



# County of Santa Cruz

## COUNTY ADMINISTRATIVE OFFICE

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SUSAN A. MAURIELLO, J.D., COUNTY ADMINISTRATIVE OFFICER

AGENDA: February 8, 2000

February 2, 2000

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

### RESOLUTION OPPOSING PROPOSITION 21: the "Gang Violence and Juvenile Crime Prevention Act"

Dear Members of the Board:

The attached letter from the Criminal Justice Council (CJC) advises the Board of Supervisors of the Criminal Justice Council's unanimous opposition to Proposition 21 and urging your Board to take a position in opposition to the initiative.

In addition to the CJC letter, I have attached the Legislative Analyst's analysis of the proposition and a copy of the San Jose Mercury Editorial in opposition to the measure. Our office has reviewed the proposition and we believe that the measure, like many initiatives, is mean spirited and fundamentally flawed. As indicated in the CJC letter, this proposition will undo many of the recent programs implemented in the County to curb youth crime and address the complex needs of young people who are subject to the juvenile criminal justice system. Those programs are working well and should not be abandoned. We also expect that the initiative will cause costs to substantially escalate particularly in the Care of Court Wards Budget, the Juvenile Hall budget and the Foster Care and Group Home budgets. The actual amount of the increase cannot be determined, given the uncertainties remaining as a result of the poor drafting of the initiative.

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**Opposition to Proposition 21**  
**Page 2.**

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The Chief Probation Officer and District Attorney are here to address your Board on this matter. After hearing their presentations, staff would recommend that your Board adopt the attached resolution in opposition to Proposition 21 and urge the voters to reject the measure. We would also recommend that the measure be distributed as indicated in the resolution.

Very truly yours,



Susan A. Mauriello  
County Administrative Officer

cc: County Supervisors Association of California  
Senator Bruce Mc Pherson  
Speaker Pro Tern Fred Keeley  
Assembly Member Peter Frusetta  
Criminal Justice Council  
Media

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted:

**RESOLUTION IN OPPOSITION TO PROPOSITION 21: The "Gang Violence and  
Juvenile Crime Prevention Act"**

**Whereas**, Proposition 21 is an initiative statute which makes changes to laws related to the treatment of juvenile offenders; and

**Whereas**, the Criminal Justice Council (CJC) of Santa Cruz County, which includes all law enforcement agencies in the County, elected officials from the Cities and County, Judges and Community Based Organizations, voted unanimously to oppose Proposition 21; and

**Whereas**, the CJC has concluded that the measure undermines the checks and balances that are essential to our criminal justice system; and

**Whereas**, the County of Santa Cruz has spent considerable efforts developing strategies to protect the community from juvenile offenders by designing responsible and responsive programs to protect the community, address the complex needs of the juvenile offender and provide for the redress of harm for the victims and the community that will be eliminated if this proposition passes; and

**Whereas**, the programs in place in the County are experiencing significant success as can be evidenced by the 8.1% drop in juvenile crime that has occurred in the last six years; and

**Whereas**, the CJC has concluded that the measure is not in the interest of juveniles or justice.

**NOW THEREFORE BE IT RESOLVED** that the Board of supervisors hereby opposes Proposition 21 and urges the voters of the County to vote against Proposition 21.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2000, by the following vote:

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**Opposition to Proposition 21**

**Page 2.**

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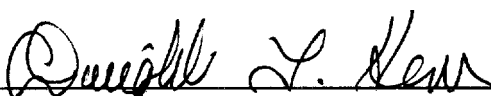
A Y E S :           SUPERVISORS  
NOES:               SUPERVISORS  
ABSENT:            SUPERVISORS

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Chairperson of said Board

ATTEST: \_\_\_\_\_  
Clerk of said Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

**DISTRIBUTION:**

County Supervisors Association of California  
Senator Bruce Mc Pherson  
Speaker Pro Tern Fred Keeley  
Assembly Member Peter Frusetta  
Criminal Justice Council  
Media

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CRIMINAL JUSTICE COUNCIL  
OF SANTA CRUZ COUNTY

1523 PACIFIC AVENUE, SUITE 100  
SANTA CRUZ, CA 95060

TELEPHONE (831) 460-1212  
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AGENDA: February 8, 2000

February 2, 2000

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**CRIMINAL JUSTICE COUNCIL OF SANTA CRUZ COUNTY  
OPPOSITION TO PROPOSITION 21**

Dear Members of the Board:

On Thursday, January 27, 2000, members of the Criminal Justice Council of Santa Cruz County, which includes law enforcement executives, mayors, judges, city council members, and community-based organizations, voted unanimously to oppose Proposition 21, the "Gang Violence and Juvenile Crime Prevention Act."

