

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION MEMORANDUM

TO: Victor Young, Clerk of the Rules Committee
Supervisor Hillary Ronen
Supervisor Shamann Walton
Supervisor Gordon Mar

CC: Angela Calvillo, Clerk of the Board of Supervisors
Carolyn Goossen, Chief of Staff, Supervisor Hillary Ronen
Percy Burch, Legislative Aide, Supervisor Shamann Walton
Alan Wong, Legislative Aide, Supervisor Gordon Mar

FROM: 2018-2019 Youth Commission, Transformative Justice Committee

DATE: Thursday, January 31, 2019

RE: Strong Support for City Ordinance File No. 181217 - Protecting the Constitutional Rights of Children

The SF Youth Commission's Transformative Justice Committee has written a letter advocating strong support for City Ordinance File No. 181217 - Protecting the Constitutional Rights of Children. Please see the attached letter for more information.

Please do not hesitate to contact Youth Commissioners or Youth Commission staff (415) 554-6446 with any questions. Thank you.

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January 31, 2019

Supervisor Hillary Ronen
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

RE: Strong Support for City Ordinance File No. 181217 - Protecting the constitutional rights of children

Dear Board of Supervisors,

The San Francisco Youth Commission acknowledges the effort that Supervisor Ronen and community members have made to introduce legislation San Francisco City Ordinance File No. 181217 of extending Miranda Rights protection to youth 17 and under. Youth Commissioners have been following with the issue since the beginning from participating at community stakeholder meetings to speaking at public comment advocating to protect youth rights. At the full Youth Commission meeting on Monday, September 17th, 2018, Youth Commissioners voted to unanimously support Motion No. 1819-AL-02 [Motion supporting the students being falsely detained as suspects without due process and urging the Board of Supervisors to conduct a hearing of the San Francisco Police Department's actions in the August 30, 2018 Balboa High School gun incident] (attached) ([PDF](#)). At the Monday, January 7, 2019, meeting, the Youth Commission also voted unanimously to support BOS File No. 181217 [Administrative Code - Police Officers Questioning Youth] (attached) ([PDF](#)).

This is an important step toward creating safety and legal protections, in addition to fostering fairer interactions with police officers in San Francisco and mandating due process for all youth. Even though this legislation came forward in the wake of the Balboa High School incident, the gap in legal protection for youth 16 and older will continue to negatively impact all future youth experiences with police regardless of media coverage.

Currently, youth 16 and older in California can waive their Miranda rights on their own, as long as the waiver was made in a voluntary, knowing, and intelligent manner. However, research demonstrates that young people often fail to comprehend the meaning of their Miranda rights, because of a lack of civic education. They are also more likely than adults to waive their rights and confess to crimes they did not commit, especially in the face of authority. Due to adultism, the disempowerment of young people by adults in positions of authority, and a lack of legal rights education, San Francisco youth are put at a disadvantage with any interactions with the legal systems, leading to a higher risk of self-incrimination.

Since our establishment, the Youth Commission has demonstrated a long-standing commitment to improving youth and police relations and building room for youths to feel heard, seen, and empowered in spaces. For example, the Youth Commission was part of the Juvenile Justice Coalition which was comprised of over 25 city agencies and community groups including the Department of Police Accountability, Asian Law Caucus, and Huckleberry CARC. The coalition helped revise SFPD's procedures governing police interactions with youth and aided in the development and release of the "Know Your Rights for Youth in San Francisco" brochure, to help educate youth and parents about their rights under DGO 7.01. This commitment is rooted in our belief that youth need to have a voice in matters that impact their sense of safety, power, and belonging.

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On behalf of the youth of San Francisco, the San Francisco Youth Commission strongly supports San Francisco City Ordinance File No. 181217 and respectfully requests that you vote yes on this important effort to bridge the gaps in protection for youth, and further work towards introducing basic legal rights training for young people prior to when incidents occur.

