

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 9/10/2021)

[Administrative Code - Consultation Regarding Filing of Juvenile Delinquency Cases]

Ordinance amending the Administrative Code to require the Police Department to consult with the San Francisco District Attorney (“DA”) on all juvenile delinquency cases under California Welfare and Institutions Code Section 651 and provide the DA the opportunity to commence proceedings in the juvenile delinquency court in the San Francisco Superior Court.

Existing Law

There is no local law that addresses this issue. Under state law, delinquency proceedings for a juvenile may be commenced either in the juvenile court for the county in which a minor resides, or in which a minor is found, or in which the circumstances exist or acts take place to bring a minor within jurisdiction of the juvenile court.

Amendments to Current Law

If this legislation passes, the Police Department (“SFPD”) would be required to consult with the San Francisco District Attorney (“DA”) on all juvenile delinquency cases where: (1) all the alleged criminal acts occurred within the City and County of San Francisco; (2) SFPD is the lead or sole investigative agency; and (3) California Welfare and Institutions Code Section 651 permits commencing proceedings in juvenile delinquency court in San Francisco Superior Court or another county. The DA or the DA’s designee may weigh the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor; and may decide whether to file a petition in the San Francisco Superior Court. If the DA or DA’s designee declines to file in the San Francisco Superior Court, SFPD may present the case to a district attorney in another jurisdiction consistent with California Welfare and Institutions Code section 651. Notwithstanding the foregoing, nothing in Chapter 96D shall preclude SFPD from collaborating or providing information to other law enforcement agencies.

Background

This legislative digest reflects amendments made in the Youth, Young Adult, and Families Committee on July 9, 2021 and September 10, 2021.