

File No. 181217

Committee Item No. 1

Board Item No. 14

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Feb. 11, 2019

Board of Supervisors Meeting

Date 3/5/19

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
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Completed by: Victor Young

Date Feb. 7, 2019

Completed by: *VY*

Date 2/15/19

1 [Administrative Code - Police Officers Questioning Youth]

2  
3 **Ordinance amending the Administrative Code to prohibit police officers from**  
4 **questioning persons 17 years of age or younger, in custody, unless certain conditions**  
5 **are met, providing for legal representation of the Youth (as defined) in connection with**  
6 **the interrogation, and mandating parental that responsible adults (as defined) be given**  
7 **access to youth while police officers question the youth.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Background and Findings

17 (a) Beginning January 1, 2018, state law has mandated that youths 15 years of age or  
18 younger consult with legal counsel prior to a custodial interrogation or a waiver of Miranda  
19 rights. Cal. Welf. & Inst. Code Section 625.6. The state law mandate does not cover youths  
20 aged 16 and 17. But there are compelling reasons to extend the same type of mandate within  
21 the City to youths who are 16 or 17.

22 (b) Developmental and neurological sciences suggest that the brain's cognitive  
23 function continues to develop through young adulthood.

24 (c) Youths aged 16 and 17 generally have not yet formed the mental capacity, on their  
25 own, to understand Miranda rights. Youths aged 16 and 17 also often lack the experience  
and maturity to understand Miranda rights. The Flesch-Kincaid readability test, which is one

1 of the most widely used tools for assessing readability of written materials, indicates that to  
2 understand Miranda rights, a person must have at least a twelfth-grade reading  
3 comprehension level. Most 16- and 17-year-olds are in the tenth and eleventh grade, and  
4 many lack a twelfth-grade reading comprehension level.

5 (d) An extensive body of literature demonstrates that juveniles are more suggestible  
6 than adults, may easily be influenced by questioning from authority figures, and may provide  
7 inaccurate reports when questioned in a leading, repeated, and suggestive fashion. (In *J.D.B.*  
8 *v. North Carolina*, 131 U.S. 2394 (2012)). Recent research has shown that more than one-  
9 third (35%) of proven false confessions were obtained from suspects under the age of 18.  
10 (Drizen & Leo, *The Problem of False Confession in the Post – DNA World* (2004) 82 N.C.L.  
11 Rev. 891, 902, 944-945. fn 5. The leading study of 125 proven false confession cases, cited  
12 by the Supreme Court in *Corley v. U.S.*, 129 U.S. 1558 (2009) and *J.D.B. v. North Carolina*  
13 131 U.S. 2394 (2012), found that 63% of false confessors were under the age of 25 and 32%  
14 were under 18. In another respected study of 340 exonerations that have taken place since  
15 1989 (Samuel R. Gross et al., *Exoneration in the United States 1989 Through 2003*, 95.  
16 *J.Crim. L. &Criminology* 523-53 (2005)), researchers found that juveniles under the age of 18  
17 were three times as likely to falsely confess as adults; a full 42% of juvenile exonerees had  
18 falsely confessed, compared to only 13% of wrongfully convicted adults. In another study, an  
19 examination of 103 wrongful convictions of factually innocent teenagers and children found  
20 that a false confession contributed to 31.1% of the juvenile cases studied, as compared  
21 against only 17.8% of adult wrongful convictions. (Joshua A. Tepfer, Laura H. Nirider, &  
22 Lynda Tricarico, *Arresting Development: Convictions of Innocent Youth*, 64 *Rutgers L. Rev.*  
23 887, 904 (2010).

24 (e) State law requires police officers to notify a minor's parent, guardian, or a  
25 responsible relative when the minor is taken into custody, and also gives the minor the right to

1 make two phone calls. Cal. Welf. & Inst. Code Section 625.6 9(a)(b). State law does not  
2 require that parents be permitted to be with their minor child, while the child is in police  
3 custody.

