

**JERRY J. ENOMOTO**  
**UNITED STATES MARSHAL, RETIRED**

April 10, 2009

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

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

Dear Senator Yee:

I am writing to express my support for SB 399 that provides for the review of life without parole (LWOP) sentences for juvenile offenders in California.

My 28 years of service in the Department of Corrections, the last six years during which I served as its Director, I feel provides some background upon which to base an opinion.

SB 399 offers youthful offenders serving life without parole sentences the opportunity to prove that they deserve a resentencing hearing after serving at least 10 years of their sentence. The bill requires the offender to meet specific criteria before being given the opportunity for resentencing, and possibly for parole release should the releasing authority deem the offender suitable. If necessary, however, the juvenile can be held for life. This bill holds youthful offenders accountable while recognizing that youth are different from adults.

There is considerable evidence that juveniles under the age of 18 have the capacity for change, given the necessary help. There is also evidence that LWOP has been unfairly imposed, particularly as it applies to minorities. In any event, LWOP is a penalty that gives no hope for release, and is not a reasonable penalty to impose upon a juvenile. SB 399 is a good step toward the fairer sentencing of youth offenders.

Granted these cases often involve heinous offenses that many feel deserve the death penalty. However, just as the death penalty is inappropriate for juveniles, so is LWOP. SB 399 offers a young offender the hope that their LWOP sentence might be reconsidered. This hope gives prisoners the reason to change.

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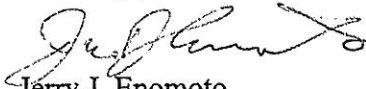
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It would be well to also consider the difficulty of placing juveniles in maximum security adult prisons, under protective custody and in overcrowded conditions. The situation not only puts the juveniles at risk, but also poses major management problems for the Department.

Allowing juveniles sentenced to life without parole to seek review of their sentence after serving a set amount of time in prison serves the rehabilitation part of the Department of Corrections' mission.

Both humanity and public safety can be served by passing SB 399. In addition, this would be a small step toward the larger issue of prison reform.

Sincerely,



Jerry J. Enomoto  
United States Marshal, Ret.

Cc: Senator Mark Leno