

---

# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

---

**Bill No:** SB 1009                      **Hearing Date:** March 17, 2026  
**Author:** Becker  
**Version:** February 10, 2026  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Juveniles: detention*

## HISTORY

**Source:** California Youth Defender Center  
Communities United for Restorative Youth Justice  
Fresh Lifelines for Youth

**Prior Legislation:** SB 448 (Becker), Ch. 608, Stats. of 2023  
AB 2658 (Bauer-Kahan), Ch. 796, Stats. of 2022  
SB 92 (Com. on Budget), Ch. 18, Stats. of 2021

**Support:** A New Path; A New Way of Life Reentry Project; ACLU California Action; Alianza for Opportunity; Alliance for Boys and Men of Color; Alliance for Children's Rights; Anti Police-Terror Project; Anti-Recidivism Coalition; Arts for Healing and Justice Network; Brotherhood Crusade; California Alliance for Youth and Community Justice; California Attorneys for Criminal Justice; California Public Defenders Association; Californians for Safety and Justice; Californians United for a Responsible Budget; Center on Juvenile and Criminal Justice; Children's Advocacy Institute; Coalition of California State Tribes; Community Interventions; Community Works; Community Works West; Courage California; East Bay Community Law Center; Ella Baker Center for Human Rights; Empowering Women Impacted by Incarceration; Fair Chance Project; Families Inspiring Reentry & Reunification 4 Everyone; Families United to End Life Without the Possibility of Parole; Freedom 4 Youth; Friends Committee on Legislation of California; Glide Foundation; Haywood Burns Institute; In Our Care San Mateo County; Jesse's Place Organization; Justice2Jobs Coalition; La Defensa; Legal Aid At Work; Legal Services for Prisoners With Children; Local 148 LA County Public Defenders Union; Los Angeles County Public Defender's Office; Milpa Collective; National Center for Youth Law; Peace and Justice Law Center; Restore 180; Restoring Hope California; Rubicon Programs; San Francisco Public Defender's Office; Silicon Valley De-Bug; Sister Warriors Freedom Coalition; Smart Justice California; Starting Over Strong; Success Stories Program; The California Youth Justice Project; The Place4Grace; Underground Grit; Unlocked Futures; Urban Peace Institute; Urban Peace Movement; Western Center on Law & Poverty; Youngsters for Change; Youth Alliance; Youth Empowerment; Youth Leadership Institute

**Opposition:** Association of Orange County Deputy Sheriffs; California Police Chiefs Association; California State Sheriffs' Association; Chief Probation Officers' of

California; Sacramento County Probation Association; San Diego County Probation Officers Association; San Joaquin County Probation Officers Association; State Coalition of Probation Organizations

## PURPOSE

*The purpose of this bill is to: require a juvenile court to order a minor released from custody unless the court finds by clear and convincing evidence that one of several specified criteria has been met; prohibit the court from ordering a minor detained in the juvenile hall unless it makes a finding that a less restrictive alternative to detention in the juvenile hall is unsuitable; require the court, upon request, to reconsider whether continued detention in the juvenile hall is necessary whenever it orders a minor detained in the juvenile hall; and prohibit a minor from being removed from the physical custody of their parent or guardian as the result of an order of wardship unless the court finds by clear and convincing evidence that a less restrictive, alternative disposition for the ward is unsuitable.*

*Existing law* provides that, any minor who is between 12 and 17 years of age that violates any law of this state or of the United States or any ordinance of any city or county other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, and may be adjudged to be a ward of the court. (Welf. & Inst. Code, § 602, subd. (a).)

*Existing law* provides that a peace officer may, without a warrant, take into temporary custody a minor when there is reasonable cause for believing that the minor will be adjudged a ward of the court or charged with a criminal action, or that the minor has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, or the minor is found in any street or public place suffering from any sickness or injury which requires medical treatment, hospitalization, or other remedial care. (Welf. & Inst. Code, § 625.)

*Existing law* provides that an officer who takes a minor into temporary custody may do any of the following: release the minor; deliver or refer the minor to a public or private agency with which the city or county has an agreement or plan to provide shelter, counseling, or diversion services; prepare a written notice to appear before the probation officer of the county in which the minor was taken into custody at a specified time and place; or take the minor without necessary delay before the probation officer of which the minor was taken into custody. (Welf. & Inst. Code, § 626.)

