

# Senate Bill 498 (Hancock): Criminal Statistics

## *Youth in the Adult System*

As Amended April 13, 2015

### **BACKGROUND & PURPOSE**

Existing law requires the California Department of Justice (DOJ) to present an annual report to the Governor containing statewide criminal statistics of the preceding year, including specified information about minors who were charged and convicted as adults in criminal court.

This bill would require the annual report to include both statewide and county level information, and would expand the scope and level of detail in the information reported, by requiring, among other things, information about the county of commitment, the type of sentence imposed, the age at the time of the alleged offense, and whether gang, weapon or other sentencing enhancements were imposed.

### **PROBLEM & NEED FOR THE BILL**

Passed in 2000, Proposition 21 expanded the circumstances under which juveniles in California may be handled in the adult criminal justice system. Current statistical requirements were developed shortly after Proposition 21 took effect. In 2001, the Penal Code was amended to add Section 13012.5 which lists specific data elements regarding juveniles tried as adults that the DOJ must collect and report on annually.

As a result of Proposition 21, prosecutors gained the authority to file juvenile cases directly in adult criminal court without a fitness hearing in the Juvenile Court. The number of juveniles who are handled in the adult system in California has grown significantly since 2001. However, the data requirements adopted in 2001 fall short of what is needed to provide a full and accurate picture of transfers, direct files and important sentencing consequences. Because only statewide data are reported, key sentencing details for these cases are lacking. The inclusion of county-level data will provide improved and increased information to policymakers, researchers and the public who need to know more about the social, economic, corrections and public safety consequences surrounding these critical cases. Better access to individual data is needed to assess sentencing practices related to the adoption of SB 260 (Hancock, 2013) and to California Supreme Court sentencing decisions such as People v. Caballero 55 Cal.4<sup>th</sup> 262 (2012).

### **WHAT THIS BILL WOULD DO**

SB 498 expands the data currently reported in the annual Department of Justice report on juvenile criminal statistics to include critical statewide and county-level information. The DOJ's report already publishes: the number of fitness

hearings held in juvenile courts and the outcomes of those hearings, the number of minors whose cases were filed directly in adult criminal court, and the outcomes of cases involving minors who were prosecuted in adult criminal court. Each of these categories are cross-referenced with the individual's age, gender, ethnicity, and offense of the minors in these cases.

SB 498 will add the following data requirements to the report:

- 1) The length of time spent in juvenile hall for minors with a case filed in adult criminal court and who exited juvenile hall;
- 2) The number of minors 14 years or older at the time of referral whose cases were filed in juvenile court as well as the type of detention or placement issued;
- 3) The total number of people who were under 21 years of age at the time of their offense who are currently committed to CDCR; and
- 4) The number of people who were under 21 years of age at the time of the offense and who were committed to CDCR.

The above information is to be cross-referenced with information about the individual's age at the time of offense, gender, and race or ethnic subgroup as is currently done in the annual report from the DOJ. SB 498 will also add that county of referral or commitment, among other specified criteria, be cross-referenced in the report.

Finally, the DOJ will be required to post all information required by this Section on its website in a format that allows users to query and download the data for the most recent reporting year and for prior years or reporting cycles for which the information is available beginning on July 1, 2018.

### **SPONSORS**

California Alliance for Youth and Community Justice  
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Human Rights Watch  
National Center for Youth Law  
The Burns Institute  
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