



# San Francisco Youth Commission Agenda

Monday, January 7, 2019

5:00 pm-8:00 pm

City Hall, Room 416

1. Dr. Carlton B. Goodlett Pl.

San Francisco, CA 94102

*There will be public comment on each item.*

Charley Obermeyer, Lily Marshall-Fricker, Maggie Dong, Josephine Cureton, Calvin Quick, Felix Andam, Alysha Sadarangani, JoJo Ty, Natalie Ibarra, Bahlam Vigil, Arianna Nassiri, Nora Hylton, Drew Min, Grace Hoogerhyde, Alexander Hirji, Kaye Chin, and Savion Green

- 1. Call to Order and Roll Call for Attendance (Discussion and Possible Action)**
- 2. Approval of Agenda (Action Item)**
- 3. Approval of Minutes (Action Item)**
  - A. December 17, 2018  
[Document A](#)
- 4. Public Comment on Items not on Agenda (Discussion Only)**
- 5. Legislation Referred (All Items to Follow Discussion and Possible Action)**
  - A. BOS File No. 181217 [Administrative Code - Police Officers Questioning Youth]  
Presenter: Youth Commission Staff  
Document B
- 6. Presentations (All Items to Follow Discussion and Possible Action)**
  - A. Presentation on Youth Advocacy Day  
Presenter: Prishni Murillo, Senior Program & Planning Specialist, Department of Children, Youth & Their Families
- 7. Youth Commission Business (All Items to Follow Discussion and Possible Action)**
  - A. [Second Reading] Resolution 1819 – AL – 03 [Omnibus Youth Commission Preliminary Budget Priorities - Priority Programs]  
Sponsor: Commissioner Quick, District 5, Legislative Affairs Officer  
Document C
- 8. Committee Reports (Discussion Only)**
  - A. Executive Committee
    - i. LAO



ii. Communications Team

B. Housing and Land Use Committee

C. Transformative Justice Committee

D. Civic Engagement Committee

**9. Staff Report (Discussion Only)**

**10. Announcements (This Includes Community Events)**

**11. Adjournment**

Any materials distributed to the members of the Youth Commission within 72 hours of the meeting or after the agenda packet has been delivered to the members are available for inspection—along with minutes of previous Youth Commission meetings and all supplementary information—at the Youth Commission office during regular office hours (9am to 6pm, Monday—Friday). The Youth Commission office is at:

City Hall, Room 345  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Phone: (415) 554-6446, Fax: (415) 554-6140  
Email: [youthcom@sfgov.org](mailto:youthcom@sfgov.org)  
[www.sfgov.org/yc](http://www.sfgov.org/yc)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code) Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, please contact:

Sunshine Ordinance Task Force  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689  
Phone: (415) 554-7724, Fax: (415) 554-5784  
Email: [sotf@sfgov.org](mailto:sotf@sfgov.org)

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Ordinance Task Force, at the San Francisco Public Library, and on the City's website at <http://www.sfgov.org>.

The nearest accessible BART station is Civic Center (Market/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center for Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485.

The ringing and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. The Chair may order the removal from the meeting room of any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.



In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity, or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

To obtain a disability-related modification or accommodation, including auxiliary aids or services to participate in the meeting, please contact Kiely Hosmon, Youth Commission Director [phone: 415-554 6464; email: [Kiely.hosmon@sfgov.org](mailto:Kiely.hosmon@sfgov.org)] at least 48 hours before the meeting, except for Monday meetings, for which the deadline is 4:00 p.m. the previous Friday. Full Commission Meetings are held in Room 416 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag kay Joy Lamug sa (415) 554-7712.

