

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life ) CDC Number: W-14944  
Term Parole Consideration )  
Hearing of: )  
 )  
BRENDA SPENCER )  
\_\_\_\_\_ )

CALIFORNIA INSTITUTION FOR WOMEN

CORONA, CALIFORNIA

SEPTEMBER 7, 2016

8:48 A.M.

PANEL PRESENT:

KEVIN CHAPPELL, Presiding Commissioner  
KAREN FLEMING, Deputy Commissioner

OTHERS PRESENT:

BRENDA SPENCER, Inmate  
COURTNEY JOHNSON, Attorney for Inmate  
HEIDI RUMMEL, Supervising Attorney for Inmate  
RICHARD SACHS, Deputy District Attorney  
CAM MILLER, Victim  
CORRECTIONAL OFFICER(S), Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

\_\_\_\_\_ No            See Review of Hearing  
\_\_\_\_\_ Yes          Transcript Memorandum

Randi Fetters, Transcriber, NCCR

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P R O C E E D I N G S

1  
2           **DEPUTY COMMISSIONER FLEMING:** We're on record.

3           **PRESIDING COMMISSIONER CHAPPELL:** Okay, good

4 morning. Today's date is -- one second. Good morning,  
5 today's date is September 7th, 2016. The time is  
6 approximately 8:48 a.m. This is a Subsequent Parole  
7 Suitability Hearing for Ms. Spencer, W-14944, who is  
8 present in a Board of Parole Hearings room at the  
9 California Institution for Women. Ms. Spencer was  
10 received on April 24th, 1980, from the County of San  
11 Diego. Controlling offense in this case is two counts  
12 PC-187, First Degree Murder, eight counts PC-248A,  
13 Assault with a Deadly Weapon, with enhancement for use  
14 of a firearm, and one count of PC-245B, Assault With A  
15 Deadly Weapon On A Peace Officer, with the Use of a  
16 Firearm. California Department of -- excuse me,  
17 sentence is 25 years to life. California Department of  
18 Corrections and Rehabilitation has calculated the  
19 minimum eligible parole date in this case to be February  
20 23rd, 1994. Ms. Spencer also qualifies for youth parole  
21 consideration. She was 16 years old when she committed  
22 the life term offense. The Panel today shall be giving  
23 great weight to the diminished culpability of juveniles  
24 as compared to adults, the hallmark features of youth,  
25 and any subsequent growth and maturity of Ms. Spencer in

1 reviewing her suitability today for parole.  
2 Ms. Spencer's youth eligible parole date is January  
3 29th, 2003. This hearing is being audio recorded, so  
4 for the purpose of voice identification everyone present  
5 is asked to state your full name, spell your last name.  
6 Ms. Spencer, when we get to you we're going to ask you  
7 for your CDCR number as well, okay?

8 **INMATE SPENCER:** Okay.

9 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so I'll  
10 begin. We'll go around the room to my left and we will  
11 finish off with the victim, who is on video. Kevin  
12 Chappell, C-H-A-P-P-E-L-L, Commissioner, Board of Parole  
13 Hearings.

14 **DEPUTY COMMISSIONER FLEMING:** My name is Karen  
15 Fleming, F-L-E-M-I-N-G, I'm a Deputy Commissioner with  
16 the Board of Parole Hearings.

17 **DEPUTY DISTRICT ATTORNEY SACHS:** Richard Sachs,  
18 S-A-C-H-S, Deputy District Attorney, San Diego County.

19 **ATTORNEY RUMMEL:** Heidi Rummel, R-U-M-M-E-L,  
20 supervising attorney, USC post-conviction justice  
21 project.

22 **ATTORNEY JOHNSON:** Courtney Johnson,  
23 J-O-H-N-S-O-N, certified law student, USC  
24 post-conviction justice project.

25 **INMATE SPENCER:** Brenda Spencer, S-P-E-N-C-E-R,

1 W-14944.

2 **PRESIDING COMMISSIONER CHAPPELL:** Thank you.

3 And --

4 **MR. MILLER:** Cam Miller, M-I-L-L-E-R.

5 **PRESIDING COMMISSIONER CHAPPELL:** And,

6 Mr. Miller, you are the victim, one of the victims,  
7 correct?

8 **MR. MILLER:** That is correct.

9 **PRESIDING COMMISSIONER CHAPPELL:** Thank you. All  
10 right, we also have one correctional officer in the room  
11 with us today and he is here for security purposes only.  
12 Before we get into the hearing, just for clarification,  
13 representation for Ms. Spencer, who is going to be the  
14 representative?

15 **ATTORNEY JOHNSON:** I will.

16 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so as far  
17 as groundwork, so you're going to be speaking on  
18 Ms. Spencer's behalf during the hearing, correct?

19 **ATTORNEY JOHNSON:** Yes.

20 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

21 **ATTORNEY JOHNSON:** Correct.

22 **PRESIDING COMMISSIONER CHAPPELL:** Okay, all  
23 right. And Ms. --

24 **ATTORNEY RUMMEL:** Rummel.

25 **PRESIDING COMMISSIONER CHAPPELL:** -- Rummel?

1 Okay, and you are here just to supervise?

2 **ATTORNEY RUMMEL:** That is correct. As the state  
3 bar certification process requires me to be present to  
4 supervise and only really be involved if things go --  
5 there's something that she can't anticipate comes up.  
6 But I think she is fully prepared to --

7 **PRESIDING COMMISSIONER CHAPPELL:** Okay, okay.

8 **ATTORNEY RUMMEL:** -- conduct the hearing.

9 **PRESIDING COMMISSIONER CHAPPELL:** Sounds good.

10 Sounds good. And, Ms. Spencer, you have had the  
11 opportunity to speak with your representation and --

12 **INMATE SPENCER:** Yes.

13 **PRESIDING COMMISSIONER CHAPPELL:** -- you are good  
14 with everything, correct?

15 **INMATE SPENCER:** Yes, sir.

16 **PRESIDING COMMISSIONER CHAPPELL:** Okay, great.

17 Thanks. So, Ms. Spencer, I'm going to ask you -- before  
18 we get into the hearing I'm going to ask you some  
19 medical questions. I'm going to conduct an ADA review.  
20 How is your walking?

21 **INMATE SPENCER:** Fine.

22 **PRESIDING COMMISSIONER CHAPPELL:** Fine? No  
23 assistance needed?

24 **INMATE SPENCER:** No assistance needed.

25 **PRESIDING COMMISSIONER CHAPPELL:** Okay, how about

1 your hearing?

2 **INMATE SPENCER:** My hearing is fine.

3 **PRESIDING COMMISSIONER CHAPPELL:** Great. And I  
4 see you're wearing glasses, were those prescription  
5 glasses?

6 **INMATE SPENCER:** Yes, they are.

7 **PRESIDING COMMISSIONER CHAPPELL:** Okay. How do  
8 you deal with sitting for long periods of time?

9 **INMATE SPENCER:** I'm good.

10 **PRESIDING COMMISSIONER CHAPPELL:** You're okay?

11 **INMATE SPENCER:** Uh-huh.

12 **PRESIDING COMMISSIONER CHAPPELL:** I looked in our  
13 DECS database and it looks like on May 5th, 2016, you  
14 signed what's called a request for assistance form.  
15 It's a Form-1073. You probably sat with your counselor,  
16 he or she went over any medical concerns that you may  
17 have --

18 **INMATE SPENCER:** Yes.

19 **PRESIDING COMMISSIONER CHAPPELL:** -- concerning  
20 this hearing. Do you remember signing that form?

21 **INMATE SPENCER:** I don't remember signing that  
22 form but --

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay, well, do  
24 you have a copy of that form by any chance in front of  
25 you? I just want to make sure she's -- it's the

1 1073-Form. I might be able to --

2 **DEPUTY COMMISSIONER FLEMING:** It's the 1073?

3 **PRESIDING COMMISSIONER CHAPPELL:** Yes. I may  
4 have it. That's okay, no worries. Ms. Spencer, what I  
5 have -- I just -- I have it.

6 **DEPUTY COMMISSIONER FLEMING:** Oh, okay.

7 **PRESIDING COMMISSIONER CHAPPELL:** I just printed  
8 a copy of it and what I'm going to do is I'm going to  
9 pass it over to your representative and have you and her  
10 take a look at it and just want to make sure that you  
11 recognize that as your signature.

12 **INMATE SPENCER:** Oh, yes, I do remember it.

13 **PRESIDING COMMISSIONER CHAPPELL:** Okay, okay,  
14 okay.

15 **INMATE SPENCER:** Sorry about that.

16 **PRESIDING COMMISSIONER CHAPPELL:** Great, no  
17 that's fine. Sure. And, Ms. Spencer, it has your grade  
18 point level or your reading level at 12.9; that sound  
19 accurate to you?

20 **INMATE SPENCER:** Yes.

21 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And you  
22 are currently in the CCCMS level --

23 **INMATE SPENCER:** Yes, yes I am.

24 **PRESIDING COMMISSIONER CHAPPELL:** -- of care?

25 **INMATE SPENCER:** Uh-huh.



1           **PRESIDING COMMISSIONER CHAPPELL:** Okay. Are you  
2 taking psychotropic medication currently?

3           **INMATE SPENCER:** Yes, I am.

4           **PRESIDING COMMISSIONER CHAPPELL:** Okay. How  
5 often do you take your medication?

6           **INMATE SPENCER:** Twice a day.

7           **PRESIDING COMMISSIONER CHAPPELL:** Okay, once in  
8 the morning, once in the evening?

9           **INMATE SPENCER:** Once in the morning, once at  
10 night.

11           **PRESIDING COMMISSIONER CHAPPELL:** Okay. Did you  
12 take your medication --

13           **INMATE SPENCER:** Yes, I did.

14           **PRESIDING COMMISSIONER CHAPPELL:** -- this  
15 morning? Okay. Do you feel that medication, would that  
16 effect your ability to participate in today's hearing in  
17 any way?

18           **INMATE SPENCER:** No.

19           **PRESIDING COMMISSIONER CHAPPELL:** Okay. I don't  
20 see -- do you have your GED or high school diploma?

21           **INMATE SPENCER:** I have a high school diploma.

22           **PRESIDING COMMISSIONER CHAPPELL:** Okay, and when  
23 did you receive that?

24           **INMATE SPENCER:** Nineteen eighty-one.

25           **PRESIDING COMMISSIONER CHAPPELL:** Okay. Any

1 other medical concerns that we haven't discussed that  
2 you think may affect your ability to participate today?

3 **INMATE SPENCER:** No, none that I can think of.

4 **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank  
5 you. So based on our discussion medically, I don't see  
6 a reason why you can't continue to participate, do you  
7 agree?

8 **INMATE SPENCER:** Yes, I agree.

9 **PRESIDING COMMISSIONER CHAPPELL:** Okay, counsel,  
10 do you concur?

11 **ATTORNEY JOHNSON:** Yes.

12 **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank  
13 you. Ms. Spencer, I also see on May 5th, 2016, you  
14 signed what's called a Notice of Hearing Rights.

15 **INMATE SPENCER:** Yes.

16 **PRESIDING COMMISSIONER CHAPPELL:** Two-page  
17 document, you remember that?

18 **INMATE SPENCER:** Yes.

19 **PRESIDING COMMISSIONER CHAPPELL:** Did you have an  
20 opportunity to go over those rights with your counselor  
21 at the time?

22 **INMATE SPENCER:** Yes, I did.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay. Any  
24 questions about those rights?

25 **INMATE SPENCER:** No, sir.

1           **PRESIDING COMMISSIONER CHAPPELL:** Okay, did you  
2 also have an opportunity to speak with your counsel  
3 concerning your rights?

4           **INMATE SPENCER:** Yes.

5           **PRESIDING COMMISSIONER CHAPPELL:** Okay. So to  
6 the best of your knowledge do you feel your rights have  
7 been met to this point?

8           **INMATE SPENCER:** Yes, I do.

9           **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank  
10 you. Counsel, do you concur?

11           **ATTORNEY JOHNSON:** Yes.

12           **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank  
13 you. At this time I'd like to check with both counsel  
14 to make sure you received the Comprehensive Risk  
15 Assessment, the ten-day packet, and also the master  
16 packet for this hearing?

17           **ATTORNEY JOHNSON:** Yes.

18           **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank  
19 you. Mr. Sachs?

20           **DEPUTY DISTRICT ATTORNEY SACHS:** I did, thank you  
21 very much.

22           **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank  
23 you. Does counsel have any additional documents you'd  
24 like to pass on Ms. Spencer's behalf?

25           **ATTORNEY JOHNSON:** No, I do not.

1           **PRESIDING COMMISSIONER CHAPPELL:** None, okay.

2 Any preliminary objections?

3           **ATTORNEY JOHNSON:** Yes, I have two objections.

4           **PRESIDING COMMISSIONER CHAPPELL:** Okay.

5           **ATTORNEY JOHNSON:** First is to the reliability of  
6 a letter that is included in the ten-day packet. It's  
7 from Ms. Bree Irvin sent on August 8th, 2016.

8           **PRESIDING COMMISSIONER CHAPPELL:** Okay.

9           **ATTORNEY JOHNSON:** We had raised it with legal  
10 prior to this when we received the ten-day packet but we  
11 just wanted to bring to your attention why we were  
12 objecting to its inclusion. We feel that it is  
13 unreliable, not only because it was redacted by  
14 Ms. Irvin herself, and we have no way of seeing what  
15 else was on the letter that she sent, as well as the  
16 fact that it pertains to an inheritance dispute that is  
17 ongoing following the passing of their father that they  
18 shared. She's a half-sister of Ms. Spencer's. And it  
19 really does not have anything to do with her  
20 suitability. It's a dispute over money over an estate  
21 and, in fact, Ms. Irvin has supported Ms. Spencer's  
22 release in the past. She submitted a letter of support  
23 in 2009. We unfortunately do not have a copy of this  
24 but it is cited on page 11 of the 2009 transcript that  
25 it was submitted the day of the hearing in support of

1 her release. And she has written to the Board since  
2 then, that's in the ten-day packet, but it primarily  
3 refers to an inheritance dispute.

4 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so -- and  
5 I know you indicated you did submit the objection to  
6 legal. And you received a response from them?

7 **ATTORNEY JOHNSON:** Yes.

8 **PRESIDING COMMISSIONER CHAPPELL:** Okay, well it  
9 is part of the record. Now, as Ms. Spencer -- because  
10 you raised the objection, are you saying that if we get  
11 to that and we have a discussion, is she prepared to  
12 discuss --

13 **ATTORNEY JOHNSON:** She is prepared to discuss.

14 **PRESIDING COMMISSIONER CHAPPELL:** -- her side of  
15 that?

16 **ATTORNEY JOHNSON:** Yes.

17 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

18 **ATTORNEY JOHNSON:** She's prepared to explain what  
19 is in the redacted portion of the letter.

20 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so I'll  
21 note the objection for the record.

22 **ATTORNEY JOHNSON:** Thank you.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

24 **ATTORNEY JOHNSON:** I'd also like to object to any  
25 reliance on confidential material. We saw that there

1 was an 810-Form in the ten-day packet. However, we did  
2 not receive a 1030-Form so we've been working under the  
3 assumption that it's not going to be relied upon today.  
4 So there is no sufficient notice, and due process  
5 requires that as much disclosure be provided to us as  
6 possible.

7 **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank  
8 you. And I'll note that objection and I'll actually  
9 make a statement about confidential information during  
10 this preliminary information.

11 **ATTORNEY JOHNSON:** Thank you.

12 **PRESIDING COMMISSIONER CHAPPELL:** Thank you.

13 Okay, so, Ms. Spencer, --

14 **INMATE SPENCER:** Yes, sir.

15 **PRESIDING COMMISSIONER CHAPPELL:** -- the Panel  
16 has received -- or we've reviewed your record. We've  
17 reviewed sentencing documentation, we reviewed the  
18 probation officer's report, your Central File. We have  
19 a database that's called WatchDox, it's a summary of  
20 your record. We reviewed that. We've also reviewed the  
21 Comprehensive Risk Assessment. It looks like on January  
22 7th, 2016, you sat with Dr. Larmer?

23 **INMATE SPENCER:** Yes, sir.

24 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so we've  
25 reviewed that report as well. And as we are discussing

1 the information today, if you hear something that you  
2 feel is not accurate in your mind, you'll be encouraged  
3 to correct or clarify the record for us, okay?

4 **INMATE SPENCER:** Yes, sir.

5 **PRESIDING COMMISSIONER CHAPPELL:** All right. So  
6 we've also reviewed the confidential portion of your  
7 Central File and we will advise you in accordance with  
8 Title 15 if any portion of that section is used, okay?

9 **INMATE SPENCER:** Yes, sir.

10 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so it is  
11 important that you understand that we are not here to  
12 reconsider the findings of the trial and appellate  
13 courts, nor are we here to retry your case. In other  
14 words, this Panel accepts as true all the findings of  
15 the previous courts. Instead, the purpose of today's  
16 hearing is to consider your suitability for parole. In  
17 doing so we'll consider a lot of factors, including the  
18 number and nature of crimes for which you've committed,  
19 your prior criminal and social history, your behavior  
20 and programming since your commitment, your plans if  
21 released, as well as your responses today. So strongly  
22 encourage you to be completely honest with us even if  
23 telling the truth means you change an answer to some  
24 question you've been asked in the past, okay?

25 **INMATE SPENCER:** Yes, sir.

1           **PRESIDING COMMISSIONER CHAPPELL:** All we want is  
2 the truth, okay?

3           **INMATE SPENCER:** Yes, sir.

4           **PRESIDING COMMISSIONER CHAPPELL:** So with that  
5 I'd like to swear you in, so please raise your right  
6 hand. Do you solemnly swear or affirm the testimony you  
7 give at this hearing will be the truth, the whole truth,  
8 and nothing but the truth?

9           **INMATE SPENCER:** Yes, I do.

10          **PRESIDING COMMISSIONER CHAPPELL:** All right,  
11 thank you. Format of today's hearing, Ms. Spencer is  
12 we're going to start off with -- and I know this is your  
13 Subsequent and you've been through a hearing before. So  
14 it's going to be similar to the last hearing as far as  
15 format, maybe just a few little adjustments. We're  
16 going to start off with pre-conviction history so we  
17 talk about life prior to the life crime, prior to your  
18 incarceration.

19          **INMATE SPENCER:** Yes.

20          **PRESIDING COMMISSIONER CHAPPELL:** Okay, and then  
21 we're going to lead up to a discussion about the life  
22 crime. So is Ms. Spencer prepared to speak to us about  
23 the life crime today?

24          **ATTORNEY JOHNSON:** Yes, she is.

25          **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank



1 you. So we'll have a discussion about that.

2 **INMATE SPENCER:** Okay.

3 **PRESIDING COMMISSIONER CHAPPELL:** After that  
4 we'll talk about your post-conviction factors, things  
5 you've been involved with since incarceration, okay, to  
6 include any self-help, work, disciplinary, we'll have a  
7 discussion about parole plans, okay. After  
8 post-conviction I'll open it up to the both counsel,  
9 we'll start with the Deputy District Attorney, and  
10 they'll ask clarifying questions. The Deputy District  
11 Attorney will ask the questions of the Panel, we'll make  
12 an assessment on the question, and then we'll ask the  
13 question of you and you can respond to us.

14 **INMATE SPENCER:** Yes, sir.

15 **PRESIDING COMMISSIONER CHAPPELL:** Okay. After  
16 that your counsel or your attorney will have an  
17 opportunity to ask clarifying questions as well. Then  
18 we'll move to closing statements. Both counsel will  
19 give closing statements and then you'll have an  
20 opportunity to give a closing statement.

21 **INMATE SPENCER:** Okay.

22 **PRESIDING COMMISSIONER CHAPPELL:** Okay, after  
23 your closing statement we'll hear from the victim if he  
24 likes to give -- if he'll like to give a closing. After  
25 all, closing we'll call a recess, clear the room. My

1 partner and I will discuss all the information we have  
2 in front of us, then we'll bring everyone back in the  
3 room and you'll have our decision today, okay?

4 **INMATE SPENCER:** Okay, thank you.

5 **PRESIDING COMMISSIONER CHAPPELL:** All right, so  
6 with that, any questions before we get started?

7 **INMATE SPENCER:** No, sir.

8 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so let's  
9 get started, and we're going to start with  
10 pre-conviction, your social history. And I'm going to  
11 take this information right from the Comprehensive Risk  
12 Assessment, okay. So born in National City. At the  
13 time you had both parents in the household?

14 **INMATE SPENCER:** Yes.

15 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And it  
16 looks like you're -- how many siblings did you have?

17 **INMATE SPENCER:** I had an older brother and an  
18 older sister.

19 **PRESIDING COMMISSIONER CHAPPELL:** Okay, looks  
20 like your parents separated.

21 **INMATE SPENCER:** They divorced.

22 **PRESIDING COMMISSIONER CHAPPELL:** Divorced at an  
23 early age?

24 **INMATE SPENCER:** Yes.

25 **PRESIDING COMMISSIONER CHAPPELL:** About what age

1 was that?

2 **INMATE SPENCER:** When I was five.

3 **PRESIDING COMMISSIONER CHAPPELL:** At five years  
4 old. And your father was awarded custody?

5 **INMATE SPENCER:** Yes.

6 **PRESIDING COMMISSIONER CHAPPELL:** Of all three --

7 **INMATE SPENCER:** Yes.

8 **PRESIDING COMMISSIONER CHAPPELL:** -- of you?

9 Okay. And how far did you get in school, Ms. Spencer?

10 **INMATE SPENCER:** Twelfth grade.

11 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so you  
12 completed the eleventh or you completed the twelfth?

13 **INMATE SPENCER:** I completed the twelfth.

14 **PRESIDING COMMISSIONER CHAPPELL:** The 12th, so  
15 you got a diploma in 1981?

16 **INMATE SPENCER:** Yes, I have a diploma.

17 **PRESIDING COMMISSIONER CHAPPELL:** In 1981?

18 **INMATE SPENCER:** Yes, sir.

19 **PRESIDING COMMISSIONER CHAPPELL:** Was that at a  
20 traditional high school?

21 **INMATE SPENCER:** It was at Mary B. Perry High  
22 School at Youth Authority.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And I'm  
24 going through the Comprehensive Risk Assessment. It  
25 looks like never in any special education classes

1 (inaudible)

2 **INMATE SPENCER:** No, sir.

3 **PRESIDING COMMISSIONER CHAPPELL:** And you  
4 reported you suffered some abuse.

