



Sacramento County District Attorney's Office

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Non-Violent Second Striker Board of Parole Hearings
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Re: Latrina Ann **Phipps** – CDCR # WF2746

The definition of “danger”: Who, or what activity, truly poses a “danger” to the public ? In recent years, the definition of “danger” – at least in the context of criminal activities - seems to have been narrowed to concerns about physical injury or death. That connotation is in accord with a simple – or perhaps more accurately, simplistic - definition of what constitutes “danger”:

“Simple definition of *danger*: the possibility that you will be hurt or killed”. Merriam-Webster Dictionary

But a more complete rendering of the concept of “danger” – especially in terms of a threat, or potential threat, to the public at large - is much broader, encompassing not just concerns about physical harm or death but also other types of loss or injury:

“Full definition of *danger*: exposure or liability to injury, pain, harm, or loss”. Merriam-Webster Dictionary

This inmate: Inmate Phipps is all about exposing others to “...injury, pain, harm, or loss” – for her own gain or out of simple indifference or cruelty. Explicit evidence of the latter is provided by her 2004 misdemeanor conviction for violation of Penal Code section 273a(b) – denoted on her RAP as “Cruelty to a child” and specifically defined in the Penal Code as someone who :

“...willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering [emphasis added], or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered...”. Penal Code section 273a(b).

In the 2007 Sacramento County probation report (generated with regard to inmate Phipps’ 2007 Penal Code sections 496 and 484e(d) felony convictions), which catalogued that (at the time), inmate Phipps had seven children, aged 1 through 17 – then noted that they were in CPS custody.

Treat your children poorly – treat others even worse: Some names: Lori A., JoAnn K., Imogene F., Regina T., Robert N., Donald S., Chris A., Lindsey A., Klein M., Peter K., Debra and David A., Jesus R., Michael D., Rajinder S., Heidi T., Washington Mutual, James G., Irma B., Bank of America, Discover Card, Walmart....

What are these names ? Who are these people and entities ? They are the names of some of inmate Phipps' 2007 identity theft victims (and potential victims). In the course of the investigation that resulted in inmate Phipps' 2007 Penal Code sections 496 and 484e(d) felony convictions (180 days jail), her residence was searched: during that search, officers discovered multiple notebooks filed with bank account information, birth dates, phone numbers, social security numbers, credit card numbers and other critical identity materials for numerous persons. Many of the victims listed had had their homes burglarized – then subsequently had the shock of discovering that information stolen in the burglaries had been used by the inmate (and apparently others) to open new credit card accounts and/or make herself an “authorized user” for the victims' existing credit cards. Stolen credit cards and checks/checkbooks were also found – and had been utilized/cashed. ***Inmate Phipps admitted that she knew the credit cards and information she had were stolen.***

7/12/00 Written Testimony for U.S. Senate Judiciary Subcommittee on Technology Impacts - Including Identity Theft; Senator Jon Kyl, Chairman

Testimony Provided by: Beth Givens, Director

Senator Kyl, Senator Feinstein: “Thank you for the opportunity to testify before your Subcommittee today. The Privacy Rights Clearinghouse is a nonprofit consumer information and advocacy program based in San Diego, California....

- Another common experience of victims [of identity theft] is that they must spend a great deal of time cleaning up the mess. I've talked to many who are taking the day or the week off work so they can make the necessary phone calls, write the letters, and get affidavits notarized. This costs them money as well. **Many victims are saddled with this situation for years.**

In a recent survey we conducted with CALPIRG, we found the average amount of time spent by victims to regain their financial health was 175 hours. **And those cases had dragged on for an average of two years, with many cases taking more than four years to be resolved.** ("Nowhere to Turn: Victims Speak Out on Identity Theft." May 2000)...

- **Victims are often scarred emotionally.** They feel violated and helpless -- and very angry...I've talked to many who are crying or close to it because they cannot stop what is happening to them, and no one else will either. I've talked with elderly people who are terrified of losing their life savings and their homes.

It's little wonder that victims feel violated, helpless and angry. They are unable to rent an apartment, get a job, qualify for a mortgage, buy a car, all because someone else's bad credit history is recorded on their credit report. **Essentially the entire burden of this crime is placed on the shoulders of the victims** [emphasis added].

