/17, the inmate was re-sentenced on the two in-prison crimes to a 10-year term resulting in a total term of 26 years and 4 months with an EPRD of 03/09/19. Inasmuch as the P245/12022.5 original crimes are violent (P667.5) felonies as a result of the 12022.5 enhancements, the inmate is not eligible for NVPP release on these offenses. However, he remains eligible for NVPP release on the two in-prison crimes, which constitute his current commitment offenses. Issues related to the original offenses will therefore be addressed in the "Prior Criminal Record" section and circumstances related to the current commitment offenses will include information commencing on the date of sentencing on these crimes (02/22/02).

FACTOR 1: CURRENT COMMITMENT OFFENSES

In the two current commitment offenses (aggravated battery by gassing and battery on non-prisoner), on 10/05/00, the inmate threw an unknown liquid on a prison nurse and kicked the officer who was delivering his food tray.

Circumstances related to the commitment offenses that aggravate the inmate's current risk of violence are:

- 1) There were one or more victims who suffered the threat of physical injury.

Circumstances related to the commitment offenses that mitigate the inmate's current risk of violence are:

- 1) None.

Analysis: The inmate threw an unknown liquid (believed to be urine) on one prison staff member and

kicked another. His actions were violent and there are no circumstances which mitigate his conduct. Consequently, the inmate's commitment offenses aggravate his risk for violence.

FACTOR 2: PRIOR CRIMINAL RECORD

The inmate's prior criminal record began in 1995 and culminated with the convictions for the current commitment offenses in 2002. The inmate has the following adult criminal convictions: 1995 Transport/Sell CS - H11352(a); 1996 Assault w/ Semi-Automatic Firearm - P245(b); 1996 Assault w/ Semi-Automatic Firearm - P245(b); 1996 Assault w/ Firearm - P245(a)(2) (stayed); and 1996 Assault w/ Firearm - P245(a)(2) (stayed).

The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:

- 1) None.

The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:

- 1) The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.

Analysis: Although the inmate's prior criminal record includes several felony convictions for crimes involving violence, these offenses all occurred at or near the same time over twenty years ago. In view of their age, there are no applicable aggravating circumstances. Accordingly, the inmate's prior criminal record tends to mitigate his current risk for violence.

FACTOR 3: INSTITUTIONAL ADJUSTMENT

The inmate has been incarcerated in the CDCR on the current commitment offenses since 02/22/02, a period of approximately 16 years. During incarceration for the current commitment offenses, the inmate received one serious Rules Violation Report (RVR) on 11/02/05 for Attempted Murder. On the positive side, the inmate has not received any RVR's for violence since 2005, has attended adult education classes from through 05/07/10 (began in 1997) and held multiple institutional work assignments as a porter, barber and clothing distributor between 06/27/09 and 03/24/15. He has also been assigned to the PIA Detergent plant since 08/06/15, receiving favorable comments regarding his work ethic, and has been attending substance abuse recovery groups (AA) since 06/13/17. Note that the inmate's confidential file was reviewed and, while it did contain information related to the 2005 RVR, it contained no other recent information relevant to his risk for violence.

The following circumstances of the inmate's institutional behavior, work history and rehabilitative programming aggravate the inmate's current risk of violence:

- 1) The inmate has been found guilty of an institutional Rules Violation Report resulting in physical injury or the threat of physical injury since his or her last admission to prison.

The following circumstances of the inmate's institutional behavior, work history and rehabilitative programming mitigate the inmate's current risk of violence:

- 1) The inmate has successfully participated in available educational and work assignments for a sustained period of time.
- 2) The inmate has successfully participated in available rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior such as substance abuse.

Analysis: Although the inmate's discipline record prior to the current commitment offenses reflects several (violent) RVR's, he has received only one RVR involving assaultive behavior since being sentenced on the current commitment offenses in 2002. Furthermore, this incident (the attempted murder), while extremely serious, occurred over 12 years ago and, since that time, the inmate has made efforts to upgrade educationally, maintained a stable work record and has been attending substance abuse programs for the past seven months. Lastly, while there was negative information located in the inmate's confidential file, the documentation related to activities that also occurred well over 10 years ago. In view of the foregoing positive circumstances, and given that the inmate has remained violence free for over 10 years, at this point in time his institutional adjustment, on balance, must be viewed as mitigating his risk for violence.

FACTOR 4: RESPONSES TO LEGAL NOTICES

There were no responses to the Legal Notices.

SUMMARY: It is clear from the foregoing that the inmate has an extensive history of violence. However, the fact that his last act of violence occurred well over 10 years ago substantially reduces his current risk of violence and his positive institutional programming efforts since his incarceration on the current offenses reduces even further his risk to the community. For these reasons, and after taking into account passage of time, the inmate's current age (47) and physical and cognitive limitations, the factors that mitigate the his risk for violence (his dated prior criminal record and lack of violence in prison for over 10 years) are found to outweigh the factor that aggravates his risk for violence (the current commitment offenses) and the inmate is therefore not considered an unreasonable risk for violence at this time and his release is approved.

K. Stanton

JANUARY 9, 2018

SIGNATURE

STANTON, KEITH

REVIEW DATE

NAME

If you believe this decision contains an error of fact, an error of law, or if you have additional information you believe would change the outcome of this decision, you may request that it be reviewed by the Board of Parole Hearings by sending a written request to:

Board of Parole Hearings
Attn: Nonviolent Parole Review
P.O. Box 4036
Sacramento, CA 95812-4036

Your request must be post marked within 30 calendar days from the date you received this decision and your request must include a brief statement explaining why you believe the decision is wrong. You may include additional information to support your request.