

1 **CALIFORNIA BOARD OF PAROLE HEARINGS**2 **DECISION**3 **DEPUTY COMMISSIONER MEIGHAN:** On the record.4 **PRESIDING COMMISSIONER BARTON:** Good afternoon,
5 everyone. This is Commissioner Barton again, and we are on
6 the record for the 15th subsequent life parole
7 consideration hearing for Mr. Sirhan CDCR number B21014.
8 The time is now 1:05 PM. on August 27th of 2021. All the
9 parties that were previously present for the hearing are
10 with us again for pronouncement of the Panel's decision.
11 This is a very weighty decision today that we have to
12 make. We recognize that it has to be based on whether or
13 not Mr. Sirhan continues to pose an unreasonable risk to
14 public safety and any denial has to be based on evidence
15 in the record of his current dangerousness. In making our
16 decision, we are required by law to give great weight to
17 the mitigating effects of the diminished culpability of
18 youth as compared to adults, the hallmark features of
19 youth and any subsequent growth and increased maturity in
20 reviewing his suitability for parole. We are also required
21 to give special consideration to his age, his long-term
22 confinement and diminished physical condition. We also
23 consider all other, uh, relevant evidence, including his
24 entire Central file, his recent Comprehensive Risk25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 1**

1 Assessment, prior Comprehensive Risk Assessments,
2 additional documents he and his Attorney have submitted
3 for the hearing. We have numerous, uh, letters in support
4 and also letters in opposition to his parole from the
5 public that are considered. We've considered the testimony
6 of Mr. Sirhan, the comments of his Attorney. Uh, I think a
7 couple of times, uh, it was misrepresented on the record
8 that we have an opposition letter that was received
9 recently from Los Angeles Sheriff, it's actually from the
10 Los Angeles Police Department. It is dated August 26th of
11 2021, it is signed by Michael Moore. The Chief of Police,
12 uh, actually signed for him by Captain Jonathan Tippett,
13 Commanding Officer, Robbery and Homicide Division, so it's
14 actually the LAPD letter in opposition that we have. We
15 also have heard statements from surviving victim, Mr.
16 Schrade, from victim family members, um, victims'
17 representatives, which have all been considered. We also
18 have letters from victims' family members, uh, both the
19 one I read into the record as well as ones from others,
20 uh, that chose to remain confidential, but have been
21 considered. We've also considered Mr. Sirhan's, uh,
22 confidential file. There is information there that, um, we
23 reviewed. There was one entry from 2019 that both the
24 Department as well as our independent review found to be
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 2**

1 unreliable and not relevant to the proceedings here today.
2 We talked to him about the rest of his record and, uh,
3 talked to him about the incident in 2016 also, which, um,
4 was something that was pertinent in the last hearing in
5 that it showed perhaps a lapse in judgment at that time,
6 um, but it's been five years since then. I will say both
7 myself and Commissioner Meighan, um, have spent hours
8 preparing for this case, and as I said, it's a weighted
9 decision. I agree with Mr. Kennedy and quite frankly
10 disagree with Ms. Berry that, um, this is not like any
11 other homicide. This is a political assassination and it
12 does have wide ranging impact, much more so than the
13 typical homicide that we see. That's not to say that any
14 life is any more sacred or missed than another in our
15 opinion, um, and we recognize that. And so that factor is
16 given the weight that we deemed appropriate and I will go
17 into that. Also, we note that the State of California and
18 he was convicted under California statutes is a
19 presumptive State, meaning to deny parole there has to be
20 evidence in the record of current dangerousness that rises
21 to the level of being an unreasonable risk of current
22 danger to public safety. We also recognize that it's not
23 our job to change anything that's been done by a
24 sentencing court. And so, we view Mr. Sirhan in the light
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 3**

