

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

HARRY SASSOUNIAN, C-88440

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1982, Kemal Arikan, the Turkish Consul General in Los Angeles, was driving to work. Harry Sassounian and his crime partner, who had been lying in wait for Mr. Arikan, approached his car when it stopped at an intersection and fired multiple shots at close range, killing Mr. Arikan. Mr. Sassounian and his crime partner fled. Mr. Sassounian was later apprehended, convicted of first degree murder, and sentenced to 25 years to life. Mr. Sassounian's crime partner fled the country and was never adjudicated for the crime. Mr. Sassounian has an active ICE detainer and is subject to deportation if released on parole.

GOVERNING LAW

The question I must answer is whether Mr. Sassounian will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youth as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Sassounian suitable for parole noting that as a child he was subjected to the trauma of war and political strife, that he has participated in self-help programming in prison, he has developed extensive

parole plans, he has taken responsibility for the harm that he has caused, he has demonstrated a history of change and increased maturity, and he has given serious thought to how his actions are perceived by others. The Board concluded that he possesses the tools to avoid resorting to violence.

I acknowledge that Mr. Sassounian committed this crime when he was 19 years old, a youthful offender, and that he has since been incarcerated for 38 years, and is now 57 years old. I have also considered the circumstances that shaped Mr. Sassounian's life. As a child, he experienced significant challenges in his family of origin, including the consequences of intergenerational trauma, poverty, and instability resulting from the Armenian Genocide in which Mr. Sassounian's family members were killed. Following forced deportation from Anatolia, Mr. Sassounian's family lived in exile in Lebanon. He grew up in a war zone and regularly witnessed extreme violence and killings, an experience that had a significant impact on his life.

I also acknowledge that Mr. Sassounian has made efforts to improve himself in prison. He participated in self-help programming including substance abuse treatment, Nonviolent Communication, and Anger Management. He completed multiple vocational programs and had a lengthy and satisfactory work record. He has not been disciplined for serious misconduct in nearly two decades.

I carefully examined the record for evidence demonstrating Mr. Sassounian's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a young person, his youthfulness at the time of this crime, and his subsequent growth in prison. I commend Mr. Sassounian for his rehabilitative efforts in prison, but I find they are outweighed by negative factors that show he remains unsuitable for parole at this time.

Mr. Sassounian and his crime partner planned and carried out a public assassination of a diplomat, a crime that had national and international repercussions, including increasing the threat to diplomats and their family members around the world. When Mr. Sassounian killed Mr. Arian—who was a son, a husband, and a father—he inflicted immeasurable, lifelong pain on Mr. Arian's family.

Mr. Sassounian has acknowledged that he killed Mr. Arian in retaliation for actions by the country Mr. Arian served, specifically the genocide of 1.5 million Armenians between 1915 and 1923, and Turkey's subsequent ongoing denial of it. The historical and political context of Mr. Sassounian's crime does not justify it. It does increase the burden on Mr. Sassounian to develop the insight and tools

he will need to manage the unique public safety risks that will result from his release from prison.

I believe that Mr. Sassounian has not yet demonstrated that he has developed and sustained the necessary insight and skills for a sufficiently long period. In particular, I am concerned that Mr. Sassounian has continued to underestimate the vigilance that is required of him, now and in the future, to consistently conduct himself in a manner that promotes the rule of law and avoids fomenting violence, even inadvertently.

For many years, Mr. Sassounian espoused a violent Armenian nationalistic ideology. In 2012, Mr. Sassounian wrote a letter to Armenian soldiers that was published in *Hay Zinvor*, an Armenian military newspaper. He wrote, "I promise that when I return [to Armenia], I will want to go, if allowed, to the border for a few days, to guard it and defend our country's frontiers. I will do that even when I am at an advanced age. . . I am a soldier of my Fatherland until the day I die – this is something my Armenian blood taught me."

Mr. Sassounian has acknowledged to the Board that sending this letter to *Hay Zinvor* was a "bad decision" but said that "in [his] mind [he] wasn't advocating violence" and he did not think there was anything violent about the letter. He has previously claimed that he is "done with politics."

Mr. Sassounian may feel "done with politics" but because he chose to commit a political crime and targeted a high profile victim, Mr. Sassounian's actions will always carry outsized political import and be subject to manipulation for political purposes. Mr. Sassounian is not required to disavow his political beliefs in order to be found suitable for parole. Before he can be safely released from prison, however, he must demonstrate that he fully understands the nexus between nationalism and violence, as well as the public safety risks that attend his notoriety.

The psychologist who evaluated Mr. Sassounian in 2019 noted that, if paroled, "he will likely be deported to Armenia, which has the potential to present several unique challenges with regard to risk factors" and that "[a]lthough Mr. Sassounian denies knowledge of Armenian organizations or factions that utilize violence, the risk of future association with such could serve to increase Mr. Sassounian's risk of future violence." The clinician noted that Mr. Sassounian appears to have worked to mitigate this risk, and I am encouraged by recent efforts in this regard. In 2019, Mr. Sassounian had a second letter published in *Hay Zinvor* in which he disavowed his 2012 statements. Additionally, at Mr. Sassounian's most recent parole hearing, also in 2019, he told the Board that he

had previously failed to fully consider the impact that his nationalism could have, and he acknowledged that, because of the nature of his crime, it was inappropriate for him to write anything politically charged that could be taken out of context. Finally, I acknowledge Mr. Sassounian's statements at his most recent hearing about his commitment to nonviolence and his hope for peace between Turks and Armenians.

These are positive developments, but they are very recent. The evaluating psychologist also noted that Mr. Sassounian's transformation is relatively new, and wrote, "it is difficult to ignore the passion with which he identified with Armenian soldiers and impossible to know with certainty that his views on the matter have changed so significantly in the span of just six years." Mr. Sassounian must continue to develop his insight into his risk factors, and demonstrate a sustained commitment to avoiding conduct that could be used to incite violence or radicalize others as he himself was radicalized when he was young.

CONCLUSION

After reviewing and considering the evidence in the record, I believe that Mr. Sassounian must do additional work before he can be safely released. Accordingly, I find that he still poses an unreasonable danger to society if released and I reverse the Board's decision to parole Mr. Sassounian.



Decision Date:
May 25, 2020

GAVIN NEWSOM
Governor, State of California