



YOUTH ALIVE!
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ANNE MARKS

June 14, 2022

The Honorable Steven Bradford
 Chairman, Senate Standing Committee on Public Safety
 Legislative Office Building
 1020 N. Street, Room 545
 Sacramento, CA 95814

RE: Assembly Bill 2361 (Bonta) - Support

Dear Chairman Bradford:

On behalf of Youth ALIVE!, I am writing to respectfully request your support for AB 2361 (Bonta), a bill that would ensure that young people are not sent to adult prison for decades if they can be rehabilitated in juvenile court.

Youth ALIVE! is a nationally recognized community-based organization known for initiating an international 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. Our experience serving youth impacted by the juvenile justice systems through our Pathways program, which helps young people chart and achieve positive goals, informs our support of AB 2361.

Over 50 years ago, the California Supreme Court held that “the dispositive question [at a transfer hearing] is the minor’s amenability to treatment through the facilities available to the juvenile court.”¹ Since then, California has adopted evidence-based proposals to give youth who commit certain crimes a path to rehabilitation and a second chance, including SB 382 (Lara, Chapter 234, Statutes of 2015), SB 1391 (Lara, Chapter 1012, Statutes of 2018), and Proposition 57 (2016).

However, current statutory provisions do not explicitly reflect this principle, nor do they direct how the juvenile court should exercise its discretion. This allows for arbitrary determinations, which contributes to significant racial disparities in outcomes. In 2020, 96% of the youth transferred to criminal court were youth of color. The courts lack sufficient guidance in determining how to exercise this tremendously consequential discretion. As a result, youth who are amenable to rehabilitation may still be transferred to adult court. Moreover, the lack of clarity in the statute impedes meaningful appellate review.

¹ *Jimmy H. v. Superior Court* (1970) 3 Cal.3d 709, 714.



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The Legislature has previously noted the racial, ethnic, and geographic disparities in judicial decision-making regarding which minors are to be sent to adult court rather than remain in juvenile court. The Legislature has also recognized that youth transferred to adult court have worse post-release outcomes than youth who receive treatment in the juvenile system, and are more likely to commit new crimes in the future, which is inconsistent with the goal of creating greater public safety.

This is why AB 2361 is so important. It is essential that juvenile court judges and the appellate courts have the benefit of a clear standard by which juvenile judges may weigh the evidence and make the most appropriate of determinations.

Youth ALIVE! thanks you for your consideration and urges your “aye” vote on AB 2361.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Marks".

Anne Marks
Executive Director