**翻譯** 必須在會議前最少四十八小時提出要求  
**請電** (415) 554-7719



**San Francisco Youth Commission  
DRAFT ~ Minutes**

**Monday, December 17, 2018**

**5:00 pm~8:00 pm**

**City Hall, Room 416**

**1. Dr. Carlton B. Goodlett Pl.**

**San Francisco, CA 94102**

*There will be public comment on each item.*

Charley Obermeyer, Lily Marshall-Fricker, Maggie Dong, Josephine Cureton, Calvin Quick, Felix Andam, Alysha Sadarangani, JoJo Ty, Natalie Ibarra, Savion Green, Bahlam Vigil, Arianna Nassiri, Nora Hylton, Drew Min, Grace Hoogerhyde, Alexander Hirji, Kaye Chin

**1. Call to Order and Roll Call for Attendance (Discussion and Possible Action)**

Savion Green, District 10 Commissioner, was just sworn in today and is joining us for his first meeting! Congratulations!

Commissioners in attendance: Charley Obermeyer, Lily Marshall-Fricker, Maggie Dong, Josephine Cureton, Calvin Quick, JoJo Ty, Natalie Ibarra, Savion Green, Nora Hylton, Drew Min, Grace Hoogerhyde

Commissioner absent: Felix Andam, Alysha Sadarangani, Arianna Nassiri, Alexander Hirji, Kaye Chin, Bahlam Vigil

There is quorum.

**2. Approval of Agenda (Action Item)**

There is no public comment. Commissioner Ibarra motions to approve the agenda, Commissioner Quick seconds the motion. The motion passes unanimously.

**3. Approval of Minutes (Action Item)**

A. December 3, 2018

[\(Document A\)](#)

There is no public comment. Commissioner Quick motions to approve the minutes from December 3, 2018 seconded by Commissioner Marshall-Fricker. The motion passes unanimously.

**4. Public Comment on Items not on Agenda (Discussion Only)**

There is no public comment.

**5. Presentations (All Items to Follow Discussion and Possible Action)**

A. Presentation on Resolution Writing "Root to Fruit"

Presenter: Naomi Fierro, Youth Development Specialist

- Intro on what it takes to write a resolution overview.



- KWL exercise [what do you know, want to know, learned about resolution]
- Commissioners share out “what do you know”
  - Obermeyer: strict writing conventions
  - Green: used alongside a compromise
  - Cureton: certain format, numbers
  - Ibarra: whereas,
  - Marshall-Fricker: resolved clauses
- Want to know:
  - Dong: how do you present to other communities and wanting support on resolution
  - Green: best strategies on conducting
  - Ibarra: weight of resolution
  - Ty: where do I start
  - Obermeyer: create specific titles
- Objective: take away definition of and understanding of YC resolution format
  - Resolution: a formal expression of intent, opinion, or will
    - Bonus: what are other legislative actions
    - Obermeyer: ex 1990s - BOS no power over any part of South Africa apartheid but shares opinion
    - Green: giving someone your motives
    - Ty: strongly worded letter
    - Quick: strongest way of doing what we are charged to do - urging mayor and BOS to do something
  - Definition: Resolutions, motions, and ordinances
    - Ordinance: municipal regulation or law
      - Legislative digest (required for 2+ pages ordinances)
      - Ibarra: law that BOS realm - and YC can write resolution that informs ordinance
    - Resolution: formal expression of intent, will or opinion
      - Green: written concept
    - Motion: proposal for action that is the sole authority of the board
      - Min: jurisdiction of this board
    - Question:
      - Hylton: is it for YC or BOS?
        - It is by this commission
  - Checklist
    - Basic things we need before we submit a resolution: you must state how it's relevant to the Youth Commission, background information (research and why it's a problem), any supplemental information that could strengthen your argument (any evidence that helps support your cause)
      - Introduction form does not actually exist but please do this portion in an email to staff
      - Time factors: sunshine to have it agendized, if you aren't there then must someone to present for you, if something is time sensitive or there is a deadline that we need to have it read and approved before, and when do you want it agendized (recommend which dates you want it agendized)



