

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

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In The Matter Of The Life)
Term Parole Consideration)
Hearing of:)
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)
BRENDA SPENCER)
_____)

CDC NUMBER W - 14944

CALIFORNIA INSTITUTION FOR WOMEN
FRONTERA, CALIFORNIA

January 21, 1993

9:00 A.M.

MEMBERS PRESENT

Jim Nielson, Board Commissioner, Presiding
Carol Bentley, Board Commissioner
Danny Guaderrama, Board Commissioner

ALSO PRESENT

Richard Jallins, Attorney at Law
Attorney for Inmate Spencer
David Berry, Deputy District Attorney
Correctional Officer Sloan
Alfred Krueger, San Diego Union Tribune
Jay Shelp, Courtroom Television News
Mark Matthews, WSKG T.V.
Mr. Cedeen, San Diego Union Tribune

CORRECTIONS TO DECISION HAVE BEEN MADE:

_____ Yes SEE ERRATA SHEET
_____ No

N. A. JAMES
TRANSCRIBER

ORIGINAL

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P R O C E E D I N G S

1 PRESIDING BOARD COMMISSIONER NIELSEN: It's
2 approximately 9 o'clock and the date of this it's the initial
3 parole consideration hearing for Brenda Spencer is 01/21/93.
4 The C.D.C. Number of Inmate Spencer is W-14944, and we're
5 located at C.I.W. Board Room.

6 The prisoner was received 04/14/80, County of San
7 Diego. The defense is murder first, assault on a peace officer
8 with a fire arm, assault with a deadly weapon with a fire arm
9 numerous counts.

10 Terms twenty five to life and eight five year terms
11 for assault with a deadly weapon. Penal Code Section violates
12 187, 245B, 1022.5, 245,1022.5 and is ineligible for parole
13 dates '92,'93,'94.

14 The Board of Prison Terms Panel is comprised of
15 Commissioners Nielsen, Bentley, and Guaderrama. We will
16 commence this hearing with an identification of individuals
17 present in the room. We will commence with myself and move to
18 my left. We will each identify ourselves and spell our last
19 names.

20 PRESIDING BOARD COMMISSIONER NIELSEN: Jim Nielsen,
21 N- I- E- L- S- E- N, Commissioner, Board of Prison Terms.

22 DEPUTY BOARD COMMISSIONER BENTLEY: Carol Bentley,
23 B- E- N- T- L- E- Y, Commissioner Board of Prison Terms.

24 BOARD COMMISSIONER GUADERRAMA: Danny Guaderrama, G-
25 U- A- D- E- R- R- A- M- A, Commissioner of Board of Prison
26 Terms.

1 MR. BERRY: David Berry, B- E- R- R- Y, Deputy
2 District Attorney San Diego County.

3 MR. JALLINS: Richard Jallins,
4 J- A- L- L- I- N- S, Attorney-At-Law, State of California
5 counsel for the prisoner.

6 Okay Alfred -- You can go now.

7 MR. KRUEGER: Alfred Krueger, San Diego Union
8 Tribune.

9 MR. MATTHEWS: Mark Matthews, M- A- T- T- H- E- W-
10 S, WSKG TV.

11 CORRECTIONAL OFFICER SLOAN: Officer Sloan, S- L-
12 O- A- N, Correctional Officer.

13 MR. SHELP: Jay Shelp, S- H- E- L- P, Court Room
14 Television News.

15 MR. CEDEE: [inaudible], San Diego Union Tribune C-
16 E- D- E- E.

17 PRESIDING BOARD COMMISSIONER NIELSEN: Thank you.
18 It's noted that Inmate Spencer has waived her appearance -- her
19 personal appearance at this hearing, but is represented by Mr.
20 Jallins.

21 In considering her suitability for the granting
22 date, the panel considers her prior criminality, personal
23 background, as well as her life of crime. Sharing the hearing
24 1 with that portion of the hearing.

25 Commissioner Bentley will discuss post conviction
26 factors and psychiatric psychological evaluations that have
27 occurred, and Commissioner Guaderrama will discuss parole
28

findings.

1 The conclusion of that portion of the hearing
2 normally panel member are allowed to ask questions in the
3 absence of the prisoner. That section will not be activated
4 today, as well as the portion of the hearing wherein the
5 representative of the people, Mr. Berry and Mr. Jallins are
6 allowed to ask questions.

7 We will then therefore go directly to closing
8 statements as to suitability by Mr. Jallins and Mr. Berry. And
9 that then would conclude this portion of the hearing. We would
10 then stand then in recess, deliberate, all parties would exit
11 the room, except the panel and then after our deliberations all
12 parties would be called back in for the reading of the
13 decision.

14 The prisoner has certain rights. She has the right
15 to a timely notice. Mr. Jallins, do you feel that your
16 client's rights have been met in that regard?.

17 MR. JALLINS: Yes, they have been.

18 PRESIDING BOARD COMMISSIONER NIELSEN: The prisoner
19 has the right to review central file and all the rest of the
20 documents therein. Did she had that opportunity?

21 MR. JALLINS: Yes, she did.

22 PRESIDING BOARD COMMISSIONER NIELSEN: And as well
23 the prison has the right to a fair and impartial panel. Mr.
24 Jallins do you have any cause to believe this panel would be
25 less than fair and impartial to your client?

26 MR. JALLINS: No.
27
28

1 PRESIDING BOARD COMMISSIONER NIELSEN: Do you have
2 any objections to these proceedings?

3 MR. JALLINS: No, I don't.

4 PRESIDING BOARD COMMISSIONER NIELSEN: The hearing
5 is transcribed hence the reason for identification of
6 individuals present in the room. The prisoner automatically
7 gets a transcript of this hearing. Today we tended a written
8 copy of the decision will be provided to the prisoner.

9 A full written copy will be provided the prisoner
10 at the conclusion of approximately sixty days of legal review
11 by the Board of Prison Terms of their decision. The prisoner
12 has a ninety day right to appeal. Are you aware of that? That
13 is all understood Mr. Jallins.

14 MR. JALLINS: Yes, it is.

15 PRESIDING BOARD COMMISSIONER NIELSEN: I will
16 commence with the reading of the statement of facts as they
17 appear in the original officer's report. It indicates at
18 approximately 8:30 a.m. the San Diego Police Department, in
19 January 29, 1979, was notified of a shooting at Cleveland
20 Elementary School. Responding officer found several children
21 and two adults wounded by gun shots.

22 Officers were confronted themselves by gunfire
23 while attempting to assist the injured. One officer was shot in
24 the neck. Responding officers had to take cover. Several of
25 the wounded for a time were left unattended. One of the
26 covering patrol units located a large sanitation truck. The
27 truck was then -- by then successfully positioned to block some
28

1 of the injured from the line of fire. The injured then were
2 attended to.

3 The residence from which the shots were being fired
4 was that of Brenda Spencer, 6356 Lake Kapland Avenue, San
5 Diego, directly across the street from Cleveland Elementary.
6 It was quickly determined that 16-year-old Brenda Spencer lived
7 at the location from which the shots emanated. It was further
8 learned that she had received a .22 caliber rifle as a
9 Christmas gift as well as several 100 rounds of ammunition.