*Existing law* requires, when an officer takes a minor before a probation officer at a juvenile hall or to any other place of confinement, the officer take immediate steps to notify the minor's parent, guardian, or a responsible relative that such minor is in custody and the place where he is being held. (Welf. & Inst. Code, § 627.)

*Existing law* requires the probation officer to immediately investigate the circumstances of the minor and the facts surrounding his or her being taken into custody and immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative unless it can be demonstrated upon the evidence before the court that continuance in the home is contrary to the minor's welfare and one or more of the following conditions exist:

- Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor or reasonable necessity for the protection of the person or property of another.
- The minor is likely to flee the jurisdiction of the court.
- The minor has violated an order of the juvenile court.  
(Welf. & Inst. Code, § 628, subd. (a)(1).)

*Existing law* requires the probation officer to release a minor to his or her parent, guardian, or responsible relative on home supervision unless one of the above conditions exists. (Welf. & Inst. Code, § 628.1.)

*Existing law* requires, except as provided, that a minor taken into custody be brought before a judge or referee of the juvenile court for a hearing to determine whether the minor must be further detained as soon as possible and no later than the next judicial day after a petition has been filed. Provides that such a hearing be referred to as a “detention hearing.” (Welf. & Inst. Code, § 632, subd. (a).)

*Existing law* requires, upon the minor’s appearance before the court at the detention hearing, the minor and the minor’s parent or guardian, if present, to be informed of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and the right of the minor to be represented at every stage of the proceedings by counsel. (Welf. & Inst. Code, § 633.)

*Existing law* provides that the court examine the minor, his or her parent, legal guardian, or other person having relevant knowledge, hear relevant evidence the minor, his or her parent, legal guardian, or counsel desires to present, and, unless it appears that the minor has violated an order of the juvenile court or has escaped from the commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that he or she be detained or that the minor is likely to flee to avoid the jurisdiction of the court, the court must make its order releasing the minor from custody. (Welf. & Inst. Code, § 635, subd. (a).)

*Existing law* provides that the circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained. (Welf. & Inst. Code, § 635, subd. (b)(1).)

*Existing law* requires the court to order the release of the minor from custody unless a prima facie showing has been made that the minor will be adjudged a ward of the court or charged with a criminal action. (Welf. & Inst. Code, § 635, subd. (c)(1).)

*Existing law* provides that if it appears upon the hearing that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court, or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained or that the minor is likely to flee to avoid the jurisdiction of the court, and that continuance in the home is contrary to

the minor's welfare, the court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days. Requires the court to enter the order together with its findings of fact in support in the records of the court. (Welf. & Inst. Code, § 636, subd. (a).)

*Existing law* requires the probation officer to submit to the court specified documentation if the probation officer is recommending that the minor be detained. (Welf. & Inst. Code, § 636, subd. (c).)

*Existing law* requires the court to determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. Requires the court to make that determination on a case-by-case basis and to make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision. (Welf. & Inst. Code, § 636, subd. (d).)

*Existing law* requires the court to release the minor to the physical custody of the minor's parent or legal guardian if the minor can be returned to the custody of the minor's parent or legal guardian at the detention hearing through the provision of services to prevent removal. (Welf. & Inst. Code, § 636, subd. (d)(1).)

*Existing law* requires the court to state the facts upon which the detention is based if the minor cannot be returned to the custody of the minor's parent or legal guardian at the detention hearing. (Welf. & Inst. Code, § 636, subd. (d)(2).)

*Existing law* requires the court, in all cases in which a minor is adjudged a ward or dependent child of the court, to limit the control to be exercised over the ward or dependent child by any parent or guardian and requires the court, in its order, to clearly and specifically set forth all those limitations. Prohibits a ward or dependent child from being taken from the physical custody of a parent or guardian unless the court finds one of the following facts:

- That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor.
- That the minor has been tried on probation while in custody and has failed to reform.
- That the welfare of the minor requires that custody be taken from the minor's parent or guardian.

