

CAPITOL OFFICE
STATE CAPITOL
SACRAMENTO, CA 95814
TEL (916) 651-4013
FAX (916) 651-4913

DISTRICT OFFICE
1528 S. EL CAMINO REAL
SUITE 303
SAN MATEO, CA 94402
TEL (650) 212-3313
FAX (650) 212-3320

WWW.SENATE.CA.GOV/HILL
SENATOR.HILL@SENATE.CA.GOV

California State Senate
SENATOR
JERRY HILL

THIRTEENTH SENATE DISTRICT



COMMITTEES
BUSINESS, PROFESSIONS &
ECONOMIC DEVELOPMENT
CHAIR
APPROPRIATIONS
ENERGY UTILITIES &
COMMUNICATIONS
ENVIRONMENTAL QUALITY
GOVERNMENTAL ORGANIZATION

August 29, 2016

The Honorable Edmund G. Brown Jr.

Governor, State of California

State Capitol, First Floor

Sacramento, CA 95814

RE: SB 1004 (Hill) — Request for Signature

Dear Governor Brown:

I write to respectfully request your signature on SB 1004, which will authorize a pilot program to give young adult offenders the opportunity to take advantage of supportive and educational services in the juvenile justice system, rather than serve their time in an adult county jail.

While young offenders ages 18 to 21 are legally adults, they are still undergoing significant brain development, and it is becoming clear that this age group may be better served by the juvenile justice system with corresponding age-appropriate intensive services. Research shows that people do not develop adult-caliber, decision-making skills until their early 20s. Psychologists note that this “maturity gap” makes young adults more likely to engage in risk-seeking behavior.

To address the criminogenic risks and behavioral needs of adolescents, juvenile detention facilities already provide critical age-appropriate services such as cognitive behavioral therapy, mental health treatment, vocational training and education, among other programs. However, county jails typically do not provide services that specifically address the needs of young adults or the risks they can face.

In recognition of this, SB 1004 authorizes – but does not mandate – the counties of Alameda, Butte, Napa, Nevada and Santa Clara to enact a pilot program that allows young adult offenders ages 18 to 21 to be housed in a juvenile detention facility, instead of an adult county jail. The five counties designated by SB 1004 were self-selected; they indicated interest in participating in the pilot program and have space available in their juvenile halls. If one of the counties decides to adopt the pilot program, all funding would be provided by that county. There is no cost to the state.

SB 1004 provides specific pilot program guidelines:

- Young adults who commit serious or violent felonies, have prior serious or violent offenses, or must register as sex offenders are not eligible for the program, and young adults will be assessed by the county probation department to determine whether they may participate in the program.
- The length of young adults' custody within a county juvenile hall cannot exceed one year.
- Upon being charged with an offense, young adults who are deemed eligible for the program must enter into deferred entry of judgment – plead guilty to their crime – and importantly, if the young adult successfully completes the program, he or she will have the charges dismissed. Beginning adulthood with a clean record can have a significant positive effect on a young adult's life choices and can contribute to attaining sustainable employment, housing and education.
- Young adults will have other options if they do not participate in the pilot program: If a young adult is deemed not eligible for the pilot program, or if he or she does not wish to plead guilty, court proceedings will continue as in any other case. Young adults will not be forced to participate.
- A young adult can be removed from the program by the county probation department at any time if the individual is performing poorly. After participants are notified that they may no longer be eligible for the program, the court will hold a hearing to consider the matter.
- Young adults participating in the pilot program will be housed in juvenile detention facilities, but they must be housed in separate wings from younger offenders. In addition, a county must receive approval from the Board of State and Community Corrections (BSCC) that the county's juvenile hall facility is suitable for housing young adults.
- To further ensure oversight of the pilot program, a county must establish a multidisciplinary team that meets periodically to review implementation of the pilot program.
- Finally, the bill stipulates that participation in the pilot program should not replace opportunities for community supervision.

Some juvenile justice advocates argue that a juvenile hall is not an appropriate place for young adults, because they may negatively influence younger juvenile detainees. However, SB 1004 requires that young adults and juveniles are kept separately; this applies to housing and delivery of services.

Some juvenile justice advocates also argue that SB 1004 may influence plea bargaining and lead to a net widening of custodial sanctions. This is not the intent of SB 1004, and nor will it do so. The bill prioritizes community supervision and stipulates that only those who would otherwise serve time in county jail are eligible.

SB 1004 also mandates layers of oversight: at the local level through a multidisciplinary team, and at the state level by BSCC. Furthermore, the bill provides that the sentences for young adults remanded to custody in juvenile hall are no longer than a year, ensuring that these juvenile halls do not become a new place to house detainees.

This is an emerging criminal justice issue, one that holds great potential and aligns with your efforts to make California's justice system fairer, more humane, and focused on rehabilitation. Each county will submit data to the BSCC, which will conduct an evaluation study to determine the effects of the pilot program. It is my hope that pilot program participants – those young adults who serve their time in juvenile hall as opposed to adult jail – will have improved outcomes. Most importantly, SB 1004 does not create a permanent change in California's justice system. The pilot program authorized by SB 1004 will allow us to carefully consider doing so, based on the data collected and analyzed pursuant to SB 1004.

Support for SB 1004 includes the California Public Defenders Association, the Chief Probation Officers of California. If you have questions or concerns regarding the legislation, please contact me at (650) 619-6430 or have your staff contact Patrick Welch in my office at (916) 651-4013.

Sincerely,



Jerry Hill,
Senator, 13th District