

## **Punishment Consistent with Rehabilitation: California's Criminalization and Pathologization of Youth of Color**

### **Level**

Intermediate

### **CE**

CPA/BBS/BRN/CJER/MCLE

### **Bio**

Attorney Frankie Guzman is the Senior Director of the Youth Justice Initiative at the National Center for Youth Law. Frankie leads a team of attorneys, policy advocates and community organizers working to eliminate the practice of prosecuting and incarcerating children in California's adult criminal justice system, reduce incarceration and justice system involvement, and increase developmentally appropriate services and opportunities for youth in their home communities.

Raised in a poor, mostly immigrant community plagued by crime, drugs and gang activity, Guzman experienced his parents' divorce and his family's subsequent homelessness at age 3, the life-imprisonment of his 16-year-old brother at age 5 and the loss of numerous childhood friends to community violence. By age 13, Frankie was involved with a local youth street gang. At age 15, he was arrested for armed robbery and, on his first offense, was sentenced to serve 15 years in the California Youth Authority. Released on parole after six years, Frankie attended law school and became an expert in juvenile law and policy with a focus on ending the prosecution of juveniles as adults.

Through partnerships with community organizations and advocacy groups, Guzman has helped lead California's effort to reduce the number of youths in the adult system by passing legislation that established Youth Offender Parole Hearings, reformed Juvenile Transfer Hearings and eliminated prosecutors' direct file authority. More recently, Frankie helped lead statewide efforts to eliminate California's practice of prosecuting 14 and 15-year-olds as adults, prohibit the incarceration of children under age 12 in the juvenile system and secure approximately \$60 million dollars to expand pre-arrest diversion programs and developmentally appropriate, culturally relevant community-based services for youth in California.

### **Narrative**

California is often held up as a progressive state, a champion of health, science and social equity. However, California has often fallen short on its reputation in the areas of youth and racial justice. For example, during the 1990's, amidst a media frenzy that depicted youth of color as "super-predators," racialized "tough on crime" laws were passed in California. By the 2000's, California had become a national leader in youth incarceration and punishment,

resulting over-crowded prisons, high recidivism rates and inhumane treatment of system-involved people—at a cost of billions of dollars to tax-payers and a decline in public health.

Fortunately, in the last decade, California has made significant shifts away from heavy reliance on punishment and correctional approaches to deal with youth in favor of health-centered approaches with an emphasis on positive youth development. However, California’s history continues to influence perceptions of youth of color as inherently more violent and deserving of harsher punishment. Once again, amidst a global pandemic and widespread racialized police violence against people of color, California has begun to reverse course on its commitment to health-first approaches to serving youth and return to heavy investments in policing and punishment for youth and communities of color.

In this session, participants will learn about recent reforms in juvenile and criminal justice laws, and the health and social impacts of these policies on youth and communities of color, from an expert who not only survived poverty, crime, and punishment, but also has been at the forefront of California’s youth justice reform movement for the last decade.

### **Learning Objectives**

Identify and describe three social and personal factors that contribute to system-involvement for youth of color in California.

Describe and differentiate between the domestic and international definitions of and perspectives on “youth street gangs”.

List and describe five California juvenile and criminal justice laws passed over the last 30 years, including the STEP Act (1998), Proposition 21 (2000), Senate Bill 260 (2013), Proposition 57 (2016), and Senate Bill 823 (2020).

Assess and describe three impacts of tough-on-crime and more recent health-centered policies to address youth crime and violence.