

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RODNEY MCNEAL, P-80613

Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2000, Rodney McNeal was convicted of murdering his wife, Debra Marie BlackCrow McNeal, by hitting her on the head, stabbing her numerous times, then dragging her through the house to the bathtub where he strangled her. Ms. BlackCrow McNeal was approximately seven months pregnant with their child. Mr. McNeal has consistently maintained his innocence and has presented evidence that Ms. BlackCrow McNeal was killed by his brother.

Mr. McNeal was sentenced to 30-years-to-life. As a result of credit earning prescribed by statute, he was eligible for a parole hearing in 2021. In March 2020, I commuted his sentence based on his exceptional conduct in prison, giving him an earlier opportunity to be considered for parole. At his September 2020 parole hearing, the panel issued a split decision. The Board of Parole Hearings reviewed the decision en banc and voted to grant parole.

GOVERNING LAW

The question I must answer is whether Mr. McNeal will pose a current danger to the public if released from prison.

DECISION

I acknowledge Mr. McNeal has undertaken significant rehabilitative efforts in prison. He has engaged in significant self-help programming, earned a vocation, and two associate degrees. I also acknowledge that the clinician who evaluated Mr. McNeal in 2020 found that he represented a low risk for future violence. While I commend Mr. McNeal for his positive rehabilitative efforts, I find that he is unsuitable for parole at this time.

Before Ms. BlackCrow McNeal's murder, Mr. McNeal's relationships with his partners were marked by a violent pattern of coercive control and abuse. The San Bernardino County Sheriff's Department responded to complaints of violence at the home numerous times. On one occasion after deputies responded to calls of domestic violence at the McNeal home, Ms. BlackCrow McNeal filed a restraining order against Mr. McNeal. On another occasion, a deputy responding to a domestic violence incident in the home removed two handguns from the couple because they seemed "upset and unstable." Later that month, Ms. BlackCrow McNeal brought a handgun to the police station "because she was afraid the defendant would use it on her."

At his parole hearing, Mr. McNeal was asked to address his history of domestic violence against Ms. BlackCrow McNeal. He admitted that he assaulted her five or six times, and that he had committed acts of domestic violence against another partner in a prior relationship. The clinician who assessed Mr. McNeal found him to be a low risk for future violence but noted that his risk factor for domestic violence was a moderate concern, noting that "Factors that may involve romantic relationships are opined to still hold moderate relevance because they have not yet been tested in the community and will require future risk management strategies to ensure they are moderated."

I acknowledge that Mr. McNeal's candor about his past acts of violence against his partners indicates that he is on positive path. I also acknowledge that at his parole hearing he was able to describe the tenets of the domestic violence prevention programming in which he has engaged. He was not, however, able to satisfactorily articulate these factors with respect to his own acts of domestic violence against the victim of the life crime. After listening to Mr. McNeal's testimony at the hearing, the deputy commissioner who found Mr. McNeal unsuitable for parole concluded that Mr. McNeal's statements about his domestic violence history demonstrate that he requires additional work to mitigate this risk factor. I agree that Mr. McNeal has not yet sufficiently mitigated his risk for domestic violence. I encourage him to continue his work in this area, to deepen his understanding of his triggers for intimate partner violence, and to internalize his programming in order to develop the tools he will need to sustain healthy relationships.

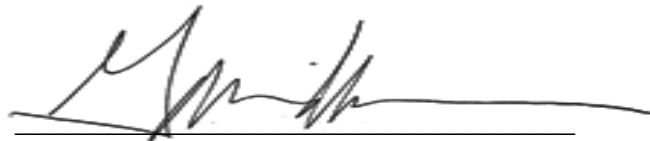
Mr. McNeal must also be able to understand and address the fact that his violent conduct against Ms. BlackCrow McNeal, a member of the Oglala Sioux Tribe, occurred within the context of a national epidemic of violence against

Native women.¹ Mr. McNeal's violent conduct toward Ms. BlackCrow McNeal not only ended Ms. McNeal's life, but also had a devastating impact on her family, community, and tribal nation. Mr. McNeal must deepen his insight into the causative factors of his violent conduct toward intimate partners generally, and the specific dynamics of his victimization of Ms. BlackCrow McNeal.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. McNeal 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. McNeal.

Decision Date:
January 29, 2021



GAVIN NEWSOM
Governor, State of California

¹ Native women experience domestic violence at rates far exceeding women of other ethnicities—more than 50 percent higher than the next most victimized demographic. Murder rates of Native American women are more than ten times the national average. Perry, Steven W. 2004. American Indians and Crime—A BJS Statistical Profile 1992- 2002. Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs. At least 70 percent of the violent victimizations experienced by American Indians are committed by persons not of the same race— a substantially higher rate of interracial violence than experienced by white or black victims. Greenfeld, Lawrence & Smith, Steven. American Indians and Crime. Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs, February 1999. NCJ 173386. <http://www.bjs.gov/content/pub/pdf/aic.pdf>