

1 [Administrative Code - Juvenile Hall Closure]

2

3 **Ordinance amending the Administrative Code to require the City to close Juvenile Hall**
4 **by December 31, 2021, expand community-based alternatives to detention, and provide**
5 **a rehabilitative, non-institutional place of detention, in a location approved by the**
6 **Court; to establish a working group for the development of a Juvenile Hall closure plan,**
7 **and to establish the Youth Justice Reinvestment Fund to support community-based**
8 **alternatives to detention and also support the working group; affirming the Planning**
9 **Department's determination under the California Environmental Quality Act; and**
10 **making findings of consistency with the General Plan, and the eight priority policies of**
11 **Planning Code, Section 101.1.**

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

16

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

18

19 Section 1. Environmental and Land Use Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 190392 and is incorporated herein by reference. The Board affirms
24 this determination.

25

1 (b) On _____, the Planning Department determined that the actions
2 contemplated in this ordinance are consistent, on balance, with the City's General Plan and
3 eight priority policies of Planning Code Section 101.1. The Board adopts this determination as
4 its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in
5 File No. _____, and is incorporated herein by reference.

6
7 Section 2. The Administrative Code is hereby amended by adding Chapter 119,
8 consisting of Sections 119.1 through 119.3, to read as follows:

9
10 **CHAPTER 119: CLOSURE OF JUVENILE HALL**

11
12 **SEC. 119.1. DEFINITIONS.**

13 "City" means the City and County of San Francisco.

14 "Court" means the San Francisco Superior Court Juvenile Division.

15 "Juvenile Hall" means the locked detention facility at 375 Woodside Avenue in the City.

16
17 **SEC. 119.2. FINDINGS.**

18 (a) For nearly two decades, since roughly the advent of the 21st Century, youth crime has
19 steadily declined across the country, including in the City. During this time the City has emerged as a
20 leader in juvenile justice reform - shifting the focus from punishment and incarceration to support and
21 care for young people. The City's reform-minded approach and the decrease in youth crime have
22 contributed to a dramatic decline in the number of youth detained in custody. The City's focus
23 increasingly has been on new and innovative interventions that invest in young people, rather than
24 punishment.

1 (b) The budget for Juvenile Hall does not reflect today’s low numbers of detained youth. In
2 fiscal year 2017-2018, the City budgeted \$13,322,254 for Juvenile Hall despite the significantly
3 reduced number of detained youth as compared to earlier years. From 2009 to January 2019, the
4 average annual cost per year for each youth detained in Juvenile Hall has risen 127%, from \$123,400
5 to \$279,500.

6 (c) The detention of young people is not rehabilitative, nor does it effectively address public
7 safety. Detention increases the likelihood of recidivism, future incarceration, and homelessness, and
8 results in lower high school completion rates.

9 (d) The majority of youth detained in Juvenile Hall are not charged with serious offenses. In
10 December 2018, 40 youth were detained at Juvenile Hall - filling only 27% of its beds. Of those 40
11 youth, 30% were detained for a misdemeanor offense, and 50% were detained while waiting for a
12 court-ordered placement.

13 (e) Multiple studies have shown that putting youth behind bars fails to enhance public safety,
14 drives low-level delinquent youth deeper into criminality, and increases the likelihood that they will
15 wind up behind bars again. The Arkansas Division of Youth Services studied youth recidivism and
16 identified detention as the strongest predictor of youth recidivism - more so than family difficulties or
17 gang membership. One recent longitudinal study of 35,000 young offenders found that those who were
18 detained as juveniles were twice as likely to be incarcerated as adults than juveniles who committed
19 similar offenses and came from similar backgrounds but were given an alternative sanction or simply
20 not arrested. Another recent study, from Brown University and MIT, found that detaining young people
21 increases by 23% the likelihood that they will be jailed as adults. The study also found that juvenile
22 detention is the single biggest predictor of future incarceration.

23 (f) The majority of youth in the juvenile justice system nationwide have experienced abuse,
24 neglect, trauma, mental health problems, and family crisis. Youth in the juvenile justice system suffer
25 from serious mental health issues at a rate far greater than the general youth population: 70% as

1 compared to 10-20% of the general youth population. Nearly 90% of youth in the juvenile justice
2 population nationwide have suffered a prior traumatic experience, and 30% of that population meet the
3 criteria for post-traumatic stress disorder. The needs of youth impacted by these issues are better met
4 outside of the punitive framework of the delinquency system.

