

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PAROLE HEARINGS

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

CALIFORNIA INSTITUTION FOR WOMEN
FRONTERA, CALIFORNIA
SEPTEMBER 27, 2005

PANEL PRESENT:

Mr. Stephen Lee, Presiding Commissioner
Mr. Herbert May, Deputy Commissioner

OTHERS PRESENT:

Ms. Brenda Spencer, Inmate
Ms. Carrie Hempel, Attorney for Inmate
Mr. Christopher Cowan, Law Student
Mr. Richard Sachs, Deputy District Attorney
Mr. Ken Miller, Victim
Ms. Tammy Diaz, Observer
Ms. Jamie Luna, Victim Witness Representative
Ms. Christina Lucio, Observer
Ms. Liz Zarkas, Media
Ms. Linda Hall, Media
Mr. John Dower, Media
Mr. Ron Hyatt, Media

CORRECTIONS TO THE DECISION HAVE BEEN MADE

----- No See Review of Hearing
----- Yes Transcript Memorandum

Julie Sims, Peters Shorthand Reporting

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P R O C E E D I N G S

1
2 **PRESIDING COMMISSIONER LEE:** This is a
3 subsequent parole consideration for Brenda Spencer CDC
4 number W-14944. We are currently located at CIW.
5 Date of hearing is September 27th, 2005. Inmate was
6 received on November 29th, 1982 out of the county of
7 San Diego. Case number C42488. Offense was murder in
8 the first degree, assault with a deadly weapon,
9 assault with firearms, Counts 1 through 20 in
10 violation of Penal Code sections 187, 245, et al.
11 Term was set at 25 years to life. Minimum eligibility
12 for parole September 29th, 1995. It's time to make
13 our appearances. My name is Stephen Lee, L-E-E,
14 Commissioner Presiding.

15 **DEPUTY COMMISSIONER MAY:** Herbert May, M-A-Y,
16 Deputy Commissioner.

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

19 **ATTORNEY HEMPEL:** Carrie Hempel, H-E-M-P-E-L,
20 Supervising Attorney, USC Law School, representing
21 Ms. Spencer.

22 **MR. COWAN:** Christopher Cowan, C-O-W-A-N,
23 certified law student at USC, representing Ms.
24 Spencer.

25 **INMATE SPENCER:** Brenda Spencer, W-14944.

26 **PRESIDING COMMISSIONER LEE:** Now we will go
27 around the room, I guess we will begin on that side.

1 Would you please indicate your name, spelling your
2 last name and why you are here.

3 **MR. MILLER:** Ken Miller, M-I-L-L-E-R,
4 victim.

5 **MS. DIAZ:** Tammy Diaz, D-I-A-Z, observer.

6 **MS. LUNA:** Jamie Luna, L-U-N-A, victim witness
7 representative.

8 **MS. LUCIO:** Christina Lucio, L-U-C-I-O,
9 observer.

10 **MS. ZARKAS:** Liz Zarkas, Z-A-R-K-A-S, media.

11 **MS. HALL:** Linda Hall, H-A-L-L, observer,
12 media.

13 **MR. DOWER:** John Dower, D-O-W-E-R, media.

14 **MR. HYATT:** Ron Hyatt, H-Y-A-T-T, media.

15 **PRESIDING COMMISSIONER LEE:** Very good. At
16 this time I will indicate that I have a document
17 here. It appears to have Ms. Spencer's signature on
18 the back. Counsel, did you go over with your client
19 ADA as well as inmate rights and procedural rights?

20 **MR. COWAN:** Yes.

21 **PRESIDING COMMISSIONER LEE:** All right. At
22 this time she will need to waive reading of the
23 procedures.

24 **MR. COWAN:** Yes.

25 **PRESIDING COMMISSIONER LEE:** And Constitutional
26 rights as well as inmate rights?

27 **MR. COWAN:** Yes.

1 **PRESIDING COMMISSIONER LEE:** At this time, Ms.
2 Spencer, you do have a right and that is a right to be
3 heard by an impartial Panel. Do you have any
4 objections to the Panel at this time?

5 **INMATE SPENCER:** No I don't.

6 **PRESIDING COMMISSIONER LEE:** All right. We
7 will do this hearing in three phases. The first phase
8 will be your prior history, then we'll go into your
9 social history, your juvenile record, if any, and the
10 facts of the case. Counsel, is your client ready to
11 discuss the facts of the case?

12 **MR. COWAN:** Yes, she is.

13 **PRESIDING COMMISSIONER LEE:** All right. At
14 this time would you raise your right hand? Do you
15 solemnly swear to tell the truth the whole truth, and
16 nothing but the truth?

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

18 **PRESIDING COMMISSIONER LEE:** Then we will go, I
19 will stop. I will give you an opportunity to clarify
20 for the record anything that I had discussed about
21 your past and your social history. Then we will go to
22 the present at which time Deputy Commissioner will
23 discuss with you your programming, as well as your
24 psychological reports. Again, you will be given an
25 opportunity to clarify if there is any discrepancies,
26 anything you want to bring to our attention at that
27 time. Last, but not least, it will return to me. We

1 will go into your parole plans and your future
2 (indiscernible) letters of support for example
3 residence, things of that nature, and letters of
4 opposition pursuant to 3042 and other letters of
5 opposition at which time we will end. I will allow
6 some questioning by individuals within the Board of
7 statement and as you know, you will be given an
8 opportunity to tell us why you believe you are
9 suitable for parole. At this point in time we have
10 gone over the documentation. It appears that everyone
11 has received the documents that we discussed earlier,
12 however I understand there may be an objection?

13 **MR. COWAN:** We have two objections. One to the
14 letter from the City of San Diego signed by Kevin
15 Rooney, lieutenant of the homicide unit, and also an
16 objection from the -- document from the Office of the
17 District Attorney of the County of San Diego which
18 includes several investigative reports attached to
19 it. Both of these documents were not received by
20 counsel prior to ten days ago.

21 **PRESIDING COMMISSIONER LEE:** (Indiscernible).

22 **MR. COWAN:** Although we have received the
23 investigative reports prior, during prior hearings.

24 **PRESIDING COMMISSIONER LEE:** I have reviewed
25 the documents in question. This is information that
26 primarily is information that has been submitted in
27 the past. If there are specific objections from here

1 (indiscernible) however, at this point in time it's
2 overruled and that we will begin the hearing unless
3 there's any other discussions that we need to take up.
4 No? At this point in time, we will begin with the
5 inmate's personal factors. The inmate was born on
6 April 3rd, 1962. The inmate was the youngest of three
7 children born to the marriage of Wallace and Dorothy
8 Spencer. The parents were married in December 1954.
9 This marriage remained intact for approximately 17
10 years until the parents separated in 1972. Initially,
11 the mother was the petitioner in the divorce
12 proceeding. The children at that time were ages 9,
13 13, and 15. Custody issues require that children
14 appear to have been contested or to trial, with the
15 father awarded custody of the children and the divorce
16 being final in September of 1972. When the divorce
17 became final the Court awarded custody of all three
18 children, Scott, Theresa, and Brenda to the inmate's
19 father. The inmate's father was employed as an audio-
20 visual technician at the San Diego State University.
21 The mother of the inmate was employed as a bookkeeper
22 for the San Diego (indiscernible) Williams Open
23 Corporation. The two households were within walking
24 distance, however the inmate's mother apparently made
25 no effort to contact the children and saw them only
26 when they came to visit her. As a young child, the
27 inmate was described as stand-off and did not act as

1 lovable as her siblings. Even then she was
2 independent and could entertain herself for long
3 periods of time playing alone. At the time of the
4 offense she was in the 11th grade, a student at
5 Patrick Henry High School. Records indicate that in
6 March 1978, the inmate was referred to the district
7 counselor due to a problem of truancy and was
8 described as a loner. She subsequently transferred
9 briefly to Garfield Extended Day School and remained
10 in that program until summer. In September 1978, she
11 returned to Patrick Henry High School. Reports
12 indicated that the inmate has admitted using PCP, LSD,
13 (indiscernible) acid, shrooms, which is of course PCP,
14 and marijuana. Inmate complained of having headaches
15 and blackout spells prior to a bicycle accident in
16 1978. Following the offense it was determined that
17 she was likely suffering from psychomotor seizures and
18 was placed on (indiscernible) April of 1989.
19 Mr. Spencer, are you still taking (indiscernible)?

20 **INMATE SPENCER:** No. Now I'm on
21 (indiscernible).

22 **PRESIDING COMMISSIONER LEE:** All right. How
23 long were you taking (indiscernible)?

24 **INMATE SPENCER:** Just during my trial. About a
25 year.

26 **PRESIDING COMMISSIONER LEE:** In regards to your
27 family, are you still in contact with any of your

1 family?

2 **INMATE SPENCER:** I'm still in contact with my
3 father.

4 **PRESIDING COMMISSIONER LEE:** Do you know the
5 whereabouts of your mother?

6 **INMATE SPENCER:** Yeah. She's still in San
7 Diego.

8 **PRESIDING COMMISSIONER LEE:** You have no
9 contact with her?

10 **INMATE SPENCER:** No, not at this time.

11 **PRESIDING COMMISSIONER LEE:** How about your
12 siblings?

13 **INMATE SPENCER:** No.

14 **PRESIDING COMMISSIONER LEE:** When was the last
15 time saw your sister or brother?

16 **INMATE SPENCER:** During my trial.

17 **PRESIDING COMMISSIONER LEE:** And does your
18 father come and visit?

19 **INMATE SPENCER:** Yes, he does. Every Saturday.

20 **PRESIDING COMMISSIONER LEE:** How long has that
21 been?

22 **INMATE SPENCER:** Since I've been incarcerated?

23 **PRESIDING COMMISSIONER LEE:** What's your
24 relationship with your father?

25 **INMATE SPENCER:** We've gotten to be friends.

26 **PRESIDING COMMISSIONER LEE:** That's was not the
27 case when you were younger?

1 **INMATE SPENCER:** No. When I was younger we had
2 a lot of problems. There was a lot of abuse.

3 **PRESIDING COMMISSIONER LEE:** Going to inmate's
4 preconviction factors, apparently on June 22nd, 1975
5 the inmate was arrested for petty theft and apparently
6 that was handled informally by the police department.
7 What was that about, do you remember?

8 **INMATE SPENCER:** We were shoplifting, me and a
9 friend of mine.

10 **PRESIDING COMMISSIONER LEE:** What was it that
11 you were shoplifting?

12 **INMATE SPENCER:** We shop lifted some
13 ammunition.

14 **PRESIDING COMMISSIONER LEE:** That .22 — that's
15 332 ammo, something of that nature?

16 **INMATE SPENCER:** Something like that. I don't
17 really remember what caliber it was.

18 **PRESIDING COMMISSIONER LEE:** Why were you
19 shoplifting a strange caliber like that? Because I
20 know you didn't have a gun of that caliber.

21 **INMATE SPENCER:** No I didn't. We were just
22 kids doing stupid stuff.

23 **PRESIDING COMMISSIONER LEE:** All right. 1978,
24 you were arrested for burglary. You were sent to Youth
25 Services Bureau. What was that about?

26 **INMATE SPENCER:** We broke into the school and
27 vandalized one of the classrooms.

1 **PRESIDING COMMISSIONER LEE:** Okay. How many of
2 you?

3 **INMATE SPENCER:** Me and the same.

4 **PRESIDING COMMISSIONER LEE:** Same person?

5 **INMATE SPENCER:** Yeah.

6 **PRESIDING COMMISSIONER LEE:** What was this
7 person.

8 **INMATE SPENCER:** Brant Fleming.

9 **PRESIDING COMMISSIONER LEE:** All right. And
10 what type of disposition?

11 **INMATE SPENCER:** I went for counseling.

12 **PRESIDING COMMISSIONER LEE:** That was it?

13 **INMATE SPENCER:** That was it.

14 **PRESIDING COMMISSIONER LEE:** All right. You
15 went to counseling. Did that help any?

16 **INMATE SPENCER:** It helped a little.

17 **PRESIDING COMMISSIONER LEE:** Okay. Did you
18 ever discuss with them the problems you were having
19 with your father?

20 **INMATE SPENCER:** Yeah.

21 **PRESIDING COMMISSIONER LEE:** All right. Did
22 you discuss with them all the problems you were having
23 with your father?

24 **INMATE SPENCER:** Not all the problems. I had a
25 hard time trusting people.

26 **PRESIDING COMMISSIONER LEE:** Okay. And why was
27 that?

1 **INMATE SPENCER:** Because of the problems with
2 my father.

3 **PRESIDING COMMISSIONER LEE:** Okay. The records
4 indicate that at approximately five and a half years
5 old you suffered a head injury while playing a game at
6 night in the street with a friend. Apparently you
7 decided to dodge oncoming cars?

8 **INMATE SPENCER:** We used to play headlight tag
9 where we would dodge the headlights.

10 **PRESIDING COMMISSIONER LEE:** Okay. Well I
11 guess you didn't dodge too well.

12 **INMATE SPENCER:** No. I ran into a wall.

13 **PRESIDING COMMISSIONER LEE:** You ran into a
14 wall? Okay. What happened?

15 **INMATE SPENCER:** I got a cut, an injury to my
16 eye.

17 **PRESIDING COMMISSIONER LEE:** Okay. And did you
18 have any problems after that?

19 **INMATE SPENCER:** Not that I remember.

