

youth justice coalition  
**WE CAN GET THIS!!!**  
WEEK OF AUGUST 15TH, 2010 ★ PASS SB 399

**LAST CHANCE TO CALL STATE REPS TO  
VOTE YES ON SENATE BILL 399:**

**No! I'm much  
tougher on crime  
than you are!**



**GIVE YOUTH SENTENCED TO LIFE WITHOUT THE  
POSSIBILITY OF PAROLE  
AN OPPORTUNITY FOR RESENTENCING...**

**It's 2010 - Time for California to  
Get Smart and Fair on Crime**



## THIS WEEK:

**Much love to all the young people, families and our allies who have been working for 4 years to give people sentenced as youth to Life Without the Possibility of Parole a chance to have their cases reviewed!**

**As you already know, Senate Bill 399 made it through the State Senate last year. This week, the bill will go to the Assembly floor. If it passes, it will go to the Governor's desk!**

**Last week, more than 60 youth and family leaders traveled to Sacramento to meet with the Assembly. Thank you to more than 600 people who also sent letters to the Assembly and Governor in support of SB399.**

**[1] For all of us who went to Sacramento, and for everyone who couldn't make it, we all need to continue to fight for SB399. Check out page 3 for a contact list of Assembly members we need to reach out to.**

**[2] Use the fact sheet on page 4 of this action update and the YJC's new video at <http://www.youtube.com/watch?v=eA76mdorh0s> to get the facts on SB399. The YJC is proud to be an active member in the statewide and national efforts to end Juvenile LWOP. For info on these efforts, go to [www.fairsentencingforyouth](http://www.fairsentencingforyouth) & [www.endjlwop.org](http://www.endjlwop.org).**

**[3] If you have strong relationships with other Assembly members, DAs or law enforcement, contact them to send a letter or make calls to Assembly members to support the bill.**



More than 60 youth and family leaders traveled this past week to Sacramento to urge the California State Assembly to pass Senate Bill 399. We were united in Sac Town with human rights lawyers and faith organizations. Our thoughts today are with all the Californians whose lives will be drastically impacted by this law. We represented:

1. Youth who have experienced juvenile halls, camps and/or prison, but have gotten another chance in the community and are now graduating or close to graduating from school, working to support our families, and enrolling in college. **The streets are so treacherous and our paths so confusing, that we could easily have been youth serving LWOP.**
2. Survivors in place of the hundreds of sons, brothers, cousins and friends that YJC members have buried – victims of the tragic violence plaguing L.A.'s streets. **We are building a new "victims' rights movement,"** one that represents the vast majority of America's homicide victims who are working class, low or no income, mostly people of color **who do not seek revenge, the death penalty or Life sentences.**
3. Family members connected to some of the thousands of California youth who are facing or serving Life sentences, **including at least 263 people who were sentenced as youth to Life Without the Possibility of Parole.**

**We all believe that youth deserve a future beyond death in the streets or death behind bars.**

Youth and our histories are complex. Our lives can't be easily summarized in a court transcript or a police report where things are portrayed as black and white, good and evil, villains and victims.

We urge the State Assembly to **be smart on crime rather than tough on crime**; to recognize that the shadows is where life is really lived; and to realize that **all of us can change and give back incredible love, talent and support to our families and communities.**

**The United States is the only nation in the world that imposes LWOP and other extreme Life sentences on youth.**

Some youth are dying in the streets. Some, are sentenced to die in prison. When a child's future is buried, then all California's future is buried. Is this the legacy you want to leave your children and grandchildren? **This week, the California State Assembly has an historic opportunity to build a different reality. It's up to all of us to push them to do it.**

**Make history! Call the State Assembly and tell them to vote yes on Senate Bill 399.**

# Everybody is needed to pass SB399:

Last Tuesday, we had approximately 60 meetings with legislators. **There is some good news:**

(1) Tomorrow (Monday), the bill will go in for some minor amendments having to do with dates and the back-log of cases. Assembly Speaker John Perez has confirmed that he will officially come on as a co-author.

(2) In addition, Assemblyman Fuentes has agreed to manage the bill on the floor. This is good news, since Fuentes is well-respected and a moderate, so he will have a better chance of recruiting votes.

(3) The California Corrections and Parole Officers' Association (CCPOA) will make some calls on behalf of the bill. The prison guards union is SB399's most significant law enforcement supporter.