5 (g) Detention adds more trauma to the lives of already traumatized youth. Detained youth
6 become more isolated and disconnected from their families and their support networks and, when
7 detained while awaiting their disposition hearings, fare far worse at every stage of their case.

8 (h) The detention of youth negatively impacts their cognitive development at what are critical
9 development stages. Healthy psychological development requires: 1) the presence of a parent or
10 parent-like adult who is involved with and concerned about the young person's development; 2) a peer
11 group that values positive behavior and academic success; and 3) opportunities and activities that
12 foster independent decision-making and critical thinking. These core adolescent development
13 requirements cannot be achieved when young people are detained because those detained are: 1)
14 separated from their support networks; 2) grouped together with other youth who have been charged
15 with offenses; and 3) stripped of their autonomy and self-determination.

16 (i) Most youth will age out of crime and should be supported in a positive developmental
17 process. This requires creating strong relationships with caring adults, inclusion in pro-social peer
18 groups and activities, and encouragement to develop their own interests and potential. By expanding
19 our investment in services that are community-based, culturally-relevant, trauma-informed, and
20 developmentally-appropriate, the City will enable youth to make a positive transition into adulthood.

21 (j) For those youth who must be detained, small, non-institutional settings are most effective at
22 rehabilitating and supporting youth. Services provided to youth should be built on strengths and needs
23 identified by their families, should be delivered by community programs, and whenever possible should
24 avoid institutional placements and their attendant costs and harms.

1 **SEC. 119.3. CLOSURE OF JUVENILE HALL.**

2 By no later than December 31, 2021, the City shall close Juvenile Hall, expand community-
3 based alternatives to detention, and provide a rehabilitative, non-institutional place of detention, in a
4 location approved by the Presiding Judge of the Court, that will be available for wards of the Court
5 and persons alleged to come within the jurisdiction of the Court. The place of detention shall be a safe
6 and supportive homelike environment, which shall not be deemed to be, nor treated as, a penal
7 institution, and which shall conform to all applicable State and federal regulations.

8
9 Section 3. Chapter 5 of the Administrative Code is hereby amended by adding Article
10 XL, consisting of Sections 5.40-1 through 5.40-7, to read as follows:

11
12 **ARTICLE XL: CLOSE JUVENILE HALL WORKING GROUP**

13
14 **SEC. 5.40-1. CLOSE JUVENILE HALL WORKING GROUP.**

15 The City hereby establishes the Close Juvenile Hall Working Group.

16
17 **SEC. 5.40-2. DEFINITIONS.**

18 “CARC” means the Huckleberry Community Assessment and Resource Center.

19 “City” means the City and County of San Francisco.

20 “Court” means the San Francisco Superior Court Juvenile Division.

21 “DCYF” means the Department of Children Youth and Families.

22 “Juvenile Hall” means the locked detention facility at 375 Woodside Avenue in the City.

23 “Working Group” means the Close Juvenile Hall Working Group.

24
25 **SEC. 5.40-3. PURPOSE AND PRINCIPLES.**

1 (a) The purpose of the Working Group is to create a plan to:

2 (1) close Juvenile Hall by no later than December 31, 2021;

3 (2) strengthen and expand community-based alternatives to detention;

4 (3) provide a rehabilitative, non-institutional place of detention, in a location approved
5 by the Court, which is available for all wards of the Court and persons alleged to come within the
6 jurisdiction of the Court; and

7 (4) reinvest any monies saved by the closure of Juvenile Hall in high-quality, effective,
8 community-based alternatives to detention; an alternative, rehabilitative, non-institutional center for
9 youth who are detained; and mental health and educational support for detained youth.

10 (b) In carrying out this purpose, the Working Group shall be guided by the following
11 principles:

12 (1) A juvenile justice system should balance public safety, positive youth development,
13 family and community health, and victim restoration.

14 (2) Detention has a devastating impact on youth, their families, and their
15 neighborhoods, and undermines the safety and health of both detained youth and their communities.

16 (3) The rehabilitative goals of the juvenile justice system can best be accomplished in
17 family-based settings in the communities where youth live.

