

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PRISON TERMS

In the matter of the Life)
Term Parole Consideration)
Hearing of:)

CDC Number W-14944

BRENDA SPENCER)
_____)

ORIGINAL

CALIFORNIA INSTITUTION FOR WOMEN

FRONTERA, CALIFORNIA

APRIL 17, 2001

11:45 A.M.

PANEL PRESENT:

BRETT GRANLUND, Presiding Commissioner
AL ANGELE, Commissioner
SHARON LAWIN, Commissioner

OTHERS PRESENT:

BRENDA SPENCER, Inmate
DAVID CHRISTENSEN, Attorney for Inmate
DENISE MEYER, Attorney for Inmate
RICHARD SACHS, Deputy District Attorney
CAM MILLER, Victim
MONICA TRUJILLO, Victim Services Rep. (Observer)
MARIA MENDEZ, WPT (Observer)
LINDA GAETAN, Observer
DAN LOMBARD, Observer
LINDA DUETSCH, Observer
ROBERT SEBALD, Observer
LESLIE WOLF, Observer
JAY CUBBISON, Observer
ANGELO PAPAZA, Observer

CORRECTIONS TO THE DECISION HAVE BEEN MADE

☒ No
☐ Yes

See Errata Sheet

Debra M. Sevey, Capitol Electronic Reporting

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P R O C E E D I N G S

1
2 **PRESIDING COMMISSIONER GRANLUND:** Good
3 morning. This is a Subsequent Parole Consideration
4 Hearing for inmate Brenda Spencer, CDC Number
5 W14944. It's April 17, 2001 at 11:45 a.m. We are
6 at CIW. Inmate was received on 4/14/1980 from the
7 County of San Diego, Case Number C42488. The
8 offense is murder, first degree, assault on a peace
9 officer with a firearm, assault with a deadly
10 weapon, a firearm, as to counts numbers one, two,
11 four, six, eight, ten, twelve, fourteen, sixteen,
12 eighteen, twenty. Penal Code Sections violated, PC
13 187/PC 245(B), PC 245, PC 12022.5. The term is 25
14 to life, and the minimum eligible parole date is
15 2/23/94. This hearing is being tape recorded, and
16 for the purposes of voice identification I'll start
17 with myself and ask each person in the room to
18 state their first and last name, spell their last
19 name. When we get to the inmate, please include
20 your CDC number. I will go to my right. I will go
21 to my left, excuse me. My name is Brett Granlund,
22 G-R-A-N-L-U-N-D, Commissioner.

23 **COMMISSIONER ANGELE:** Al Angele,
24 A-N-G-E-L-E, Commissioner.

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

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

2 MS. GAETAN: Linda Gaetan, San Diego County
3 District Attorney's Office.

4 COMMISSIONER LAWIN: Spell your last name,
5 please.

6 MS. GAETAN: G-A-E-T-A-N.

7 MS. TRUJILLO: Monica Trujillo,
8 T-R-U-J-I-L-L-O, Victims Service Representative.

9 MR. LOMBARD: Dan Lombard, L-O-M-B-A-R-D,
10 Observer.

11 MS. DUETSCH: Linda Duetsch, D-U-E-T-S-C-H,
12 Associated Press.

13 MR. SEBALD: Lieutenant Robert Sebald,
14 S-E-B-A-L-D, Public Information Officer.

15 MS. WOLF: Leslie Wolf, W-O-L-F, San Diego
16 Union Tribune.

17 MR. CUBBISON: Jay Cubbison,
18 C-U-B-B-I-S-O-N, (inaudible) TV San Diego.

19 MS. MENDEZ: Maria Mendez, M-E-N-D-E-Z,
20 WPT, Observer.

21 COMMISSIONER LAWIN: Sharon Lawin,
22 L-A-W-I-N, Commissioner.

23 MR. PAPAZA: Angelo Papaza, P-A-P-A-Z-A
24 (inaudible).

25 INMATE SPENCER: Brenda Spencer,
26 S-P-E-N-C-E-R, 14944.

27 ATTORNEY CHRISTENSEN: David Christensen,

1 C-H-R-I-S-T-E-N-S-E-N, representative for Brenda
2 Spencer.

3 **ATTORNEY MEYER:** Denise Meyer, M-E-Y-E-R,
4 attorney representative of Brenda Spencer.

5 **PRESIDING COMMISSIONER GRANLUND:** Thank
6 you. That identifies all persons in the room with
7 the exception of one correctional officer that's
8 here for the purposes of security. Ms. Spencer,
9 the purpose of today's hearing is to once again
10 consider your suitability for parole. We will
11 consider your crime, your prior criminal and social
12 history, your programming and behavior since your
13 commitment. We have reviewed your central file and
14 prior transcripts, and you will have the
15 opportunity to correct and clarify the record
16 today. We will consider your progress since your
17 last hearing, any new psychiatric reports and any
18 other information that may have a bearing on your
19 suitability for parole. Any change in parole plans
20 should be brought to our attention today. Before
21 we recess for deliberations, this district
22 attorney, your attorney and yourself, and one of
23 the victims will be given the opportunity to make a
24 statement regarding parole suitability and the
25 length of confinement. After this is done we will
26 recess and clear the room and deliberate. When we
27 have completed deliberations, we'll invite everyone

1 back into the room, we will resume the hearing and
2 announce our decision. The Board of Prison Terms
3 rules and the law state that a parole date shall be
4 denied if your release would pose an unreasonable
5 risk of danger to others. The prisoner has certain
6 rights. Counsel, are you satisfied those rights
7 have been met?

8 **ATTORNEY CHRISTENSEN:** Yes.

9 **PRESIDING COMMISSIONER GRANLUND:** As well,
10 Ms. Spencer, you have a right to an impartial
11 panel. Having seen the Panel seated before you, do
12 you have any objections to any member of the Panel?

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

14 **PRESIDING COMMISSIONER GRANLUND:** Counsel,
15 any objections to the Panel?

16 **ATTORNEY CHRISTENSEN:** No.

17 **PRESIDING COMMISSIONER GRANLUND:**
18 Ms. Spencer, you signed BPT Form 1073 on 1/4/2001
19 stating that you have no disabilities as defined
20 under the Americans With Disabilities Act. Do you
21 suffer from any disability which would prevent you
22 from participating in this hearing (inaudible)
23 special assistance?

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

25 **PRESIDING COMMISSIONER GRANLUND:** Counsel,
26 are you satisfied that your client's rights under
27 the ADA have been met?

1 **ATTORNEY CHRISTENSEN:** Yes.

2 **PRESIDING COMMISSIONER GRANLUND:** You will
3 receive a copy of our written tentative decision
4 today. That decision becomes effective 90 days
5 after review. Copies of the transcript and the
6 decision will be sent to you. You will have 90
7 days from the effective date of the decision to
8 appeal if you so desire. Do you understand this?

9 **INMATE SPENCER:** Yes.

10 **PRESIDING COMMISSIONER GRANLUND:** You're
11 not required to discuss your offense, nor are you
12 required to admit to your offense. However, the
13 Panel does accept as true the findings of the
14 court. Do you understand that?

15 **INMATE SPENCER:** Yes.

16 **PRESIDING COMMISSIONER GRANLUND:** Will any
17 confidential material be used today, Ms. Lawin?

18 **COMMISSIONER LAWIN:** Yes, there will be.

19 **PRESIDING COMMISSIONER GRANLUND:** I've
20 passed the hearing checklist marked Exhibit One to
21 your attorney and to the district attorney to make
22 sure we're all working off the same set of
23 documents.

24 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes,
25 Commissioner, I have those documents.

26 **ATTORNEY CHRISTENSEN:** Yes (inaudible).

27 **PRESIDING COMMISSIONER GRANLUND:** Will any

1 additional documents be submitted today?

2 ATTORNEY CHRISTENSEN: No.

3 PRESIDING COMMISSIONER GRANLUND: Are there
4 any preliminary objections?

5 ATTORNEY CHRISTENSEN: Yes. We would
6 object to the use of restraints for Ms. Spencer.
7 She has done nothing to warrant receiving
8 restraint.

9 PRESIDING COMMISSIONER GRANLUND: Well,
10 certainly, you need to understand that is not our
11 policy. It is the policy of the CDC.

12 ATTORNEY CHRISTENSEN: Um-hmm.

13 PRESIDING COMMISSIONER GRANLUND: And there
14 is a, I think, CDC wide policy regarding restraints
15 of prisoners.

16 ATTORNEY CHRISTENSEN: We understand that
17 the CDC policy is that if there are two
18 correctional officers in the room that restraints
19 will not be used. Ms. Spencer brought along an
20 additional correctional officer with her who was
21 not allowed into the hearing.

22 PRESIDING COMMISSIONER GRANLUND: But,
23 there again, that is only CDC's decision, the
24 facility's decision. (Inaudible) facility are
25 under the control and the jurisdiction of the
26 facility, their rules and regulations and so forth.
27 The way they handle each inmate for security

1 purposes as they determine necessary. It's not
2 appropriate of the Board or of this Panel to
3 (inaudible) changes to security policies within the
4 institution.

5 **ATTORNEY CHRISTENSEN:** Well, we would like
6 the record to reflect that the restraints that
7 Ms. Spencer is wearing are solely because of the
8 CDC policy and not because of anything that she has
9 done to require them.

10 **PRESIDING COMMISSIONER GRANLUND:** Okay.
11 And the record can reflect that (inaudible)
12 overruling your objection for reasons that were
13 stated. (Inaudible). Okay. Will the prisoner be
14 speaking with us today?

15 **ATTORNEY CHRISTENSEN:** Yes.

16 **PRESIDING COMMISSIONER GRANLUND:**
17 Ms. Spencer, if you would, to the best of your
18 ability, raise your right hand. Do you solemnly
19 swear or affirm that the testimony that you give at
20 this hearing be the truth, the whole truth and
21 nothing but the truth?

22 **INMATE SPENCER:** I do.

23 **PRESIDING COMMISSIONER GRANLUND:** Without
24 objection, I will be incorporating by reference the
25 Statement of Facts in the Board report dated
26 11/30/92, page one.

27 **ATTORNEY CHRISTENSEN:** I'm sorry. Could

1 you --

2 **ATTORNEY MAYER:** 11/30/92 Board report,
3 page one.

4 **PRESIDING COMMISSIONER GRANLUND:** That's
5 back about three-eighths of an inch from the Board
6 report tab. And you'll notice that the Board
7 reports after that date state that all of the facts
8 remain the same. That's why we're going back to
9 that.

10 **ATTORNEY MAYER:** Alright. No objection.

11 **PRESIDING COMMISSIONER GRANLUND:** Okay.
12 Ms. Spencer, on January the 29th of 1979 at
13 Cleveland Elementary School in the City of San
14 Diego, from a place concealment in your home at
15 6356 Lake (inaudible) Avenue, you fired a 22 rifle
16 equipped with a telescopic site at children
17 arriving at school across the street. Eight
18 children ranging from the age of seven to ten were
19 wounded. The school principal Burton A. Wragg,
20 W-R-A-G-G, and school custodian, Michael Suchar,
21 S-U-C-H-A-R, were shot to death. And a San Diego
22 Police Officer, Robert Robb, R-O-B-B, was wounded
23 in the neck. As well, this crime took, apparently,
24 some length of time. (Inaudible) for approximately
25 six hours you were still in your house as
26 negotiators talked with you on the phone, and they
27 talked you out of the house (inaudible) putting

1 your weapon down on the sidewalk (inaudible). You
2 made numerous statements at that time to reporters
3 -- to a reporter that you were really having fun.
4 You were really enjoying yourself in this crime.
5 It was a Monday and you didn't like Mondays.

6 **INMATE SPENCER:** (Inaudible).

7 **PRESIDING COMMISSIONER GRANLUND:** The
8 reporter (inaudible) from the San Diego Union
9 Tribune called your home when they first got the
10 report that the shots were being fired. And there
11 was Stevens, (inaudible) Stevens, S-T-E-V-E-N-S,
12 began making random phone calls around the
13 neighborhood to get responses. You answered the
14 telephone. You said that you were the one doing
15 the shooting. Stevens asked you why you were
16 shooting. She answered, "I don't know. I feel
17 like it. I just don't like Mondays." Again, when
18 he asked you why the shooting, you answered, "This
19 is the way to cheer up Monday." She also stated,
20 "I nailed (inaudible)." He answered her, "Do you
21 realize that you've hit three or four people?" She
22 answered, "Gee, is that all? I saw a lot of
23 feathers flying."

24 **INMATE SPENCER:** I don't remember talking
25 to (inaudible).

26 **PRESIDING COMMISSIONER GRANLUND:** Okay.
27 Did you -- You don't remember talking to him at

1 all?

2 **INITATE SPENCER:** Um-mmm.

3 **PRESIDING COMMISSIONER GRANLUND:** You told
4 he negotiators much the same story, so, maybe you
5 could just tell us. Some of the things that you
6 said to the negotiator.

7 "She advised me that there was no
8 reason for it and it was just a spur
9 of the moment thing and that she
10 thought it was a lot of fun seeing
11 people being shot en route, meaning
12 the children at school. And then
13 one child would move around and
14 stand around the shot child so she
15 could shoot at the others. Her
16 statement was in essence, 'It looked
17 like a herd of cows standing around
18 the one that was shot and killed.
19 It was really easy pickings,' she
20 stated, 'and that it was fun to
21 watch the children that had red and
22 blue ski jackets on as they made
23 perfect targets.' She said, 'It was
24 just like shooting ducks in the
25 pond. It was so easy.' She stated
26 that she liked to watch them squirm
27 around after they had been shot."

1 Do you remember that?

2 INMATE SPENCER: That's the first I've
3 (inaudible).

4 PRESIDING COMMISSIONER GRANLUND: Well, how
5 do you feel about that? I mean, that's what the
6 record says that you said.

7 INMATE SPENCER: Well, even though I don't
8 remember that, I'm still responsible for what
9 happened that day.

10 PRESIDING COMMISSIONER GRANLUND: And how
11 would you like us to know what you feel?

12 INMATE SPENCER: (Inaudible). But I had no
13 right to do that.

14 PRESIDING COMMISSIONER GRANLUND: You do --
15 The gun that you were using you received as a
16 Christmas present just a month before?

17 INMATE SPENCER: Yes.

18 PRESIDING COMMISSIONER GRANLUND: And who
19 did you get it from?

20 INMATE SPENCER: My father.

21 PRESIDING COMMISSIONER GRANLUND: Your
22 father.

23 INMATE SPENCER: I had asked for a
24 (inaudible) and he bought me a gun.

25 PRESIDING COMMISSIONER GRANLUND: And why
26 do you think he did that?

27 INMATE SPENCER: I have no idea.

1 **PRESIDING COMMISSIONER GRANLUND:** Did you
2 have experience with a gun?

