

BOARD of SUPERVISORS



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MEMORANDUM

TO: Youth Commission

FROM: John Carroll, Legislative Clerk
Board of Supervisors

DATE: January 29, 2014

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors' has received the following proposed legislation, which is being referred to the Youth Commission, 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. 140070

Resolution calling on the Contra Costa County District Attorney's Office to dismiss the charges filed against Jewlyes Klazson-Gutierrez and to offer community-based alternatives and processes that will ensure accountability; and facilitate and support healing and restoration for the youth involved and impacted by the November 13, 2013, incident at Hercules High School.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM YOUTH COMMISSION Date: _____

_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Youth Commission

1 [Supporting Transgender and Gender Non-Conforming Youth and Restorative Justice]

2

3 **Resolution calling on the Contra Costa County District Attorney’s Office to dismiss the**
4 **charges filed against Jewlyes Klazson-Gutierrez and to offer community-based**
5 **alternatives and processes that will ensure accountability; and facilitate and support**
6 **healing, and restoration for the youth involved and impacted by the November 13, 2013,**
7 **incident at Hercules High School.**

8

9 WHEREAS, Jewlyes Klazson-Gutierrez is a transgender high school student who is
10 facing criminal charges due to her role in a fight at school with students whom she alleges
11 bullied her repeatedly due to her gender identity; and

12 WHEREAS, Members of the West Contra Costa Unified School District school board
13 have apologized for the school administration not effectively responding to Jewlyes Klazson-
14 Gutierrez’s requests for protection from the harassment and intimidation she was
15 experiencing because of her transgender status before the altercation; and

16 WHEREAS, The Contra County District Attorney’s Office has discretion to decide
17 whether or not to file charges in any particular case; and

18 WHEREAS, Interaction with the juvenile justice system and the increased use of harsh
19 disciplinary sanctions against students often create and perpetuate negative outcomes
20 creating in effect a “school-to-prison pipeline” for youth of color and LGBTQ youth; and

21 WHEREAS, The United States Department of Justice and the Department of Education
22 have issued guidance linking the increased use of harsh disciplinary sanctions with negative
23 outcomes; and

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1 WHEREAS, The criminal prosecution of Jewlyes Klazson-Gutierrez will deepen the
2 wounds and harms on all sides, further exposing Jewlyes Klazson-Gutierrez to emotional and
3 mental health risks;

4 WHEREAS, Transgender and gender non-conforming students experience more
5 exclusion, discrimination, bullying, verbal harassment, and physical assaults at school in
6 comparison with their peers, impeding their ability to feel safe at school and thrive
7 academically and socially; and

8 WHEREAS, The commitment to upholding safety for all youth involves responding
9 holistically when safety has been compromised; now, therefore, be it

10 RESOLVED, That the San Francisco Board of Supervisors calls upon the Contra Costa
11 County District Attorney’s Office to dismiss the charges filed against Jewlyes Klazson-
12 Gutierrez and to offer community-based alternatives and processes that will ensure
13 accountability; and facilitate and support healing, and restoration for the youth involved and
14 impacted by the November 13, 2013, incident at Hercules High School.