



March 27, 2017

The Honorable Holly Mitchell
State Capitol, Room 5080
Sacramento, CA 95814
Fax: (916) 651-4930

RE: SB 439 (Mitchell): Jurisdiction of the juvenile court
AAP-CA Position: Support

Dear Senator Mitchell:

I am writing on behalf of the American Academy of Pediatrics, California (AAP-CA), representing over 5,000 California pediatricians, to strongly support your proposed legislation SB 439 (Mitchell). This bill would set a minimum age of 12 for prosecution in a juvenile court.

There is currently no minimum age for prosecution in a juvenile court in California. This is gravely concerning, considering that both scientific research and common sense dictates that young children do not yet have the cognitive maturity to make complex decisions and should not be held responsible for their actions in the same way that an adult is. Children who act out, even in severe ways, typically do so because of an unmet need that merits investigation; many are themselves 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 a very far leap to say that these consequences should include criminal prosecution and incarceration. Even apparently severe offenses committed by young children are best resolved through an appropriate mixture of mental health treatment, social services, education, and rehabilitation. However, current 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. Furthermore, contact with the juvenile justice system is associated with higher risks of future criminal activity and incarceration. This suggests that the criminal prosecution of children does not have the effect of rehabilitating them, but rather itself increases crime rates and negatively impacts the course of these children's lives.

SB 439 (Mitchell) would reduce this vulnerability by establishing that the juvenile justice system does not have jurisdiction over children 11 years of age and younger. This would help to assure that childhood misbehavior does not land young children in the criminal justice system, so that they may hopefully be granted access to the resources they need in order to treat the root cause of their behaviors.

Pediatricians across the state support SB 439 (Mitchell). We thank you for your leadership on behalf of the health and well-being of children, youth, and families in California.

Sincerely,



Susan Wu, M.D., Fellow of the American Academy of Pediatrics
State Government Affairs Committee, American Academy of Pediatrics, California

CC: Kris Calvin, CEO; AAP-CA Leadership; Lydia Bourne