

REVISED LEGISLATIVE DIGEST

(Amended in Board, 2/26/2019)

[Administrative Code - Police Officers Questioning Youth]

Ordinance amending the Administrative Code to prohibit police officers from questioning persons 17 years of age or younger, in custody, unless certain conditions are met, providing for legal representation of the Youth (as defined) in connection with the interrogation, and mandating that responsible adults (as defined) be given access to youth while police officers question youth.

Existing Law

There is no City law requiring persons 17 years of age or younger to consult with a lawyer prior to a custodial interrogation or waiver of Miranda rights. State law requires persons 15 years of age or younger to consult with a lawyer prior to a custodial interrogation or a waiver of Miranda rights.

There is no City or state law that provides the parent, relative, or another responsible adult (as defined) the right to immediately access the Youth while in police custody or to be present during a custodial interrogation.

Amendments to Current Law

This ordinance expands on state law by increasing the age of persons, to 17 and younger, with a nonwaivable right to consult with a lawyer prior to a custodial interrogation or waiver of Miranda rights. This ordinance also gives the Youth's parent, relative or another responsible adult the right to be present during the custodial interrogation or when police officers engage in unnecessary conversation with or question a Youth who is not free to leave. These restrictions would not apply when the information the San Francisco Police Department ("SFPD") officer seeks is reasonably necessary to protect life or property from an imminent threat and questions asked of the Youth are reasonably necessary to obtain that information.

Background Information

This ordinance arose from an incident where SFPD officers questioned students during the investigation of a firearm discharge at Balboa High School. During the Board of Supervisors hearing on SFPD's response to that incident, parents stated that SFPD detained students at gunpoint, and that parents were not allowed to see their children for over an hour, or to be present during SFPD's questioning of the students.

This legislative digest reflects amendments adopted by the Rules Committee on February 11, 2019 and by the Board of Supervisors on February 26, 2019.

FILE NO. 181217

The new Chapter of the Police Code created by this ordinance is named the Jeff Adachi Youth Rights Ordinance, in honor of the City's late Public Defender.

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