5 **INMATE SPENCER:** Yes, I did, sir.

6 **PRESIDING COMMISSIONER CHAPPELL:** Talk to me a  
7 little bit about that.

8 **INMATE SPENCER:** After my parents were divorced I  
9 was forced to sleep in the same bed as my father and he  
10 would fondle me and sexually molest me.

11 **PRESIDING COMMISSIONER CHAPPELL:** I see. Were  
12 your other siblings in the house at the time?

13 **INMATE SPENCER:** Yes, they were. They had their  
14 own separate bedrooms.

15 **PRESIDING COMMISSIONER CHAPPELL:** So did you  
16 disclose this to anyone?

17 **INMATE SPENCER:** I disclosed it to my mother.

18 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

19 **INMATE SPENCER:** But she felt that it was not her  
20 place to say anything.

21 **PRESIDING COMMISSIONER CHAPPELL:** I see. And  
22 this started at about what age?

23 **INMATE SPENCER:** About nine.

24 **PRESIDING COMMISSIONER CHAPPELL:** About age nine.  
25 So your parents separated and divorced at age five and

1 then so about four years later is when your father had  
2 you -- or moved in the same room with you?

3 **INMATE SPENCER:** Yes.

4 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

5 **INMATE SPENCER:** And there was physical abuse as  
6 well.

7 **PRESIDING COMMISSIONER CHAPPELL:** Yeah, and what  
8 was that physical abuse?

9 **INMATE SPENCER:** I would get beat. I would get  
10 punched in the face, thrown around the room.

11 **PRESIDING COMMISSIONER CHAPPELL:** Was there a  
12 reason, did your --

13 **INMATE SPENCER:** Anytime he got angry --

14 **PRESIDING COMMISSIONER CHAPPELL:** I see.

15 **INMATE SPENCER:** -- or frustrated.

16 **PRESIDING COMMISSIONER CHAPPELL:** I see. What  
17 about your siblings, did they suffer any abuse?

18 **INMATE SPENCER:** No, he told me later on that I  
19 most reminded him of my mother.

20 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

21 **INMATE SPENCER:** And so he was angry at her and  
22 so he would take it out on me.

23 **PRESIDING COMMISSIONER CHAPPELL:** I see. Do you  
24 know the reason why -- you probably didn't know back  
25 when they divorced but do you know the reason now today

1 why they divorced?

2 **INMATE SPENCER:** Oh, he hit my mother.

3 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

4 **INMATE SPENCER:** He was beating her.

5 **PRESIDING COMMISSIONER CHAPPELL:** I see. And  
6 reading on the record, so your mother lived close by,  
7 correct?

8 **INMATE SPENCER:** Yes.

9 **PRESIDING COMMISSIONER CHAPPELL:** Was she in  
10 walking distance?

11 **INMATE SPENCER:** About three blocks away.

12 **PRESIDING COMMISSIONER CHAPPELL:** About three  
13 blocks?

14 **INMATE SPENCER:** Yes, sir.

15 **PRESIDING COMMISSIONER CHAPPELL:** Okay, and he  
16 was awarded custody, I know, we've already mentioned  
17 that.

18 **INMATE SPENCER:** Yes.

19 **PRESIDING COMMISSIONER CHAPPELL:** She lived three  
20 blocks away. And when you reported --

21 **INMATE SPENCER:** She had no way of taking care of  
22 us. She had no job or anything.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so the  
24 divorce went through the court system?

25 **INMATE SPENCER:** Yes, it did.

1           **PRESIDING COMMISSIONER CHAPPELL:** Okay. Okay, I  
2 was reading on the record, somewhere you've made a  
3 statement, I believe it's the last transcript, when you  
4 were talking about the abuse. You've indicated that  
5 your father would tell you, this is right, this is the  
6 right --

7           **INMATE SPENCER:** Yes.

8           **PRESIDING COMMISSIONER CHAPPELL:** -- thing for us  
9 to do, but you would hear from teachers that this was --  
10 that was wrong, correct?

11          **INMATE SPENCER:** Correct.

12          **PRESIDING COMMISSIONER CHAPPELL:** So did you ever  
13 report it to the teachers?

14          **INMATE SPENCER:** Yes, but it was like I fell  
15 through the cracks.

16          **PRESIDING COMMISSIONER CHAPPELL:** I see.

17          **INMATE SPENCER:** They never responded or  
18 anything.

19          **PRESIDING COMMISSIONER CHAPPELL:** Okay. Okay.

20          **INMATE SPENCER:** The only one that actually ever  
21 did anything was my counselor at the Youth Service  
22 Bureau.

23          **PRESIDING COMMISSIONER CHAPPELL:** So when you  
24 said it fell through the cracks, so you would just tell  
25 them and you would never hear anything else about it?

1           **INMATE SPENCER:** I would never hear anything  
2 about it.

3           **PRESIDING COMMISSIONER CHAPPELL:** Okay, okay.  
4 Now, what elementary school did you go to?

5           **INMATE SPENCER:** I went to Grover Cleveland  
6 School.

7           **PRESIDING COMMISSIONER CHAPPELL:** Okay, okay.  
8 Prior to the life crime didn't get into much trouble. I  
9 see that there was an arrest for a shoplifting at 13.

10          **INMATE SPENCER:** Yes, sir.

11          **PRESIDING COMMISSIONER CHAPPELL:** And what was  
12 that about?

13          **INMATE SPENCER:** We were just being stupid kids  
14 and stealing stuff from a grocery store.

15          **PRESIDING COMMISSIONER CHAPPELL:** So you say  
16 "we." Who --

17          **INMATE SPENCER:** Me and the next door neighbor  
18 that used to hang out with me, Brant.

19          **PRESIDING COMMISSIONER CHAPPELL:** And what was  
20 the name?

21          **INMATE SPENCER:** Brant Fleming.

22          **PRESIDING COMMISSIONER CHAPPELL:** And what did  
23 you -- what were you stealing?

24          **INMATE SPENCER:** We stole ammunition.

25          **PRESIDING COMMISSIONER CHAPPELL:** What kind of



1 ammunition?

2 **INMATE SPENCER:** I think it was rifle ammunition.

3 **PRESIDING COMMISSIONER CHAPPELL:** Do you remember  
4 like the caliber?

5 **INMATE SPENCER:** I don't remember the caliber.

6 **PRESIDING COMMISSIONER CHAPPELL:** No? Why were  
7 you stealing ammunition?

8 **INMATE SPENCER:** We thought we could sell it.

9 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so did  
10 you have someone that was going to buy it or --

11 **INMATE SPENCER:** No, we just figured we could  
12 find someone that would buy it.

13 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And this  
14 was at a grocery store?

15 **INMATE SPENCER:** Well, it was Payless, they have  
16 groceries and other things.

17 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And at  
18 15 you were arrested for burglary?

19 **INMATE SPENCER:** Yes.

20 **PRESIDING COMMISSIONER CHAPPELL:** What was that  
21 about?

22 **INMATE SPENCER:** Just vandalism at the school.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay, what  
24 happened? What did you do?

25 **INMATE SPENCER:** We broke in and sprayed with the

1 fire extinguishers and wrote on the blackboards and  
2 stuff like that.

3 **PRESIDING COMMISSIONER CHAPPELL:** Why?

4 **INMATE SPENCER:** We were drunk.

5 **PRESIDING COMMISSIONER CHAPPELL:** Yeah? How much  
6 were you drinking?

7 **INMATE SPENCER:** I was drinking basically  
8 whenever I could get it.

9 **PRESIDING COMMISSIONER CHAPPELL:** Yeah? And when  
10 did you start drinking?

11 **INMATE SPENCER:** When I was 13.

12 **PRESIDING COMMISSIONER CHAPPELL:** Thirteen? And  
13 what did you drink?

14 **INMATE SPENCER:** Anything I could get, beer,  
15 whiskey, rum.

16 **PRESIDING COMMISSIONER CHAPPELL:** And what about  
17 drugs?

18 **INMATE SPENCER:** I used drugs. I used heroin,  
19 LSD, marijuana. I would get those at school.

20 **PRESIDING COMMISSIONER CHAPPELL:** Yeah, and how  
21 old were you when you started?

22 **INMATE SPENCER:** About 13, same age.

23 **PRESIDING COMMISSIONER CHAPPELL:** So you were  
24 junior high school?

25 **INMATE SPENCER:** Yes.

1           **PRESIDING COMMISSIONER CHAPPELL:** Okay, and what  
2 was the name of your junior high school?

3           **INMATE SPENCER:** Pershing Junior High.

4           **PRESIDING COMMISSIONER CHAPPELL:** Pershing?

5           **INMATE SPENCER:** Uh-huh.

6           **PRESIDING COMMISSIONER CHAPPELL:** How do you  
7 spell that?

8           **INMATE SPENCER:** P-E-R-S-H-I-N-G.

9           **PRESIDING COMMISSIONER CHAPPELL:** Okay, Pershing,  
10 okay. And you say you would get it at -- you would get  
11 it from other kids?

12           **INMATE SPENCER:** Yes.

13           **PRESIDING COMMISSIONER CHAPPELL:** Were they  
14 selling?

15           **INMATE SPENCER:** They were selling at school.

16           **PRESIDING COMMISSIONER CHAPPELL:** All right, did  
17 you ever engage in selling?

18           **INMATE SPENCER:** No.

19           **PRESIDING COMMISSIONER CHAPPELL:** No? Okay. So  
20 besides the underage drinking, besides the drug abuse,  
21 and besides the two arrests, and it looks like they were  
22 both sustained petitions, so you went to Juvenile Hall?

23           **INMATE SPENCER:** No, I was released to the  
24 custody of my father.

25           **PRESIDING COMMISSIONER CHAPPELL:** Got it. So

1 besides that criminal behavior, was there any other  
2 criminal behavior outside of the commitment offense that  
3 you were involved in that you just never came to the  
4 attention of law enforcement?

5 **INMATE SPENCER:** No, sir.

6 **PRESIDING COMMISSIONER CHAPPELL:** No? So it  
7 looks like you went to a traditional high school and  
8 then you were transferred to a continuation school?

9 **INMATE SPENCER:** Yes, sir.

10 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

11 **INMATE SPENCER:** For truancy.

12 **PRESIDING COMMISSIONER CHAPPELL:** Okay. How did  
13 you guys break into the school?

14 **INMATE SPENCER:** We broke a window.

15 **PRESIDING COMMISSIONER CHAPPELL:** Yeah, and  
16 climbed through the window?

17 **INMATE SPENCER:** Yes.

18 **PRESIDING COMMISSIONER CHAPPELL:** So when that  
19 happened was there kind of like -- and I know you lived  
20 right across the street from that school, correct?

21 **INMATE SPENCER:** Correct.

22 **PRESIDING COMMISSIONER CHAPPELL:** Was there like  
23 a stay away order from the school after that burglary or  
24 anything at that time?

25 **INMATE SPENCER:** No, there wasn't. No.

1           **PRESIDING COMMISSIONER CHAPPELL:** Okay. Anything  
2 else about your childhood, your social history, that you  
3 think might be relevant to this part of the hearing?

4           **INMATE SPENCER:** Well, prior to, I had an  
5 undiagnosed mental illness.

6           **PRESIDING COMMISSIONER CHAPPELL:** Okay, okay.

7           **INMATE SPENCER:** My counselor had me taken to a  
8 psychiatrist.

9           **PRESIDING COMMISSIONER CHAPPELL:** And this is a  
10 school counselor?

11          **INMATE SPENCER:** No, it was my counselor at Youth  
12 Service Bureau.

13          **PRESIDING COMMISSIONER CHAPPELL:** Okay.

14          **INMATE SPENCER:** And had me see a psychiatrist.

15          **PRESIDING COMMISSIONER CHAPPELL:** Okay.

16          **INMATE SPENCER:** And he told my father that I was  
17 a danger to myself and others and I should be  
18 institutionalized.

19          **PRESIDING COMMISSIONER CHAPPELL:** I see.

20          **DEPUTY COMMISSIONER FLEMING:** When was that, I'm  
21 sorry?

22          **INMATE SPENCER:** That was in December of two  
23 thousand and -- I mean, 1978.

24          **DEPUTY COMMISSIONER FLEMING:** Okay, thank you.

25          **PRESIDING COMMISSIONER CHAPPELL:** So Youth

1 Service Bureau, tell me about that. So how did you go  
2 to Youth Service Bureau?

3 **INMATE SPENCER:** After I got arrested for the  
4 vandalism --

5 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

6 **INMATE SPENCER:** -- they sent me to counseling  
7 instead of taking me to court.

8 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

9 **INMATE SPENCER:** And they had me see a counselor  
10 like twice a week.

11 **PRESIDING COMMISSIONER CHAPPELL:** Okay, okay. So  
12 at that time is when you disclosed to the counselor that  
13 you were having problems with your mental health or --

14 **INMATE SPENCER:** Yes, sir.

15 **PRESIDING COMMISSIONER CHAPPELL:** Okay, okay, all  
16 right.

17 **DEPUTY COMMISSIONER FLEMING:** Were you hearing  
18 voices back then?

19 **INMATE SPENCER:** Yes.

20 **DEPUTY COMMISSIONER FLEMING:** What age did you  
21 recall that that started?

22 **INMATE SPENCER:** Like 12.

23 **DEPUTY COMMISSIONER FLEMING:** Did it coincide  
24 with when the sexual abuse started? I think it started  
25 a little bit earlier.

1           **INMATE SPENCER:** No, the sexual abuse started  
2 earlier.

3           **DEPUTY COMMISSIONER FLEMING:** That's what I  
4 thought, okay.

5           **PRESIDING COMMISSIONER CHAPPELL:** Okay, anything  
6 else, Commissioner?

7           **DEPUTY COMMISSIONER FLEMING:** No.

8           **PRESIDING COMMISSIONER CHAPPELL:** Okay.

9           **DEPUTY COMMISSIONER FLEMING:** Not at this time.  
10 I have one question with regards -- when was the last  
11 time your father -- the day of the crime, the last time  
12 had your -- when was the last time your father had  
13 sexually abused you prior to that?

14           **INMATE SPENCER:** Like that weekend before the  
15 crime.

16           **DEPUTY COMMISSIONER FLEMING:** Okay, thank you.

17           **PRESIDING COMMISSIONER CHAPPELL:** How often did  
18 this abuse occur?

19           **INMATE SPENCER:** It happened frequently because I  
20 had to sleep in the same room with him.

21           **PRESIDING COMMISSIONER CHAPPELL:** Okay, so when  
22 you say "frequently?"

23           **INMATE SPENCER:** Almost every night.

24           **PRESIDING COMMISSIONER CHAPPELL:** Okay, so you  
25 said it happened the weekend before the crime. So the

1 crime happened on a Monday, correct?

2 **INMATE SPENCER:** Yes.

3 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And so  
4 when you say "weekend," was it Saturday, was it Sunday?

5 **INMATE SPENCER:** It was Sunday.

6 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

7 **DEPUTY COMMISSIONER FLEMING:** Was he ever  
8 prosecuted?

9 **INMATE SPENCER:** No.

10 **DEPUTY COMMISSIONER FLEMING:** Didn't think so.  
11 And we'll go into that a little bit later.

12 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so let's  
13 -- we're going to talk about the crime, okay?

14 **INMATE SPENCER:** Okay.

15 **PRESIDING COMMISSIONER CHAPPELL:** All right, and  
16 I know at your last hearing the details were put on  
17 record, so I'm just going to read just kind of a summary  
18 and just open it up, okay?

19 **INMATE SPENCER:** Okay.

20 **PRESIDING COMMISSIONER CHAPPELL:** And the summary  
21 is taken directly from the Comprehensive Risk Assessment  
22 on page five. And the doctor used as a reference the  
23 Probation Officer's Report. Dr. (inaudible) said you  
24 were convicted of two counts of first degree murder,  
25 assault on a police officer, eight counts of assault



1 with a deadly weapon. The date was July 29th, 1979,  
2 where you opened fire on the elementary school across  
3 from your house. And that was the Grover Cleveland  
4 School?

5 **INMATE SPENCER:** Yes, sir.

6 **PRESIDING COMMISSIONER CHAPPELL:** As a result of  
7 the shootings, killed the school principal, the  
8 custodian, wounded eight children and a police officer.  
9 Following the shootings, you remained in the house for  
10 over six hours requiring a police negotiator to convince  
11 you to surrender. You informed reporters who had called  
12 the residence during the shooting that just started  
13 shooting for the fun of it, and when asked why you  
14 stated, you don't like Mondays, this livens up the day.  
15 When asked if you were shooting at anyone in particular  
16 you said, "No, I kind of like red and blue jackets." So  
17 that was a really brief summary of circumstances. And I  
18 read the brief summary because I wanted to open it up to  
19 you to kind of -- to have you discuss. So what was  
20 going on that day?

21 **INMATE SPENCER:** I was extremely depressed.

22 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

23 **INMATE SPENCER:** And I just couldn't go on  
24 anymore with how life had been going --

25 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

1           **INMATE SPENCER:** -- with the abuse and  
2 everything. And I just wanted it to end that day.

3           **PRESIDING COMMISSIONER CHAPPELL:** Okay, so what  
4 happened?

5           **INMATE SPENCER:** I got my rifle and I started  
6 shooting at the parking lot because I knew that would  
7 draw the police and --

8           **PRESIDING COMMISSIONER CHAPPELL:** Okay.

9           **INMATE SPENCER:** -- that if I shot at the police,  
10 then they would probably shoot me because every suicide  
11 attempt prior to that had failed.

12           **PRESIDING COMMISSIONER CHAPPELL:** Okay.

13           **DEPUTY COMMISSIONER FLEMING:** Can I ask a really  
14 blatant question? I need to -- why didn't you just put  
15 the gun in your mouth and do it that way? I'm really --

16           **INMATE SPENCER:** Because I had screwed up --

17           **DEPUTY COMMISSIONER FLEMING:** I know this is a  
18 point of contention so I really want to ask you.

19           **INMATE SPENCER:** I had screwed up every single  
20 suicide attempt prior to that so I knew if I did that, I  
21 would either just be paralyzed or it wouldn't work.

22           **DEPUTY COMMISSIONER FLEMING:** Okay, let me ask  
23 one more question. You said you were shooting at the  
24 parking lot. Did you see anybody in the parking lot  
25 when you started shooting?

1           **INMATE SPENCER:** Not when I started, but after a  
2 while people started coming into the parking lot.

3           **DEPUTY COMMISSIONER FLEMING:** So what's a while?  
4 Do you remember how long that was? From the first shot  
5 where you didn't see anybody, is that your testimony?

6           **INMATE SPENCER:** Yes.

7           **DEPUTY COMMISSIONER FLEMING:** And then did  
8 somebody come into the parking lot?

9           **INMATE SPENCER:** Yes, people started arriving for  
10 school and stuff.

11           **PRESIDING COMMISSIONER CHAPPELL:** Okay, so I'm  
12 going to take you back before that and then we'll move  
13 back to the shooting. So the morning -- so when did you  
14 -- did you devise a plan? Did you say, okay I'm going  
15 to wake up tomorrow morning and this is my plan for  
16 suicide?

17           **INMATE SPENCER:** No, it was that morning --

18           **PRESIDING COMMISSIONER CHAPPELL:** That morning?

19           **INMATE SPENCER:** -- that I figured if I started  
20 shooting over there the police would show up and they  
21 would come and kill me.

22           **PRESIDING COMMISSIONER CHAPPELL:** Okay, all  
23 right. And so there was some discussion last  
24 transcript, last hearing about your father was home when  
25 you woke up.

1           **INMATE SPENCER:** Yes.

2           **PRESIDING COMMISSIONER CHAPPELL:** And did you  
3 tell him that you were sick?

4           **INMATE SPENCER:** I told him I felt sick --

5           **PRESIDING COMMISSIONER CHAPPELL:** Okay.

6           **INMATE SPENCER:** -- so I could stay home from  
7 school.

8           **PRESIDING COMMISSIONER CHAPPELL:** Okay, all  
9 right. And the rifle was a .22, correct?

10          **INMATE SPENCER:** Yes, sir.

11          **PRESIDING COMMISSIONER CHAPPELL:** And you  
12 received that rifle for Christmas?

13          **INMATE SPENCER:** Yeah, I had asked for a radio  
14 and he gave me a rifle instead.

15          **PRESIDING COMMISSIONER CHAPPELL:** Why do you  
16 think -- why would he buy you a rifle?

17          **INMATE SPENCER:** I thought he was telling me to  
18 shoot myself.

19          **PRESIDING COMMISSIONER CHAPPELL:** You thought or  
20 he did tell --

21          **INMATE SPENCER:** No, I thought.

22          **PRESIDING COMMISSIONER CHAPPELL:** Well, why would  
23 you think that?

24          **INMATE SPENCER:** Because of the abuse and  
25 everything. He didn't care.

1           **PRESIDING COMMISSIONER CHAPPELL:** So there's also  
2 a --

3           **INMATE SPENCER:** I had --

4           **PRESIDING COMMISSIONER CHAPPELL:** -- record --  
5 there's a record of you going shooting with your father  
6 I think with pellet guns; is that --

7           **INMATE SPENCER:** Yes.

8           **PRESIDING COMMISSIONER CHAPPELL:** -- correct?

9           **INMATE SPENCER:** But I had already seen the  
10 psychiatrist and he told my father I was suicidal and  
11 then he gave me a rifle.

12           **PRESIDING COMMISSIONER CHAPPELL:** Okay, so what  
13 was your discussion like in -- I want to get -- and I  
14 know it was a long time ago. But after seeing a  
15 psychiatrist and your father telling the psychiatrist,  
16 you know there's nothing wrong with her and you come  
17 home, what was that like? Did he have a discussion with  
18 you about it?

19           **INMATE SPENCER:** He didn't say anything. He just  
20 complained about people butting into family business.

21           **PRESIDING COMMISSIONER CHAPPELL:** Okay. And I  
22 think I read on record, you received also with that  
23 rifle a large amount of bullets or ammo, correct?

24           **INMATE SPENCER:** Yes.

25           **PRESIDING COMMISSIONER CHAPPELL:** Was it two or

1 five hundred rounds?

2 **INMATE SPENCER:** It was I think five hundred  
3 rounds.

4 **PRESIDING COMMISSIONER CHAPPELL:** Five hundred  
5 rounds. Why so many rounds?

6 **INMATE SPENCER:** I don't know. It was just what  
7 he bought.