3 **INMATE SPENCER:** (Inaudible).

4 **PRESIDING COMMISSIONER GRANLUND:** Okay.
5 You were a sport shooter?

6 **INMATE SPENCER:** (Inaudible).

7 **PRESIDING COMMISSIONER GRANLUND:** You, at
8 the time, you were seeing a counselor?

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

10 **PRESIDING COMMISSIONER GRANLUND:** Is this a
11 psychiatric counselor that you were --

12 **INMATE SPENCER:** She took me to see the
13 psychiatrist.

14 **PRESIDING COMMISSIONER GRANLUND:** So, I
15 want to make sure that I understand. That point in
16 time you had had a couple of run ins with the law
17 already.

18 **INMATE SPENCER:** Um-hmm.

19 **PRESIDING COMMISSIONER GRANLUND:** You were
20 doing poorly in school. There were truancies and
21 (inaudible).

22 **INMATE SPENCER:** I was using a lot of drugs
23 at the time.

24 **PRESIDING COMMISSIONER GRANLUND:** Did your
25 father know you were using drugs?

26 **INMATE SPENCER:** I don't think so.

27 **PRESIDING COMMISSIONER GRANLUND:** Okay.

1 So, you were using drugs. You were under the care
2 of a counselor that was taking you to a
3 psychiatrist.

4 INMATE SPENCER: Yes, I was.

5 PRESIDING COMMISSIONER GRANLUND: You had
6 been arrested a couple of times prior to
7 (inaudible).

8 INMATE SPENCER: (Inaudible).

9 PRESIDING COMMISSIONER GRANLUND: And your
10 father, for some reason, saw fit at that time to
11 buy you a firearm (inaudible) present.

12 INMATE SPENCER: Yeah.

13 PRESIDING COMMISSIONER GRANLUND: How do
14 you feel about that?

15 INMATE SPENCER: I felt like he wanted me
16 to kill myself.

17 PRESIDING COMMISSIONER GRANLUND: Had you
18 attempted suicide prior to that?

19 INMATE SPENCER: Yes, I had.

20 PRESIDING COMMISSIONER GRANLUND: And I see
21 that you had numerous instances of attempted
22 suicide or alleged attempted suicide.

23 INMATE SPENCER: (Inaudible).

24 PRESIDING COMMISSIONER GRANLUND: Tell us
25 about that.

26 INMATE SPENCER: I overdosed on drugs. I
27 cut my wrists.

1 PRESIDING COMMISSIONER GRANLUND: And that
2 was when?

3 INMATE SPENCER: In '78 and '77. Also in
4 1981.

5 PRESIDING COMMISSIONER GRANLUND: And
6 that's when you were in (inaudible)?

7 INMATE SPENCER: Yeah.

8 PRESIDING COMMISSIONER GRANLUND: Any other
9 attempts?

10 INMATE SPENCER: Not since '81.

11 PRESIDING COMMISSIONER GRANLUND: Did I
12 read that there was an attempted handing at one
13 time?

14 INMATE SPENCER: That was at Youth
15 Authority.

16 PRESIDING COMMISSIONER GRANLUND: That was
17 at Youth Authority, and that's, as well, where you
18 slit your wrists?

19 INMATE SPENCER: Yes.

20 PRESIDING COMMISSIONER GRANLUND: What did
21 you use to slit your wrists?

22 INMATE SPENCER: Glass.

23 PRESIDING COMMISSIONER GRANLUND: Is that
24 the window that you broke?

25 INMATE SPENCER: No. It was a coffee cup.

26 PRESIDING COMMISSIONER GRANLUND: Okay. As
27 well, there was a -- Your file noted that you took

1 an overdose of medication. Do you take medication
2 to control seizures?

3 INMATE SPENCER: Yes.

4 PRESIDING COMMISSIONER GRANLUND: And you
5 overdosed on your seizure --

6 INMATE SPENCER: (Inaudible) to follow up
7 on.

8 PRESIDING COMMISSIONER GRANLUND: Okay.
9 But were you found unconscious in your cell, and
10 was that documented as an attempted suicide?

11 INMATE SPENCER: No, it wasn't.

12 PRESIDING COMMISSIONER GRANLUND: Well, is
13 there anything more that you want to share with us
14 about the day of the shooting, the events that led
15 up to the shooting, some of the folks that you ran
16 around with or why you think you did it?

17 INMATE SPENCER: Well, (inaudible) an
18 abusive house.

19 PRESIDING COMMISSIONER GRANLUND: And what
20 was abusive about the household?

21 INMATE SPENCER: (Inaudible).

22 PRESIDING COMMISSIONER GRANLUND: By?

23 INMATE SPENCER: I was sexually abused by
24 my father.

25 PRESIDING COMMISSIONER GRANLUND: Is that
26 -- Has that ever been indicated in the record in
27 the past?

1 **INMATE SPENCER:** Just (inaudible) but I
2 never talked about it.

3 **PRESIDING COMMISSIONER GRANLUND:** Because I
4 didn't see it. I read your file and your
5 transcripts and prior hearing transcripts. I
6 didn't see any mention whatsoever of (inaudible).

7 **INMATE SPENCER:** (Inaudible) till I was 14.

8 **PRESIDING COMMISSIONER GRANLUND:** And you
9 never told your probation officer or your
10 counselor?

11 **INMATE SPENCER:** No. (Inaudible) my
12 probation officer.

13 **PRESIDING COMMISSIONER GRANLUND:** Well, is
14 there any more you would like to (inaudible) with
15 us?

16 **INMATE SPENCER:** I just want to take full
17 responsibility for it. There is not a day that
18 goes by that I don't think about it and all the
19 pain it caused.

20 **PRESIDING COMMISSIONER GRANLUND:** What do
21 you remember about it?

22 **INMATE SPENCER:** Me drinking a lot, smoking
23 a lot of weed that had angel dust in it, and just
24 shooting into the parking lot, waiting for the cops
25 to show up so they could shoot me.

26 **PRESIDING COMMISSIONER GRANLUND:** You think
27 -- In your mind you think this was a suicide

1 attempt on your behalf?

2 INMATE SPENCER: Yes, I do.

3 PRESIDING COMMISSIONER GRANLUND: Okay.

4 What we're going to do right now, we're going to
5 take a brief recess. You don't need to leave the
6 room, but we're having some problem with the
7 recorder. I'm sorry. We are going to have to take
8 a brief recess. I'm sorry about that. We'll clear
9 the room and call you back in in just a moment.

10 (Thereupon, a brief recess was taken
11 off the record.)

12 COMMISSIONER ANGELE: We're back on.

13 PRESIDING COMMISSIONER GRANLUND: Okay.

14 All parties have returned that were in the room.
15 We're back on record. Ms. Spencer, I apologize for
16 interrupting you, but I'm sure as you're aware in
17 the last hearing, there were some audio troubles,
18 and, in fact, there were some things that were
19 missing in the transcript.

20 INMATE SPENCER: I stipulated that, too.

21 PRESIDING COMMISSIONER GRANLUND: The last
22 time you testified. So, because of that, we wanted
23 to make sure that we don't have any trouble this
24 time. (Inaudible) to the transcriber and an
25 accurate transcript of today's proceedings. Now,
26 you were telling us that you didn't remember much
27 of the crime, that you were on drugs.

1 INMATE SPENCER: Yeah.

2 PRESIDING COMMISSIONER GRANLUND:

3 (Inaudible) that the medical reports disagree with
4 that theory that you did not have drugs in your
5 system?

6 INMATE SPENCER: Yes. I remember there
7 (inaudible) in some of the pictures you can see the
8 bottles lying around (inaudible) I was drinking and
9 stuff that were still --

10 PRESIDING COMMISSIONER GRANLUND: The
11 bottles were laying around --

12 INMATE SPENCER: (Inaudible).

13 PRESIDING COMMISSIONER GRANLUND: -- your
14 house. And is it your position that those are from
15 Monday morning, that you were up --

16 INMATE SPENCER: Yes.

17 PRESIDING COMMISSIONER GRANLUND: --
18 drinking early? Because I did read in the
19 probation officer's report that the -- I couldn't
20 tell you exactly where it is now to quote it, but
21 basically that your home was quite messy, the
22 furniture torn. That, basically, your house was a
23 dirty house with trash and guns around and so
24 forth. So, you just -- Simply some pictures of
25 bottles and other things lying around in an unkept
26 house doesn't necessarily indicate you had been
27 drinking that morning.

1 **INMATE SPENCER:** (Inaudible).

2 **PRESIDING COMMISSIONER GRANLUND:** So, how
3 would you explain not having any alcohol and drugs
4 showing up in your system after you were arrested?

5 **INMATE SPENCER:** Maybe they had worn off by
6 then. I don't know. I -- Even though the reports
7 don't show it, it was still part of what led up to
8 that day.

9 **PRESIDING COMMISSIONER GRANLUND:** Well, I
10 think there is certainly your claims of usage of
11 drugs, I can understand and I could by. I just
12 have a little difficulty with a couple of
13 circumstances. Number one, you were approximately
14 150 feet from your victims.

15 **INMATE SPENCER:** I'm not sure.

16 **PRESIDING COMMISSIONER GRANLUND:** I believe
17 it was something in excess of 150 feet, at which
18 you were able to, with thirty some extended rounds,
19 you were able to hit a total of 11 rounds, fatally
20 hitting two of them. That's a pretty good darn
21 shot, and one that's a little hard to do, I would
22 think -- It would be awfully hard to hit targets
23 from that distance with that particular kind of
24 weapon with a 22 rifle unless one had a pretty
25 steady hand and a pretty keen eye. I do have a
26 little experience of that kind of shooting. Not at
27 human beings, certainly, but at shooting that kind

1 of weapon, and you certainly do need to have a
2 steady arm and a steady hand and a steady eye to be
3 that accurate at that distance.

4 **INMATE SPENCER:** (Inaudible).

5 **PRESIDING COMMISSIONER GRANLUND:**

6 (Inaudible).

7 **INMATE SPENCER:** I wasn't aiming at anyone.

8 **PRESIDING COMMISSIONER GRANLUND:** Well, I
9 think, there again, to have a shooting spree like
10 that and hit that many people and not be aiming at
11 them, I just find that hard to (inaudible). I also
12 find that your version of the -- of that day, the
13 record states that you state that you remember
14 nothing from Friday afternoon, January 26th, until
15 Wednesday morning, January 31st, for five days.
16 You stated that you overdosed on drugs at school,
17 that you (inaudible) and threw up and subsequently
18 left school and went home where you passed out.
19 And that the next thing you knew was that you woke
20 up in juvenile hall on Wednesday morning. Five
21 days of blackout, and still no drugs or alcohol in
22 your system. I just -- You know, I'm sorry, but it
23 just doesn't sell. That's your position and
24 (inaudible).

25 **INMATE SPENCER:** Even though I was drinking
26 (inaudible) I was responsible for what happened
27 that day. I want to let the record show that.

1 **PRESIDING COMMISSIONER GRANLUND:** Well, the
2 record certainly has not shown any remorse or a
3 responsibility for your crime.

4 **INMATE SPENCER:** I never denied doing it.

5 **PRESIDING COMMISSIONER GRANLUND:** Yeah. I
6 think it's pretty (inaudible) that you did that.
7 Well, is there anything else that you want us to
8 know about the crime? Anything else that you can
9 remember that you want to have on the record?

10 **INMATE SPENCER:** That I'm sorry that I did
11 that and hurt those people like that.

12 **PRESIDING COMMISSIONER GRANLUND:** Okay. I
13 want to talk a little bit about your personal
14 background. You were the youngest of three
15 children born to the marriage of Wallace and
16 Dorothy Spencer, your parents. Your parents were
17 married in December of '54, and their marriage
18 remained in tact approximately 17 years until your
19 parents separated in 1972. Is that how you
20 remember?

21 **INMATE SPENCER:** Yes.

22 **PRESIDING COMMISSIONER GRANLUND:** Is shows
23 when you were ages 9, 13 and 15. Were you the
24 youngest?

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

26 **PRESIDING COMMISSIONER GRANLUND:** And so
27 you were nine years old at the time. And there was

1 a custody battle?

2 INMATE SPENCER: Yes, sir.

3 PRESIDING COMMISSIONER GRANLUND: It went
4 to trial, and your father was awarded custody. And
5 the divorce was finalized in '72. Your older
6 siblings, were they brothers or sisters?

7 INMATE SPENCER: A brother and a sister.

8 PRESIDING COMMISSIONER GRANLUND: You had a
9 sister? And how old was the sister?

10 INMATE SPENCER: When the divorce happened?

11 PRESIDING COMMISSIONER GRANLUND: Yeah. We
12 had a 9, 13 and 15, and so when you were nine --

13 INMATE SPENCER: (Inaudible) was 13.

14 PRESIDING COMMISSIONER GRANLUND: So, she's
15 the middle. Your oldest sibling is your brother.
16 Okay. And when the divorce was finalized, custody
17 of all three children was awarded to your father?

18 INMATE SPENCER: Yes.

19 PRESIDING COMMISSIONER GRANLUND: Now,
20 you're telling us that your father beat you and
21 molested you?

22 INMATE SPENCER: Yes, he did.

23 PRESIDING COMMISSIONER GRANLUND: Do you
24 think he beat and molested your siblings?

25 INMATE SPENCER: I don't know. I don't
26 think so. I'm more like my mother than anybody
27 else. And he has a problem with my mother.

1 (Inaudible) even after all these years.

2 PRESIDING COMMISSIONER GRANLUND: Why do
3 you think the courts awarded custody in a custody
4 battle --

5 INMATE SPENCER: Because my mom didn't have
6 any employment (inaudible). If I stayed with my
7 mom I probably wouldn't be here.

8 PRESIDING COMMISSIONER GRANLUND: So, you
9 think it's your father's fault?

10 INMATE SPENCER: No.

11 PRESIDING COMMISSIONER GRANLUND: Why would
12 it have been different if you had stayed with your
13 mother?

14 INMATE SPENCER: The abuse wouldn't have
15 been there.

16 PRESIDING COMMISSIONER GRANLUND: And you
17 never reported any abuse?

18 INMATE SPENCER: No. I was scared to.

19 PRESIDING COMMISSIONER GRANLUND: Okay.
20 Your mother, she maintained a residence with
21 another woman, a family friend.

22 INMATE SPENCER: Um-hmm.

23 PRESIDING COMMISSIONER GRANLUND: And the
24 two households, the house where your mother lived
25 was within walking distance?

26 INMATE SPENCER: Yes, it was.

27 PRESIDING COMMISSIONER GRANLUND: Did you

1 ever tell your mom that you were being abused?