10 The area was corded off, and the residents
11 evacuated. S.W.A.T. personnel and then hostage negotiators
12 made telephone contact with Brenda Spencer. During the
13 conversation Spencer admitted the shooting, and after several
14 hours of telephone conversations Spencer exited the residence,
15 placed the weapons in the driveway along with numerous boxes
16 of ammunition, and was taken in to custody by S.W.A.T.
17 Officers.

18 Several children were injured by gunshot wounds.
19 The principal of the elementary school Merton Wagy age 53 had
20 gone to the aid of the students, was subsequently shot himself.
21 Michael Seschar, age 56, school custodian, went to the aid of
22 Mr. Wagy, and was also shot.

23 San Diego police officers came to the aid of both
24 students and the two injured adults. Officer Roc, from the San
25 Diego Police Department received a neck wound injury. They
26 were pinned down until the trash vehicle was able to prevent
27 them from being fired upon.
28

1 In relation to these incidents Michael Seschar
2 indicates the death of hemothorax, massive [inaudible] aorta
3 [inaudible] bilateral gunshot wounds to the back and chest,
4 hurt in the leg, similar wound. Both died at the hospital.

5 Officer Long indicated was on a routine parole and
6 responded to call of those who had been wounded went to their
7 aid, and was hit by a shot that apparently bounced off his
8 holstered vest and entered his neck.

9 Numerous children wounded. Christa Gil, age 9,
10 abdominal wound. Mary Clark, age 8, abdominal wound. Monica
11 Shelby, age 9, severe abdominal wounds. Charles Miller, age 9,
12 shoulder wound. Greg Learner, age 8, wounded in buttocks.
13 Crystal Harvey, age 10, hand wound. Joeyanne Robbis, age 10,
14 wounded in elbow as well as a wound at the side of the waist
15 line area. Audrey Stites, age 7, elbow wound. All of the
16 children had apparently been coming to school that morning when
17 all of this occurred.

18 It is noted in our record that at the time of being
19 in the residence at the time of the shooting, Brenda Spencer
20 made telephone contact with a Steve Legat, I guess Steven's a
21 reporter for the San Diego -- by the San Diego Police
22 Department and he's a reporter for the San Diego Tribune. She
23 had some discussions with him. Questions as to why she did the
24 shootings. Her statement was, "I just started shooting for the
25 fun of it." When questioned again as to why she was shooting
26 she stated, "I don't like Monday. This livens up the day."
27 Questioned as to whether the shooting was at anyone in
28

particular, she allegedly cried, "No, I kind of like the resident group jackets."

The residents disclosed upon the officers 36 empty cartridge casings, 2 live rounds just inside the front door. The home was in a bit of disheveled appearance. After apprehension of Ms. Spencer's subjected laboratory tests for substances. Blood and urine samples proved negative for all forms of substances: alcohol and drugs.

She was taken into custody at approximately 3:09 p.m. 01/29/79 and was taken to the homicide division for the central police department. That concludes the readings of the Statement of Facts.

Prior to going on into the other sections I would like to refer momentarily to Mr. Jallins. Ms. Spencer has submitted a document in which I gather is her statement in the form of a press release. Is that correct Mr. Jallins?

MR. JALLINS: Yes, it is.

PRESIDING BOARD COMMISSIONER NIELSEN: Would you please read this then into the record?

MR. JALLINS: Okay. This is titled a top for immediate release in today's date, and is entitled "Convicted Girl Killer Breaks 13 Year Old Silence And Will Not Seek Parole." Brenda the shy, diminutive, 16 year old, pixy-face, San Diego redhead, who on January 29, 1979 barricaded herself in her family home and began firing at students and teachers in the elementary school yard across the street.

Leaving the school principal and custodian dead,

1 and six children wounded. After an hour's long stand-off with
2 the San Diego S.W.A.T. team, announced Wednesday from
3 California Institution for Women in Frontera, California, that
4 she is waiving for January 21 scheduled appearance before the
5 Board of Prison Terms for parole consideration, and will
6 instead file before the end of the month a petition for Writ of
7 Habeas Corpus to challenge her conviction.

8 Now, thirty years old, but little changed in
9 physical appearance from thirteen years ago, Brenda Spencer is
10 serving two twenty-five years to life sentences for first
11 degree murder, plus eight five year terms for assault with a
12 deadly weapon. In explaining her reasons for waiving her
13 parole board hearing Brenda stated, "I am trying to dodge
14 responsibility for anything I did --

15 -- Sir, it's not responsibility

16 MR. JALLINS: I am not, excuse me. Correct. "I am
17 not trying to dodge responsibility for anything I did. I live
18 with the unbearable pain everyday of knowing that I was
19 responsible for the death of two people, and caused many others
20 physical and emotional pain and suffering. No one can know
21 just how hard that is to live with, but I'm not a murderer."

22 She says, emphasizing the word, "I was and had been
23 for many days before that incident heavily under the influence
24 of a lot of street drugs I had been taking. I had been doing
25 uppers and downers combined with PCP and straight alcohol for
26 several days before the incident. Then that morning I stayed
27 home from school and started doing more.

1 I started taking some pills, which I thought were
2 secondals, that I had got from someone on the streets, and I
3 was taking these while smoking PCP and drinking straight
4 whiskey. I started to hallucinate. I saw these commando types.
5 All these people in para-military gear advancing on me from out
6 of the school yard. It was so real. I barricaded myself in,
7 got my rifle and started firing.

8 The S.W.A.T. came I guess, but by then I was so
9 stoned I just gave them the weapons. I remember talking to
10 someone over the telephone from inside the house, but I sure
11 couldn't tell you what I said.

12 Over the years the press has written some pretty
13 wild tales about what I said, but whatever I said it was the
14 liquor and the drugs talking. Anyone who knew me knew that I
15 wouldn't hurt anyone or anything, but when it was all over in
16 January of 1979 two people were dead and some little children
17 were wounded.

18 I must tell you that there's not a day that I don't
19 see those people and those children in my mind and not a day I
20 don't wish with all my heart I could bring them back. But, I'm
21 not guilty of murder."

22 Brenda continues, emphasizing the word again, "I
23 didn't know what I was doing. You can't for malice a required
24 element for a first degree murder conviction when you are under
25 the influence of that many drugs and that much alcohol. And
26 more important after all these years some serious
27 inconsistencies have come to light about just who fired all
28

those bullets that killed those people.

1 For sure the S.W.A.T. team lied in court about
2 how many shots they fired, and in what direction they were
3 fired. A big question now emerges as to who, if anyone, was
4 hit from fire from my rifle and who was hit by police fire.

5 Clearly when the S.W.A.T. team first arrived and
6 before anyone had been shot, they acknowledged that they did
7 not know what direction the shots were coming from. They lied
8 about not firing at me in the house, and they also apparently
9 lied about not firing toward the school yard.

