



THE
AMERICAN
CONSERVATIVE
UNION

September 11, 2019

Via Electronic Delivery

The Honorable Marie Waldron
California State Assembly
Minority Floor Leader
State Capitol, Room 3104
Sacramento, CA 94249

The Honorable Ian Calderon
California State Assembly
Majority Floor Leader
State Capitol, Room 319
Sacramento, CA 94249

RE: SB 394 – Primary Caregiver Diversion Act.

Dear Honorable Marie Waldron and Ian Calderon,

cc: Assembly Members: Frank Bigelow, Bill Brough, Phil Chen, Steven Choi, Jordan Cunningham, Tyler Diep, Heath Flora, Vince Fong, James Gallagher, Kevin Kiley, Tom Lacky, Devin Mathis, Chad Mayes, Melissa Melendez, Jay Obernolte, Jim Patterson, and Randy Voepel

The American Conservative Union writes in strong support of the Primary Caregiver Diversion Act, SB 394 (Skinner). This bill safeguards the sanctity of the family and protects dependent children by diverting eligible primary caregivers into a discretionary pretrial diversion program designed to develop and maintain a healthy and thriving family, while advancing principles of accountability, prevention, and rehabilitation to make our communities safer.

The American Conservative Union (ACU) is the oldest grassroots conservative organization in the country. Founded in 1964, ACU advocates for conservative policies, such as personal liberty, freedom, and traditional values. We strongly believe in common sense reforms to the criminal justice system that ensure public safety and protect both children and families. In particular we advocate for policies that improve neighborhood safety, reduce recidivism and mitigate collateral damage to children, who are also victims when a parent is incarcerated.

As conservatives, we are especially concerned about policies that break up traditional families. The Bureau of Justice Statistics reported that nearly half of all people incarcerated in this country were living with minor children prior to their incarceration, leaving an estimated 2.7 million minors with at least one parent behind bars.¹ Parental incarceration has catastrophic effects on the family unit and its stability. It

¹ [Collateral Costs: Incarceration's Effects on Economic Mobility, 2010](#)

is also a primary driver of the intergenerational cycle of poverty and crime in our cities. Data substantiate that children with a parent behind bars are more likely to need public assistance, engage criminogenic activity, and fail to complete even basic education.

More broadly, families with incarcerated parents score significantly lower on all five pillars of family well-being: 1) income; 2) savings and assets; 3) education; 4) housing; and 5) family strength and stability. As conservatives invested in the upward mobility and strength of families, the implications of and obstacles created by parental incarceration cause us grave concern. SB 394 creates a pathway for parents to be held accountable for nonviolent criminal acts, while mitigating the impact on their minor children. It does so by creating diversion programs for parents such as: parenting classes, mental health screening, education, and treatment.

SB 394 excludes people who commit serious and violent felonies from consideration. But it goes further to safeguard the safety and security of our families and communities by requiring the referring judge to examine the defendant's history, consider input from the prosecuting attorney, and make a finding that the defendant is not a threat to public safety *and* that the dependent child would suffer from the removal of the parent.

Security is always paramount. But if we are to break the intergenerational cycle of crime, poverty, and violence we must ensure that children remain with their parents to the greatest extent possible. SB 394 utilizes an accountability court model, forcing parents to not only take responsibility for their actions, but incentivizing them to maintain family bonds and improve family stability.

For these reasons, the American Conservative Union supports Senate Bill 394 and urges you to approve this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Safavian', with a long horizontal flourish extending to the right.

David Safavian
General Counsel
American Conservative Union