20 **PRESIDING COMMISSIONER LEE:** Seems to indicate
21 that you started having memory loss at that time. Is
22 that true?

23 **INMATE SPENCER:** I believe so.

24 **PRESIDING COMMISSIONER LEE:** Was there a
25 bicycle accident as well?

26 **INMATE SPENCER:** Well, my father said it was a
27 bike accident. It was an incident of abuse from him.

1 **PRESIDING COMMISSIONER LEE:** We'll go into that
2 in a little, in a short period of time. "Several
3 members of the inmate's family have suffered from
4 significant psychiatric problems. Brenda's maternal
5 grandmother is reported to have isolated herself for a
6 period of several years and maintained a household
7 that included 60 cats. According to family members as
8 well as according to the grandmother, it was necessary
9 for Brenda's uncles to clean up the grandmother's home
10 to rid it of the great majority of cats. According to
11 Brenda's father, Mr. Spencer, her mother suffered from
12 depression approximately six years ago and required,
13 based upon this report, and required medication.
14 According to the inmate, her paternal grandmother has
15 over the years taken to attending church daily,
16 attending twice on Sundays." Did you have a
17 relationship with your paternal grandmother?

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

19 **PRESIDING COMMISSIONER LEE:** You also had a
20 cousin who suffered from epilepsy?

21 **INMATE SPENCER:** (Indiscernible).

22 **PRESIDING COMMISSIONER LEE:** That was Steven?

23 **INMATE SPENCER:** MmmMmm.

24 **PRESIDING COMMISSIONER LEE:** Did you know him
25 very well?

26 **INMATE SPENCER:** I didn't know him very well.

27 **PRESIDING COMMISSIONER LEE:** You've indicated

1 that you had some concerns about your father.
2 Obviously your father was given custody of all of the
3 siblings. Did your father have problems with your
4 siblings as well?

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

6 **PRESIDING COMMISSIONER LEE:** Why do you think
7 you had problems with your father?

8 **INMATE SPENCER:** Because I'm most like my
9 mother.

10 **PRESIDING COMMISSIONER LEE:** In what way?

11 **INMATE SPENCER:** In how I look and how I act,
12 my personality.

13 **PRESIDING COMMISSIONER LEE:** And how would you
14 describe your personality at that time?

15 **INMATE SPENCER:** Well, I don't know. I don't
16 know how to answer that.

17 **PRESIDING COMMISSIONER LEE:** Okay. Were you
18 happy, sad in.

19 **INMATE SPENCER:** I wasn't happy. Why weren't
20 you happy (indiscernible)?

21 **INMATE SPENCER:** Because it seemed like nothing
22 I did was right.

23 **PRESIDING COMMISSIONER LEE:** Who would tell you
24 that it wasn't right?

25 **INMATE SPENCER:** My dad.

26 **PRESIDING COMMISSIONER LEE:** And what would he
27 say in.

1 **INMATE SPENCER:** He would say I was
2 worthless, I was just like my mom.

3 **PRESIDING COMMISSIONER LEE:** And this is what
4 (indiscernible) something wrong?

5 **INMATE SPENCER:** It didn't have to necessarily
6 be something wrong. He'd come home angry sometimes.

7 **PRESIDING COMMISSIONER LEE:** Do you know why he
8 felt that he was taking it out on you as Opposed to
9 the other siblings?

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

11 **PRESIDING COMMISSIONER LEE:** Aside from the
12 counseling that you received with the juvenile, to
13 that juvenile burglary matter, did you receive any
14 other counseling at that time?

15 **INMATE SPENCER:** She had me go see a
16 psychiatrist at one point.

17 **PRESIDING COMMISSIONER LEE:** How old were you
18 at that time?

19 **INMATE SPENCER:** 15 I believe. And did the
20 psychiatrist help?

21 **INMATE SPENCER:** It was just for one visit.

22 **PRESIDING COMMISSIONER LEE:** One session.

23 **INMATE SPENCER:** MmmMmm.

24 **PRESIDING COMMISSIONER LEE:** Did they prescribe
25 you anything?

26 **INMATE SPENCER:** No.

27 **PRESIDING COMMISSIONER LEE:** All right. How

1 come you only went once?

2 **INMATE SPENCER:** That's all she took me for, by
3 a counselor.

4 **PRESIDING COMMISSIONER LEE:** At school you
5 apparently were considered a loner, didn't have a lot
6 of friends?

7 **INMATE SPENCER:** No.

8 **PRESIDING COMMISSIONER LEE:** Didn't hang around
9 with your family, I mean your brothers or sisters?

10 **INMATE SPENCER:** No.

11 **PRESIDING COMMISSIONER LEE:** Okay. Why is
12 that?

13 **INMATE SPENCER:** Everybody in our family did
14 their own thing. They just had their own lives.

15 **PRESIDING COMMISSIONER LEE:** All three of you?

16 **INMATE SPENCER:** Yes.

17 **PRESIDING COMMISSIONER LEE:** And did you get to
18 see your mother much?

19 **INMATE SPENCER:** Not a lot.

20 **PRESIDING COMMISSIONER LEE:** What was your
21 relationship with your mother at that time?

22 **INMATE SPENCER:** Well, sometimes I'd stop by
23 her house, but she didn't much seem to care to see us
24 or anything.

25 **PRESIDING COMMISSIONER LEE:** Did you ever
26 discuss that with her?

27 **INMATE SPENCER:** No.

1 **PRESIDING COMMISSIONER LEE:** When did you start
2 taking drugs?

3 **INMATE SPENCER:** When I was about 12.

4 **PRESIDING COMMISSIONER LEE:** What did you start
5 off with?

6 **INMATE SPENCER:** Marijuana.

7 **PRESIDING COMMISSIONER LEE:** And then what?

8 **INMATE SPENCER:** And then I started with LSD
9 and PCP.

10 **PRESIDING COMMISSIONER LEE:** Where were you
11 getting it?

12 **INMATE SPENCER:** At school.

13 **PRESIDING COMMISSIONER LEE:** And how badly
14 involved in those drugs did you get?

15 **INMATE SPENCER:** I used them very
16 frequently.

17 **PRESIDING COMMISSIONER LEE:** How frequent?

18 **INMATE SPENCER:** About three or four times a
19 week.

20 **PRESIDING COMMISSIONER LEE:** You indicated at
21 one point in time that you could not believe that your
22 father did not know that you were getting high because
23 you were coming home extremely loaded, is that
24 correct?

25 **INMATE SPENCER:** That's correct.

26 **PRESIDING COMMISSIONER LEE:** And when you were
27 coming home in that condition, he never said anything

1 to you?

2 **INMATE SPENCER:** Not that I remember.

3 **PRESIDING COMMISSIONER LEE:** And when did you
4 start carrying weapons with you?

5 **INMATE SPENCER:** When I was about 12 or 13.

6 **PRESIDING COMMISSIONER LEE:** Why, at 12 or 13,
7 did you start carrying weapons?

8 **INMATE SPENCER:** I just felt people were out to
9 get me or something. I felt paranoid.

10 **PRESIDING COMMISSIONER LEE:** Why were you
11 paranoid, do you remember?

12 **INMATE SPENCER:** I don't remember.

13 (Indiscernible).

14 **PRESIDING COMMISSIONER LEE:** Some of them had
15 to do with police officers?

16 **INMATE SPENCER:** Yeah.

17 **PRESIDING COMMISSIONER LEE:** What was that
18 about?

19 **INMATE SPENCER:** I'm not sure. I don't
20 remember.

21 **PRESIDING COMMISSIONER LEE:** (Indiscernible)
22 remember?

23 **INMATE SPENCER:** It was just something that
24 came up all the time.

25 **PRESIDING COMMISSIONER LEE:** You made a lot of
26 statements when you were originally arrested about
27 those dreams that you had, different visions, things

1 of that nature.

2 **INMATE SPENCER:** That was just something we did
3 when we were kids. We were always scared of the
4 police.

5 **PRESIDING COMMISSIONER LEE:** Really? You mean
6 "we" meaning your family or "we" meaning the kids on
7 the street?

8 **INMATE SPENCER:** No, me and my friend Brant.

9 **PRESIDING COMMISSIONER LEE:** You seem to be
10 close to this guy, the friend Brant. Whatever
11 happened to him?

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

13 **PRESIDING COMMISSIONER LEE:** All right, at this
14 point in time, I think I've covered your personal
15 history sufficiently, as well your prior so now we'll
16 go into the facts of the case. This is not going to
17 be extensive but you have a great deal of information
18 in the files (indiscernible) I will allow an
19 opportunity to clarify or explain. This is being
20 taken from the Board report -- strike that. I'm
21 actually going to take this from the latest document
22 that we've all received. This was an investigation
23 that was conducted by the Board of Prison Terms on
24 request by counsels. This is actually taken from page
25 two of the document. "On January 29th, at
26 approximately 8:30 a.m. the inmate repeatedly fired a
27 .22 caliber rifle from inside her home located across

1 the street from Cleveland Elementary School. The
2 teenager had received the rifle as a Christmas present
3 from her father and had gone target practicing with
4 him many times. While students outside the elementary
5 school were being shot by Spencer, the 53 year-old
6 principal, Burton Wragg, W-R-A-G-G and 56 year-old
7 head custodian Michael Suchar, S-U-C-H-A-R, attempted
8 to assist the children. They were also shot. In
9 total, nine individuals including one police officer
10 were wounded, two people were killed. The wounded
11 children were ages 7 to 10 years old. A long
12 sanitation truck, which was positioned to block
13 injured individuals from the line of fire, and
14 S.W.A.T. Team isolated and surrounded the Spencer
15 home. Police hostage negotiators made telephone
16 contact with the inmate and the scene resulted in her
17 surrender over six hours. When asked about a motive
18 for the shooting, the inmate told a reporter, "I just
19 started shooting for the fun of it. I don't like
20 Mondays. This livens up the day." While inside her
21 house and on the telephone with reporters before her
22 arrest, the inmate indicated that she was not trying
23 to kill anyone in particular but stated, "I kind of
24 like the red and blue jackets." After hours of
25 attempting to get the inmate to surrender, the inmate
26 calmly walked outside, put her gun down and went back
27 inside the house. She was subsequently taken into

1 custody. Officers found 36 empty cartridge casings
2 and two live rounds just inside the front door of the
3 house. San Diego police officers interviewed the
4 inmate's friend and neighbor Roderick Fleming, F-L-E-
5 M-I-N-G who was 13 years old at the time. He was with
6 the inmate on a previous occasion when she was caught
7 burglarizing the same elementary school where the
8 shootings occurred. Roderick was also with the inmate
9 another time when she was caught shoplifting." I
10 thought you said the individual's name was Grant?

11 **INMATE SPENCER:** Brant. That's his middle
12 name.

13 **PRESIDING COMMISSIONER LEE:** I see.

14 **INMATE SPENCER:** That's what he went by.

15 **PRESIDING COMMISSIONER LEE:** "Roderick reported
16 that he and Spencer talked about things such as
17 killing policemen, blowing up the school, or mugging
18 somebody for their money. He visited the inmate on
19 the Saturday before the shooting and she told him that
20 she was going to do something really big on Monday.
21 The witness stated that they had always talked about
22 those things but never did them. There was also
23 indication from the inmate's father that she had gone
24 out in his van the night before the shooting and she
25 had taken something out of it. The father told police
26 his van had been locked and there were 600 to 700
27 rounds of ammunition in it. In addition the inmate

1 had told another friend that she would make a good
2 sniper and that if she had to hole up in her residence
3 for a long period of time she had enough ammunition to
4 do so." So it appears based upon the facts of this
5 case that this was, at least at some point in time,
6 planned. Do you remember much about what occurred?

7 **INMATE SPENCER:** Not a lot. Just bits and
8 pieces.

9 **PRESIDING COMMISSIONER LEE:** All right. Now
10 based upon the reading, it appears that you had
11 practiced with a .22 that your father had given you
12 and that, at some point in time, you took ammunition
13 out of his van. I think it was at least, I guess,
14 were they in little boxes or were they in big bricks?

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

16 **PRESIDING COMMISSIONER LEE:** You don't
17 remember?

18 **INMATE SPENCER:** No I don't.

19 **PRESIDING COMMISSIONER LEE:** All right. And at
20 the time you were upstairs, while you were there,
21 apparently you shot at least 36 times, killing at
22 least two individuals and shooting a police officer in
23 the neck. Are you indicating at this time you have no
24 memory of what occurred that day?

25 **INMATE SPENCER:** I remember bits and pieces of
26 what happened and I know what the record states. I'm
27 sure I did it, but I just don't remember everything in

1 sequence.

2 **PRESIDING COMMISSIONER LEE:** All right. Would
3 like to clarify or explain anything that you remember?

4 **INMATE SPENCER:** Well, I just remember odd
5 bits, like talking to the negotiators on the phone.

6 **PRESIDING COMMISSIONER LEE:** Do you remember
7 anything before that?

8 **INMATE SPENCER:** I remember drinking.

9 **PRESIDING COMMISSIONER LEE:** You were drinking
10 before?

11 **INMATE SPENCER:** Before.

12 **PRESIDING COMMISSIONER LEE:** Okay what time did
13 you start drink?

14 **INMATE SPENCER:** I guess 7:00 or something, I
15 don't know? Somewhere early in the morning.

16 **PRESIDING COMMISSIONER LEE:** Do you remember
17 talking to Brant earlier about doing something big on
18 Monday?