8 **PRESIDING COMMISSIONER CHAPPELL:** Okay. All  
9 right, so were you drinking, taking drugs that day?

10 **INMATE SPENCER:** Yes. Yes, I was.

11 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so the  
12 shooting happened about 8:30, correct?

13 **INMATE SPENCER:** Correct.

14 **PRESIDING COMMISSIONER CHAPPELL:** When did you  
15 father leave for work that morning?

16 **INMATE SPENCER:** He left at it probably would  
17 have been about 6:00 or 6:30.

18 **PRESIDING COMMISSIONER CHAPPELL:** About 6:00 or  
19 6:30?

20 **INMATE SPENCER:** Yes.

21 **PRESIDING COMMISSIONER CHAPPELL:** Okay, all  
22 right. So when did you start drinking and taking drugs?

23 **INMATE SPENCER:** Right after he left.

24 **PRESIDING COMMISSIONER CHAPPELL:** Yeah, and just  
25 right there in the house?

1           **INMATE SPENCER:** Yes.

2           **PRESIDING COMMISSIONER CHAPPELL:** Good. So 8:30  
3 comes around, you position yourself in the front window,  
4 is that where it was?

5           **INMATE SPENCER:** Yes.

6           **PRESIDING COMMISSIONER CHAPPELL:** And you say you  
7 were shooting at the parking lot?

8           **INMATE SPENCER:** Well, the parking lot is the  
9 front of the school.

10          **PRESIDING COMMISSIONER CHAPPELL:** Okay, and  
11 that's where you were shooting?

12          **INMATE SPENCER:** Yeah.

13          **PRESIDING COMMISSIONER CHAPPELL:** Anything in  
14 particular that you were shooting at?

15          **INMATE SPENCER:** I was just shooting in that  
16 direction. Nobody was in the area.

17          **PRESIDING COMMISSIONER CHAPPELL:** Okay, yeah.  
18 And then I know you had just told the Commissioner that  
19 -- and then people started showing up, correct?

20          **INMATE SPENCER:** Correct.

21          **PRESIDING COMMISSIONER CHAPPELL:** So why did you  
22 continue shooting?

23          **INMATE SPENCER:** Because I knew it would draw the  
24 police really quick.

25          **PRESIDING COMMISSIONER CHAPPELL:** Yeah, so you

1 didn't think a person shooting at a parking lot would  
2 draw the attention of the police?

3 **INMATE SPENCER:** Well, I thought it would, yeah.

4 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so how  
5 did you -- I mean --

6 **INMATE SPENCER:** I wasn't --

7 **PRESIDING COMMISSIONER CHAPPELL:** -- you got --  
8 well, you were shooting at the parking lot?

9 **INMATE SPENCER:** Right.

10 **PRESIDING COMMISSIONER CHAPPELL:** People show up,  
11 now --

12 **INMATE SPENCER:** And I kept shooting. I didn't  
13 think that other people would be in the line of fire and  
14 would get hurt.

15 **PRESIDING COMMISSIONER CHAPPELL:** Why would you  
16 not think that?

17 **INMATE SPENCER:** All I thought, I didn't carry it  
18 out, but what would happen. I just thought I'll shoot  
19 at the school and the police will come and they'll shoot  
20 me. That's as far as I worked it out.

21 **PRESIDING COMMISSIONER CHAPPELL:** There are an  
22 awful lot of shots during the incident, correct?

23 **INMATE SPENCER:** Correct. But I didn't take into  
24 consideration that that was going to hurt people. I  
25 thought the only person that was going to get hurt was



1 me.

2 **PRESIDING COMMISSIONER CHAPPELL:** Okay. So did  
3 you see -- ever see any of the victims get shot?

4 **INMATE SPENCER:** Yes, I did.

5 **PRESIDING COMMISSIONER CHAPPELL:** You did? So  
6 why didn't you stop when you saw the victim get shot?

7 **INMATE SPENCER:** I stopped when I saw them.

8 **PRESIDING COMMISSIONER CHAPPELL:** So you stopped  
9 when the police officer was shot?

10 **INMATE SPENCER:** Yes.

11 **PRESIDING COMMISSIONER CHAPPELL:** Do you remember  
12 your conversation you had with the newspaper reporters  
13 that had called the house?

14 **INMATE SPENCER:** I don't recall that but whatever  
15 was said, I probably did say.

16 **PRESIDING COMMISSIONER CHAPPELL:** So do you  
17 remember Principal Wragg, that's W-R-A-G-G, do you  
18 remember him running out to --

19 **INMATE SPENCER:** Yeah, I think I do.

20 **PRESIDING COMMISSIONER CHAPPELL:** -- try to save  
21 the children?

22 **INMATE SPENCER:** Yes.

23 **PRESIDING COMMISSIONER CHAPPELL:** You do? And  
24 did you shoot directly at him?

25 **INMATE SPENCER:** I shot in his direction, yes.

1           **PRESIDING COMMISSIONER CHAPPELL:** Why did you do  
2 that?

3           **INMATE SPENCER:** I figured the police would come.  
4 The police weren't there yet.

5           **PRESIDING COMMISSIONER CHAPPELL:** But it didn't  
6 dawn on you, here's a man, a principal running out to  
7 shield the children that had been shot, and it didn't  
8 dawn on you that the police were probably on their way  
9 because of that shooting and not shooting him?

10          **INMATE SPENCER:** No, it didn't dawn on me.

11          **PRESIDING COMMISSIONER CHAPPELL:** Why do you  
12 think?

13          **INMATE SPENCER:** I think I was having a psychotic  
14 break at the time. And with the drugs it just -- and my  
15 age, I just didn't think things through. I just thought  
16 it so far and that was it.

17          **DEPUTY COMMISSIONER FLEMING:** When you went  
18 shooting with your father, did you shoot at a target?

19          **INMATE SPENCER:** Yes.

20          **DEPUTY COMMISSIONER FLEMING:** Did you ever kill  
21 an animal?

22          **INMATE SPENCER:** Yes, we hunted in our family in  
23 Arkansas.

24          **DEPUTY COMMISSIONER FLEMING:** So you understood  
25 the mechanics of gun -- or the rules of gun safety?

1           **INMATE SPENCER:** Yes.

2           **DEPUTY COMMISSIONER FLEMING:** I was making  
3 assumptions, and if I'm wrong please correct me. So you  
4 knew -- so when you saw the principal did you -- you  
5 said you sort of shot out -- I'm sorry, I didn't grab  
6 the whole quote. Did you aim at him?

7           **INMATE SPENCER:** I aimed in his direction.

8           **DEPUTY COMMISSIONER FLEMING:** Did you see him in  
9 your sights?

10          **INMATE SPENCER:** No.

11          **DEPUTY COMMISSIONER FLEMING:** Were you using your  
12 sights or were you sight shooting?

13          **INMATE SPENCER:** I don't remember what I was  
14 doing.

15          **DEPUTY COMMISSIONER FLEMING:** Start shooting in  
16 (inaudible) going in the direction?

17          **INMATE SPENCER:** Just in the direction.

18          **DEPUTY COMMISSIONER FLEMING:** But you saw him and  
19 shot in his direction; is that correct?

20          **INMATE SPENCER:** Yes.

21          **PRESIDING COMMISSIONER CHAPPELL:** What do you  
22 mean by, "in his direction?" I mean, was it --

23          **INMATE SPENCER:** Just he was --

24          **PRESIDING COMMISSIONER CHAPPELL:** -- at him or  
25 was it --

1           **INMATE SPENCER:** -- standing there and I shot in  
2 that direction where he was standing. I wasn't using  
3 the sights or the aiming or anything.

4           **PRESIDING COMMISSIONER CHAPPELL:** So what was  
5 your intent to shoot in his direction?

6           **INMATE SPENCER:** To get the police there.

7           **PRESIDING COMMISSIONER CHAPPELL:** Okay. And I'm  
8 reading, this is from the transcripts from the last  
9 hearing. I'm going to read this and I'm going to ask  
10 you to comment on it. And this is from Gus Stevens, it  
11 appears he was a reporter for San Diego Union. Says,  
12 "Gus asked her," and this is you were on the phone,  
13 "'Why are you shooting?' She answered, 'This is a way  
14 to cheer up Monday.' She also stated, 'I nailed a good  
15 pig.' He asked her, 'Do you realize that you hit three  
16 or four people?' She answered, 'Gee, is that all? I  
17 saw a lot of feathers flying.' He also recalled her  
18 saying something to the effect, 'I want to shoot more,'  
19 referring to police officers."

20           **INMATE SPENCER:** That would -- to get them to  
21 shoot me.

22           **PRESIDING COMMISSIONER CHAPPELL:** Do you remember  
23 telling the reporter that?

24           **INMATE SPENCER:** I don't recall that but I'm sure  
25 I said it.

1           **PRESIDING COMMISSIONER CHAPPELL:** Why do you  
2 think you can't recall that? And the reason why I ask  
3 is, I mean, you can recall shooting at the parking lot,  
4 you can recall the children showing up, you can recall  
5 the principal coming out to shield the children, you can  
6 recall shooting, or at least shooting in his direction,  
7 but you can't recall the telephone conversation you had  
8 with the reporter.

9           **INMATE SPENCER:** Because the only person I  
10 remember talking to was the hostage negotiator.

11           **PRESIDING COMMISSIONER CHAPPELL:** Okay. And what  
12 was that conversation like with the negotiator?

13           **INMATE SPENCER:** He was I guess trying to get me  
14 to come out.

15           **PRESIDING COMMISSIONER CHAPPELL:** And what were  
16 you telling him? Because it took -- it was a six-hour  
17 standoff. So what were you telling the negotiator all  
18 that time?

19           **INMATE SPENCER:** I don't know what I was telling  
20 him all that time.

21           **PRESIDING COMMISSIONER CHAPPELL:** So --

22           **INMATE SPENCER:** There's gaps in my memory. It  
23 was 37 years ago and I was high on drugs and not really  
24 coherent on what was happening.

25           **PRESIDING COMMISSIONER CHAPPELL:** So during that

1 six hours, and I know you said initially when you woke  
2 up the intent was to commit suicide. And it sounds like  
3 suicide by cop, correct?

4 **INMATE SPENCER:** Uh-huh, correct.

5 **PRESIDING COMMISSIONER CHAPPELL:** So during that  
6 six hours did that intent ever change or did you  
7 (inaudible) --

8 **INMATE SPENCER:** When --

9 **PRESIDING COMMISSIONER CHAPPELL:** -- suicidal  
10 thoughts continue on all the way until you gave yourself  
11 up?

12 **INMATE SPENCER:** When the police shot the front  
13 door, it scared me because it's like, wow, this is real  
14 and it's going to happen. And I got scared so I just  
15 continued I guess to talk to the negotiator until he  
16 convinced me to come out.

17 **PRESIDING COMMISSIONER CHAPPELL:** I'm going to  
18 ask you a question, too. So how long did it -- when you  
19 started shooting, how long did it take for the police to  
20 show up?

21 **INMATE SPENCER:** I don't know.

22 **PRESIDING COMMISSIONER CHAPPELL:** You don't know?  
23 But you did -- did you see them when they showed up?

24 **INMATE SPENCER:** Yes, I did.

25 **PRESIDING COMMISSIONER CHAPPELL:** So at that

1 time, were you still thinking you wanted to commit  
2 suicide?

3 **INMATE SPENCER:** Yes, sir.

4 **PRESIDING COMMISSIONER CHAPPELL:** So why not walk  
5 out in the front with your gun in hand?

6 **INMATE SPENCER:** I didn't think that would make  
7 them do it?

8 **PRESIDING COMMISSIONER CHAPPELL:** Why?

9 **INMATE SPENCER:** I figured they would just make  
10 me put the gun down and then arrest me.

11 **PRESIDING COMMISSIONER CHAPPELL:** But you had  
12 just shot multiple people. If you got your gun in your  
13 hand, how do you think they would make you put it down  
14 if you didn't want them to? If you wanted them to shoot  
15 and kill you, how would they make you without doing  
16 that?

17 **INMATE SPENCER:** I guess I wanted to make them as  
18 angry as possible so they would follow through.

19 **PRESIDING COMMISSIONER CHAPPELL:** It didn't dawn  
20 on you that, I mean, you had just shot multiple kids,  
21 you had just killed two of the staff members, the  
22 principal and the custodian, you didn't think they would  
23 feel that you were a huge, huge danger?

24 **INMATE SPENCER:** No, I didn't think they would.  
25 I thought they would just order me to put the gun down

1 and arrest me.

2 **PRESIDING COMMISSIONER CHAPPELL:** Commissioner?

3 **DEPUTY COMMISSIONER FLEMING:** Did you ever tell  
4 the psychiatrist about the sexual abuse?

5 **INMATE SPENCER:** Yes, I did.

6 **DEPUTY COMMISSIONER FLEMING:** Was it documented?  
7 And I realize that it does occur --

8 **INMATE SPENCER:** Well, I know he made notes.

9 **DEPUTY COMMISSIONER FLEMING:** -- without  
10 documentation so I'm -- let me just make that statement  
11 because I know this is difficult.

12 **INMATE SPENCER:** Well, I know he took notes.

13 **DEPUTY COMMISSIONER FLEMING:** Okay, that's what I  
14 was wondering, what you remembered. I do have a  
15 question, you indicated that you had consumed alcohol  
16 that day?

17 **INMATE SPENCER:** Yes.

18 **DEPUTY COMMISSIONER FLEMING:** How much had you  
19 consumed?

20 **INMATE SPENCER:** About half a bottle of Southern  
21 Comfort.

22 **DEPUTY COMMISSIONER FLEMING:** Do you remember  
23 drinking it?

24 **INMATE SPENCER:** I drank every morning.

25 **DEPUTY COMMISSIONER FLEMING:** Is there any -- do



1 you know why your blood alcohol came back 0.0?

2 **INMATE SPENCER:** I don't know, other than maybe  
3 it was so long past the time I drank it.

4 **DEPUTY COMMISSIONER FLEMING:** Okay, you drank  
5 half a bottle of Southern Comfort?

6 **INMATE SPENCER:** Yes, ma'am.

7 **DEPUTY COMMISSIONER FLEMING:** All right, and what  
8 other drugs did you take?

9 **INMATE SPENCER:** Marijuana.

10 **DEPUTY COMMISSIONER FLEMING:** So just the  
11 Southern Comfort and the marijuana?

12 **INMATE SPENCER:** Yes, ma'am.

13 **DEPUTY COMMISSIONER FLEMING:** Had you taken any  
14 other drugs in the last say 48 hours prior to that?

15 **INMATE SPENCER:** I had taken some drugs that I  
16 found in my dad's medicine cabinet.

17 **DEPUTY COMMISSIONER FLEMING:** Is it like pills?

18 **INMATE SPENCER:** Yes.

19 **DEPUTY COMMISSIONER FLEMING:** Sedatives?

20 **INMATE SPENCER:** I don't know what they were.

21 **DEPUTY COMMISSIONER FLEMING:** Did they go up or  
22 down?

23 **INMATE SPENCER:** They made my vision just go  
24 completely haywire.

25 **DEPUTY COMMISSIONER FLEMING:** Okay, something,

1 all right.

2           **PRESIDING COMMISSIONER CHAPPELL:** And you said  
3 you had taken drugs that day?

4           **INMATE SPENCER:** Yes, sir.

5           **DEPUTY COMMISSIONER FLEMING:** So you did take  
6 drugs that day?

7           **INMATE SPENCER:** The marijuana.

8           **DEPUTY COMMISSIONER FLEMING:** Okay, all right.  
9 I'm sorry.

10           **PRESIDING COMMISSIONER CHAPPELL:** And those tests  
11 came back negative as well, correct?

12           **INMATE SPENCER:** Yes, sir.

13           **PRESIDING COMMISSIONER CHAPPELL:** Now marijuana  
14 stays in your system for days. Any insight or  
15 understanding why that came back negative?

16           **INMATE SPENCER:** I have no idea because there's  
17 pictures of where I had smoked the marijuana in my case  
18 file.

19           **PRESIDING COMMISSIONER CHAPPELL:** Pictures where  
20 you had smoked the marijuana on that day?

21           **INMATE SPENCER:** Yes.

22           **DEPUTY COMMISSIONER FLEMING:** I don't understand.

23           **INMATE SPENCER:** In my case file, in the evidence  
24 photos they have pictures of my pipe that I had used.

25           **DEPUTY COMMISSIONER FLEMING:** Oh, the

1 paraphernalia?

2 **INMATE SPENCER:** Yes.

3 **DEPUTY COMMISSIONER FLEMING:** I'm sorry, I didn't  
4 understand.

5 **PRESIDING COMMISSIONER CHAPPELL:** Also on the  
6 record it indicated that you had disclosed that you had  
7 attempted suicide the weekend prior?

8 **INMATE SPENCER:** Yes, sir, with a drug overdose.

9 **PRESIDING COMMISSIONER CHAPPELL:** And what kind  
10 of drugs?

11 **INMATE SPENCER:** Downers.

12 **PRESIDING COMMISSIONER CHAPPELL:** Downers? And  
13 it said you just woke up and --

14 **INMATE SPENCER:** Yeah, I just woke up from it.

15 **DEPUTY COMMISSIONER FLEMING:** We're going to talk  
16 a lot about all the self-help that you've been doing,  
17 and I want to note that I've been over your file  
18 extensively. Is it your testimony today that you did  
19 not intend to shoot those children?

20 **INMATE SPENCER:** Well, obviously I did.

21 **DEPUTY COMMISSIONER FLEMING:** No, no. But after  
22 the work, what do you think today?

23 **INMATE SPENCER:** Today I think I shot at them in  
24 order to get the police to come.

25 **DEPUTY COMMISSIONER FLEMING:** Okay, thank you.

1 That's all I have.

2 **PRESIDING COMMISSIONER CHAPPELL:** Why do you  
3 think it was excessive?

4 **INMATE SPENCER:** That I don't know. I think  
5 probably because of the mental illness and the drugs and  
6 everything. And what was going on at home.

7 **PRESIDING COMMISSIONER CHAPPELL:** So at the time  
8 you were aware that you were shooting, correct?

9 **INMATE SPENCER:** Correct.

10 **PRESIDING COMMISSIONER CHAPPELL:** And you were  
11 aware that people had been hit --

12 **INMATE SPENCER:** Correct.

13 **PRESIDING COMMISSIONER CHAPPELL:** -- including  
14 children, right?

15 **INMATE SPENCER:** Correct.

16 **PRESIDING COMMISSIONER CHAPPELL:** And there is  
17 also a statement of when -- because of your shooting the  
18 police couldn't get to the victims, the folks that were  
19 injured, and it took one police officer taking, I  
20 believe it was a trash truck or it was a truck, pulled  
21 it right in front of the school blocking your view.

22 **INMATE SPENCER:** Correct.

23 **PRESIDING COMMISSIONER CHAPPELL:** And there was a  
24 statement that you were mad because he had done that.  
25 Do you remember making that statement?

1           **INMATE SPENCER:** No, I don't.

2           **PRESIDING COMMISSIONER CHAPPELL:** You don't  
3 recall that?

4           **INMATE SPENCER:** I don't recall that one but if  
5 it's in the paperwork I probably did say it.

6           **PRESIDING COMMISSIONER CHAPPELL:** Okay, so did  
7 you continue shooting after the truck pulled up and  
8 blocked your way?

9           **INMATE SPENCER:** I don't remember if I did or  
10 not.

11           **PRESIDING COMMISSIONER CHAPPELL:** So do you  
12 remember making a statement to your next door neighbor,  
13 your friend, what was his name?

14           **INMATE SPENCER:** Brant.

15           **PRESIDING COMMISSIONER CHAPPELL:** Brant?

16           **INMATE SPENCER:** Uh-huh.

17           **PRESIDING COMMISSIONER CHAPPELL:** Do you remember  
18 making a statement to Brant before the weekend that  
19 something big was going to happen on Monday?

20           **INMATE SPENCER:** Yeah, but it was --

21           **PRESIDING COMMISSIONER CHAPPELL:** You do remember  
22 making that statement?

23           **INMATE SPENCER:** It was a block party that was  
24 going on in a couple of neighborhoods over.

25           **PRESIDING COMMISSIONER CHAPPELL:** Oh, who was

1 having a block party?

2 **INMATE SPENCER:** It was like two streets over.

3 The whole street was having a block party.

4 **PRESIDING COMMISSIONER CHAPPELL:** Yeah? Was it a  
5 celebration for something? What was --

6 **INMATE SPENCER:** It was somebody's birthday.

7 **PRESIDING COMMISSIONER CHAPPELL:** Okay, how did  
8 you hear about this block party?

9 **INMATE SPENCER:** Because of friends that lived on  
10 that street.

11 **PRESIDING COMMISSIONER CHAPPELL:** Yeah. So when  
12 did you remember this? Because I was reading the  
13 transcripts from last hearing and you had said that you  
14 had never made that statement, you know. Brant was the  
15 type of guy that liked the spotlight so he probably just  
16 said that. So (inaudible)

17 **INMATE SPENCER:** Well, I know he said that  
18 because he wanted to be in the spotlight.

19 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

20 **INMATE SPENCER:** But I've remembered that since  
21 the incident.

22 **PRESIDING COMMISSIONER CHAPPELL:** Okay, because  
23 this -- and I could be wrong. I can go back through the  
24 record. But this is the first I'm hearing about the  
25 block party. Like I said, what I do remember reading is

1 that you had denied making that statement and made a  
2 statement about Brant wanting the spotlight. So you  
3 said he probably just said that because he wanted the  
4 spotlight.

5 **INMATE SPENCER:** No, I think he said that because  
6 he wanted something in the spotlight and he wanted his  
7 moment of fame.

8 **PRESIDING COMMISSIONER CHAPPELL:** But you do  
9 remember making --

10 **INMATE SPENCER:** But I do remember what it was  
11 about.

12 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so you do  
13 remember making the statement to him that something big  
14 is going to happen on Monday?

15 **INMATE SPENCER:** Yes, sir.

16 **PRESIDING COMMISSIONER CHAPPELL:** So how come you  
17 didn't tell him, instead of something big, I mean  
18 there's a block party happening?

19 **INMATE SPENCER:** I did.

20 **PRESIDING COMMISSIONER CHAPPELL:** Oh, you did?  
21 Okay. Okay, ready for post?