2 INMATE SPENCER: No.

3 PRESIDING COMMISSIONER GRANLUND: Did your
4 mom ever come visit you?

5 INMATE SPENCER: No, not really. We would
6 go over there (inaudible).

7 PRESIDING COMMISSIONER GRANLUND: Well, it
8 would seem that if you were within walking distance
9 -- How often did you go visit?

10 INMATE SPENCER: About once a month.

11 PRESIDING COMMISSIONER GRANLUND: Okay.
12 The report also says that you were standoffish,
13 didn't act as loveable as your brother and sister,
14 and that you were very independent, could entertain
15 yourself for long periods of time while you were at
16 home. You were kind of a loner?

17 INMATE SPENCER: Yes, I was.

18 PRESIDING COMMISSIONER GRANLUND: How about
19 friends at school?

20 INMATE SPENCER: I usually only had about
21 one friend.

22 PRESIDING COMMISSIONER GRANLUND: Why do
23 you think that was?

24 INMATE SPENCER: (Inaudible) around a lot
25 of people.

26 PRESIDING COMMISSIONER GRANLUND: And was
27 that because you disliked people? You felt

1 uncomfortable around people? (Inaudible).

2 INMATE SPENCER: It was a lot of people
3 made me uncomfortable, and I just didn't like to be
4 touched.

5 PRESIDING COMMISSIONER GRANLUND: Did you
6 ever talk to your friends or your friend about
7 committing crimes?

8 INMATE SPENCER: No. I didn't have
9 (inaudible).

10 PRESIDING COMMISSIONER GRANLUND: So, you
11 hadn't planned this out or discussed it with
12 anybody prior to --

13 INMATE SPENCER: No, I hadn't.

14 PRESIDING COMMISSIONER GRANLUND: -- prior
15 to the day it happened?

16 INMATE SPENCER: No.

17 PRESIDING COMMISSIONER GRANLUND:
18 (Inaudible) shooting a police officer?

19 INMATE SPENCER: No, not that I recall.

20 PRESIDING COMMISSIONER GRANLUND: I'm going
21 to get back to that a little bit later. You were
22 in 11th grade at the time of the offense?

23 INMATE SPENCER: Yes, I was.

24 PRESIDING COMMISSIONER GRANLUND: And you
25 had been referred to the district council for
26 truancy problems, and you were transferred briefly
27 to Garfield Extended Day School. Is that a

1 continuation school?

2 INMATE SPENCER: Yes.

3 PRESIDING COMMISSIONER GRANLUND: And you
4 remained in there until the summer -- until summer,
5 and then you returned back to high school in the
6 following school year in September. And that was
7 your 11th grade year.

8 INMATE SPENCER: Um-hmm.

9 PRESIDING COMMISSIONER GRANLUND: And you
10 complained of having headaches and blackout spells
11 prior to the high school accident in 1978?

12 INMATE SPENCER: Um-hmm.

13 PRESIDING COMMISSIONER GRANLUND: Or should
14 that been since the high school --

15 INMATE SPENCER: (Inaudible).

16 PRESIDING COMMISSIONER GRANLUND: And you've been
17 placed on Dilantin. Is that how you pronounce it?

18 INMATE SPENCER: They changed (inaudible).
19 That changed that because they kept (inaudible).

20 PRESIDING COMMISSIONER GRANLUND: Okay.
21 And you're on it now?

22 INMATE SPENCER: Yes.

23 PRESIDING COMMISSIONER GRANLUND: Is it
24 controlling your seizures?

25 INMATE SPENCER: Yes. Since (inaudible).

26 PRESIDING COMMISSIONER GRANLUND: When is
27 the last time you had one?

1 INMATE SPENCER: (Inaudible).

2 PRESIDING COMMISSIONER GRANLUND: When is
3 the last time before that?

4 INMATE SPENCER: (Inaudible).

5 PRESIDING COMMISSIONER GRANLUND: A
6 seizure.

7 INMATE SPENCER: Um-hmm.

8 PRESIDING COMMISSIONER GRANLUND: So, the
9 medication is working, but you had a seizure --

10 INMATE SPENCER: Oh, no. I haven't had a
11 seizure since last February.

12 PRESIDING COMMISSIONER GRANLUND: Okay.
13 That's what I'm trying to get to. You're taking
14 your medication (inaudible).

15 INMATE SPENCER: Right.

16 PRESIDING COMMISSIONER GRANLUND: But you
17 haven't had a seizure since last February.

18 INMATE SPENCER: Right. Since (inaudible).

19 PRESIDING COMMISSIONER GRANLUND: Okay.
20 Anything else you want to tell us about your
21 personal background? You've spent most of your
22 life in prison, so you didn't have a long life on
23 the outside. Anything we've missed or you want on
24 the record that we have not covered today?

25 INMATE SPENCER: Well (inaudible). I'm no
26 longer a loner. I don't just stay by myself
27 (inaudible). I've changed a lot since (inaudible).

1 **PRESIDING COMMISSIONER GRANLUND:** Okay.

2 I'm sure there will be some more questions, but for
3 right now we're going to go to your post-conviction
4 factors. Ms. Lawin will handle that.

5 **COMMISSIONER LAWIN:** Good afternoon. I'm
6 going to go primarily through the period of time
7 since your last hearing. And your last hearing was
8 January 20th of 1998, and you received a three year
9 denial.

10 **INMATE SPENCER:** Right.

11 **COMMISSIONER LAWIN:** At that point you were
12 advised to remain disciplinary free, upgrade
13 vocationally and educationally, and continue in
14 your self help and counseling. Correct?

15 **INMATE SPENCER:** Yes.

16 **COMMISSIONER LAWIN:** Okay. You currently
17 have a classification score of zero. It's been
18 zero since November 24, 1992. You're currently
19 assigned to the mental health program, Triple CMS.
20 Is that still the case?

21 **INMATE SPENCER:** Yes, it is.

22 **COMMISSIONER LAWIN:** Because I noticed you
23 were EOP, then the CMS, and that -- So, you're
24 Triple CMS currently?

25 **INMATE SPENCER:** Yes. (Inaudible).

26 **COMMISSIONER LAWIN:** We'll get into that in
27 a minute. Your (inaudible) is clear. You were

1 received in CDC -- actually, at CIW, on April 14,
2 1980.

3 INMATE SPENCER: Um-hmm.

4 COMMISSIONER LAWIN: Had previously been at
5 Ventura School. In terms of education, I had noted
6 that there was reference in your file to a high
7 school diploma. Did you receive that while in CYA?

8 INMATE SPENCER: Yes, I did.

9 COMMISSIONER LAWIN: Because I couldn't
10 locate it in your C file. Have you gone through
11 your C file?

12 INMATE SPENCER: Yes.

13 COMMISSIONER LAWIN: Did you see it in
14 there?

15 INMATE SPENCER: No, I didn't.

16 COMMISSIONER LAWIN: You might talk to your
17 counselor about getting a copy of that in the
18 central file. It would be important. I could not
19 locate it, but I did find reference to it in a
20 couple of Board reports. Your most recent TABE
21 score is 12.9, which is the highest it can be.
22 That was December 10th of 2000. I also noted that
23 you had college courses between the periods of 1986
24 and 1993. You had participated in several
25 different courses at several different colleges.

26 INMATE SPENCER: Yes.

27 COMMISSIONER LAWIN. About how many units

1 do you believe you've completed?

2 INMATE SPENCER: (Inaudible).

3 COMMISSIONER LAWIN: Were you working
4 toward a particular degree?

5 INMATE SPENCER: (Inaudible). I think they
6 have it as Social Studies (inaudible). They closed
7 that program.

8 COMMISSIONER LAWIN: Did that interest you
9 or --

10 INMATE SPENCER: Yes. Yes, it did.

11 COMMISSIONER LAWIN: In terms of vocation,
12 I found that you've been in electronics as a
13 technician for some time now. You are receiving
14 exceptional work reports there. How long have you
15 actually spent in electronics?

16 INMATE SPENCER: About 12 years.

17 COMMISSIONER LAWIN: And do you have a
18 certificate of completion?

19 INMATE SPENCER: (Inaudible) technician.
20 I'm working on getting a certificate but it hasn't
21 been completed yet.

22 COMMISSIONER LAWIN: You also have spent
23 some time in graphic arts. You received
24 satisfactory work reports there. That was just for
25 a short time (inaudible).

26 INMATE SPENCER: (Inaudible).

27 COMMISSIONER LAWIN: Okay. In terms of

1 counseling chronos, I found -- excuse me, laudatory
2 chronos, I found three recent ones, all in 1999,
3 from Corrections Officer McGee who states that
4 you're grown towards maturity and you do well in
5 electronics. Sergeant Carbagal, C-A-R-B-A-G-A-L is
6 the spelling. He writes or she writes that they've
7 watched you grow, make positive changes in the way
8 you handle and respond to situations, and that
9 you're a positive role model. Also, Corrections
10 Officer Fuentes, F-U-E-N-T-E-S, writes that they
11 witnessed you to be honest, you're respectful,
12 dignified, you're understanding, and you're ready
13 to offer assistance to others. Three positive
14 chronos for you. In terms of self help I found
15 chronos indicating that you participated in 12 step
16 study group that was between April 9th of 1998
17 through August 6th of 1998. Then you've been a
18 participant of AA, NA, ALANON and CODA. The last
19 -- The chrono that I had found went back to
20 November 12th of 1997 through July 1st of '98. Did
21 you participate before 1997 in AA?

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

23 **COMMISSIONER LAWIN:** Do you know about how
24 long you've been a participant?

25 **INMATE SPENCER:** Off and on for about 15
26 years.

27 **COMMISSIONER LAWIN:** Fifteen years. Now,

1 in your current status, under department of mental
2 health, what programs are you participating in?

3 **INMATE SPENCER:** I have a lifer's group I
4 go to and anger management.

5 **COMMISSIONER LAWIN:** And are those on a
6 daily basis or how often do you actually go?

7 **INMATE SPENCER:** Once a week. And
8 (inaudible) in one on one.

9 **COMMISSIONER LAWIN:** Okay. I do note,
10 also, there is one other chrono I wanted to touch
11 on relative to electronics. And this one is dated
12 August 1st of 2000. It's signed by D.H. Thompson
13 (inaudible). And they write you continue to
14 improve technical skills, and you're very
15 professional in dealing with the clients. You're
16 well organized and always willing to learn more.
17 Will be self-sustaining upon release. So, in other
18 words, you have employable skills in electronics.
19 Back to your self help programming. What is your
20 (inaudible) of anger management, for instance? Do
21 you find it helpful?

22 **INMATE SPENCER:** I find it helpful. I
23 learned (inaudible) and ways to deal with it.

24 **COMMISSIONER LAWIN:** In terms of
25 discipline, I don't find any disciplinaries in your
26 file. Is that accurate?

27 **INMATE SPENCER:** That's accurate.

1 **COMMISSIONER LAWIN:** No 115's and no 128a
2 counseling chronos?

3 **INMATE SPENCER:** No.

4 **COMMISSIONER LAWIN:** That's exemplary.

5 **INMATE SPENCER:** (Inaudible).

6 **COMMISSIONER LAWIN:** Okay. Anything else
7 that I've missed relative to your self help or your
8 other (inaudible).

9 **INMATE SPENCER:** (Inaudible).

10 **COMMISSIONER LAWIN:** Is it weekly meetings?

11 **INMATE SPENCER:** It's either weekly or
12 (inaudible).

13 **COMMISSIONER LAWIN:** Is there a waiting
14 list or what are you --

15 **INMATE SPENCER:** That's what I'm trying to
16 find out.

17 **COMMISSIONER LAWIN:** Oh. Alright. Let's
18 go to your counselor's report. It's dated April
19 2001. And it's signed by Keith Morris,
20 correctional counselor one. In that report, they
21 do indicate your current status, and it is in
22 chronological order to your transfers back and
23 forth. You'll go into a summary and indicate under
24 point A, considering your commitment offense, no
25 prior record and prison adjustment, this writer
26 believes the prisoner would probably pose a
27 moderate degree of threa' to the public at this

1 time if released from prison. Did you speak to
2 your counselor about this report?

3 INMATE SPENCER: No.

4 COMMISSIONER LAWIN: Do you agree with
5 their assessment?

6 INMATE SPENCER: Yes.

7 COMMISSIONER LAWIN: You do believe you
8 would be a moderate degree of threat?

9 INMATE SPENCER: Yes.

10 COMMISSIONER LAWIN: And why is that?

11 INMATE SPENCER: Because I've changed
12 (inaudible) no way you could (inaudible).

13 COMMISSIONER LAWIN: Okay. We'll move on
14 to the psychiatric report dated February 1, 2001 by
15 Dr. Robert D. McDaniel, M-C-D-A-N-I-E-L. In that
16 report, Dr. McDaniel goes through your current
17 progress. He then goes into quite a bit of detail
18 about your psychiatric history. On page two he
19 talks about your current status and indicates that
20 you indicate to him you have not heard any auditory
21 hallucinations since you were placed on your
22 current medication in EOP. Your diagnosis there was
23 psychotic disorder not otherwise specified. Other
24 diagnosis suggests schizoaffective disorder, which
25 describes unstable moods combined with
26 hallucinations. Is your current medication --

27 INMATE SPENCER: (Inaudible).

1 COMMISSIONER LAWIN: (Inaudible).

2 INMATE SPENCER: (Inaudible).

3 COMMISSIONER LAWIN: He then goes on to
4 speak about your parole plans and writes, "The
5 viability of the inmate's plans seem weak and her
6 prognosis for community living would be poor. This
7 is based upon her emotional instability." Under
8 mental status evaluation he writes, "Insight
9 remains rudimentary into the nature of the
10 sociopathic orientation she has demonstrated in the
11 past. Her judgement is poor in as much as she
12 chose to manifest her stress by mutilating
13 herself." And in that regard, he's referring back
14 to your tattooing yourself. And when did that
15 occur (inaudible)?

16 INMATE SPENCER: February of last year.

17 COMMISSIONER LAWIN: February of 2000?

18 INMATE SPENCER: Yes.

19 COMMISSIONER LAWIN: And you spent some
20 time, considerable effort, to actually tattoo your
21 chest. Isn't that correct?

22 INMATE SPENCER: No (inaudible).

23 COMMISSIONER LAWIN: Is that right?

24 Because he does go into detail about it and talks
25 about the time frame. It's not true, then, that
26 you spent some 20 minutes?

27 INMATE SPENCER: No. (Inaudible) five or

1 ten minutes.

2 **COMMISSIONER LAWIN:** Five or ten minutes.

3 And did you ultimately succeed in what you were
4 trying to do?

5 **INMATE SPENCER:** Yes.

