

WEDNESDAY, SEPTEMBER 1, 2010

OPINION

Behind bars, without hope

BY A 38-36 VOTE Monday night, the Assembly killed the Fair Sentencing for Youth Act authored by Sen. Leland Yee (D-San Francisco), refusing to lead California out of the Dark Ages by banning sentences of life without the possibility of parole for juveniles. No other country sentences children to prison in this manner, and it is appalling, but not unexpected, that the Assembly could not muster enough political will to enact a law that in every way is beneficial to the public. Yee's arguments — that science has shown that adolescent brains are not fully developed and therefore that adult sentences are inappropriate for teens; that children are capable of reform; that a large minority of children sentenced to life without parole in California killed no one but were participating in another crime, such as a robbery, when an accomplice committed a murder — fell on deaf ears. Reason was no match for the intense lobbying of victims' rights groups and the cowardice of 38 lawmakers.

As the voting began, Yee's office believed it had locked up the needed 41 votes, but supporters fell away at the last minute. At least six legislators who began the hourlong voting session in favor of SB 399 ultimately changed their position and abstained or voted no: Tony Mendoza (D-Artesia), Charles Calderon (D-Montebello), Wilmer Amina Carter (D-Rialto), V. Manuel Perez (D-Coachella), Mary Salas (D-Chula Vista)

and Wesley Chesbro (D-Arcata).

Given the extremely modest nature of Yee's bill, this flip-flopping is baffling. The bill would not have stopped prosecutors from seeking life-without-parole sentences or judges from imposing them. It merely would have given youths who received such sentences the right to ask a judge to reexamine their cases after 15 years in prison. At that point, the judge could resentence the offender to 25 years to life. Even then, the offender would not be released from prison unless a parole board decided he should be, and only after 25 years had been served.

Incarceration serves two purposes: It punishes the criminal and protects the public. But crime patterns follow a predictable arc; statistically, delinquency increases rapidly in juvenile years and peaks in the late teens. According to the FBI, by the time adults reach their 40s and 50s, the propensity to commit violent crime plummets. The issue before the Assembly was twofold: Is it fair to keep a teenager in prison until he or she dies at age 80 or 90? And does doing so protect the public from crime?

It is understandable that victims of violent crimes would ask lawmakers to consider their pain when making policy. But victims' rights are only one component of a fair criminal justice system — not the deciding factor. We encourage Yee to keep pushing. At some point the Assembly will find the courage to do the just thing.