1 of having committed these offenses regardless of what
2 other information has been provided either by him or by
3 others. This Panel also notes that this is a de novo
4 hearing, meaning that while prior findings and information
5 in the file can certainly inform us in our decision, none
6 of that is binding. We make an independent decision based
7 on our own training, experience and moral conviction. And
8 I will say, while I know Ms. Meighan is a dedicated public
9 servant, I have 40 years in public service and have given
10 an oath to uphold the constitution of both California and
11 the US on numerous occasions at numerous levels. And I
12 certainly hold that oath to be what grounds my moral
13 convictions and decisions. In doing this job, I don't
14 think you could do it otherwise. Having said all of that
15 and taking into consideration the comments and concerns of
16 everyone involved, based on the legal standards and the
17 evidence that we have before us today, we're finding that
18 he does not, Mr. Sirhan pose an unreasonable risk to
19 public safety and we're finding him suitable for parole
20 today. Having said that Mr. Sirhan, bear with me because
21 this decision is gonna be reviewed by many eyes and so I
22 want to make sure that I'm thorough in giving the reasons
23 for our decision. Certainly, anyone else on the hearing,
24 you're not obligated to remain for purposes of the

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 4**

1 decision, you're welcome to, but you're certainly not
2 obligated to after this point. You, however, Mr. Sirhan
3 are, so, well actually that's not true. You could absent
4 yourself at this point if you wanted to, but I recommend
5 you stay there. All right. So here are the reasons for our
6 decision and the analysis that we undertook. First of all,
7 we are cognizant of the law in this State, Penal Code,
8 Section 5011, the Board cannot require an admission of
9 guilt as a requirement for parole. California Code of
10 Regulations, Title 15, Section 2236 indicates an inmate
11 can refuse to discuss facts of the crime and the refusal
12 shall not be held against the inmate, and we are certainly
13 following those laws today. And I say that because, uh,
14 the two factors that we saw that were still problematic,
15 the first one being the aggravating factor of the crime
16 itself, we did give due weight to, and there are some
17 crimes that are so extremely aggravating that the crime
18 itself carries so much weight. In order to outweigh that,
19 the factors in mitigation have to be overwhelming. This
20 Panel found that today, that is the case. That the factors
21 in mitigation are overwhelming, such that they overtake
22 the crime, notwithstanding its atrocity, not with --
23 withstanding its impact on not just the families and the
24 victims and the nation as a whole, perhaps the world as a

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 5**

1 whole. And if you had been sentenced to life without
2 parole, that would be a different matter, but you were
3 sentenced to life with parole. And I had that brief
4 discourse with Ms. Berry about our sentencing laws today,
5 but over time laws change and we are bound as judicial
6 officers to follow the law that is existing now and the
7 law that existed at the time. And while I find this crime
8 to be extremely aggravated and I find your, uh, personal
9 responsibility for it to not be perfect, we felt that
10 those things are overwhelmingly outweighed by the factors
11 of mitigation that I will also go through. And having said
12 that, again, looking at the crime, there are times when we
13 see crimes that are horrendous, that 20 years doesn't seem
14 like enough to serve, 30 years, even 40 years, but to
15 serve 53 years or close to 55, I guess on this crime, uh,
16 I think it's '68 to now, I think it's 53 years, um, we
17 think certainly adequately has under the law justified the
18 punishment phase of incarceration. The other things, the
19 other goals of incarceration of course are rehabilitation
20 and to a certain degree incapacitation, and to the degree
21 that you are now 77 years old and we factor in those
22 elderly offender considerations, we think you're
23 significantly incapacitated also as far as committing
24 additional crimes, and I will go into that as well. But we
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 6**

1 do find the crime itself to be extremely aggravated. There
2 were multiple victims, there was a US Senator, potential
3 presidential candidate, uh, it was done for, in your own
4 mind, what you told us today, under the influence of
5 alcohol and in response to anger over the Arab Israeli
6 conflict, and so that's political motivation whether you
7 want to call it that or not. And so, I don't want anyone
8 to view this decision and think that somehow, we set that
9 aside, we did not. We also do not set aside the fact that
10 you, um, are denying memory of the events. At one point in
11 time on the record, uh, you admitted committing the crime
12 and shooting everyone and then during hearings and later
13 discovery I suppose, uh, you came to the opinion that that
14 was basically under the undue influence of a perhaps, uh,
15 Attorney who had ethical issues. Then later you came to
16 the understanding that, um, you were still responsible and
17 today, and I want to say this because this is my notes in
18 the record, you have again taken responsibility for firing
19 the weapon, for bringing the gun there as we discussed,
20 um, and for being in, as I think Mr. Kennedy put it, in
21 the room, shooting a gun at people with malicious intent,
22 regardless of whether your bullets killed somebody in
23 particular or hurt someone in particular, you were there
24 taking that action and it certainly caused, um, damage,