19 **INMATE SPENCER:** No, I don't. I had been using
20 drugs all that weekend so --

21 **PRESIDING COMMISSIONER LEE:** Okay. What types
22 of drugs were you using?

23 **INMATE SPENCER:** LSD and PCP.

24 **PRESIDING COMMISSIONER LEE:** How much PCP were
25 you using at that time?

26 **INMATE SPENCER:** I would smoke about maybe half
27 an ounce.

1 **PRESIDING COMMISSIONER LEE:** Half an ounce of
2 PCP?

3 **INMATE SPENCER:** Yeah, through like a week or
4 two weeks.

5 **PRESIDING COMMISSIONER LEE:** All right. Now,
6 prior to remembering when the negotiator was talking
7 to you, do you remember the shooting itself?

8 **INMATE SPENCER:** I don't remember the shooting
9 itself.

10 **PRESIDING COMMISSIONER LEE:** You don't?

11 **INMATE SPENCER:** No.

12 **PRESIDING COMMISSIONER LEE:** All right. You
13 made statements in the past in regards to shooting at
14 blue and red jackets, shooting at what you called a
15 teacher. You didn't know it was a principal? None of
16 that do you remember at this time?

17 **INMATE SPENCER:** I don't remember but I'm sure
18 it happened. I'm sure it I did it.

19 **PRESIDING COMMISSIONER LEE:** We're sure it
20 happened as well. My question now is whether or not
21 you remember it?

22 **INMATE SPENCER:** I don't remember that specific
23 point.

24 **PRESIDING COMMISSIONER LEE:** All right. At
25 this point in time, if there's nothing more in regards
26 to the actual allegations I'll go to how you feel
27 about this. You've been in prison for quite a while.

1 You killed two people. Again, you wounded nine
2 others. How do you feel about this?

3 **INMATE SPENCER:** I'll very deeply sorry I did
4 it. I didn't have a right to do that to those people.

5 **PRESIDING COMMISSIONER LEE:** Did you ever meet
6 the principal before this occurred?

7 **INMATE SPENCER:** Not that I remember.

8 **PRESIDING COMMISSIONER LEE:** How about the
9 custodian?

10 **INMATE SPENCER:** Not that I remember.

11 **PRESIDING COMMISSIONER LEE:** Did you ever find
12 out any of the individuals that you shot you knew?

13 **INMATE SPENCER:** No.

14 **PRESIDING COMMISSIONER LEE:** I have a list of
15 the victims' names. Have you ever gone over them?

16 **INMATE SPENCER:** Yes.

17 **PRESIDING COMMISSIONER LEE:** You've had a lot
18 of time to think about this and do you have insights,
19 anything that you can tell us about how you've
20 changed? Or the way you were at that time?

21 **INMATE SPENCER:** I was pretty much a screwed up
22 kid at the time. I had a lot of problems going on at
23 home. I had school and I was using a lot of drugs.

24 **PRESIDING COMMISSIONER LEE:** What were your
25 problems at school?

26 **INMATE SPENCER:** Just I didn't want to go. I
27 didn't have any interest. I'd split, disappear from

1 school just to stay away.

2 **PRESIDING COMMISSIONER LEE:** Well it doesn't
3 sound like you were having any problems at school, it
4 just sounds like you didn't want to go to school. Is
5 there a reason why you didn't want to go to school?

6 **INMATE SPENCER:** I just wanted to get out of
7 the area and leave for a while.

8 **PRESIDING COMMISSIONER LEE:** What were your
9 problems with kids (indiscernible).

10 **INMATE SPENCER:** I was just very suspicious. I
11 was real paranoid of them, that all of them acted like
12 my parents.

13 **PRESIDING COMMISSIONER LEE:** I'm not going to
14 go into the allegations at this time because I figure
15 it would be more appropriate once we go through
16 programming and psychological reports. At this time,
17 Ms. Spencer, do you have anything that you wish to add
18 in records to the facts of the case, your priors, or
19 your social history?

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

21 **PRESIDING COMMISSIONER LEE:** All right. And
22 again, I said we would probably revisit the social
23 history once the deputy commissioner finishes with the
24 psychological report. Deputy Commissioner?

25 **DEPUTY COMMISSIONER MAY:** Thank you,
26 Mr. Chairman. Ms. Spencer should be commended for not
27 having any 115's or 128's since being incarcerated.

1 Her current placement score is 28. She has been
2 involved in several self-help therapy classes. Has
3 evidence in seven chronos for being assistant module
4 anger management and they were dated May 16th, 2001,
5 August 9, 2001, January 11, 2002, April 2, 2002, July
6 2nd 2002, December 4th, 2002 and June the 25, 2003, as
7 well as December 4th, 2003. She's also was commended
8 for volunteering her time off to restart the
9 recreation auditorium. And that was July the 2nd,
10 2002. She was also commended for being involved in
11 the HIV education program for participating in the
12 World AIDS Day event and she was also commended by the
13 Forever Free program, participating in the Christmas
14 event and that was January 9th, 2003. She also was
15 commended for her willingness and sharing her ability
16 to work on a major project March the 5th, 2004
17 entitled, "Women Inspiring Hope and Possibilities.
18 She's completed upholstery having had eight chronos
19 showing her A grade. She received a completion on
20 September 22, 2003. She also was a maintenance
21 warehouse with a satisfactory report. That was
22 October 2003. Prior to that, from August 10th, 2000
23 through April 13th 2001, she was involved in
24 vocational electronics with exceptional grades and she
25 was thanked also for her participation. She was
26 commended for her participation in AA and Coda. That
27 was in 2002. Is there anything I've missed?

1 **INMATE SPENCER:** Not that I recall.

2 **DEPUTY COMMISSIONER MAY:** Counsel, did I cover
3 all of her programs?

4 **MR. COWAN:** Yes. Since the last hearing, yes.

5 **DEPUTY COMMISSIONER MAY:** Since the last
6 hearing?

7 **MR. COWAN:** Yes.

8 **DEPUTY COMMISSIONER MAY:** Is there anything
9 you'd like to add what she's done prior that you feel
10 is important at this time?

11 **MR. COWAN:** Not at this time.

12 **DEPUTY COMMISSIONER MAY:** The psychiatric
13 report by Dr. Robert Smith. This is dated June the
14 27th, 2005. Access One: Physio-effective disorder.
15 Access One also, polysubstance dependence and
16 institutional remission. Access 2: Anti-social
17 personality disorder. Access Three: Seizure
18 disorder. Hypothermatism and hypocholesterolthermia.
19 Access Four: (Indiscernible) incarceration, and
20 Access Five, the GF is 55. The doctor concluded,
21 "Within a controlled setting, inmate Spencer exhibited
22 behavior that constituted a danger to herself as
23 recently as 2000. At that time, she engaged in an act
24 to self-mutilation in which she branded herself with
25 hot metal 20 or 30 times in order to create a tattoo
26 on her chest. In the past she has minimized this and
27 discounted it as an act of self-mutilation saying only

1 that it was an act of tattooing. The incident
2 occurred in the midst of a psychological
3 decompensation that followed a problem in a
4 relationship with another inmate. Disappointment over
5 a job change and concern for members outside the
6 institution, inmate Spencer branded herself with the
7 words "courage and pride" across her chest. Inmate
8 Spencer now agrees that the branding of her chest was
9 an act of mutilization." He states that, "Self-
10 mutilization, when it occurs during periods of
11 confusion, has an effect of giving her a temporary
12 feeling of calm. Since 2000, inmate Spencer has been
13 involved in active mental health treatment and she has
14 stabilized. With regard to behavior that would be
15 considered dangerous with psychotic and antidepressant
16 medication, Dr. McDaniel pointed out in his 2000
17 report that since the psychological decompensation,
18 and the act of self-mutilization occurred as a
19 consequence of stresses that would probable be
20 considered normal from time to time outside the
21 institution." He believed that inmate Spencer would
22 be vulnerable to dangerous behavior in the community.
23 "I believe there is less concern since inmate Spencer
24 has been stabilized on medication, however, there is
25 clearly more concern over her anticipated mental
26 stability in the community than with other inmates
27 eligible for release who do not have a similar

1 diagnosis." Criminal history or recent history of
2 decompensation. Inmate Spencer commented that as a
3 consequence of her decompensation in 2000 she has
4 learned that if I need the help, I go get it." The
5 doctor concluded, "The inmate is currently stabilized
6 on psychotropic medication. There was an incident of
7 self-mutilization and in subsequent intensive mental
8 health treatment. She is currently conducting herself
9 in a non-threatening manner in a controlled setting,
10 but her stability is relatively recent in relation to
11 other he will eligible lifer inmates appearing before
12 the Board. This inmate has a less than favorable risk
13 profile for release to the community. There are
14 significant areas of static and dynamic risks. I am
15 less than fully supportive of a release in accordance
16 with these conclusions. The risk for future
17 dangerousness would be increased should inmate Spencer
18 (indiscernible) mentally discontinue psychotropic
19 medication or resume her use of alcohol or
20 intoxicating substances." With that I'll return to
21 the Chair.

22 **PRESIDING COMMISSIONER LEE:** All right. There
23 is something that is missing from that psychological
24 report. That's was, do you remember when you were
25 interviewed about that?

26 **INMATE SPENCER:** I don't understand the
27 question.

1 **PRESIDING COMMISSIONER LEE:** All right. You
2 were interviewed in regards to that hearing from, I
3 believe, around June of this year by Dr. Robert
4 Smith. Do you remember that?

5 **INMATE SPENCER:** Yes.

6 **PRESIDING COMMISSIONER LEE:** All right. And do
7 you remember approximately what date it was?

8 **DEPUTY COMMISSIONER MAY:** On June the 28th?

9 **INMATE SPENCER:** Around then.

10 **PRESIDING COMMISSIONER LEE:** Or was it before
11 then?

12 **INMATE SPENCER:** It was around then.

13 **PRESIDING COMMISSIONER LEE:** All right. It
14 indicates there really wasn't a whole lot of
15 evaluation needed. The previous reports had indicated
16 much of background material that the doctor needed.
17 Now you'd been evaluated in -- You had a 7307-B
18 evaluation because you were a juvenile --.

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

20 **PRESIDING COMMISSIONER LEE:** Okay. 1989, 1991,
21 1992, 1994, 1999, and 2001 you were again evaluated by
22 various individuals and asked about the crime and
23 things of that nature. Do you remember?

24 **INMATE SPENCER:** I remember.

25 **PRESIDING COMMISSIONER LEE:** All right.
26 However, April 11th, 2004, you were interviewed bay a
27 person by the name of Nancy Kaiser-Boyd, B-O-Y-D. Now

1 this report is different from the other reports. Now,
2 Brenda, Ms. Spencer, why does the other reports not
3 reflect what is reflected in Nancy Kaiser-Boyd's
4 report?

5 **INMATE SPENCER:** I was always able to talk to
6 her. She was more trustworthy.

7 **PRESIDING COMMISSIONER LEE:** But since you
8 spoke to her in 2001, haven't you been able to
9 discussion what happened with other people?

10 **INMATE SPENCER:** In group I have.

11 **PRESIDING COMMISSIONER LEE:** Why not with a
12 clinician?

13 **INMATE SPENCER:** In my one-on-ones I talk about
14 it.

15 **PRESIDING COMMISSIONER LEE:** Well, Dr. Smith,
16 what was his name? Dr. Smith, he apparently indicates
17 he spent some time with you and you did not want to
18 mention any type of molestation by your father.

19 **INMATE SPENCER:** No. The subject really wasn't
20 brought up. It's not something I just jump in and
21 start talking about.

22 **PRESIDING COMMISSIONER LEE:** All right. And as
23 I've indicated, the previous situations, the previous
24 reports have indicated that you did not discuss
25 anything of that nature since the date of the offense,
26 '89, '92, '94, 2001.

27 **INMATE SPENCER:** I was always taught not to

1 talk about family problems.

2 **PRESIDING COMMISSIONER LEE:** I'm assuming that
3 you've gone over the material with your attorneys. It
4 does not seem to have any support from your siblings.
5 They seem to indicate that they knew nothing of the
6 physical abuse that you spoke of. I believe that you
7 indicated that you were struck so hard that you had a
8 head injury?

9 **INMATE SPENCER:** Yes. That's what my sister
10 told me.

11 **PRESIDING COMMISSIONER LEE:** Okay. And there
12 was a situation in regards to the actual abuse itself,
13 and there doesn't seem to be, your siblings seem to be
14 rather surprised about the statement that you've made.

15 **INMATE SPENCER:** I don't understand.

16 **PRESIDING COMMISSIONER LEE:** Why would you say
17 that? Do you think that they knew what was going on?

18 **INMATE SPENCER:** I think they did.

19 **PRESIDING COMMISSIONER LEE:** Okay. What makes
20 you think that they knew or should have known what was
21 going on?

22 **INMATE SPENCER:** I would imagine that would
23 have been there for some of it. Some of the beatings
24 and stuff.

25 **PRESIDING COMMISSIONER LEE:** Why don't you tell
26 me about what you remember. Especially, let's talk
27 about the physical abuse first. Your original reports

1 indicated that you seemed to have a decent
2 relationship with your father, although you did make
3 some strange statements at the time of the offense.
4 Do you recall what you said about your father?

