



THE BAR ASSOCIATION OF
SAN FRANCISCO

2009 OFFICERS AND
BOARD OF DIRECTORS

Russell S. Roeco
President

Arturo J. González
President-Elect

Priya S. Sanger
Treasurer

Kelly M. Dermody
Secretary

April 29, 2009

The Honorable Leland Yee, Ph.D.
California State Senator
Assistant President pro Tempore
State Capitol, Room 4074
Sacramento, CA 95814

Via facsimile: (916) 327-2186

RE: Support for SB 399 – The Fair Sentencing for Youth Act

Dear Senator Yee:

The Bar Association of San Francisco (BASF) is an association of 8,000 legal professionals in the San Francisco Bay Area which champions equal access to justice and promotes humanity, excellence, and diversity in the legal profession. I am writing to you on behalf of the BASF Board of Directors, who voted overwhelmingly to support passage of SB 399, the Fair Sentencing for Youth Act.

In California, youth as young as 14 years old are sentenced to life in prison without the possibility of parole. It is, in essence, a sentence to die in prison. Senate Bill 399 provides review of these cases after a youth offender (someone below the age of 18 at the time of the offense) has served a substantial amount of time in prison. It is an important piece of legislation because it protects public safety while at the same time recognizing that youth are different from adults. SB 399 holds youth accountable but also provides a chance for young offenders to prove they have changed.

Nearly 20 years ago California enacted a law allowing youth to be sentenced to life in prison without parole. We did not know then what we know now about adolescent development. Recent scientific findings conclude that the adolescent brain is not fully formed until well into early adulthood, and that young people do not have adult levels of judgment, impulse control, or ability to assess risks. For this reason, the U.S. Supreme Court stated that "it would be misguided to equate the failings of a minor with those of an adult." In fact, the vast majority of youth "age out" of the type of behavior that leads to crime. Our laws should reflect these scientific findings, recognize that young people are especially capable of redemption, and require these offenders to work towards rehabilitation.

Senate Bill 399 is fiscally-wise legislation. Every youth life-without-parole case costs the state around \$40,000 per year of incarceration. For someone sentenced to life in prison at age 14, 15, 16 or 17 years old, that means decades of increasing incarceration costs for our state. Almost everyone agrees that not all of the youth offenders sentenced to life without parole in California should remain in prison. There are cases in which the youth was not the primary offender, was acting in a situation of severe duress, or committed the crime under the direction of an abusive adult. Senate Bill 399 would require careful examination of these cases. By focusing our resources on the cases that are a threat to public safety, SB 399 would save millions of dollars for California.

Monly Agarwal
Laurel Beeler
Doris Cheng
Daniel Dean
Haywood S. Gilliam, Jr.
Melinda Haag
Nicole Harris
Jonathan Hayden
David Hopmann
Victor M. Hwang
Christopher Kearney
Catherine S. Kirkman
Bill Lann Lee
Timothy W. Moppin
Lorie Nachlis
Vidhya Prabhakaran
Robert Sims
Doron Weinberg

BARRISTERS CLUB
OFFICERS

James Mink
President

Amy Skryja
Vice-President

Kiran Jain
Treasurer

Sharon Galobler
Secretary

EXECUTIVE DIRECTOR
AND GENERAL COUNSEL

Daniel Burkhardt



THE BAR ASSOCIATION OF
SAN FRANCISCO

Senate Bill 399 holds youth offenders responsible for their actions. Youth offenders will have a chance to prove they deserve a resentencing hearing only after serving 10, 15, 20, or 25 years. The bill requires the offender to prove that he or she has chosen a different path in life and is worthy of parole consideration. It creates a strong system of checks and balances, as well: not only will an offender have to prove rehabilitation to a judge, but he or she will still face a parole board.

Sentencing adolescents to life without parole is out of step with the rest of the world and applied unfairly here in California. The United States is the only country in the world that imposes life without parole on youth under the age of 18 years old. This extreme punishment is a violation of international law and fundamental human rights. In addition, in California racial disparities in the use of this sentence are among the worst in the country: black youth are sentenced to life without parole at a per capita rate that is 18 times that for white youth. Finally, adult codefendants charged in the same cases are getting *lower* sentences and the opportunity for parole. In 56 percent of the cases in which a youth sentenced to life without parole had an adult codefendant, the adult got a lesser sentence than the youth. California should lead the nation in changing these inequities.

On behalf of the members of The Bar Association of San Francisco, I urge you to support this important legislation.

Sincerely,

Russell S. Roeca
2009 President

cc: Senator Mark Leno via facsimile: (916) 445-4722
Human Rights Watch via facsimile: (310) 477-4622