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 7**

1 certainly caused injury and potentially death. Even if it
2 wasn't your bullet, perhaps it was the distraction of your
3 firing that allowed someone else to fire, I don't know I
4 wasn't there. But I have to take the convictions as they
5 stand, which is you being responsible for the murder and
6 the assault with intent to commit murder. And so, in
7 considering that we looked at other Panels and what
8 they've done in the past, where they've analyzed your
9 claims of innocence or partial claims of innocence, which
10 is what we have today and made a determination that that
11 therefore by claiming that innocence, that it was somehow
12 implausible to the degree that it raised the question as
13 to whether or not you had true remorse, true insight, or
14 were lacking in personal responsibility. This Panel finds
15 that whether plausible or implausible, at this stage with
16 all of the other factors, you still do not pose an
17 unreasonable risk to public safety because of the second
18 prong of that test. The first test is whether or not it's
19 implausible. Even if we were to find it implausible, we
20 then would have to go to the second prong which would be,
21 okay, if his defense is implausible, does it rise to the
22 level that he's a current danger? And because of all the
23 factors that I'm gonna go through now, we believe that
24 that is not the case. And I say that again, because those
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 8**

1 reviewing this, I don't want them to think that we're
2 making an expressed finding of plausibility, because as I
3 stated, even if implausible, we find that you no longer
4 pose an unreasonable risk to public safety. Having said
5 that, is your insight perfect, no. I don't know that
6 anyone's insight is ever perfect, but we think that you
7 have grown. And as was mentioned, in the last five years,
8 since your last hearing, there are several things that
9 have changed, not just the things that your Attorney
10 raised, which I had on my list, but, um, there are a few
11 more. Not only are you five years older at 77 and your
12 physical condition has worsened, you've also got the youth
13 offender factors, which was mentioned, and I'm gonna go
14 over those that apply. Whether or not there's DA
15 opposition doesn't even enter into the picture, at least
16 as far as our consideration or determination of the case.
17 Um, they obviously have opposed in the past and even
18 assuming they opposed it today, our decision would be the
19 same. But you've had five more years of discipline-free
20 time, but more importantly than that, five more years of
21 exercising good judgment. And as I said, decision might
22 have been different in 2016 when I personally feel you had
23 a lapse in judgment in that kitchen incident, you should
24 have just walked away and quit the job and not risk even

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 9**

1 having words. That being said, it seems from our
2 discussion today that you've learned from that and you've
3 grown from that and so that has changed. There's been no
4 further lapses in judgment. We also see more programming,
5 significantly more programming in several areas of self-
6 awareness that we think was beneficial, uh, both in how
7 you presented today. I wasn't present at the other
8 hearings, but from reading the transcripts and having been
9 involved in hundreds of hearings myself, at times in past
10 hearings you appe -- appear to be verbally combative, if
11 not, um, in some respects, uh, indignant. I did not sense
12 that today whatsoever. I actually sensed from your
13 demeanor and from your manner of responding, even when we
14 would interrupt you and try to bring you back on track,
15 because you do have a little bit of a tendency to stray,
16 um, we were able to do so without any visible reaction,
17 negative reaction on your part. And, um, so that was
18 evident to us too and I believe that that's a change. In
19 addition to which you have additional positive character
20 references from Correctional Officers. And as I said
21 before, we take that and give that great weight in -- in
22 this sense. We get letters all the time in support and
23 opposition, and obviously letters from family and friends
24 of yours are typically going to be supportive.

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 10**

1 Obviously letters, oftentimes from victim family members
2 are going to be the opposite. Here we have a mix. But
3 nevertheless, we consider those people and their opinions
4 as valid, but they're also to a certain degree, um,
5 understood because of the positions they hold. And then we
6 look at letters from the public at general, and we have a
7 lot of letters in public here, and again, those are just
8 people's opinions that don't have the information that we
9 have in terms of everything in your record. And so, while
10 we certainly consider that, it's not given a lot of
11 weight. And then we move up to those letters from people
12 that see you on a day-to-day basis, so free staff, like a
13 kitchen supervisor or a volunteer leader or someone along
14 those lines that seen you work in programs, seen you work
15 with other inmates, seen you work, um, on the job, seeing
16 that you get along with others, you follow, you know,
17 people's direction, supervisors' direction and we see that
18 over time, um, your reviews have been excellent in that
19 regard. And then we get to that other level and that's
20 Correctional Officers who, in my experience, don't have
21 any incentive to write a support letter for any inmate. In
22 fact, at times they have disincentive based upon how maybe
23 their colleagues feel about them doing that. Having said
24 that you have three fairly recent letters, all of which

