

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DEREK PETTIS, K-06969

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1994, Derek Pettis was detained by police after he got into an argument with other patrons at a bar. One of the officers and a chaplain, who was doing a ride-along, agreed to drive Mr. Pettis home instead of taking him to jail. At Mr. Pettis's home, the officer opened the door so Mr. Pettis could exit the car. Mr. Pettis punched the officer in the face, knocking him to the ground, and then grabbed his gun. Mr. Pettis shot and injured the officer, and then fatally shot the chaplain as he pled for his life.

DECISION

In the cases of parole candidates who commit their crimes when they are under 26 years old, I am required by law to review the record for evidence of factors relevant to their diminished culpability as youthful offenders. Mr. Pettis committed this crime when he was 24 years old, at which time he demonstrated hallmark features of youth that diminished his culpability under youth offender laws. The psychologist who evaluated Mr. Pettis in 2023 concluded that, at the time of his crime, Mr. Pettis presented as "emotionally fragile as a youth, in that any provocation or stress was met with a violent response from Mr. Pettis. This emotional fragility was likely modeled by his environment as a child, was further encouraged by the gang culture, and was exacerbated by substance use."

As further required by youth offender laws, I have also examined the record for evidence of Mr. Pettis's subsequent growth and increased maturity since his life crime. He has been incarcerated for 29 years. I acknowledge that Mr. Pettis has made efforts to improve himself in prison. He has engaged in vocational training, maintained a positive work history, participated in self-help programming including substance use prevention courses, and has maintained his sobriety in prison. He disassociated from his gang in 2005 and has not been disciplined in the last 10 years. He has also served on the inmate advisory

committee. I commend him for taking these steps and I encourage him to continue on this positive path.

After evaluation of Mr. Pettis's record and giving great weight to the relevant youthful offender factors, I conclude that these mitigating factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

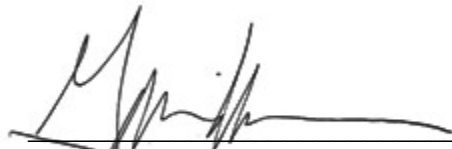
Mr. Pettis has a history of violent conduct in the community. At the time of the life crime, Mr. Pettis was on probation for shooting at an inhabited dwelling and at an unoccupied car. In prison, he continued to engage in violent conduct for two decades. Mr. Pettis was last disciplined for fighting in 2012, but he admitted that he was involved in a physical altercation in 2015. I acknowledge that Mr. Pettis has demonstrated some awareness about this risk factor, which is an encouraging sign of his developing insight. However, I have concluded that Mr. Pettis has not sufficiently mitigated this risk factor for violent conduct, and in particular, its nexus with his risk factor for substance use relapse.

Mr. Pettis has a lengthy history of substance use, and the psychologist who evaluated him in 2023 diagnosed him with multiple substance use disorders. Mr. Pettis reports maintaining his sobriety in prison, and the psychologist noted that his substance use disorders are all currently in remission in the controlled environment of prison. The psychologist cautioned, however, that Mr. Pettis's "lack of ready identification of emotional or other intrapersonal triggers may indicate a lack of understanding about the reasons he used substances, which may leave him vulnerable to future use." I have concluded that before Mr. Pettis can be safely released, he must do additional work to address his risk factor for substance use relapse, especially in light of the additional stressors and opportunity to access substances he would face upon release in the community. In particular, I encourage Mr. Pettis to deepen his understanding of his internal processes that previously led him to use substances. I also encourage him to further develop his self-awareness into his intrapersonal triggers for substance use to further mitigate his risk of relapse in the community.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Pettis is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison at this time. Therefore, I reverse the decision to parole Mr. Pettis.

Decision Date:
January 29, 2024

A handwritten signature in black ink, appearing to read "G. Newsom", is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California