10 Also although the police stated during my court
11 hearings that the lab results showed no alcohol -- no drugs or
12 alcohol in my system at the time of my arrest we, some people
13 who are helping with my Writ have gotten hold of independent
14 lab results which the prosecutor had done from the same blood
15 sample, and which show that I had potentially lethal levels of
16 drugs in my system at the time.

17 The prosecutor and my own defense attorney covered
18 up this fact and withheld this evidence from the court, and
19 withheld it from all the doctors and psychiatrists who did
20 reports and evaluations on me trying to figure out what made
21 me do it. So I was convicted as a cold-blooded killer, which
22 I'm not.

23 On top of that once they arrested me and got me to
24 juvenile hall, they gave me massive doses of powerful, mind
25 altering, psychotropic drugs which kept me completely stoned
26 for the next two years. And until I was finally transported to
27
28

1 prison and was finally able to get off the drugs. I wasn't
2 aware of anything at all while I was going through the various
3 court hearings.

4 People who saw me say I was a zombie. They said
5 what they told me to say, I did what they told me to do. I
6 didn't even know until a few months ago that I had signed a
7 plea bargain agreement for first degree murder. I can tell you
8 for sure that getting my court papers out of my prison file
9 after all these years, and learning that I was plea bargained
10 was the biggest shock of my life of my life. I sure didn't
11 know anything about the law then, and being stoned on top of it
12 well they could have told me to sign anything and I would've.

13 Funny thing was none of the doctors, psychiatrists,
14 and other specialists who did expert reports on me and who gave
15 me no kind of neurological and psychological tests bothered to
16 really talk to me, and none of them ever asked what happened.
17 I thought that was really strange. I still think it's strange.
18 They just wrote the reports based on what the police told them,
19 and the police were hiding a lot of information and evidence
20 from them. So all their special reports are just so much
21 garbage. That's also an issue that I'm raising on my Habeas
22 Corpus and Civil Rights law suit."

23 At California Institution for Women, Brenda is
24 active in a group called Women Prisoners Convicted by Drugging.
25 A group of approximately fifty women who all can document that
26 they were given a psychotropic drugs while being detained in
27 the county jails, and going through their trial. And who are
28

1 all seeking to over turn their convictions or get new trials,
2 or sentence modifications because of their being drugged.

3 Brenda points out that the drugging of a pretrial
4 detainee without their informed consent is a felony in
5 violation of California Penal Code Section 2670. She says that
6 none of the women gave their informed consent, and those who
7 resisted the drugging were coerced, threatened, thrown into the
8 rubber room, or had worse happen to them until they complied
9 and took the drugs. And some were beaten and left in rubber
10 rooms for days, naked and with no food, water, and provisions
11 for hygiene.

12 Forty-two of the women in the group, including
13 Bernadette, had sought and received help from various State
14 Legislators and Congressmen, and investigation is currently
15 under way by the F.B.I. and the U.S. Justice Department.

16 State Senator Robert Presley, of Riverside, has
17 been most active in demanding and getting the investigation by
18 the F.B.I. Brenda reports. Two of the group also have Habeas
19 Corpus' in the State Courts, and one has filed a large Federal
20 Civil Rights suit.

21 Brenda states that in addition to her Writ of
22 Habeas Corpus which will be filed on the end of the month in
23 State Court. She is also filing in the Southern District
24 Federal Court a Civil Rights suit for damages due to violations
25 of her federally protected Constitutional Rights. In addition
26 to charging that she did not get a fair hearing due to being
27 given the psychotropic drugs, Brenda's Habeas Corpus charges
28

1 prosecutor Charles Patrick and the San Diego Police Department
2 with falsifying, fabricating, and withholding evidence, and her
3 own defense attorney Michael Miglenn of San Diego with willful
4 misrepresentation.

5 In her Writ she also challenges the vigil anti-ism
6 and political opportunism that marked her prosecution,
7 obviously referring to the political aspirations of Governor
8 Pete Wilson, the former Mayor of San Diego, and arguing that
9 the desire of many to benefit politically from the notoriety of
10 her case caused perverse police and prosecution evidence,
11 fabrication, and suppression, and prevented her from being
12 granted fair representation of receiving a fair hearing.

13 Now enrolled in a vocational training electronics
14 program and taking college courses at California Institution
15 for Women. Brenda states further that she is working to
16 formulate an outreach program which she hopes to launch soon in
17 cooperation with persons on the outside of the community, which
18 has as its objective to attempt to reach other troubled youth
19 like herself and in an effort to intervene before their lives
20 come to tragic consequence like hers.

21 Although she has in the past thirteen years
22 categorically refused all contact with the media, Brenda states
23 that she will now do interviews with selected newspapers,
24 magazines and television programs. Deciding on these on an
25 individual basis, and after careful consideration of each
26 prospective interview. End of statement, and then in a comma
27 is how she can be contacted to set up those media requests.
28

1 PRESIDING BOARD COMMISSIONER NIELSEN: Thank you
2 Mr. Jallins. In the absence of the prisoner the panel accepts
3 this document that you have just read to us. Had she been
4 present the prisoner would have been informed that the panel
5 does not retry the case.

6 Our consideration of suitability have nothing to do
7 with the items that she has referred to in this letter as to
8 her Writ and her lawsuit, and those are not factors. The panel
9 considers that this is not the form for that. Certain comments
10 that she has made here about the crime are considered by the
11 panel in that these are the nature of questions that we would
12 normally pose to the prisoner had that prisoner been present.

13 Although as far as personal background, Brenda
14 Spencer is the youngest of three children, of the marriage of
15 Wallace and Dorothy Spencer. Her parents were married in
16 December of '54 and remained intact for seventeen years, and
17 their parents separated in '72. At that time the children were
18 nine, thirteen, and fifteen.

19 There seems to be a contested issue of custody of
20 the children. The divorce became final in '72. The children
21 remained with Mr. Wallace Spencer. It appears that they lived
22 in the vicinity of the mother, again with Mr. Spencer. Both
23 residences were maintained.

24 The children apparently went back and forth
25 visiting between both parents. At the time of the probation
26 officer's report the -- Mr. Spencer was in the Audio/Visual
27 Department, San Diego State University, and Mrs. Spencer was a
28

1 bookkeeper at The Andy Williams Oakland Corporation and later
2 San Diego Expo.

3 Brenda has been termed by her father, a very quite
4 youngster, with few friends and no boyfriends. At the Youth
5 Service Bureau where she was referred. She seemed to be coming
6 out of a shell. We'll talk about that in a little bit. It is
7 instructive that the father, Mr. Spencer, and the prisoner
8 owned property in Potrero, went there almost every weekend, and
9 they would spend the time shooting pellet guns and the new gun
10 which the prisoner used in the commission of the crimes and had
11 received at Christmas.

12 As far as the additional background of the
13 prisoner, the contact with the East Service Group Bureau was a
14 result of a burglary incident. The father brought Brenda in
15 and she was evaluated as a tomboy being without female
16 influence or role models, but having no outstanding problems
17 that would require a referral to other agencies.