18 (4) The vast majority of young people in detention should be diverted from that system
19 and given access to developmentally appropriate, trauma-informed programs and services that address
20 racial and ethnic disparities.

21 (5) Youth in the juvenile justice system and their families should have a role in
22 identifying what kind of support would be most helpful to them.

23 (6) Resources invested in Juvenile Hall should instead be invested in youth, their
24 families, and community-based programs, including mental health and educational support.

1 (7) Community-based programs that serve juvenile justice-involved young people should
2 be supported, strengthened, and where appropriate, expanded.

3 (8) Youth in the juvenile justice system should be referred to programs and court-
4 ordered placements in the City whenever possible.

5 (9) Juvenile Hall staff should be given the opportunity, consistent with civil service
6 rules, to transfer to other jobs with the City or the San Francisco Unified School District once Juvenile
7 Hall is closed.

8
9 **SEC. 5.40-4. MEMBERSHIP.**

10 (a) Members. The Working Group shall consist of 13 members as set forth below.

11 (1) Seats 1 and 2 shall be held by representatives of community-based non-profits that
12 serve juvenile justice-involved youth and are members of the Juvenile Justice Providers Association.

13 (2) Seats 3 and 4 shall be held by persons under the age of 29 who were previously
14 detained or incarcerated.

15 (3) Seat 5 shall be held by a parent or guardian of a person who is or was detained as a
16 youth in the juvenile justice system.

17 (4) Seat 6 shall be held by an expert in the design of small, rehabilitative, and
18 education-focused centers that meet the needs of young people who, following their arrest or detention,
19 cannot return to their home or community.

20 (5) Seat 7 shall be held by an expert in youth mental illness, with experience serving the
21 juvenile justice population, and expertise in best practices for serving youth with mental illness.

22 (6) Seat 8 shall be held by an expert in juvenile justice reform with experience in data
23 analysis and the development of alternatives to detention.

24 (7) Seat 9 shall be held by a member of the labor community.
25

1 (8) Seat 10 shall be held by the Chief Juvenile Probation Officer or the Chief Juvenile
2 Probation Officer's designee.

3 (9) Seat 11 shall be held by the Public Defender or the Public Defender's designee.

4 (10) Seat 12 shall be held by the District Attorney or the District Attorney's designee.

5 (11) Seat 13 shall be held by a representative of the Court if the Court so chooses. While
6 the Court is not required to provide a representative to hold this seat, it shall be invited to do so.

7 (b) Seats 1-9 shall be appointed by the Board of Supervisors. The Board shall strive to appoint
8 members to the Working Group from communities disproportionately represented in the juvenile justice
9 system and from the City's most marginalized communities.

10
11 **SEC. 5.40-5. ORGANIZATION AND TERMS OF OFFICE.**

12 (a) Members of the Working Group in Seats 1-9 shall serve at the pleasure of the Board of
13 Supervisors and may be removed by the Board at any time. Each member in Seats 1-9 may remain in
14 the Working Group until the termination of the Working Group under Section 5.40-7, unless removed
15 by the Board. Any vacancy in Seats 1-9 shall be filled by the Board.

16 (b) Service in the Working Group shall be voluntary. Members appointed to Seats 1 through 9
17 may receive a stipend in an amount determined by the Board.

18 (c) Any member in Seats 1-9 who, within a six-month period, misses three regular meetings of
19 the Working Group without the express approval of the Working Group at or before the missed meeting
20 shall be deemed to have resigned from the Working Group ten days after the third unapproved absence.
21 The Working Group shall inform the Clerk of the Board of Supervisors of any such resignation.

22 (d) Subject to the fiscal and budgetary provisions of the Charter, the City Administrator shall
23 designate staff to provide administrative support to the Working Group.

24 (e) Subject to the fiscal, budgetary, and civil service provisions of the Charter, the City
25 Administrator shall hire and make available to the Working Group an outside consultant with expertise

1 in juvenile justice reform, program evaluation, data analysis, youth development, development of
2 alternatives to detention, and juvenile justice systemic change. The outside consultant shall advise the
3 Working Group, and, to the extent desired by the Working Group, may facilitate its meetings and
4 compile required reports on behalf of the Working Group.

5 (f) Quorum. Seven members of the Working Group shall constitute a quorum.