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 11**

1 are Correctional Officers that, and we put them on the
2 record already, I don't have the names in front of me at
3 the moment, but I did read all of them. And each one of
4 them says basically the same thing, oh, here we go,
5 Correctional Officer Mack, Correctional Officer Nolan,
6 Correctional Officer, uh, Derek, each one of them says the
7 same thing, that they see you day in-day out, good days,
8 bad days when you know they're looking, when you don't
9 know they're looking and that your character is one of,
10 um, being a prosocial individual who following directions,
11 who avoid problems, avoids problem inmates and does not
12 display anger or loss of temper. And we know that that was
13 one of the things at play at the time of this crime, so
14 that is showing offender change from people who see you on
15 a daily basis. And so, we give those perhaps more weight
16 than we give others, because they see you on that daily
17 basis. And then we had the one, which while it's dated
18 from 1983, the reason it is even mentioned is because
19 within our own training and experience, when we look at,
20 um, whether or not someone is rehabilitated, we look at
21 not just can they do time, in other words, without getting
22 disciplined. And apparently not everyone realizes this,
23 but we do see many inmates who do 20, 30 years with very
24 few discipline write-ups. Now we see many that have a ton
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 12**

1 of them too. So, I'm not saying that it's not exemplary,
2 but you're not the first person, you're probably the first
3 person I've seen that's done 53 years with only two that
4 were older 42 years old, but I've seen people with 30
5 years and no write-ups. So that alone though, wouldn't
6 necessarily, uh, in and of itself show that you've changed
7 although it is good evidence to your conduct, but we also
8 look for those things that show you've gone beyond that.
9 And the fact that you were willing to step in, assist an
10 officer when he was in potential danger and that officer
11 wrote of that, is also something that speaks to
12 underlying, uh, character trait and that was actually, uh,
13 several decades back. So, we considered those things. We
14 also considered the fact that when we look at one's
15 criminal history, that's one of the factors both under the
16 regulations and under our structured decision-making that
17 we have to consider. Not only do you have no prior
18 criminal history, which is a mitigator, you don't even
19 have any prior instances of violence in your record before
20 this crime. So, no prior instances of violence. And then
21 as I said, in the last 40 something years, no serious rule
22 violations of any kind, um, certainly no overt violence of
23 any kind. Your last even counseling chrono was in 2010,
24 which is over 11 years ago and everything else predated

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 13**

1 into the 70s, um, and the one instance in 1990. So that is
2 also a mitigating factor in that your institutional
3 history is exemplary. Your lack of prior criminal record
4 is mitigating. You also, obviously had never been on
5 supervised release, so because you've never been convicted
6 of anything. As far as any substance abuse issues, we do
7 find that alcohol was a factor in this crime through your
8 own admission, but we also find that you programmed
9 considerably to address that both through AA, through the
10 substance use disorder treatment program and we are going
11 to put conditions in place that will reinforce your
12 sobriety and reinforce, um, your ability to maintain what
13 you've expressed to us, which is a conviction to be
14 alcohol-free for the rest of your life, so I'll get to
15 that when we get to special conditions. We also recognize
16 that you have, um, in prison as part of your adjustment,
17 you haven't joined any gangs. You haven't been involved
18 in, uh, a lot of the problems that other guys get them to,
19 into, with negative associations in prison. We see
20 upgrades in education, which is also mitigating, obtaining
21 your AA, taking other college courses. You've tried to
22 better yourself vocationally, there's a number of
23 certificates in the record, I'm not gonna recite them all.
24 You've completed the office services and related