The “lucky locator”: On February 20, 2014, inmate Phipps was arrested for theft (via “return fraud”) at the Walmart at 1018 Riley Street in Folsom. Positioning herself at the return desk at the store, the inmate attempted to return a bottle of motor oil; the inmate produced a receipt that appeared to be for the motor oil. However, the inmate had NOT purchased the motor oil but had instead - as observed by store security cameras moments earlier - swiped the container of motor oil from the store shelves. After the inmate was taken into custody by store security personnel, she was interviewed by Folsom Police Officer Boelman. The inmate told the officer that she had “found” the receipt in question; when Officer Boelman then searched the inmate’s purse, he found over 100 retail store receipts. The inmate informed him that she had “found” those as well. Officer Boelman also found two checks in the purse: investigation revealed that the inmate was not authorized to have either of them. Officer Boelman wrote in his report:

*“I asked her what she was doing with this check [one of the two found in her purse]; she told me that she had just found that check as well....I told her that I found that hard to believe and that she was lying about that. **She just looked at me, smiled, and said nothing**”.*

Inmate Phipps’ response to the officer’s disbelief of her ludicrous explanations probably conveyed her confidence, *based on her experience*, that there would be minimal or no legal consequences to her latest identity theft-type crime because identity theft, credit card fraud, etc. are not crimes that are viewed as posing a “danger” to the public...For this conduct, her probation was violated on her 2007 fraud offenses. In fact, that was her 5th violation of probation on her earlier felony offense; the others having occurred in 2009, 2011, two in 2012 and then for this conduct.

Later that same year (2014), Inmate Phipps was once again arrested for and convicted of felony identity theft (violation of Penal Code section 530.5 – 210 days jail). She was released from jail on 10/23/14.

Don’t tell me I can’t steal from this store: Less than 4 months after her release, on February 3, 2015, inmate Phipps and an accomplice were apprehended as they sought to depart a 99-Cent Store with stolen merchandise. After the stolen merchandise was recovered, the inmate and her confederate were escorted out of the store; as they were put out, ***inmate Phipps and her accomplice were told to never return to that store***. Upon hearing this admonishment, the inmate and her companion both became very upset: **the inmate pulled a machete out of her purse and threatened to cut the store security personnel**. The inmate was arrested for this alarming threat and convicted of a felony violation of Penal Code section 422 (“Threat to Commit Crime Resulting in Death or Great Bodily Injury”) – a “strike” offense. She was released from jail on 3/20/15.

Three months after her release, on June 28, 2015, inmate Phipps was contacted at a Rancho Cordova hotel regarding her connection to a stolen credit card that had been used to reserve her

room; on searchable probation, inmate Phipps and her belongings were searched by the investigating officers. In the course of the search, the officers **located two notebooks that had pages filled with credit card numbers**. The true owner of the credit card used for the inmate's hotel reservation was contacted; she confirmed that the inmate was unknown to her and did not have permission to have, or use, her credit card. The inmate was arrested for, and eventually convicted of, a felony violation of Penal Code section 530.5 (identity theft); she was sentenced to 32 months in state prison --her current commitment offense.

The definition of "danger" - Cruelty, criminal threats and the credit card con: Inmate Phipps poses a "danger" to the public by whatever definition one chooses to apply. Her credit card and identity theft crimes over more than a decade have caused "...injury, pain, harm, or loss..." to untold numbers of persons – persons who have each had to engage in a struggle, often years in length, just to try to *regain* the financial position they had before they were victimized by inmate Phipps. While these were not crimes of *physical* violence, they were crimes of financial violence that left the victims feeling "... violated, helpless and angry..." – and, of course, poorer. But inmate Phipps poses a physical threat as well: her cruelty to her child (whether it be active or passive in nature) and her willingness to threaten an innocent citizen with a machete in order to achieve her criminal ends is the epitome of someone who poses a "current danger" to society. After years of failure to appreciate the true nature of the threat posed by criminals such as inmate Phipps, society, through the lawful mechanism of the criminal justice system, has finally succeeded in confining inmate Phipps, for her crimes, for a significant period of time. Releasing inmate Phipps via the NVSS program before she serves the entirety of her current sentence will allow her to resume her victimization of innocents that much sooner – and also provide her further reason to smile, and laugh inwardly, at a criminal justice system that fails to control those who prey upon the society it was created to protect.

Inmate Phipps' early release should be denied and she should be kept in the custody of the state until she serves the entire term of her sentence.

Respectfully,

Dean Archibald - Deputy District Attorney, Sacramento County District Attorney's Office