

# SB 439:

## End the Prosecution of Children Under 12

### California currently has **NO** minimum age for prosecuting children.

Over a 10-year period, nearly 14,000 young children's cases were referred to probation for possible prosecution. Children as young as five years old were referred to probation and thereby exposed to the harms of formal justice system processing. Children of color were referred at the highest rates and bear the brunt of young-age court processing.

### Most cases of young children between 2007-2016 were dismissed or closed without further action – formal processing is *wasteful and harmful*



- 62% closed at intake
- 13% diverted
- 5% on informal probation

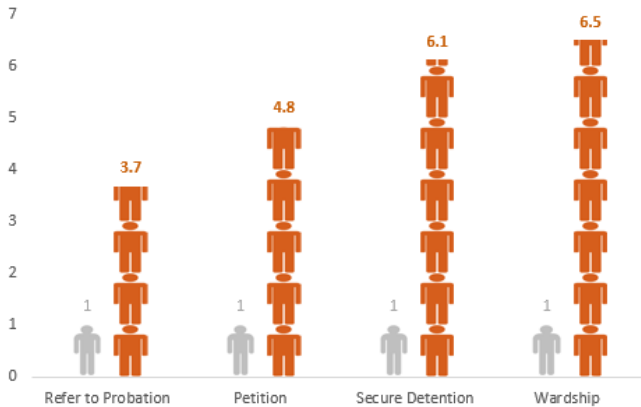
- 33% dismissed
- 34% on informal or non-wardship probation

- 78% on formal/"home on probation"
- 22% in out-of-home placement



### Young Children of Color bear the brunt

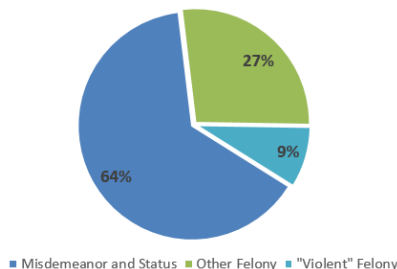
Cumulative Disadvantage for Black Youth Ages 11 and Under (2007-2016)



Black and Latino children under 12 see increasingly disparate treatment as they move through the juvenile justice system.

### Most young children are referred for non-serious offenses

- Only 12% of youth referred for "violent" felonies became a ward of juvenile court.
- One youth was referred for homicide in 10 years. The case was closed at intake.



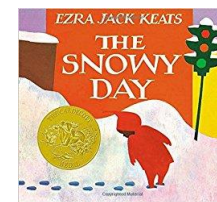
### Children are still learning and growing.

They are not capable of understanding complex legal processes.



#### 5-year-old (12 children referred)

- In kindergarten
- Learning letters



#### 6-year-old (61 children referred)

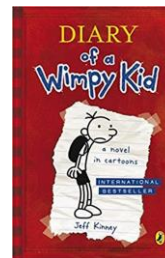
- In first grade
- Sounding out basic words