6 **COMMISSIONER LAWIN:** And that was you put a
7 couple of words on your chest.

8 **INMATE SPENCER:** Yes.

9 **COMMISSIONER LAWIN:** What were they?

10 **INMATE SPENCER:** (Inaudible).

11 **COMMISSIONER LAWIN:** (Inaudible). Under
12 diagnosis, the doctor writes:

13 "Axis I, psychotic disorder not
14 otherwise specified. Axis II, anti-
15 social personality disorder. Under
16 current level of care, she is
17 (inaudible) group and one to one
18 sessions. Noted in the (inaudible)
19 files, the inmate's continuing
20 difficulty with interpersonal
21 relationships. Her prognosis for
22 future mental deterioration is
23 guarded, although current medication
24 may afford her some degree of
25 stability."

26 Under assessment of dangerousness, Dr. McDaniel
27 writes:

1 "The inmate has been dangerous to
2 herself within a controlled setting.
3 She describes it as innocent
4 tattooing or perhaps scaring, but in
5 reality it's manifest in anger or
6 frustration through self mutilating.
7 It was associated with psychosis
8 requiring four months of enhanced
9 outpatient treatment using
10 relatively high doses of two anti-
11 depressants and one anti-psychotic
12 medication. I believe the inmate's
13 mental deterioration is caused by
14 concern over family, frustration
15 over work within the prison, and
16 with disappointing relationships.
17 These are normal stresses of
18 everyday life. The inmate responded
19 with destructive and psychotic
20 behavior. I believe she remains a
21 significant risk to the public if
22 paroled based upon these factors."

23 Under recommendations and observations he concludes
24 by stating:

25 "The inmate should have a greater
26 understanding as to why she chose to
27 mutilate herself. While she feels

1 it was merely an innocent tattoo, it
2 certainly seems to go far beyond
3 that. The inmate continues to see
4 relationships as a source of
5 frustration and anger and continues
6 to seek interpersonal closeness in
7 spite of multiple failures in the
8 past. The inmate continues to
9 require both psychological treatment
10 and psychotropic medication. She
11 may need this on a lifetime basis."

12 Did you speak to Dr. McDaniel after he had prepared
13 this report?

14 **INMATE SPENCER:** No. I went and tried to
15 get an appointment with him but (inaudible). I've
16 been waiting for a week (inaudible).

17 **COMMISSIONER LAWIN:** And what do you think
18 about this report?

19 **INMATE SPENCER:** I don't agree with all of
20 it. I did show remorse. I did show, you know,
21 emotions. And he states that I didn't. I was only
22 in EOP for two months. He stated four.
23 (Inaudible) because I was going through a rough
24 time. And I asked the health department for help.
25 (Inaudible).

26 **COMMISSIONER LAWIN:** Anything else you
27 would like to say about the report?

1 INMATE SPENCER: (Inaudible).

2 COMMISSIONER LAWIN: Anything about the
3 doctor's report or the counselor's report? Any
4 comments?

5 INMATE SPENCER: (Inaudible).

6 COMMISSIONER LAWIN: Anything that you can
7 think of that I missed about your programming?

8 INMATE SPENCER: Not that I can think of.

9 COMMISSIONER LAWIN: With that, I'll return
10 to the Chair.

11 PRESIDING COMMISSIONER GRANLUND: Before we
12 go to parole plans let's take a break just a second
13 and flip the tapes over.

14 (Thereupon, the tapes were changed.)

15 COMMISSIONER ANGELE: Side two.

16 PRESIDING COMMISSIONER GRANLUND: Okay.
17 We're back on record, side two, of the Parole
18 Consideration Hearing for Brenda Spencer.
19 Mr. Angele, parole plans.

20 COMMISSIONER ANGELE: Thank you.
21 Ms. Spencer, if you were released from custody,
22 where do you plan to live?

23 INMATE SPENCER: With my mother.

24 COMMISSIONER ANGELE: Where is that?

25 INMATE SPENCER: San Diego.

26 COMMISSIONER ANGELE: San Diego. How about
27 employment? Have you sought any potential

1 employment opportunities out there?

2 INMATE SPENCER: I haven't had a chance to
3 really. I understand Wal Mart has a hiring plan,
4 but it would be easier for me to go out there and
5 get (inaudible).

6 COMMISSIONER ANGELE: Okay. But you've
7 made no en roads as far as seeking what's out
8 there, word of mouth, through a letter, anything?

9 INMATE SPENCER: No.

10 COMMISSIONER ANGELE: You have some letters
11 in your file that are of support -- nature of
12 support and nature of residence, and I will go
13 through them. There is a letter here from an
14 individual by the name of Lorra, L-O-R-R-A. And I
15 have to -- (Inaudible) one of the lines in the
16 letter, she says, "I'm not exactly sure the purpose
17 of this letter is." And (inaudible), she
18 apparently, as best as I can figure, went to school
19 with you when you were both kids, although she
20 never met you.

21 INMATE SPENCER: No, she was at the school.

22 COMMISSIONER ANGELE: At the school at the
23 time?

24 INMATE SPENCER: Um-hmm.

25 COMMISSIONER ANGELE: She indicates she
26 never met you, but she talks about she's married
27 now, has some children, and she's trying to find, I

1 guess within her own mind --

2 INMATE SPENCER: She was at the school in
3 '79.

4 COMMISSIONER ANGELE: Okay.

5 INMATE SPENCER: (Inaudible) Elementary.

6 COMMISSIONER ANGELE: She says, I guess,
7 trying to figure out what kind of things made you
8 do this, I guess, so she can help raise her own
9 children. And that's the primary rationale for the
10 letter indicating that she truly believes that
11 those things (inaudible) have to have been hurting
12 at a very deep level. So, I think she's trying to
13 gain some insight into your mind.

14 INMATE SPENCER: (Inaudible).

15 COMMISSIONER ANGELE: There's a letter here
16 from a -- I'm going to guess the last name is
17 Brenda Spence. Is that (inaudible)?

18 INMATE SPENCER: No, that's me.

19 COMMISSIONER ANGELE: Oh, I'm sorry.
20 That's your --

21 INMATE SPENCER: That's my answer.

22 COMMISSIONER ANGELE: This is your answer
23 to her. Okay. (Inaudible). There is another --
24 You have a birthday wish from (inaudible). So,
25 apparently, you are still continuing to write to
26 her. And this is a letter from a Mary Robb,
27 R-O-B-B, a letter.

1 **INMATE SPENCER:** (Inaudible) of the
2 officer.

3 **COMMISSIONER ANGELE:** Okay. And this is
4 the mother of the officer that was wounded in the
5 incident. She writes -- And I can't see the date.
6 It's been cut off. I'm going to guess it's 19 --
7 I'm sorry. Probably 1999.

8 **INMATE SPENCER:** I believe it's '99.

9 **COMMISSIONER ANGELE:** Okay. It is -- I'll
10 read the letter by Mary Robb, R-O-B-B.

11 "I guess first thing I should
12 identify myself. I am the mother of
13 Officer Robb, who I am sure you
14 remember, but I need to let you know
15 that all this time I have had very
16 bad feelings about the situation.
17 Recently, I have been able to put
18 this behind me and tell you I
19 forgive you for what happened to my
20 son."

21 And there are some letters referring to your
22 residence. This is from your mother who does live
23 in San Diego, indicating that you're welcome to
24 with her when you are released. She'll be
25 responsible for you until you are able to support
26 yourself, will provide you with a place to live,
27 food, any medical supplies that you might need.

1 And then, of course, there was a letter from your
2 father. This is Wallace Spencer. He talks about,
3 "I understand that Brenda's mother has agreed to
4 let her live in her home. If not, she always has
5 -- she can always live in my home where I can
6 provide support for her whatever may be required
7 for her to live in public life." It talks about
8 making sure that you're under a doctor's care and
9 make sure you get your proper medication to control
10 your heart and epilepsy condition. Okay. It does
11 also indicate and agrees that you've been a model
12 inmate for all these years and have not received
13 any disciplinaries. This is a letter from a
14 Shirley Schmardel, S-C-H-M-A-R-D-E-L, January 13,
15 1998. Letter, "I will accept Brenda Spencer back
16 into the community. I think she is rehabilitated
17 and will do well here. I know her through her
18 mother Dorothy who I have known for about 20
19 years." The second letter, a handwritten letter
20 from your father, indicated that he's visited you
21 twice a month since you've been in prison.

22 INMATE SPENCER: Yes.

23 COMMISSIONER ANGELE: Do you welcome his
24 visits?

25 INMATE SPENCER: Yes. We've learned to
26 deal with the abuse and the issues, and we have
27 gotten to be friends.

1 **COMMISSIONER ANGELE:** Have you spoken about
2 the abuse to any psychologist?

3 **INMATE SPENCER:** Yes. I've been talking in
4 a lifer group for that.

5 **COMMISSIONER ANGELE:** Have you discussed it
6 during your evaluations?

7 **INMATE SPENCER:** Yes.

8 **COMMISSIONER ANGELE:** Anything else you'd
9 like to tell me about your parole plans?

10 **INMATE SPENCER:** Not really.

11 **COMMISSIONER ANGELE:** We send out what we
12 call 3042 notices, and those are notices that go
13 out to agencies or individuals that have a direct
14 interest in your case. And I have received some
15 responses. First, I have a letter. This is from
16 an individual by the name of Wolford Suchar,
17 S-U-C-H-A-R. Talks about schools being plagued by
18 violence in recent years.

19 "No logical answer, but let me give
20 my feelings in regard to this.

21 (Inaudible) shooting by Brenda
22 Spencer at Cleveland Elementary
23 School. For years I have not heard
24 any remorse or sorrow expressed for
25 the victims she killed and wounded.
26 The motive was, quote, 'I hate
27 Monday's ' End quote. I can't

1 believe the desire to kill someone
2 because one hates Mondays. Since
3 the year of '79 our families lives
4 have changed forever. One statement
5 stands out in our minds. After
6 Spencer killed Michael Suchar,
7 S-U-C-H-A-R, my father, she said to
8 the media, I got one big one. Yes,
9 my father was big and strong in a
10 way she will never know. He fought
11 in the U.S. Navy in the Second World
12 War. He later joined the underwater
13 demolition team, unit one, to help
14 preserve peace and freedom in our
15 country."

16 Obviously, she is opposed to your receiving a
17 parole date. I received a letter from the District
18 Attorney's Office from the County of San Diego.
19 However, there is a representative here from that
20 office who I am sure will make a statement
21 regarding parole suitability prior to the
22 conclusion of the hearing. There was a letter in
23 the -- These are confidential letters from victims
24 or victim next of kin. This is a letter from Dave
25 and Susan Edwards, E-D-W-A-R-D-S. They're the
26 parents of Trevor Edwards, one of the Santana High
27 School shooting victims.

1 "We strenuously object to anyone
2 even considering parole for this
3 person. We need to show that this
4 type of crime will not be tolerated
5 or excused. Young people must know
6 that they are responsible for their
7 actions. Keep this person in prison
8 for life for the life she took and
9 the lives she changed forever."

10 And I have a letter from the brother of Kathe Wrag,
11 W-R-A-G or Wragg, W-R-A-G-G. It says, "I am the
12 brother of Kathe," I believe it's K-A-T-H-E,
13 "Wragg, and brother-in-law of Burton Wragg,
14 W-R-A-G-G, who was shot and killed by Brenda
15 Spencer." I'm sorry. I can't read the signature.
16 It talks about killing a friend and a buddy. And
17 it talks about not only that but also killing a
18 husband who had three children. It also indicates
19 that you shot and killed an elementary school
20 custodian. The family most certainly suffering
21 (inaudible) their loss today. Talks about the
22 wounding and maiming of eight elementary school
23 children as they arrived for school that dreadful
24 morning. It indicates, in her opinion, that she
25 is, quote, sick, end quote, and should not be
26 released from prison for any reason. Anything else
27 you have to add or any comments?

1 INMATE SPENCER: No.

2 COMMISSIONER ANGELE: I'll return to the
3 Chair.

4 PRESIDING COMMISSIONER GRANLUND: Thank
5 you. I have a question about your parole plan.
6 (Inaudible) go to Wal Mart or other places and just
7 interview for jobs.

8 INMATE SPENCER: Yes.

9 PRESIDING COMMISSIONER GRANLUND: This
10 Boulder Lake address that your mother gives here,
11 do you know where that is?

12 INMATE SPENCER: Yes.

13 PRESIDING COMMISSIONER GRANLUND: Can you
14 describe it to me? Is it a neighborhood? Is it
15 out in the -- rural?

16 INMATE SPENCER: It's a neighborhood. It's
17 suburban.

18 PRESIDING COMMISSIONER GRANLUND: It's a
19 suburban neighborhood?

20 INMATE SPENCER: It's a housing track
21 (inaudible).

22 PRESIDING COMMISSIONER GRANLUND: I do need
23 to ask you, in this kind of circumstance, do you
24 think you could parole into that community. I know
25 there is one letter here from the writer, Shirley
26 (inaudible). She says she will accept you back
27 into the community. You've been rehabilitated and

1 you will do well. Do you believe that?

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

3 **PRESIDING COMMISSIONER GRANLUND:** And do
4 you believe that in the event that you were to get
5 a parole date and were to be released in that
6 neighborhood that the community would accept you
7 back in the neighborhood --

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

9 **PRESIDING COMMISSIONER GRANLUND:** -- and
10 life would just go on like none of this ever
11 happened? That you believe the community has put
12 this behind them?

13 **INMATE SPENCER:** It will never go on like
14 nothing ever happened, but I do believe the
15 community would accept me.

16 **PRESIDING COMMISSIONER GRANLUND:** I don't
17 know if -- Certainly, you get news and so forth --

18 **INMATE SPENCER:** Yes.

19 **PRESIDING COMMISSIONER GRANLUND:** -- in the
20 institution. Have you followed cases where high
21 profile crimes against children, what happens when
22 those folks do get out?

23 **INMATE SPENCER:** Yes.

24 **PRESIDING COMMISSIONER GRANLUND:** But you
25 don't think that would occur in San Diego? You
26 don't think there would be an outpouring from the
27 community --

1 INMATE SPENCER: No.

2 PRESIDING COMMISSIONER GRANLUND: --

3 opposing your parole?

4 INMATE SPENCER: No.

5 PRESIDING COMMISSIONER GRANLUND: Any

6 questions, Ms. Lawin?

7 COMMISSIONER LAWIN: I do have a couple of
8 questions. You indicated that on the day of this
9 commitment offense that you had been drinking and
10 taking drugs. What sort of drugs did you use that
11 day?

