

Early Prison Releases: January 2019 Update



Sacramento County District Attorney's Office

Semper Justitia

Since 2015, 370 inmates sentenced from Sacramento County have been granted early prison release by the Board of Parole Hearings (BPH) as of January 31, 2019.

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 Sentenced for Stabbing 80-Year-Old Victim, Robbery (Gerard Brooks – Case #98F03031) – In 1985, Brooks was sentenced to prison for robbery and sent to prison again in 1987 for burglary. In 1999, he was convicted of illegally possessing narcotics while in prison and sentenced to an additional 4 years. In 1995, Brooks was convicted of a series of felonies in Santa Clara County that resulted in a 23-year state prison commitment. In that case, the 80-year-old victim had just gotten off a transit bus and was walking with a grocery bag in each hand, in addition to using a cane. Brooks then assaulted the elderly man, beating him with his own cane and stabbing him twice with a knife after the victim fell to the ground. Brooks took the victim's wallet, which contained more than \$200, and then fled with the knife still embedded in the victim. The victim removed the knife from his own abdomen. He also suffered a stab wound to his hand, a broken wrist and lacerations around both eyes. The victim was

especially vulnerable at the time of this attack as he, in addition to requiring the assistance of a cane to walk, was blind in his left eye and required the use of two hearing aids. The Board of Parole 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 December 28, 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.

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