



Trying Youth as Adults Senate Bill 1391

Summary:

SB 1391 recognizes that 14 and 15 year olds are developmentally different from adults and should not be treated like adults in the criminal justice system. If they commit crimes, youth fare better and are less likely to commit crimes in the future if they are given age-appropriate services and education. This bill prohibits children age 14 and 15 from being tried as adults in criminal court and being sentenced to time in adult prison.

Background:

Prior to 1994, California did not try 14 and 15-year-olds as adults. Instead, youth under age 16 who committed a crime were always dealt with in the juvenile justice system. In response to what turned out to be unfounded predictions about youth crime in the 1990s, California lowered the age at which youth could be tried as adults. Now, youth as young as 14 years old can be tried as adults.

Problem:

Twenty-four years ago, when 14- and 15-year-olds were first tried as adults, society believed that the human brain was fully developed at age 12 or 13, and that young people engaged in criminal activity would always be criminals. Now, cognitive science has demonstrated youth continue to develop into their mid-twenties and do not achieve full brain development in the area needed for decision-making and self-control until age 25ⁱ.

Many young people involved with the criminal justice system have also experienced trauma that can result in slowed development, and likewise creates an additional barrier that inhibits their decision-makingⁱⁱ. Additionally, experts estimate that as many as 70 percent of youth who enter the justice system have a mental health disorder or learning disabilityⁱⁱⁱ. These factors compound one another and make young teens especially vulnerable to negative influences. Those factors also mean that with treatment and services, youth can grow, mature, and become successful, productive adults in our society. The juvenile system is far better equipped than the adult system to help people who committed crimes at age 14 or 15 years old.

The decision to try a young person as an adult is irrevocably life-altering. The juvenile system is very different from the adult system. The juvenile system

provides age-appropriate treatment, services, counseling, and education, and a youth's participation in these programs is mandatory. The adult system has no age-appropriate services, participation in rehabilitation programs is voluntary, and in many prisons, programs are oversubscribed with long waiting lists. In addition, over the past few years, the Division of Juvenile Justice has implemented dramatic changes to its care of youth, now relying on evidenced-based programs designed to reduce recidivism, including the Integrated Behavior Treatment Model, which provides collaborative services and programs that develop youths' skills for success.

Extensive research has established that youth tried as adults are more likely to commit new crimes in the future than their peers treated in the juvenile system. Most youth will eventually be released from prison and in the interest of protecting public safety, we need to ensure they get the treatment and tools they need to succeed when they return to society.

Solution:

SB 1391 will ensure that youth aged 14 and 15 who commit crimes get the services and help they need and reduce the likelihood they will commit crimes in the future. This bill will prohibit youth ages 14 and 15 from entering the adult criminal system and instead keep them in the juvenile system.

The juvenile justice system, with its emphasis on rehabilitation and promoting positive development, is better equipped to provide youth with the skills and supports necessary to become productive adults. With the benefit of the services provided in the juvenile justice system, youth are much less likely to re-offend, lowering the burden on courts, prison, and society overall.

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ⁱ Why Teenage Brains Are So Hard to Understand. (2017). Available at <http://time.com/4929170/inside-teen-teenage-brain/>

ⁱⁱ Effective Strategies for Court-Involved Youth (2012). Available at <https://dcarts.dc.gov/sites/default/files/dc/sites/dvrs/publication/attachments/Effective%20strategies%20-%20Maximum%20J%20Custodial%20Age.pdf>

ⁱⁱⁱ Coalition for Juvenile Justice SOS Project (2011) Available at <http://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-i-principles-responding-2>