March 24, 2017

The Honorable Nancy Skinner
Chair, Senate Committee on Public Safety
State Capitol Room 2059
Sacramento, CA 95814

Re: Support for SB 439 (Mitchell)

Dear Senator Skinner:

On behalf of the Society for Adolescent Health and Medicine (SAHM), I write to express strong support for Senate Bill 439 (Mitchell), which would establish a minimum age for prosecution in juvenile court jurisdiction in California, protecting children under 12 years old from the harms and adverse consequences of justice system involvement and encouraging more effective alternatives to court involvement.

The Society for Adolescent Health and Medicine (SAHM) is a multidisciplinary organization committed to improving the physical and psychosocial health and well-being of all adolescents through advocacy, clinical care, health promotion, health service delivery, professional development and research.

Currently, California has no law specifying a minimum age for juvenile justice jurisdiction, which allows young children of any age to be prosecuted in juvenile court. This bill would bring California into compliance with the United Nations Convention on the Rights of the Child, which declares that all nations must establish a minimum age for their justice systems. The United Nations further specifies that this minimum age should be no lower than 12. Currently, 19 states in the United States have established a minimum age for juvenile court jurisdiction.

Prosecuting the youngest of children runs contrary to scientific research and recent United States Supreme Court decisions that have repeatedly recognized children are inherently less culpable than adults. These same decisions also underscore that the very young present greater challenges in working and engaging meaningfully with the justice system, including with their own attorneys. Still, despite our growing understanding of the diminished culpability of children, 874 referrals were made in California to prosecute children under 12 in 2015, including one five-year-old and 13 seven-year-olds, and ultimately approximately 250 youth under age 12 were prosecuted.

In addition to concerns about young people’s vulnerabilities in navigating the justice system, research shows that contact with the juvenile justice system can have lasting and negative psychological and health impacts on anyone – but can be especially traumatic for a child. Research also shows that formally processing youth in the juvenile justice system does not thwart future crime, but instead can increase the likelihood of future criminal behavior. Moreover, many youth who experience early justice system contact have histories of early-age maltreatment, trauma, learning problems, or other underlying and unaddressed behavioral and environmental conditions. These needs are better addressed through
alternatives to the justice system – such as through child welfare, education, health care or human services – in the context of family and community.

Justice system contact for children under 12 is already increasingly rare in California. Since 2010, arrests of children ages 11 and younger have declined by more than 50 percent. Of the referrals made in 2015, over 70 percent were closed or dismissed before the child’s case reached court. In the end, fewer than 8 percent of the petitions were sustained. SB 439 would further these positive trends by ensuring that young children in need of services are managed through alternatives to the justice system. It also protects young children from the potential stigmas and negative consequences of even initial processing in the justice systems, and promotes judicial economy by avoiding the costs of arrest, prosecution and court processing where the evidence rarely rises to the level of an offense worth sustaining as true.

SB 439 (Mitchell) presents California with an opportunity to recognize the unique needs and vulnerabilities of youth, and align our treatment of children with international standards. For these reasons, we strongly support SB 439 and urge your vote in support.

Sincerely,

Tamera Coyne-Beasley, MD, MPH, FAAP, FSAHM
President

cc: Jorge Barajas, Office of Senator Holly Mitchell (Jorge.Barajas@sen.ca.gov)
    Stephanie Jordan, Senate Committee on Public Safety (Stephanie.Jordan@sen.ca.gov)