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

6 **PRESIDING COMMISSIONER LEE:** I think other
7 people in this room will probably remind us of that,
8 but at this point in time, what do you remember in
9 regards to abuse by your father?

10 **INMATE SPENCER:** I remember being hit in the
11 face a lot. Being hit in the ribs. Being yelled at,
12 called names.

13 **PRESIDING COMMISSIONER LEE:** Do you remember
14 when we talked earlier about when you made the mistake
15 and things like that?

16 **INMATE SPENCER:** Yes. I just remember things
17 that my family's told me.

18 **PRESIDING COMMISSIONER LEE:** Your brother and
19 your sister told you these stories?

20 **INMATE SPENCER:** Some of them I remember, some
21 of them I don't.

22 **PRESIDING COMMISSIONER LEE:** Which ones do you
23 remember independently?

24 **INMATE SPENCER:** I remember being hit in the
25 face a lot.

26 **PRESIDING COMMISSIONER LEE:** You made
27 statements that your father and you would sleep in the

1 same bed?

2 **INMATE SPENCER:** Yes.

3 **PRESIDING COMMISSIONER LEE:** That he would
4 touch your hair and things of that nature?

5 **INMATE SPENCER:** Yes.

6 **PRESIDING COMMISSIONER LEE:** On other occasions
7 (indiscernible) Dr. Boyd, you told her that --

8 **MR. COWAN:** I'm sorry. The record actually
9 states that she would come in, that he reported that
10 she would come in and fondle his hair, not the other
11 way around.

12 **PRESIDING COMMISSIONER LEE:** I understand.
13 You're right. I made a mistake. It's my fault.

14 **PRESIDING COMMISSIONER LEE:** That you would
15 come in and fondle his hair, is that correct?

16 **INMATE SPENCER:** I don't remember.

17 **PRESIDING COMMISSIONER LEE:** All right. As far
18 as the incident which I assume you began this
19 particular series of secrets, you've indicated that he
20 began to fondle you?

21 **INMATE SPENCER:** Yes.

22 **PRESIDING COMMISSIONER LEE:** So he didn't
23 attempt intercourse with you?

24 **INMATE SPENCER:** I don't think so at first.

25 **PRESIDING COMMISSIONER LEE:** Okay. When you
26 say you don't think so -- How well do remember these
27 things?

1 **INMATE SPENCER:** I don't remember a lot of
2 things.

3 **PRESIDING COMMISSIONER LEE:** All right. What
4 makes -- Well, when you were in these sessions,
5 obviously every individual in there is giving their
6 versions of various things that happened to them.
7 When you remember this, do you remember them clearly?

8 **INMATE SPENCER:** I remember certain incidents
9 clearly.

10 **PRESIDING COMMISSIONER LEE:** (Indiscernible) do
11 you remember clearly?

12 **INMATE SPENCER:** I remember him coming home
13 from work and being all mad and smacking me in the
14 head. I remember waking up the next day wondering why
15 my head hurt so bad and that was when my sister told
16 me that he had kicked me in the head.

17 **PRESIDING COMMISSIONER LEE:** Did she tell you
18 that after it occurred or did she tell you that years
19 later?

20 **INMATE SPENCER:** It was after it occurred.

21 **PRESIDING COMMISSIONER LEE:** What else?

22 **INMATE SPENCER:** I remember she took me to the
23 hospital.

24 **PRESIDING COMMISSIONER LEE:** Your sister did?

25 **INMATE SPENCER:** Yes.

26 **PRESIDING COMMISSIONER LEE:** Anything else?

27 **INMATE SPENCER:** I remember just, different

1 nights when he would just almost rape me.

2 **PRESIDING COMMISSIONER LEE:** You say almost,
3 (indiscernible.)

4 **INMATE SPENCER:** It was like that, like he did.

5 **PRESIDING COMMISSIONER LEE:** I don't
6 understand.

7 **INMATE SPENCER:** Like he would touch me
8 inappropriately. I don't know how to say it.

9 **PRESIDING COMMISSIONER LEE:** The statement that
10 you gave in the past that apparently you gave to the
11 doctor indicated that there was some fondling?

12 **INMATE SPENCER:** Yes.

13 **PRESIDING COMMISSIONER LEE:** Okay. And did
14 that lead to digital penetration?

15 **INMATE SPENCER:** Yes.

16 **PRESIDING COMMISSIONER LEE:** And later to
17 intercourse?

18 **INMATE SPENCER:** Yes.

19 **PRESIDING COMMISSIONER LEE:** So are you now
20 indicating that there was actual intercourse serviced?

21 **INMATE SPENCER:** There was, I guess you'd call
22 it sodomy.

23 **PRESIDING COMMISSIONER LEE:** Okay. I have no
24 reports whatsoever in regards to any individual who
25 has interviewed you to indicate that. So now you're
26 indicating that it was only sodomy or it was
27 intercourse and sodomy. So there was no intercourse?

1 **INMATE SPENCER:** No.

2 **PRESIDING COMMISSIONER LEE:** Now you've said
3 that you've been involved in one-on-one counseling in
4 regards to this particular situation with your
5 father. Have you participated in any type of
6 workshops to deal with this particular problem?

7 **INMATE SPENCER:** Not yet.

8 **PRESIDING COMMISSIONER LEE:** All right you made
9 these statements back in 2000. Are you indicating
10 that nothing has been available for you since then?

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

12 **PRESIDING COMMISSIONER LEE:** You don't have any
13 type of therapy at all? You don't have a counselor?

14 **INMATE SPENCER:** I have therapy. I have one-
15 on-ones with two doctors.

16 **PRESIDING COMMISSIONER LEE:** All right. Have
17 you ever approached -- Based upon my understanding of
18 your situation, the only individual who visits you is
19 your father. He visits you every Saturday. Have you
20 ever discussed this with your father?

21 **INMATE SPENCER:** I've tried to and I don't get
22 anywhere.

23 **PRESIDING COMMISSIONER LEE:** Well, did you ever
24 confront him?

25 **INMATE SPENCER:** I've confronted him.

26 **PRESIDING COMMISSIONER LEE:** What did he say?

27 **INMATE SPENCER:** He just doesn't want to talk

1 about it. He refuses to talk.

2 **PRESIDING COMMISSIONER LEE:** All right. Let's
3 move on. You put "courage and pride" on your chest in
4 the year 2000. Why courage and pride?

5 **INMATE SPENCER:** That's not actually what it
6 says.

7 **PRESIDING COMMISSIONER LEE:** I'm sorry,
8 that's --

9 **INMATE SPENCER:** It's written in ruins.

10 **PRESIDING COMMISSIONER LEE:** In what?

11 **INMATE SPENCER:** In ruins, and I think they
12 made a mistake when they read it.

13 **PRESIDING COMMISSIONER LEE:** Okay. What does
14 it say?

15 **INMATE SPENCER:** It says "unforgiven and
16 alone."

17 **PRESIDING COMMISSIONER LEE:** Unforgiven and
18 alone?

19 **PRESIDING COMMISSIONER LEE:** I'm sorry, what?

20 **INMATE SPENCER:** Unforgiven and alone.

21 **PRESIDING COMMISSIONER LEE:** Unforgiven and
22 alone? Okay. My understanding at this particular
23 time of your incarceration you had just had a bad
24 relationship. Is that the reason why you did that?

25 **INMATE SPENCER:** Part of it.

26 **PRESIDING COMMISSIONER LEE:** What is the other
27 part?

1 **INMATE SPENCER:** I was very depressed. I was
2 having -- My little sister had disappeared and nobody
3 knew where she was at so I had a lot of stresses.

4 **PRESIDING COMMISSIONER LEE:** I thought you
5 weren't associating with any of your family member?

6 **INMATE SPENCER:** I wasn't, but I know what's
7 going on with them.

8 **PRESIDING COMMISSIONER LEE:** All right. Did
9 that work itself out?

10 **INMATE SPENCER:** Yes.

11 **PRESIDING COMMISSIONER LEE:** Everything's all
12 right?

13 **INMATE SPENCER:** Yes.

14 **PRESIDING COMMISSIONER LEE:** All right. Do you
15 still feel unforgiven and alone?

16 **INMATE SPENCER:** No. The medication helps a
17 lot.

18 **PRESIDING COMMISSIONER LEE:** You mean they
19 didn't give you medication until 2000?

20 **INMATE SPENCER:** The medication I had just
21 gotten and asked them for help. I had seen a
22 lieutenant and asked for help because I was being
23 suicidal and she sent me to mental health and they
24 started me on medication but it was just like a steam
25 ball, it just kept going until I did put a branding,
26 and then they put me EOP.

27 **PRESIDING COMMISSIONER LEE:** (Indiscernible)

1 EOP (indiscernible).

2 **INMATE SPENCER:** Yes.

3 **PRESIDING COMMISSIONER LEE:** And the EOP has
4 helped you?

5 **INMATE SPENCER:** Yes.

6 **PRESIDING COMMISSIONER LEE:** Okay. How has EOP
7 helped you?

8 **INMATE SPENCER:** It's like intense therapy.
9 They put you in SCU in the isolated unit and you have
10 to every single day all day long.

11 **PRESIDING COMMISSIONER LEE:** And you feel good
12 (indiscernible)?

13 **INMATE SPENCER:** It helps. It helps bring up
14 yourself esteem and stuff.

15 **PRESIDING COMMISSIONER LEE:** Now as far as the
16 medication goes, you started taking medication in
17 2000?

18 **INMATE SPENCER:** That's correct.

19 **PRESIDING COMMISSIONER LEE:** Prior to 2000 you
20 weren't taking any medication?

21 **INMATE SPENCER:** No.

22 **PRESIDING COMMISSIONER LEE:** What type of
23 medication are you taking?

24 **INMATE SPENCER:** I'm taking (indiscernible) and
25 Zoloft, and then other medications for my epilepsy and
26 high thyroid.

27 **PRESIDING COMMISSIONER LEE:** Hyper or hypo?

1 **INMATE SPENCER:** Hyper.

2 **PRESIDING COMMISSIONER LEE:** All right. NA and
3 AA. Have you been involved?

4 **INMATE SPENCER:** I've been involved off and on
5 since '85.

6 **PRESIDING COMMISSIONER LEE:** One of the
7 precepts of AA, or 12 steps, is that you can't do it
8 by yourself.

9 **INMATE SPENCER:** That's right.

10 **PRESIDING COMMISSIONER LEE:** You don't accept
11 that?

12 **INMATE SPENCER:** I do accept that.

13 **PRESIDING COMMISSIONER LEE:** Then why on and
14 off?

15 **INMATE SPENCER:** Because the big groups, they
16 bring the same people in over and over and they tell
17 war stories. You have to get on the waiting list for
18 the twelve steps which is a more intense program.

19 **PRESIDING COMMISSIONER LEE:** But you've been in
20 it before. Why didn't you stay?

21 **INMATE SPENCER:** I got tired of hearing the
22 same war stories over and over. I want to know what I
23 can do to help myself. I don't want to just hear war
24 stories.

25 **PRESIDING COMMISSIONER LEE:** But you don't
26 think the 12 steps are going to help you?

27 **INMATE SPENCER:** I think they do help me. I

1 use them everyday.

2 **PRESIDING COMMISSIONER LEE:** At this point in
3 time, I have (indiscernible) indication of
4 (indiscernible).

5 **DEPUTY COMMISSIONER MAY:** You were in anger
6 management for two years. What did you gain from your
7 participation in anger management?

8 **INMATE SPENCER:** I gained an understanding of
9 where a lot of the unreasonable anger comes from.
10 Like people not acting like I feel they should act.

11 **DEPUTY COMMISSIONER MAY:** How should they act?

12 **INMATE SPENCER:** I feel they should act like
13 adults and a lot of people here don't. And it did
14 just clarify a lot of how I thought about
15 (indiscernible).

16 **PRESIDING COMMISSIONER LEE:** Did I hear you say
17 you couldn't remember about making that statement
18 about Mondays?

19 **INMATE SPENCER:** That's correct.

20 **DEPUTY COMMISSIONER MAY:** You couldn't
21 remember?

22 **INMATE SPENCER:** I don't remember it.

23 **DEPUTY COMMISSIONER MAY:** You don't remember
24 making that statement?

25 **INMATE SPENCER:** I'm sure I made it, but I
26 don't remember it.

27 **DEPUTY COMMISSIONER MAY:** So you don't remember

1 any about what happened that day?

2 **INMATE SPENCER:** I remember some things.

3 **DEPUTY COMMISSIONER MAY:** Just some things?

4 And the reason why you're not in AA -- The last time
5 you were in AA was 2002. That was a long time ago.

6 **INMATE SPENCER:** Yeah, I haven't applied for 12
7 steps yet.

8 **DEPUTY COMMISSIONER MAY:** Why?

9 **INMATE SPENCER:** It's a long waiting list.

10 **DEPUTY COMMISSIONER MAY:** Why did you get out
11 of it when you were in it?

12 **INMATE SPENCER:** Because the 12 step program
13 only lasts ten weeks.

14 **DEPUTY COMMISSIONER MAY:** Were you in there for
15 the entire ten weeks?

16 **INMATE SPENCER:** Yes.

17 **DEPUTY COMMISSIONER MAY:** Thank you,
18 Mr. Chairman. No other questions.