(Welf. & Inst. Code, § 726, subd. (a).)

*Existing law* requires, if the minor is removed from the physical custody of the minor's parent or guardian as the result of an order of wardship, the order to specify that the minor may not be held in physical confinement for a period in excess of the middle term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 726, subd. (d)(1).)

*Existing law* authorizes the court, if a minor or nonminor is adjudged a ward of the court, to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor or nonminor, including medical treatment, subject to further order of the court. (Welf. & Inst. Code, § 727, subd. (a).)

*Existing law* authorizes the court, when a minor is adjudged a ward of the court, to order one of several specified types of treatment. Provides that as an additional alternative, the court may commit the minor to a juvenile home, ranch, camp, or forestry camp. Specifies that if there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall. (Welf. & Inst. Code, § 727, subd. (a).)

*This bill* changes the standard at a youth's initial detention hearing to instead require the court to order the minor released from custody unless the court finds by clear and convincing evidence that the minor has violated an order of the juvenile court or has escaped from the commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or for the protection of another person that he or she be detained or that the minor is likely to flee to avoid the jurisdiction of the court.

*This bill* prohibits the court from ordering a minor detained in the juvenile hall unless it makes a finding that a less restrictive alternative to detention in the juvenile hall is unsuitable.

*This bill* requires the court, whenever it orders a minor detained in the juvenile hall, to, upon request, reconsider whether continued detention in the juvenile hall is necessary based on current information and consistent with existing law. Specifies that this provision shall not be construed to affect a minor's rights, as specified.

*This bill* provides that a minor may not be removed from the physical custody of the minor's parent or guardian as the result of an order of wardship unless the court finds by clear and convincing evidence that a less restrictive, alternative disposition for the ward is unsuitable. Requires the court, in making this determination, to consider all relevant and material evidence, including, but not limited to, the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case.

*This bill* requires the court, when considering an order of removal or continued removal based on the evidence, to consider all of the following:

- Whether reasonable efforts were made to eliminate the need for removal, or continued removal, of the child from the home.
- Whether services could be provided to enable the child's parent or legal guardian to obtain assistance that may be needed to effectively provide the care and control necessary for the child to return home in lieu of an order of removal.

*This bill* requires the court, if it orders the removal of the minor, to state on the record the reasons for its decision, including the reasons supporting the court's finding that a less restrictive, alternative disposition for the ward is unsuitable. Requires the court to specify how it weighed the specified factors. Requires the court to also set forth the reasons in an order entered upon the minutes if requested by either party or in any case in which the proceedings are not being recorded electronically or reported by a court reporter.

*This bill* makes other technical or conforming changes.

*This bill* includes several legislative findings and declarations.

## COMMENTS

### 1. Need For This Bill

According to the author:

For too long, California’s juvenile justice system has relied on locked doors and high walls as our first response to youth behavior, rather than our last resort. SB 1009 is a common-sense reform that updates this outdated model to reflect better what we know today about brain science, public safety, and fiscal responsibility. The data shows that young people with existing behavioral and mental health problems often deteriorate in detention, not improve. It disrupts education, severs family ties, and counterintuitively increases the risk of future legal trouble. By requiring clear and convincing evidence that detention is an “immediate and urgent necessity,” SB 1009 ensures we are no longer setting our kids up for a cycle of incarceration before they’ve even reached adulthood. This bill isn’t just about compassion, it’s about systemic efficiency. Incarceration is our most expensive and least effective tool for rehabilitation. By prioritizing community-based alternatives such as counseling and supervision, we are investing in solutions that reduce recidivism and save taxpayer dollars. SB 1009 stops treating our children like “criminals in training” and start treating them like the future of our state. It brings transparency to our courtrooms and accountability to our justice system, ensuring that every child is given a fair chance to succeed within their own community.