6 (g) Officers. The Working Group shall elect a Chairperson from its members. The Chairperson
7 shall designate a member to serve in the Chairperson's absence.

8 (h) Subcommittees. The Working Group may establish subcommittees to be convened as
9 directed by the Working Group. The Working Group's Chairperson or the Chairperson's designee
10 shall appoint members to the subcommittees. Subcommittees shall report findings and make
11 recommendations to the full Working Group for its consideration.

12 (i) Meeting Frequency. The Working Group shall meet at least every two months until Juvenile
13 Hall is closed and a substitute place or places of detention are available for youth placement.

14 (j) Roles of Members. In adopting this ordinance, the Board of Supervisors recognizes that
15 each member in Seats 10-13 retains their authority and duties under State law and that where conflicts
16 may arise out of members' dual roles, State powers and duties shall supersede the duties that this
17 Article XL imposes on members.

18
19 **SEC. 5.40-6. POWERS AND DUTIES.**

20 (a) The Working Group shall have the following powers and duties in the work focus areas
21 described below:

22 WORK FOCUS AREA # 1: Based on available data, conduct a needs assessment for youth
23 detained in Juvenile Hall. To conduct this assessment, the Working Group shall:

1 (1) Request that the City Attorney petition the Court for access to data contained in
2 juvenile delinquency files and related juvenile records in the possession of the Juvenile Probation
3 Department for the purpose of conducting the needs assessment.

4 (2) Track every child detained at Juvenile Hall who is not required by State law to be
5 kept in a secure facility, including but not limited to: (A) children charged with probation violations or
6 technical violations such as home detention violations, (B) children charged with a misdemeanor
7 awaiting disposition, and (C) children awaiting an out-of-home placement post-disposition.

8 (3) Identify gaps in existing community-based programs and services.

9 (4) Evaluate the use of risk assessment tools, both quantitatively and qualitatively, to
10 ensure that all young people who are eligible and safe to be released are in fact being released.

11 (5) Create plans to transition youth leaving Juvenile Hall to appropriate, local non-
12 institutional settings.

13 WORK FOCUS AREA # 2: Plan and design a small, rehabilitative and education-focused
14 center for the placement of detained youth (“Center”). In developing the plan and design, the Working
15 Group shall:

16 (1) Analyze best practices for the administration and management of small rehabilitative
17 non-institutional settings for youth, which may include consultation with designers, architects, experts
18 in alternative models, and mental health and youth development experts. The analysis also may include
19 examination of existing programs in other counties, states, or countries that have demonstrated
20 rehabilitative success.

21 (2) Collaborate with the Real Estate Division, the Capital Planning Committee, and
22 local community-based organizations to identify local land or existing buildings that may be used for
23 this Center.

24 (3) Create an implementation plan for this Center.

1 WORK FOCUS AREA # 3: Determine the community-based residential or day-programs that
2 need to be created, expanded, or reinstated to effectively serve wards of the Court and persons alleged
3 to come within the jurisdiction of the Court who are not ordered detained by the Court. To make this
4 determination, the Working Group shall:

5 (1) Promptly identify a housing option in the City for female youth who, following arrest
6 or release from detention, cannot return to their homes, to replace the Catholic Charities San
7 Francisco Girls Home Shelter closed in 2018.

8 (2) Identify existing community-based day programs and housing options that may be
9 expanded.

10 (3) Identify new services or programs, including day services and housing options,
11 which are needed to serve vulnerable youth populations.

12 (4) In consultation with DCYF, the Department of Public Health, the Juvenile Probation
13 Department, and the Human Rights Commission, create funding plans to ensure both the expansion of
14 existing programs with a demonstrated record of success and the creation of new programs. The
15 programs should include mental health services, educational services, employment opportunities, and
16 mentoring opportunities, which are culturally-relevant, trauma-informed, strengths-based, and rooted
17 in the local community. Where possible, these services should be available to youths' family members.

18 WORK FOCUS AREA # 4: Collaborate with the Department of Human Resources and labor
19 organizations that represent Juvenile Hall staff, to develop a plan to transition Juvenile Hall staff to
20 jobs in other City departments or jobs with the San Francisco Unified School District or the alternative
21 Center that this Working Group shall create.