19 **PRESIDING COMMISSIONER LEE:** All right. At
20 this time we will go into letters. 3042 are notices
21 sent out to various individuals of organizations that
22 have special interest in your case. We do have a
23 response, actually we have two responses. Mr. Sachs
24 will give us the position of the district attorney's
25 office at the appropriate time. However at this point
26 I have a letter from the City of San Diego dated
27 August 30th, 2005. "We have reviewed the

1 circumstances leading to the arrest of the inmate for
2 the 1979 murders of 53 year-old Burton Wragg and 56
3 year-old Michael Suchar." They point out that a
4 reporter for the San Diego Union Tribune reached the
5 inmate by phone and spoke to her for about ten minutes
6 and asked why she was doing the shooting. The inmate
7 allegedly responded, "I don't know. I feel like it.
8 I don't like Mondays. This is a good way to cheer up
9 Monday. I nailed me a good pig." When asked if she
10 realized that she had shot three or four people, the
11 inmate replied, "Gee, is that all? I saw a lot of
12 feathers flying." The investigation revealed that
13 several days before the incident the inmate had
14 indicated, "Wait until Monday, see what I'm going to
15 do. It's going big enough to make the news." The
16 individuals who were struck are indicated in the
17 letter. Burton Wragg, deceased; Michael Suchar,
18 deceased; Robert (indiscernible), officer; Audrey
19 Stites, as well as other individuals." And
20 Mr. Miller, obviously. And this is signed by Kevin
21 Rooney, lieutenant homicide unit. I have a letter
22 here. I think I'm going to hold on to this letter. I
23 will indicate as it follows. "Inmate plans to live in
24 San Diego." There is an address given here. "The
25 inmate has skills as a forklift driver, an electronic
26 repair and, and upholstery."

27 **MR. COWAN:** Excuse me, Commissioner. Her

1 parole plans are no longer to live in San Diego. If
2 you look on the submission, there's a letter from
3 Crossroads --

4 **PRESIDING COMMISSIONER LEE:** I understand
5 Counselor, but this was based on the information she
6 gave to the Board Panel, I mean, excuse me, to our
7 investigators, and as such, I gave that and I will
8 update it with the letter they've just received.

9 **MR. COWAN:** Thank you.

10 **PRESIDING COMMISSIONER LEE:** And that's from
11 Crossroads?

12 **MR. COWAN:** It's in Exhibit J.

13 **PRESIDING COMMISSIONER LEE:** Here it is. I
14 have a letter dated September 19th, 2005. This letter
15 is on behalf of the inmate. "I want to verify that she
16 has a place of residence upon her release," signed
17 Sister Terri Dodge. I will not give the address for
18 the place of residence. Now, Ms. Spencer, do you wish
19 to reside in the San Diego address or at the
20 Crossroads?

21 **INMATE SPENCER:** Crossroads.

22 **MR. COWAN:** I'm sorry, Commissioner, it's also
23 in the psych report for 2005. I just want that on the
24 record, thank you.

25 **PRESIDING COMMISSIONER LEE:** (Indiscernible)
26 for a second, I just need you to very identify which
27 one was correct.

1 **DEPUTY COMMISSIONER MAY:** Do you have any
2 documentation indicating letter of --

3 **PRESIDING COMMISSIONER LEE:** I do not have
4 anything.

5 **MR. COWAN:** Letters of support?

6 **DEPUTY COMMISSIONER MAY:** Employment first.

7 **MR. COWAN:** Letters of employment, no.

8 **PRESIDING COMMISSIONER LEE:** Now we will go
9 into letters of support. I don't know if this
10 actually fits in as a letter of support, in fact, I
11 don't even know who this person is, Paul
12 (indiscernible). Does anyone have any idea who Paul F
13 (indiscernible) is?

14 **MR. COWAN:** We were not able to identify who
15 that was.

16 **PRESIDING COMMISSIONER LEE:** All right.
17 "Basically the inmate was a child when she committed
18 her crime. The civilized humane society would have
19 held her, given her intensive behavioral control
20 training, counseling, and released her at the age of
21 21 and required her to do community service." All
22 right. I have a letter from Shanille, S-C-H-A-N-I-L-
23 L-E, Cowington, C-O-W-I-N-G-T-O-N. She indicates that
24 she was an inmate 11 years ago and CIW. She indicated
25 that, "Ms. Spencer was a great value to me during my
26 incarceration. She is an inspiration in every sense
27 of the word. She gave me direction. She's a teacher

1 at heart because this is one of her greatest gifts.
2 She taught me how to survive in a difficult
3 situation. These are some of her accomplishments:
4 electronic repair, upholstery, forklift operator,
5 warehouse operations. She has her GED, her high
6 school diploma, excuse me. This is only a small
7 example of what Ms. Spencer capable of. She not only
8 has what is required of her from you, the Board, she
9 has many other elements added to her life as well.
10 Her character is outstanding. She has the patience
11 one needs to deal with society. Some people live a
12 lifetime without patience. She has more than her
13 share. I admire her for that. She mentors anyone who
14 needs it." That is something that has not been brought
15 up. What is this in regards to mentorship,
16 Ms. Spencer?

17 **INMATE SPENCER:** I'd take them to AA.

18 **PRESIDING COMMISSIONER LEE:** Pardon me?

19 **INMATE SPENCER:** I'd take them to AA.

20 **PRESIDING COMMISSIONER LEE:** That's not
21 mentorship. Mentorship means that you're actually
22 taking someone one-on-one and helping them. Is that
23 what you're doing?

24 **INMATE SPENCER:** I would do that also. Some of
25 them that come in are really naive. They don't know
26 how the prison works.

27 **PRESIDING COMMISSIONER LEE:** Did you help them?

1 **INMATE SPENCER:** Yes.

2 **PRESIDING COMMISSIONER LEE:** And how long have
3 you been doing that?

4 **INMATE SPENCER:** Ever since I got here.

5 **PRESIDING COMMISSIONER LEE:** And is that
6 because of AA or NA or why are you doing that?

7 **INMATE SPENCER:** Because it's human nature.

8 **PRESIDING COMMISSIONER LEE:** To help others?

9 **INMATE SPENCER:** Yes.

10 **PRESIDING COMMISSIONER LEE:** Do you feel that
11 way?

12 **INMATE SPENCER:** Yes.

13 **PRESIDING COMMISSIONER LEE:** Now, we do have
14 letters of opposition. We also have statement by
15 victim's next of kin.

16 **MR. COWAN:** Commissioner?

17 **PRESIDING COMMISSIONER LEE:** Yes.

18 **MR. COWAN:** We also have a letter that we
19 recently received from her father while Ms. Spencer
20 (indiscernible).

21 **PRESIDING COMMISSIONER LEE:** Do you have a copy
22 for us?

23 **MR. COWAN:** Yes.

24 **PRESIDING COMMISSIONER LEE:** (Indiscernible)?

25 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes, I've read
26 the letter, thank you.

27 **PRESIDING COMMISSIONER LEE:** All right. I've

1 just been handed a letter. It indicates, "My name is
2 Wallace Spencer. I am the inmate's father. I visit
3 her weekly. The inmate was 16 years old at the time
4 of the crime. She is now 43. And now, her 27th year
5 in CIW she has been a model inmate. She gets along
6 with other inmates and staff and is liked by all. She
7 has never had a 115 write-up. She has completed all
8 of her programs except for the ones not available at
9 CIW. Brenda's a good worker and has worked many jobs
10 on campus. Notable are sewing machine technician,
11 electronic technician, where she's repaired, VCR's
12 radios, walkmans, et cetera." You'll have to start
13 working on DVD's. I don't think VCR's are going to
14 help you very much.

15 **INMATE SPENCER:** I never saw those.

16 **PRESIDING COMMISSIONER LEE:** They don't have
17 them in here? "She worked as an upholster where they
18 upholster much of CIW's furniture. She is now working
19 in one of the warehouses where she does inventory,
20 pulls parts for (indiscernible) staff, (indiscernible)
21 for staff, and drives a forklift for moving heavy
22 equipment from place to place. Brenda will have a
23 place to live and help in finding work. She has a
24 great deal of experience in all the jobs listed above.
25 Her mother lives in her three-bedroom house and has
26 lot of room for Brenda to live with her if and when
27 she gets out." Counsel, you know I can't accept

1 that. Is there a reason -- Is your mother offering
2 you a place, Brenda?

3 **INMATE SPENCER:** She has in the past.

4 **PRESIDING COMMISSIONER LEE:** But she wasn't
5 able to get a letter to us this week?

6 **INMATE SPENCER:** No.

7 **PRESIDING COMMISSIONER LEE:** I thought you told
8 me you weren't in contact with her anymore?

9 **INMATE SPENCER:** I haven't been lately --

10 **PRESIDING COMMISSIONER LEE:** Well, how long is
11 lately?

12 **INMATE SPENCER:** -- but in the past I have.

13 **PRESIDING COMMISSIONER LEE:** How long is
14 lately?

15 **INMATE SPENCER:** Like, ten years ago. It's
16 been five years since I've talked to her.

17 **PRESIDING COMMISSIONER LEE:** Five years?
18 All right. "I can take care of her health by getting
19 her to see a doctor within a hospital for her
20 medication. Thank you for reading my letter." I have
21 no date, I have no signature, I have no address, but I
22 feel it would be appropriate to read it into the
23 record. Now, I'm in quandary as to how I want to do
24 the remaining letters. I have a transcription of a
25 video from Cathy Wragg, victim's next of kin, as well
26 as Wilford Suchar. So my intentions are to read these
27 after we have next of kin. At this point in time we

1 will go to questions.

2 **DEPUTY COMMISSIONER MAY:** I have one other
3 question. Did you know the principal before the
4 shooting?

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

6 **DEPUTY COMMISSIONER MAY:** You never met him?

7 **INMATE SPENCER:** Not that I know of. I don't
8 remember.

9 **DEPUTY COMMISSIONER MAY:** You had never seen
10 him before the shooting?

11 **INMATE SPENCER:** I might have seen him but I
12 don't remember.

13 **DEPUTY COMMISSIONER MAY:** Okay. Thank you.

14 **PRESIDING COMMISSIONER LEE:** All right.

15 Mr. Sachs, if you have any questions please pose your
16 questions to the Board and Brenda, you'll be speaking
17 to us. You will not be responding to the District
18 Attorney, all right?

19 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes, just
20 briefly, Commissioner. Could you ask the inmate, does
21 it appear that she is somewhat emotionally upset at
22 this trial?

23 **PRESIDING COMMISSIONER LEE:** You may answer.

24 **INMATE SPENCER:** Yes.

25 **DEPUTY DISTRICT ATTORNEY SACHS:** Could you ask
26 the inmate, Commissioner, whether it would a fair
27 statement that she feels that she is not yet ready to

1 be released into the community due to her state she's
2 been in during this hearing?

3 **INMATE SPENCER:** No.

4 **PRESIDING COMMISSIONER LEE:** Next question.

5 **DEPUTY DISTRICT ATTORNEY SACHS:** Could you ask
6 the inmate if she has any recollection of the details
7 of the shooting in this case?

8 **INMATE SPENCER:** Only bits and pieces of it.

9 **PRESIDING COMMISSIONER LEE:** Well, let's
10 clarify that. I've asked you in the past to tell us
11 what you do remember. Have you told us everything
12 that you remember at think point?

13 **INMATE SPENCER:** Yes.

14 **PRESIDING COMMISSIONER LEE:** All right. Next
15 question.

16 **DEPUTY DISTRICT ATTORNEY SACHS:** Could you ask
17 the inmate, at the last hearing did she claim she just
18 stuck the gun out the window and fired at random
19 without aiming?

20 **PRESIDING COMMISSIONER LEE:** Did you say that?

21 **INMATE SPENCER:** I believe so.

22 **PRESIDING COMMISSIONER LEE:** All right. Is
23 that true?

24 **INMATE SPENCER:** As much as I remember, yes.

25 **PRESIDING COMMISSIONER LEE:** Next question.

26 **DEPUTY DISTRICT ATTORNEY SACHS:**

27 (Indiscernible). Could you ask the inmate whether in

1 her estimation it is likely that some of the children
2 could have died as a result of what happened?

3 **PRESIDING COMMISSIONER LEE:** I'm not exactly
4 sure how she could answer that, but if you can answer
5 it, you may.

6 **INMATE SPENCER:** Yes.

7 **DEPUTY DISTRICT ATTORNEY SACHS:** I don't have
8 any other questions.

9 **PRESIDING COMMISSIONER LEE:** Counsel, did you
10 have any questions of your client?

11 **MR. COWAN:** Yes. Ms. Spencer, before the
12 hearing today, did you understand the difference
13 between sodomy and intercourse?

14 **INMATE SPENCER:** No.

15 **MR. COWAN:** Do you understand the difference
16 now?

17 **INMATE SPENCER:** Yes, I --

18 **PRESIDING COMMISSIONER LEE:** Could you speak up
19 a little louder?

20 **MR. COWAN:** Do you understand the difference
21 now?

22 **INMATE SPENCER:** Yes.

23 **MR. COWAN:** And which did your father perform?

24 **INMATE SPENCER:** Sodomy.

25 **MR. COWAN:** How did you understand the
26 difference?

27 **INMATE SPENCER:** My attorney explained it to

1 me.

2 **MR. COWAN:** Did you discuss your abuse with
3 Nancy Kaiser-Boyd?

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

5 **MR. COWAN:** Did you discuss your abuse with
6 Connie Axelrod, the investigator from the Board of
7 Prison Hearings investigation?