The Criminal Justice Council members believe that Proposition 21 undermines the system of checks and balances that are essential to our criminal justice system. The measure gives increased authority to prosecutors at the expense of judicial discretion. It requires incarceration of some juveniles in adult lock-ups, but contains no provisions for counseling or treatment. It judges kids as young as 14 years of age solely on the basis of the crime committed, because it eliminates the fitness hearing process that considers more than the offense and age.

Proposition 21 would do away with effective probation programs that have kept juvenile crime in this county from escalating. Since 1994, the juvenile crime rate in Santa Cruz County has decreased by 8.1 percent. Despite an increase in the juvenile population, the number of arrests has decreased – felonies were down by nearly 10 percent between 1997 and 1998. If the initiative passes, the graduated sanctions employed by Juvenile Probation would be replaced with a broad-brush approach that does not necessarily match the offender to the appropriate punishment. Other proven prevention and intervention services provided by community-based agencies in Santa Cruz County would no longer assist numerous juvenile offenders and their families, because the law would require that those kids become part of the adult system.

As is too often the case with initiative propositions, Proposition 21 (running to more than 40 pages) covers a wide range of complex issues that can only be voted up or down. What if, like the District Attorney, a person supports the harsher penalties associated with gang crimes, but doesn't necessarily want prosecutors instead of judges to decide whether juveniles are tried in juvenile or adult court? What if, like local police chiefs, a person agrees that some assaults with a firearm should be considered serious felonies, but is not certain that vandalism with damage of less than \$400 should keep someone in Juvenile Hall for a year?

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Board of Supervisors  
February 2, 2000  
Page 2

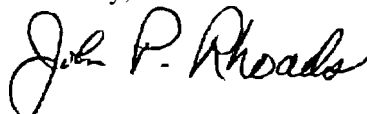
AGENDA: FEBRUARY 8, 2000

The members of the Criminal Justice Council-like all other California voters-are afforded only two choices on Proposition 21, either yes or no. Unlike the legislative process, which includes hearings in both the Senate and Assembly with testimony from experts in the field, and which allows amendments in order to **craft** laws designed for the greater good, an initiative bypasses our elected representatives. Instead of debate and discussion, instead of making room for compromise and change, an initiative is an all-or-nothing option.

Criminal Justice Council members, many of whom have spent their careers apprehending and prosecuting criminals and seeking justice, **are** nonetheless concerned that this measure is too far-reaching and not in the best interests of juveniles or justice. The costly changes contained in Proposition 21 will divert funds from the effective network of probation and **community**-based prevention and treatment programs that are making a difference in Santa **Cruz** County. Governing by initiative has been shown to result in taxpayer costs not envisioned by the sponsors, to be **fraught** with legal challenges, and to be an inefficient way to establish public policy.

The Criminal Justice Council asks the Board to consider, as they did, whether the sweeping changes specified in Proposition 21 are the best way to invest in future generations and ensure public safety. The Criminal Justice Council urges you oppose Proposition 21 and to communicate your position to the media and our state and federal legislative representatives.

Sincerely,



**John P. Rhoads**, Chair  
Criminal Justice Council

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# Proposition 21

**Juvenile Crime.**

**Initiative Statute.**

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## Overview

This measure makes various changes to laws specifically related to the treatment of juvenile offenders. In addition, it changes laws for juveniles and adults who are gang-related offenders, and those who commit violent and serious crimes. Specifically, it:

- Requires more juvenile offenders to be tried in adult court.
- Requires that certain juvenile offenders be held in local or state correctional facilities.
- Changes the types of probation available for juvenile felons.
- Reduces confidentiality protections for juvenile offenders.
- Increases penalties for gang-related crimes and requires convicted gang members to register with local law enforcement agencies.
- Increases criminal penalties for certain serious and violent offenses.

