



PREVENTING VIOLENCE
AND DEVELOPING
YOUTH LEADERS

YOUTH ALIVE!
3300 Elm Street
Oakland, CA 94609
Tel: (510) 594-2588
Fax: (510) 594-0667
mail@youthalive.org
www.youthalive.org

March 19, 2020

The Honorable Reginald Byron Jones-Sawyer, Sr.
Chair, Assembly Public Safety Committee
1020 N Street, Room 111
Sacramento, California 95814

RE: AB 2425 (Stone) - SUPPORT

Dear Assemblymember Jones-Sawyer,

Youth ALIVE! is proud to support AB 2425, which will fix a gap in confidentiality protections for children and youth who have contact with law enforcement. AB 2425 will ensure that youth who are diverted from the juvenile justice system as well as those who no longer fall within the jurisdiction of the juvenile delinquency court under state law, are protected from the negative collateral consequences of a police record and ensure the confidentiality of diversion service provider records.

Youth ALIVE! is a nationally recognized community-based organization known for initiating an alliance to treat violence as a public health crisis and developing young leaders in the process. Tasked as Oakland’s anchor organization for violence prevention, intervention, and healing, Youth ALIVE! has maintained a successful track record of implementing evidence-based violence intervention and prevention services. Serving justice-involved youth through our Pathways program informs our support of AB 2425.

Welfare and Institutions Code § 827.9 ensures the confidentiality of information gathered by law enforcement agencies related to the taking of a minor into custody, temporary custody, or detention (“juvenile police records”). It governs who may access a juvenile police record and specifically allows for other law enforcement agencies to obtain a complete copy of the record without notice or the consent of the youth who is the subject of the record. The law fails to distinguish between a record that documents an arrest and subsequent referral to probation or the district attorney and a record that documents a referral to a diversion program intended to prevent arrest or further system involvement. Nor does the law differentiate a police record that documents an encounter with a youth who is counseled and released and a record of an encounter with a youth who avoids arrest because they no longer fall within the jurisdiction of the juvenile court.

Welfare and Institutions Code § 827.9 predates recent juvenile justice reforms that expanded diversion programs throughout the stateⁱ and that prohibited certain categories of children from entering the juvenile justice system.ⁱⁱ In addition, Welfare and Institutions Code §786.5 provides for the sealing of probation records and diversion service provider records for youth who are referred to a diversion program by a probation officer or a prosecutor, but not for the sealing of juvenile police records for those same youth. Youth who participate in diversion programs at the referral of probation departments or prosecutors currently have more confidentiality protections than youth who are diverted directly by police and who avoid contact with the juvenile delinquency court system. The protections provided by Welfare and Institutions Code § 786.5 and § 827.9 need to be updated to address this gap and to respond to recent reforms.

**HONORARY
ADVISORY COUNCIL**

HON. DIANNE FEINSTEIN
United States Senator

EDWARD JAMES OLMO
Actor

HON. BARBARA LEE
United States Representative

BOARD OF DIRECTORS

NADINE DE COTEAU
Manager
Engagement & Partnerships
Apple
Cupertino, CA

ALISA DEWYS
Consultant
Resources Global Professionals
San Francisco, CA

VAL BARNETT
Support Services Administrator
Zuckerberg San Francisco
General Hospital
San Francisco, CA

ANGELA JENKINS
Director, Strategic Initiatives
External and Community Affairs
Northern California Region
Kaiser Permanente
Oakland, CA

CAITLIN LANG
Principal & Owner
Liquid Form Design
Oakland, CA

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

KRISTA REINHARD
Marketing Consultant
Oakland, CA

RAFAEL VAQUERANO
Director, Ambulatory Integration
and Access
Alameda Health System
Oakland, CA

STAN WEISNER, PH.D.
Director
Behavioral & Biological Sciences
UC Berkeley Extension
Berkeley, CA

EMERITUS

HON. NANCY SKINNER
Senator
California State Legislature
Oakland, CA

EXECUTIVE DIRECTOR

ANNE MARKS
Executive Director
Youth ALIVE!
Oakland, CA



YOUTH ALIVE!
3300 Elm Street
Oakland, Ca 94609
Tel: (510) 594-2588
Fax: (510) 594-0667
mail@youthalive.org
www.youthalive.org

There is ample evidence illustrating that even an arrest increases a youth's chance of further system involvement.ⁱⁱⁱ In addition, a juvenile police record has far-reaching consequences related to access to education, housing, employment, and participation in the military.^{iv}

AB 2425 will ensure that youth who no longer fall under the jurisdiction of the juvenile delinquency court and those who participate in diversion programs will not suffer the negative collateral consequences of system involvement by:

- Ensuring that records maintained by a diverting law enforcement agency for youth who are currently participating in a diversion program, have successfully completed a diversion program, or who no longer fall within the jurisdiction of the juvenile court are not disseminated;
- Ensuring the confidentiality of diversion program service provider records;
- Ensuring the automatic sealing of police records of youth who have satisfactorily completed diversion programming, those who have been counseled and released without a probation referral within 60 days, and youth who no longer fall under the jurisdiction of juvenile court under State law.

California has recognized through recent legislation that all children deserve the opportunity to falter, learn, grow, and thrive in their communities. AB 2425 is a vital step to ensure that the juvenile justice reforms California has made are not undermined because of a gap in existing law that continues to harm youth. By ensuring the confidentiality of police contacts for youth who never enter the juvenile justice system, we will further realize the intent of legislation that has and will continue to have a meaningful impact on the health and well-being of our children.

For these reasons, Youth ALIVE! is pleased to support AB 2425 and respectfully requests your "Aye" vote.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Marks", is written over a horizontal line.

Anne Marks
Executive Director

CC:

Assemblymember Tom Lackey (Vice Chair)
Assemblymember Rebecca Bauer-Kahan
Assemblymember Tyler Diep
Assemblymember Sydney Kamlager
Assemblymember Bill Quirk
Assemblymember Miguel Santiago
Assemblymember Buffy Wicks

ⁱ The Youth Reinvestment Grant, AB 1454, 2019 and AB 1812, 2018 and the Fostering Success Fund, AB 1811, 2018.

ⁱⁱ SB 1322, 2016 and SB 439, 2018

ⁱⁱⁱ Reducing Youth Arrests Keeps Kids Healthy and Successful, Human Impact Partners, June 2017. Available at https://humanimpact.org/wp-content/uploads/2018/10/HIP_MichYouthArrests_2017.06.pdf

^{iv} *Have a Juvenile Record: Plan for Your Future*, Pacific Juvenile Defender Center, December 2017, Available at <https://njdc.info/wp-content/uploads/2018/03/CA-CC-Booklet-Final.pdf>