8 **INMATE SPENCER:** Yes, but not as thoroughly as
9 with Ms. Boyd.

10 **MR. COWAN:** Why not?

11 **INMATE SPENCER:** I trusted Ms. Boyd more.

12 **MR. COWAN:** Do you feel that you're more
13 comfortable talking about the abuse with women?

14 **INMATE SPENCER:** Yes.

15 **MR. COWAN:** You mentioned that you have been on
16 and off in your group with AA and NA. How far you
17 used what you learned in NA and AA everyday?

18 **INMATE SPENCER:** I use the 12 steps I climbed
19 to what is happening during the daytimes; you know,
20 what I'm going through.

21 **MR. COWAN:** Can you give me an example of that?

22 **INMATE SPENCER:** I'm trying to think.

23 **MR. COWAN:** Take your time.

24 **INMATE SPENCER:** If I'M having any problem,
25 I'll go talk to a sponsor or someone that acts like a
26 sponsor.

27 **MR. COWAN:** What kind of problems?

1 **INMATE SPENCER:** If I'm having a problem with
2 another inmate or a situation that I don't understand.

3 **MR. COWAN:** Who is your sponsor?

4 **INMATE SPENCER:** I have a peer helper --

5 **MR. COWAN:** And you go to them?

6 **INMATE SPENCER:** -- at the mental health
7 department.

8 **MR. COWAN:** How do you think you've changing
9 since your decompensation in 2000?

10 **INMATE SPENCER:** The medication helps a lot.
11 The one-on-ones help a lot. I've tried to understand
12 what happened and ways to prevent that in the future.

13 **MR. COWAN:** When you say you're trying to
14 figure out what happened, are you referring to the
15 crime or are you referring to daily life here in
16 prison?

17 **INMATE SPENCER:** Through the decompensation and
18 the crime.

19 **MR. COWAN:** What do you think happened in
20 2000? Why do you think you have the decompensation?

21 **INMATE SPENCER:** I think things just got too
22 much for me and I didn't have the help that I needed.
23 I went in and asked, but it wasn't soon enough.

24 **MR. COWAN:** Do you think you're going to have
25 trouble finding employment when you leave?

26 **INMATE SPENCER:** No, don't.

27 **MR. COWAN:** Why not?

1 **INMATE SPENCER:** Because I have marketable
2 skills.

3 **MR. COWAN:** What kind of skills do you have.
4 What would you like to do upon release?

5 **INMATE SPENCER:** I'd like to drive a forklift.

6 **MR. COWAN:** You'd like to drive a forklift,
7 what you're doing right now?

8 **INMATE SPENCER:** Yes.

9 **MR. COWAN:** How do you think Crossroads will
10 help you be successful upon your release?

11 **INMATE SPENCER:** They can teach me how to get,
12 like, medical benefits, where to get therapy. They
13 can help me just with support, living expenses, help
14 me learn to find a job and learn to stand on my own.

15 **MR. COWAN:** That's all.

16 **PRESIDING COMMISSIONER LEE:** All right. I have
17 a question. In the 12 steps, numbers eight and nine,
18 do you know what eight and nine are?

19 **INMATE SPENCER:** I don't know, like, memorized,
20 but I know the different steps.

21 **PRESIDING COMMISSIONER LEE:** In regards to
22 others, do you remember what the 12 steps speak of?

23 **INMATE SPENCER:** Make amends where it won't do
24 any harm.

25 **PRESIDING COMMISSIONER LEE:** All right. Have
26 you ever attempted to make amends to the people that
27 you harmed?

1 **INMATE SPENCER:** No, because I thought it would
2 do more harm.

3 **PRESIDING COMMISSIONER LEE:** You mean you never
4 attempted to contact the district attorney's office or
5 send a letter or anything of that nature?

6 **INMATE SPENCER:** No.

7 **MR. COWAN:** Can I ask one more question?

8 **PRESIDING COMMISSIONER LEE:** Yes, go ahead.

9 **MR. COWAN:** Is there a victim or a family
10 member that's every contacted you before?

11 **INMATE SPENCER:** There was a girl that was at
12 the school that was with her friend who got shot.

13 **MR. COWAN:** And did you write her back?

14 **INMATE SPENCER:** Yes, she used to come up here
15 and visit me with her friend who was a police officer.

16 **MR. COWAN:** You became friends?

17 **INMATE SPENCER:** Yes.

18 **MR. COWAN:** Did you make amends?

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

20 **PRESIDING COMMISSIONER LEE:** All right. At
21 this point in time it will be appropriate to have
22 statement, so Mr. Sachs, you may begin.

23 **DEPUTY DISTRICT ATTORNEY SACHS:** Thank you,
24 Commissioner. On behalf of the people of the State of
25 California, we would respectfully oppose parole
26 because we feel the release of this inmate would pose
27 a grave and unreasonable risk of danger to society.

1 This is a very planned offense in that the inmate
2 planned the shooting prior to engaging in the
3 shooting. There is sufficient evidence in this record
4 to demonstrate these facts, including the statement
5 they she made to her friend that something big was
6 going to happen on Monday. And preparing the weapon
7 and the ammunition for the shooting as well. This was
8 sniper type behavior. There were approximately 36
9 rounds fired 150 feet with a telescopic rifle.
10 Approximately 11 of those shots hit their intended
11 targets of victims. Two persons ended up dead and
12 eight students, elementary age children were injured
13 as well as a police officer attending to them as
14 well. That's over a 30 percent accuracy rate given
15 the distance it was modeled at 150 feet. There is no
16 other conclusion that could be drawn from this
17 evidence that she was shooting an in a very deliberate
18 manner to harm and to kill, and in fact accomplished
19 those objectives. Once the children were already down
20 on the ground, the principal, as the hero that he was,
21 came to their aid to try and protect them or help
22 them. I believe, based on the evidence before us that
23 he was deliberately snipered, gunned down by Brenda
24 Spencer. That she had him within her sights and then
25 shot him to kill. The janitor, custodian Mr. Mike
26 Suchar was well known to the children as Mr. Mike, who
27 also was a World War II hero, was doing the same thing

1 coming to the aid of children. He was 56 years old
2 and just nearing retirement as was the principal,
3 Mr. Burton Wragg, also nearing retirement. And I
4 believe, based on the evidence before us, the distance
5 involved, the accuracy involved in those hit that he
6 was also deliberately gunned down by Brenda Spencer as
7 he tried to come to the aid of the children. Finally,
8 as the (indiscernible) continued, a police officer was
9 also injured in this case. Several rounds hit his
10 bullet-proof vest, one of them ricocheting off his
11 vest and entering his neck. It's clear that Brenda
12 Spencer was not a happy person at this time and was
13 out to spread the misery that she felt for other
14 people. Although the devastation and the havoc that
15 she spread to other people reverberated and is very
16 complex and enormous in its capacity to cause such
17 misery, the motivation for the crime itself was very
18 simple. She simply was not a happy person and was out
19 to spread the misery to other people. I would point
20 out to this Board that she appears to be very
21 emotionally fragile and upset during the course of
22 this hearing, and that fragile nature that she's
23 demonstrated here should give the board some cause
24 for grave concerns where she'd be released into an
25 uncontrolled setting back out into the community. She
26 does not appear yet to have gained the appropriate
27 insight onto the cause and factors of this offense

1 such that this board could say that she would act any
2 differently were those factors to recur again in an
3 uncontrolled setting within free society. The
4 psychological report that's been generated in this
5 case is not supportive of release and does point out
6 the concerns that I've just expressed. Her emotional
7 distress was reiterated recently some years ago,
8 approximately 2000, 2001 when she really was going
9 through a difficult time and became suicidal, as she
10 claims she was in this case, when she acted out in the
11 first place in 1979. She indicated in the reports
12 that are in front of this Board they she felt a sense
13 of calm when she tried the incident of self-
14 mutilation, whether it was "courage and pride" or
15 "unforgiven and alone" it's a difference without
16 distinction. The fact of the matter is when she
17 engaged in this type of contact she indicated she felt
18 some sort of calm. I would indicate to the Board
19 without being wholly judgmental of her, these are
20 factors that should cause the Board a concern, because
21 if she's attaining a sense of calm from massive self-
22 mutilation or branding herself with a hot paper clip
23 that it's hard to say that she (indiscernible) public
24 safety anything but, public safety would be at risk if
25 she were released. She claims she doesn't remember or
26 have any insight into this case. To spite a statement
27 she released herself in 1993 talking about why she did

1 the crime and going into some details, which is
2 several inches thick, buried several inches thick into
3 this record, but beyond that, her early behavior
4 demonstrated anti-social behavior and an unstable
5 social history. That coupled with a live recovery of
6 the details of the offense alone is a recipe for a
7 time bomb or a (indiscernible) in our estimate. If
8 she has such an unstable social history and has so
9 many difficulties as I child and yet doesn't remember
10 what she did in this case that was horrible, then how
11 can we say she'd be anything but a great risk to
12 public safety if she were to be released. I would
13 point out that as an aside, there are no parole
14 employment letters and that in and of itself is a
15 reason alone to put off for her hearing in this case.
16 And of course we have the victim impact evidence which
17 I'd ask the Board to listen to as well from the widow
18 of the slain principal Burton Wragg, Cathy Wragg, and
19 from Mr. Miller who is here today who is one of the
20 children who was victimized. This was just an
21 unspeakable offense against defenseless victims,
22 children whose only offense in their world was going
23 to school on a Monday morning. It has affected them
24 enormously and immeasurably for the rest of their
25 lives. I have spent approximately four or five hours
26 with the widow in this case. She has indicated Cathy
27 Wragg, last week we met, she's indicated that that

1 video we recorded to help her fairly reflects her
2 views, and she's asked that it be replayed at today's
3 hearing. I would close with a couple of comments.
4 Since this last hearing in 2001, we have had two
5 decisions come out of the California Supreme Court.
6 One in the Rosencrans case and one in the Vandenberg
7 case. And what they've told us is the offense alone
8 may constitute a sufficient basis for denying parole
9 so long as it particularly egregious and beyond fair
10 and necessary elements to sustain a conviction. In
11 this case, for obvious reasons, we have a particularly
12 egregious offense. And Vandenburg told us that the
13 overriding concern for public safety trumps any
14 expectancy she may have to a parole date even after
15 serving 26 years, and I would encourage the Board to
16 follow the Vandenburg (indiscernible) because they
17 told us that a sentence in this case, for life,
18 understanding these circumstances, is a sentence to
19 the maximum and the Board acts just as properly by
20 declining to reduce that term as by entering
21 (indiscernible) or reducing it. So I would cite to
22 those two decisions as strong support that we've had
23 come out, one in 2002 in Rosencrans and one earlier
24 this year in January '05, Vandenberg. Based upon the
25 totality of all of these circumstances, the people
26 feel it's not reasonably foreseeable that Brenda
27 Spencer will become suitable for parole in the next

1 five years, so we would ask then that the Board put
2 off her hearing for five years and (indiscernible).

3 **PRESIDING COMMISSIONER LEE:** Thank
4 you, Counselor, thank you for your comments.
5 (Indiscernible).

6 **MR. COWAN:** Thank you, Commissioners. Brenda
7 Spencer does not come before you today to make any
8 excuses for her actions on January 29th, 1979. She
9 does not bring up her abusive past as a ploy to gain
10 your sympathy, and she harbors no delusions that all
11 will be forgiven once the Board understands the full
12 impact of this abuse. She only hopes to tell the
13 truth and she needs to provide her victims, her
14 victim's families, the community with an explanation
15 as to how a 16 year-old girl could have submitted the
16 acts for which she is now currently incarcerated.
17 It's clear from her testimony today and from the
18 conclusions from the BPH investigation that she grew
19 up in an environment that is nothing less than
20 terrifying. And I'm going to turn my discussion to
21 the BPH investigation for just a moment. Now although
22 the investigation did not uncover conclusive evidence
23 indicating what specific abuse occurred or didn't
24 occur, the investigation report did state that the
25 inmate's allegations of physical and sexual abuse by
26 her father during childhood seemed credible. This is
27 on page 14 of that report. "Additionally, the

1 investigator found the following in support of the
2 truth of these allegations. That Ms. Spencer's mother
3 now believes the allegations to be true.
4 Ms. Spencer's stepsister, Bree, reported some amount
5 of abuse and described the father's need to feel in
6 control. The report also detailed numerous times when
7 both Ms. Spencer's father and her sister's denial of
8 the abuse seemed to be not credible." The report
9 specifically stated on page 13 that "the father
10 minimized the extent," I'm sorry, I'm quoting here,
11 "minimized the extent that his daughter slept in his
12 room." Additionally, there were multiple
13 inconsistencies and contradictions between her
14 father's and sister's story regarding where
15 Ms. Spencer slept as a child. Her sister stated that
16 Ms. Spencer slept in a separate bed in her father's
17 room, while her father stated that she slept in her
18 sister's room. It should also be noted that Brant
19 Fleming, Ms. Spencer's friend, stated in a police
20 interview shortly after the commitment offense that
21 there was only one large bed in the father's room.
22 The report also stated on page 14 that "there may be
23 family secrets that others will never acknowledge or
24 discuss and that this is not an uncommon situation in
25 such families where abuse occurs." Also, to note, her
26 father himself stated during the BPH interview that he
27 had no reason to believe that she would fabricate

