



PREVENTING VIOLENCE  
AND DEVELOPING  
YOUTH LEADERS

April 22, 2015

Honorable Loni Hancock, Chair  
Senate Public Safety Committee  
State Capitol, Room 2031  
Sacramento, California 95814

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**Re: S.B. 382 (Lara) – Support—Clarifying criteria for Fitness Hearings**  
*Senate Public Safety Committee Hearing – April 28th, 2015*

**HONORARY  
ADVISORY COUNCIL**

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Former Mayor of Los Angeles

DIANNE FEINSTEIN  
United States Senator

EDWARD JAMES OLMOS  
Actor

AL JARREAU  
Singer/Musician

Dear Senator Hancock:

Youth ALIVE! supports Senate Bill 382, a bill clarifying the criteria judges use to make important decisions about California youth. We believe the most serious decision the state makes about a young person is whether to send him or her to the adult criminal system. It is a decision that deserves a thorough, thoughtful review by an unbiased decision-maker who considers many factors. If passed in to law, Senate Bill 382 would ensure that, in the context of fitness hearings, young people who can benefit from the services and treatment of the juvenile system get a chance to turn their lives around.

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Youth ALIVE! is an Oakland-based violence prevention and youth leadership organization. We work with young people daily and know the positive impact caring adults and peers can have in helping them to make constructive changes in their lives.

ANGELA JENKINS  
Director  
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California excludes some youth from the juvenile justice system, trying them as adults in the criminal system, and sentencing them to adult prison terms. In this state, youth as young as 14 years old can be tried as adults. There are currently over 5,500 people in California prisons who were under the age of 18 at the time of their crimes.<sup>1</sup> If passed into law, SB 382 would make clear that judges may consider, among other things, the maturity, intellectual capacity, and physical, mental and emotional health of a youth involved in a crime; the effect of the youth’s family and community environment, and childhood trauma; and the level of harm directly caused by the young person.

MICHAEL NIETO  
Deputy District Attorney  
Alameda County  
District Attorney’s Office  
Oakland, CA

ELIZABETH SEKERA  
Clinic Director  
Lyon-Martin Health Services  
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The decision to send a young person to the adult justice system has far-reaching consequences. While juvenile court is focused on what works for young people and is intent on rehabilitation, the primary purpose of the adult criminal system is to punish.<sup>2</sup> Juvenile court both holds young people accountable for their actions and requires participation in education, treatment, and other age-appropriate services.<sup>3</sup> In

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<sup>1</sup> CDCR Offender Information Services Branch, February 2015. Document on file with Human Rights Watch.

<sup>2</sup> California Penal Code § 1170, subd. (a).

<sup>3</sup> California Welfare and Institutions Code § 202.

ANNE C. MARKS  
Executive Director  
Youth ALIVE!  
Oakland, CA

the adult system, the odds of getting any educational or vocational programs are remote.<sup>4</sup>

Well-regarded research has shown that youths tried as adults are more likely to commit new crimes compared with those tried in the juvenile system. Additionally, developmental and neurological evidence about adolescents and young adults concludes that the process of cognitive brain development continues into early adulthood—well beyond age 18. For boys and young men especially, this developmental process continues into the mid-20s. The still-developing areas of the brain, particularly those that affect judgment and decision-making, are highly relevant to criminal behavior and culpability. The fact that teens are still developing neurologically and emotionally means that they are especially capable of personal growth. These are important factors that should be weighed in the context of deciding whether a youth should be tried as an adult. Senate Bill 382 would ensure that these factors are considered in fitness hearings conducted by judges.

We urge the California legislature to pass this bill into law.

Sincerely,

Anne Marks  
Executive Director

cc: Senator Joel Anderson (Vice Chair)  
Senator Mark Leno  
Senator Carol Liu  
Senator Mike McGuire  
Senator Bill Monning  
Senator Jeff Stone

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<sup>4</sup> In 2008, the Legislative Analyst's Office found that less than one-third of the inmate population was in any educational or vocational program. Legislative Analyst's Office, *From Cellblocks to Classrooms: Reforming Inmate Education to Improve Public Safety* (2008), [http://www.lao.ca.gov/2008/crim/inmate\\_education/inmate\\_education\\_021208.aspx](http://www.lao.ca.gov/2008/crim/inmate_education/inmate_education_021208.aspx).

Youth ALIVE is a 501c3 nonprofit organization. Our Tax ID is 94-3143254.