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September 14, 2018

The Honorable Edmund G. Brown, Jr.

Governor of the State of California

State Capitol, Suite 1173

Sacramento, CA 95814

**RE: SB 439 (Mitchell): Jurisdiction of the juvenile court**

**AAP-CA Position: Support**

Dear Governor Brown:

I am writing on behalf of the American Academy of Pediatrics, California (AAP-CA), representing over 5,000 California pediatricians, to respectfully urge your signature on Senate Bill 439 (Mitchell). SB 439 would set a minimum age of 12 years for prosecution of a child in juvenile court, except under violent charges, as specified, including homicide.

Current California law permits criminal prosecution of *any* child, no matter their age—putting many of our state’s most vulnerable children at risk of highly traumatizing prosecution and incarceration, which research has linked to long-term poor health outcomes. SB 439 (Mitchell) 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.

Young children who act out, even in severe ways, typically do so because of an unmet need that merits investigation; many are victims of abuse and neglect or suffer from untreated behavioral or mental health problems. While children who misbehave should certainly face age-appropriate consequences, it is an inappropriate leap to say that these consequences should include criminal prosecution and incarceration. Most offenses committed by children under the age of twelve are best addressed through alternative child-serving systems, such as community- and family-based health and

mental health, education, child welfare 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.

The good news is that since 2010 in California 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 (Mitchell) 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.

Through SB 439 (Mitchell) California has an opportunity to recognize the unique needs of troubled young children and to align our treatment and juvenile justice system with international standards. Pediatricians across the state strongly support SB 439 (Mitchell) and urge your signature.

Thank you for your leadership on behalf of the health and well-being of children, youth, and families in California.

Sincerely,

A handwritten signature in black ink that reads "Kris E. Calvin" with a decorative flourish at the end.

Kris Calvin

Chief Executive Officer, American Academy of Pediatrics, California

cc: AAP-CA Leadership; Lobbyist Lydia Bourne; Senator Holly Mitchell