The most significant changes and their fiscal effects are discussed below.

## Prosecution of Juveniles in Adult Court

**Background.** Currently, a minor 14 years of age or older can be tried as an adult for certain offenses. Generally, in order for this to occur, the prosecutor must file a petition **with** the juvenile court asking the court to transfer the juvenile to adult court for prosecution. The juvenile court then holds a hearing to determine whether the minor should be transferred. However, if an offender is 14 years of age or older, has previously committed a felony, and is accused of committing one of a specified list of violent crimes, then that offender must be prosecuted in adult court.

**Proposal.** This measure changes the procedures under which juveniles are transferred from juvenile court to adult court. Juveniles 14 years of age or older charged with committing certain types of murder or a serious sex offense generally would no longer be eligible for juvenile court and would have to be tried in adult court. In addition, prosecutors would be allowed to directly file charges against juvenile offenders in adult court under a variety of circumstances without first obtaining permission of the juvenile court.

**Fiscal Effect.** The fiscal effect of these changes is unknown and would depend primarily on the extent to which prosecutors use their new discretion to increase the number of juveniles transferred

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Gom juvenile to adult court. If they elect to transfer only the cases that they currently ask the juvenile court to transfer, then the fiscal impact on counties and the state could likely be some small savings because the courts currently grant most of the requests of the prosecutors. However, if prosecutors use their new discretion to expand the use of adult courts for juvenile offenders, the combined costs to counties and the state could be significant. Specifically, the annual operating costs to counties to house these offenders before their adult court disposition could be tens of millions of dollars to more than \$100 million annually, with one-time construction costs of \$200 million to \$300 million.

### Juvenile Incarceration and Detention

**Background.** Under existing law, probation departments generally can decide whether a juvenile arrested for a crime can be released or should be detained in juvenile hall pending action by the court. These determinations generally are based on whether there is space in the juvenile hall and the severity of the crime. The main exception concerns offenses involving the personal use or possession of a firearm, in which case the offender must be detained until he or she can be brought before a judge. Most juveniles detained in juvenile halls for a long time are awaiting court action for very serious or violent offenses.

If, after a hearing, a court declares a juvenile offender a delinquent (similar to a conviction in adult court), the court in consultation with the probation department, will decide where to place the juvenile. Generally, those options range from probation within the community to placement in a county juvenile detention facility or placement with the California Youth Authority (CYA).

For juveniles tried as adults, the adult criminal court can generally, depending on the circumstances, commit the juvenile to the jurisdiction of either the CYA or the California Department of Corrections (CDC). In addition, juvenile offenders convicted in adult court who were not transferred there by the juvenile court can petition the adult court to be returned to juvenile court for a juvenile court sanction, such as probation or commitment to a local juvenile detention facility.

Because current law prohibits housing juveniles with adult inmates or detainees, any juvenile housed in an adult jail or prison must be kept separate from the adults. As a result, most juveniles--even those who have been tried in adult court or are awaiting action by the court--are housed in a juvenile facility such as the juvenile hall or the CYA until they reach the age of 18.

**Proposal** Under this measure probation departments would no longer have the discretion to determine if juveniles arrested for any one of more than 30 specific serious or violent crimes should be released or detained until they can be brought before a judge. Rather, such detention would be required under this measure. In addition, the measure requires the juvenile court to commit certain offenders declared delinquent by the court to a secure facility (such as a juvenile hall, ranch or camp, or CYA). It also requires that any juvenile 16 years of age or older who is convicted in adult court must be sentenced to CDC instead of CYA.

**Fiscal Effect.** Because this measure requires that certain juvenile offenders be detained in a secure facility, it would result in unknown, potentially significant, costs to counties.

Requiring juveniles convicted in adult court to be sentenced to CDC would probably result in some net state savings because it is cheaper to house a person in CDC than in CYA.

A number of research studies indicate that juveniles who receive an adult court sanction tend to

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commit more crimes and return to prison more often than juveniles who are sent to juvenile facilities. Thus, this provision may result in unknown future costs to the state and local criminal justice systems.

