

# Early Prison Releases: July 2018

## Update



## Sacramento County District Attorney's Office

*Semper Justitia*

Since 2015, 334 inmates sentenced from Sacramento County have been granted early prison release by the Board of Prison Hearings (BPH) as of July 31, 2018.

Many of the offenders who are granted early prison release have violent and lengthy criminal histories. District Attorney Anne Marie Schubert feels it is important for the public to be aware of the so-called “nonviolent” offenders being released early from prison into our neighborhoods. Press releases are issued to provide the public with a sampling of recent noteworthy offenders, including:

**Twenty-Year Career Criminal Convicted of Assault & Robbery (Andrew David Jones – Case #15F04201)** – In 1999, Jones was convicted of first-degree attempted robbery and assault with a deadly weapon for striking the robbery victim with a padlock, which caused great bodily injury. Jones was sentenced to 16 months in state prison for this attack. Jones’ 20-year criminal history includes multiple convictions stemming from driving stolen vehicles and leading law enforcement on dangerous high-speed pursuits in 2006, 2007 and 2010. At times during these pursuits, Jones reached speeds of approximately 60 to 95 mph and drove into oncoming traffic. One of the pursuits involved dozens of police officers, a police helicopter, and multiple K-9 units. Convictions included vehicle theft, evading officers with willful disregard and possession of a controlled substance with a firearm. Jones received prison sentences for these crimes. He has also been convicted of additional multiple vehicle thefts

starting in 1998 to his current 2015 commitment offense. In this most recent case, Jones surveilled the victim at a Target store and distracted her in order to steal her car keys. He then stole her vehicle from the parking lot. Jones has been convicted for at least five vehicle thefts as well as drug charges, and he has been sentenced to prison at least seven times. In addition, he has repeatedly violated parole and returned to custody for violations including carrying a loaded and concealed firearm in his vehicle. The Board of Prison Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community and granted release on July 12, 2018. [Opposition Letter](#)

Twenty-Year Criminal Convicted of Assault w/Firearm, Burglary (James Hardy – Case #15F03868) – James Hardy has two prior 2005 strike convictions for burglary and assault with a firearm. He received a 14-year prison sentence for these offenses. Hardy's current commitment offense is for auto theft, which is the fourth time he has been sent to prison for stealing an automobile. In this most recent case, Hardy attempted to flee from officers by speeding and driving out of control. After losing control of the stolen vehicle, Hardy crashed into a residence's fence and then fled on foot. He was eventually apprehended by a K-9. Hardy pled guilty to this latest auto theft and received seven years and four months in prison. When he committed this current offense, he was on Post Release Community Supervision (PRCS).

Hardy has been classified as a Peckerwood gang member. With a 20-year criminal record, his first prison sentence was in 1995.

Since 1995, Hardy has returned to prison eight times on either a new felony conviction or a violation of parole. Hardy continued to violate any form of probation or parole that he was placed on when released from prison. The Board of Prison Hearings found this inmate to be a nonviolent offender who does not pose an unreasonable risk of violence to the community and granted release on July 26, 2018. [Opposition Letter](#)

### Early Prison Release Laws & Procedures:

In January 2015, the Department of Corrections and Rehabilitation began a [new parole determination process](#) after a federal court ordered California to reduce prison overcrowding. As a result, inmates characterized as "nonviolent second-strikers" (NVSS) became eligible for early parole. In November 2016, [Proposition](#)

**57** was then passed with the promise that “nonviolent” inmates who “turn their lives around” in prison could also earn early parole under a new “nonviolent parole review” (NVPR).

Qualifying NVSS and NVPR inmates must not currently be serving a sentence for a crime legally categorized as a violent felony and must not be required to register as sex offenders. NVSS inmates must have served (or be within 12 months of serving) only 50 percent of their sentence, while NVPR inmates may be paroled after serving the base term for the principal offense and may earn additional conduct credits.

The Board of Prison Hearings (BPH) determines whether NVSS or NVPR offenders would pose an unreasonable risk of violence to the community based on a paper review of prior criminal history, facts of the current commitment offense, behavior in prison, rehabilitation efforts, whether the inmate has any medical condition which might affect the ability to re-offend, and written statements.

Unlike parole hearings – where the prosecution, defense attorney, and victim may appear – there is no public hearing for these BPH administrative reviews. Additionally, no evidence-based risk assessment is conducted prior to consideration of early release to indicate an inmate’s safety risk.

The Sacramento County District Attorney’s Office takes an active role in evaluating NVSS and NVPR cases. For inmates who appear to pose a danger to the public, the office writes opposition letters to BPH with an overview of the inmate’s criminal history and current commitment offense, and an opinion on the public safety risk if an inmate is granted early release. NVPR cases are especially concerning since prosecutors are denied access to records of the inmate’s behavior behind bars, which is critical to rehabilitation, and do not have a right to appeal an early parole decision.

Information about more of these inmates can be found on the Early Prison Releases webpage at [sacda.org/early-prison-releases](https://sacda.org/early-prison-releases).