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September 5, 2018

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol  
Sacramento, CA 95814

RE: SB 1391 (Lara) – Veto Request

Dear Governor Brown:

On behalf of the California District Attorneys Association (CDA A) and the District Attorneys of Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Marin, Mendocino, Merced, Monterey, Nevada, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Tulare, Ventura, Yolo, and Yuba counties, we write to respectfully request your veto of Senate Bill 1391, by Senator Mitchell.

Senate Bill 1391 eliminates the authority for a court to decide whether a 14- or 15-year-old charged with certain serious offenses is unfit for the juvenile system. This well-intentioned bill inappropriately applies a one-size-fits-all approach to situations that call for individual and unique examinations. In so doing, SB 1391 puts our communities at risk.

Under existing law, 14- and 15-year-olds who are charged with offenses listed in Welfare and Institutions Code section 707(b) may be prosecuted in the adult system if a court finds them unfit for the juvenile system. This is not a determination that a prosecutor can make unilaterally. As you know, a judge must make that decision only after carefully evaluating many factors related to the age and development of the juvenile offender.

The unfortunate reality is that some juveniles commit horrific crimes that render the juvenile court system ill-equipped and unprepared. The offenses that would trigger a fitness hearing are among the most serious offenses in our Penal Code. Moreover, forcing such juveniles who have committed some of these crimes into a system that cannot handle them, jeopardizes public safety, the safety of the accused and of other juveniles within the system, and diverts limited resources away from juveniles who could benefit from juvenile court services.

There are a number of tragic and devastating examples of 14- and 15-year-old juveniles committing crimes that clearly demonstrate the inadequacies of SB 1391:

- In April 2013, a 15-year-old boy in Davis savagely tortured and murdered an elderly couple in their home. He had methodically planned his attack, targeted the victims at random, and committed his heinous acts out of morbid curiosity. The details of the murders shocked even the most hardened professionals in the Yolo County criminal justice system.
- In 2013, a 14-year-old from Sacramento County kidnapped and ruthlessly beat a teenage girl to death in a murder that left her body unrecognizable.
- In July 2015, a 15-year-old in Santa Cruz County kidnapped, forcibly raped, and strangled his 8-year-old victim. While still alive, he put the victim inside plastic garbage bags, ultimately killing her by stabbing her with a knife through the bags. Then he threw her body into a Dumpster.
- In July 2016, a 16-year-old boy brutally murdered his 13-year-old sister with a pickax, knife, and sledgehammer in a crime that shocked the entire Placer County community, prompting the judge to declare “the circumstances of the crime were too grave for the case to be heard in juvenile court.”
- Just this year in Ventura County, a 15-year-old criminal street gang member was arrested and charged with two murders within a month of one another. The defendant is accused of brutally stabbing a man to death less than four weeks after gunning a man down in a parking lot.
- In Santa Clara County, a 15-year-old boy was one of two who sadistically and callously stabbed a 15-year-old fellow classmate to death in what was described as a Satanist-inspired “thrill kill.” The pair had befriended the teenage victim to plot his murder to see what it was like to kill a human being. His devastated family is anguished over the thought of the killer’s release and the danger he poses to the community.

The juvenile justice system has the laudable goal of rehabilitation designed to promote community restoration, family ties, and accountability to victims, and to produce youth who become law-abiding and productive members of society. Thankfully, the vast majority of juvenile offenders fit squarely within the design of this system. But as the examples above illustrate, there are juveniles who commit crimes so horrendous, so sophisticated, and demonstrate such a lack of capacity for change that the juvenile justice system is unsuitable and incapable of addressing the need for safety of the community, the rights of victims and survivors of crime, and the needs of others within the juvenile justice system.

Finally, SB 1391 presents a basic problem in the way in which it was passed and is open to legal and procedural challenges. Effective and meaningful changes could be attained in a more collaborative and less costly and litigious manner.



For these reasons, we respectfully request that you veto Senate Bill 1391. Thank you for your consideration of this request. If you would like to discuss these issues further, please contact us.