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### Changes in Juvenile Probation

**Background.** Statewide there are more than 100,000 juvenile offenders annually on probation. Most are on “formal” probation, while the remainder are on “informal” probation. Under formal probation, a juvenile has been found by a court to be a delinquent, while under informal probation there has been no such finding. In most informal probation cases, no court hearing has been held because the probation department can directly impose this type of sanction. If the juvenile successfully completes the informal probation, he or she will have no record of a juvenile crime.

**Proposal.** This measure generally prohibits the use of informal probation for any juvenile offender who commits a felony. Instead, it requires that these offenders appear in court, but allows the court to impose a newly created sanction called “deferred entry of judgment.” Like informal probation, this sanction would result in the dismissal of charges if an offender successfully completes the term of probation.

**Fiscal Effect.** On a statewide basis the fiscal effect of these changes is not likely to be significant. In those counties where a large portion of the informal probation caseload is made up of felony offenders, there would be some increased costs for both the state and the county to handle an increased number of court proceedings for these offenders. In addition, county probation departments would face some unknown, but probably minor, costs to enforce the deferred entry of judgment sanction.

### Juvenile Record Confidentiality and Criminal History

**Background** Current law protects the confidentiality of criminal record information on juvenile offenders. However, such protections are more limited for juvenile felons and those juveniles charged with serious felonies.

**Proposal.** This measure reduces confidentiality protections for juvenile suspects and offenders by:

- Barring the sealing or destruction of a juvenile offense record for any minor 14 years of age or older who has committed a serious or violent offense, instead of requiring them to wait six years, from when the crime was committed as provided under current law.
- Allowing law enforcement agencies the discretion to disclose the name of a juvenile charged with a serious felony at the time of arrest, instead of requiring them to wait until a charge has been filed as under current law.
- Providing law enforcement agencies with the discretion to release the name of a juvenile suspect alleged to have committed a violent offense whenever release of the information would assist in apprehending the minor and protecting public safety, instead of requiring a court order as under current law.

In addition, this measure requires the California Department of Justice (DOJ) to maintain complete records of the criminal histories for all juvenile felons, not just those who have committed serious or violent felonies.

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**Fiscal Effect.** These provisions would result in some savings to counties for not having to seal the records of certain juvenile offenders. There would also be unknown, but probably minor, costs-to state and local governments to report the complete criminal histories for juvenile felons to DOJ, and to the state for DOJ to maintain the new information. -

### Gang Provisions

**Background** Current law generally defines “gangs” as any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of certain crimes. Under current law, anyone convicted of a gang-related crime can receive an extra prison term of one, two, or three years.

**Proposal.** This measure increases the extra prison terms for gang-related crimes to two, three, or four years, unless they are serious or violent crimes in which case the new extra prison terms would be five and ten years, respectively. In addition, this measure adds gang-related murder to the list of “special circumstances” that make offenders eligible for the death penalty. It also makes it easier to prosecute crimes related to gang recruitment, expands the law on conspiracy to include gang-related activities, allows wider use of “wiretaps” against known or suspected gang members, and requires anyone convicted of a gang-related offense to register with local law enforcement agencies.

**Fiscal Effect.** The extra prison sentences added by the measure would result in some offenders spending more time in state prison, thus increasing costs to the state for operating and constructing prisons. The CDC estimates the measure would result in ongoing annual costs of about \$30 million and one-time construction costs totaling about \$70 million by 2025 to house these offenders for longer periods.

Local law enforcement agencies would incur unknown annual costs to implement and enforce the gang registration provisions.

### Serious and Violent Felony Offenses

**Background** Under current law, anyone convicted of a serious or violent offense is subject to a longer prison sentence, restrictive bail and probation rules, and certain prohibitions on plea bargaining. The “Three Strikes and You’re Out” law provides longer prison sentences for new offenses committed by persons previously convicted of a violent or serious offense. In addition, persons convicted of violent offenses must serve at least 85 percent of their sentence before they can be released (most offenders must serve at least 50 percent of their sentence).

**Proposal.** This measure revises the lists of specific crimes defined as serious or violent offenses, thus making most of them subject to the longer sentence provisions of existing law related to serious and violent offenses. In addition, these crimes would count as “strikes” under the Three Strikes law.

**Fiscal Effect.** This measure’s provision adding new serious and violent felonies, combined with placing the new offenses under the Three Strikes law, will result in some offenders spending longer periods of time in state prison, thereby increasing the costs of operating and constructing prisons. The CDC estimates that the measure would result in ongoing annual state costs of about \$300 million and one-time construction costs totaling about \$675 million in the long term. The measure could also result in unknown, but potentially significant, costs to local governments to detain these offenders 54

pending trial, and to prosecute them.

These additional costs may be offset somewhat for the state and local governments by potential savings if these longer sentences result in fewer crimes being committed.

### Summary of Fiscal Effects

**State.** We estimate that this measure would result in ongoing annual costs to the state of more than \$330 million and one-time costs totaling about \$750 million in the long term.

**Local.** We estimate that this measure could result in *ongoing* annual costs to local governments of tens of millions of dollars to more than \$100 million, and one-time costs of \$200 million to \$300 million.

A summary of the fiscal effects of the measure is shown in Figure 1.

| Figure 1                                                                                                                                                                      |                                                                                                 |                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposition 21                                                                                                                                                                |                                                                                                 |                                                                                                                                                 |
| Summary of Fiscal Effects of Major Provisions                                                                                                                                 |                                                                                                 |                                                                                                                                                 |
|                                                                                                                                                                               | Fiscal Effect                                                                                   |                                                                                                                                                 |
|                                                                                                                                                                               | State                                                                                           | Local                                                                                                                                           |
| Prosecution of Juveniles in Adult Court                                                                                                                                       |                                                                                                 |                                                                                                                                                 |
| Changes procedures for transferring juveniles to adult court, thereby increasing the number of such transfers.                                                                | Unknown court costs for additional cases in adult court.                                        | Unknown, potentially ranges from small savings to annual costs of more than \$100 million and one-time costs of \$200 million to \$300 million. |
| Juvenile Incarceration and Detention                                                                                                                                          |                                                                                                 |                                                                                                                                                 |
| Requires secure detention or placement of certain juvenile offenders, as well as commitment to state prison for juveniles 16 years of age and older convicted in adult court. | Unknown, some net savings for less costly commitments.                                          | Unknown, potentially significant costs.                                                                                                         |
| Changes in Probation                                                                                                                                                          |                                                                                                 |                                                                                                                                                 |
| Changes the types of probation available for juvenile felons.                                                                                                                 | Some court costs to formally handle more juvenile offenders.                                    | Potential costs in some counties, but not significant on a statewide basis.                                                                     |
| Juvenile Record Confidentiality and Criminal History                                                                                                                          |                                                                                                 |                                                                                                                                                 |
| Reduces confidentiality protections for juvenile offenders and requires the California Department of Justice to maintain criminal history records on all juvenile felons.     | Minor savings report and to elimination of protect criminal histories. procedural requirements. |                                                                                                                                                 |
| Gang Provisions                                                                                                                                                               |                                                                                                 |                                                                                                                                                 |
| Increases penalties for gang-related crimes and requires gang members to register with local law enforcement agencies.                                                        | Annual cost of about \$30 million and one-time costs of about \$70 million.                     | Unknown costs for gang member registry.                                                                                                         |
| Violent and Serious Felony Offenses                                                                                                                                           |                                                                                                 |                                                                                                                                                 |
| Adds crimes to the serious and violent felony lists, thereby making offenders subject to longer prison sentences.                                                             | Annual costs of about \$300 million and one-time costs of about \$675 million.                  | Unknown, potentially significant costs to detain additional offenders pending trial and to prosecute them.                                      |

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## SAN JOSE MERCURY NEWS

### **CRACKDOWN ON KIDS ? VOTE NO ON PROP. 21 -- STATE LAWS ARE ALREADY TOUGH, AND IT COULD LOCK UP TEENS WHO JUST MADE A MISTAKE**

Thursday, January 20, 2000

Section: Editorial

Edition: Morning Final

Page: 6B

**Memo:** ELECTION 2000

RELATED STORIES: Page 6B

EDITORIAL

**Illustration:** Drawing

**Caption:** DRAWING: TIM BRINTON

BACK when he was a governor aspiring to be president and juvenile crime was on the rise, Pete Wilson tried to pass a draconian package of bills that would increase penalties for juvenile offenders, put more kids on trial in adult court and crack down harder on street gangs.

The Legislature turned him down flat. So the governor turned to the voters. He turned his package of crime bills into a ballot measure, which qualified for the March 7 ballot as Proposition 21, the Gang Violence and Juvenile Crime Prevention initiative.

Today Wilson is gone from the political scene and we are stuck with Prop. 21. This measure looks even worse today than it did in Wilson's day. We don't need it, we can't afford it, and we could wind up with more crime if it becomes law. Vote No.

The juvenile crime rate that was so alarming a few years ago has begun to fall. Juvenile felony arrests in California peaked in 1994 and have dropped back below 1989 levels, even as the population of kids between ages 10 and 18 has continued to grow, and the number of kids confined in the California Youth Authority has fallen.

This is not to say juvenile crime is not a serious problem; it is. But if locking kids up is the best way to address it, how do we explain a drop in crime when there are more teens in California and fewer in custody?-

First, look at the economy. With so many service jobs available, more kids find honest ways to keep busy and make money. They see a brighter future than kids did a decade ago.

Next, look at successful crime prevention efforts: after-school programs, mentoring, truancy abatement, anti-gang programs, family resource centers.

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There is evidence that these programs are beginning to pay off.

What's not working? Sending more and younger teens through the adult court system. Across the country, there has been a trend in this direction in reaction to sensational crimes, such as school shootings and violent rapes. Yet evidence shows that treating kids as adults does not reduce crime. In Florida, where more kids are tried as adults than in any other state, studies found that youth sent through the adult court system were twice as likely to commit more crimes when they're released. That's not crime prevention, it's crime creation.

Supporters of Prop. 21, such as Sen. Chuck Poochigian, say they don't want to send every kid to adult court, they just want to aim at the really bad apples. They say current laws are not tough enough to put the worst offenders away and send a message that crime doesn't pay.

Don't believe it. California's laws already are among the toughest in the country. Last year in response to Wilson's initiative, the Legislature passed its own juvenile crime bill, SB 334. Now any kid who's at least 16 years old with a prior felony automatically goes to adult court. Judges can -- and do -- send younger kids to adult court if the crime is particularly heinous.

Prop. 21 was written by district attorneys. They like it because it lets them decide which kids to try as adults. But DAs are politicians elected to be tough on crime. We feel more comfortable placing the future of teens in the hands of judges, who are paid to be fair and impartial.

While prosecutors are supporting Prop. 21, many law enforcement officials are against it. So are judges, probation officers, PTAs, church leaders, child advocates, defense attorneys -- anyone who believes the courts should not treat children like adults.

Prop. 21 does not just target the baddest apples. It is designed to lock up thousands of teens who could be rehabilitated -- first-time offenders, gang wannabes, vandals, mixed-up kids who make dumb mistakes. It would let prosecutors, not judges, decide who goes to adult court and who goes to juvenile court. It would do away with informal probation and deny kids with emotional problems the treatment they need. It could make a felon out of a kid who throws a rock through a window.

What's worse, it would divert money away from prevention programs that work. The Legislative Analyst predicts that the additional adult trials and longer incarceration times mandated by Prop. 21 would cost the state \$330 million a year, with one-time costs of building new detention facilities at \$750 million. The cost to counties would be more than \$100 million a year. Prop. 21 does not provide any new money to pay those bills, so it is likely to come from probation and other underfunded departments that help kids go straight.

Why? So Pete Wilson can be remembered as a tough guy? So we can write off more troubled kids instead of trying to help them become productive adults?

Don't buy it. Vote No on Prop. 21.

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**SAN JOSE MERCURY NEWS*****CRACKDOWN ON KIDS ?***  
**VOTE YES ON PROP. 21 -- LAW**  
**ENFORCEMENT AGENCIES NEED**  
**ADDITIONAL TOOLS TO CLEARLY AND**  
**PREDICTABLY DETER JUVENILE AND**  
**GANG VIOLENCE**

Thursday, January 20, 2000

Section: Editorial

Edition: Morning Final

Page: 6B

BY CHUCK POOCHIGIAN

**Memo:** ELECTION 2000

RELATED STORIES: Page 6B

ANOTHER VIEW

Chuck Poochigian is a Republican state senator from Fresno and serves as statewide co-chair for Californians to End Gang Violence.

Criminologists have focused considerable attention on the changing nature of juvenile crime for some time. During the past few years, much attention has been given to adult and juvenile crime rates. Some of the most recent statistics suggest a reversal in the upward trend of serious and violent crimes. Such facts are important and welcome. However, modest improvements in crime statistics must not be the basis for satisfaction or retreat from the war on gangs and violent juvenile crime. For example, the reality of 200 percent-plus increases in the number of murders committed by 15-year-olds from 1985 to 1993 is not made less shocking by reports of single digit improvement at the end of the 20th century.

We are all aware of senseless, often random acts of violence against law-abiding citizens and innocent children. The Department of Justice reports that juvenile arrests for murder, rape, robbery, attempted murder and aggravated assault rose an astounding 60.6 percent between 1983 and 1998. Criminal gangs are at the core of much of the problem we must confront. They undermine families and endanger our children, schools and communities.

Great strides have been made over the past decade in identifying comprehensive approaches to solving our juvenile crime problem. We have gained greater understanding of the extent to which family structure and breakdown, economic conditions, peer pressure and other social factors contribute to the susceptibility of young people to the tragic lure of criminal activity. Public support for early childhood prevention and intervention is not only laudable, but essential.

Unfortunately, there are some who advocate chiefly social approaches and cite crime rate statistics as justification for virtual abandonment of strategies for toughness and strict accountability. On the contrary, while we must give

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due attention to root causes and apply the resources necessary to do the job, we must also confront with firmness and conviction those who commit gross transgressions against society's laws. There must be a line which, when crossed, will bring about a penalty that is clear and predictable. The purpose for tough justice is not merely to punish, it is to discourage misbehavior. The hope of juvenile justice reform is not to incarcerate as many youths as possible, but to bring about a rational change in behavior that will result in a drastic reduction in crime.

This is why I am joining Santa Clara County District Attorney George Kennedy, East Palo Alto Police Chief Wesley Bowling, the California District Attorneys Association, the California State Sheriffs Association, the California Police Chiefs Association, the California Peace Officers Association, victims' organizations and many others in supporting Proposition 21, the Gang Violence and Juvenile Crime Prevention Act.

Appearing on our ballots next March, Proposition 21 will give California police officers and public safety officials the tools to fight juvenile and gang violence by:

(hbox) Prescribing life imprisonment for gang members convicted of home-invasion robberies, carjackings or drive-by shootings;

(hbox) Making assault with a firearm against police, school employees or firefighters a serious felony;

(hbox) Strengthening anti-gang laws by making violent gang-related felonies "strikes" under the Three Strikes law;

(box) Requiring adult trial for juveniles 14 or older charged with murder or violent sex offenses; and

(box) Requiring gang members convicted of gang felonies to register with local law enforcement.

Proposition 21 also requires that troubled teens take responsibility for their actions by eliminating informal probation. First-time, non-violent felony offenders must appear in court and complete a court-approved rehabilitation program to have their convictions dismissed. That is not the case today.

Opponents will argue that Proposition 21 is not a substitute for identifying at-risk youth and working with them in advance of their embarking on a life of crime. On this, we agree. Where we disagree is on the consequences of a juvenile's failure to act responsibly. We owe it to our society to do all we can to improve our social condition and reach out to others in need. Likewise, we owe it to the victims of violent crime and their families to punish perpetrators. If we are dedicated to deterring violent crime and protecting Californians, worthy prevention and intervention programs must be supported by tough penalties.

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Proposition 21 sends the clear message that youth is no excuse for murder, rape or any violent crime. It is a simple and important element of a comprehensive juvenile justice system that protects communities from the affliction of gang violence and senseless crime.

The current juvenile system was originally designed in the 1940s to fight minor offenses like truancy and curfew violations. It was not designed to handle gang murderers and rapists. It is my hope that voters will give our law enforcement officials the additional tools necessary to fight a battle which, in the name of decency, cannot be lost.

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