### 2. Data and Research on Juvenile Arrests and Detention

According to the most recently published report of statewide juvenile justice data, 32,874 juvenile arrests were made in 2024. (Department of Justice (DOJ), *Juvenile Justice in California 2024* (Jul. 2025), p. 2 <<https://data-openjustice.doj.ca.gov/sites/default/files/2025-07/Juvenile%20Justice%20In%20CA%202024%20final.pdf>>.) Felony arrests accounted for 46.5% of those arrests. (*Ibid.*) Of felony arrests, 44.1% were for violent crimes, 24.8% were for property offenses, 1.4% were for drug offenses, 29.7% were for all other felony offenses. (*Id.* at p. 4.) With respect to pre-adjudication detentions, 95.3% of the 11,402 juveniles who were detained in 2024 were detained in a secured facility. (*Id.* at p. 22.)

While the annual DOJ report focuses exclusively on annual data, the Board of State and Community Corrections (BSCC) publishes annual data that reports average daily and average monthly populations. In 2025, the average daily population for youth held pre-disposition across the state’s juvenile halls was 1,111. (BSCC, *Juvenile Detention Profile Survey Dashboards* <<https://www.bscc.ca.gov/jdps-dashboard/>>.)

Research on youth detention has found several negative associated outcomes. Youth detention is generally associated with a reduction in the likelihood of high school graduation, low school re-enrollment rates, reduced college enrollment and completion, reduced employment rates and wages, and harm to physical and mental health. (The Sentencing Project, *Why Youth Incarceration Fails: An Updated Review of the Evidence* (Mar. 2023), p. 4 <<https://www.sentencingproject.org/app/uploads/2023/03/Why-Youth-Incarceration-Fails.pdf>>.)

More specifically, youth detained pre-adjudication are more likely to be detained post-adjudication, to recidivate, and to be arrested and incarcerated in adulthood. (*Id.* at p. 13)

### 3. Detention Hearings

When a minor is taken into custody, the minor must be taken before a juvenile court judge or referee for a hearing to determine whether the minor must be further detained. (Welf. & Inst. Code, § 632, subd. (a).) The detention hearing must take place as soon as possible and no later than the next court day after a petition has been filed with the court. (*Ibid.*) However, for a misdemeanor not involving violence, the detention hearing must take place as soon as possible and no later than 48 hours after being taken into custody. (Welf. & Inst. Code, § 632, subd. (b).)

At the detention hearing, the minor and the minor's parent or guardian are informed of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and the right of the minor and the minor's parents or guardian to be represented at every stage of the proceedings by an attorney. (Welf. & Inst. Code, § 633.) During the detention hearing, the court will question the minor, the minor's parent or legal guardian, or other individuals with relevant knowledge, and hear relevant evidence the minor, the minor's parent or legal guardian, or their attorney presents. (Welf. & Inst. Code, § 635, subd. (a).)

The court is required to order the release of the minor from custody unless the court finds that the prosecutor has made a prima facie case that the minor has committed a crime and that one of the following is true: (1) the minor has violated a juvenile court order; (2) the minor has escaped from the commitment of the juvenile court; (3) that it is a matter of immediate and urgent necessity for the protection of the minor; (4) that it is reasonably necessary for the protection of the person or property of another that the minor be detained; or (5) that the minor is likely to flee to avoid the jurisdiction of the court. (Welf. & Inst. Code, § 635, subds. (a), (c).) The court may consider the circumstances and gravity of the alleged offense, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained. (Welf. & Inst. Code, § 635, subd. (b)(1).)

If the court finds that the minor has violated a juvenile court order, the minor has escaped from the commitment of the juvenile court, that it is a matter of immediate and urgent necessity for the protection of the minor, that it is reasonably necessary for the protection of the person or property of another that the minor be detained, or that the minor is likely to flee to avoid the jurisdiction of the court, and continuance in the home is contrary to the minor's welfare, the court may order the minor detained in juvenile hall or another suitable placement. (Welf. & Inst. Code, § 636, subd. (a).) If the probation officer recommends that the minor be detained, the probation officer must submit documentation to the court that continuance in the home is contrary to the minor's welfare or that reasonable efforts were made to prevent or eliminate the need for removal of the minor from the home as well as documentation of the nature and results of the services provided. (Welf. & Inst. Code, § 636, subd. (c).) Before detaining the minor, the court must determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. (Welf. & Inst. Code, § 636, subd. (d).) This determination is made on a case-by-case basis and the court is required to make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision. (*Ibid.*) If the court finds that 24-hour supervision is not necessary, the minor must be released on home supervision. (Welf. & Inst. Code, §§ 628.1, 636, subd. (b).)