### Here's the challenge:

- (1) We are at around 37-38 yes votes. We need 41.
- (2) The statewide District Attorneys association has targeted this as the bill to kill. They're out in full-force, getting county DAs to call Assembly members, and working the capitol with their lobbyists every day.

### Here's what's needed:

- (1) **Use the list on the right to call the Assembly members who are still not a definite yes, who are on the fence, or who are leaning toward no.** (There is a SB399 fact sheet on page 4 for the information on LWOP to use in your calls.)
- (2) **In addition, call Assembly members that you are close to who aren't on the list and urge them to reach out to their colleagues.**
- (3) **For people who have close relationships with District Attorneys, sheriffs or other law enforcement, urge them to write a letter or make a public statement in support of the bill.** If you get a copy out to the YJC, we'll get it out to the whole Assembly.



Senator Leland Yee, the bill's original author, spoke to us before the Assembly visits on Tuesday. He called youth and families the bill's "heart and soul."

Call these legislators and urge them to pass Senate Bill 399:	
NAME	PHONE
<b>Adams, Anthony</b> Republican - Hesperia, Claremont	(916) 319-2059
<b>Anderson, Joel</b> Republican - El Cajon	(916) 319-2077
<b>Beall, Jim Jr.</b> Democrat - Santa Clara, San Jose	(916) 319-2024
<b>Block, Marty</b> Democrat - Lemon Grove, Cerritos	(916) 319-2078
<b>Blumenfield, Bob</b> Democrat - San Fernando Valley	(916) 319-2040
<b>Buchanan, Joan</b> Democrat - Elk Grove, San Ramon	(916) 319-2015
<b>Caballero, Anna M.</b> Democrat - Salinas	(916) 319-2028
<b>Calderon, Charles</b> Democrat - City of Industry	(916) 319-2058
<b>Carter, Wilmer</b> Democrat - Fontana, Rialto	(916) 319-2062
<b>Chesbro, Wesley</b> Democrat - Humboldt, Sonoma	(916) 319-2001
<b>De La Torre, Hector</b> Democrat - Lynwood, Southgate	(916) 319-2050
<b>Eng, Mike</b> Democrat - Alhambra, El Monte	(916) 319-2049
<b>Evans, Noreen</b> Democrat - Santa Rosa, Napa	(916) 319-2007
<b>Feuer, Mike</b> Democrat, West Hollywood	(916) 319-2042
<b>Fletcher, Nathan</b> Republican, San Diego	(916) 319-2075
<b>Gatto, Mike</b> Democrat - Burbank	(916) 319-2043
<b>Hall, Isadore</b> Democrat - Compton	(916) 319-2052
<b>Hayashi, Mary</b> Democrat - Hayward	(916) 319-2018
<b>Hernandez, Edward</b> Democrat - West Covina	(916) 319-2057
<b>Huber, Alyson</b> Democrat - Lodi	(916) 319-2010
<b>Huffman, Jared</b> Democrat - San Rafael, Petaluma	(916) 319-2006
<b>Lieu, Ted</b> Democrat - El Sugundo	(916) 319-2053
<b>Ma, Fiona</b> Democrat - San Francisco	(916) 319-2012
<b>Mendoza, Tony</b> Democrat - Norwalk	(916) 319-2056
<b>Monning, William W.</b> Democrat - Monterey, Santa Cruz	(916) 319-2027
<b>Nava, Pedro</b> Democrat - Santa Barbara, Oxnard	(916) 319-2035
<b>Pérez, V. Manuel</b> Democrat - Indio, El Centro	(916) 319-2080
<b>Portantino, Anthony J.</b> Democrat - Pasadena	(916) 319-2044
<b>Ruskin, Ira</b> Democrat - Los Altos	(916) 319-2021
<b>Salas, Mary</b> Democrat - Chula Vista, National City	(916) 319-2079
<b>Saldaña, Lori</b> Democrat - San Diego	(916) 319-2076
<b>Stricklan, Audra</b> Republican - Thousand Oaks	(916) 319-2037
<b>Torlakson, Tom</b> Democrat - Martinez	(916) 319-2011
<b>Torres, Norma</b> Democrat - Ontario	(916) 319-2061
<b>Torrico, Alberto</b> Democrat - Fremont	(916) 319-2020



### **What is California Senate Bill 399?**

In California, youth under the age of 18 are sentenced to spend the rest of their lives in prison. In California, Life Without Parole sentences are absolute – regardless on a person's positive growth, they will have no opportunity for release. They will die in prison. Senate Bill 399 allows for a review of juvenile LWOP cases and requires young people to work towards rehabilitation. If they can prove that they have turned their lives around, they will have an opportunity to be re-sentenced.