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 14**

1 technology course. Your work history, as I said, has been
2 steady and positive. Um, you listened to what the last
3 Commissioner said, which was, you know, increase your
4 programming, and we see that you've done that. Again, I'm
5 not going to necessarily list the 20 programs that you've
6 done, but we find your self-help programming, especially,
7 uh, in the last five years to be, um, commendable and
8 mitigating. You have completed several what I would call
9 cell-study or in-cell study, rather than what many have
10 done, which is sit on their hands during COVID and feel
11 like they didn't have to do anything to better themselves,
12 you have been able to complete self-directed courses in
13 stress, bouncing back resilience toolkit, uh, action plan
14 for relapse prevention, cognitive behavior therapy, again
15 the substance use disorder treatment which you actually
16 took for a longer period of time, 6 months I believe that
17 course was. Emotional intelligence workbook, communication
18 skills workbook, anger management in 2020, dealing with
19 your emotions in 2020. Um, you have gone, ongoing basis,
20 for the las -- off and on for the last 5 years to lifer
21 support group. You've gone through victim awareness, um,
22 Tai Chi. Looks like you were in gateway to recovery,
23 narcotics anonymous, uh, alcoholics anonymous and as you
24 said, you even assisted in running some of those programs,

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 15**

1 facilitating some of those programs. So, we do find your
2 programming to be adequate and to be mitigating in the
3 terms that it addressed, um, the risk factor, as far as
4 your ability to recognize anger, emotional intelligence,
5 deal with stress, because we do find that there were
6 stressors at the time of this crime. There was the
7 potential for PTSD having gone through what you went
8 through as a child and then of course with your daughter,
9 your not, excuse me, not your daughter, your sister dying
10 recent, uh, recently before this. Um, while those
11 certainly aren't excuses whatsoever for your actions, they
12 are things that are considered because stressors that
13 someone is under at the time of the crime are things that
14 we can consider and have considered. In addition to that,
15 it appears that as I said, your insight has improved. You
16 talked about, today I think more clearly than in the past.
17 One of the things I noted in past transcripts when asked a
18 direct question, and this also has come up in your Risk
19 Assessments, and I don't know if this is because you had
20 legal actions pending, or because you were cautioned, uh,
21 in the past by other Attorneys about what you said or how
22 you said it, but it always appeared that you would evade,
23 you would kind of skirt the issue, you would give answers
24 that weren't really direct answers, but today we felt you
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 16**

1 were very direct in saying, yeah, my feelings about the
2 Middle East, my use of the alcohol that night were two
3 major factors. You talked about, you know, character
4 defects of being selfish, impulsive, reckless. Um, we had
5 the discussion about even guns and alcohol being reckless
6 as something that is just ranks up there with stupidity.
7 And so as far as understanding your character defects, is
8 it perfect? No, I probably would have thrown some more in
9 there, but you also talked about lacking humility. You
10 also talked about being in, you know, I think you said
11 self-assured or cocky or something like that, but I would
12 put that as lacking humility. Um, and then the fact that
13 you certainly weren't seeking help from anyone else, we
14 see that also as something that has changed. Your
15 willingness to seek help from others that you didn't have
16 as a 24-year-old. So, we believe that your insight has
17 improved. It's certainly not perfect. Um, and as far as
18 coping skills, you know, when we talked about emotion
19 intelligence, you said that you do read, you do go out and
20 exercise, you meditate, um, you're willing to talk to
21 other people to resolve things. You certainly have taken
22 the classes on conflict resolution and dealing with your
23 emotions in a positive way. And that's why we had the
24 discussion we had about the 2016 incident, because I think

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 17**

1 you summed it up later and maybe it was after the break,
2 you had some more time to think about it, I don't know,
3 but you said, yeah, now I have to look at the big picture
4 and I have to recognize that, you know, at that time it
5 was more about you may be feeling jealousy, that's another
6 character defect. You know, this guy got a job you felt
7 you should get and doggone if you were gonna quit the job,
8 you know, but it appears that you understand that that was
9 false pride and that that was something that you need to
10 get rid of, because certainly as you go out in life,
11 things may not be fair and you're gonna have to deal with
12 that on a day-to-day basis. So, we thought your not only
13 responses today were much better than in the past, but
14 your understanding of who you are and your ability to deal
15 with those things has improved. You also talked about
16 yourself being, um, I don't know if you used the word
17 ignorant, but you said ignoring what was going on. But I
18 think that that's common too amongst youth defenders. So
19 overall we found that offender change does, has existed
20 and not just based upon maturation of age. We know the
21 statistics; we know it drops significantly at 50 and at 60
22 recidivism drops dramatically. We also recognize that this
23 crime was situational in a certain extent in that you
24 weren't someone who had this long history of violence and
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 18**