18 The door of this particular agency was to do
19 service was to be left open for supportive counselling. Since
20 then her father came there three different times and then
21 Brenda had come alone. Then later on her attendance decreased
22 as the weather changed. It was noted that she tended to put up
23 barriers and just resisted probing questions.

24 She appeared to resent the lack of closeness within
25 the family. She had spoken of the hope of getting a gun for
26 Christmas, but there was no indication of significant violence,
27 and she seemed pleased with the family outings of the before
28

mentioned Potero.

1 In the juvenile hall behavior report it was noted
2 that there she did not seem to take discipline seriously. As
3 far as school information, she was an eleventh grade student at
4 Patrick Henry High School. Had truancy problems, was
5 determined to be a loner, and she was a capable student, but
6 was not attending. Did end up in continuation high school.

7 Psychiatric evaluations at the time deemed her a
8 sick and very disturbed girl who clearly looks younger than
9 stated age, but acts much older. That is what we have.

10 As a youth she was deemed as one with an incredible
11 degree of dehumanization, rigid naivety, frail physical
12 statute. That concludes the personal background.

13 Prior criminality is not extensive. In one case
14 that someone instructed, 06-22-75, a petty theft offense was
15 handled and [inaudible] by Alchome Police Department.
16 Apparently the prisoner and Broderick Brent Fleming entered a
17 Payless Drug Store and the male went behind the counter and
18 pulled out a box of cartridges, put them in a Payless sack. It
19 appears that the female had been telling him what to get, and
20 where to look for it. All of a sudden he [inaudible] without
21 pain, two cokes were also taken. The bag, when they were
22 apprehended, revealed a box of two 44 caliber cartridges,
23 twenty in number, and two cokes.

24 Fleming indicated he'd taken the item, but that
25 Brenda had told him what to take. Brenda ran from police
26 security. They were unable to apprehend. She later was
27
28

1 identified. Her father and she were counselled and the
2 reference to the incident was closed.

3 01-16-78, Burglary - San Diego Police Department.
4 Again this is the referral of the Youth Services Bureau.
5 Brenda Spencer and her next door neighbor, again Mr. Fleming,
6 arrested for burglary at the Cleveland Elementary School.
7 Later referred to the University of Service Bureau at La Mesa
8 in this position. That indicates to her prior criminality.

9 At this point in time the prisoner normally would
10 not comment on any of these portions, but in her absence we
11 will enter post conviction factor from Commissioner Bentley.

12 BOARD COMMISSIONER BENTLEY: Yes. During this part
13 of the hearing the panel normally discusses with the prisoner
14 what activities that they're involved in. Since they've been
15 incarcerated what disciplinary problems they've had, and since
16 that won't be possible. I will just go through it and review
17 what she has done and then I will then go into the counselors
18 and psychologists report.

19 She has had no serious disciplinary 115's. She had
20 about seven C128's, which are minor violations. Most of those
21 are failure to report to her job or to her educational
22 assignment or unexcused absences from class. She currently has
23 now a classification of zero. Which has been reduced over the
24 years.

25 She has participated in Circa for Long Termers.
26 She did -- was involved in A.A., Alcoholics Anonymous and
27 Narcotics Anonymous in '85 and '86, but I find no record of her
28

1 being involved in that at any other time during incarceration.
2 She also completed the 1990 the Breaking Barriers Program.

3 As was indicated in her statement she has been in
4 vocational electronics, and most recently her grades have been
5 A's and B's, and she has taken some college courses.

6 Now I -- unless -- Mr. Jallins do you have anything
7 that you want to add?

8 MR. JALLINS: No. I -- She assisted, there is a
9 chrono in the file, that she assisted at an A.A. N.A. banquet
10 in '92.

11 BOARD COMMISSIONER BENTLEY: But she was just a--

12 MR. JALLINS: Yeah.

13 BOARD COMMISSIONER BENTLEY: -- volunteer--

14 MR. JALLINS: Yeah.

15 BOARD COMMISSIONER BENTLEY: -- serving food.

16 MR. JALLINS: I --

17 BOARD COMMISSIONER BENTLEY: I don't think that
18 qualifies as participating.

19 MR. JALLINS: No, but I--in my -- in I -- and I
20 understand what the board -- but it might indicate she still
21 has some -- apparently she might still have some connection
22 with them. I also believe that she's done the twelve step
23 program, but I -- in connection with the --

24 BOARD COMMISSIONER BENTLEY: [inaudible]

25 MR. JALLINS: -- in connection with the A.A.

26 BOARD COMMISSIONER BENTLEY: I didn't see any
27 certificate or anything.

1 MR. JALLINS: Well see it indicated that she had--
2 I think back then they --

3 BOARD COMMISSIONER BENTLEY: It would be '85 and
4 '86 --

5 MR. JALLINS: Yeah, they were --

6 BOARD COMMISSIONER BENTLEY: [inaudible]

7 MR. JALLINS: They worked them together, whereas
8 today they're separate programs.

9 BOARD COMMISSIONER BENTLEY: Okay. Then I'm gonna
10 move to hear counsel's report. Her counselor indicates that she
11 has made positive adjustments during her twelve years of
12 incarceration, and has demonstrated her efforts to improve
13 herself by remaining disciplinary free and completing and
14 breaking various programs. It's noted that the prisoner

15 MR. JALLINS: -- Excuse me. I'm sorry. There is a
16 chrono on the file on 12-03-91. This on the A.A. N.A. I'm
17 sorry. I had a copy of it in my packet. I'm -- and it says
18 she --

19 BOARD COMMISSIONER BENTLEY: Oh, did she have our--

20 MR. JALLINS: Yes.

21 BOARD COMMISSIONER BENTLEY: Yes, devoted her and
22 was in the twelve step study program.

23 MR. JALLINS: Yes. 9-5-91 -- is that the one -- ok.
24 9-5-91 to 11-21.

25 BOARD COMMISSIONER BENTLEY: But she's not
26 currently --

27 MR. JALLINS: There doesn't appear to be anything
28

1 at that time.

2 BOARD COMMISSIONER BENTLEY: It's noted that the
3 prisoner was the sole individual responsible for the crime
4 mentioned for which she appears to lack remorse. And it's to
5 be noted that the subsequent laboratory breathalyzer test
6 indicated to the contrary of her claims that she was using
7 alcohol and illegal drugs.

8 The counselor believes this, the prisoner would
9 probably cause a hard -- high degree of threat to the community
10 at -- if released at this time.

11 Then we go back to the psychologist report and the
12 psychologist indicates that the prisoner describes her state of
13 mind before and during the crime as not only very depressed,
14 and basically suicidal, but totally submerged in illegal drugs.
15 Mainly PCP, LSD, alcohol and downers.

16 In her C-file, her central file, there's no
17 comprehensive drug screening documented or reported from that
18 time. Which, I don't know if the psychologist was aware that
19 the tests that were made available indicated that she didn't
20 test positive for any illegal substance or alcohol in her
21 system.

