

Early Prison Releases: March 2019 Update



Sacramento County District Attorney's Office

Semper Justitia

Since 2015, 374 inmates sentenced from Sacramento County have been granted early prison release by the Board of Parole Hearings (BPH) as of March 29, 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 Convicted of Shooting, Paralyzing Victim & 25+ Year Criminal History (Julio Luna – Case #15F01091) – Julio Luna has a prior 1993 strike conviction for assault with a deadly weapon. In that case, Luna and his friends got into an argument with the victim. Luna ended up shooting the victim at close range. The bullet lodged in the victim’s spinal cord resulting in paralysis. This level of violence and the seriousness of the resulting injury makes this a highly aggravated crime. Since this strike conviction, Luna has been paroled nine times and has returned to custody on nine separate occasions due to violations and new offenses. He continued committing crimes including assault with a firearm, making criminal threats, felony evasion from police, various kinds of theft and larceny, illegal gun and ammunition possession and domestic violence. In his current commitment offense, Luna and a friend went into a store and tried to buy six Best Buy gift cards with a fraudulent credit card. When employees

attempted to detain Luna, he pulled out a knife. The employees let Luna leave, but reported his license plate number to law enforcement. When officers located Luna in his vehicle, he fled. In the process of the evasion he ran three red lights, several stop signs and ran into a curb. He continued his evasion after his vehicle got a flat tire, and officers had to use a PIT maneuver multiple times before they could eventually detain him. Luna endangered the store employees, other drivers and the pursuing officers. He was convicted of identity theft and evading officers. 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 March 13, 2019. [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.

© Copyright Sacramento County District Attorney's Office | All Rights Reserved