1 these stories. Her father had a relationship also
2 with a 17 year-old woman, a woman that was younger
3 than Ms. Spencer, and he met her at the juvenile
4 detention center where Ms. Spencer was incarcerated
5 prior to trial. The report concluded that "the fact
6 that the father later became intimately involved with
7 a lady younger than Brenda says something about his
8 character and judgment." That's on page 13. Finally,
9 the report concludes, "That although the above factors
10 do not fall under Penal Code section 4801, they may be
11 considered during the inmate's next Parole
12 Consideration Hearing. Ms. Spencer suffered
13 emotional, physical, and sexual abuse by her father
14 from the moment that she walked into her father's home
15 until the day that she left, the day of the commitment
16 offense. What's worse is that she felt as if she had
17 nowhere to turn for help. Her mother, who lived just
18 a few blocks away, was so detached that she either
19 didn't know or more likely, didn't want to know about
20 her daughter's problems. This trauma led to
21 Ms. Spencer suffering from chronic complex
22 posttraumatic stress disorder. The disorder was
23 diagnosed by Nancy Kaiser-Boyd in her 2000 or 2001
24 evaluation, which we've already discussed today. This
25 disorder manifested itself in a number of symptoms
26 including irrational fear and paranoia, extreme
27 depression, and all of this led to an obsession with

1 suicide. In a manner of escapism, in order to escape
2 the realities of her childhood home and the symptoms
3 of the PTSD show she began to use drugs, and she
4 habitually used PCP, LSD, marijuana, alcohol, for a
5 number of years prior to the day of the commitment
6 offense. This drug use, the habitual drug use of
7 these mind-altering drugs coupled with the PTSD, drove
8 Ms. Spencer into a psychotic state on the day of the
9 commitment offense where she was not able to tell the
10 difference to what was real and what was unreal, and
11 because of this psychotic state, this explains her
12 fragmented memory of the day of and the day prior to
13 the commitment offense, and therefore she cannot give
14 the Board an account of what she did or did not do or
15 what drug she did or did not take that day. She's
16 only able to testify to what she remembers, but she
17 realized through her therapy and her insight into the
18 cause of that day that her memory is not complete and
19 at times not accurate. From the moment that she was
20 taken away from that home, Ms. Spencer has thrived.
21 She has spent the last 26 years of her life proving
22 herself and trying to prove that she's no longer the
23 delusional and frightened child that committed her
24 offense. She has never, not once, as been discussed
25 before, has a 115 violation in the 23 years that she
26 has spent at CIW. In the words of Commissioner Lawin
27 in her 2001 B P H hearing, this is exemplary. She has

1 actively and enthusiastically participated in her work
2 and her education assignments, not just to comply with
3 the Board's recommendations, but to gain marketable
4 skills and to try to ensure success once she is
5 released. Whether it be acting as lead person and
6 licensed forklift operator in the maintenance
7 warehouse or a journeyman level and certified
8 furniture upholster and repair person or working for
9 12 years as a technician in vocational electronics,
10 with professional and self-sustaining skills,
11 Ms. Spencer has consistently received exceptional and
12 above average work and education progress reports.
13 Most importantly, she has been dedicated to
14 rehabilitating through therapy and through appropriate
15 medication. She's been involved in AA and NA since
16 1985 and she understands the effects of drug use and
17 the effects they had specifically on her commitment
18 offense. She's been involved in group therapy and
19 anger management as we've discussed before, but also
20 for a number of years in her lifers group which was
21 discontinued, where she actually first disclosed her
22 abuse to other inmates and gained a new sense of self-
23 respect from other inmates who may have had similar
24 histories of abuse. This rehabilitation has been an
25 ongoing process for Ms. Spencer and we've talked a
26 little bit about the decompensation in 2000 today that
27 resulted from her inability to get proper help

1 immediately and effective medication, but the
2 important thing to focus on is her actions since that
3 date. "Since that date she has geared her therapy
4 towards learning ways to better deal with stress," and
5 I'm quoting again from the 2005 psych evaluation,
6 which we quoted earlier today. "She knows now if she
7 needs help, she goes and gets it." As Dr. Smith
8 himself stated in a 2005 evaluation, I'm quoting again
9 from page one on that evaluation, "Overall, the mental
10 health evaluation reveals a woman in no acute
11 emotional distress. Inmate Spencer's presentation was
12 remarkably less troubled and more accessible than she
13 had been at a time when I had contact with her in the
14 Special Care Unit after her decompensation. In
15 addition, Ms. Spencer, since that 2000 decompensation
16 has found that her medication is extremely helpful in
17 maintaining the healthy mindset and she knows that she
18 may have to be on the medication for the rest of her
19 life." And Dr. Kaiser-Boyd, in her 2001 evaluation
20 stated, I'm quoting again, this is on page ten, the
21 last page of that evaluation, stated, "Given the fact
22 that she is willing to be medicated, I believe that
23 she will be able to cope with the losses and stresses
24 of everyday life without becoming psychotic or
25 dangerous." In light of Ms. Spencer's dedication to
26 rehabilitating through therapy and medication, her
27 exemplary disciplinary record and her enthusiastic

1 participation in work and education, Ms. Spencer
2 respectfully requests that the Board grant her a
3 parole date today. Thank you.

4 **PRESIDING COMMISSIONER LEE:** Thank you,
5 Counselor. Ms. Spencer, (indiscernible)?

6 **INMATE SPENCER:** I realize that nothing I do
7 and no amount of time will bring Mr. Wragg and
8 Mr. Suchar back. It don't erase the fear and stuff
9 that I've given to those kids and Mr. Wragg. I just
10 want them to know that I am very sorry and I don't
11 know how to make it up to them, but I try everyday to
12 make myself a better person so that that doesn't
13 happen again and I do everything I can to make sure
14 that nothing like that would ever happen. I don't
15 waste my time in here just sitting around. I go
16 through therapies and I work hard and everything.
17 Because I don't want anything this horrible to ever
18 happen again. That's all.

19 **PRESIDING COMMISSIONER LEE:** Thank you. At
20 this time I will indicate to everyone that I have two
21 further letters and I'm going to allow Mr. Miller to
22 speak at the end. How are we doing in regards to
23 time?

24 **DEPUTY COMMISSIONER MAY:** Before we do that,
25 can we change the tape please? Thank you. I will
26 indicate because of the hour and because of the time
27 involved, I will not play the tape, I will read,

1 however, the letter from regarding Brenda Spencer from
2 Cathy Wragg. "I think the inmate should not be
3 paroled. Almost 19 years ago the inmate took my life
4 partner Burt Wragg and smashed our dreams to
5 smithereens. We celebrated our 25th anniversary on a
6 cruise only a month before. Three fatherless children
7 were numbed. Today, there are six grandchildren
8 asking what happened to their grandfather and why.
9 Back on January 29th, 1979, Brenda reasoned, Mondays
10 are blue. My stomach turns every time I think about
11 this reasoning and I feel empty, as if only a shell
12 remains around me. Her lethal crime not only took
13 away my loved one, but someone else's -- Burt's
14 custodian. In addition, Brenda maimed eight
15 elementary schoolchildren and a police officer to get
16 her kicks. This senseless killing of two people also
17 affected hundreds of friends and others whose cards,
18 notes, and gifts I still have. Burt's mother never
19 did get over her son's premature death. The community
20 suffered as well because of my husband's dedication as
21 a principal to education, students, and teachers.
22 What a waste to mankind because Burt had so much to
23 give and to enjoy. To this day, tears still flow
24 between family friends, some I don't even know. All
25 recall January 29th, 1979 as a sniper attack at
26 Cleveland Elementary School. We were so impacted by
27 this heinous crime by an irresponsible, self-absorbed,

1 bored and uncaring thrill-seeker who dared to kill,
2 and did. This is why I believe Brenda Spencer should
3 be incarcerated for life for the pain and suffering we
4 have all endured. We will continue to endure this for
5 the rest of our lives. You know, incarceration even
6 seems too lenient. Thank you for listening." And for
7 the (indiscernible) of Counsel, I did go over the
8 video. The next letter is from Wilford Suchar. This
9 is dated September 15th, 2005. This is from the son
10 of Michael Suchar, the custodian. "When reviewing
11 news articles regarding Brenda Spencer's 1979 shooting
12 written by Leslie Branscomb, B-R-A-N-S-C-O-M-B, for
13 the San Diego Union Tribune], titled "Parole Hearing
14 Today for Brenda Spencer" dated April 17th, 2001, and
15 "Killer's Third Try for Parole is Rejected" dated
16 April 18th 2001, questions remain. You, the Board of
17 parole Hearings have more information on Ms. Spencer
18 than I would have. But the Union Tribune articles
19 listed gave me information and insight not available
20 to me before. In 1992, the inmate denied
21 responsibility for the shooting, and on April 23rd,
22 2001, her letter said, "I only wish that I had the
23 ability to make amends for what I have done or at
24 least to let the victims know how sorry I truly am."
25 The Union Tribune article dated April 17th, 2001
26 indicated she contended that she was under the
27 influence at the time of the shooting. One additional

1 report by Leslie Branscomb, from the April 18th
2 article relating to police negotiators report of 1979
3 indicates the following statement made by the inmate.
4 "There was no reason for it, it was just a lot of
5 fun." The inmate also said, "It was real easy
6 pickings and it was like shooting ducks on a pond." I
7 find these statements disturbing and I hope you, the
8 Board, feel the same. Questions remain. The question
9 lies, at times, that the does the inmate deserve to be
10 set free to join society? Freedom should be given and
11 reserved for those who honor life, not death." At
12 this time, we will go to Mr. Miller. Mr. Miller,
13 would you identify yourself once again, spell your
14 last name, and indicate your relationship to this
15 case.

16 **MR. MILLER:** My name is Ken Miller,
17 M-I-L-L-E-R, and I'm a victim. I was nine years old
18 when my mom dropped me off at school. She dropped me
19 off directly across the street from Brenda Spencer's
20 house. As I walked up the sidewalk to go to school, I
21 saw the principal and custodian lying in the bushes.
22 Then I suddenly blacked out. My left arm and shoulder
23 went numb, my entire body trembled. I reached out and
24 grabbed my neighbor who was walking in front of me.
25 She led me around to the back of the school where I
26 saw my teacher. I told my teacher, "I think I've been
27 shot." My teacher opened the vest, a blue vest

1 (indiscernible), that I was wearing and saw blood all
2 over my clothes. As you can imagine, I was
3 terrified. At first I thought this was a terrible
4 nightmare, until reality set in. I could hear the
5 sounds of the fire alarm and the sirens in the
6 distance. All of a sudden I realized I had actually
7 been shot. Once help had arrived, emergency crews had
8 to determine how to rescue those who were injured and
9 needed immediate medical attention. Brenda Spencer
10 was directly across the street with a clear shot of
11 anyone crossing the short distance to get to the
12 ambulance. After lying on the floor in the auditorium
13 for quite some time, bleeding and not knowing how
14 critical my injuries were, I was finally taken to the
15 hospital. I was very fortunate. The doctor said the
16 bullet went directly through me, exiting the front of
17 my chest. I did not need surgery. After being
18 released from the hospital, I had to stay home while
19 my friends were out playing because I was injured.
20 When I returned to school, I did so with great fear.
21 I can no longer walk up the same sidewalk where this
22 tragic nightmare began or go to school without being
23 afraid of what could happen. When it was time to go
24 to sleep at night, I had recurring nightmares of this
25 entire tragedy. I would call my mother two or three
26 times each night to walk me around the inside of my
27 own home just so I knew you were not in there. When

1 it came time for Brenda Spencer's trial, I had to grow
2 up fast and face this whole ruthless murderer who
3 attempted to take my life. When it was time for me to
4 testify, I walked into court and saw this monster
5 glaring at me. The look that Brenda Spencer gave me
6 was enough to scare any young child to death. After
7 the court proceedings ended, I thought things might be
8 better. The memory of being shot approximately one
9 inch from my heart and almost killed is still deeply
10 engraved in my mind. Everyday when I wake-up and I
11 look in the mirror, I see a scar on my body that
12 reminds me of this nightmare and how fortunate I am to
13 have survived this brutal attack. When I heard that
14 Brenda Spencer was up for parole again I asked myself,
15 why does she think she should be released? In 1979,
16 Brenda Spencer was 16 years old and had very little
17 (indiscernible) mind. She decided to pick up the gun
18 she received as a Christmas present and start hunting
19 humans at the elementary school directly across the
20 street from her house. Brenda Spencer decided to hunt
21 humans because she did not like Mondays, was bored,
22 and wanted some excitement. The lasting memory of
23 this tragedy replays in my mind when I drop my own
24 children off at school today. Why should Brenda
25 Spencer be given the opportunity to have a second
26 chance when the two people she brutally murdered do
27 not have a second chance? No one forced her to commit

1 this brutal and senseless crime. Brenda Spencer
2 clearly has no regard for human life. She was
3 shooting to kill any human target that walked into her
4 path. She's a cold-hearted, ruthless, murderer who
5 needs to be in prison for the rest of her life for the
6 safety of the community. I urge this Parole Board to
7 deny Brenda Spencer's parole for as many years
8 possible. Thank you.

9 **PRESIDING COMMISSIONER LEE:** Thank you,
10 Mr. Miller. It's time to be in recess. We will clear
11 the room. We will call everyone once we've made a
12 decision. Thank you.

