

SHOULD THE CALIFORNIA DEPARTMENT  
OF CORRECTIONS AND REHABILITATION  
(CDCR) BE ALLOWED TO SUBSTITUTE  
TREATMENT OF A MENTAL ILLNESS  
WITH PUNISHMENT?

The law states that the California Board of Parole Hearings (BPH) may find one unsuitable for parole as long as there is "some" evidence of a current risk of dangerousness. This broad discretion allows the BPH to use any rules violation report (RVR) one may have acquired, as "some" evidence to deny parole; the RVR does not have to have had resulted from violence, as the BPH's rationale is that <sup>if</sup> one cannot follow rules in prison, then one cannot follow rules in society. But what about when the RVR's resulted from a mental disorder which CDCR has diagnosed, yet refuses to treat, is justice then served in finding one unsuitable for parole essentially for having a mental illness...?

Subsequent to the passing of Senate Bill 261 into California law, which makes those inmates who committed their crimes under the age of 23 eligible for an early parole consideration hearing, I found myself going before the board unexpectedly in November 2017, some 20 years early.

By that time, I had already been incarcerated for 20 years for a robbery shooting, a life altering incident that the prosecutor theorized as an attempted murder - I assume to ensure that I receive ~~the~~ the most prison time if convicted, and it worked.

Since entering prison, I have been diagnosed with an exhibitionism disorder. An illness which directly affects behavior, which in turn affects one's parole suitability.

COR only treats about ten different mental illnesses, of which exhibitionism isn't one. This is ridiculous as open, compulsive, and uncontrollable masturbation is prevalent and rampant in prison. Consequently, COR has formulated creative and unconstitutional methods to identify, single out, and punish those inmates whom have this particular diagnosis, by compiling CVR's on the individual, covering one's cell windows with yellow placards so that one cannot see out, and forcing one to wear an indecent exposure control jumpsuit ~~that~~ which fastens in the back with thick straps and a pad lock, locking one inside.

This humiliating contraption is made so that one cannot access one's penis, when on the yard and have to use the restroom one must yell for an officer, as one is also confined to a single-man cage, to come and unlock and unstrap the jumpsuit. One is lucky if an officer responds in time, if at all. Understand, inmates with this label is regarded as shit. And there is not any other sect of the inmate population within COR that is being single out and blatantly humiliated.

These extreme, careless, and dangerous measures COR has adopted place a target on my back, as well as on the backs of other inmates with a diagnosis of exhibitionism, where other inmates, particularly gang members, seek to do us harm. Thus it is, in fact, COR's policy that is creating and perpetuating a dangerous environment. Moreover, these measures do not cure, curtail, nor cease the disorder, leaving one to further wallow in decompensation.

My parole hearing lasted roughly three hours. Before it ended, the commissioner acknowledged my genuine remorse for my committing offense and also the fact that I'd

participated in several self-help groups, which dealt with the factors that lead to my imprisonment, upon hearing me articulate the things I have learned in those classes. The commissioner went on to say that I have a good chance at parole, only that my disciplinary history is so bad; at that time I had a total of fifty rrr's, the most recent (within the last decade) were mostly for masturbating - I was denied parole for seven years. And was told that if I show a pattern of clean behavior - that is, a pattern without receiving any rrr's - to then submit a petition to Advance the Parole Hearing, and that they'll (BPH) call me back before seven years. The commissioner also made it clear that it doesn't have to be a "long pattern" of clean behavior, but long enough for them (BPH) to say, "OK, we think this is a thing of the past."

Showing a pattern of clean behavior is doable. I have conflict resolution skills, and I do not operate through violence; I do not do drugs, therefore, I do not worry about getting those kinds of rrr's either. I follow rules; my problem is this disorder I suffer. I feel that CCR is doing me a disservice by refusing to implement treatment for exhibitionism and to adamantly pursue constitutional methods, that are therapeutic, which would successfully cure, curtail and eliminate the symptoms of exhibitionism the way that it is bent on ferretly persecuting and punishing this disorder.

Also, if CCR were to calibrate treatment for exhibitionism, then I'd have that pattern of clean behavior and perhaps be found suitable for parole by the year 2020.

Troyzon C. Gilbert # P23761