

Early Prison Releases: October 2018 Update



Sacramento County District Attorney's Office

Semper Justitia

Since 2015, 353 inmates sentenced from Sacramento County have been granted early prison release by the Board of Prison Hearings (BPH) as of October 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:

Inmate with 20-Year Criminal History Including Attempted Robbery, Weapons Charges (Anthony Sipowicz – Case #15F05799) – Sipowicz’s criminal history dates back to 1998, when he was first arrested and convicted of misdemeanor domestic violence. In 2008, he was convicted of attempted robbery, a violent felony, and possession of drugs for the purposes of sales. The victim in that case was walking home when three people with masks came up behind her, used a gun to hit her in the head and then demanded she give them money. Sipowicz was one of those masked suspects. When he was arrested for this attempted armed robbery, he was found with more than 26 grams of methamphetamine and other items indicating he was selling the drug. Sipowicz’s 2015 commitment offense is for possessing methamphetamine for the purposes of sales while being armed with a loaded gun. In that case, Sipowicz was contacted by law enforcement for driving a car that had been reported stolen. Sipowicz tried to run away from officers and had to be chased

down. During the chase, he was seen tossing a silver handgun over a fence in a residential neighborhood. This gun was later found by officers and determined to be fully loaded. Sipowicz was given leniency and sentenced to 7 years in state prison for the current offense. Last year, Sipowicz was considered for early parole and was deemed to be an unreasonable risk of violence to the community due to his multiple felony convictions involving weapons and drugs. He also has numerous misdemeanor convictions involving domestic violence, driving under the influence of controlled substances and resisting arrest. 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 October 3, 2018. [Opposition Letter](#)

Serial Burglar Who Targeted Folsom Community (Dana Frederick Loveland – Case #09F03468) – Loveland was 21 years old when he was convicted of possession of a controlled substance. When he was 22 years old and still on formal probation in 2001, he was convicted of burglary, a strike offense. Loveland committed another drug offense in 2002 and received a 30-month state prison sentence. He was returned to prison several times for violations. In April 2009, Loveland went on a crime spree involving multiple burglaries. In one case, he attempted to burglarize a Folsom residence. A 12-year-old boy was inside the home at the time and fearfully screamed at the intruder that he called the police. The boy then saw a male adult running from the residence. This incident dramatically traumatized and changed the boy and his family. They lived in fear in their own home and had to move. In another case, Loveland broke into a home and stole keys to a prized Corvette. He broke into the home a second time to steal the vehicle, but it was not in the garage. He was also found to be in possession of keys to a Mercedes Benz, which were stolen from another residence along with a laptop and other personal items. A search of Loveland's vehicle uncovered evidence of even more burglaries, including various personal checks belonging to other victims and keys to a Toyota 4Runner. After Loveland's arrest for this crime spree, he was released on bond in May 2009. In June 2009, he was found driving a stolen vehicle with a stolen license plate and his brother's credit card. Loveland's brother had reported he suspected Loveland burglarized his home. For the series of home

burglaries terrorizing residents of Folsom, Loveland was sentenced to 14 years, 8 months in state 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 October 3, 2018. [Opposition Letter](#)

30-Year Career Criminal with Aggravated Assault, Burglary Convictions (Michael Altobell – Case #14F06579) –Since 1985, Altobell has been convicted of more than 15 felonies, including evading, vehicle theft, burglary, aggravated assault, gun possession and possession of narcotics. He has been sentenced to state prison eight times. In addition to his felony convictions, Altobell has more than eight misdemeanor convictions and has consistently failed to comply with the terms of his probation or parole. In his more recent cases, Altobell stole three vehicles and burglarized two houses over the course of three days in 2009.

In two of the car thefts, he took the cars while in the presence of the victims with no regard for their safety. In June 2010, he was sentenced to 6 years, 4 months in state prison for those offenses. In his current 2014 case, Altobell was convicted of being a felon in possession of a firearm, being a felon in possession ammunition, possessing a sawed-off shot gun and a narcotics charge. He was sentenced to 8 years, 8 months in state prison. In this case, Altobell was a parolee at large. Parole agents eventually received information leading them to believe Altobell was residing with his girlfriend at an apartment.

Agents contacted Altobell at the apartment and discovered a loaded sawed-off shot gun, a loaded .38 caliber handgun, drugs and drug paraphernalia in the bedroom he was occupying. Altobell was seen carrying a handgun on several occasions. A search of his vehicle uncovered two ballistic vests, methamphetamine and a case of ammunition. 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 October 2, 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.