22 The psychologist goes on to say, as a matter of
23 fact the organic disturbances of the disorganization of the
24 mind created by the palm -- polomious of powerful drugs,
25 especially LSD and PCP can cause symptoms indistinguishable
26 from psychosis with visual hallucinations and paranoic fears.
27 They further can potentially effect the mind and behavior of
28

1 the afflicted person for years.

2 The prisoner was emotionally neglected, in giving
3 some considerations to her current condition during her
4 childhood, and developed a rich fantasy life and a strong
5 dissociated ability early on.

6 Around twelve years of age she started extensive
7 use of potent street dope, such as LSD and PCP mixed with a
8 number of other drugs. The heavy use of mind altering drugs
9 disturbed the already borderline constitution of the teenager's
10 mind to the extent of psychotic like behavior.

11 In some of the testing that was done, in the 1980
12 profile, the highest scales were connected with paranoid fears
13 and an unusual and unrealistic thinking style. It indicates
14 that currently these two scales are now in normal range.

15 They psychologist further indicates that the
16 prisoner has an anti-social personality with narcissistic
17 features. The psychologist's suggestions it is recommended
18 that the inmate continue with therapy she started as further
19 improvements expected, specialized drug treatment, and
20 continued group therapy seems to be necessary to rehabilitate
21 the still existing mental effects of her past abuse, and
22 establish a more resistant personality struggle. The
23 psychologist feels that her violence potential is decreased
24 over the time that she committed the crime.

25 And that basically is it. It should be noted that
26 the psychologist in the interviews with the prisoner, she
27 indicates that she has in the past six months had some further
28

1 recollections of the crime, basically cannot remember most of
2 what happened during the few days prior and after the crime.
3 She can't basically remember the crime, which she is having a
4 few recollections of it in the last six months. And I'm sure
5 that completes it all.

6 **PRESIDING BOARD COMMISSIONER NIELSEN:** Commissioner
7 Guaderrama will discuss parole findings.

8 **BOARD COMMISSIONER GUADERRAMA:** Since Ms. Spencer
9 is not here to discuss her parole plans I'll read from the
10 board report dated 11-30-92. In regards to her future plan,
11 she said to the correctional counselor, upon release Ms.
12 Spencer hopes to live with her uncle Vern Spencer, address and
13 phone number unknown.

14 Her work goals are to pursue a vocational
15 electronics school, and eventually obtain employment in that
16 field.

17 I'll ask Mr. Jallins whether or not he has anything
18 else to add to her future plans?

19 **MR. JALLINS:** I believe she maintains contact with
20 her parents in San Diego. In fact she just had a family living
21 unit visit with her mother, would have been this last weekend.
22 So she maintains contact with them. She was under some
23 confusion whether she has to make parole plans in San Diego or
24 Orange County, but I believe that San Diego still remains the
25 county of commandment even though the case had been moved to
26 Orange County. So her parents are still there. They're a
27 support system, particularly her mother. She's much closer to
28

her mother now it appears then her father.

1 She's trying to -- she's working through the
2 vocational electronics program here in C.I.W., and I believe
3 her uncle lives in the Los Angeles area, so I advised her to,
4 you know, seek closer, you know, to make sure she looks at
5 plans in the county of commandment and I think her parents are
6 resource a there.

7 BOARD COMMISSIONER GUADERRAMA: Okay. Do you have
8 any idea if she has any plans for substance abuse programming?

9 MR. JALLINS: No, that I can't comment on.

10 BOARD COMMISSIONER GUADERRAMA: Okay. In response
11 to 3240 notices we have two responses, one by District
12 Attorney's office from San Diego and they will be speaking for
13 themselves today. We have an additional response from the San
14 Diego Police Department, authored by Barbara Harrison,
15 Lieutenant, Homicide Bureau. It's dated November 30, 1992.

16 It says that in 1979 Brenda Spencer lived with her
17 father across the street from the elementary school. On
18 January 29 she took a .22 caliber rifle and shot and killed the
19 principal of the school and the custodian. She also shot and
20 injured eight school children and a police officer.

21 Her explanation for the assault was that she was
22 having a bad day. This was a very vicious and senseless
23 attack, which outraged not only the victims families, but also
24 the citizens of San Diego. The case generated worldwide
25 attention and is still prominent in many area residents minds.

26 It is the opinion of the San Diego Police
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1 Department that Brenda Spencer serve the full term of her
2 sentence. Sincerely Bob Burgreen, signed by Barbara Harrison,
3 Lieutenant, Homicide Bureau.

4 We have an additional letter from her attorney at
5 the -- who represented her at the -- when the offense occurred,
6 Michael Miglenn, and it's a letter of support dated November
7 23, 1992. He indicates that he has been informed and believes
8 that Brenda has done very well while incarcerated.

9 I am contacted yearly by the press. Each year they
10 contact the institution. I have only read good things about
11 Brenda's progress. And the bottom line is I would recommend
12 that Brenda be given a parole date, and paroled to some other
13 community outside of San Diego County. I believe she would
14 comply with all their conditions of her parole and be a law
15 abiding citizen. Very truly yours, Michael Miglenn. Do you
16 have any other correspondences?

17 MR JALLINS: No, I'm complete. That's it.

18 BOARD COMMISSIONER GUADERRAMA: Okay. With that
19 I'll turn back to the chair.

20 PRESIDING BOARD COMMISSIONER NIELSEN: In the
21 absence of the prisoner there cannot be any questions in the
22 section and we will have it during the closing statements as to
23 suitability begining with Mr. Berry, representing the people.

24 MR. BERRY: Thank you. As the board has mentioned
25 in it's Statement of Facts detailing the violence and the
26 vulnerability of the victims. These were young school children
27 on the way to school. They had no idea that a sniper was
28

1 hiding in the house and firing at them. In fact for a long
2 time they had no idea where the gun fire was coming from.

3 A very violent crime. Very vulnerable victims and
4 is entirely senseless. There is still no explanation for why
5 the prisoner conducted herself and why she committed this
6 crime.

7 The board did not discuss premeditation, and I
8 would like to address that just briefly, there is strong
9 indication that this was a planned attack. On the Saturday
10 prior to this Monday, she told her friend, Broderick Fleming,
11 that something big would happen on Monday and that in fact it
12 may be on T.V., and that she would shoot out a window for him.
13 That indicates that she, on Saturday, was planning this attack.

14 On Sunday night she went to the recreational
15 vehicle, the RV which was parked in the driveway, which her
16 father had parked there where he kept the extra ammunition.
17 She went to that RV and apparently took ammunition out of the
18 vehicle. Her father testified that there was very little
19 ammunition in the house and then when they checked the RV after
20 this incident, most of the ammunition that had been in the RV
21 was gone.

22 So on Sunday night she apparently went to the RV
23 and took out ammunition, planning her attack. That Monday
24 morning she asked her father if she could stay home alone.
25 When she was talking with Mr. Wygen, from the newspaper, she
26 indicated that this idea for this attack had popped into her
27 head on the Wednesday before this Monday.