12 INMATE SPENCER: Marijuana and angel dust.

13 COMMISSIONER LAWIN: And where did you get
14 those drugs?

15 INMATE SPENCER: On the streets.

16 COMMISSIONER LAWIN: And where did you get
17 the money to buy the drugs?

18 INMATE SPENCER: As school.

19 COMMISSIONER LAWIN: How were you getting
20 money at school?

21 INMATE SPENCER: I was selling drugs, and
22 using after (inaudible).

23 COMMISSIONER LAWIN: And you mentioned that
24 the shooting of the children and the officials of
25 the school was an attempt to have the police shoot
26 you. Was that something you had thought about
27 before you started shooting at the school children?

1 **INMATE SPENCER:** (Inaudible) suicide
2 attempt. If I got the cops there and shot at the
3 cops that they would kill me.

4 **COMMISSIONER LAWIN:** Did you shoot at them?

5 **INMATE SPENCER:** Yes.

6 **COMMISSIONER LAWIN:** But you were in your
7 house, correct?

8 **INMATE SPENCER:** Yeah (inaudible).

9 **COMMISSIONER LAWIN:** So, ultimately, you
10 couldn't carry out the suicide attempt. Is that
11 what you're saying?

12 **INMATE SPENCER:** Right.

13 **COMMISSIONER LAWIN:** I have no further
14 questions.

15 **PRESIDING COMMISSIONER GRANLUND:**
16 Mr. Angele?

17 **COMMISSIONER ANGELE:** Yeah. I'm a little
18 concerned about some of the allegations you made
19 about the abuse as a child. When I asked you if
20 you had shared (inaudible) in any of the
21 psychological evaluations. And unless I'm missing
22 something, I haven't seen anything at all that
23 indicates that.

24 **INMATE SPENCER:** They always (inaudible)
25 that or say that I'm trying to put it off on my
26 father.

27 **COMMISSIONER ANGELE:** The psychologist says

1 that to you?

2 INMATE SPENCER: Yes.

3 COMMISSIONER ANGELE: And, therefore,
4 doesn't mention it at all?

5 INMATE SPENCER: Yes.

6 COMMISSIONER ANGELE: But yet, mentions
7 everything else about the suicide attempts and the
8 self-mutilation (inaudible)?

9 INMATE SPENCER: Yes.

10 COMMISSIONER ANGELE: In regards to the
11 drugs, I read someplace that you also indicated
12 that you were doing some downers?

13 INMATE SPENCER: Yes.

14 COMMISSIONER ANGELE: And what were you
15 doing?

16 INMATE SPENCER: Seconal.

17 COMMISSIONER ANGELE: You were doing some
18 reds?

19 INMATE SPENCER: Yes.

20 COMMISSIONER ANGELE: And the alcohol at
21 the same time?

22 INMATE SPENCER: Yes.

23 COMMISSIONER ANGELE: I have no further
24 questions.

25 PRESIDING COMMISSIONER GRANLUND: And that
26 just raises one more for me because I am very
27 troubled with this allegation or recent discovery

1 that your position is you were molested. You were
2 actually sexually molested by your father?

3 INMATE SPENCER: Yes.

4 PRESIDING COMMISSIONER GRANLUND: Okay.
5 Any you believe that that (inaudible) molestation
6 contributed to your personality that contributed to
7 the crimes -- to the crime that you committed?

8 INMATE SPENCER: Yes.

9 PRESIDING COMMISSIONER GRANLUND: Okay.
10 And the psychiatrist just (inaudible)?

11 INMATE SPENCER: Um-hmm. (Inaudible) going
12 over it more and more.

13 PRESIDING COMMISSIONER GRANLUND: What
14 would happen if the district attorney would elect
15 to file (inaudible) molestation charges against
16 your father?

17 INMATE SPENCER: I don't anything
18 (inaudible).

19 PRESIDING COMMISSIONER GRANLUND: Would you
20 testify and support that?

21 INMATE SPENCER: (Inaudible).

22 PRESIDING COMMISSIONER GRANLUND: But you
23 would support opening an investigation and
24 proceeding criminally against your father?

25 INMATE SPENCER: There has already been an
26 investigation done.

27 PRESIDING COMMISSIONER GRANLUND: By whom?

1 **INMATE SPENCER:** Right after I got
2 arrested.

3 **PRESIDING COMMISSIONER GRANLUND:** Who
4 investigated?

5 **INMATE SPENCER:** The City of San Diego.

6 **PRESIDING COMMISSIONER GRANLUND:** The City?

7 **INMATE SPENCER:** Yeah. (Inaudible)
8 investigation.

9 **PRESIDING COMMISSIONER GRANLUND:** Police
10 department? But you told me you hadn't told anyone
11 about it.

12 **INMATE SPENCER:** I had told my counselors
13 (inaudible).

14 **PRESIDING COMMISSIONER GRANLUND:** Well,
15 there again, I'm just going to tell you that either
16 you're involved in a situation (inaudible) but
17 nonetheless, I think if I took that position, I
18 would want to have it investigated and I would
19 pursue it to every remedy available to me in the
20 law. And that would make your story a lot more
21 convincing. At this time, it's time for questions
22 from the district attorney.

23 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes. Just
24 briefly, Mr. Chairman, could you ask Ms. Spencer if
25 she knew the principal or custodian, because I
26 believe there is some indication she attended that
27 school?

1 PRESIDING COMMISSIONER GRANLUND: Did you
2 know the principal?

3 INMATE SPENCER: No.

4 PRESIDING COMMISSIONER GRANLUND: Or the
5 custodian?

6 INMATE SPENCER: No.

7 DEPUTY DISTRICT ATTORNEY SACHS: Could you
8 ask her if she made the comment, I got me a big
9 one, after she shot the custodian?

10 PRESIDING COMMISSIONER GRANLUND: Did you
11 make the comment that you got a big one?

12 INMATE SPENCER: (Inaudible).

13 DEPUTY DISTRICT ATTORNEY SACHS: Could you
14 ask if she knew that she had shot a police officer?

15 PRESIDING COMMISSIONER GRANLUND: Did you
16 know that you had shot a police officer?

17 INMATE SPENCER: No, I didn't.

18 DEPUTY DISTRICT ATTORNEY SACHS: Alright.
19 If I may, could you ask Ms. Spencer if she was
20 looking through the telescopic site affixed to the
21 rifle at the time of the shooting?

22 INMATE SPENCER: No, I wasn't.

23 PRESIDING COMMISSIONER GRANLUND: You were
24 not looking through it?

25 INMATE SPENCER: No.

26 DEPUTY DISTRICT ATTORNEY SACHS: Could you
27 ask her to describe the manner in which she was

1 shooting, how she accomplished that?

2 PRESIDING COMMISSIONER GRANLUND: How did
3 you shoot?

4 INMATE SPENCER: I was just putting it out
5 the window and shooting (inaudible).

6 PRESIDING COMMISSIONER GRANLUND: So, you
7 just laid the gun out and fired 30 rounds
8 (inaudible).

9 DEPUTY DISTRICT ATTORNEY SACHS: Could you
10 ask Ms. Spencer if she had target shot many, many
11 times before and was fairly proficient with a
12 telescopic rifle?

13 PRESIDING COMMISSIONER GRANLUND: Were you
14 proficient?

15 INMATE SPENCER: Yes.

16 DEPUTY DISTRICT ATTORNEY SACHS: I have no
17 other questions.

18 PRESIDING COMMISSIONER GRANLUND: Okay.
19 Questions, counsel.

20 ATTORNEY CHRISTENSEN: Yes. First I may
21 ask the Commissioners, is the confidential
22 information that you're considering, is it anything
23 other than the statements from the victims?

24 COMMISSIONER ANGELE: No, there is just
25 victim letters.

26 ATTORNEY CHRISTENSEN: Okay. And have you
27 received the submission that we submitted on behalf

1 of (inaudible)?

2 **ATTORNEY MAYER:** And have you read and
3 considered the psychiatric or psychological report
4 by Nancy (inaudible), Exhibit A?

5 **PRESIDING COMMISSIONER GRANLUND:** I know
6 it's in there. In fact, it's the one with the long
7 list --

8 **ATTORNEY MAYER:** Yes, that's her.

9 **PRESIDING COMMISSIONER GRANLUND:** -- of her
10 writings.

11 **ATTORNEY MAYER:** That's her curriculum
12 (inaudible), but before that there is a report.

13 **PRESIDING COMMISSIONER GRANLUND:** I have
14 perused the report (inaudible) highlights. I
15 haven't read it in absolute detail. Is there
16 something in here that you'd like to point out to
17 the Panel?

18 **ATTORNEY MAYER:** Yes, because it goes
19 through -- It details sort of an historic look at
20 hints in the record that have been there since '79
21 about Ms. Spencer trying to mention the abuse that
22 was going on in her household. And these
23 admissions by her father in a psych -- in a report
24 for the psychiatrist in '79, which is part of the
25 Board packet. They were (inaudible) by Dorothy
26 (inaudible) Lewis. And we think it's relevant
27 because you're assessing her credibility. You've

1 already indicated that you're finding her recent
2 report of this suspicious, and yet I think this
3 report really goes through and explains a lot of
4 the history and how there were signs that people
5 maybe inexplicably did not follow up on.

6 **PRESIDING COMMISSIONER GRANLUND:** But what
7 you should do if you want to address this in this
8 portion of the hearing -- Your comments are
9 appropriate to raise in close, but in this portion
10 of the hearing, this is a portion where counsel has
11 an opportunity to question the inmate. So, you may
12 want to rephrase that as a question of the inmate.

13 **ATTORNEY MAYER:** Oh, very well.

14 **ATTORNEY CHRISTENSEN:** Now, Brenda, you
15 stipulated your last Board hearing, correct?

16 **INMATE SPENCER:** Yes.

17 **ATTORNEY CHRISTENSEN:** Why did you decide
18 to stipulate that hearing?

19 **INMATE SPENCER:** Because of the attorney
20 (inaudible).

21 **ATTORNEY CHRISTENSEN:** What did he say to
22 you?

23 **INMATE SPENCER:** He said that (inaudible).

24 **ATTORNEY CHRISTENSEN:** And why did he say
25 (inaudible)?

26 **INMATE SPENCER:** Well (inaudible).

27 **ATTORNEY CHRISTENSEN:** And you have the

1 words courage and pride tattooed on your chest.

2 INMATE SPENCER: Um-hmm.

3 ATTORNEY CHRISTENSEN: Why did you give
4 yourself that tattoo?

5 INMATE SPENCER: It's something
6 (inaudible).

7 ATTORNEY CHRISTENSEN: Was it an expression
8 of your anger?

9 INMATE SPENCER: No.

10 ATTORNEY CHRISTENSEN: What does courage
11 and pride represent to you?

12 INMATE SPENCER: (Inaudible) pride in
13 myself and courage.

14 ATTORNEY CHRISTENSEN: What psychiatric
15 medication are you taking?

16 INMATE SPENCER: (Inaudible).

17 ATTORNEY CHRISTENSEN: Could you describe
18 what each of those drugs are?

19 INMATE SPENCER: There is (inaudible) and
20 Zoloft (inaudible).

21 ATTORNEY CHRISTENSEN: And when did you
22 begin taking these?

23 INMATE SPENCER: In February.

24 ATTORNEY CHRISTENSEN: In February of what
25 year?

26 INMATE SPENCER: 2000.

27 ATTORNEY CHRISTENSEN: At any time before

1 February of 2000 were you prescribed these
2 medications?

3 INMATE SPENCER: No, I wasn't.

4 ATTORNEY CHRISTENSEN: Could you describe
5 the effect that these medications have had?

6 INMATE SPENCER: They've stabilized me and
7 made me feel more normal. I don't get depressed
8 like I did. I'm not scared all the time.

9 ATTORNEY CHRISTENSEN: And would you
10 consider these effects to be positive or negative
11 effects?

12 INMATE SPENCER: Positive effects.

13 ATTORNEY CHRISTENSEN: If paroled, would
14 you have any concerns about continuing to take
15 these medications?

16 INMATE SPENCER: No. I would continue to
17 take them.

18 ATTORNEY CHRISTENSEN: And you mentioned
19 that you've spoken to some people about the sexual
20 abuse, but it's not been something that you've
21 spoken very openly or publicly about.

22 INMATE SPENCER: Um-mmm.

23 ATTORNEY CHRISTENSEN: Why have you not
24 spoken more openly about the abuse?

25 INMATE SPENCER: Because it makes me feel
26 ashamed.

27 ATTORNEY CHRISTENSEN: Ashamed of what?

1 **INMATE SPENCER:** Like it was my fault.

2 **ATTORNEY CHRISTENSEN:** Do you now believe
3 that it was your fault?

4 **INMATE SPENCER:** No.

5 **ATTORNEY CHRISTENSEN:** How do you
6 (inaudible) believe?

7 **INMATE SPENCER:** (Inaudible).

8 **ATTORNEY CHRISTENSEN:** You mentioned
9 earlier that you were also scared of bringing it
10 up.

11 **INMATE SPENCER:** Yeah. Because I was
12 afraid of what my father might do.

13 **ATTORNEY CHRISTENSEN:** Are you still afraid
14 of what he might do?

15 **INMATE SPENCER:** Not really. I have limits
16 and boundaries that he can't cross. I have set
17 boundaries that he couldn't come through and hurt
18 me any more. I don't have (inaudible).

19 **ATTORNEY CHRISTENSEN:** How have you managed
20 to create these boundaries?

21 **INMATE SPENCER:** Some of the self help
22 groups I've had (inaudible), the self esteem group,
23 communications group. Things like that.

24 **ATTORNEY CHRISTENSEN:** Now, there has been
25 some talk here today of some of the statements that
26 you've made to the press about how you didn't like
27 Mondays and that sort of thing. Now that you've

1 had some time to reflect back on that day in 1979,
2 why do you think that you may have said those
3 things?

4 **INMATE SPENCER:** As a front. Because I was
5 scared and being flippant like it didn't
6 (inaudible) to appear stronger and, you know, just
7 defiant.

8 **ATTORNEY CHRISTENSEN:** What advice do you
9 have for kids today who are hurting like you were
10 hurting in 1979 and who may be considering acting
11 out violently?

12 **INMATE SPENCER:** They need to talk to
13 somebody. They need to keep talking to their
14 parents, or if not their parents, their counselors.
15 Just keep going until they find someone they can
16 talk to, and don't give up.

17 **ATTORNEY CHRISTENSEN:** Thank you. No
18 further questions.

19 **PRESIDING COMMISSIONER GRANLUND:** Thank
20 you. Closing statements, district attorney's
21 officer.

22 **DEPUTY DISTRICT ATTORNEY SACHS:** Thank you,
23 very much.