### **Problems with Existing Law**

#### **Life sentences ignore that youth change.**

Young people can and do commit terrible crimes. When they do, they should be held accountable. But youth also have a great capacity for rehabilitation. Young people continue to develop their identity and the direction of their lives into their early twenties. Recent findings in neuroscience confirm what

many parents and teachers have long known: brain maturation is a process that continues through adolescence and into early adulthood, and impulse control, planning, and thinking ahead are skills still in development well beyond age 18. In addition, there is widespread agreement among child development researchers that young people who commit crimes are more likely to reform their behavior and have a better chance at rehabilitation than adults. The Supreme Court agrees—in *Roper v. Simmons*, 543 U.S. 551 (2005) the Court explained, "From a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed." No one can know definitively what kind of person a 14, 15, 16, or 17-year-old will become. Therefore, it is appropriate to provide youth with meaningful and periodic reviews of their life sentences to ensure that those who can prove they have changed are given an opportunity to come home and contribute to their families and communities.

#### **Life sentences for youth don't reduce crime.**

We have learned a lot since California and many other states enacted laws allowing for juvenile LWOP. Evidence now shows that LWOP sentences provide little or no real effect to reduce violence. California's arrest rate for violent crimes by youth is higher than many other states, including states that do not sentence children to life without parole.

#### **LWOP sentences for youth are used unfairly.**

California has the worst record in the nation for racial disparity in the imposition of life without parole for youth. African American youth are sentenced to LWOP at over 18 times the rate of white youth. Latino youth are sentenced to LWOP five times more often than white youth.

#### **LWOP sentences give youth no chance for rehabilitation, education and skills training.**

When youth are sentenced to LWOP, not only do they have no opportunity for release, they are denied access to programs and services while in prison. While the crimes they committed resulted in immense suffering, youth should be given a real chance to redeem themselves.

#### **81% of the public agrees: Youth should not spend the rest of their lives in prison.**

A recent survey showed that 81 percent of West Coast residents believe that youth are redeemable and should not spend the rest of their lives in prison.

#### **LWOP is not only used for the worst crimes or the most violent youth.**

Nationally, 59 percent of youth sentenced to life without parole are there for their first arrest — without a single crime on a juvenile court record. In California, 45 percent of youth serving LWOP were convicted of murder but were not the ones to actually commit the murder. This is possible under California law which holds youth responsible for a murder that happens while they were part of a felony, even if they did not plan or expect a murder to occur.

#### **Youth in life without parole cases are often acting under the influence of an adult.**

In nearly 70 percent of California LWOP cases in which the youth was not acting alone, at least one codefendant was an adult. Survey responses reveal that in **56 percent of those cases, the adult received a lower sentence than the teenager.**

### **Existing Law**

Existing law allows youth to be sentenced to life in prison without the possibility of parole under California Penal Code §190.5 and various other Penal Code sections. Existing law under Penal Code §1170(d) permits re-sentencing upon the recommendation of the secretary or the Board of Parole Hearings.

### ***SB399 is Not A Guarantee for Release, but an Opportunity for Case Review only for Youth Who Have Met Criteria Indicating Their Significant and Positive Development.***

The Fair Sentences for Youth Act recognizes that all young people, even those serving life sentences, have the capacity to change and should have access to the rehabilitative tools to do so. This Act would provide an opportunity for review and re-sentencing to 25 years – Life. The Act creates specific criteria and an intense, three-part review process in order to consider the possibility of a lesser sentence. Not all youth would get a new sentencing hearing, and those who did would have no guarantee of getting a lesser sentence. Even if re-sentenced, most youth will still face a parole board and must prove they merit parole, and then only after serving at least 25 years in prison. There would be no guarantee of parole; only the opportunity to earn it.

### **What do other states and countries do?**

International human rights law strictly prohibits LWOP for youth and *the United States is the only country in the world to sentence youth to life in prison with no opportunity for parole.* Thirteen jurisdictions in the United States already prohibit the sentencing of youth to life without parole or do not have any youth offenders serving the sentence: Alaska, Colorado, Kansas, Kentucky, Maine, New Jersey, New Mexico, New York, Ohio, Oregon, Vermont, West Virginia, and the District of Columbia. Other states have efforts underway to eliminate Juvenile LWOP, including Florida, Illinois, Iowa, Louisiana, Michigan, Nebraska, and Washington.