#### 7-year-old (216 children referred)

- In second grade
- Recognizes some words by sight

#### 8-year-old (515 children referred)

- In third grade
- Learning to write stories



#### 9-year-old (1,283 children referred)

- In fourth grade
- Enjoys short chapter books

#### 10-year-olds (2,914 children referred)

- In fifth grade
- Makes connections between books and real life

#### 11-year-old (8,577 children referred)

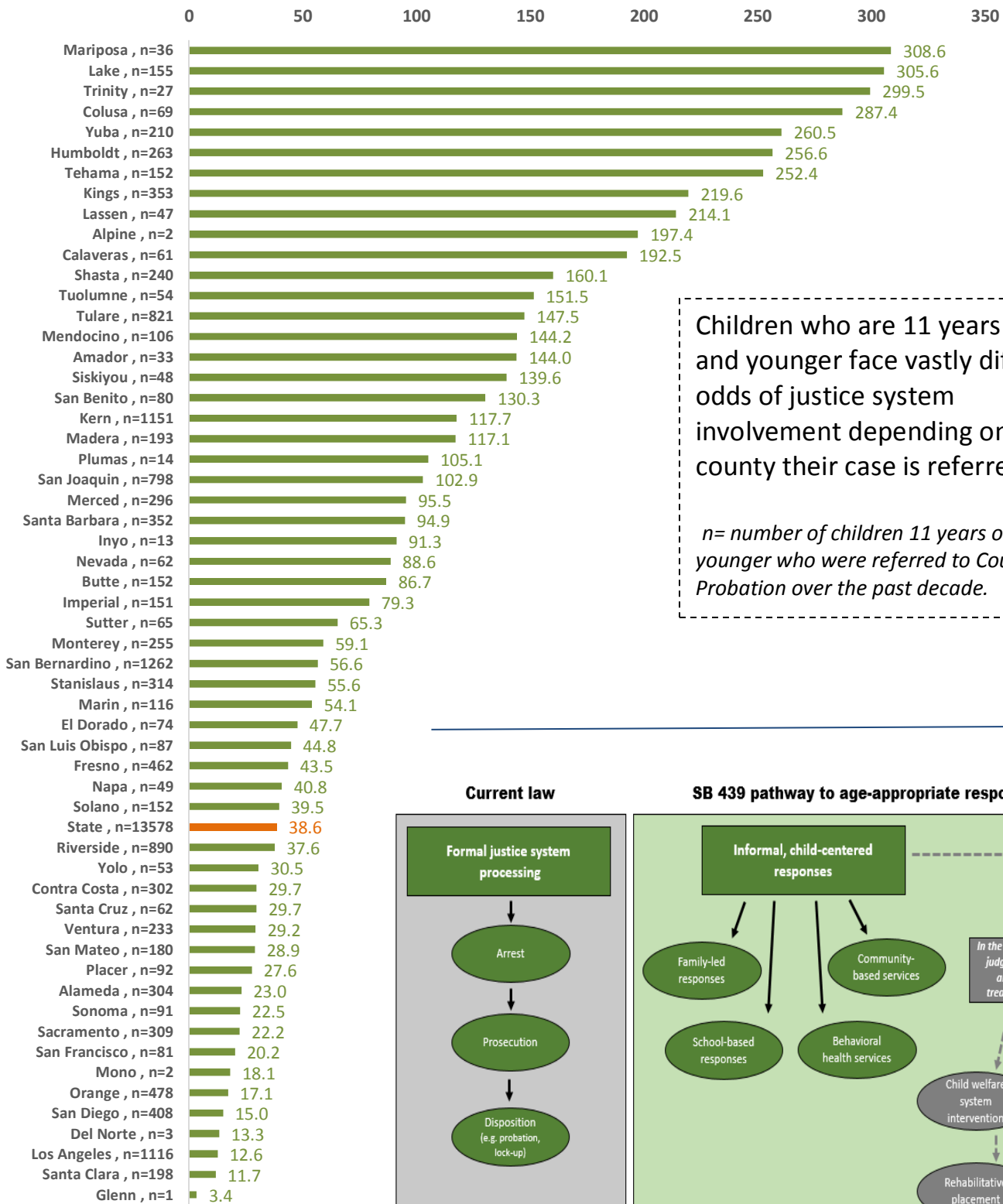
- In sixth grade
- Uses books to find new information



## Young children face significant geographic disparities

Rate of Referral for youth 11 and Younger (2007-2016)

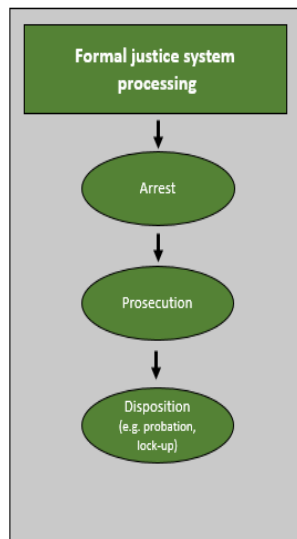
(per 100,000 youth ages 5-11 year olds in county, n = number of children referred to probation)



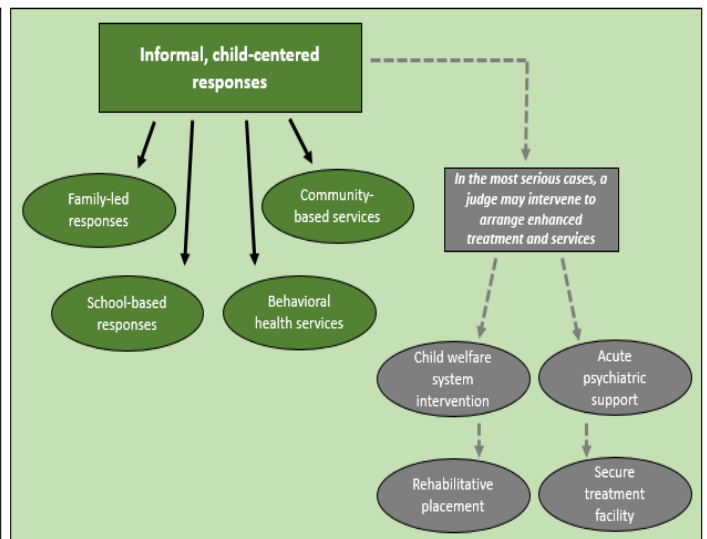
Children who are 11 years old and younger face vastly different odds of justice system involvement depending on the county their case is referred in.

*n = number of children 11 years old and younger who were referred to County Probation over the past decade.*

### Current law



### SB 439 pathway to age-appropriate responses



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