24 **PRESIDING COMMISSIONER GRANLUND:** Oh,
25 excuse me. I do -- I need to ask Commissioner
26 Angele to speak to the psychiatric report
27 (inaudible).

1 **COMMISSIONER ANGELE:** I understand your
2 question. I did read the psychological evaluation,
3 and that's the basis for my questions in regards to
4 why nothing was in the clinical evaluations here at
5 the institutions. I expressed concern about the
6 statement regarding the appearance and her low self
7 esteem at the time to be classic signs of sexual
8 abuse. And also was wanting to inquire, I didn't
9 see it in her evaluation, but if the abnormal brain
10 functioning had anything at all to do with her
11 injury at age 12. They didn't go into that very
12 much.

13 **ATTORNEY MAYER:** I think that is mentioned,
14 both in this new report and in the one in '79.
15 (Inaudible).

16 **COMMISSIONER ANGELE:** (Inaudible) accident?

17 **INMATE SPENCER:** Yes.

18 **COMMISSIONER ANGELE:** What happened there?

19 **INMATE SPENCER:** (Inaudible).

20 **COMMISSIONER ANGELE:** Is that what led up
21 to the (inaudible) seizures? Is that what --

22 **INMATE SPENCER:** Yes.

23 **COMMISSIONER ANGELE:** That's all I have.

24 **PRESIDING COMMISSIONER GRANLUND:** Okay.

25 Closing statements, district attorney's office.

26 **DEPUTY DISTRICT ATTORNEY SACHS:** Thank you,
27 very much. I think one thing that becomes very

1 clear from this hearing is that Ms. Spencer is a
2 long, long way from a parole date. On behalf of
3 the People of the State of California, we would
4 respectfully ask the Board to find her unsuitable
5 because we feel she does represent an unreasonable
6 risk of danger to society. You know, we hear so
7 much today about these school shooting incidents,
8 but as bad as they all are, they're all horrible,
9 this one really is different, and I think it's even
10 worse. This is not a case of a disgruntled student
11 going to school with a gun shooting his classmates.
12 Instead, this is a case of a sniper hiding in a
13 very cowardly manner in the sanctity of her own
14 home, and then firing out at who? Well, she's
15 firing out at eight or nine year old elementary
16 school age children. The most horrible of all
17 possible victims is a -- were on their way to
18 school. It's unthinkable to think that she could
19 shoot at children the way that she did in this
20 case. It's absolutely unthinkable. And, of
21 course, the principal and the custodian as they
22 came to the rescue of the kids paid the ultimate
23 price and lost their lives to her firing as well.
24 When you add all of the things up that we heard
25 today, you have to come to the conclusion, I think,
26 that she is an extremely long way of developing --
27 a long way from developing any sort of insight into

1 this offense, insight into herself as a person, how
2 she was able to do such a horrendous horrible act,
3 how that she was able to accomplish something where
4 multiple victims were murdered or school age
5 children were shot, their innocence, their tender
6 innocence at that age shattered and lost forever in
7 many ways. How is it she was able to do something
8 like that? Well, I think the answer is, and it
9 doesn't, certainly, excuse her conduct, but at
10 least it gives us some insight into her conduct is
11 she was at that time and probably still is a very
12 miserable person. Miserable inside and out,
13 through and through, whether it be from situation
14 with her parents, whether you want to call it
15 neglect, or whether it be from some other external
16 type of situation that was going on in her life.
17 She was very, very miserable. That much I think is
18 clear for someone to take a gun and do what she
19 did. But she was not content to simply be
20 miserable and try to get better or try to reach out
21 to someone and try to get some help. Her way of
22 dealing with this situation was to spread the
23 misery as much as she possibly could, to spread it
24 around to other people to commit murder. If I'm
25 miserable, I'm going to make everybody else
26 miserable. I'm going to take some more people with
27 me. That was her frame of mind at the time, and,

1 oh, how she spreaded the misery. Burton Wragg, age
2 53, just celebrated his 25 year anniversary,
3 married at age 28, all to the same woman, Kathe
4 Wragg, all of that shattered and gone forever. A
5 loving father and husband, a wonderful principal
6 and a great (inaudible). All of that she simply
7 shattered. Charles Miller, who will speak today,
8 shot in the shoulder. The daughter of the
9 principal, I remember, had to go to the school
10 along with the -- her brother, his son, to get the
11 belongings from the office. And we can only
12 imagine their horror as they had to gather the
13 principal's belongings from the forced early
14 retirement, so to speak, from the school at the
15 bullets of Brenda Spencer. And then they saw blood
16 on the ground and they saw all the things as they
17 had to gather up those belongings. And what she
18 did in that instance was she robbed Burton Wragg of
19 his retirement. The best years lay ahead at age 53
20 for him, and to spend with Kathe Wragg, who never
21 remarried, who still today holds a candle to
22 Burton, to Burt, as she calls him, and has never
23 remarried to this day. Michael Suchar, the World
24 War II veteran, part of the allied occupied force
25 in North Germany. His brother, Andrew, wrote in
26 and said after the shooting, the widow, Valentina,
27 lived until '991, but she was functionally dead in

1 1979. She had no life whatsoever. And Officer
2 Robb left the police department after this incident
3 as well. I'd ask the Board to consider the 1992
4 Board report, I think, was very accurate in which
5 it said she posed a high degree of threat to public
6 if released. All the other subsequent Board
7 reports appear to miss the mark. They just gloss
8 right over Ms. Spencer. It's absolutely amazing.
9 It's the psychological assessment report that
10 really is quite accurate here, and I think does do
11 an excellent job to provide us with reliable
12 information about Ms. Spencer. And what we see
13 when we look at that is, she is such a long way
14 from developing insight to where we can say she's a
15 safe risk to the public. Recently, after a
16 relationship with another inmate did not workout,
17 she carved the words courage and pride on her chest
18 with a paperclip that she heated up over and over
19 again after being rejected by this woman. She had
20 a mental breakdown and had been hearing voices.
21 She basically says, well, I went in. I was
22 drinking a lot. Questions remain. Where did she
23 buy alcohol at 16 years old? How was it that she
24 was on alcohol and drugs, but yet both tox reports
25 registered a complete zero in this regard? And
26 that is very, very clear that the tox reports came
27 back negatively, completely, from her. I think

1 there is insight that we see into her personality,
2 that she has planning and sophistication when it
3 comes to these incidents. As she told her friend,
4 Broderick Flemming, that something big was going to
5 happen on Monday and it was going to be on the
6 news. She denies that today, but she did, in fact,
7 make those statements that she had planned this
8 offense out. And then, we also see impulsive
9 behavior from her as we'll. When the relationship
10 with the woman didn't work out, she burned --
11 mutilated her body with a paperclip. I think both
12 instances, both the planning and sophistication
13 involved, and her impulsive behavior, led us to
14 have a picture that this is a very -- a person who
15 poses a very high risk, high risk of danger to
16 society. She simply does not have a handle on how
17 to deal with the pangs and misfortunes and
18 emotional stress of day to day life. The way she
19 deals with it is, she either plans something and
20 acts out or she acts impulsively and acts out. But
21 in either instance, something bad is likely to
22 happen if things don't go her way, which seems to
23 be a regular occurrence. I think what we have to
24 say at this point is that she tends to minimize her
25 culpability for everything. When the Board asks
26 her a question as they did today, and the question
27 is a tough one for her, she moves away from the

1 question or minimizes the answer. She says, well,
2 the psychiatrist never mentioned I was being
3 molested by my father, but I told them. And when
4 you're looking through a sit on a rifle, when one-
5 third of your shots, 30 shots, 11 hits,
6 approximately one-third of the shots hit the
7 victim, where you looking through the site of the
8 rifle? No, I wasn't. I just stuck the rifle out
9 and I started shooting. Well, I think we all know,
10 150 feet with a 22 cal rifle, and you stick it out
11 the window and you start shooting randomly, I mean,
12 it would be unusual if one or two of those shots
13 hit anybody. The rounds are going to go
14 everywhere, but they're probably not going to hit
15 these small targets with the accuracy that they did
16 in this case unless she was siting through a
17 telescopic site, which she had on the rifle. That
18 fact alone is extremely significant for this
19 hearing, extremely important, because it shows how
20 she minimizes. It shows how she hides from the
21 truth, and it shows how she doesn't want to fess up
22 or own up to what she did. And until she does, I
23 don't think she could ever be considered a safe
24 risk for the public, because she doesn't have
25 sufficient insight that the Board can say, yes, we
26 now see that you have that insight, and we feel
27 better about you being a safer risk for the public.

1 I think there is other instances of this as well.
2 I know the Board heard them, but, you know, the
3 claiming I don't remember anything, in 1993 she's
4 saying I didn't remember anything for four or five
5 days. Now, suddenly, the memory is improving a
6 little bit as time goes on. She was saying it was
7 all a big conspiracy to get me. They covered up.
8 There was really tox reports, but they covered them
9 up. My attorney conspired against me. Everyone
10 conspired against me. Everything that she can say
11 to evade responsibility she will say other than
12 these contrived canned responses of I'm sorry. And
13 I'm sorry, but I personally feel these responses
14 are not genuine, it's disingenuous. There is a
15 sociopathic part to her personality that doesn't
16 care who she hurts or what she does. And I think
17 until she's had a long time to think about that,
18 we're not going to see any change. I know the
19 Board reserves a five year denial for those inmates
20 who they feel have been discipline problems while
21 in prison, or behavioral problems. And usually, if
22 they have a situation or a case like this where
23 someone is going to need a long time to work on a
24 parole date, they may refer to a four year denial
25 in this instance. I would ask the Board to find
26 her unsuitable and put off another hearing for five
27 years. I know it's an extraordinary request, but I

1 think it's justified. She hasn't been perfect in
2 prison. She has engaged in violence, albeit to
3 herself, when something didn't work out. And I
4 think she needs a long, long time to think about
5 this situation. A long time. And it's not
6 reasonably likely that she will become suitable for
7 parole in one, two, three or four years. So, I
8 would ask the Board to consider a five year denial.
9 Thank you, very much.

10 PRESIDING COMMISSIONER GRANLUND: Thank
11 you. Counsel, closing statements.

12 ATTORNEY CHRISTENSEN: Commissioners,
13 Brenda Spencer has come here today to describe what
14 led up to the events of January 29, 1979. It's
15 important to acknowledge that the events of that
16 day are an aberration of violence that she
17 committed has not been -- The way that she acted
18 out violently does not match any outward behavior
19 before or since. She has never, before that,
20 demonstrated a violent nature, not has she since
21 demonstrated a violent nature. Simply stated,
22 Brenda grew up at the convergence of abuse and
23 neglect. It's the worst possible situation for a
24 child to grow up in. Her father abused her in
25 every sense, physically, emotionally and sexually.
26 Now, Brenda has not spoken openly and publicly
27 about the sexual abuse before, but it is not a new

1 revelation. Evidence of the abuse indicated by her
2 appearance, her demeanor, and even admissions made
3 by her father, have appeared as early as the 1979
4 evaluations. In a 707 evaluation, which you have
5 in your parole packet, she was evaluated by two
6 separate psychologists. On page nine of that
7 report, Dr. Hag Koshkarian, K-O-S-H-K-A-R-I-A-N,
8 indicates that, "Brenda is an isolated asexual
9 attached girl with an almost complete sense of
10 aloneness. She cannot ever remember being happy or
11 a time when she trusted anyone." And Dr. Thomas
12 Rogers, R-O-G-E-R-S, also indicates that -- This is
13 on page 10 of the 707 evaluation. That
14 diagnostically, she does not fit neatly into a
15 category such as schizophrenia, adjust reaction of
16 adolescence or anti-social personality sociopathic
17 disorder. What we're seeing here are indications
18 of sexual abuse that evaluators now can look at and
19 seem obvious. But in 1979, child sex abuse was not
20 part of public discussion. It was not something
21 that Brenda felt comfortable talking about openly,
22 and it's not something that her observers may have
23 easily recognized. In Dr. Kaiser Boyd's
24 evaluation, which is attached as Exhibit A in the
25 parole submission, she talks about on page -- it's
26 page 27 of the submission. Excuse me a minute.
27 Here we go. Excuse me. It's on page 26 of the

1 submission. It says that, "Individuals with
2 complex post-traumatic stress disorder often
3 receive another -- other diagnostic labels as many
4 professionals have looked at the behaviors rather
5 than the ideology of the behavior." This is the
6 case with Ms. Spencer. She's demonstrating a
7 number of behaviors that are being misdiagnosed and
8 mislabeled. And there has been a wide range of
9 doctors that have acknowledged that there is a
10 particular difficulty in diagnosing her and that
11 something is being misplaced or not understood.
12 And during the period leading up to the commitment
13 offense, Brenda was being plagued by fears of men
14 attacking her in her home. And this is also
15 documented in the 707 evaluation, and Dr. Lewis'
16 1979 psychiatric evaluation, that she was afraid of
17 men attacking her in her home, in her room, and
18 even in her own bed. Now, these are not paranoid
19 delusions, but they are legitimate fears. And she
20 was being attacked in her home, in her room and in
21 her own bed. That her father, the man who should
22 have been her protector, was instead her assailant.
23 Now, Brenda's history of drug abuse is undisputed.
24 But regarding what may have been in her system on
25 the day of the commitment offenses is up to some
26 dispute. Now, there are two toxicology reports,
27 both of which are contained in her C file, one that

1 was done by the San Diego Police Department, and
2 then one that was done using the exact same samples
3 as the first screening which were sent to the
4 Center for the Study of Human Toxicology at the
5 University of Utah. Now, the first screening,
6 though it's tests negatively for every chemical
7 that they test for, it's important to note that
8 they do not conduct a test for marijuana. All of
9 the other ones that they test for, the tests come
10 up negative. However, there is (inaudible) of an
11 unidentified chemical that was found in her system
12 that day that the screeners could not determine
13 what it was. Further, in the second evaluation,
14 the one done by the Center for the Study of Human
15 Toxicology at the University of Utah, shows the
16 presence, first of (inaudible), which is often sold
17 on the street as a downer as it has similar effects
18 of a barbiturate for those who do not suffer from
19 seizure disorders. And, also, there was presence
20 of alcohol in her system discovered by the second
21 screening. And both of those reports are located
22 in her central file and are available for you to
23 review. It's important to also consider in
24 Dr. Lewis' '79 report, she goes into a fairly
25 extensive discussion of some EEG's which were
26 conducted on Brenda in early 1979, and how they
27 show a consistent temporal lobe aberration, which

