

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/9/2021)

[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 in which California Welfare and Institutions Code Section 651 permits commencing proceedings in juvenile delinquency court in San Francisco Superior Court or another county. This would provide the DA the opportunity to weigh the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor; and provide the DA the opportunity to decide whether to file a petition in the San Francisco Superior Court. SFPD would be prohibited from presenting a case covered by this ordinance to a district attorney in another county unless the DA (or DA’s designee) first declines to prosecute the case.

Background

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