1 an escalating criminality that was going from thefts to
2 robberies to assaults, to, you know, shootings to murder.
3 I mean, for you, it was 0 to 100 in one instance, or may,
4 if there something more than 100, I personally, uh, think
5 that's high enough, but the reality is we've seen that
6 there has been off -- offender change, both because of the
7 elderly offender considerations, but also, I think through
8 your own reflection and growth, um, even in how you
9 approach these hearings. And so, I think that that to me,
10 indicates that you have internalized your programming. I
11 would agree with your Attorney, maybe it's a function of
12 age at 77. Um, you're not always able to articulate or
13 express your feelings exactly, there were several times
14 today you were searching for words, um, but we do look at
15 the conduct and we do look at, as I said, letters from
16 people that have seen you on a day-to-day basis and we
17 take that into consideration along with the work that
18 you've done and the discipline-free record that you have.
19 So, all of that shows us that there is offender change and
20 that it has been, um, ongoing. We're all a work in
21 process. Transformation doesn't happen overnight. We also
22 found your parole plans to be adequate. You have someone
23 out there with housing that's being offered in your
24 brother, even to the extent that he would assist you if

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 19**

1 you were deported, um, and that's always one of the major
2 concerns are housing and financial support. It sounds like
3 he has that. That said, we also believe that after 50
4 something years, you can't not be institutionalized and we
5 believe that there should be some structured setting. We
6 would certainly leave it -- leave it up to parole to
7 ensure your safety wherever it is that you are placed, but
8 that'll be one of the special conditions as well. We also
9 believe that you have a support network. While you only
10 have the one brother left, there are obviously people on
11 this call and others that have pledged their support to
12 you. Um, it appears that you also may have the ability to
13 create a support network in your faith community once
14 you're, um, released. And so, we find that your plans
15 subsequent to release are mitigating, parole plans and
16 support network. And then that brings us to the Risk
17 Assessments, not only in 2020 by Dr. Cirimele wherein it
18 is opined that you are a low risk for violence, but
19 there's also a 2016 report by Dr. Sahni, S-A-H-N-I, and a
20 2010 report by Dr. Carrera, C-A-R-R-E-R-A, not -- not
21 leaving out the private reports that have been, um,
22 prepared by others on your behest, but even leaving those
23 out, and they of course are both positive as well, these
24 are three expert forensic psychologists who work on behalf
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 20**

1 of the Board to prepare these assessments. And while they
2 are not certainly the end-all, many times I have given
3 things different weight than what they've given things.
4 But when I read through them all, there was one sort of
5 central theme that I saw and that is even recognizing that
6 you don't take complete responsibility for the actions,
7 even recognizing that your insight has been poor at times
8 with them, and that your answers to them have not always
9 been direct and they've even described you as evasive,
10 nevertheless, notwithstanding those issues, they've all
11 still come to the conclusion overall that you were a low
12 risk and that's for a lifer inmate. And not to
13 necessarily, um, take issue with Ms. Abreu, but I can tell
14 you that in the last 10 years the overall recidivism rate
15 for California prisoners has dropped from 65 to 45% in a
16 large part my belief is because we've re-instituted
17 rehabilitation into the prisons. But that's for general
18 determinately sentenced inmates. Lifers, somewhere between
19 8 and 10,000 now that have been released have recidivated
20 at less than a 1.5 to 2% rate. And what these ratings are
21 indicating is that you are considered by all three of
22 these expert psychologists, to be at the low end of a 1.5
23 or 2% recidivism rate. So, it is significantly lower than
24 the average recidivism rate for an average person being
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 21**

1 released from prison and there are a lot of reasons for
2 that, obviously given people aging out of crime, people
3 having more time and more motivation to program. And there
4 are some programs I don't think you can help but learn
5 something about yourself even if you're just sitting in
6 the chair. So, we find that the Risk Assessment, the
7 current Risk Assessment as well as the two priors, support
8 this decision. And then we get to, um, mental health
9 issues. You're not currently diagnosed with anything on
10 the DSM-5 as far as a major mental, uh, disorder. However,
11 because there was mention of, you know, your impact of
12 your childhood and your Attorney certainly mentioned it as
13 posttraumatic stress syndrome, which we know can stay
14 repressed for many years and impact people differently,
15 depending on what triggers arise, we're also going to
16 order as a special condition that you take part in what we
17 call BHRP, which is Behavioral Health Reintegration
18 Program, it used to be called Parole Outpatient
19 Counseling, but I'll get to that when we get to special
20 conditions. So, in case someone is checking boxes, we find
21 mitigating your offender control, mitigating your, uh,
22 prior criminal or lack thereof history, mitigating
23 institutional adjustment, mitigating an offender change,
24 mitigating in parole plans, mitigating for programming.