1 is consistent with seizures disorders. And these
2 kinds of seizure disorders may cause someone to
3 have loss of memory or other kinds of problems such
4 as that. Finally, regarding her home life, the
5 probation report contained in the parole packet
6 indicates that after Brenda was taken into custody,
7 she was given the opportunity to visit with both
8 her mother and her father. She refused both of
9 these visits. And under those circumstances
10 (inaudible) either of these people, but instead,
11 she asked for her new service bureau counselor, the
12 one who earlier in the interview Brenda had
13 indicated that she was being (inaudible) to this
14 woman. This is the woman that she had turned to to
15 help at the time after she had been taken into
16 custody by the police. She wanted no interaction
17 with either of her parents at that time. And
18 Brenda acknowledges that she is not taking full
19 advantage of her previous parole hearings and the
20 opportunities that they afford her to demonstrate
21 her acceptance of responsibility for her crime and
22 to examine her rehabilitation. And she has come to
23 terms with what she has done. She has come to
24 realize the importance of these parole hearings,
25 and wishes to fully participate in the process.
26 Additionally, she recognizes the forum that she has
27 in these hearings to demonstrate her responsibility

1 -- or, excuse me -- her acceptance of
2 responsibility and to express her remorse. Given
3 presence of the press this day, one of the victims
4 of her crime in addition to the Commissioners that
5 represent the public, this is the most appropriate
6 form for Brenda to provide the explanation which
7 her victims in the community deserve, and to
8 express her deep remorse for the pain and suffering
9 that she has caused. She realizes that her history
10 of abuse is not an excuse for what she has done,
11 but it does provide an explanation. Additionally,
12 it shows her growing insight to demonstrate her
13 rehabilitation. And rather than minimizing her
14 culpability in her discussion with the Panel today,
15 she again and again has reiterated that she is
16 responsible for what she has done, that she blames
17 no one else, that she takes responsibility for her
18 actions. Since her last hearing, she has developed
19 a new relationship with one of her victims who has
20 began writing her. In one of Brenda's letters to
21 this woman who was a child that was present as her
22 friends were being shot that day in 1979, Brenda
23 has acknowledged that she is responsible for the
24 fear and the heartache of everyone present that day
25 that she stole a sense of safety from her victims,
26 from their friends and from their families. And
27 she also explicitly acknowledges that her abusive

1 home life does not give her the right to hurt
2 others. I mean, the same remorse that she has
3 shared with the victim that she wishes to share
4 with all of her victims and with the citizens of
5 California. The detrimental effects of Brenda's
6 abuse are highlighted by the turnaround that she
7 underwent almost immediately after being removed
8 from her home and placed in a safe and controlled
9 environment. Her central file is filled with
10 laudatory chronos dating all the way back to 1982
11 when she first arrived at CIW. Since she first
12 entered the State prison system, she has excelled
13 in her education and her work, her therapy and her
14 volunteer activity. She has been uniformly
15 recognized as a model inmate and an example to the
16 other inmates, and as a benefit to any group or
17 activity in which she participates. As was noted,
18 she has a classification score of zero, and has
19 since 1992. I would like to draw your attention
20 also to the post-conviction progress report.

21 PRESIDING COMMISSIONER GRANLUND: We're
22 going to have to take a break for just a moment
23 while we change the tape.

24 (Thereupon, the tapes were changed.)

25 COMMISSIONER ANGELE: This is tape two.

26 PRESIDING COMMISSIONER GRANLUND: It is the
27 second tape in the Parole Consideration Hearing for

1 Brenda Spencer. You can continue on where you left
2 off.

3 **ATTORNEY CHRISTENSEN:** Okay. Turning to
4 the post-conviction progress report, the most
5 recent one, there is a laudatory chrono noted on
6 here which had been referred to earlier. I would
7 like to draw your attention to the fact that the
8 people who are writing these chronos, these
9 correctional officers, are not people who know
10 Brenda as an acquaintance or know her in passing,
11 but these are people who interact with her on a
12 daily basis and have for years. These are people
13 who every day work with the inmates of this
14 institution and therefore have the best ability to
15 judge Ms. Spencer's character, and also judge her
16 against the other inmates. Officer Fuentes notes
17 that she has known Ms. Spencer for over eight years
18 and notes that she always displays a positive
19 attitude. C.O. McGee notes that she has supervised
20 Ms. Spencer for approximately 12 years and has
21 noticed much (inaudible) maturity. And (inaudible)
22 notes that she has observed positive changes in
23 Ms. Spencer's behavior for approximately 17 years.
24 So, that's almost since she first arrived at CIW.
25 And it goes on to say that she is respectful and is
26 considered a positive role model within the
27 institutional setting. If we wanted to turn to

1 people who best know Brenda and want to know what
2 her assessment is, I can't imagine a better
3 testimonial than those who know her -- who have
4 known her over these many, many years and
5 interacted with her on a daily basis and have
6 nothing but positive things to say about her and
7 her adjustment. Getting back to the allegations of
8 abuse. There was one thing I -- I'm sorry this is
9 out of sequence, but I think it's important that we
10 acknowledge it given that -- given the response to
11 Brenda's revelation to sexual abuse. It's
12 important to note that in the 1979 psychiatric
13 evaluation conducted by Dr. Dorothy (inaudible)
14 Lewis, which is contained in your parole packet --
15 It's located under tab six, legal documents. If
16 you turn to page five in the bottom paragraph,
17 Dr. Lewis notes, and I'll quote from this -- I'll
18 quote from the report.

19 **ATTORNEY MAYER:** It's a double spaced
20 document. It looks like this.

21 **PRESIDING COMMISSIONER GRANLUND:** Okay.
22 I'm looking for the page numbers.

23 **ATTORNEY MAYER:** They're not written on
24 there.

25 **PRESIDING COMMISSIONER GRANLUND:** Oh.

26 **ATTORNEY MAYER:** I had to count from the
27 very beginning of the report.

1 **ATTORNEY CHRISTENSEN:** They're in the top
2 right hand corner. They may be difficult to read
3 with the way this is fastened in there. Okay. In
4 the bottom paragraph it reads:

5 "In contrast to Ms. Spencer,
6 Mr. Spencer presented as a man
7 extremely, if not excessively
8 devoted to his daughter Brenda. He
9 expressed great concern at ever
10 leaving the house and leaving her
11 alone. He was quite open about the
12 fact that for years he and Brenda
13 shared a room, and he saw nothing
14 peculiar of the fact that Brenda,
15 according to him, frequently came
16 into his bed and fondled his hair."

17 I can't think of any other way to interpret that
18 but as a huge red flag indicating that there is
19 something terribly inappropriate in this
20 relationship. That this is -- This could be
21 nothing other than a severely debilitating abusive
22 relationship that she has with her father. And
23 also, since her last hearing, Brenda has been
24 medically reclassified which has allowed her to
25 participate in individual and group therapy.
26 Additionally, she has been prescribed anti-
27 depressants, which have stabilized her mood and

1 allowing her to better handle the stresses of day
2 to day li'e, and have also helped her regain
3 insight into the commitment offense. I would also
4 like to refer again to Dr. Kaiser Boyd's evaluation
5 where she speaks about -- she speaks about this.
6 Again, it's Exhibit A in submission, page 27.

7 Dr. Kaiser Boyd wrote, and I'll quote:

8 "It is important to note here that
9 individuals with chronic complex
10 post-traumatic stress disorder may
11 have post-abuse episodes where they
12 feel profoundly helpless and
13 worthless. They may decompensate to
14 some extent and hear voices. There
15 are many individuals in the
16 community with post-traumatic stress
17 disorder who will decompensate in
18 this way. But similar to the
19 population is a group of individuals
20 found guilty by reason of insanity
21 for their crimes and sent to Patton
22 State Hospital, and when released
23 followed closely by the (inaudible)
24 program. This group of individuals
25 can be safely maintained on
26 medications. Brenda states that she
27 may need to be on medication for the

1 rest of her life. She volunteers to
2 this evaluator that she really feels
3 much better when she takes
4 (inaudible) and anti-depressant.
5 This suggests a good level of
6 insight and acceptance about the
7 fact that her psychiatric symptoms
8 are long standing and need external
9 assistance. Given the fact that she
10 is willing to be medicated, I
11 believe that she will be able to
12 cope with losses and stresses of
13 everyday life without becoming
14 psychotic and dangerous. With
15 regard to this inmate's other coping
16 skills, I think it is important to
17 note that she has been able to
18 maintain many years of a stable work
19 history. She takes pride in the
20 work she does. It appears to me
21 that this is the only area in her
22 life where she has received
23 consistent positive feedback and
24 been allowed to feel like an
25 adequate person. A stable work
26 history is a good sign of the
27 capacity to adjust to the

1 community."

2 Now, given Brenda's exceptional disciplinary
3 record, her post-conviction credits, and mitigating
4 factors at the time of her commitment offense, her
5 matrix base is reduced to 22 years, which she has
6 served. Therefore, she respectfully requests that
7 the Board grant her a date at this time or give her
8 no more than a one year set off. Thank you.

9 **PRESIDING COMMISSIONER GRANLUND:** Before we
10 go to Ms. Spencer to make her closing statement,
11 what's the date on this evaluation by Dr. Kaiser
12 Boyd?

13 **ATTORNEY CHRISTENSEN:** The testing and the
14 interview was conducted on April 8, 2001. And the
15 report was written on April 13, 2001.

16 **ATTORNEY MAYER:** The 12th.

17 **ATTORNEY CHRISTENSEN:** Oh, I'm sorry.
18 April 12th. So, that's -- This has been within the
19 past 10 days. And you'll see that Dr. Kaiser Boyd
20 is more than qualified for this hearing evaluation.

21 **PRESIDING COMMISSIONER GRANLUND:** It still
22 really -- We need to know when you confronted your
23 father about the abuse. You said that you had
24 confronted him and you had set up boundaries and so
25 forth.

26 **INMATE SPENCER:** Um-hmm.

27 **PRESIDING COMMISSIONER GRANLUND:** When was

1 that?

2 INMATE SPENCER: (Inaudible) in mid '92
3 (inaudible).

4 PRESIDING COMMISSIONER GRANLUND: Okay.
5 I'm going to make a note of the date here. This
6 date is -- This report has been done in the last
7 couple of weeks?

8 ATTORNEY MAYER: Um-hmm.

9 ATTORNEY CHRISTENSEN: Right.

10 PRESIDING COMMISSIONER GRANLUND: Okay.
11 Ms. Spencer, this is your opportunity to tell the
12 Board why you are suitable for parole.

13 INMATE SPENCER: Thank you. I'm really
14 deeply sorry for what I have done to my victims and
15 their families and friends. I know that I'm sorry
16 doesn't make it alright. Not a day goes by that I
17 don't think about what I did, and I realize that
18 not only the people I physically hurt are victims,
19 but everyone who went to that school, their
20 families and friends are victims as well. If I
21 could go back and change things, I would have found
22 a counselor to help me with my problems. With
23 every school shooting, I feel that I am partially
24 responsible. What if they got the idea from what I
25 did? (Inaudible) to start talking more, quit
26 holding things inside. There needs to be more
27 communication between kids and their parents or

1 counselors so that these school shootings don't
2 continue. Since I have been incarcerated, I have
3 attended many groups, such as AA, NA, Anger
4 Management, Communications (inaudible) in an effort
5 to better myself. As a result, I have learned to
6 respond to situations, not react to them. I have
7 built a better relationship with my parents and
8 learned how to have a healthy relationship with
9 (inaudible) learning to set emotional boundaries.
10 Other people or situations no longer control my
11 emotions. I am open and honest about my feelings
12 now. I have not wasted the time I have spent here.
13 I feel I am ready to parole now. Through job
14 training I can be an electronics assembler,
15 inspector or entry level technician with any
16 manufacturer. I've held the same job here for the
17 last 12 years. With the therapy I have taken I
18 have learned to handle things in an adult manner.
19 I intend to continue therapy when I parole. My
20 parents are getting older, and their health is not
21 the best. I would like to be able to help them
22 out. I would like to be able to repay society for
23 the opportunities they have given me here. And to
24 honest, after 22 years, I have grown up. I
25 consider how my actions affect others, and the
26 consequences thereof. I'm asking for the chance to
27 prove to the board members and to my victims that I

1 have changed and that I am no longer a threat to
2 society. Thank you.

3 **PRESIDING COMMISSIONER GRANLUND:** Okay.
4 Thank you. At this point, Mr. Miller, it's your
5 opportunity to make your statement regarding
6 (inaudible).

7 **MR. MILLER:** On Monday, January 29, 1979,
8 when I was nine years old, my mother dropped me off
9 at school directly across from Brenda Spencer's
10 house. As I walked up the sidewalk to go to
11 school, I saw the principal and the custodian
12 laying in the bushes. Then I suddenly blacked out.
13 My left arm and shoulder went numb, and my entire
14 body trembled. I reached out and grabbed the
15 shoulder of my neighbor who was walking directly in
16 front of me. She led me around to the back of the
17 school where I saw my teacher, and I told her, I
18 think I've been shot. My teacher opened the vest
19 that I was wearing and saw blood all over my
20 clothes. I was terrified. At first, I thought
21 this was a terrible nightmare until reality set in.
22 I could hear the sounds of the fire alarm and
23 sirens in the distance. All of a sudden I realized
24 that I had actually been shot. Once help arrived,
25 emergency crews had to determine how to rescue
26 those that needed immediate medical attention. She
27 was directly across the street with a clear shot of

1 anyone crossing the short distance to get to the
2 ambulance. After laying on the floor in the
3 auditorium for quite some time, bleeding and not
4 knowing how critical my injuries were, I was
5 finally taken to the hospital. I was very
6 fortunate. The doctor said the bullet went
7 directly through me with the bullet exiting the
8 front of my chest. After being released from the
9 hospital I had to stay home while all my friends
10 were out playing. When I returned to school, I did
11 so with great fear. I could no longer walk up the
12 same sidewalk where this tragic nightmare began or
13 even go to school without knowing what could
14 happen. When it was time for me to go to sleep at
15 night, I continually had recurring nightmares of
16 this entire tragedy. I would have to call my
17 mother two or three times each night to walk me
18 around the inside of my house just so that I knew
19 Brenda Spencer was not inside my house. When it
20 came time for Brenda Spencer's trial, I had to go
21 up and face this cold, ruthless murderer who had
22 attempted to take my life. When it was time for me
23 to testify, I walked into court and saw this
24 monster glaring at me. The look that Brenda
25 Spencer gave me was enough to scare any young child
26 to death. After the court proceedings ended, I
27 thought things might get better. And

1 unfortunately, the memory of being shot
2 approximately one inch from my heart and almost
3 killed is still deeply engraved in my mind. Every
4 day I wake up and look in the mirror, I can see a
5 scar on my body that reminds me of this nightmare
6 and how fortunate I am to be a survivor of this
7 brutal attack. When I heard that Brenda Spencer
8 was up for parole again, I asked myself, why does
9 she think she should be released? She wasn't able
10 -- At 16 years old she had very little pressure in
11 life and couldn't handle it. She decided to pick
12 up the gun she received as a Christmas present and
13 start hunting humans at the elementary school
14 directly across the street from her house. She
15 decided to hunt for humans because, quote, she
16 didn't like Mondays, was bored and wanted some
17 excitement. The lasting memory of this tragedy
18 will replay in my mind when it comes time to take
19 my children to school and drop them off for the
20 day. Why should Brenda Spencer be given the
21 opportunity to have a second chance at life when
22 the two people she brutally murdered cannot have a
23 second chance? No one forced her to commit this
24 brutal and senseless crime. She clearly has no
25 regard for human lives. She was shooting to kill
26 any human target that walked into her path. She is
27 a cold hearted ruthless murderer who needs to be

1 in prison for the rest of her life for the safety
2 of the community. I urge this Parole Board to deny
3 Brenda Spencer's parole for as many years as
4 possible. Thank you.