28

1 So it's very clear that Ms. Spencer had planned
2 this attack. She told someone that she would do it. She
3 planned it in the sense that she got her ammunition. She
4 planned it in the sense that she arranged that she would be
5 home alone. As to her awareness of her conduct at the time she
6 was sniper firing at these people, it's very clear she was
7 aware.

8 In her statement -- in her press release statement
9 here, she indicates that she believes people in para-military
10 gear were advancing toward her. Well it is clearly disputed
11 and shown to be a lie in her statements to the reporter at the
12 time. She said she was firing at red and blue jackets. That
13 clearly indicates she knew the color and the nature of what she
14 was firing at.

15 Further she indicated that she had shot a police
16 officer. She was very aware of what she was doing. She had a
17 sniper scope and she had the ability to -- and the marksmanship
18 to aim and fire, and when she aimed at that police officer she
19 meant to shoot him, and she succeeded in shooting him. All this
20 goes to show that she was not under the influence of mind
21 altering drugs or alcohol.

22 There is the existence of the lab reports which
23 show the total lack of alcohol or any other drugs in her system
24 after she was arrested. There's no indication that she slurred
25 her speech or was in any way under the influence when she
26 talked to police negotiators or the press.

27 There's every indication that she was of her mind
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1 and had the ability to take her gun, with it's sniper scope,
2 and fire -- and aim and fire, and in fact shoot at exactly what
3 she meant to shoot at. So I think it's very clear that she had
4 the ability to carry out this attack and was not under the
5 influence of any mind altering drugs.

6 It's clear that Ms. Spencer, despite her claim that
7 she is trying to -- not trying to allay responsibility. It's
8 clear that she in fact is. She has no clear and no genuine
9 remorse for her crimes. Her claim that she doesn't remember
10 the events is also a way in her mind of attempting to deny
11 responsibility.

12 She has not come to grips with the fact that she is
13 in fact a murderer, which is what she is. Yet in her press
14 release she says she not. She seeks many ways and many people
15 to blame including, apparently, her press release that San
16 Diego Police Department, which is absolutely ludicrous.

17 All the gun fire came out of that house over a
18 period of hours in which several vollies of up to thirty-six
19 rounds promptly were fired. All came from that house. The
20 police never fired into that yard, and that's absolutely
21 ludicrous.

22 It's clear that Ms. Spencer has no remorse. It's
23 clear that Ms. Spencer's trying to alleviate her responsibility
24 and blame it on everything from lack of memory, poor
25 upbringing, and drug inducement. None of which are true. None
26 of which are supported by the facts.

27 It's interesting note in her juvenile record is
28

1 noted by the Board that in one of the instances she was
2 committing vandalism in the very school which she later shot
3 up. Now that is a form of outrage, enraged in violence which
4 she conducted toward the school before, which clearly shows her
5 attitude toward that institution which she later chose to fire
6 on.

7 In the psychological reports it's noted that in the
8 past she was a diagnostic enigma, and that's probably because
9 she didn't deal well with her counselors and didn't tell them
10 anything about what happened to her, and they were left just to
11 guess, and she still won't discuss this crime clearly. Other
12 than now to apparently blame others of -- then herself.

13 It is very clear in the -- in the latest report by
14 Dr. W- A- Klevel K- E -- K- L- E- V- E- L that he's still not
15 clear what her motivation was. He indicates that maybe one of
16 the reasons was her suicidal urge to promote or to prompt
17 someone to commit the sui -- of the destructive act of killing
18 her, but he also notes that there may be other motives such as
19 hate, anger, revenge, or primitive infantile destructiveness.

20 Which I think clearly show more the facts of the
21 case are what happened. It was destructive, primitive,
22 infantile destructiveness, anger, hate, and violence directed
23 toward children, directed toward that school, directed toward
24 anyone.

25 She planned to do this crime. She committed this
26 crime, and for her own reasons, not because of some drug
27 inducement. It's very clear that this person is a danger, a
28

1 great danger to society. Despite the fact of her conduct in
2 prison, which is of course an institutionalized controlled
3 setting, it would be extremely dangerous to let this person out
4 into society at large an open society.

5 At this point until such time as Ms. Spencer can
6 discuss openly the events that -- of that day of back in
7 January 1979, and come to deal with it herself I don't believe
8 this board could ever consider to release her for parole. And
9 quite frankly based on her crimes, the death of the principal
10 as he went to aid the children. The death of the custodian as
11 he went to aid the principal. The injury of the police officer
12 as he went out there clearly shows that this is a dangerous
13 person who in fact should never walk the streets again. Thank
14 you.

15 PRESIDING BOARD COMMISSIONER NIELSEN: Thank you.
16 Mr. Jallins your comments as to suitability of your client
17 pending a parole date.

18 MR. JALLINS: Well, as I had mentioned to the board
19 several times previously. The facts of the crime are never--
20 are not particularly in dispute and are not iss -- are in
21 issue, but if that's the sole issue then all the comments from
22 the District Attorney are appropriate in terms of -- that she
23 should not be released.

24 But there's a lot of things we have to look at.
25 What motivated her crime? What was the cause of the motivation
26 of what occurred? And even the psychiatric reports today
27 indicate number one the breakup of her home was a major factor.
28

1 Her parents have been divorced for seven years prior to this
2 happening.

3 She lived with her father she during those
4 important years, and just like we talk about so many times
5 young men not having a father figure in the home, she was a
6 young girl who didn't have a fath -- a female figure -- a
7 mother figure in the home. She had some contact with her
8 mother, but the predominate influence in her life at the time
9 was because she was living at home with was her father.

10 It's interesting to note the house was, you know
11 when the police came in and I think even prior to that time the
12 home wasn't being kept up very well. There were problems at
13 home. Brenda was -- eith -- sixt -- I think it was described
14 as her once, as a eighteen year old mind in a sixteen year old
15 body, and I think that had a great deal -- that she's not
16 having proper influences on her life at the time.

17 She showed no indication of any violence prior to
18 that time. Mr. Berry mentioned Broderick Fleming, but Mr.
19 Fleming also indicated that Brenda was always saying things
20 like that and never doing anything about it, and her only two
21 contacts of the -- with the police were for theft offenses.
22 One for burglary, one for shoplifting, and both times she was
23 basically counselled and released.

24 And it's an important to note to that since that
25 day she has no indication of being violent inside the
26 institution. She has no one -- no disciplinary offenses,
27 serious disciplinary offenses in prison, and in fact has never
28

1 shown any indication of any assaultive behavior inside the
2 institution.

3 So something -- a series of events triggered that
4 day, but this is not to minimize the event. It's not to even
5 mitigate it. It's just to understand that one of the
6 suitability factors is of course her motivation for her crime.

7 There's some question whether she was under the
8 influence that particular day, but many of the psychiatric
9 reports indicate that long term abuse of drugs and alcohol,
10 which I think some of the reports indicate went back as long as
11 ten years old, can lead to indirectly being under the influence
12 that day. In a sense that her long term influence, she may
13 have not been that day under the influence and there's some--
14 may be some dispute about that, but that the long term effects
15 of drugs and alcohol in her system led to that situation.