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 22**

1 And now we get to spa -- what we call case specific
2 factors, the first one of which is what we call the youth
3 offender factors. And this is important because if we were
4 on the fence again, in terms of the impact of the crime
5 and lack of responsibility, this factor in my opinion
6 would cause us to still, and looking at the scales, um,
7 give benefit to the inmate who qualifies as a youth
8 offender. Basically, what science indicates at this time
9 is that at that age our brains are not fully mature. Now
10 you were probably at the upper end at 24, as opposed to a
11 16-year-old, but nevertheless, when I talked to you about
12 where you at in your life, you were aimless. No doubt you
13 had some emotional growth stunted as a result of your
14 childhood experiences and the fact that that was ongoing
15 and I -- I quite frankly think that you still need to
16 explore that because even though you said you didn't seek
17 it out, it wasn't like you were looking for it, I think
18 that you had to have been keenly aware of it because of
19 how it impacted you, and certainly in your actions on the
20 day of the shooting. So, but when we look at that, we look
21 at overall, if those executive order functions are not
22 fully mature, what does that do to the individual? And in
23 your case, it's subjected you to basically immature
24 thinking, certainly bad judgment as we talked about,

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 23**

1 having a gun when you're inebriated. You also didn't weigh
2 the long-term consequences of your actions. You were
3 impulsive. Um, there's even a section in the law that
4 talks about having a general mistrust and reluctance to
5 trust your Attorney resulting in working less effectively
6 with your Attorney and aiding in your defense. In your
7 case, it sort of turned on its ear a little bit in that at
8 least it's been represented that you may have trusted your
9 Attorney too much and not been able to effectively aid in
10 your defense, but it still falls under that rubric of
11 someone who's 24, who has not been exposed to the criminal
12 justice system. And then we look at all the other hallmark
13 features of youth, and you demonstrated what we call an
14 underdeveloped understanding of your responsibility for
15 your actions and decisions and you demonstrated impetuous
16 thinking. At some point, in my mind, regardless of how
17 many drinks you had, you had to make a conscious choice to
18 pull that gun out and pull the trigger and in doing so,
19 whether inebriated or not, in my mind there had to have
20 been for most of us, you know, some thought process that
21 proceeds that because your hand usually doesn't work on
22 its own. That said, your thought process, by virtue of
23 being a youthful offender, demonstrated significant
24 heedless appreciation of the consequences of your action.

25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 24**

1 In other words, it was very impetuous. It was very
2 impulsive. You didn't think about what was gonna happen to
3 the people that were shot, what was gonna happen to you,
4 what was gonna happen to the nation, what was gonna happen
5 to the world. I doubt any of that was gone through in your
6 mind ahead of doing what you did. So as a youth offender,
7 we have to look at whether or not you were capable of
8 change, or whether this evidenced what we call a depraved
9 character, in other words, entrenched criminality. And
10 oftentimes we see people come to prison and they get
11 worse. They join gangs, they commit perhaps even more
12 horrific crimes in prison than they did when they came.
13 That wasn't the case for you. We saw someone who, I think
14 you were immature in the 70s, that certainly shown by the
15 115's that you got then and some of the verbal outbursts
16 that you were, uh, making. Um, but I think that if, you
17 know, you came in at 24 and by the time you were basically
18 in your late 30s, certainly through your 40s and beyond,
19 um, you showed considerable maturity in avoiding
20 situations. As I said, I am keenly, maybe uniquely, other
21 than perhaps some of our Wardens that are on the Board
22 that understand what happens in prisons, aware of how
23 difficult it is to live in that environment, especially
24 being someone with high notoriety and avoid problems. So
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 25**

