



CaliforniaCivilLiberties.org

California Civil Liberties Advocacy
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Monday, March 26, 2018

Committee on Public Safety
State Capitol
Room
Sacramento, CA 95814-4900

RE: Senate Bill 1391

Dear Senators Lara & Mitchell,

I am Nicholas Gonzales on behalf of the California Civil Liberties Advocacy (CCLA). I write today in **SUPPORT** of Senate Bill - 1391 (SB-1391). We first take a look at the substantive effect of trying minors as adults across the nation. Considering the effect, we then address the ethicality of trying minors as adults.

According to a report published by the Office of Juvenile Justice and Delinquency Prevention, via the National Criminal Justice Reference Service, *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting* (found at <https://www.ncjrs.gov/pdffiles1/ojjdp/232434.pdf>), trying children as adults has led to no substantiable reduction in crime. The majority of the evidence shows no improvement of crime related to trying minors as adults. There are even arguments that it has increased crime. That finding is less clear, but greatly disturbing. Evidence tends to support a finding that children tried as adults have a heightened recidivism compared to those tried as juveniles.

The above is a complex situation with no easy reasoning. The crimes themselves may lend themselves to greater recidivism; the access to what the article refers to as "mentors" in prison leading to the socialization of a juvenile's still-developing, moldable minds. The answer is clear that overall the system of trying minors as adults does not work, and it is uncertain as to whether it increases the minor's recidivism, one must wonder to what end do we follow this procedure? Let us consider the ethicality.

"Indifference to personal liberty is but the precursor of the state's hostility to it."
— Justice Kennedy, U.S. Supreme Court

There is a presumption in our courts that all minors are as infants. Why? Because they have not developed the complete array of tools to give truly adult-like capacity to understand the weight of their actions. Current trends suggest this actually extends past the arrival of the year of majority. Why then do we feel it is acceptable to hand-pick whether said minor has such capacity because of one instance of their life? Why do we feel it acceptable to do a full three to four years before our society commonly accepts that they are capable of the same consideration of thought as the rest of us? What's more, we risk shunting the minor into a system which may facilitate their falling into a true *life* of crime.

The California Civil Liberties Advocacy proudly supports this right-minded attempt to remove 14- and 15-year-olds from being charged as adults within our courts. If we are going to risk the developing minds of our young, let us remove from the testing pool those minds which are most susceptible to being urged to crime. We should not risk children that young, that impressionable with something so unproven.

Respectfully,

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