Best regards,

Transformative Justice Committee
The San Francisco Youth Commission

1 [Motion supporting the students being falsely detained as suspects without due process and
2 urging the Board of Supervisors to conduct a hearing of the San Francisco Police
3 Department's actions in the August 30, 2018 Balboa High School gun incident]

4 Supplemental Information

5 On August 30, 2018, Balboa High school and all surrounding schools went into lockdown after
6 a gun was fired at Balboa high school. The following statements are taken from the official
7 press release:

8 "The community is left with many questions as to the way SFUSD leadership handled the
9 incident involving a gun at Balboa High School and the subsequent media coverage on
10 Thursday, August 30, 2018."

11 "Media outlets have portrayed the incident as though it involved an active shooter, scaring
12 hundreds of families in the process. While all efforts to keep our school community safe are
13 applauded, it is necessary to call out the wrongful criminalization of the young people taken
14 into police custody as witnesses for questioning."

15 "A gun was brought to school and accidentally discharged. The student who brought the gun
16 to campus later turned himself in with family."

17 "Balboa High School's principal failed to protect the students taken into police custody for
18 questioning."

19 "One such student was incorrectly portrayed across news media outlets as the student who
20 brought the gun to campus. That student was quickly criminalized and - in one day - went
21 from having the reputation of a proud football player to "the kid with a gun." This student has
22 participated in various community programs such as Boys and Girls club, the O'Connell
23 YMCA summer program, Precita Center, and the Horizons MYEEP summer youth
24 employment program. He is a member of the Balboa Varsity Football Team and has played
25 soccer for various teams over the last five years."

"The family respectfully requests that the circulation of images showing the face of the minor
be stopped IMMEDIATELY. An update should be issued stating that the students taken into
SFPD custody for questioning were all released on Thursday, August 30th with NO charges."

"On Friday, August 31st, a community response meeting was held to support the families of
those involved. Supervisor Ahsha Safai, Supervisor Hillary Ronen's staff, Board of Education
Commissioner Shamann Walton and Youth Commissioner Balham Javier Vigil were all in
attendance."

1 Youth Commission Media and Outreach Officer Grace Hoogerhyde attended a further
2 community meeting at Balboa High School on Thursday, September 13th. Tensions in the
3 community remain high, as the school and the police department remain closed to discussing
and putting their protocols in question.

4 A California law recently passed by the State Legislature and signed by the Governor in 2017
5 (AB 395, Lara, Custodial interrogation: juveniles) required minors 15 years of age or younger
6 to have a consultation with legal counsel before they are interrogated by police. While those
7 youth detained for questioning in relation to the gun incident at Balboa High School were over
8 that age, the Youth Commission believes that the lack of provision of legal consultation was
an instance of undue overreach on the part of the police department, and of irresponsible
inaction on the part of the school.

9 The Youth Commission, in the wake of this unfortunate event, extends its support to the
10 families of students affected by the shooting and will also do everything in its power to ensure
11 that all student voices will be listened to concerning gun violence and this tragic shooting. The
Youth Commission also commits itself to holding a hearing whether joint with the Board of
Supervisors or by ourselves, on gun violence and the school shooting at Balboa High School.

12 The Youth Commission urges the Board of Supervisors to hold a joint hearing with the Youth
13 Commission on gun violence and more specifically on the Balboa shooting, and to conduct a
thorough investigation of SFPD's questioning of minors without a parent present.

14 Lastly, let it be known that the Youth Commission stands with the students who were falsely
15 detained as suspects without due process. The Youth Commission furthermore urges all
16 parties involved to respect the families' demand of respecting the students' privacy by
removing all the images of them.

17
18 

19 Bahlam Vigil, Chair, 2018-19 Youth Commission
20 Adopted on September 17, 2018

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YOUTH COMMISSION
MEMORANDUM

TO: Victor Young, Assistant Clerk, Rules Committee
FROM: Youth Commission
DATE: Wednesday, January 9, 2019
RE: Referral response to BOS File No. 181217 – [Administrative Code - Police Officers Questioning Youth]

At our **Monday, January 7, 2019, meeting**, the Youth Commission voted unanimously to support the following motion:

To support BOS File No. 181217 — [Administrative Code - Police Officers Questioning Youth]

Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in blue ink, appearing to read "Bahlam Vigil".

Bahlam Vigil, Chair
Adopted on January 7, 2019
2018-2019 San Francisco Youth Commission