22 **DEPUTY COMMISSIONER FLEMING:** Yes, sir.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

24 **DEPUTY COMMISSIONER FLEMING:** Okay, Ms. Spencer,  
25 we're going to talk about your post-conviction and

1 basically we're going to talk about everything that's  
2 been going on for you here in prison since August 13th,  
3 2009. That was your last hearing. And you received a  
4 ten-year denial. And subsequent to that you filed a  
5 petition to advance on May 16th, 2014, and then there  
6 was an administrative review of your case done by the  
7 Board of Parole Hearings. And so they moved you forward  
8 and that was on September 8th, 2015.

9 **INMATE SPENCER:** Yes, ma'am.

10 **DEPUTY COMMISSIONER FLEMING:** Okay, so I'm going  
11 to go through and talk about -- I want to make note that  
12 you have not had any disciplinary problems since you've  
13 been in prison.

14 **INMATE SPENCER:** No, ma'am.

15 **DEPUTY COMMISSIONER FLEMING:** And I didn't see  
16 any. I've looked and it's not there. So you have no  
17 115s and no 128As. So I'm going to go through and talk  
18 about some of your programming and specifically I wanted  
19 to talk about your chronos. And at any time, counsel,  
20 if I miss something and when I'm done I'm going to ask  
21 you, so if you note I miss something be sure and bring  
22 it to my attention because sometimes I do. So --

23 **ATTORNEY JOHNSON:** Thank you.

24 **DEPUTY COMMISSIONER FLEMING:** -- I'll be sure and  
25 let you know. And I'll say -- I'll ask you. Okay, it



1 looks like you've been very active in the Convicted  
2 Women Against Abuse, CWAA. That was back in 2014 and I  
3 believe that has moved forward. You've been in the long  
4 termers' organization.

5 **INMATE SPENCER:** Yes, ma'am.

6 **DEPUTY COMMISSIONER FLEMING:** For lifers?

7 **INMATE SPENCER:** Yes, ma'am.

8 **DEPUTY COMMISSIONER FLEMING:** I'm going to get to  
9 that in a minute. You participated in 2013 in the  
10 Prison Smart Stress Management and Rehabilitation  
11 Training. And I'm going to ask some -- I'm going to  
12 document all this and then I'll probably have a little  
13 dialogue with you. It's a little bit about what you've  
14 learned and how you apply it to your life now, okay?

15 **INMATE SPENCER:** Okay.

16 **DEPUTY COMMISSIONER FLEMING:** All right. And  
17 Choice Theory, how many years have you participated in  
18 that? That's a pretty extensive program.

19 **INMATE SPENCER:** Choice Theory, I only did the  
20 first year.

21 **DEPUTY COMMISSIONER FLEMING:** Okay, but that was  
22 back in 2012.

23 **INMATE SPENCER:** Yes, I haven't signed that  
24 (inaudible)

25 **DEPUTY COMMISSIONER FLEMING:** Long termers'

1 organization though, you've been in that for quite a  
2 while, isn't that correct?

3 **INMATE SPENCER:** Yes, ma'am.

4 **DEPUTY COMMISSIONER FLEMING:** Okay, and you take  
5 care of the cats?

6 **INMATE SPENCER:** Yes, ma'am.

7 **DEPUTY COMMISSIONER FLEMING:** And I've noted that  
8 you've been in that quite often. You have been -- how  
9 long have you been following the wiccan?

10 **INMATE SPENCER:** Since 2007 in here. But I  
11 followed it out in the streets as well.

12 **DEPUTY COMMISSIONER FLEMING:** Before you were  
13 incarcerated?

14 **INMATE SPENCER:** Yes, ma'am.

15 **DEPUTY COMMISSIONER FLEMING:** Before 16?

16 **INMATE SPENCER:** Yes.

17 **DEPUTY COMMISSIONER FLEMING:** How did you do that  
18 then?

19 **INMATE SPENCER:** Just on self-practicing.

20 **DEPUTY COMMISSIONER FLEMING:** That did that --  
21 I'm just curious what did that -- I'm familiar with many  
22 different practices and that's why -- and I'm familiar  
23 with it so I'm --

24 **INMATE SPENCER:** It's like just reading books and  
25 stuff like that.

1           **DEPUTY COMMISSIONER FLEMING:** Did you have  
2 animals before you committed this crime?

3           **INMATE SPENCER:** Yes, ma'am.

4           **DEPUTY COMMISSIONER FLEMING:** What did you have?

5           **INMATE SPENCER:** I had cats and dogs.

6           **DEPUTY COMMISSIONER FLEMING:** Did you ever hurt  
7 any of your animals?

8           **INMATE SPENCER:** No, ma'am.

9           **DEPUTY COMMISSIONER FLEMING:** Because you still  
10 continue to take care of animals here at the prison; is  
11 that correct?

12           **INMATE SPENCER:** Yes, ma'am.

13           **DEPUTY COMMISSIONER FLEMING:** And nature is a big  
14 part of that.

15           **INMATE SPENCER:** Yes.

16           **DEPUTY COMMISSIONER FLEMING:** Okay, thanks.  
17 Okay, so it indicates here, that's in 2011, and you've  
18 been participating for quite a while since you've been  
19 here since 2007 as you just indicated. Let's see. Yes,  
20 there's cats. Let's go look at the ten-day. Let's see,  
21 Choice Theory, cats. What are you -- what is your --  
22 let's go here. I'm going to look at your -- currently  
23 you're a warehouse worker. Let me see, I'm missing --  
24 what self-help are you participating in now?

25           **INMATE SPENCER:** Women of Wisdom.

1           **DEPUTY COMMISSIONER FLEMING:**   Okay.

2           **INMATE SPENCER:**   Long Termers Organization, and  
3 CWAAs.

4           **DEPUTY COMMISSIONER FLEMING:**   Okay.   May I ask a  
5 question?   Why don't you participate in AA and NA?   I  
6 don't understand that, because here's my big concern is  
7 that not only you have mental illness, one prong, you  
8 have addiction and alcoholism on the other prong, and  
9 you have trauma, childhood trauma.   These are -- those  
10 three prongs together, each of their own are very  
11 serious, and to have all three, and you indicated --  
12 your testimony today was that you drank half a bottle of  
13 Southern Comfort, smoked a lot of pot, and had taken  
14 downers, random pills from your father's cabinet the day  
15 that this horrific crime happened.   And I want to know,  
16 why aren't you in Alcoholics Anonymous?

17           **INMATE SPENCER:**   I had taken Alcoholics Anonymous  
18 from 1982 until about 1995.

19           **DEPUTY COMMISSIONER FLEMING:**   Okay.

20           **INMATE SPENCER:**   And they have the same panel  
21 members and basically I learned to tell their stories as  
22 good as they could.

23           **DEPUTY COMMISSIONER FLEMING:**   I don't have any  
24 idea --

25           **INMATE SPENCER:**   It's just repetitious.

1           **DEPUTY COMMISSIONER FLEMING:**  -- what you just  
2 said to me.

3           **INMATE SPENCER:**  It's repetitious.  All they do  
4 is come in and tell their stories over and over and over  
5 again.

6           **DEPUTY COMMISSIONER FLEMING:**  Okay, let's step  
7 aside --

8           **INMATE SPENCER:**  I've taken the 12-step group on  
9 its own where we actually go through the steps and work  
10 on each --

11          **DEPUTY COMMISSIONER FLEMING:**  Do you practice --

12          **INMATE SPENCER:**  -- of the steps.

13          **DEPUTY COMMISSIONER FLEMING:**  -- the steps in  
14 your life today?

15          **INMATE SPENCER:**  Yes, I do.

16          **DEPUTY COMMISSIONER FLEMING:**  How do you do that?

17          **INMATE SPENCER:**  I do it -- anytime I have a  
18 problem I go through the steps.

19          **DEPUTY COMMISSIONER FLEMING:**  How do you go  
20 through the steps?

21          **INMATE SPENCER:**  The step four, I make a moral  
22 inventory.

23          **DEPUTY COMMISSIONER FLEMING:**  Do you write it  
24 down?

25          **INMATE SPENCER:**  I don't write it down anymore.

1           **DEPUTY COMMISSIONER FLEMING:**   Okay.

2           **INMATE SPENCER:**   I see what the problem is, what  
3 the behavior is that led up to it, and ways I can change  
4 that.

5           **DEPUTY COMMISSIONER FLEMING:**   Do you talk to  
6 another person?

7           **INMATE SPENCER:**   Yes, I do.

8           **DEPUTY COMMISSIONER FLEMING:**   Okay, do you have  
9 any character defects today?  And I have to tell you, I  
10 don't believe that because someone can recite the 12  
11 steps and sit here verbatim that it means that they're  
12 not going to drink or use.  My concern is how prevalent  
13 the alcoholism was in your life and I don't -- and it is  
14 a very effective way of treatment, and so it concerns  
15 me.  So let me ask again, what are your character -- do  
16 you have any character defects today?

17           **INMATE SPENCER:**   Yes.

18           **DEPUTY COMMISSIONER FLEMING:**   Right here, right  
19 now?

20           **INMATE SPENCER:**   When I -- my triggers are  
21 depression.

22           **DEPUTY COMMISSIONER FLEMING:**   But is that a  
23 defect?  Do you know what a character defect is?

24           **INMATE SPENCER:**   Well, character defect would be  
25 something I do constantly that leads to inappropriate

1 behavior.

2 **DEPUTY COMMISSIONER FLEMING:** Okay, what's  
3 something that -- like is it -- tell me about what that  
4 could be?

5 **INMATE SPENCER:** Now I follow the rules and  
6 everything. I don't really have any character defects  
7 left.

8 **DEPUTY COMMISSIONER FLEMING:** Did it -- you know,  
9 there's a word that -- you have -- no one -- you haven't  
10 said the word "angry" or "rage" yet, and I don't see --  
11 have you taken any anger management?

12 **INMATE SPENCER:** Yes, I have.

13 **DEPUTY COMMISSIONER FLEMING:** Since 2009?

14 **INMATE SPENCER:** Yes, with the psychiatric  
15 department.

16 **DEPUTY COMMISSIONER FLEMING:** Okay, and I won't  
17 have access to those records, which is -- is that why?

18 **INMATE SPENCER:** Yes, I took like four years of  
19 it.

20 **DEPUTY COMMISSIONER FLEMING:** Okay, do you  
21 consider -- were you angry that day?

22 **INMATE SPENCER:** I don't think I was angry that  
23 day. I was just wanting to be dead. I wanted all the  
24 craziness to stop.

25 **DEPUTY COMMISSIONER FLEMING:** Okay, all right.

1 When was the last time you were angry?

2 **INMATE SPENCER:** It's been a while. I don't  
3 really get angry anymore. I learned in Anger Management  
4 that most of the time why I would get angry was because  
5 people didn't act like I thought they should act. And I  
6 learned that the only person I can control is myself.

7 **DEPUTY COMMISSIONER FLEMING:** Okay, I want to  
8 note for the record that Ms. Spencer is very emotional.  
9 All right, okay. I'm going to -- let's see. Counsel,  
10 is there any other self-help at this time that I have  
11 not addressed? I talked about long termers association,  
12 taking care of the cat which I believe that is prevalent  
13 in the wiccan program, choice theory, CWAA, working. I  
14 indicated that you have been working as a warehouse  
15 worker. Oh, let's talk about some of your chronos. I'm  
16 going to go back to this --

17 **PRESIDING COMMISSIONER CHAPPELL:** Can I ask --  
18 let me ask a question before you go, please?

19 **DEPUTY COMMISSIONER FLEMING:** Sure.

20 **PRESIDING COMMISSIONER CHAPPELL:** Ms. Spencer,  
21 and this is related to your mental health treatment. I  
22 know last hearing -- or the last Comprehensive Risk  
23 Assessment prior to this one there is a statement by the  
24 doctor, and the doctor noted that at that time the  
25 doctor noted you didn't have a good understanding of the



1 chronic nature of your mental illness and you intended  
2 to stop taking medication within the next ten years.

3 **INMATE SPENCER:** I corrected that in the hearing.

4 **PRESIDING COMMISSIONER CHAPPELL:** And how did you  
5 correct that?

6 **INMATE SPENCER:** That I intend to take the  
7 medicine for the rest of my life if necessary.

8 **PRESIDING COMMISSIONER CHAPPELL:** So how did that  
9 change for you?

10 **INMATE SPENCER:** They explained to me the nature  
11 of my mental illness.

12 **PRESIDING COMMISSIONER CHAPPELL:** So you felt at  
13 that time once they sat you down and explained to you  
14 the importance and the need for your medication, is that  
15 when you gained an understanding?

16 **INMATE SPENCER:** Yes, sir.

17 **DEPUTY COMMISSIONER FLEMING:** I'm just going to  
18 go over -- I have a chrono here from 2013. And this is  
19 from Jim Hamby, stationary engineer, indicating that  
20 he'd worked with you for the past eight years. Says you  
21 are very knowledgeable, especially in the area of nuts  
22 and bolts. Says your capacity of maintenance warehouse  
23 worker, you know all the parts and sizes, and speaks  
24 highly of you. Says you are to be commended for your  
25 abilities, knowledge, and a job well done. And I'm

1 going to go to -- that was in the 65-day, I'm going to  
2 move to the ten-day file. I have one from -- let's see,  
3 I have a -- this is from -- again from Mr. Hamby, the  
4 stationary engineer, speaks again about your abilities,  
5 knowledge in the job and that was dated 2015, so that  
6 indicates an ongoing relationship. This is from Paul  
7 Hayes who also was one of your supervisors. It talks  
8 about how you volunteer for work other than your  
9 assigned duties. Says you are an excellent forklift  
10 operator and a safe driver. You are always eager to  
11 learn something and indicates you have a great work  
12 ethic. He comments on a job well done. This is from  
13 the fire captain, issued 2016, and it talks about that  
14 his (inaudible) and employed by the CIW fire department  
15 for 47 years. And he's known you since 2011. Says you  
16 are very capable, helpful employee and you have positive  
17 attributes and (inaudible) self-improvement. Says you  
18 are (inaudible) nature. Oh, and I missed something.  
19 You have participated in the prison education project  
20 and I have a chrono here from April of 2016. And I  
21 would like to note that you did have a very good letter  
22 in your file that is dated February 23rd, 2016. Now, is  
23 this the update on the psychological evaluation,  
24 counsel?

25 **ATTORNEY JOHNSON:** I'm sorry, what letter are you

1 referring to?

2 **DEPUTY COMMISSIONER FLEMING:** There is a letter  
3 in here that was submitted in your packet. It's an  
4 independent psychological evaluation.

5 **ATTORNEY JOHNSON:** Is this by Dr. Nancy  
6 Kaser-Boyd (phonetic)?

7 **DEPUTY COMMISSIONER FLEMING:** Yes. We're going  
8 to -- we will consider that but I'm not going to go over  
9 (inaudible) address the insight factors of youth and  
10 this (inaudible). Dr. Nancy Kaser-Boyd submitted that  
11 (inaudible) -- yeah, she did. That's what I thought.  
12 Okay, this is a result of an interview February 22nd,  
13 2016, where she re-interviewed her, and in doing so  
14 addressed all or many of the factors, rehabilitation,  
15 risk assessment, and indicated that she is a  
16 (inaudible). Counsel, we're going to go over this  
17 (inaudible). Do you know where -- I wanted -- there it  
18 is. Okay, she contradicts a little bit about the new  
19 CRA, talking about insight and danger and scale that the  
20 Comprehensive Risk Assessment was done on, so we will  
21 consider that when we deliberate, okay. But I wanted to  
22 note that the Panel is in receipt of that. Okay, I  
23 think post-conviction -- we're going to talk a little  
24 bit about parole plans. And I think that's where I want  
25 to talk a little bit more about mental health and

1 substance abuse in the community, okay?

2 **INMATE SPENCER:** Okay.

3 **DEPUTY COMMISSIONER FLEMING:** All right. I want  
4 to ask you, what was the most important thing that you  
5 learned in your self-help with regards to what the Panel  
6 calls the causative factors of the life crime?

7 **INMATE SPENCER:** To stay off the drugs and  
8 alcohol and take my medication as I am supposed to.

9 **DEPUTY COMMISSIONER FLEMING:** Okay, so that's --  
10 in other words that's -- I'll rephrase. So that's the  
11 answer to what you're going to do to prevent anything  
12 else from happening, is that correct?

13 **INMATE SPENCER:** Correct. Correct.

14 **DEPUTY COMMISSIONER FLEMING:** Okay, looking back,  
15 after taking all the self-help that you have, looking  
16 back on that Monday, what do you think were the reasons  
17 that you committed that crime?

18 **INMATE SPENCER:** Because I didn't --

19 **DEPUTY COMMISSIONER FLEMING:** The Panel calls it  
20 the causative factors, go ahead.

21 **INMATE SPENCER:** Well, I didn't know at the time  
22 that I could go ask for help and people would help me.

23 **DEPUTY COMMISSIONER FLEMING:** Okay, is there  
24 anything else?

25 **INMATE SPENCER:** Just the drugs and the alcohol

1 and the mental illness.

2 **DEPUTY COMMISSIONER FLEMING:** Okay.

3 **PRESIDING COMMISSIONER CHAPPELL:** So looking  
4 back --

5 **DEPUTY COMMISSIONER FLEMING:** Go ahead.

6 **PRESIDING COMMISSIONER CHAPPELL:** -- on that, and  
7 I know you had mentioned earlier that, you know, you did  
8 go reach out to some people, some adults for help and  
9 there was no help. So looking back on it, who else  
10 would you have gone to?

11 **INMATE SPENCER:** I could have been more  
12 persistent. I could have gone to, I don't know, my  
13 counselor again. I could have gone to CPS.

14 **PRESIDING COMMISSIONER CHAPPELL:** Okay, and I'm  
15 not sure and you may have already mentioned it but I'm  
16 going to ask this question again. So if you were back  
17 out there in society and you had to deal with the  
18 stressors of life, because you will, you know, I mean  
19 there's going -- you know, you've been incarcerated  
20 since you were 16 years old.

21 **INMATE SPENCER:** Correct.

22 **PRESIDING COMMISSIONER CHAPPELL:** Life has  
23 changed tremendously out there now. And you're going to  
24 be coming out as an ex-felon parolee. There's going to  
25 be all kind of stressors. Have you developed any tools

1 or gained any insight into how would you deal with those  
2 stressors and not relapse -- you know, not be forced to  
3 relapse into coping as you did, as you disclosed? And I  
4 don't want to use the word that, if you feel it doesn't  
5 describe you, but it sounds like you were using the  
6 drugs and alcohol to cope.

7 **INMATE SPENCER:** I was. Now I use the  
8 psychiatric medication I'm prescribed. I refuse to not  
9 take it. I know that corrects a lot of the problems I  
10 was going through. But handling stress out there I have  
11 people I can talk to. I'll have a sponsor through  
12 AA/NA. I have psychiatrists, I have a whole network of  
13 people I can go to for help.

14 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

15 **INMATE SPENCER:** Even the Parole Department and  
16 stuff like that.

17 **PRESIDING COMMISSIONER CHAPPELL:** Okay, do you  
18 have a sponsor right now for AA/NA?

19 **INMATE SPENCER:** Not right now, we're not allowed  
20 sponsors in here.

21 **PRESIDING COMMISSIONER CHAPPELL:** No?

22 **INMATE SPENCER:** No.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

24 **DEPUTY COMMISSIONER FLEMING:** Not even by letters  
25 corresponding with people on the outside? I don't

1 understand.

2 **PRESIDING COMMISSIONER CHAPPELL:** Yeah.

3 **INMATE SPENCER:** Not that I know of.

4 **DEPUTY COMMISSIONER FLEMING:** I've never heard  
5 that.

6 **PRESIDING COMMISSIONER CHAPPELL:** Right.

7 **DEPUTY COMMISSIONER FLEMING:** So I'm --

8 **INMATE SPENCER:** Not that I know of.

9 **DEPUTY COMMISSIONER FLEMING:** Who told you you  
10 were not allowed to have an AA sponsor?

11 **INMATE SPENCER:** The chairperson of AA/NA.

12 **DEPUTY COMMISSIONER FLEMING:** Okay, did they tell  
13 you they weren't allowed to sponsor you?

14 **INMATE SPENCER:** They said they weren't allowed  
15 to sponsor us and we weren't allowed to have sponsors  
16 while we're in here.

17 **DEPUTY COMMISSIONER FLEMING:** That isn't true.  
18 I'm going on record to say that that is not true. And  
19 that actually goes against the tenets of --

20 **PRESIDING COMMISSIONER CHAPPELL:** Right.

21 **DEPUTY COMMISSIONER FLEMING:** -- Alcoholics  
22 Anonymous and Narcotics Anonymous.

23 **INMATE SPENCER:** That's kind of what I thought.

24 **DEPUTY COMMISSIONER FLEMING:** Okay, all right.

25 Okay, I need to note that I knew that there was a letter

1 that was -- and dated October 17th, 2013 from  
2 (inaudible) clergy. I didn't get that on the record.  
3 And it talks about he's satisfied you are a  
4 contribution, and believes you're an asset to the  
5 program. And again exemplifies your work ethic, your  
6 willingness to work hard and diligently, and help  
7 others. Okay, so I believe that I have gone over all  
8 this. (inaudible) All right, I believe I have covered  
9 -- let me make sure I covered all the (inaudible).  
10 Okay, I do want to go into a little bit about parole  
11 plans --

12 **INMATE SPENCER:** Yes, ma'am.

13 **DEPUTY COMMISSIONER FLEMING:** -- at this time.

14 Is there anything else with regards to self-help or  
15 laudatory chronos?

16 **ATTORNEY JOHNSON:** I don't believe we touched on  
17 she has completed a hazardous materials course.

18 **DEPUTY COMMISSIONER FLEMING:** Yeah, I saw that.  
19 Thank you. And I wanted to talk a little bit about the  
20 fact that you drive a forklift and you seem to be  
21 (inaudible) indicates that you have marketable skills.

22 **INMATE SPENCER:** Yes, ma'am.

23 **DEPUTY COMMISSIONER FLEMING:** Have you completed  
24 any vocations in addition to the hazardous materials, of  
25 which there is a certificate, since your last hearing?



1           **INMATE SPENCER:** Not since my last hearing.

2           **DEPUTY COMMISSIONER FLEMING:** Okay. So let's --

3           **INMATE SPENCER:** But I --

4           **DEPUTY COMMISSIONER FLEMING:** -- talk a little  
5 bit about --

6           **INMATE SPENCER:** I do have vocations in  
7 electronic repair and upholstery.