13 R E C E S S

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1 CALIFORNIA BOARD OF PAROLE
2 HEARINGS
3 D E C I S I O N

4 PRESIDING COMMISSIONER LEE: All right. We
5 have all returned. At this time the panel has come to
6 a decision. Before I begin, it's often said that this
7 job is a nightmare job, and do we have to deal with
8 people's nightmares, and that's exactly what we do.
9 This particular case I cannot even understand what it
10 would be like to be a child and to watch friends get
11 shot and the principal killed, nor do I hope to
12 understand what it's like to be abused at a young age
13 with no place to go and no place to turn. But this is
14 the job I have and I think I've made the decision.
15 The Panel has reviewed all information from the public
16 and relied on the following circumstances to conclude
17 the prisoner is not suitable for parole. It would
18 pose an unreasonable risk of danger to society or a
19 threat to public safety if released from prison. The
20 offense was carried out in an especially cruel and
21 callous manner. There are no words that you can put
22 to describe the inmate at this stage she was at when
23 this occurred. There is no question that at that time
24 she was a very bitter, angry, and heartless person.
25 Multiple victims were attacked, injured and killed in
26 the same attack. Two people lost their lives. A
27 **BRENDA SPENCER W-14944 DECISION PAGE 1 9/27/05**

1 police officer was shot and seven youngsters who were
2 just going to school, no threat whatsoever to the
3 inmate, were assaulted. Strictly pertinent, poignant
4 to this Panel was the statement by Mr. Miller who sits
5 there and says if that bullet had been an inch over he
6 wouldn't be here, there would be three homicides.
7 There is no question that she was not attempting to
8 wound anybody at this time, and that thankfully she
9 did not kill all the individuals she shot. The
10 offense was carried out and dispatched in a calculated
11 manner. She planned this. There is just no question
12 about it. It is particularly disturbing that she
13 can't remember it because every indication at the time
14 of the offense she was very proud of what she did.
15 She made statements about shooting a pig. She made
16 statements about shooting ducks in a pond, watching
17 feathers fly. For those who do not know about duck
18 hunting, you're supposed to shoot a duck in the air,
19 so at least the duck has a chance. When it's sitting
20 in the water there is no place for the duck to go.
21 The offense was carried out in a manner which
22 demonstrates a callous disregard for human suffering.
23 After the first individual was shot, another was shot,
24 another was shot, yet another was shot, yet another
25 was shot. I could continue on. She had no intention
26 whatsoever of stopping. I would suspect that she
27 **BRENDA SPENCER W-14944 DECISION PAGE 2 9/27/05**

1 stops because the victim's were running, scattering
2 all over the place. Moreover, the crime was
3 inexplicable and very trivial in relationship to the
4 offense. I would go into this a little more into
5 detail, but I will give the benefit of the doubt to
6 the (indiscernible) in regards to the allegations that
7 she has alleged against her father. (Indiscernible).
8 Unfortunately this world is filled with things that
9 should never happen to children, however that does not
10 allow them to perpetrate violence on others. The
11 murder of the first victim did not deter the prisoner
12 from committing more offenses. After the first person
13 went down, she shot the other individuals. There were
14 statements in there indicating that she did not
15 purposely target the principal, but she may well have
16 been targeting teachers. For this reason, the
17 commitment offense is sufficient for the denial. The
18 reason for the denial is an escalating matter with
19 criminal conduct and violence. It breaks my heart
20 that the inmate was not able to receive the counseling
21 or receive help when she was (indiscernible) at an
22 early age. It was, as in her words, she received some
23 type of counseling for her two juvenile matters, but
24 it didn't go deep enough, it did not assist her in
25 anyway. If anything, maybe it made it even harder, I
26 do not know. She has escalating pattern, excuse me.

1 She has a history of unstable tumultuous relationship
2 (indiscernible) others. Her family relationships were
3 not good, at least in her mind, because there seems to
4 be no substantiation, based upon the siblings, that it
5 was as bad as she indicated. It certainly was not
6 good, but we cannot -- I wonder how many people in
7 this room can honestly say that we had perfect
8 families? The inmate previously failed when granted
9 informal probation and she has failed to profit from
10 society's attempts to correct her. The institutional
11 behavior, and this is where I want to get into this.
12 I agree with the District Attorney. I think
13 Ms. Spencer has made a breakthrough. I think it's
14 important because one of the most dangerous things
15 that we ever have to deal with is crime that has no
16 understanding whatsoever, where you do not know why
17 the person did what they did. We have know clue' but
18 the report (indiscernible) Board ask very clear that
19 many of the (indiscernible) of child abuse can be seen
20 in the lifestyle of the inmate when she was younger.
21 The rage, anger, the distrust of others, lack of
22 security, the fear. Really what it boils down to is,
23 control has been taught in a lot of the anger
24 management classes, that what we deal with is based
25 upon control, which is based upon fear. They have
26 fear so they want to control it and (indiscernible)
27 **BRENDA SPENCER W-14944 DECISION PAGE 4 9/27/05**

1 control we get anger. But the inmate has not
2 participated sufficiently in self-help and therapy
3 programs. She is just at the beginning. It is only
4 recently that she has even admitted that the abuse
5 factor occurred. The 2005 report, she doesn't even
6 bring it up. If we have located the problem or a
7 problem, then it is our requirement and our necessity
8 to look into it and this inmate needs to get further
9 therapy in that particular area. The other reason for
10 the denial is a psychological report dated June the
11 27th, 2005 authored by Dr. Smith. It is unfavorable.
12 He clearly indicates that the inmate need more
13 attention and I will indicate there is major concern
14 in regards to the inmate lacking full participation in
15 NA and AA. People don't realize the extent much
16 damage that PCP does on individuals, but for her to
17 indicate to me that she took half an ounce of PCP,
18 that is an incredible amount of a drug with has been
19 linked to numerous, numerous acts of uncontrolled
20 violence. There is no excuse for this inmate to be
21 not participating in something like NA. None
22 whatsoever. Because if she -- now that we have some
23 grasp of maybe why she was, and counsel did a very
24 good job of describing what Dr. Boyd had indicated, is
25 that the drugs exacerbated the entire situation. Now
26 the anger and the violence are truly not just thought
27 **BRENDA SPENCER W-14944 DECISION PAGE 5 9/27/05**

1 of or internalized but are projected outward,
2 (indiscernible). She actually (indiscernible) to do
3 it, rather than just think about it. I don't fully
4 understand the reasons why she indicates she doesn't
5 participate. But, in light of the fact that she has
6 indicated two stressors that may have helped lead to
7 this incident, because I agree with her, these were
8 choices that she made, that she needs to deal with
9 this before she'll ever be considered an appropriate
10 candidate for release. This would be no different
11 than a drunk driver who kills people, never intending
12 to kill people. If they do not deal with their
13 alcohol problem or abuse problem, than they are a
14 danger to society. The prisoner lacks parole plans.
15 She does not have a viable residential in the last
16 county of legal residence. (Indiscernible). I have
17 no clue what the father is talking about. The father
18 writes a letter indicating that the mother will take
19 her in, but the inmate hasn't spoken to her mother in
20 five years and the mother had never showed any regard
21 to the inmate whatsoever in the past. I would never
22 send the inmate back to a bad situation like that.
23 Why would I put the inmate back into a situation that
24 caused part of her problems? She has grown while in
25 prison. She's tried to make herself into a better
26 person and we would put her back in an abusive
27 **BRENDA SPENCER W-14944 DECISION PAGE 6 9/27/05**

1 environment? That doesn't make any sense. The
2 Hearing Panel notes that there are responses to the
3 Penal Code Section 3042 that indicates opposition by
4 the San Diego Police Department as well as the
5 District Attorney's Office (indiscernible). The Panel
6 (indiscernible) the following findings. The prisoner
7 needs therapy in order to discuss, -- excuse me. Let
8 me rephrase this. The prisoner needs therapy,
9 programming and self-help (indiscernible) faced
10 discuss, understand and cope with the stress when
11 you're not in a structured manner as well as to get
12 further insight into the crime itself. The major
13 concerns that the Panel has is in regards to her lack
14 of memory. At the time of offense she had no lack of
15 memory. As far back as in '93 she had no memory
16 lapse, but as of four years ago, three years ago, four
17 years ago, at the last Panel was a statement
18 indicating that she randomly, just by chance, shot
19 nine people. Nonetheless, the prisoner should be
20 commended for the following.

21 **DEPUTY COMMISSIONER MAY:** For being in anger
22 management, her participation in Forever Free, for HIV
23 peer education, and being in the Women's Inspiring
24 Hope for possible, and also for completed upholstery
25 where continuous A ratings as well as her vocational
26 electronics with exceptional ratings.

1 **PRESIDING COMMISSIONER LEE:** For these positive
2 aspects of behavior do not outweigh factors off
3 unsuitability. In a separate decision, the Hearing
4 Panel finds that the inmate has been convicted of
5 murder. It is not reasonable to expect that parole
6 will be granted in the next four years. I do not
7 agree with the District Attorney in this regard. The
8 District Attorney has asked for five years. The
9 victims have asked to keep her incarcerated forever.
10 Just as much as I have the ability to overturn the
11 verdict, I cannot overturn what has occurred. This is
12 not a life without possibility of parole. She does
13 have the right to be reviewed and in evaluating that,
14 I cannot give her five years. She has actually done
15 something with I think a lot of us, having read the
16 original reports, could commend her for. She has made
17 an attempt to change her life around. She is
18 attempting to not be the person that she was that many
19 years ago. And I know how difficult it must be for
20 you Ms. Spencer, to be able to come out in front of
21 all these people and talk about something that you had
22 kept silent for so many years. So I don't think five
23 years is appropriate. The inmate, the reason for the
24 multiple year denial is because of the cruel and
25 callous manner in which this offense was planned and
26 executed. The multiple victims that were attacked and
27 **BRENDA SPENCER W-14944 DECISION PAGE 8 9/27/05**

1 killed in the same incident. The calculated and
2 dispassionate manner in which the inmate perpetrated
3 crime. The way that she indicated the callous
4 disregard for human suffering, watching the individual
5 suffer (indiscernible) shot them one at a time. The
6 motive for crime was inexplicable or very trivial in
7 relationship to the offense. Again, I have a
8 different background than most and I'm very cautious
9 of child abuse. I'm very concerned about drugs.
10 Before I took this job, I will be honest with you. I
11 wondered whether or not as in some other countries
12 where they say that they only hurt themselves. Well
13 that is totally, unequivocally nonsense. I say that
14 particularly for the media in front of me. Continue
15 to come to my hearings and I will prove it to you.
16 Alcohol, drugs, they do affect individuals, and that
17 is why it is illegal, at least, to be underage and
18 drinking, and for cocaine, heroine, PCP, and the big
19 one, methamphetamine. The prisoner has a history of
20 unstable and tumultuous relationships with others.
21 The other reason for the multiple year denial and what
22 the District Attorney brought up, and I wield the law
23 (indiscernible) have to rip me on this. The 128 is
24 not a reason for denial, but it may be used as a
25 factor in regards to multiple year denials and I'm
26 very concerned about how she reacted to the
27 **BRENDA SPENCER W-14944 DECISION PAGE 9 9/27/05**

1 relationship issue in 2000 Truthfully it sounded a lot
2 better when they thought you wrote "courage and
3 pride". At least I thought, Oh, well, that kind of
4 sounds like a tattoo, but when she writes "forgotten
5 and alone" -- This young lady has been crying out for
6 help for a long, long time, and "forgotten and alone"
7 seems to fit in that category. A recent psychological
8 report dated June the 27th, 2005 authored by Dr. Smith
9 indicates the need for longer for of observation and
10 owe valuation of treatment. The prisoner has not
11 completed necessary programming which is essential to
12 her adjustment and additional time gain such
13 programming is required. She needs to continue to
14 participate in NA and AA. The time, Ms. Spencer, it's
15 not a gift. If you ever want to get out, we have been
16 assured as much as conceivably possible that you will
17 not go back to drugs. And therefore a period of
18 observation and evaluation of the prisoner is required
19 for the Board should find that the prisoner is
20 suitable for parole. The Panel recommends the
21 following: The inmate remain disciplinary free,
22 participate in self-help and therapy programming, and
23 this is my own suggestion. I think you can upgrade,
24 continue to upgrade in education as well. I think you
25 should look into that. Okay? Having said that,
26 Deputy Commissioner, is there anything you have?

1 **DEPUTY COMMISSIONER MAY:** No. Already been
2 covered. Thank you.

3 **PRESIDING COMMISSIONER LEE:** Good luck,
4 Ms. Spencer.

5 **INMATE SPENCER:** Thank you.

6 **PRESIDING COMMISSIONER LEE:** This hearing is
7 adjourned. 5:30.

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23 **PAROLE DENIED FOUR YEARS**

24 **THIS DECISION WILL BE FINAL ON: Jan. 25, 2006**

25 **YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT**
26 **DATE, THE DECISION IS MODIFIED.**

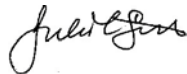
27 **BRENDA SPENCER W-14944 DECISION PAGE 11 9/27/05**

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, JULIE SIMS, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 - 85, and which recording was duly recorded at CALIFORNIA INSTITUTE FOR WOMEN, FRONTERA, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF BRENDA SPENCER, CDC NO. W-14944, ON SEPTEMBER 27, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated NOVEMBER 15, 2005, at Sacramento, California.



JULIE SIMS
TRANSCRIBER
PETERS SHORTHAND REPORTING