#### 4. Detention Standard

As stated above, Welfare and Institutions Code section 635 requires the court to order the release of a minor from custody at the detention hearing unless *it appears* that one of the following circumstances is true: the minor has violated an order of the juvenile court; the minor has escaped from the commitment of the juvenile court; it is a matter of immediate and urgent necessity for the protection of the minor; it is reasonably necessary for the protection of the person or property of another that they be detained; or the minor is likely to flee to avoid the jurisdiction of the court. (See also Cal. Rules of Court, rule 5.760.)

The proponents of this bill argue that the lack of a standard of proof for courts to apply at juvenile detention hearings leads to unnecessary detention of youth who are safe to be released. They assert that juvenile courts should apply the same standard at juvenile detention hearings that applies in pre-trial detention hearings in criminal court. In *In re Humphrey* (11 Cal. 5th 135, 156), the California Supreme Court held:

An arrestee may not be held in custody pending trial unless the court has made an individualized determination that (1) the arrestee has the financial ability to pay, but nonetheless failed to pay, the amount of bail the court finds reasonably necessary to protect compelling government interests; *or (2) detention is necessary to protect victim or public safety, or ensure the defendant's appearance, and there is clear and convincing evidence that no less restrictive alternative will reasonably vindicate those interests.* (Italics added for emphasis.)

This bill adopts the clear and convincing standard outlined in *Humphrey* and removes protection of the property of another as one of the grounds for which detention can be ordered. Specifically, this bill requires the court to order the minor released from custody unless the court finds by clear and convincing evidence that the minor has violated an order of the juvenile court, the minor has escaped from the commitment of the juvenile court, it is a matter of immediate and urgent necessity for the protection of the minor or for the protection of another person that he or she be detained, or the minor is likely to flee to avoid the jurisdiction of the court. This bill also prohibits a court from ordering a minor detained in the juvenile hall unless it makes a finding that a less restrictive alternative to detention in the juvenile hall is unsuitable. These provisions are included in both Welfare and Institutions Code sections 635 and 636.

This bill additionally requires a court to reconsider, upon request, whether continued detention in the juvenile hall is necessary whenever the court orders a minor detained in the juvenile hall. Finally, this bill amends Welfare and Institutions Code section 726 to prohibit a minor from being removed from the physical custody of the minor's parent or guardian as the result of an order of wardship unless the court finds by clear and convincing evidence that a less restrictive, alternative disposition for the ward is unsuitable. In making its determination, the court is required to consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court.

## 5. Argument in Support

Smart Justice writes:

California has long recognized that youth differ from adults, that they are uniquely capable of growth and change, and that justice-involved youth who remain in their communities have better long-term outcomes. Yet current statutes governing pre-adjudication detention and post-adjudication confinement contain gaps and ambiguities that lead to unnecessary incarceration.

SB 1009 ensures that well-established, widely accepted principles relating to youth detention and confinement are accurately reflected in the Welfare and Institutions Code. The bill ensures that judges have clear standards when making detention and custodial disposition decisions, reducing arbitrary determinations and facilitating more uniform application of these principles. Clear standards will also enable appellate courts to more effectively review lower court orders related to the detention and confinement of youth.

SB 1009 clarifies the legal standard governing pre-adjudication detention, ensuring that detention is used only when necessary for the safety of the minor and the public. Research consistently demonstrates that detention disrupts education, destabilizes families, exacerbates mental health conditions, and increases recidivism, yet current law lacks an evidentiary standard for detention decisions and does not require courts to consider less restrictive alternatives to detention. SB 1009 addresses these gaps by requiring courts to base detention decisions on clear and convincing evidence, prohibits detention based solely on minor property offenses that pose no risk to the youth or to others, and requires courts to consider less restrictive alternatives before ordering detention—reinforcing the longstanding principle that detention remain “the exception, not the rule.” (*In re William M.* (1970) 3 Cal.3d 16, 26.)

