



September 13, 2018

The Honorable Edmund G. Brown, Jr.
Governor of the State of California
State Capitol, Suite 1173
Sacramento, CA 95814

Re: Support for SB 439 (Mitchell)

Dear Governor Brown:

On behalf of the Society for Adolescent Health and Medicine, I write to respectfully urge your signature on Senate Bill 439 (Mitchell), which would establish a minimum age for prosecution in juvenile court 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. SB 439 will end costly juvenile court processing for hundreds of young children each year, resulting in declines in delinquency court and juvenile probation caseloads and ensuring that the small number of children whose behavior is indicative of an acute and unaddressed need receive services through child welfare, health, or mental health systems. Under SB 439, counties are likely to see reductions in overall systems contact and net savings across all implicated agencies.

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.

In California, any child, no matter how young, can be prosecuted in the juvenile justice system. Yet, the vast majority of young children who have been accused of an offense are either exhibiting normal child-like behaviors or minor misbehaviors that do not require any justice involvement. In 2016, 11 percent of children under age 12 were referred to the juvenile justice system for a status offense, such as truancy or a curfew violation, and another 58 percent of children were referred for misdemeanor offenses, such as petty theft.

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. For young children, these needs are not adequately addressed through the juvenile justice system, which can exacerbate existing trauma. Rather, children's underlying behavioral needs are better addressed through alternative child-serving systems, such as community- and family-based health and mental health, education, child welfare

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services, and other community-based services and programs.

Prosecuting the youngest children in juvenile court runs contrary to scientific research and recent United States Supreme Court decisions that have repeatedly recognized that children are inherently less culpable than adults. These same decisions also underscore that young children are more vulnerable to influence and have a diminished ability to understand court proceedings. 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. Formally processing children in the juvenile justice system does not deter future crime, but instead can increase the likelihood of future criminal convictions and incarceration.

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 2016, most were dismissed or informally resolved before the child's case reached court. SB 439 would further these positive trends by ensuring that young children in need of services are managed through alternatives to the justice system. The bill 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.

SB 439 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, 21 states in the United States have established a minimum age for juvenile court jurisdiction.

SB 439 presents California with an opportunity to reduce spending on county juvenile justice systems by recognizing the unique needs and vulnerabilities of young children and aligning our treatment with international standards. For these reasons, we strongly support SB 439 and urge your signature.

Sincerely,

Deborah Christie, PhD, FSAHM
President

cc: Daniel Seeman, Office of Governor Brown
Jorge Barajas, Office of Senator Holly Mitchell (Jorge.Barajas@sen.ca.gov)
Maureen Washburn, Center on Juvenile and Criminal Justice (Maureen@cjcj.org)