22 WORK FOCUS AREA # 5: Develop trauma-informed, culturally relevant transition plans,
23 specialized services, and housing options for vulnerable youth exiting detention, including young
24 women, gender non-conforming and LGBT youth, African American youth, immigrant, youth, foster
25 youth, homeless youth, and mentally ill youth.

1 WORK FOCUS AREA # 6: Develop a reinvestment plan that redirects funds historically
2 allocated for Juvenile Hall to community-based alternatives to detention, the Center, and additional
3 mental health and academic support programs for juvenile justice-involved youth.

4 WORK FOCUS AREA # 7: Develop policy recommendations for the Police Department, the
5 Juvenile Probation Department, and CARC, which divert youth who have been arrested from the
6 juvenile justice system to alternative, community-based programs and support systems.

7 WORK FOCUS AREA # 8: Develop policy recommendations for the Juvenile Probation
8 Department that transform the department supervision model into a strengths-based framework so that
9 young people are not sent to detention for probation violations, including technical violations or
10 violations for low-level offenses.

11 (b) In carrying out its duties, the Working Group shall: 1) collaborate with the Mayor's
12 Juvenile Justice Reform Blue Ribbon Panel; and 2) consult with the Capital Planning Committee, Real
13 Estate Division, Child Welfare Division of the Human Services Agency, Child Crisis Division of the
14 Department of Public Health, Youth Commission, the Police Department, and the San Francisco
15 Unified School District. The Working Group shall invite a representative of each entity identified in this
16 subsection (b) to all Working Group meetings.

17 (c) Subject to the fiscal, budgetary, and civil service provisions of the Charter, and to the extent
18 consistent with open government laws, the Working Group shall investigate juvenile justice best
19 practices by visiting other jurisdictions and retaining subject matter experts, as needed.

20 (d) Reports. The Working Group shall prepare and submit a report every six months that
21 describes the Working Group's progress in fulfilling the duties set forth in this Section 5.40-6. The first
22 report shall be due six months after the effective date of the ordinance in Board File No. 190392,
23 creating this Article XL. The Working Group shall submit each report to the Board of Supervisors,
24 along with a proposed resolution to accept the report. The Working Group shall also submit each
25 report to the Mayor, any City department or office responsible for a program identified in the report,

1 and the City Administrator. Each report shall be available to the public, and the City Administrator
2 shall post each report on the City Administrator's website.

3 (e) In carrying out its duties, the Working Group shall receive prompt and full cooperation and
4 assistance from all City departments, offices, officers, and employees. All components of City
5 government shall promptly produce all records and information requested by the Working Group,
6 unless prohibited from doing so by state or federal law.

7
8 **SEC. 5.40-7. SUNSET DATE.**

9 This Article XL shall expire by operation of law, and the Working Group shall terminate, when
10 the Chief Juvenile Probation Officer certifies in writing that Juvenile Hall is closed and there is a
11 substitute place or places of detention, approved by the Court, that is available for wards of the Court
12 and persons alleged to come within the jurisdiction of the Court. In that event, after the sunset date, the
13 City Attorney shall cause this Article XL to be removed from the Administrative Code.

14
15
16 Section 4. Article XIII of Chapter 10 of the Administrative Code is hereby amended by
17 adding Section 10.100-376, to read as follows:

18
19 **SEC. 10.100-376. YOUTH JUSTICE REINVESTMENT FUND.**

20 (a) Establishment of Fund. The Youth Justice Reinvestment Fund is established as a category
21 eight fund to receive fee revenue dedicated to community-based alternatives to juvenile detention and
22 other contributions to the fund.

23 (b) Use of Fund. The fund is to be used exclusively by the City Administrator, for the purpose of
24 supporting community-based alternatives to juvenile detention and the work of the Close Juvenile Hall
25 Working Group established in Article XL of Chapter 5 of the Administrative Code.

1 (c) Administration of Fund. The City Administrator, shall administer the fund and shall report
2 annually to the Board of Supervisors on the current status of the fund, the amounts approved for
3 disbursement, and the number and types of community-based alternatives to juvenile detention assisted.
4 The City Administrator shall have the authority to prescribe rules and regulations governing the Fund.

5
6 Section 5. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor’s veto of the ordinance.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 JANA CLARK
15 Deputy City Attorney

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