Very truly yours,



Birgit Fladager, CDAA President  
Stanislaus County District Attorney



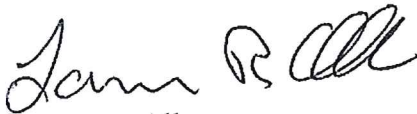
Stephanie Bridgett  
Shasta County District Attorney



Krishna Abrams  
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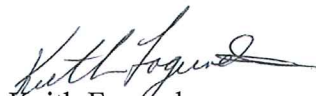
Don Anderson  
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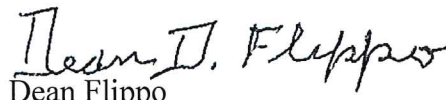
Matthew Beauchamp  
Colusa County District Attorney



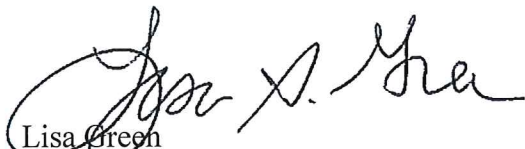
Maggie Fleming  
Humboldt County District Attorney




Edward Berberian  
Marin County District Attorney



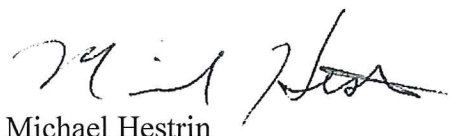
Dean Flippo  
Monterey County District Attorney



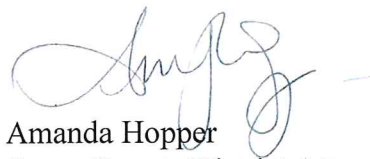
Lisa Green  
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Thomas L. Hardy  
Inyo County District Attorney



Michael Hestrin  
Riverside County District Attorney



Amanda Hopper  
Sutter County District Attorney



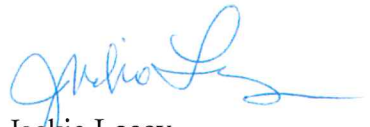
Laura Krieg  
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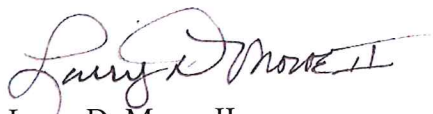
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Stacey Montgomery  
Lassen County District Attorney




Jackie Lacey  
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Larry D. Morse II  
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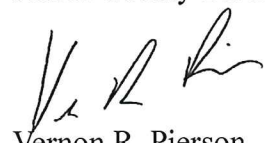
Clifford Newell  
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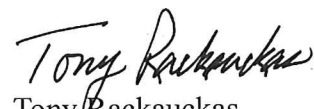
Gilbert G. Otero  
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R. Scott Owens  
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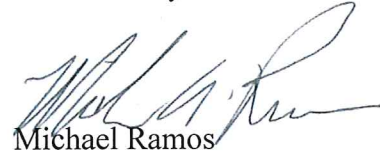
Vernon R. Pierson  
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Tony Rackauckas  
Orange County District Attorney



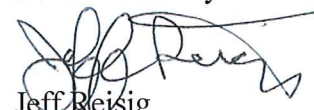
Michael L. Ramsey  
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Michael Ramos  
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Jill Ravitch  
Sonoma County District Attorney



Jeff Reisig  
Yolo County District Attorney



Todd Riebe  
Amador County District Attorney



Dwayne Stewart  
Glenn County District Attorney



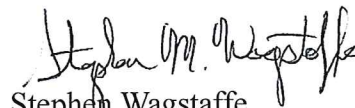
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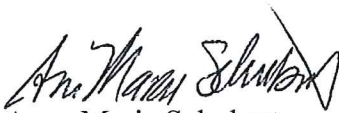
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Jeff Rosen  
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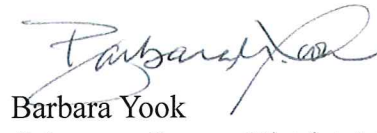
Anne Marie Schubert  
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Fresno County District Attorney



Barbara Yook  
Calaveras County District Attorney



Summer Stephan  
San Diego County District Attorney

cc: Dan Seeman, Deputy Legislative Secretary, Office of the Governor  
Senator Richard Lara