8           **DEPUTY COMMISSIONER FLEMING:** Okay, but what is  
9 your preference on a job? If you could pick any job  
10 that you already know how to do, with a learning curve  
11 of course. I mean you have to learn a few more skills  
12 as you -- what would you do?

13           **INMATE SPENCER:** I would like to drive the  
14 forklift.

15           **DEPUTY COMMISSIONER FLEMING:** Okay, because you  
16 are a very good forklift driver?

17           **INMATE SPENCER:** Yes, ma'am.

18           **DEPUTY COMMISSIONER FLEMING:** Yes, it indicated  
19 in here. Okay, all right. So I have a letter here from  
20 Crossroads; is that where you plan on going?

21           **INMATE SPENCER:** Yes, ma'am.

22           **DEPUTY COMMISSIONER FLEMING:** Okay, and why are  
23 you going to transitional housing when you have a life  
24 estate? Don't you have a life estate and a couple --  
25 and about over 200 thousand --

1           **INMATE SPENCER:** Yes, ma'am.

2           **DEPUTY COMMISSIONER FLEMING:** -- dollars in an  
3 account?

4           **INMATE SPENCER:** Yes, ma'am.

5           **DEPUTY COMMISSIONER FLEMING:** Were the other  
6 children left the same amount?

7           **INMATE SPENCER:** No.

8           **DEPUTY COMMISSIONER FLEMING:** Do you know?

9           **INMATE SPENCER:** No, they weren't.

10          **DEPUTY COMMISSIONER FLEMING:** Do you know why you  
11 were left more?

12          **INMATE SPENCER:** My father wanted to help me out  
13 upon my parole.

14          **DEPUTY COMMISSIONER FLEMING:** Did you and your  
15 father ever talk about the sexual abuse?

16          **INMATE SPENCER:** Yes, we did, and he eventually  
17 apologized.

18          **DEPUTY COMMISSIONER FLEMING:** That's a lot. All  
19 right. Do you think that's why he left you so much  
20 money?

21          **INMATE SPENCER:** He knew I would have a harder  
22 time than the other kids.

23          **DEPUTY COMMISSIONER FLEMING:** Are they  
24 proportionately -- meaning, do they live well?

25          **INMATE SPENCER:** They live okay. I don't know,

1 what do you mean by well?

2 **DEPUTY COMMISSIONER FLEMING:** Meaning that, will  
3 you have more money than they do when you get out?

4 **INMATE SPENCER:** Yes, ma'am.

5 **DEPUTY COMMISSIONER FLEMING:** Okay, there's an  
6 indication -- I'm going to go -- we'll talk about your  
7 sister. I did go through the transcript and there is  
8 record that your younger sister, they didn't name her by  
9 name in the record of -- in the transcript of the last  
10 hearing. And they didn't scan all support letters back  
11 that long ago into your C-File, because I went through  
12 and tried to find it --

13 **INMATE SPENCER:** Yes, ma'am.

14 **DEPUTY COMMISSIONER FLEMING:** -- the exact  
15 letter. But there is mention of it from the last  
16 transcript and she -- it just said that she was  
17 supportive. Now is she -- are you in an estate  
18 contesting -- is she contesting the estate?

19 **INMATE SPENCER:** Yes, ma'am.

20 **DEPUTY COMMISSIONER FLEMING:** Okay. Are you in a  
21 court proceeding?

22 **INMATE SPENCER:** I have an attorney.

23 **DEPUTY COMMISSIONER FLEMING:** Okay, all right.  
24 Because I'm going to go through and start with that  
25 letter and give you an opportunity to talk about it

1 because, for the record, you have been given a life  
2 estate in your father's home.

3 **INMATE SPENCER:** Yes, ma'am.

4 **DEPUTY COMMISSIONER FLEMING:** Which, I want to  
5 make a note for the record, I believe this is the house  
6 across the street from the --

7 **INMATE SPENCER:** Yes, ma'am.

8 **DEPUTY COMMISSIONER FLEMING:** This is the same  
9 house?

10 **INMATE SPENCER:** I don't have any intention of  
11 going there and living there. I intend to stay up here  
12 with Crossroads and I have a place to live after  
13 Crossroads with a friend of mine that has opened her  
14 house for me.

15 **DEPUTY COMMISSIONER FLEMING:** And where is that?

16 **INMATE SPENCER:** In Pomona.

17 **DEPUTY COMMISSIONER FLEMING:** Okay, so that's a  
18 long way from San Diego.

19 **INMATE SPENCER:** Yes, ma'am.

20 **DEPUTY COMMISSIONER FLEMING:** Okay, how long do  
21 you think you'd stay at Crossroads?

22 **INMATE SPENCER:** It's a six-month program.

23 **DEPUTY COMMISSIONER FLEMING:** Okay, all right.

24 **INMATE SPENCER:** And then the woman I'm going to  
25 go live with used for work for Crossroads and so she can

1 continue helping me out with areas that I might need  
2 help with.

3           **DEPUTY COMMISSIONER FLEMING:** Is your attorney  
4 Stewart Hertz?

5           **INMATE SPENCER:** That's the attorney my brother  
6 hired to represent us.

7           **DEPUTY COMMISSIONER FLEMING:** Okay, but is that  
8 your attorney in the dispute?

9           **INMATE SPENCER:** I think I'm included in that,  
10 yes.

11           **DEPUTY COMMISSIONER FLEMING:** Okay, so who is you  
12 -- does your sister have her own attorney?

13           **INMATE SPENCER:** Yes, ma'am.

14           **DEPUTY COMMISSIONER FLEMING:** She hired her own  
15 attorney?

16           **INMATE SPENCER:** Yes, ma'am.

17           **DEPUTY COMMISSIONER FLEMING:** And then you're in  
18 part of it. Okay, I want to note for the record that  
19 this is just substantiating what I already had  
20 indicated. Stewart Hertz is a tax attorney. He is  
21 representing the siblings in the settlement of the  
22 estate, and he sets forth the terms which are that you  
23 are to inherit a life estate with all the furnishings in  
24 the home as I just described and then about 325 thousand  
25 dollars. Mr. Spencer and Ms. Ruth and her father wanted

1 her to live as comfortable a life as possible hopefully  
2 out of prison. Her siblings have and will continue to  
3 provide a continuing source of love and social  
4 connection. And then we received this letter from your  
5 -- and this is the letter that counsel objected to taken  
6 in -- it will be -- the Panel will give your client an  
7 opportunity to explain and then we'll decide the -- how  
8 basically the determination is going to be rather if  
9 it's reliable and relevant, and so you'll have an  
10 opportunity also if there's any questions that --

11 **ATTORNEY JOHNSON:** Thank you.

12 **DEPUTY COMMISSIONER FLEMING:** -- would help  
13 clarify that if I miss it. Okay, so this is -- her name  
14 is Bree Irwin; is that correct?

15 **INMATE SPENCER:** Yes, ma'am.

16 **DEPUTY COMMISSIONER FLEMING:** And she's your  
17 biological half-sister?

18 **INMATE SPENCER:** Yes, ma'am.

19 **DEPUTY COMMISSIONER FLEMING:** And in 2009 she  
20 wrote -- well, I didn't see the exact letter but the  
21 Panel indicated that she was supportive. Okay, and then  
22 there was a letter and here's -- for the record, it was  
23 dated July 25th, 2016. Dear Bree, it's redacted. Did  
24 you redact that?

25 **INMATE SPENCER:** No, I didn't.

1           **DEPUTY COMMISSIONER FLEMING:** Who did that?

2           **INMATE SPENCER:** My sister did.

3           **DEPUTY COMMISSIONER FLEMING:** Oh, okay. Do you  
4 have -- and you of course wrote it so you don't have a  
5 copy. "When I parole I will need a place to live so  
6 fuck San Diego, I will go live there. As long as I have  
7 my life estate I will always have somewhere to live. I  
8 like that." Can you explain what you meant because it  
9 does sound like --

10           **INMATE SPENCER:** Well, prior to that I talk about  
11 not going to San Diego because San Diego doesn't want  
12 me. And it was a poor choice of words. But I said,  
13 "Fuck San Diego" because I don't intend to ever go there  
14 again. And then the second part was talking about  
15 moving to Oregon after I'm off parole or moving up to  
16 Big Sur or somewhere, you know, further north. But as  
17 long as I have a life estate, if something happens I  
18 always have somewhere I can go.

19           **DEPUTY COMMISSIONER FLEMING:** Exclamation point,  
20 it's a little -- it sounds a lot more forceful in the  
21 context and the tone that it was written than you're  
22 articulating here today.

23           **INMATE SPENCER:** But it really wasn't. It  
24 wasn't. I do that with exclamation marks all over the  
25 place when I write letters.

1           **PRESIDING COMMISSIONER CHAPPELL:** So why would  
2 you use that choice of words about San Diego, knowing  
3 all the victims and the impact that you put on that  
4 city?

5           **INMATE SPENCER:** It's a common phrase in here.  
6 It's common. When you don't want to do something, you  
7 just say, "Well, fuck it" and go on about your business.  
8 It's just common slang in here.

9           **DEPUTY COMMISSIONER FLEMING:** Did it dawn on you  
10 that that might be disrespectful?

11          **INMATE SPENCER:** I never really thought about it.

12          **DEPUTY COMMISSIONER FLEMING:** Okay.

13          **INMATE SPENCER:** Because it's just common slang.  
14 You hear it five thousand times a day in here.

15          **PRESIDING COMMISSIONER CHAPPELL:** Yeah, but this  
16 is in specific reference to where you left all these  
17 victims. As I read it --

18          **INMATE SPENCER:** It was --

19          **PRESIDING COMMISSIONER CHAPPELL:** Let me finish.  
20 As I read it, and I look at it from the outside looking  
21 in, I look at it like San Diego, you know, represents  
22 those victims. And by you using that terminology  
23 towards San Diego, it just doesn't make sense to me why  
24 you would say something --

25          **INMATE SPENCER:** It just --



1           **PRESIDING COMMISSIONER CHAPPELL:** -- just  
2 knowing --

3           **DEPUTY COMMISSIONER FLEMING:** Here's the -- it  
4 sounds like you're very angry.

5           **INMATE SPENCER:** I'm not angry. It's just  
6 common, it's how we talk in here.

7           **DEPUTY COMMISSIONER FLEMING:** Okay, how do you  
8 make amends today?

9           **INMATE SPENCER:** By helping people, by taking  
10 care of the cats, but helping teach people how to read,  
11 help people with their studies.

12           **DEPUTY COMMISSIONER FLEMING:** Do you (inaudible)  
13 of all the children that were hit?

14           **INMATE SPENCER:** I know -- I have a list of them  
15 that I keep up on my wall in my room. I know most of  
16 them.

17           **DEPUTY COMMISSIONER FLEMING:** Okay. Now, there  
18 are letters in here in the packet, I'm going to go over  
19 them. I'm going to talk a little bit about remorse and  
20 amends. Did you actually do an eighth step when you  
21 worked the steps of Alcoholics Anonymous?

22           **INMATE SPENCER:** Yes, I did.

23           **DEPUTY COMMISSIONER FLEMING:** And what did you do  
24 for your ninth step?

25           **INMATE SPENCER:** I wrote a letter to my attorney

1 at the time for my victims. I don't know if he ever  
2 sent it.

3 **DEPUTY COMMISSIONER FLEMING:** Okay, when was  
4 that?

5 **INMATE SPENCER:** Two thousand and five.

6 **DEPUTY COMMISSIONER FLEMING:** Why did it take so  
7 long?

8 **INMATE SPENCER:** Because I was told never to do  
9 that, to never have any contact with my victims at all.

10 **DEPUTY COMMISSIONER FLEMING:** Do you remember  
11 when you started feeling -- because from what I have in  
12 here I'm going to make the assumption that you feel  
13 remorse, correct?

14 **INMATE SPENCER:** Yes, ma'am.

15 **DEPUTY COMMISSIONER FLEMING:** Do you remember  
16 when that started?

17 **INMATE SPENCER:** About a year after the incident  
18 when it started dawning on me what I had done.

19 **DEPUTY COMMISSIONER FLEMING:** Okay.

20 **INMATE SPENCER:** And how many people I had hurt.

21 **DEPUTY COMMISSIONER FLEMING:** Okay, I want to  
22 note that there is a record, this is -- I'm on page 150  
23 of the ten-day, and this is from the mother of the  
24 officer who moved the trash truck. And she wrote a  
25 letter to you and said that she has forgiven you and she

1 said she's been able to -- well, she said she's been  
2 able to put this -- I am -- the officer -- "Remember I  
3 need to let you know that all this time I've had very  
4 bad feelings about this situation." Now, is this  
5 through Restorative Justice? How did this get set up?

6 **INMATE SPENCER:** She just wrote on her own.

7 **DEPUTY COMMISSIONER FLEMING:** Okay, that's -- all  
8 right, I wasn't sure what were the dynamics behind this  
9 exchange because there's a few of them. And I'm going  
10 to go through them now. "Been able to put this behind  
11 me and tell you I forgave you for what happened to my  
12 son." And then there's another letter in here from  
13 Laura, she was going to school there. She left a P. O.  
14 Box and the two -- and you wrote her a letter?

15 **INMATE SPENCER:** Yes, ma'am.

16 **DEPUTY COMMISSIONER FLEMING:** Is that correct?

17 **INMATE SPENCER:** Yes, ma'am.

18 **DEPUTY COMMISSIONER FLEMING:** Now, let me look, I  
19 don't have them memorized. Was she injured or just  
20 there?

21 **INMATE SPENCER:** She was next to somebody that  
22 got injured.

23 **DEPUTY COMMISSIONER FLEMING:** Okay, so she was  
24 psychologically traumatized.

25 **INMATE SPENCER:** Yes, ma'am.

1           **DEPUTY COMMISSIONER FLEMING:** I didn't have her,  
2 she's not on my --

3           **INMATE SPENCER:** She used to come visit me.

4           **PRESIDING COMMISSIONER CHAPPELL:** Do you remember  
5 the person that she was next to, the one that was shot?

6           **INMATE SPENCER:** No, I don't. She never said.

7           **DEPUTY COMMISSIONER FLEMING:** But did you ever  
8 ask her?

9           **INMATE SPENCER:** Yes.

10          **DEPUTY COMMISSIONER FLEMING:** Who it was?

11          **INMATE SPENCER:** Yes.

12          **DEPUTY COMMISSIONER FLEMING:** And she doesn't  
13 remember?

14          **INMATE SPENCER:** She never answered. She just  
15 said it was her friend.

16          **DEPUTY COMMISSIONER FLEMING:** Okay, so there's  
17 photos of her. All right, and then this is from  
18 Madeline?

19          **INMATE SPENCER:** Yes, ma'am.

20          **DEPUTY COMMISSIONER FLEMING:** Now, what is --

21          **INMATE SPENCER:** Her sister Audrey Stites was one  
22 of my --

23          **DEPUTY COMMISSIONER FLEMING:** This was Audrey?

24          **INMATE SPENCER:** Yes.

25          **DEPUTY COMMISSIONER FLEMING:** Audrey Stites, yes,

1 she was --

2 **INMATE SPENCER:** She is one of the ones I  
3 injured.

4 **DEPUTY COMMISSIONER FLEMING:** Have you ever  
5 received letters from any of the children that you shot?

6 **INMATE SPENCER:** No, ma'am.

7 **DEPUTY COMMISSIONER FLEMING:** All right, then you  
8 submitted a statement about your history. We've gone  
9 over it extensively. And you talked about a relapse --  
10 your relapse prevention and your insight into that. Did  
11 anybody help you write this?

12 **INMATE SPENCER:** No, ma'am.

13 **DEPUTY COMMISSIONER FLEMING:** All right, do you  
14 have a mental health prevention plan?

15 **INMATE SPENCER:** Yes, I do.

16 **DEPUTY COMMISSIONER FLEMING:** Tell me about it.  
17 I know you've discussed it at your previous --

18 **INMATE SPENCER:** Through Crossroads I'll be  
19 seeing a therapist and I'll have a psychiatrist to  
20 prescribe my mental health drugs. If I were to stress  
21 out too much, I would see the parole officer and the  
22 therapist that I have. And if worse comes to worse I  
23 would actually check myself into a mental facility.

24 **DEPUTY COMMISSIONER FLEMING:** When was the last  
25 time you heard voices, audible?

1           **INMATE SPENCER:** About 2000.

2           **DEPUTY COMMISSIONER FLEMING:** Okay. Okay, you  
3 have a letter here, this is from your father, Wallace  
4 Spencer, is that your stepfather?

5           **INMATE SPENCER:** That's my father.

6           **DEPUTY COMMISSIONER FLEMING:** That's your father?  
7 What's the -- I don't have a date on this letter.

8           **INMATE SPENCER:** That was before he passed away.

9           **DEPUTY COMMISSIONER FLEMING:** When did he pass  
10 away?

11           **INMATE SPENCER:** February of 2016.

12           **DEPUTY COMMISSIONER FLEMING:** Oh, that was --  
13 that's a little bit ago, I'm sorry about -- all right,  
14 so this was submitted then. Just talks about that your  
15 family is prepared to give you all the support you need.  
16 Now do you have any -- and you have a letter from your  
17 mother wrote you a letter, Dorothy Spencer.

18           **INMATE SPENCER:** Yes, ma'am.

19           **DEPUTY COMMISSIONER FLEMING:** In spite her  
20 incarceration you've grown into a well-rounded woman who  
21 is always there to help or offer a hand. A family  
22 friend has offered her housing, transportation to and  
23 from work, clothing, some financial help and support. I  
24 will also help out financially with clothing, advice,  
25 love, accountability, emotional support. There isn't a

1 date on this letter either. Is there any reason why  
2 these letters aren't dated?

3 **INMATE SPENCER:** They didn't know that they had  
4 to put the date on them.

5 **DEPUTY COMMISSIONER FLEMING:** When was this  
6 letter written?

7 **INMATE SPENCER:** I don't know if that's the one  
8 for --

9 **DEPUTY COMMISSIONER FLEMING:** I didn't --

10 **INMATE SPENCER:** -- before March when I was  
11 originally scheduled to come.

12 **DEPUTY COMMISSIONER FLEMING:** I have some letters  
13 in here from 2013, it looks like there was some  
14 preparation that probably went into the --

15 **INMATE SPENCER:** She wrote one just recently.

16 **DEPUTY COMMISSIONER FLEMING:** Okay.

17 **ATTORNEY JOHNSON:** If I can, she included the  
18 envelope that it came in that has the date stamps.

19 **DEPUTY COMMISSIONER FLEMING:** Oh, there we go.  
20 Thank you, appreciate it. July 2016. Thank you, my  
21 bad. And this is from your supervisor, Thomas Kessler,  
22 writes a nice letter for you, follows instructions,  
23 self-starter. Should she be found suitable for parole,  
24 believes you could be a productive member in the  
25 community. John Markowitz writes another one where he

1 says he believes you could be -- says basically the same  
2 thing, one six years and one eight years. Okay, now, do  
3 you have a letter from -- there's this from Scott  
4 Spencer.

5 **INMATE SPENCER:** That's my brother.

6 **DEPUTY COMMISSIONER FLEMING:** He believes that  
7 both your sentence and justice have been served and he  
8 believes you have met the criteria and that you are not  
9 the same person as you were before. Billy Pearce, ten  
10 years he met by visiting his wife. Talks about being  
11 there for -- give you a little financial help and  
12 transportation should you be in his area, lives in  
13 Anaheim. Margaret Howell, this is the friend, correct?

14 **INMATE SPENCER:** That's one of my friends.

15 **DEPUTY COMMISSIONER FLEMING:** Isn't she the one  
16 that's going to help you?

17 **INMATE SPENCER:** No, Brandy Sizemore is the one  
18 that's going to help me.

19 **DEPUTY COMMISSIONER FLEMING:** This letter is  
20 December, 2015. Pleading for parole, talks about how  
21 well she knows you, and summarizes your conviction, how  
22 you've been doing. How about Carolyn Hamilton?

23 **INMATE SPENCER:** That's another friend of mine.

24 **DEPUTY COMMISSIONER FLEMING:** Did they write  
25 these letters?



1           **INMATE SPENCER:** Yes, ma'am.

2           **DEPUTY COMMISSIONER FLEMING:** Because they both  
3 wrote in caps with block paragraphs. Do they know each  
4 other?

5           **INMATE SPENCER:** That's how Carolyn writes.

6           **DEPUTY COMMISSIONER FLEMING:** Oh, okay.

7           **INMATE SPENCER:** But they both live in the same  
8 house.

9           **DEPUTY COMMISSIONER FLEMING:** Oh, okay. It's  
10 just they're very similar and I notice those kinds of  
11 things. All right, January 18th, 2015, Victoria  
12 Britain, again, that's the relationship -- oh, former  
13 corrections officer and the fire captain, that's right.  
14 I remember reviewing this. From 1987 to 2009. Talks  
15 about her observations of you as you handle yourself in  
16 a responsible and respective manner, talks about what  
17 you will get at Crossroads and they will you reintegrate  
18 back into society. And she does not believe that  
19 anything more can be accomplished by further  
20 incarceration and thinks you can be a productive  
21 citizen, that speaks highly. Women of Wisdom sent one.  
22 This is from Jane Obrien. It looks like she's observed  
23 you. This is where you plan to go, it has monthly  
24 meetings here. You've been involved in that. She's  
25 known you for five years. Indicating that their staff

1 can offer you morale and spiritual help. This is from  
2 Brandy Sizemore, here we are. It says that you have  
3 marketable skills. She also says that the Pomona  
4 Transit Center is within walking distance of her home.  
5 She gives us her address in Pomona. She talks about  
6 that she will be able to -- you will be able to get to  
7 your parole officer, go grocery shopping, doctor's  
8 appointments, etcetera. Now, have you talked to her  
9 about your mental illness and the necessity for  
10 treatment?

11 **INMATE SPENCER:** Yes, ma'am.

12 **DEPUTY COMMISSIONER FLEMING:** Okay.

13 **INMATE SPENCER:** I talk to her once a week.

14 **DEPUTY COMMISSIONER FLEMING:** All right, she  
15 wrote on your behalf back in 2009. How do you know her?

16 **INMATE SPENCER:** She was my roommate --

17 **DEPUTY COMMISSIONER FLEMING:** Here?

18 **INMATE SPENCER:** -- for 15 years.

19 **DEPUTY COMMISSIONER FLEMING:** Okay. And she's  
20 discharged?

21 **INMATE SPENCER:** Yes, for eight years.

22 **DEPUTY COMMISSIONER FLEMING:** Okay. Margaret  
23 Jones?