In addition, SB 1009 clarifies the procedure for the juvenile court when considering whether a youth’s continued detention at juvenile hall remains necessary. SB 1009 codifies the commonsense principle that juvenile judges always have authority at any pre-adjudication hearing to reconsider whether a youth’s detention in juvenile hall remains necessary based on current information about the youth, the criminal charges, and any other information relevant to the court’s detention decision under existing detention statutes.

Finally, SB 1009 clarifies the legal standard and required findings for non-secure track custodial commitments. Current law allows courts to commit a youth to a ranch, camp, or juvenile hall without making specific findings to justify the commitment—unlike orders for electronic monitoring, secure youth treatment facility commitments, or transfers to criminal court, all of which require explicit findings on the record and consideration of less restrictive alternatives. To address these inconsistencies, SB 1009 will require courts to find by clear and convincing evidence that the specific custodial commitment is the least restrictive and most appropriate disposition, and to state the basis of its decision. It also requires courts to consider the efforts that were made to eliminate the need for a custodial

commitment, and whether services could be provided to the youth and the youth's family to eliminate the need for post-disposition confinement of the youth.

SB 1009 will bring clarity, coherence, and consistency to the statutory framework that governs when and how youth may be detained in or committed to a juvenile hall and harmonizes existing law with longstanding principles that advance youth development, public safety, and rehabilitation.

## 6. Argument in Opposition

According to the Chief Probation Officers of California:

Probation, in concert with the courts, counties, and additional stakeholders, have done significant work over the last decade to proactively develop and utilize evidence-based approaches to addressing youth violence and crime, ensuring that system interventions address individual rehabilitative and criminogenic needs, and public safety impacts. This has resulted in an over 70% decline in juvenile detention rates while keeping juvenile crime rates low. It is important to note that juvenile detention rates have decreased significantly over the last decade reflecting this work to ensure that there is a continuum of responses to address juvenile offenses including, where appropriate, non-detention alternatives such as informal probation and diversion, and that detention is used only by the court when deemed necessary. It is equally important to note however that where juveniles are being detained, the offenses they are charged with, and adjudicated for, are statistically the most serious and violent felony offenses.

In light of these declines in detention rates, and commensurate policy changes around a continuum of system responses, it is unclear what problem this bill seeks to address. It also appears that this bill does not take into account the steps required in detention assessments to identify appropriate placement for youth based on all of the factors which must be taken into consideration when making such determinations. Nor does the bill set adequate and appropriate guardrails to prevent unintended consequences arising from inhibiting necessary detention decisions for the highest risk and most serious juvenile offenses.

Despite the intent language that this bill seeks to align with the adult system, it should be noted that the state has made a public policy decision that juveniles and adults should be treated differently in numerous aspects when charged with crimes. Accordingly, there are various ways in which the juvenile and adult systems differ and important reasons for that. For example, people in the criminal justice system can be released to their own responsibility as adults whereas youth under 18 return to a parent or guardian or placement outside of the home as determined by the court. This requires various considerations that differ for youth, rather than an adult, including youth cannot just be released to a multitude of less restrictive alternatives, as proposed by the bill, on their own. Appropriately, probation and the court must determine and weigh a variety of factors that not only takes into account the impact of crime on the community but is primarily focused on what is most appropriate for the youth or young adult in question.

Additionally, this bill does not take into account the type and scope of information that would be required to be investigated and prepared to ensure comprehensive information is provided to the court in order to meet a determination of a clear and convincing standard and the existing timelines for these court processes and detention hearings. In the absence of identifying an existing problem, the barriers erected in this bill are devoid of reflecting the various considerations within the juvenile justice system, especially in light of the most recent changes made to the juvenile justice system. It is unclear if the intent behind the bill is to narrow the path to detention for *any* youth or young adult. While CPOC agrees detention should be a last resort, we need to be sure that it is grounded in a way that reflects the unique issues presented by juveniles who commit crime and not arbitrarily close necessary pathways that enable courts to be responsive to community safety impacts for the most serious and violent offenses.

In practical terms, the concern is that this bill would inhibit the court's ability to make safe and appropriate detention decisions and could result in youth with the most serious offenses being released. Factors that must be considered by the court in making detention decisions are already enumerated in statute and Rules of Court and this bill impedes courts in making determinations that account for the various factors involved.

-- END --