4  
5 Section 2. The Administrative Code is hereby amended by adding Chapter 96C,  
6 consisting of Sections 96C.1, 96C.2, 96C.3, ~~and 96C.4,~~ and 96C.5, to read as follows:

7  
8 **CHAPTER 96C: POLICE INTERROGATION OF YOUTH - JEFF ADACHI YOUTH RIGHTS**  
9 **ORDINANCE**

10  
11 **SEC 96C.1. TITLE OF CHAPTER 96C.**

12 This Chapter 96C shall be known as the Jeff Adachi Youth Rights Ordinance.

13  
14 **SEC. ~~96C.2.~~ ~~96C.4.~~ RESTRICTIONS ON INTERROGATION.**

15 (a) The Police Department ("SFPD") may not subject a person 17 years of age or younger  
16 ("Youth") to a custodial interrogation or question or engage in unnecessary conversation with Youth  
17 who are not free to leave, unless and until the following two conditions have been met:

18 (1) The Youth consults with legal counsel in person, by telephone, or by video  
19 conference, which consultation must occur before the waiver of any Miranda rights. This consultation  
20 with legal counsel may not be waived.

21 (2) Following the legal consultation with legal counsel, SFPD shall allow the parent  
22 a Responsible Adult, defined as: (A) the Youth's parents; (B) a relative 18 years of age or over  
23 who is related to the youth Youth by blood or adoption, or affinity within the fifth degree of  
24 kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the  
25 words "great," "great-great," or "grand," or the spouse of any of these persons described in

1 this subsection (a)(2)(B) even if the marriage was terminated by death or dissolution; (C) or a  
2 person 18 years of age or over who has a mentoring or an established familial relationship  
3 with the Youth or a relative of the Youth or a familial or mentoring relationship with the youth;  
4 (D) the Youth's teacher, medical professional, clergy, neighbor, social worker, or mental  
5 health clinician; or (E) or child advocate from an employee of a non-profit or community  
6 organization whose primary focus is assisting youth. The Responsible Adult may not be who  
7 is not a person of interest or a suspect in the incident or subject matter giving rise to the  
8 custodial interrogation or questioning of the Youth. If the Youth does not object to the  
9 identified Responsible Adult's presence, the Responsible Adult may be present either in  
10 person, by telephone, or by video conference during the custodial interrogation and when  
11 SFPD questions or engages in unnecessary conversation with the Youth who is not free to  
12 leave. immediate access to the Youth by the parent, guardian, or a responsible relative  
13 (collectively, "parent") to be present either in person, by telephone, or by video conference  
14 during the custodial interrogation and when SFPD questions or engages in unnecessary  
15 conversation with the Youth who is not free to leave. But while this subsection (a)(2) allows  
16 parental attendance by the Responsible Adult while SFPD subjects the Youth to a custodial  
17 interrogation or when SFPD questions or engages in unnecessary unnecessary conversation with the  
18 Youth who is not free to leave, this subsection (a)(2) also recognizes that the parent Responsible  
19 Adult may not violate California Penal Code Section 148, which forbids willfully delaying or  
20 obstructing a police investigation.

21 (3) For purposes of this subsection (a), "unnecessary conversation" means  
22 communications with the Youth that are not designed to address the Youth's physical needs or to give  
23 the Youth directions relating to operation of the facility where the Youth is detained.

24 (b) The restrictions imposed by subsection (a) do not apply to a custodial interrogation or when  
25 SFPD questions a Youth who is not free to leave, when:

1                   (1) An SFPD officer questions a Youth after reasonably concluding that the information  
2 the officer is seeking is necessary to protect life or property from an imminent threat; and

3                   (2) The SFPD officer limits the questions to those reasonably necessary to obtain that  
4 information. Other questions to the Youth, if any, are subject to the restrictions imposed by subsection  
5 (a).

6                   **SEC. 96C.3. 96C.2. PROVISION OF COUNSEL.**

7                   The Public Defender's Office shall provide counsel legal advice limited in scope for the  
8 Youth during the consultation and custodial interrogation referenced in subsection (a) of Section  
9 96C.296C.4. The Youth may instead retain private counsel, but not at the expense of the City, absent  
10 appointment by the court.

11                   **SEC. 96C.4. 96C.3. UNDERTAKING FOR THE GENERAL WELFARE.**

12                   In enacting and implementing this Chapter 96C, the City is assuming an undertaking only to  
13 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an  
14 obligation for breach of which it is liable in money damages to any person who claims that such breach  
15 proximately caused injury.