24 **INMATE SPENCER:** That's a friend of the family.

25 **DEPUTY COMMISSIONER FLEMING:** Okay, again says

1 that family and friends are prepared to call all the  
2 support that they can. Is your brother -- is your  
3 sister at odds with the rest of the family?

4 **INMATE SPENCER:** Yes, ma'am.

5 **DEPUTY COMMISSIONER FLEMING:** She have a drug and  
6 alcohol problem?

7 **INMATE SPENCER:** That I don't know.

8 **DEPUTY COMMISSIONER FLEMING:** When was the last  
9 time the two of you spoke nicely?

10 **INMATE SPENCER:** Probably about 25 years ago.

11 **DEPUTY COMMISSIONER FLEMING:** Why would she write  
12 a letter for you though in 2009?

13 **INMATE SPENCER:** Because I had asked her to. She  
14 lives in Colorado so I never see her.

15 **DEPUTY COMMISSIONER FLEMING:** Why do you  
16 correspond with her?

17 **INMATE SPENCER:** Because she's my sister.

18 **DEPUTY COMMISSIONER FLEMING:** All right, did you  
19 just tell me that you had been at odds though for 25  
20 years?

21 **INMATE SPENCER:** No.

22 **DEPUTY COMMISSIONER FLEMING:** Oh, okay. That's  
23 right -- (inaudible)

24 **INMATE SPENCER:** I haven't spoken to her face to  
25 face --

1           **DEPUTY COMMISSIONER FLEMING:** Face to face --

2           **INMATE SPENCER:** -- for 25 years.

3           **DEPUTY COMMISSIONER FLEMING:** -- but you've been  
4 writing her.

5           **INMATE SPENCER:** But we've been writing letters.

6           **DEPUTY COMMISSIONER FLEMING:** When did the two of  
7 you become at odds with regards to -- you said that --

8           **INMATE SPENCER:** Of February of this year.

9           **DEPUTY COMMISSIONER FLEMING:** When your father  
10 died?

11          **INMATE SPENCER:** When my father passed away.

12          **DEPUTY COMMISSIONER FLEMING:** So you haven't had  
13 a positive exchange with her letters since then?

14          **INMATE SPENCER:** No.

15          **DEPUTY COMMISSIONER FLEMING:** Okay. All right,  
16 this is from Dorothy Spencer, again testifying as to how  
17 you have changed and grown into a well-rounded woman. I  
18 already discussed this letter. Excuse me, I apologize.  
19 Okay, I believe I have covered all of the letters, the  
20 fire captain, yup, I believe I have. Counsel, is there  
21 anything I've missed.

22          **ATTORNEY JOHNSON:** I'd like to just briefly draw  
23 your attention to Exhibit J. It includes some excerpts  
24 from her medical records that indicate that she's been  
25 stable since 2000 and that she's been consistently

1 reporting that she's happy with no suicide attempts.  
2 It's a little difficult to read some of it.

3 **DEPUTY COMMISSIONER FLEMING:** That's all right,  
4 that's in J?

5 **ATTORNEY JOHNSON:** Yes.

6 **DEPUTY COMMISSIONER FLEMING:** Okay, I will make  
7 sure that we go over that, okay. Take a quick spin  
8 through there.

9 **DEPUTY DISTRICT ATTORNEY SACHS:** Commissioner,  
10 would it be possible to take a restroom break?

11 **PRESIDING COMMISSIONER CHAPPELL:** Most  
12 definitely.

13 **DEPUTY COMMISSIONER FLEMING:** Why, what a novel  
14 idea.

15 **DEPUTY DISTRICT ATTORNEY SACHS:** Hope that's the  
16 right time.

17 **PRESIDING COMMISSIONER CHAPPELL:** The time is  
18 approximately 10:22 a.m., we'll take a break.

19 (Off the record.)

20 **DEPUTY COMMISSIONER FLEMING:** We're back on  
21 record.

22 **PRESIDING COMMISSIONER CHAPPELL:** All right, the  
23 time is approximately 10:34 a.m. All the same parties  
24 that were present prior to the break are back in the  
25 room at this time. We are going to continue -- were you

1 done, Commissioner?

2 **DEPUTY COMMISSIONER FLEMING:** Yes, I was giving  
3 them --

4 **PRESIDING COMMISSIONER CHAPPELL:** Oh, yeah.  
5 Yeah. Okay, so Ms. Spencer, this portion of the hearing  
6 we're going to go over the Comprehensive Risk  
7 Assessment, okay.

8 **INMATE SPENCER:** Okay.

9 **PRESIDING COMMISSIONER CHAPPELL:** A lot of it  
10 we've already gone through just in our discussion up to  
11 this point so I'll just go over some of the areas that  
12 we haven't covered.

13 **INMATE SPENCER:** Okay.

14 **PRESIDING COMMISSIONER CHAPPELL:** Okay, page  
15 nine, a review of prior psychological examinations.  
16 Looks like in 2009 there is a diagnosis of  
17 schizoaffective disorder, depressed type, antisocial  
18 personality disorder. At that time the doctor had a  
19 concern about your release prevention plan. It was  
20 fairly basic, did not detail an understanding of your  
21 triggers, and high expectations as well as strategies  
22 dealing with them. Let me ask you about triggers, and I  
23 know we talked about your mental health and coping  
24 skills and your therapy and treatment. So would it be  
25 safe to say, and I think you made that statement, your

1 medication at this point is keeping you stable, did you  
2 say?

3 **INMATE SPENCER:** Yes.

4 **PRESIDING COMMISSIONER CHAPPELL:** Any symptoms of  
5 your mental health, do they come up?

6 **INMATE SPENCER:** No, not with the medication.

7 **PRESIDING COMMISSIONER CHAPPELL:** Okay, let me  
8 ask you this. So prior -- when was your last suicide  
9 attempt?

10 **INMATE SPENCER:** Nineteen ninety-eight.

11 **PRESIDING COMMISSIONER CHAPPELL:** Nineteen  
12 ninety-eight? Where were you, were you here?

13 **INMATE SPENCER:** I was here.

14 **PRESIDING COMMISSIONER CHAPPELL:** You were here?  
15 At that time -- and going through all the therapy and  
16 whatnot, and your self-help, could you identify, and I  
17 may have asked you this and I might have missed it and I  
18 apologize if I did, but can you identify any of those  
19 triggers that happened prior to you having an episode  
20 where you're --

21 **INMATE SPENCER:** When the depression sets in.

22 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

23 **INMATE SPENCER:** If I start isolating myself from  
24 people and I start --

25 **PRESIDING COMMISSIONER CHAPPELL:** Hearing voices.

1           **INMATE SPENCER:** Yeah, when I start hearing  
2 voices.

3           **PRESIDING COMMISSIONER CHAPPELL:** Okay.

4           **INMATE SPENCER:** Stuff like that, those are  
5 triggers.

6           **PRESIDING COMMISSIONER CHAPPELL:** So what do you  
7 think triggered that though? What do you think  
8 triggered --

9           **INMATE SPENCER:** The depression.

10          **PRESIDING COMMISSIONER CHAPPELL:** -- the voices?  
11 What do you think triggered the depression?

12          **INMATE SPENCER:** The depression I think -- at  
13 when, in '98?

14          **PRESIDING COMMISSIONER CHAPPELL:** Yes.

15          **INMATE SPENCER:** Was just they had me on a  
16 different set of medications and it wasn't actually  
17 being quite effective.

18          **PRESIDING COMMISSIONER CHAPPELL:** So would you  
19 feel a certain way when you felt the depression coming  
20 on or what did it just (inaudible)

21          **INMATE SPENCER:** Oh, yeah, you feel -- it comes  
22 on full blown.

23          **PRESIDING COMMISSIONER CHAPPELL:** Okay, so we  
24 talked about your substance abuse, talked about your  
25 institutional adjustment, talked about your parole



1 plans. Under analysis of historic factors, your  
2 assessment of risk for violence on the third paragraph,  
3 the doctor talks about the traumatic experience you  
4 experienced within your life combined with your limited  
5 access to a warm and caring relationship, states that it  
6 appears to have negatively impacted your ability to  
7 develop adequate coping skills. She indicated that your  
8 trauma -- or you indicated to her that -- or to the  
9 doctor that the trauma contributed to the life crime.  
10 The doctor also makes the diagnosis of anti-personality  
11 disorder, stated that historically demonstrated a lack  
12 -- you historically demonstrated a lack of remorse,  
13 empathy, exhibited irritable and aggressive behavior,  
14 showed a reckless disregard for safety of self and  
15 others. Currently the doctor says you are able to  
16 demonstrate some empathy for the victims and remorse for  
17 your crime. Your PCL-R score in this section is below  
18 the mean of North American female inmates and well below  
19 the cutoff threshold commonly used to identify dissocial  
20 or psychopathic personality. Doctor speaks about the  
21 clinical factors. You made a statement on page 14, and  
22 this has to do with insight into the causative factors  
23 of the life crime, and I know we've gone over and over  
24 and over that during this hearing, but you made a  
25 statement that you weren't trying to kill the kids, you

1 were just shooting in the area but never considered the  
2 kids getting hurt, right?

3 **INMATE SPENCER:** No.

4 **PRESIDING COMMISSIONER CHAPPELL:** I believe you  
5 made that statement earlier.

6 **INMATE SPENCER:** No, I never considered that they  
7 would get hurt.

8 **PRESIDING COMMISSIONER CHAPPELL:** And I'm going  
9 to ask you this again. So why continue once you see the  
10 first person is shot?

11 **INMATE SPENCER:** Because I wanted the police to  
12 respond.

13 **PRESIDING COMMISSIONER CHAPPELL:** Even after  
14 seeing someone was hurt?

15 **INMATE SPENCER:** Yes.

16 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And you  
17 also made a statement the day of that you had taken PCP  
18 and drank whiskey. Now today you said marijuana. Was  
19 it marijuana or PCP?

20 **INMATE SPENCER:** It was marijuana but it had PCP  
21 in it.

22 **PRESIDING COMMISSIONER CHAPPELL:** Laced with PCP?

23 **INMATE SPENCER:** Yes, ma'am. I mean, sir.

24 **PRESIDING COMMISSIONER CHAPPELL:** Who was Susan  
25 Stewart?

1           **INMATE SPENCER:** That was my best friend in high  
2 school.

3           **PRESIDING COMMISSIONER CHAPPELL:** Your best  
4 friend, okay. Because I'm looking at on page 16 under  
5 youth offender, and the doctor noted a statement by her.  
6 There's an interview by her by San Diego Police  
7 Department, indicated that you had told her on prior  
8 occasions that you would make a good sniper and that if  
9 she had to hold up in the residence for a long period of  
10 time you had enough ammunition and weapons to do so.

11           **INMATE SPENCER:** That was when we were drunk and  
12 watching a movie.

13           **PRESIDING COMMISSIONER CHAPPELL:** So you did make  
14 that statement?

15           **INMATE SPENCER:** Yes, but three other people made  
16 the same statement.

17           **PRESIDING COMMISSIONER CHAPPELL:** Yeah? And I  
18 know there is also a statement from the youth -- let me  
19 get to it. So there's also a statement from the Youth  
20 Service Bureau counselor. And how often did you see him  
21 after (inaudible).

22           **INMATE SPENCER:** It was a her, female.

23           **PRESIDING COMMISSIONER CHAPPELL:** How often did  
24 you see her?

25           **INMATE SPENCER:** Like twice a week.

1           **PRESIDING COMMISSIONER CHAPPELL:** Twice a week?  
2 Because she also makes a statement when she was  
3 interviewed for the Probation Officer's Report, and she  
4 has stated that you had a fascination with drugs and  
5 guns and they were all that you would talk about; was  
6 that correct?

7           **INMATE SPENCER:** Yes.

8           **PRESIDING COMMISSIONER CHAPPELL:** What was your  
9 fascination with the guns?

10          **INMATE SPENCER:** We hunted all the time when I  
11 went to Arkansas with our family.

12          **PRESIDING COMMISSIONER CHAPPELL:** So you think  
13 maybe that's why your dad bought you that gun?

14          **INMATE SPENCER:** I don't know. I mean,  
15 personally if they told me my daughter was suicidal I  
16 wouldn't buy her a gun.

17          **PRESIDING COMMISSIONER CHAPPELL:** Okay, okay.

18          **DEPUTY COMMISSIONER FLEMING:** Did he make a  
19 statement when he gave you the gun? Like, oh, let's go  
20 hunting, or anything like that?

21          **INMATE SPENCER:** No.

22          **DEPUTY COMMISSIONER FLEMING:** It was Christmas  
23 morning and you just opened a box and it was a gun?

24          **INMATE SPENCER:** And it was a gun.

25          **PRESIDING COMMISSIONER CHAPPELL:** And the 200

1 rounds or 500 rounds of ammo?

2 **INMATE SPENCER:** Yes.

3 **DEPUTY COMMISSIONER FLEMING:** How many?

4 **PRESIDING COMMISSIONER CHAPPELL:** Was it two or  
5 five?

6 **INMATE SPENCER:** Five hundred. Five.

7 **PRESIDING COMMISSIONER CHAPPELL:** Five, 500  
8 rounds. So overall the doctor rated you a moderate risk  
9 for violence. At this time I'd like to open it up to  
10 counsel, and I'll start with the Deputy District  
11 Attorney for clarifying questions.

12 **DEPUTY DISTRICT ATTORNEY SACHS:** Thank you, sir.  
13 Could you ask the inmate please if the rifle had a scope  
14 mounted on the rifle?

15 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so,  
16 Ms. Spencer did the rifle, was it equipped with a scope?

17 **INMATE SPENCER:** Yes, it was.

18 **PRESIDING COMMISSIONER CHAPPELL:** Thank you.

19 **DEPUTY DISTRICT ATTORNEY SACHS:** And could you  
20 ask her as a follow up if she had experience sighting  
21 with the scope in her hunting that she did with birds  
22 and other animals?

23 **INMATE SPENCER:** Yes, I did.

24 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so  
25 Ms. Spencer, just for clarity and so we can get

1 everything on, wait for me to ask you the question.

2 **INMATE SPENCER:** Oh, okay.

3 **PRESIDING COMMISSIONER CHAPPELL:** Because I need  
4 to do an assessment on if the question is relevant or  
5 not.

6 **INMATE SPENCER:** All right.

7 **PRESIDING COMMISSIONER CHAPPELL:** Okay, thanks.

8 **DEPUTY DISTRICT ATTORNEY SACHS:** And the answer  
9 was, she did --

10 **PRESIDING COMMISSIONER CHAPPELL:** Yes, she has.

11 **DEPUTY DISTRICT ATTORNEY SACHS:** -- have  
12 experience sighting --

13 **PRESIDING COMMISSIONER CHAPPELL:** She said.

14 **DEPUTY DISTRICT ATTORNEY SACHS:** -- with the  
15 scope? Okay. The information about her friend, Brent  
16 (phonetic), something big was going to happen on Monday,  
17 etcetera, did she also, could you ask her, Commissioner,  
18 discuss with her friend killing a police officer,  
19 blowing up the school, and that sort of thing with the  
20 same friend?

21 **PRESIDING COMMISSIONER CHAPPELL:** So,  
22 Ms. Spencer, in your discussion -- and are you talking  
23 about that same discussion on when she said something  
24 big was going to happen on Monday?

25 **DEPUTY DISTRICT ATTORNEY SACHS:** That same time

1 period, yes.

2 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so during  
3 that same time period when you had made the statement  
4 something big is going to happen on Monday, did you also  
5 discuss with him blowing up a school, shooting police  
6 officers?

7 **INMATE SPENCER:** No, sir.

8 **PRESIDING COMMISSIONER CHAPPELL:** No?

9 **INMATE SPENCER:** No.

10 **DEPUTY DISTRICT ATTORNEY SACHS:** Could you ask  
11 her, Commissioner, why she was engaged in the cutting  
12 herself, mutilation in the year 2000?

13 **PRESIDING COMMISSIONER CHAPPELL:** So were you --  
14 did you have a suicide attempt or self-mutilation in  
15 2000?

16 **INMATE SPENCER:** It was in 1998.

17 **PRESIDING COMMISSIONER CHAPPELL:** It was in 1998,  
18 not in 2000?

19 **INMATE SPENCER:** No.

20 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

21 **DEPUTY DISTRICT ATTORNEY SACHS:** I don't have any  
22 other questions, thank you.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank  
24 you. Counsel?

25 **ATTORNEY JOHNSON:** Yes.

1           **PRESIDING COMMISSIONER CHAPPELL:** Yes, all right.

2           **ATTORNEY JOHNSON:** Is there a history of mental  
3 illness in your family?

4           **INMATE SPENCER:** Yes, my grandmother was  
5 schizophrenic and my dad also.

6           **ATTORNEY JOHNSON:** Anyone else in your family?

7           **INMATE SPENCER:** They thought my brother might be  
8 but they weren't sure.

9           **ATTORNEY JOHNSON:** Did your mother have any sort  
10 of mental illness?

11          **INMATE SPENCER:** Not that I know of.

12          **ATTORNEY JOHNSON:** Were you raised with your  
13 half-sister Bree?

14          **INMATE SPENCER:** No, I wasn't.

15          **ATTORNEY JOHNSON:** How did she come into your  
16 life?

17          **INMATE SPENCER:** I first saw her when I was at  
18 Youth Authority. They brought her in on a visit. She  
19 was a little baby.

20          **ATTORNEY JOHNSON:** Why did you start using drugs  
21 and alcohol?

22          **INMATE SPENCER:** To try to make the pain and the  
23 craziness inside go away. I wanted to be numb.

24          **ATTORNEY JOHNSON:** When was the last time you  
25 used it?



1           **INMATE SPENCER:** Like 1989.

2           **ATTORNEY JOHNSON:** And can you give me some  
3 specific examples of how you worked the steps in your  
4 life?

5           **INMATE SPENCER:** I'm constantly making  
6 assessments on like with the fourth step on what my  
7 behavior is, what causes it, and how I can correct it,  
8 things I can do to counteract it or like just like with  
9 gardening and stuff, I'll do something that takes me  
10 away from -- like if I'm angry, I'll go out and garden  
11 and that calms everything down. Or I'll cook something,  
12 meals for people, or just go out and help somebody do  
13 something.

14           **ATTORNEY JOHNSON:** Can you tell me about your  
15 suicide attempts prior to the commitment offense, how  
16 many, and what did they consist of?

17           **INMATE SPENCER:** I had like five prior suicide  
18 attempts. They were drug overdose, cutting my wrists,  
19 hanging, and they all failed.

20           **PRESIDING COMMISSIONER CHAPPELL:** Did your  
21 parents know about these suicide attempts?

22           **INMATE SPENCER:** Yes.

23           **PRESIDING COMMISSIONER CHAPPELL:** And they did  
24 nothing?

25           **INMATE SPENCER:** They did nothing.

1           **ATTORNEY JOHNSON:** Were you having any  
2 hallucinations the months leading up to your offense?

3           **INMATE SPENCER:** Yes, I was. I was seeing like  
4 people sneaking up on the house, like commandos and  
5 stuff, coming after me.

6           **ATTORNEY JOHNSON:** Did you have any  
7 hallucinations the day of your commitment offense?

8           **INMATE SPENCER:** Yes, I did. I was seeing the  
9 same like commandos coming at me to where I didn't know  
10 if it was a hallucination or if it was really the cops.

11           **PRESIDING COMMISSIONER CHAPPELL:** So were you  
12 shooting at those commandos?

13           **INMATE SPENCER:** Yes.

14           **PRESIDING COMMISSIONER CHAPPELL:** But they were  
15 up at the house, they weren't at the school?

16           **INMATE SPENCER:** They were all in the area, they  
17 were at the school, they were coming across the street.

18           **ATTORNEY JOHNSON:** Can you explain what kind of  
19 programs you've completed through CCCMS during your time  
20 here?

21           **INMATE SPENCER:** I've done anger management, I've  
22 done self-esteem, self-awareness, self-worth, life  
23 skills. Basically I take anything they offer.

24           **ATTORNEY JOHNSON:** Since they changed your  
25 medication in 2000, how have your new medications made

1 you feel since then?

2 **INMATE SPENCER:** It's like the difference between  
3 night and day. It gets rid of the hallucinations, the  
4 depression is gone. It makes me like a normal person.

5 **ATTORNEY JOHNSON:** What are some specific  
6 examples of how you will deal with stress on the outside  
7 in addition to getting help from the people in your  
8 support system?

9 **INMATE SPENCER:** I like to cook so I'll go in and  
10 cook something or garden or read a book or do hobby  
11 craft. I have all kinds of interest, learning Latin.

12 **ATTORNEY JOHNSON:** And how did you feel when  
13 Laura, the victim that reached out to you, first  
14 contacted you? And why did you agree to meet with her?

15 **INMATE SPENCER:** Well, I was kind of surprised at  
16 first and then I was a little scared because I didn't  
17 know how she was going to act. But I knew I had answers  
18 that she needed.

19 **ATTORNEY JOHNSON:** That's all I have.

20 **PRESIDING COMMISSIONER CHAPPELL:** Thank you,  
21 counsel. I can move to closing. We'll start with the  
22 Deputy District Attorney.

23 **DEPUTY DISTRICT ATTORNEY SACHS:** Thank you very  
24 much, Commissioner. Commissioners, on behalf of the  
25 People, we are respectfully opposed to parole because we

1 feel that the release of the inmate would pose a current  
2 risk of danger to public safety (inaudible) case. We  
3 recognize she has been incarcerated for nearly four  
4 decades and that this case happened in 1979. However,  
5 the law is clear that suitability as the predicate  
6 factor must be found before the considerations of  
7 granting parole and release are considered, and  
8 suitability involves no longer being a current risk of  
9 danger to public safety. There are simply too many  
10 issues and problems in her ability to recognize and deal  
11 with the truthful underlying facts in this case that  
12 continue to make her a current risk to public safety.  
13 Finally, we had a case called *In Re Bush* that came out  
14 this year that finally explained in brief that an inmate  
15 who is hiding the truth from themselves continues to be  
16 a current risk to public safety because they haven't  
17 dealt with the underlying issues and causative factors.  
18 They haven't peeled the layers of the onion away to get  
19 to what the problem is. That was the first case that  
20 ever really discussed that, the *In Re Bush* case. And  
21 when you add to that the fact that you have somebody  
22 extremely depressed and troubled, it becomes sort of a  
23 Molotov cocktail of unpredictability. In the *Bush* case  
24 we didn't have the depressed and troubled scenario with  
25 us as we do today. You know, it's interesting doing all

1 of these hearings over the years, hundreds of them, you  
2 do see people come in and hide the truth or not be  
3 candid with the Board about what really happened in the  
4 case, and sometimes do it in sort of a conniving or  
5 calculated way and in a way designed to mislead the  
6 Board intentionally. And then we have the more rare  
7 case that we have here today, where it's not really done  
8 in a conniving way, it's not done in a calculated way.  
9 It's done instead from a basis of a lack of capacity to  
10 appreciate or understand a truth that really stemming  
11 from somebody who is depressed and troubled and even  
12 today having difficulty discussing without showing great  
13 emotional sort of breakdown. And that's what we have  
14 here today. She had a scoped rifle, .22 cal., and she's  
15 across the street at some distance from the school. She  
16 fired 36 shots, 11 of them were hits, nine people were  
17 wounded and injured, and two were dead. It's about  
18 one-third accuracy that she was able to accomplish from  
19 a great distance across the street to the school with a  
20 scoped rifle. Everyone who understands how firearms  
21 work and what the distance and accuracy quotients  
22 involved would be in that scenario with people moving  
23 around and that sort of thing, must know and understand  
24 that to achieve that level of accuracy, about one-third,  
25 you have to be aiming. Your head has to be hugging the

1 butt stock close to your shoulder and you're looking  
2 through the scope and you're sighting the victims and  
3 the targets. But yet even today, and she's done this in  
4 the past in hearings I've been in, it's more like, I was  
5 just shooting, not really shooting at anything. If  
6 you're not really shooting at anything at that distance,  
7 you're probably not going to kill the school principal,  
8 the custodian, wound a police officer, and injure and  
9 wound eight school kids. It's not likely to happen, not  
10 in that scenario. So that's the first thing that she's  
11 dealing with that she doesn't really want to talk about.  
12 And today she was sort of pinned down on that issue by  
13 Deputy Commissioner Fleming. Did you aim, or didn't you  
14 aim? Well, I guess I did. And in the psychiatric risk  
15 assessment at page 14, "Why aim at children," she's  
16 asked. And the quote is, "I wasn't trying to kill the  
17 kids. I was shooting into the area but I know anytime  
18 you pick up a gun someone is going to get hurt. I shot  
19 in that area but never considered that the kids would  
20 get hurt. I didn't think that far. I didn't consider  
21 what my actions would do." She's not dealing with this  
22 stuff. Okay, this is not a person who is demonstrating  
23 emotional stability before the Board, who gets it, who  
24 understands, who's dialed into the reality of what  
25 happened. Instead, you've got a situation completely

1 the opposite. She was a good shot. And so much -- and  
2 by good, I don't mean good in any sense of the word that  
3 good means. You know what I mean. She was an accurate  
4 markswoman basically. And, you know, the old fallacy  
5 that .22s don't do a lot of damage either, I mean, these  
6 were well placed wounds, hitting their targets, capable  
7 of taking out two people and injuring a police officer  
8 and injuring eight children. That's astounding that she  
9 hasn't dealt with that even today. And she's still  
10 making these statements to try to hide herself and  
11 insulate herself and cushion herself from what she's  
12 done. Another example of that is the idea that, you  
13 know, it was probably drugs or alcohol. I was on that,  
14 but yet it's been commented many times by the Panel, her  
15 tox. screens came out negative. There's no rational  
16 reason for that other than she's using that to minimize  
17 or lessen her responsibility as well. Blood and urine  
18 tested negative for alcohol and tox., lying about the  
19 drugs to minimize responsibility for the crime. Shots  
20 were direct, aimed, and accurate, lying about that to  
21 minimize her responsibility. And, you know, maybe I'm  
22 using too strong a word when I say lie. It's really  
23 more a lack of capacity to deal with it. She just can't  
24 deal with it for whatever reason. But that lack of  
25 dealing with it, under the *Bush* case and the *Lawrence*

1 case, and coupled with a depressed and troubled,  
2 extremely so, individual who demonstrated that in '79,  
3 is demonstrating remnants of what is left of that here  
4 today, makes her an extreme current risk under the  
5 *Lawrence* case. You know, you've got Principal Burton  
6 Wragg, the loved custodian, Mr. Mike, Officer Robert  
7 Robb, Charles Miller, who's on the video screen, and  
8 seven other kids impacted by this. And she's not able  
9 to really dial herself into it. She claims to work  
10 these 12 steps for AA but there's information scattered  
11 about the records today that she's not attending and  
12 hasn't attended for some time because it's repetitious  
13 to her and really doesn't know all of the steps but sort  
14 of pretends to work them. That is a current risk under  
15 the *Lawrence* case. That shows risk. Doesn't have a  
16 sponsor. Doesn't have these post-parole plans in shape  
17 like the Board and Panel frequently sees. That  
18 demonstrates current risk under the *Lawrence* case. You  
19 know, it's kind of like if you have the sponsor or you  
20 don't have the sponsor. If you are attending AA or  
21 you're not attending AA. On one hand you're less risk  
22 under the *Lawrence* case and on the other hand you're  
23 more risk. And she's on the more risk hand, no question  
24 about that. She is saying that she's fine psychiatric  
25 wise today, but yet in page nine of the report it says



1 she's prescribed Gideon (phonetic) and Zoloft. The  
2 medications are effective in controlling her mood and  
3 psychotic symptoms. But she reports continuing to  
4 experience auditory hallucinations of someone calling  
5 her name and seeing spots moving on the wall every now  
6 and then. You know, so these things are sort of still  
7 presenting issues or problems that also speak of a  
8 current risk under the *Lawrence* case. Another aspect of  
9 her hiding the truth is, it's pretty clear, the record  
10 is replete that she told her friend something big is  
11 going to happen on Monday. She was talking with this  
12 friend about killing a cop, blowing up a school. Even  
13 though she doesn't admit to it, the record is very clear  
14 that these things happened, that she was an extremely  
15 troubled girl and a loner and made all these sorts of  
16 references and remarks. And yet today she says, no,  
17 that was really about a block party. That's an  
18 astounding revelation, that even though it sounds  
19 innocuous, block part versus something big is going to  
20 happen on Monday, it's an extreme factor showing great  
21 risk under the *Lawrence* case that she comes in in 2016  
22 today, September 7th, and she's talking like that. I  
23 was surprised by that. I had never heard anything like  
24 that before. So that was -- and by the way, I recognize  
25 this Panel has obviously worked this case very deeply

1 before the hearing. They have not missed anything and  
2 have went over all the salient factors and I know that  
3 that's one that they caught as well, the block party.  
4 When you take into account all of these factors and the  
5 fact that she's saying things like, "F," San Diego, I  
6 won't repeat the whole expletive but, you know, and then  
7 saying, well, that's just how people talk, when that's a  
8 giant slap in the face to the 11 victims in this case.  
9 And you take things into account like this, what you see  
10 is a person who just hasn't achieved parole readiness.  
11 Now, that's not a crime. It doesn't make her a horrible  
12 or hideous person or a judgment on her character. It's  
13 a simple, objective fact that she has not achieved a  
14 level of readiness under the *Lawrence* case even after  
15 all of these years, the 37 years, to enable her to be  
16 anything but an unpredictable and unreasonable risk to  
17 society. The crime itself was hideous and horrible.  
18 It's as bad as it could get, so much so that even San  
19 Diego County had a change of venue in this case. That's  
20 how much public interest there was and how awful it was  
21 for everybody involved. The principal was a beloved,  
22 wonderful man; the custodian as well. The kids were  
23 forever impacted by this, even today as adults. It  
24 affected them all very deeply. I'd like to close if I  
25 can, I have a couple of auditory statements from Kathy

1 Wragg, who is the wife of Burton Wragg, the principal,  
2 and Crystal Hardy, who is one of the children who was  
3 shot. I'd like to play those statements in the spirit  
4 of Marsy's Law as part of my presentation. I will  
5 comment further after they are played. They're each  
6 about two minutes long and that's really what we have to  
7 say is the ten-year denial she was given in '09 was  
8 proper, even with the 260 youth considerations and the  
9 considerations of whether this was a rash act, it  
10 wasn't. It was calculated. It was an attempt to make a  
11 big news story on Monday and it went way beyond any that  
12 SB260 talks about on (inaudible). So even in light of  
13 all those factors we think that she should continue to  
14 receive a parole denial of a length in terms of whatever  
15 the Board feels appropriate. But we'd like to close  
16 with these statements if we could now.

17 **PRESIDING COMMISSIONER CHAPPELL:** Okay, we'll  
18 permit it.

19 [Audio Tape Played.]

20 **DEPUTY COMMISSIONER FLEMING:** Counsel,  
21 (inaudible) recording --

22 **DEPUTY DISTRICT ATTORNEY SACHS:** I need to work  
23 on it to see if I can get it any better.

24 [Audio Tape Played.]

25 **DEPUTY DISTRICT ATTORNEY SACHS:** I think that's

1 enough because of the audio quality.

2 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

3 **DEPUTY DISTRICT ATTORNEY SACHS:** As long as  
4 you've heard that, I think that's enough.

5 **DEPUTY COMMISSIONER FLEMING:** What was the date  
6 on the both of those, sir?

7 **DEPUTY DISTRICT ATTORNEY SACHS:** Let me check.

8 **DEPUTY COMMISSIONER FLEMING:** I really appreciate  
9 it, thank you.

10 **DEPUTY DISTRICT ATTORNEY SACHS:** You bet.

11 **ATTORNEY JOHNSON:** I'd also be interested in  
12 whether they were made for purposes of the parole  
13 hearing or for some other purpose because --

14 **DEPUTY DISTRICT ATTORNEY SACHS:** They were made  
15 for the parole hearing. I was actually involved in  
16 making them but the -- let's see, the computer is dating  
17 them differently than -- let me get to the transcript.  
18 I have a transcript, that should tell us.

19 **DEPUTY COMMISSIONER FLEMING:** Thank you.

20 **DEPUTY DISTRICT ATTORNEY SACHS:** Can I have a  
21 moment, please? Kathy Wragg's statement could be as far  
22 back as 1997.

23 **PRESIDING COMMISSIONER CHAPPELL:** I was going to  
24 say I do remember reading that statement in the last  
25 transcripts.

1           **DEPUTY COMMISSIONER FLEMING:** Oh, okay.

2           **DEPUTY DISTRICT ATTORNEY SACHS:** And I believe  
3 the same would probably be true of Crystal Hardy. I was  
4 actually involved in the formation of the lifer unit at  
5 that time and I remember being involved in taking these.

6           **PRESIDING COMMISSIONER CHAPPELL:** Okay.

7           **DEPUTY DISTRICT ATTORNEY SACHS:** They did ask for  
8 me to (inaudible)

9           **PRESIDING COMMISSIONER CHAPPELL:** Okay, all  
10 right. Well, thank you. Counsel?

11           **ATTORNEY JOHNSON:** First I'd like to just briefly  
12 respond to the issue about the toxicology reports. I'd  
13 like to draw your attention to the 2005 Comprehensive  
14 Risk Assessment. Dr. Smith stated, and I quote,  
15 "Certain substances may no longer have been in her  
16 system because of the time that she had been tested."  
17 And he also stated that, "Even if inmate Spencer was not  
18 under the influence of drugs and/or alcohol at the time  
19 of the offense was committed, the use of illegal drugs  
20 and intoxicants would have exacerbated the serious  
21 emotional problems that she was already experiencing  
22 during her adolescence." And so she had had a test done  
23 even later by the Center for Human Toxicology that did  
24 in fact detect alcohol and Tegretol. Ms. Spencer has  
25 spent nearly 40 years in prison developing insight into

1 the time that she was depressed -- a crime that occurred  
2 when she was a depressed, suicidal, 16-year-old girl  
3 struggling from an undiagnosed mental illness. No one  
4 here, including Ms. Spencer, disputes the horrific  
5 details of her crime. However, the more difficult task  
6 that we are asking you to do today is to try to  
7 understand how a 16-year-old girl finds herself in a  
8 disassociated state of mind capable of such an act.  
9 Ms. Spencer has worked every day since her commitment  
10 offense to try her best to understand her primary  
11 causative factor, and that is her mental illness and  
12 subsequent diagnosis of schizoaffective disorder, which  
13 includes symptoms of both depression and schizophrenia.  
14 Ms. Spencer has actively worked in her various therapies  
15 at CIW since then to reach a point where she can  
16 confidently say that she is mentally stable and has  
17 learned how to effectively manage her mental health for  
18 the rest of her life. Today you have heard about  
19 Ms. Spencer's long-standing childhood abuse. Her father  
20 began sodomizing her at age seven. He often beat her,  
21 choked her, and berated her, calling her a worthless,  
22 bitch, tramp, or whore. You also heard about her early  
23 use of PCP, LSD, marijuana, and alcohol starting at  
24 around age 13 in order to numb the pain from her abuse.  
25 You heard about her seizure disorder that developed soon

1 after her father kicked her in her head at age 14. And  
2 finally you've heard about her mental illness that went  
3 untreated at the time of her offense. These are not  
4 excuses for her crime and Ms. Spencer understands that.  
5 But rather they are factors that help explain the mental  
6 breakdown that brought her to a point of such extreme  
7 desperation in which she lost all hope to live.  
8 Ms. Spencer had attempted suicide five times prior to  
9 her commitment offense. Her first time she was only ten  
10 years old. She slit her wrists, she hung herself, she  
11 tried overdosing on drugs, and she even tried swallowing  
12 glass at one time. Yet each time she woke up the next  
13 day. She woke up the next day feeling like a failure  
14 only wanting to die more. She woke up the next day  
15 knowing she would have to climb back into bed with her  
16 father that night as she had done every night since she  
17 was a young child. She woke up the next day unsure of  
18 what dark thoughts the voices and hallucinations would  
19 be filling her head with. So when she woke up that day  
20 on January 29th, 1979, she decided she just could not go  
21 on living any longer. Ms. Spencer wrote in her insight  
22 statement that she was afraid if she had tried to shoot  
23 herself that day, she would wake up once again a failure  
24 and paralyzed. Her life was so unimaginable that she  
25 just could not comprehend going back to that reality.

1 The only thing on Ms. Spencer's mind that day was  
2 wanting to die and wanting to die so desperately she did  
3 not care how or who got hurt in the process. It was not  
4 rational. It was not logical. But it came from a point  
5 of such extreme hopelessness that most people will never  
6 know in their lifetime. The U. S. Supreme Court has  
7 held that as a youth offender, Ms. Spencer is entitled  
8 to a constitutional, meaningful opportunity for release.  
9 And the California Supreme Court recognized in *People*  
10 *versus Franklin* that SB260 creates this meaningful  
11 opportunity. And this hearing today must provide that  
12 for her. These childhood experiences you've heard about  
13 only further support the fact that all three mitigating  
14 factors of youth weigh in favor of Ms. Spencer's  
15 release. You must give great weight to these factors to  
16 understand why a 16-year-old girl, sodomized by her  
17 father, abandoned by her mother, and suffering from an  
18 untreated mental disorder turned to violence to escape.  
19 She was unable to extricate herself. And no one else to  
20 turn to after her father had refused to listen to her  
21 counselor's recommendation that she be hospitalized for  
22 her mental illness. He refused a serious recommendation  
23 regarding her mental health and instead he bought her a  
24 rifle for Christmas that she ended up using just a month  
25 later in her commitment offense. Experts have agreed



1 that Ms. Spencer fell into a psychotic dissociative  
2 state the day of her crime. All of the evidence  
3 detailed in her various psychological evaluations  
4 demonstrate how her mental state months prior to the  
5 crime was leading up to this extreme mental breakdown.  
6 This evidence in partly detailed in Dr. Autna Lewis's  
7 (phonetic) 1979 psychological evaluation after  
8 Ms. Spencer described her hallucinations to her. She  
9 described frequent experiences in which she would look  
10 out the window, the same window she would later be  
11 shooting out of, and see police men, "ducking behind  
12 cars waiting to hurt her." Her writings from around  
13 this time also provide further insight into the dark  
14 place that Ms. Spencer was stuck in. For example, she  
15 wrote, "Life is just a dream for some people. For me  
16 it's a nightmare. Welcome to my nightmare, welcome to  
17 my breakdown." Ms. Spencer has not exhibited this  
18 behavior since entering CIW and given the resources to  
19 properly manage her mental health. Since entering CIW  
20 she has been put on various medications and started  
21 attending one-on-one meetings with her counselor through  
22 CCCMS. Now, thanks to her medication and hard work at  
23 becoming aware of her mental illness and how to manage  
24 it, Ms. Spencer can diffuse any stressful situation.  
25 She can do so by turning to her support system, reading

1 books, gardening, cooking, and recently she's even taken  
2 up teaching herself Latin. The woman standing before  
3 you today is not the same person she was when she  
4 committed this crime. Ms. Spencer now deeply regrets  
5 this crime and all the pain and suffering she has  
6 caused. Not a day goes by that she does not think about  
7 the families of Mr. Suchar, Mr. Wragg, Officer Robb, and  
8 the eight children that were hurt, and not just those  
9 families but the entire community of San Diego and the  
10 rest of the nation that was affected by the news of her  
11 crime. In her insight statement Ms. Spencer  
12 acknowledged that it was both callous and thoughtless.  
13 But she was also able to exhibit empathy that she feels  
14 for her victims. This demonstrates Ms. Spencer's growth  
15 from the person she was in the past to who she is now,  
16 to be able to consider the consequences of her actions.  
17 She not only achieved closure for her own trauma by  
18 mending her relationship with her father prior to his  
19 passing, but she was also able to help her own victims  
20 achieve some closure. Ms. Spencer has had  
21 victim-initiated contact over the years, which several  
22 have written letters to her and one, Laura, as you have  
23 heard even began visiting Ms. Spencer routinely. On one  
24 occasion she brought her daughter to meet Ms. Spencer as  
25 shown in the photograph in Exhibit H. This demonstrates

1 Ms. Spencer's bravery and willingness to come  
2 face-to-face to the impact of her crime and exhibit both  
3 respect and remorse for her victims. As Dr. Nancy  
4 Kaser-Boyd noted in her 2016 evaluation, given that  
5 Ms. Spencer was only 16 years old and severely mentally  
6 impaired at the time of her crime, she may not be able  
7 to go further with insight than what has been exhibited  
8 today or in her written statement. You've seen her  
9 answer questions today, sometimes simply, also sometimes  
10 a little inconsistent as to the details of her crime  
11 over the years. But you have also seen her exhibit  
12 emotions today and extreme remorse in this very room.  
13 Think about what her answers mean in light of the fact  
14 that she has spent almost 40 years trying to piece  
15 together fragments of a psychotic break. She has read  
16 countless reports, articles, and testimonies all telling  
17 her what happened that day. And she does not doubt that  
18 she did the horrific things that she's been told. But  
19 it's important to know that her dissociative mental  
20 state presents her from fully remembering every detail  
21 and even fully understanding what was going through her  
22 head the day of that crime. She's not hiding the truth  
23 but she is just having a very hard time remembering due  
24 to her mental state. Unfortunately, this may be as far  
25 as we ever reach in understanding her crime. However,

1 *In Ray Lawrence* says you cannot rely on the commitment  
2 offense as some evidence of current dangerousness no  
3 matter how heinous the offense. You want to find  
4 Ms. Spencer unsuitable today because of the egregious  
5 nature of her crime, everybody here understands that,  
6 including Ms. Spencer. But that is not what the law  
7 says. So instead of relying on the commitment offense  
8 you may want to say she lacks the requisite insight  
9 because of her inability to completely understand or  
10 explain why she chose that elementary school that day.  
11 No one will ever be able to fully understand that and  
12 Ms. Spencer will never be able to fully explain it. But  
13 according to *Shaputis and Lawrence*, the importance of  
14 having insight is to fully understand why someone  
15 committed a crime so that they do not go commit it  
16 again. And as you have heard today, the primary  
17 causative factor for Ms. Spencer's crime has always been  
18 her mental illness. That is the insight that she needs  
19 and that is the insight that she has today. There has  
20 been no dispute about her mental state the day of her  
21 offense. Psychiatric evaluators have repeatedly said  
22 her behavior that day was consistent with a diagnosis of  
23 schizophrenia. Ms. Spencer has demonstrated she has  
24 insight into her mental illness by going above and  
25 beyond in managing her mental health. Around 2000

1 doctors at CIW discovered the correct combination of  
2 anti-depressants, psychiatric medications, and epilepsy  
3 medications, all of which she has committed to staying  
4 on the rest of her life. You can see in her medical  
5 records in Exhibit J the positive reports since 2000  
6 that she has not felt depressed for the past five to ten  
7 years, she said that in 2011. And as recently as March  
8 of 2016 she was evaluated as having no paranoia present,  
9 no thought disorder present, and no manic or hypomanic  
10 issues present. Ms. Spencer has had no suicide attempts  
11 since 1998 and she has been stable enough to be kept on  
12 the general population yard all of these years. There  
13 is no doubt that she can continue to effectively manage  
14 her mental health on the outside with the help of  
15 Crossroads, the transition home she plans to first go to  
16 that will also provide her with counselors. In  
17 addition, Crossroads has a partnership with Tri-City  
18 Mental Health, an outpatient treatment program that she  
19 can also receive counseling at. She will also receive  
20 help from her vast support system that you heard about  
21 today including her roommate, Brandy Sizemore, who has  
22 had a considerable amount of experience working at  
23 Crossroads herself. She can also turn to her parole  
24 agent and plans to seek out an AA sponsor on the outside  
25 so that she can continue to work on her causative

1 factors. What matters here today is whether Ms. Spencer  
2 poses an unreasonable risk of current danger to society,  
3 and she does not. When looking at her growth and  
4 maturity, the *People vs Franklin* says to look at the  
5 baseline from where she started. She entered CIW a  
6 lost, depressed, mentally unstable 16-year-old child.  
7 But since then, and being put on her medications, she  
8 has had no violent instances whatsoever as demonstrated  
9 by her exemplary disciplinary record which includes not  
10 a single 115 in nearly 40 years in prison. She has  
11 dedicated her time to work tirelessly to address her  
12 causative factors by regularly participating in  
13 counseling groups such as Anger Management, codependency  
14 classes, AA and NA, Choice Theory, Long Termers  
15 Organization, Convicted Women Against Abuse, and the  
16 Prison Smart program, all of which we discussed today  
17 and is also highlighted in her submission. Ms. Spencer  
18 has demonstrated the ability to reenter society through  
19 her exemplary disciplinary record, commitment and  
20 success in managing her mental health, and her ability  
21 to acquire several vocational skills and work  
22 experiences that will benefit her greatly if granted  
23 parole. Ms. Spencer has benefited immensely from her  
24 time here at CIW. She has thrived and become a very  
25 successful woman today. She has committed herself to

1 her rehabilitation and will only continue to do so the  
2 rest of her life. Over the last nearly 40 years  
3 Ms. Spencer has developed into a well-liked and  
4 respected woman who no longer poses any risk to society.  
5 And today, accordingly, she respectfully asks that you  
6 find her suitable for parole. Thank you.