16 And the reports indicate in the third reasoning is
17 that she could have been suicidal at the time. That she must
18 have been out of touch with reality quite often. She was
19 severely depressed and suicidal and wanted to kill herself or
20 provoke to be killed.

21 I think those factors: the breakup of the home, the
22 dysfunctional family, the long term drug and alcohol abuse, and
23 her suicidal depression at the time I think were all
24 motivations for what occurred. And I think you need to
25 understand that in terms of understanding what was behind it
26 and what the District Attorney may phrase as a premeditated
27 attack was actually, possibly a premeditated suicide attempt.
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1 As many of the -- of the reports indicate it was.

2 I think she has shown remorse. I think even of her
3 press release she indicates that a day doesn't go by that I
4 don't think of the people I killed or the children who are now
5 adults who are survivors of this. And I don't think she's
6 minimizing her feelings about what happened. I think she feels
7 very deeply. And I think her statements indicate that if she
8 feels very deeply about what -- for something that she still is
9 having trouble remembering entirely.

10 I think age is a significant factor. This was a
11 sixteen year old girl at the time. She's now thirty years old.
12 She's an adult and I think she's beginning now to show some
13 indications of growing up -- her mental age matching her
14 chronological age, And I think she's beginning to make some--
15 she's beginning to make some progress in the area. By the time
16 this occurred she was sixteen years of age, but she had, you
17 know, again an eighteen year old -- she was thinking like an
18 eight year old.

19 Her conduct in prison has been admirable. She
20 upgraded herself. She has been disciplinary free. She has no
21 disciplinary free. She has no disciplinary offenses. She's
22 missed school a variety of times, it's been very difficult in
23 the institution for her when she --she had a bit of adjustment
24 problem when she first came in the C.I.W.

25 She spent the first three or four or five years of
26 her incarceration at the Ventura Girls School. She did get her
27 high school diploma. It wasn't a GED, she actually graduated
28

1 high school there and she's now doing some college courses. So
2 she's upgrading educationally.

3 She had some problems when she came out of the
4 Ventura Schools, which is part of YA, and came into the
5 institution, and again still a young girl mentally, having to
6 survive in the institution, and she had some adjustment
7 problems. But there's two ways the women adjust here in C.I.W.

8 You either adjust by acting out or you adjust by
9 withdrawing, and she adjusted by withdrawing which didn't make
10 her to much of a management problem. She went through some
11 periods where she wasn't eating and that sort of thing, but she
12 now has come out of that.

13 In reality, and if you talk to much of the
14 institutional staff there, they will tell you that Brenda had
15 trouble adjusting in the beginning. She had trouble being
16 accepted on the general yard, and she is now in the last few
17 years gotten to a point where she's an accepted member of the
18 prison community.

19 She's upgrading herself vocationally. She is now
20 in the Vocational Electronics Program. It's my understanding
21 she has reached the test technician level and she will continue
22 on in that program. She also was in the Hobby/Craft Program,
23 she was on the mural crew, lead mechanic in industry. She was
24 also on the yard crew.

25 She's done a great deal of self help. I would like
26 to see her continue in A.A. and N.A., but apparently the recent
27 chrono does indicate that after a few years absence of that she
28

1 is coming back into the program, and she did involve herself in
2 the twelve step program. She was in the stress management
3 group. I understand now she's doing group therapy again. She
4 in the Breaking Barriers Program.

5 We talked about her several volunteer efforts in
6 the institution. She's an active member of the Long Termers
7 Organization Circuit. She was a tutor for Project Read I
8 think. You know we talked so much about remorse and one part
9 of remorse is making ammends by helping others in society, and
10 she's been a Project Read tutor, and in fact there's a chrono
11 in her hand when a staff member in the Hobby/Craft room cut her
12 hand Brenda immediately took control and gathered up all the
13 tools and organized the situation.

14 Her last psychiatric report, I think, goes a lot
15 onto her history. Talks a lot about her present psychological
16 state, but the bottom line is number one: she is significantly
17 psychologically improved and two: her violence potential is
18 substantially decreased, and those are the key issues. Is she
19 an unreasonable risk to society?

20 It also indicated that her personality problems are
21 largely under control. So despite the heinousness and the
22 atrociousness and all the adjectives you want to use for this
23 offense. It's important to keep in mind that she's come a long
24 way since fourteen years ago, and she's continuing to make
25 progress, and the guidelines and the matrices all indicate she
26 still has a few years to go. But I think it's important to
27 understand that I think she is making progress.

1 I think -- I should not -- her wanting to carry on
 2 legal -- her other legal things, which is not something I'm
 3 working with her on, is something that I think is beneficial to
 4 her to work on her case. Maybe in a way it's rehabilitative in
 5 the terms that it will remind her about the situation and the
 6 circumstances, but I think Brenda's come a long way, and I
 7 think she's programming well. I think she's continuing on a
 8 path. I think she knows that she has a long way to go, but
 9 that she's come a long way, and with that I'll submit my
 10 statement.

11 PRESIDING BOARD COMMISSIONER NIELSEN: Thank you.
 12 This concludes this portion of the hearing at five minutes to
 13 ten. The panel will stand in recess to deliberate all parties
 14 will exit the room. You will be called back in shortly for the
 15 reading of the decision.

R E C E S S

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CALIFORNIA BOARD OF PRISON TERMS

DECISION

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PRESIDING BOARD COMMISSIONER NIELSEN: The panel has reconvened to the reading of the decision in the matter of Ms. Brenda Spencer C.D.C. W-14944. The panel has reviewed all the information available to it. All that has transpired represented in the course of this instant hearing.

We are concluding the prisoner is not suitable for parole and would pose an unreasonable risk, danger to society and afflict the public safety if released from prison.

As to the commitment offense, the offense was carried out in an especially heinous, atrocious, cruel and callous manner, with no regard to the fact that the human societal trauma imminating from her cruel acts extends in an enduring way far beyond the dead and the wounded against the crime.

The crime was carried out in a manner exhibiting a callous disregard for the life and suffering of others. The offense was carried out in a dispassionate and calculated manner. Multiple victims were attacked, injured, two were killed in the same incident.

These conclusions are drawn from the Statement of Facts where the prisoner's cold, and calculating manner planned and prepared for vicious assault on utterly vulnerable young children, educators, staff, and law enforcement officers.

Firing from a residence into a school yard, the prisoner

BRENDA SPENCER W-14944 DECISION PAGE 1 01/21/93

1 killed a school principal, a custodian, wounded one officer and
2 eight children in the commission of her crime.

3 The prisoner has a previous record indicating an
4 escalating pattern of criminal conduct and violence. A
5 persistent pattern of tumultuous relationships and criminal
6 behavior commencing at an early age. An unstable social
7 history. Has failed to profit from society's previous attempts
8 to correct her behavior.

9 An unstable social history with prior criminality
10 and her family environment that could well described as
11 disorganized, dishevelled, undisciplined, and general
12 dysfunction.