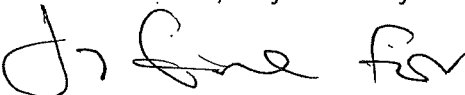
16                   **SEC. 96C.4. 96C.4. SEVERABILITY.**

17                   If any section, subsection, sentence, clause, phrase, or word of this Chapter 96C, or any  
18 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a  
19 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining  
20 portions or applications of the Chapter. The Board of Supervisors hereby declares that it would have  
21 passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not  
22 declared invalid or unconstitutional without regard to whether any other portion of this Chapter or  
23 application thereof would be subsequently declared invalid or unconstitutional.

1 Section 3. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
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1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:   
7 BURK E. DELVENTHAL  
8 Deputy City Attorney

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**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.

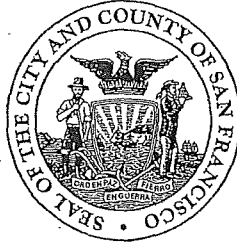
This legislative digest reflects amendments adopted by the Rules Committee on February 11, 2019 and by the Board of Supervisors on February 26, 2019.

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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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

# MEMORANDUM

TO: Kiely Hosmon, Director  
Youth Commission

FROM: Angela Calvillo, Clerk of the Board

DATE: December 21, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following proposed legislation which is being referred to the Youth Commission as per Charter, Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 181217

**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 in connection with the interrogation, and mandating parental access to youth while police officers question youth.**

Please return this cover sheet with the Commission's response to **Victor Young, Assistant Clerk, Rules Committee.**

\*\*\*\*\*

RESPONSE FROM YOUTH COMMISSION Date: January 7, 2019

No Comment  
 Recommendation Attached

\_\_\_\_\_  
Chairperson, Youth Commission

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, 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]

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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 dark ink, appearing to read "Bahlam Vigil".

---

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

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



(415) 554-6446  
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[www.sfgov.org/youth\\_commission](http://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.

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

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.

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



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(415) 554-6140 FAX  
[www.sfgov.org/youth\\_commission](http://www.sfgov.org/youth_commission)

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  
Thursday, August 30, 2018."

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

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

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

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

21 "The family respectfully requests that the circulation of images showing the face of the minor  
22 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."

23 "On Friday, August 31st, a community response meeting was held to support the families of  
24 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  
25 attendance."



1 Youth Commission Media and Outreach Officer Grace Hoogerhyde attended a further  
2 community meeting at Balboa High School on Thursday, September 13<sup>th</sup>. 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

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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Fax No. 554-5163  
TDD/TTY No. 554-5227

# MEMORANDUM

TO: Kiely Hosmon, Director  
Youth Commission

FROM: Angela Calvillo, Clerk of the Board

DATE: December 21, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following proposed legislation which is being referred to the Youth Commission as per Charter, Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 181217**

**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 in connection with the interrogation, and mandating parental access to youth while police officers question youth.**

Please return this cover sheet with the Commission's response to **Victor Young, Assistant Clerk, Rules Committee.**

\*\*\*\*\*

RESPONSE FROM YOUTH COMMISSION Date: \_\_\_\_\_

\_\_\_\_\_ No Comment

\_\_\_\_\_ Recommendation Attached

\_\_\_\_\_  
Chairperson, Youth Commission

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: William Scott, Police Chief, Police Department  
George Gascon, District Attorney  
Jeff Adachi, Public Defender  
Allen Nance, Chief Probation Officer  
Vicky Hennessy, Sheriff, Sheriff's Department

FROM: Victor Young, Assistant Clerk  
Rules Committee

DATE: December 27, 2018

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Rules Committee has amended the following proposed legislation:

**File No. 181217**

**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 in connection with the interrogation, and mandating parental access to youth while police officers question youth.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [victor.young@sfgov.org](mailto:victor.young@sfgov.org).

c: Rowena Carr, Police Department  
Asja Steeves, Police Department  
Cristine Soto DeBerry, Office of the District Attorney  
Maxwell Szabo, Office of the District Attorney  
Sheryl Cowan, Juvenile Probation Department  
Theodore Toet, Sheriff's Department  
Katherine Gorwood, Sheriff's Department  
Nancy Crowley, Sheriff's Department

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 DEC 11 PM 4:28

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

BY \_\_\_\_\_

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires".
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Ronen

**Subject:**

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 in connection with the interrogation, and mandating parental access to youth while police officers' question youth.

**The text is listed below or attached:**

Please see the attached ordinance.

Signature of Sponsoring Supervisor: Willy Rowe

or Clerk's Use Only:

