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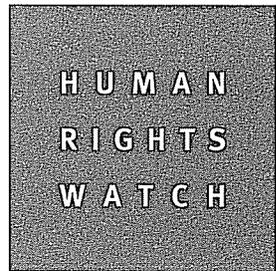
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January 5, 2009

The Honorable Tony Cárdenas
 Los Angeles City Councilmember
 Chair, Ad Hoc Committee on Gang Violence and Youth Development
 200 N. Spring Street
 Room 455
 Los Angeles, CA 90012

11500 W. Olympic Blvd.
 Suite 441
 Los Angeles, CA 90064-1524
 Tel. 310-477-5540
 Fax. 310-477-4622
 Email: hrwlasb@hrw.org

Re: Support for Resolution Parks-Cardenas, 08-0002-S60

Dear Councilmember Cárdenas and members of the Ad Hoc Committee on Gang Violence and Youth Development:

Human Rights Watch, an independent, nongovernmental organization dedicated to protecting human rights around the world, is pleased to submit this letter in support of Resolution Parks-Cardenas, 08-0002-S60, a resolution endorsing H.R. 3846, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act ("Youth PROMISE Act"). Human Rights Watch supports the Youth PROMISE Act because it makes sense, comports with scientific research on prevention, intervention, and adolescent brain development, and is consistent with US treaty obligations under international law.

The Youth PROMISE Act makes sense.

The Youth PROMISE Act is unique among current legislative proposals aimed at curbing youth and gang violence. In contrast to punitive legislation that would funnel more young people into the juvenile and criminal justice systems, the Youth PROMISE Act builds upon promising and evidence-based practices that have led to reduced rates of violence and delinquency. Rather than creating duplicative penalties and sanctions that would increase rates of federal prosecution and incarceration, the Youth PROMISE Act invests resources in local communities to prevent juvenile gang violence, delinquency and crime from occurring in the first place.

The Youth PROMISE Act first brings communities together in local councils, including representatives from community and faith-based organizations, schools and the education community, health and mental health providers, social services, the judiciary, the defense bar and law enforcement to assess the strengths and needs of the local community. Based on that assessment, the councils then develop comprehensive plans to support young people and their families, while making communities safer, reducing rates of victimization, and helping at-risk youth lead law-abiding and healthy lives, free of gangs, delinquency and violence. The Act also provides for a rigorous evaluation, including an analysis of the cost savings generated from the investment in prevention and intervention rather than in more costly, ineffective prosecution and incarceration. In turn, savings realized under the Act from reductions in detention, incarceration and other criminal justice costs will be reinvested in Youth PROMISE programs.

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The Youth PROMISE Act comports with scientific research on prevention, intervention, and adolescent brain development.

A growing and widely accepted body of neuroscience research reveals that the process of cognitive brain development, including the formation of impulse control and decision-making skills, continues into early adulthood—well beyond age 18. Relying on this research, the United States Supreme Court highlighted the inherent differences between juveniles and adults that should inform criminal justice policy: “As any parent knows and as the scientific and sociological studies . . . tend to confirm, “[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young . . . In recognition of the comparative immaturity and irresponsibility of juveniles, almost every State prohibits those under 18 years of age from voting, serving on juries, or marrying without parental consent. . . The reasons why juveniles are not trusted with the privileges and responsibilities of an adult also explain why their irresponsible conduct is not as morally reprehensible as that of an adult.”

Research also reveals that given sufficient support, the majority of children and youth involved in gang activity will “age out” of gang involvement through the simple process of maturation. Supporting youth with prevention and intervention services that foster positive growth and development is sound criminal justice policy.

The Youth PROMISE Act promotes US compliance with its treaty obligations under international law.

By valuing youth as assets, and focusing on the ability of youth to assume a constructive role in society, the Youth PROMISE Act comports with human rights principles and US treaty obligations under international law. Rather than adopting the discredited approach of stiffer penalties for youthful offenders, the Youth PROMISE Act emphasizes promising and evidence-based strategies that prevent and intervene in youth gang involvement, delinquency and crime, and promote rehabilitation. The Act is thus consistent with the International Covenant on Civil and Political Rights (ICCPR), a treaty the United States ratified in 1992. Article 14.4 of the ICCPR requires that governments shall “[i]n the case of juvenile persons . . . take account of their age and the desirability of promoting their rehabilitation.” The Youth PROMISE Act is consistent with US obligations under this treaty; the Act is designed to address and prevent juvenile delinquency and gang violence and promote rehabilitation by providing vulnerable communities with programs to promote positive youth development.

The Youth PROMISE Act is also consistent with the internationally recognized principles articulated in the United Nations Convention on the Rights of the Child (CRC). Article 40 of the CRC provides: “States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.” Although the United States has not yet ratified the CRC, it is a signatory. As such, the United States is obliged to refrain from actions which would defeat the treaty’s object and purpose.

The Youth PROMISE Act is premised upon the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society. The Act also focuses on the best interests of the child, and is thus in line with the CRC’s mandate that legislative bodies shall deem the best interests of the child a primary consideration.

Human Rights Watch is pleased to support this Resolution, and urges the LA City Council to pass it unanimously.

Sincerely,

A handwritten signature in black ink, appearing to be 'Elizabeth M. Calvin', written over the printed name.

Elizabeth M. Calvin
Children's Rights Advocate

cc: City Clerk

08-0002-S60