13 The substance abuse that began at an early age, a
14 petty theft arrest was sadly predicted and a forty-five caliber
15 cartridges were stolen by the prisoner and a crime partner.
16 The prisoner and same partner later committed a burglary at the
17 same elementary school where she later committed her heinous
18 act.

19 The prisoner and the institution that prograded in
20 a limited manner has failed to develop a marketable skill that
21 can be put to use upon release is now participating in
22 vocational electronics. This vocational program has not been
23 completed, nor has another one been pursued.

24 The prisoner has not participated sufficiently in
25 beneficial self help and therapy programming. The prisoner's
26 substance abuse problems have not been dealt with in a serious

27 BRENDA SPENCER W-14944 DECISION PAGE 2 01/21/93

1 vain. The dedicated participation being coupled with
2 comprehension and applications of the lessons learned.

3 The prisoner's limited and long interrupted
4 participation in A.A. and N.A. to wit there have been no--
5 there were no participation in '86 and '91 as instructed.
6 Though she's commended for beginnings of participation again in
7 '91.

8 The psychological report dated 12/18/92 is
9 unfavorable. The prisoner's inside is fair, but she tries to
10 deal with the state of her mind during the commission of crime,
11 but it says that she has a long way to go if she can ever
12 remember what happened.

13 Her judgement is deemed basically sound except as
14 related to the crime and her great need for rehabilitation is
15 noted. The prisoner still presents the diagnostic problem
16 group therapy is deemed necessary by this right.

17 The prisoner, particularly in her 01/21/93 press
18 release, acknowledges some responsibility for her crimes, but
19 this acknowledgement is woven in a web of denial, excuse, and
20 blame placing. Particularly her claim to being under substance
21 influences during her crime. This is unsupported on the
22 record.

23 She also attributes much to the actions of others
24 even to the degree of offerring that responding law enforcement
25 officers were the perpetrators of the violence that fateful
26 day.

27 BRENDA SPENCER W-14944 DECISION PAGE 3 01/21/93

1 The panel makes the following finding: The
2 prisoner needs therapy in order to face, discuss, understand
3 and cope with stress in a nondestructive manner. Until
4 progress is made the prisoner continues to be completely
5 unpredictable and a threat to others. Therapy in a controlled
6 setting is needed. Both motivation and that ability are
7 questionable.

8 The gains the prisoner has made are recent, and she
9 must demonstrate her ability to maintain gains over an extended
10 period of time.

11 In view of the prisoner's assaulting history, the
12 life of the program participation, continued impressed
13 attitudes, the many problems as reported by counselors and
14 psychologists, there is no indication that the prisoner would
15 be any differently if paroled.

16 Nevertheless the prisoner should be commended for
17 efforts in Breaking Barriers circa Long Termers, stress
18 management and other activities of the institution. However,
19 these positive aspects of her behavior do not out weigh the
20 factors of her suitability. Additionally the 11/30/92
21 counselor report indicates lack of remorse.

22 The panel finds that the prisoner though
23 acknowledging responsibility for two deaths and harming others
24 fails to note the lifetime trauma to young, vulnerable
25 children, their families, and indeed society wrought in the
26 dark visage of fear that yet emanates from this crime.

27 BRENDA SPENCER W-14944 DECISION PAGE 4 01/21/93

1 Her extensive denials, "I am not guilty of murder",
2 conclusively shows the prisoner has not come to terms with her
3 crime nor it's deeply held caustic factors. The denial is for a
4 three year period.

5 The hearing panel finds the prisoner is not -- has
6 been convicted of more than one offense, which involves the
7 taking of two lives and injuries to nine others. The panel
8 further finds that it's not reasonable expected parole will be
9 granted during the hearing -- during the next two -- three
10 years.

11 It is reached the prisoner committed the offense
12 and it says, an especially heinous, atrocious, and cool manner.
13 Specifically she killed two people, wounded nine others. She
14 traumatized countless others knowledgeable about this crime.
15 As a result a longer period of observation and evaluation is
16 required before the board should set a date.

17 The prisoner has a prior record of violent behavior
18 to wit the life of crime. A longer period of time is required
19 to evaluate her suitability. Due to the prisoner's horrendous
20 crime her continued, selective, most incomplete recollection of
21 it. Her adamance in blaming others and drugs for her actions,
22 and her failure to deal with the complex caustic factors for
23 her actions, values, and attitudes.

24 The recent psychiatric -- psychological report of
25 1/92 by Klevel, indicates the need for longer observation,
26 evaluation of treatment. The prisoner has not completed

27 BRENDA SPENCER W-14944 DECISION PAGE 5 01/21/93

1 necessary programming which is essential to her adjustment and
2 meet the judicial gains of the program.

3 She has failed to participate in any complete
4 identification, self-help therapy in a sustained manner of
5 comprehension and application. She has not completed her first
6 vocational skill development program, and needs to do so as
7 well as develop other skills.

8 The prisoner is in serious need to explore, in
9 depth, the reason for her elaborate denials, blame in three
10 directions, lack of sincerity, and deeply felt and comprehended
11 remorse.

12 The panel thinks that -- recommends to the prisoner
13 that she remain disciplinary free. Upgrade vocationally and
14 educationally, though good efforts so far have been made
15 educationally, this hearing must yet not be neglected, and
16 participate in self-help therapy programming.

17 We are additionally requesting the CDC Staff at the
18 01/20/93 press release be incorporated into the central file
19 and in future board of reports.

20 That concludes the reading of the decision. This
21 is a tentative written copy that the officers will provide to
22 the prisoner.

23 She let us have after the sixty day legal review of
24 this decision we'll get a copy of it, and have the ninety day
25 right of appeal thereafter.

26 This concludes this hearing.

27 BRENDA SPENCER W-14944 DECISION PAGE 6 01/21/93

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PAROLE DENIED 3 YEARS.

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OCT 18 1993

EFFECTIVE DATE OF THIS DECISION _____

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BRENDA SPENCER

W-14944

DECISION PAGE 7

01/21/93

CERTIFICATION AND
DECLARATION OF TRANSCRIBER

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2
3 I, N. JAMES, a duly designated transcriber of
4 PRESTON'S LEGAL SUPPORT SERVICES, do hereby declare and certify
5 under penalty of perjury that I have transcribed Tape(s) which
6 total one in number and cover a total of pages numbered 1 - 42
7 and which recording was duly recorded at Frontera, California,
8 in the Matter of SUBSEQUENT PAROLE CONSIDERATION HEARING OF
9 BRENDA SPENCER, C.D.C. NUMBER W-14944 on the 21st day of
10 January 1993, and that the foregoing pages constitute a true,
11 complete, and accurate transcription of the aforementioned
12 tape(s) to the best of my ability. I hereby certify that I am
13 a disinterested party in the above captioned matter and have no
14 interest in the outcome of the hearing.

15 Dated this 18th day of February, 1993 at
16 Sacramento, California.
17
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21 
22 N. JAMES
23 TRANSCRIBER
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