7 **PRESIDING COMMISSIONER CHAPPELL:** Thank you,  
8 counsel. All right, Ms. Spencer, now is an opportunity  
9 for you to provide a closing statement if you like.

10 **INMATE SPENCER:** Okay, I just would like my  
11 victims to know how deeply sorry I am for what I have  
12 done to them. I know there is nothing I can do that  
13 will make up for it or take it away. But I realize now  
14 how widespread the damage I've done is. That's all.

15 **PRESIDING COMMISSIONER CHAPPELL:** Thank you,  
16 Ms. Spencer. At this time I'd like to turn to the  
17 victim for a statement.

18 **DEPUTY COMMISSIONER FLEMING:** Can you swing the  
19 microphone a little that way, please? Thank you. That  
20 should be just fine.

21 **PRESIDING COMMISSIONER CHAPPELL:** Okay, and just  
22 for the record, can you please reintroduce yourself?

23 **MR. MILLER:** Yes, I'm Cam Miller, or also known  
24 as Charles Miller, one of the victims.

25 **PRESIDING COMMISSIONER CHAPPELL:** Thank you.

1 We're ready for your statement.

2           **MR. MILLER:** Okay, thank you. Good morning,  
3 Commissioners. My name is Cam Miller and I was nine  
4 years old when I was shot. On Monday January 29th,  
5 1979, my mother dropped me off for school directly  
6 across the street from Brenda Spencer's house. As I  
7 walked up the sidewalk to go to school I saw the  
8 principal and custodian lying in the bushes. Then I  
9 suddenly blacked out. My left arm and shoulder went  
10 numb and my entire body trembled. I reached down and  
11 grabbed the shoulder of my neighbor who was walking  
12 directly in front of me. She led me around to the back  
13 of the school office where I saw my teacher. I told my  
14 teacher, "I think I've been shot." My teacher opened  
15 the blue vest I was wearing and saw blood all over my  
16 clothes. As you can imagine, I was terrified. At first  
17 the sound of the fire alarm and sirens in the distance,  
18 all of a sudden I realized that I was actually shot.  
19 Once help arrived emergency crews had to determine how  
20 they would rescue those who were injured and needed  
21 immediate medical attention. Brenda Spencer was  
22 directly across the street with a clear shot of anyone  
23 crossing the short distance to get to the ambulance.  
24 After lying on the floor in the auditorium for quite  
25 some time, bleeding, and not knowing how critical my



1 injuries were, I was finally taken to the hospital. I  
2 was very fortunate. The doctor said the bullet went  
3 directly through me with the bullet exiting the front of  
4 my chest. I did not need surgery. After being released  
5 from the hospital I had to stay home while my friends  
6 enjoyed playing out in the street and doing other child  
7 activities. The bullet was an inch away from my heart.  
8 When I returned to school I did so with great fear. I  
9 could no longer walk up the same sidewalk where the  
10 tragic nightmare began or even go to school without  
11 being worried about what could happen. When it was time  
12 for me to go to sleep at night, I continually had  
13 recurring nightmares of this entire tragedy. I would  
14 have to call my mother two or three times each night to  
15 walk me around my house so just to know that Brenda  
16 Spencer was not inside my house. When it came time for  
17 Brenda Spencer's trial I had to grow up fast and face  
18 this cold, ruthless murderer who attempted to take my  
19 life. When it was time for me to testify I walked into  
20 court and saw this monster glaring at me. The look that  
21 Brenda Spencer gave me was enough to scare any young  
22 child to death. After the court proceedings ended I  
23 thought things might get better. The memory of being  
24 shot approximately one inch from my heart and almost  
25 killed is still deeply engraved in my mind. Every day

1 when I wake up I look in the mirror, I see the scar on  
2 my body that reminds me of this nightmare and how  
3 fortunate I am to have survived this brutal attack.  
4 When I heard that Brenda Spencer was up for parole again  
5 I asked myself, why does she think she should be  
6 paroled? In 1979 Brenda Spencer was 16 years old and  
7 had very little pressure in life. She decided to pick  
8 up the gun she received as a Christmas present and start  
9 hunting humans at the elementary directly -- at the  
10 elementary school directly across the street from her  
11 home. Brenda Spencer decided to hunt for humans because  
12 she did not like Mondays, was bored, and wanted some  
13 excitement. The pressure of society and life today is  
14 significantly greater than it was when she was 16 years  
15 old. Therefore, she would be a higher risk to reoffend  
16 as she has no real life skills. She is best fit for a  
17 regimented lifestyle in prison. The lasting memory of  
18 this tragedy replays in my mind when I drop my own  
19 children off at school. Why should Brenda Spencer be  
20 given the opportunity to have a second chance at life  
21 when the two people she brutally murdered cannot have a  
22 second chance. No one forced her to commit this brutal  
23 and senseless crime. Brenda Spencer clearly has no  
24 regard for human life. She was shooting to kill any  
25 human target that walked into her path. Brenda Spencer

1 is a cold-hearted, ruthless murderer who needs to be in  
2 prison for the rest of her life for the safety of the  
3 community. It is unfortunate that you said today that  
4 you wish you would have taken your own life but you felt  
5 like you would fail. It's unfortunate that you did not,  
6 and you put all these victims through this trauma. Two  
7 people that you killed were near the peak of their life  
8 at retirement age. You took that from them and their  
9 family. It should also be noted that this was one of  
10 the first school shootings in the United States. And  
11 look at how many school shootings have taken place  
12 since. With that in mind, I urge this Parole Board to  
13 deny Brenda Spencer's parole for as many years as  
14 possible. Thank you.

15 **PRESIDING COMMISSIONER CHAPPELL:** Thank you. So  
16 the time is approximately 11:29 a.m. We will recess for  
17 deliberation. Thank you.

18 **R E C E S S**

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1                   **CALIFORNIA BOARD OF PAROLE HEARINGS**2                                   **D E C I S I O N**3                   **DEPUTY COMMISSIONER FLEMING:** We're on record.4                   **PRESIDING COMMISSIONER CHAPPELL:** All right,5 today's date is September 7th, 2016. The time is  
6 approximately 12:37 p.m. We are now ready to reconvene  
7 this hearing for pronouncement of the Panel's decision.8 All the same parties that were present prior to the  
9 recess are back in the room at this time. Ms. Spencer  
10 was received by California Department of Corrections and  
11 Rehabilitation on April 24th, 1980, from the County of  
12 San Diego. Controlling offense in this case is two  
13 counts of PC187, First Degree Murder, eight counts of  
14 PC245A, Assault with a Deadly Weapon, with an  
15 enhancement with use of a firearm, and one count of  
16 PC245B, Assault with a Deadly Weapon on a Police  
17 Officer, with the enhancement also of use of a firearm,  
18 arising a conviction in Case Number 42488 and resulting  
19 in a sentence of 25 years to life. California20 Department of Corrections and Rehabilitation has  
21 calculated the minimum eligible parole date in this case  
22 to be February 23rd, 1994. Ms. Spencer also qualifies  
23 for youth parole consideration. She has a youth parole  
24 eligibility date of January 29th, 2003. The victims in25 **BRENDA SPENCER      W-14944                    DECISION PAGE 1                    9/7/16**

1 this case were Burton Wragg, W-R-A-G-G, Michael Suchar,  
2 S-U-C-H-A-R, Christine Buell, B-U-E-L-L, Mary Clark,  
3 Monica Selbick, S-E-L-B-I-C-K, Charles Miller, Greg  
4 Verner, V-E-R-N-E-R, Crystal Hardy, Julian Robles,  
5 Audrey Stites, and San Diego police officer Robert Robb,  
6 R-O-B-B. According to the California Supreme Court, in  
7 making a parole eligibility decision this Panel must not  
8 act arbitrary or capricious and must consider all  
9 relevant and reliable information available. In this  
10 case the Panel has read and considered the written  
11 record before us, including the Board Report, Central  
12 File, Comprehensive Risk Assessment, additional  
13 documents received during the hearing, and all written  
14 responses received from the public. The confidential  
15 portion of the Central File was reviewed but the Panel  
16 did not rely on any of the information contained in that  
17 section. The Panel also considered the testimony  
18 presented today by Ms. Spencer and the input by victim  
19 Miller. The fundamental consideration in making a  
20 parole eligibility decision is the potential threat to  
21 public safety upon an inmate's release. Accordingly, a  
22 denial of parole must be based upon evidence in the  
23 record of an inmate's current dangerousness. Having  
24 these legal standards in mind we find that Ms. Spencer

25 **BRENDA SPENCER W-14944 DECISION PAGE 2 9/7/16**

1 does pose an unreasonable risk of danger to society or a  
2 threat to public safety and is therefore not suitable  
3 for parole at this time. The record does reflect some  
4 circumstances tending to show suitability for parole,  
5 namely Ms. Spencer is at an age that reduces the  
6 probability of recidivism. She is currently 54 years  
7 old and has spent over 38 years of incarceration. She  
8 does have adequate parole plans. We have an acceptance  
9 letter on the record from Crossroads transitional  
10 housing. She has support letters from family and  
11 friends. Also noted on the record is she's recently  
12 inherited part of the estate of -- her father has passed  
13 away where she's inherited a great sum of money and also  
14 she's inherited an estate into the San Diego home.  
15 Ms. Spencer also lacks any serious or violent rules  
16 violation reports throughout her incarceration, and  
17 Ms. Spencer is to be commended for that. It is very  
18 difficult to spend this much time of incarceration and  
19 not obtain a single rules violation report, so you are  
20 to be commended.

21 **INMATE SPENCER:** Thank you.

22 **PRESIDING COMMISSIONER CHAPPELL:** However, these  
23 circumstances are far outweighed by other circumstances  
24 tending to show unsuitability and suggest that if

25 **BRENDA SPENCER W-14944 DECISION PAGE 3 9/7/16**

1 released Ms. Spencer would pose a potential threat to  
2 public safety. Specifically, we find that Ms. Spencer  
3 committed this offense in a heinous, horrific, and  
4 deplorable manner. Her actions resulted in the death of  
5 two of the victims and injury to the other nine.  
6 Furthermore, her reasoning for committing the offense  
7 does not in any way justify her actions. We also note  
8 that Ms. Spencer had an unstable social history prior to  
9 incarceration. It's noted, and she's put on record,  
10 that she did suffer abuse, physical, mental, and sexual  
11 abuse throughout her childhood. And although this Panel  
12 did not use this as a factor in unsuitability today, it  
13 does bear to mention that this was likely one of the  
14 causative factors that led to the life crime. We note  
15 that Ms. Spencer engaged in drug and alcohol abuse at an  
16 early age. She also had two prior arrests for burglary  
17 and shoplifting. This Panel also noted that Ms. Spencer  
18 suffered from a mental illness at a young age and, as  
19 stated today, it was a struggle throughout her life.  
20 Also noted that it could very well have been a part of  
21 the causative factors that led to the crime. She  
22 disclosed that it was untreated at the time of the life  
23 offense. However, the California Supreme Court has  
24 ruled that after a long period of time immutable factors  
25 **BRENDA SPENCER W-14944 DECISION PAGE 4 9/7/16**

1 such a commitment offense, prior criminality, unstable  
2 social history may no longer indicate a risk of danger  
3 -- a current risk of danger to society in light of a  
4 lengthy period of positive rehabilitation. Accordingly,  
5 in this case we must consider whether other  
6 circumstances coupled with the above immutable  
7 circumstances would lead to the conclusion that  
8 Ms. Spencer poses a continued threat to public safety,  
9 and we find she does. So, Ms. Spencer, the first factor  
10 of unsuitability is we discussed -- when we discussed  
11 the life crime with you, and I know the life crime  
12 happened a long time ago. But what's still relevant to  
13 this day is when we discuss this crime with you, we  
14 found contradicting statements. We found that you were  
15 minimizing your behavior in your discussion. And we're  
16 going to go on to some specifics, you know. And after  
17 all these years we still find that you have not accepted  
18 full responsibility for your actions, and your insight  
19 into the causative factors is still very unclear to this  
20 Panel as it was to the previous Panels. You know, when  
21 we discussed the crime, you know, the crime happens in  
22 the morning. And as you disclosed, you know, you wake  
23 up the morning of the crime and you decide today is  
24 going to be the day, you know. You want to commit

25 **BRENDA SPENCER      W-14944      DECISION PAGE 5      9/7/16**



1 suicide, and as you disclosed, your plan was suicide  
2 from cops -- suicide by cop. But when we discuss it and  
3 you look at the circumstances, your actions in the crime  
4 were not indicative of a suicide attempt. And you left  
5 this Panel really wondering was it really a suicide  
6 attempt or was it an attempt to take out as many people  
7 as you could? You know, you wake up, you go and get  
8 your gun, and as you disclosed you said you were going  
9 to shoot at the parking lot to bring attention so the  
10 cops would come and then the cops could shoot you.  
11 Well, when we're discussing it with you we asked you,  
12 why? You know, why even after the first victim because  
13 you said that, yeah, you realized somebody was hit. Why  
14 after the first victim would you continue this horrible  
15 crime? You know, there is a few places in the record  
16 where you said, well, you didn't have an intent to hurt  
17 the kids. There was no intent. But yet when you see  
18 that somebody was hurt, you continued. And we asked you  
19 why did you do that? And the best you can tell is was,  
20 well, I just wanted the cops to kill me. And then, you  
21 know, you had stated that, you know, maybe it was just,  
22 you know, my mental illness, it was a break in my mental  
23 illness. But there's bits and pieces where you can  
24 explain to us exactly what was going on, you know, like

25 **BRENDA SPENCER W-14944 DECISION PAGE 6 9/7/16**

1 you said, yeah, I went and got the gun. I loaded the  
2 gun. I stood in the window. I shot -- you know, I was  
3 shooting in the area of the victims but, you know,  
4 wasn't trying to shoot them. And then there's other  
5 areas where we said -- when we asked you, you know, what  
6 about your statements made to the police, you know -- or  
7 not the police, but the newspaper reporters? And you're  
8 saying, well you know, I must have said it but I have no  
9 recollection of it. So we have bits and pieces. And  
10 it's very concerning to us because, like I said, we  
11 really didn't get a true picture of what your mental  
12 state was at that time, what your intent was at that  
13 time. And like I said, this is 38 years later and you  
14 had all this time to go through therapy, go through  
15 self-help, reflect back on the crime and what really led  
16 you to that. And we just didn't hear it today. We  
17 didn't have that clarity. And that makes you a current  
18 risk of danger, because if we're not clear that you've  
19 addressed whatever issues, whatever shortcomings, was it  
20 totally the mental health, was it the drugs and alcohol,  
21 did you really want to commit suicide, or was the intent  
22 to kill people because you wanted them to feel your  
23 pain? We don't know. We don't know what it was. We  
24 just got a lot of things today and so you really got to

25 **BRENDA SPENCER W-14944 DECISION PAGE 7 9/7/16**

1 make that clear. And we know that at the time it's very  
2 likely that you were suffering from a severe mental  
3 illness. I mean, you know, whatever your intent was,  
4 you know, no 16-year-old just picks up a gun and just  
5 randomly shoots innocent victims that there's not  
6 something deeply going on with her. So we're not trying  
7 to mitigate or minimize that. We do know that there was  
8 some mental health issues going on. And we talked to  
9 you about the mental health. And what we find is that  
10 we don't feel that you've adequately put in place some  
11 type of prevention plan, whether it's a relapse  
12 prevention plan for mental health to, number one,  
13 identify your triggers that would cause you to  
14 decompensate; and, two, recognize any tools that you may  
15 have to combat those triggers. And I know that you feel  
16 that you're staying on medication that you have today,  
17 which is a great thing. But if you were to be released  
18 there are so many different stressors out there. And  
19 we're not clear if you are able to adequately deal with  
20 those stressors putting your mental health, you know,  
21 into play. We also looked at -- took into consideration  
22 remorse. And we made note of it on the record today  
23 that you did show some emotions when talking about the  
24 life crime, when talking about some of the victims.

25 **BRENDA SPENCER W-14944 DECISION PAGE 8 9/7/16**

1 What we talked about and what was a concern to us was  
2 this card that was sent by your sister. And I know  
3 there was an objection made by your counsel. But I want  
4 to be clear, our assessment had nothing to do with the  
5 intent of why this card was presented to this Panel. We  
6 look solely at your statement and the statement was, and  
7 I'm going to use quotes, the statement was, you know,  
8 "Fuck San Diego." And we gave you the opportunity to  
9 speak about this statement. And what you told us was,  
10 well, you know, that's -- you know, that statement --  
11 you know, that's how people talk. That's how people  
12 talk in here. That's basically the way of life, you  
13 know. Yes, it was a wrong choice of words. But it goes  
14 much deeper than that, and that's our concern is you  
15 don't realize or you don't understand how deep just  
16 those words really cut. It really cuts into, you know,  
17 the people of San Diego, it really cuts into anybody  
18 who, you know, has feelings or sympathy or empathy for  
19 the victims of San Diego, because when you say something  
20 like that, and we mentioned it to you during the  
21 hearing, it shows that -- or the question is, how much  
22 remorse to you really have when you make a statement  
23 like that because, you know, San Diego, you know,  
24 represents your victims, you know. And for you to just

25 **BRENDA SPENCER      W-14944      DECISION PAGE 9      9/7/16**

1 nonchalantly say, well, that's how people talk here, you  
2 know, I didn't mean anything by it. Well, those other  
3 people aren't in the same situation that you're in.  
4 Those other people don't have those victims that are to  
5 this day severely impacted by your actions. So we feel  
6 that you really need to do some work in the area of  
7 remorse and truly understand what the impact of your  
8 crime had on all these victims. We note that the  
9 Comprehensive Risk Assessment is not in support of a  
10 finding of suitability today. And one area in specific  
11 is the area of self-help. And on page 12, the doctor  
12 talks about your history of substance abuse. It says,  
13 "Ms. Spencer has consistently described a history of  
14 substance abuse which she believes was her attempt at  
15 self-medicating as well as an escape from her  
16 circumstances. She claims to have been under the  
17 influence of drugs and alcohol at the time of the  
18 crime," although the record does not appear to confirm,  
19 "a history of drug and alcohol abuse is correlated with  
20 an increased risk of violence particularly during  
21 relapse." Then she goes on to say, "To her credit,  
22 Ms. Spencer has reportedly remained sober during her  
23 incarceration. However, her relapse prevention plan  
24 lacks some details," which we found it lacking as well.

25 **BRENDA SPENCER      W-14944      DECISION PAGE 10      9/7/16**

1 And she said that this factor remains relevant to your  
2 risk of violence. You know, as you had disclosed today,  
3 the drugs and alcohol were a huge part, you know, of  
4 your life prior to incarceration. And for you to go  
5 through NA/AA for, you know, a period of time through  
6 your incarceration, I believe it was about, you know,  
7 early in your incarceration for about ten to 12 years  
8 and just stop and say, well I'm not getting anything out  
9 of it, that's a concern because it's you telling us  
10 that, all my issues are resolved and, you know, if I was  
11 to go out right now and deal with all the stressors of  
12 life, I wouldn't relapse to drug or alcohol. But yet  
13 you are unable to explain to us how you would not resort  
14 back to relapsing, you know. So that's a big concern of  
15 ours. We did take into consideration the factors of  
16 youth. And on page 16 the doctor did say -- in reading  
17 from the Comprehensive Risk Assessment the doctor did  
18 say that during your commitment offense all the factors  
19 of youth, immaturity, undeveloped sense of personal  
20 responsibility, and impulsivity were present during the  
21 life crime. And the doctor does note that you have  
22 matured since that time. She says finally your improved  
23 insight into your mental illness also reflects maturity  
24 and that you have taken responsibility for management of

25 **BRENDA SPENCER W-14944 DECISION PAGE 11 9/7/16**

1 your mental illness. So she says you have matured. But  
2 we found that the shortcomings that we've talked about  
3 that your lack of remorse, your lack of true  
4 understanding of what led you to committing such a  
5 monstrous act, outweighs those factors of youth at this  
6 time. We also note that the Comprehensive Risk  
7 Assessment by Dr. Larmer, dated January 7th, 2016, finds  
8 that you present a moderate risk of re-offense in the  
9 community which we find supports our decision today.  
10 Commissioner?

11 **DEPUTY COMMISSIONER FLEMING:** Did we lose --  
12 shoot.

13 **PRESIDING COMMISSIONER CHAPPELL:** Do we need to  
14 take a break until --

15 **DEPUTY COMMISSIONER FLEMING:** Yeah, let's take a  
16 little --

17 **PRESIDING COMMISSIONER CHAPPELL:** Okay, let's  
18 take a break. The time is approximately 12:59. We're  
19 going to take a quick break until we can get the victim.  
20 It looks like we lost the victim on the video.

21 **A D J O U R N M E N T**

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25 **BRENDA SPENCER W-14944 DECISION PAGE 12 9/7/16**

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THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR RECENT BOARD HEARING AND IS PROVIDED TO YOU IN COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION (A) (4), AND CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED BY PENAL CODE SECTION 3041, SUBDIVISION (B), UNLESS THE BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042. THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.

BRENDA SPENCER      W-14944      DECISION PAGE 13      9/7/16



**CERTIFICATE AND  
DECLARATION OF TRANSCRIBER**

I, Randi Feters, as the Official Transcriber,  
hereby certify that the attached proceedings:

In the matter of the Life	)	CDC Number: W-14944
Term Parole Consideration	)	
Hearing of:	)	
	)	
BRENDA SPENCER	)	
_____	)	

CALIFORNIA INSTITUTION FOR WOMEN

CORONA, CALIFORNIA

SEPTEMBER 7, 2016

8:48 A.M.

were held as herein appears. Further, this transcript  
is a true, complete, and accurate record, to the best of  
my ability, of the recorded material provided for  
transcription.

*Randi L. Feters*

\_\_\_\_\_  
Randi L. Feters  
September 15, 2016  
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