5 PRESIDING COMMISSIONER GRANLUND: Thank
6 you. At this time we will recess.

7 DEPUTY DISTRICT ATTORNEY SACHS: Excuse me,
8 Mr. Chair. I just wanted to point out there is a
9 video tape from the surviving wife and an audio
10 from one of the children. If the Board is
11 concerned about time, I would ask the Board just to
12 review the transcript so those tapes that have been
13 previously made on file. They're about two and a
14 half minutes long each.

15 PRESIDING COMMISSIONER GRANLUND: Okay. I
16 think we'll do the transcripts (inaudible).

17 DEPUTY DISTRICT ATTORNEY SACHS: They are
18 on file.

19 COMMISSIONER LAWIN: Are these new?

20 DEPUTY DISTRICT ATTORNEY SACHS: No, they
21 were submitted --

22 PRESIDING COMMISSIONER GRANLUND:
23 (Inaudible) at a previous hearing.

24 DEPUTY DISTRICT ATTORNEY SACHS: They were
25 submitted for the previous hearing, but as I
26 understand it, there is a stipulation, so I don't
27 think they were ever played. I would ask the Board

1 if -- I know the hour is getting late and the Board
2 is over business today, but if the Board could play
3 those tapes, they are two and a half minutes long.
4 If not, then I would ask them to look at the
5 transcripts.

6 **PRESIDING COMMISSIONER GRANLUND:** We would
7 like to play them. Do we have the facilities to
8 play them in here?

9 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes. We
10 have an edited version as well, so --

11 "[Video] -- believe that Brenda
12 Spencer should not be paroled.
13 Almost 19 years ago, Brenda Spencer
14 took away my life partner, Burton
15 Wragg, and smashed our dream to
16 smithereens. We celebrated our 25th
17 wedding anniversary on a cruise only
18 months before. Three fatherless
19 children were numbed. Today there
20 are six grandchildren asking what
21 happened to their grandfather and
22 why. Back on January 29, 1979,
23 Brenda reasoned, Mondays are blue.
24 My stomach churns every time I think
25 about this reason, and I feel empty
26 as if it's only a shell remains
27 around me. Her lethal crime not

1 only took away my loved one, but
2 some one else's, Burt's custodian.
3 In addition, Brenda maimed eight
4 elementary school children and a law
5 officer to get her kicks. This
6 senseless killing of two people also
7 affected hundreds of friends and
8 others whose cards, gifts and notes
9 I still have. Burt's mother never
10 did get over her son's premature
11 death. (Inaudible) suffered a loss
12 as well because of my husband's
13 dedication as a principal to
14 education, students and teachers.
15 What a waste of mankind because Burt
16 had so much to give and enjoy. To
17 this day, tears still flow between
18 families, friends and some I don't
19 even know, all recall January 29,
20 1979 as the sniper attack at
21 Cleveland Elementary School. We
22 were so impacted by this heinous
23 crime by an irresponsible, self-
24 absorbed, bored and uncaring thrill
25 seeker who dared to kill and did.
26 This is why I believe Brenda Spencer
27 should be incarcerated for life for

1 the pain and suffering we all
2 endured, which will continue for the
3 rest of our lives. You know,
4 incarceration even seems too
5 lenient. Thank you, very much for
6 listening."

7 **PRESIDING COMMISSIONER GRANLUND:** Thank
8 you. If the district attorney could state the name
9 and spell the last name of the victim we just heard
10 via video tape for the transcriber, that would be
11 appreciated.

12 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes. That
13 was Kathe Wragg, W-R-A-G -- Let me check that.
14 W-R-A-G-G, Kathe with a K, the wife of Burton
15 Wragg, the principal of the school.

16 **PRESIDING COMMISSIONER GRANLUND:** Okay.
17 Thank you. And you now have an audio tape that
18 you're going to play for the Panel?

19 **DEPUTY DISTRICT ATTORNEY SACHS:** Okay.
20 Yes, I do.

21 **PRESIDING COMMISSIONER GRANLUND:** Who is
22 that by?

23 **DEPUTY DISTRICT ATTORNEY SACHS:** That's
24 from Chrystal, first name is C-H-R-Y-S-T-A-L,
25 Hardy, H-A-R-D-Y. It's about the same length, and
26 she was one of the children.

27 "[Audio] This is an impact statement

1 regarding the Parole Hearing of
2 Brenda Spencer, California
3 Department of Corrections Number
4 W14944. My name is Chrystal Hardy,
5 and I was 10 years old when I was
6 shot by Brenda Spencer. Although it
7 was 19 years ago, what happened that
8 day left a permanent scar that will
9 never go away I have the visual
10 scar on my wrist, but the deeper
11 scare lies within. The memory of
12 that day will never go away. I can
13 remember it very clearly. My mom
14 dropped me off for school that cold
15 Monday morning. And usually she
16 would drop my brother off first, but
17 I had saw some friends, so I wanted
18 to get out of the car and catch up
19 with them. As I walked up the main
20 sidewalk entrance of the school, I
21 heard shots, but I thought that boys
22 near me had firecrackers or
23 something. I walked up further and
24 saw Mr. Wragg and the custodian dead
25 in the bushes. At that moment,
26 Mr. Barns yelled for me to duck, but
27 I wasn't able to run from the bullet

1 that Brenda had for me. I then
2 walked into the nurse's office and
3 they gave me paper towels to clutch
4 my wrist so I wouldn't bleed to
5 death. I lied there in the nurse's
6 office as bullets crashed through
7 the windows and Mr. Barns kept
8 yelling for everyone to stay down.
9 I was greatly comforted when the
10 police had arrived to carry me away.
11 I can still remember the pool of
12 blood on the nurse's office bed.
13 And the terror didn't end there.
14 Later, of course, I had nightmares,
15 and to this day, sometimes I fear
16 that someone is pointing a gun at me
17 like when I'm driving or walking in
18 open places. And recently my
19 boyfriend wanted me to go to a
20 shooting range with him because it's
21 a sport he enjoys. And although I
22 was hesitant I thought, well, it's
23 been a long time. I'll probably be
24 okay. When I sat there as he shot
25 the silhouette, but he had to stop
26 because I started to frantically cry
27 completely uncontrollable. I had to

1 leave because the pain is obviously
2 very deep rooted. But what gives me
3 peace today is the same thing that
4 gave me peace that horrible day.
5 It's the law. I have faith that the
6 system that put her behind bars is
7 the same system that will keep her
8 there. I know that this same system
9 that found her unfit to live in
10 society 19 years ago will not forget
11 their promise to keep her behind
12 bars. When I think about how small
13 and defenseless and young I was at
14 the time and how all children are
15 helpless and defenseless, it sickens
16 me to think that someone like Brenda
17 Spencer could ever walk the streets
18 again. Regardless of her past, her
19 childhood, drugs she used,
20 regardless of how much she didn't
21 like Mondays, there is no excuse for
22 shooting small children and police
23 officers and killing heroic men who
24 won't have the chance to see their
25 children and grandchildren grow
26 because Brenda Spencer decided to
27 take their lives. Regardless of how

1 she behaved in prison, I hope that
2 she never receives parole, not only
3 for my own safety but because people
4 that don't know her don't know the
5 harm she is capable of committing.
6 For her to be released in her 30's
7 or 40's or even 50's would give her
8 way too much life. She should feel
9 fortunate that she's even alive.
10 But there isn't a prison sentence
11 she could serve that could take away
12 how she affected so many lives and
13 ended the lives of some. I strongly
14 urge you to keep Brenda Spencer in
15 prison. That's all."

16 PRESIDING COMMISSIONER GRANLUND: Thank you
17 very much. We will now recess for deliberations.

18 R E C E S S

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CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

PRESIDING COMMISSIONER GRANLUND: It's 2:15

p.m. All parties who were present have returned to the room. Ms. Spencer, the Panel reviewed all information received from the public and relied on the following circumstances in concluding that the prisoner is not suitable for parole and would pose an unreasonable risk of danger to society or a threat to public safety if released from prison.

The Panel finds that the offense was carried out in an especially cruel and callous manner, and multiple victims were attacked, injured and killed in the same incident, that the offense was carried out in a dispassionate and calculated manner, such as an execution style murder, and that the offense was carried out in a manner which demonstrates an exceptionally callous disregard for human suffering, and the motive for the crime was inexplicable or very trivial in relation to the offense. These conclusions were drawn from the Statement of Facts wherein the prisoner from a position of safety and hiding in her own home acted as a sniper, shot and killed the elementary school principal and janitor who had come to the rescue of children that were being shot by the inmate. A

1 total of eight children were shot and wounded.
2 Luckily, thank goodness, none of them died, but the
3 two brave men who tried to protect those children
4 gave their lives during that act of bravery, as
5 well as a police officer who was wounded in the
6 neck, bringing it to a total of 11 victims from the
7 shooting spree. The Panel finds that the inmate
8 has an escalating pattern of criminal conduct
9 including two arrests prior to the incident
10 offense, one for petty theft and one for burglary.
11 And we find that the prisoner has programmed in a
12 limited manner while incarcerated. And that she
13 has developed a marketable skill that can be put to
14 use upon release (inaudible) in vocational
15 electronics. She has received exceptional marks
16 (inaudible) some number of years. But she has not
17 sufficiently participated in beneficial self help
18 and therapy programs. The psychiatric report dated
19 2/1/01 authored by Dr. McDaniel is unfavorable.
20 Dr. McDaniel writes that:

21 "The inmate has been dangerous to
22 herself within a controlled setting.
23 She describes it as an innocent
24 tattooing or perhaps scaring, but in
25 reality, it's manifesting anger or
26 frustration through self-mutilating

1 acts. She was associated with
2 psychosis requiring four months of
3 Enhanced Outpatient Treatment using
4 relatively high doses of two anti-
5 depressants and one anti-psychotic
6 medication. I believe the inmate's
7 mental deterioration was caused by
8 concern over her family, frustration
9 over her work within the prison and
10 with disappointing relationships.
11 These are normal stresses of
12 everyday life. The inmate responded
13 with destructive and psychotic
14 behavior. I believe she remains a
15 significant risk to the public if
16 paroled based upon these factors."

17 He continues to write that:

18 "The inmate should have a greater
19 understanding as to why she chose to
20 mutilate herself. While she feels
21 it was merely an innocent tattoo, it
22 certainly seems to go far beyond
23 that. The inmate continues to see
24 relationships as a source of
25 frustration and anger and continues
26 to seek interpersonal closeness

1 despite multiple failures in the
2 past. The inmate continues to
3 require both psychological treatment
4 and psychotropic medication. She
5 may need this on a lifetime basis."

6 The Panel also notes the prisoner lacks realistic
7 parole plans in that while she does have an offer
8 of residence, she does not have acceptable
9 employment plans. The Hearing Panel notes that
10 responses to PC 3042 notices that indicate
11 opposition to a finding of parole suitability,
12 specifically, the District Attorney of San Diego
13 County as well as two victims and the wife of
14 another victim. Other information bearing upon
15 suitability include the correctional officer's
16 report (inaudible) who writes -- correctional
17 counselor, excuse me, B. Florence, who writes on
18 April of 2001 that the prisoner would pose a
19 moderate degree of threat to the public if released
20 from prison at this time. The Panel makes the
21 following findings. That the prisoner needs
22 additional -- The prisoner needs therapy in order
23 to face, discuss and understand and cope with
24 stress in a non-destructive manner. Until progress
25 is made, the prisoner continues to be unpredictable
26 and a threat to others. And as well, the prisoner
27 **BRENDA SPENCEK W-14944 DECISION PAGE 4 4/17/01**

1 needs additional time in order to fully understand
2 and deal with the causation factors that led to the
3 commitment of the life crime. Nevertheless, the
4 prisoner should be commended for remaining
5 disciplinary free over all of these years of
6 confinement. In a separate and unanimous decision,
7 the Hearing Panel finds that the prisoner has been
8 convicted of murder, and it is not reasonable to
9 expect that parole would be granted at a hearing
10 during the next four years. The prisoner committed
11 the offense in an especially cruel manner.
12 Specifically, she gunned down eight innocent school
13 children and two adults who were trying to assist
14 and protect those children. Nine victims wounded
15 and two of them dead. Multiple victims were
16 attacked, injured and killed in the same incident.
17 The offense was carried out in a dispassionate and
18 calculated manner. The offense was carried out in
19 a manner which demonstrates an exceptionally
20 callous disregard for human suffering. The motive
21 for the crime was inexplicable and very trivial in
22 relation to the offense. The recent psychiatric
23 report dated 2/1/01 and authored by Dr. McDaniel
24 indicates a need for a longer period of observation
25 and evaluation or treatment. Therefore, a longer
26 period of observation and evaluation of the
27 **BRENDA SPENCER N-14944 DECISION PAGE 5 4/17/01**

1 prisoner is required before the Board should find
2 the prisoner is suitable for parole. The Panel
3 recommends that the prisoner remain disciplinary
4 free, if available, participate in self help and
5 therapy programming. Ms. Lawin, do you have any
6 comments to add?

7 COMMISSIONER LAWIN: No, I just wish you
8 good luck.

9 INMATE SPENCER: Thank you.

10 COMMISSIONER ANGELE: I have no comments
11 other than to wish you good luck in the future.
12 Keep on working (inaudible) as far as programming.

13 INMATE SPENCER: Okay.

14 PRESIDING COMMISSIONER GRANLUND: Thank
15 you, very much. That concludes this hearing. It
16 is now 2:20 p.m.

17 DEPUTY DISTRICT ATTORNEY SACHS: Thank you.

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25 PAROLE DENIED FOUR YEARS

26 EFFECTIVE DATE OF THIS DECISION

MAY 10 2001

27 BRENDA SPENCER W-14944 DECISION PAGE 6 4/17/01