1 we recognize that in doing so, you had to exercise good
2 judgment on a daily basis and it appears again from the
3 laudatory chronos that you received that you did. And then
4 as I said, in the last five years, we felt that you've
5 engaged in more reflection and made a significant attempt
6 to think about the reasons and the impact of your actions.
7 You demonstrated maturity through impulse control,
8 developed prosocial relationships, stayed away from
9 negative influences, and it's resulted in all the positive
10 programming, the positive job reports, the -- the
11 positive, uh, letters of support from officers, certainly
12 the programming and results of that programming. So, under
13 the youth offender factors and giving great weight to
14 those factors, um, we felt that that is significant
15 mitigation as well, that hasn't existed previously in your
16 hearings. And then finally we gave special consideration
17 and considered to be mitigating your age of 77, the
18 various health concerns that you have, I'm not gonna
19 reiterate them, they're already in the record. Um, and
20 obviously I don't wish this upon anyone, but you're going
21 to continue to age and -- and that debilitation will only
22 increase, we don't see it as something that gets better
23 necessarily. So, we determined that those, that factor
24 also reduced your risk for future violence, uh, age, and
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 26**

1 certainly the time that you served and the injuries that
2 you've suffered, uh, even most recently is something that
3 has additionally resulted in debilitation, at least in
4 terms of your, uh, neck and then we know about the
5 shoulder and the kidneys and those issues. Overall, we
6 look at, uh, these decisions, as I said, judicial
7 officers, and when they're examined, we are mindful of the
8 case law. We're mindful of Shaputis 2, in re Bush, in re
9 Rodriguez, all of which are contrary perhaps to your
10 Counsel's arguments, um, would in the past have found an
11 implausible denial along with attendant, lack of
12 responsibility or insight, along with the aggravating
13 nature of the crime, to be sufficient, uh, to deny you.
14 However, we did consider all of those things. And in
15 considering those things, we saw the improvement that
16 you've made and all of the other mitigating factors and we
17 did not find that your lack of taking complete
18 responsibility adds to current dangerousness. Based on
19 these findings, we conclude that you do not pose an
20 unreasonable risk of danger or threat to public safety and
21 are finding you suitable. This decision is not final. You
22 need to understand the Governor has discretion to be more
23 stringent or cautious in determining whether someone poses
24 an unreasonable risk to public safety and courts give much
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 27**

1 deference to the executive function. But as far as our
2 decision within the law and the evidence that we are bound
3 to follow today as judicial officers, we are finding that
4 you are suitable. However, it will be reviewed. The
5 Board's legal team reviews this decision, that takes up to
6 120 days. The Governor has an additional 30 days to review
7 it. If something changes, you'd be notified in writing of
8 what that is, The Governor can reverse it and the Governor
9 can send it back to the entire Board, the other 16
10 Commissioners would then review the entire file. They
11 would not like me very much at that point probably, but
12 they would all do it and all of my colleagues are, um,
13 certainly, uh, in -- in my opinion, I know that past
14 Boards, through no personal intent have been disparaged
15 for their decisions or in some of the filings I saw that
16 they were, um, ascribed ill-intent, that they were making
17 their decisions just to reach a particular conclusion and
18 looking for any reason to do that. I have faith in my
19 fellow colleagues in their commitment to this job and
20 their commitment to doing what the appropriate thing is in
21 every case and treating every individual fairly. So, if
22 it, uh, ends up being that their review, I have every
23 confidence that they will do so and they may disagree with
24 me, but I also believe that they are all fair men and
25 **SIRHAN SIRHAN B21014 8/27/2021 DECISION PAGE 28**

1 women who take this job as seriously as I do. That said,
2 the reason that I'm saying this is, I want you to know
3 that for the next four to five months, until whatever
4 happens happens, you need to remain in your program,
5 whatever it is that you're doing, being on the job,
6 staying out of trouble, because even the slightest misstep
7 on your part, even a counseling chrono for putting up a
8 window covering or something that shows additional
9 recalcitrance or disrespect for authority could be enough
10 to have your grant rescinded. So that's why I'm trying to
11 make that clear to you. If you are released from prison,
12 you're gonna be subject to all the general conditions of
13 parole as well as the special conditions that I'm going to
14 impose in a moment. But before I do that, I have to ask
15 Commissioner Meighan, if she concurs and if she wants to
16 add to the decision. Commissioner.

17 **DEPUTY COMMISSIONER MEIGHAN:** Concur. Nothing
18 further. Thank you.