- Staff have a lot of questions on the first draft and we need to make sure someone is available for questions. Please cc all staff.
- Absolute last deadline is 12pm on Wednesday before a full YC meeting
- Formatting: short title vs long title
  - Why do we have a difference? The long title is the official legal title and needs to concisely state what is actually happening in the resolution and the short title is basic and generally for and why it's happening. Short title is like subject line in an email and Clerks read the shorter version as it gets right to the point. The longer one is like a summary statement: what's the problem and the proposed solution. This should be enough to tell you what's being said in the whole resolution.
  - Resolution checklist has the exact breakdown of the process for whereas clauses and resolved clauses
  - Question-Commissioner has actual template and all Commissioners have a folder, but everyone will get a copy of the checklist and the template that has the header and the footer
  - Tree analogy and visual: Root to Fruit,
    - Obermeyer: Resources: community partners
    - Green: homework or resource?
      - Fierro: good practice
- Nuts and Bolts
  - Issue - major focus, what are you urging the BOS to act on
  - Roots - problems caused by the issue, which will become the whereas
  - Leaves/Branches - solutions or changes that people would like to come through policy "therefore be it resolved that
  - Resources: history
  - Stakeholders: community partnerships
- Learned:
  - Ibarra - Difference between short (email subject) and long name (actions + problem)
  - Ty - Difference between resolution, ordinance and motions
  - Min: youth commission procedure to submit resolution
  - Marshall - Fricker: stakeholders
  - Cureton: important to get help from community and representing beyond self-opinions
  - Obermeyer: strengthen by including counter arguments
  - Grace: formal structure
  - Quick: deadline
  - Green: resolution and long title is basic summary of resolution
  - Dong: working with stakeholders and getting best solutions
  - Hylton: working with community orgs

## **6. Youth Commission Business (All Items to Follow Discussion and Possible Action)**



A. [First Reading] Resolution No. 1819-AL – 10 [Supplemental Appropriation – Transitional Age Youth Homelessness Housing and Services – Homelessness Gross Receipts Tax Ordinance]

Presenter: Maggie Dong, District 3 Representative

Document B

- Quick: Suspend rule in bylaws for 2 readings of resolution, - I would do a motion to suspend, then do a motion to adopt
- Marshall - Fricker: I would like more time.
- Staff:
  - 2 different actions if body chooses to pursue - okay let's put it on the table and pass it as first reading, you all have to make that adjustment
  - If it passes with majority, then vote on not supporting or supporting resolution
- Marshall - Fricker: Why?
  - Dong: there are so many proposals to Mayor and BOS, it's just to send now
- Cureton – What are the other proposals?
  - Dong: Mayor wanted to split money to affordable housing, small site acquisitions & homeless services (that didn't specify what would be funded) we wrote this to clarify to TAY folks
  - Supervisors are throwing issues
- Quick: inaccuracies in writing (TAY youth / parenthesis - technical amendments
- Ty: iterate how important this issue is, resources for TAY experiencing homeless be mindful of that
- Hoogerhyde: close discussion
  - No public comment.
  - Commissioner Quick motion to suspend the 2 reading rule of article 9c of bylaws- seconded by Commissioner Obermeyer
  - Roll call vote:
    - Charley Obermeyer (Y), Lily Marshall-Fricker (N), Maggie Dong (Y), Josephine Cureton (Y), Calvin Quick (Y), JoJo Ty (Y), Natalie Ibarra (Y), Nora Hylton (Y), Drew Min (Y), Grace Hoogerhyde(Y), Savion Green (Y)
    - 10 AYE, 1 NAY to suspend 2 reading rule
  - Motion to adopt first resolution by Commission Quick and seconded by Commission Cureton
    - Roll call vote:
    - Charley Obermeyer (Y), Lily Marshall-Fricker (N), Maggie Dong (Y), Josephine Cureton (Y), Calvin Quick (Y), JoJo Ty (Y), Natalie Ibarra (Y), Nora Hylton (Y), Drew Min (Y), Grace Hoogerhyde(Y), Savion Green (Y)
    - 10 aye, 1 nay to adopt resolution
    - The motion carries.

B. Motion No. 1819-AL-09 [New Youth Commission Logo Proposal]

Presenter: Grace Hoogerhyde, Mayoral Appointee, Community Outreach Officer

- Grace gives her intro, and Charley chairs for this portion of the meeting
  - Final 3 logo selections
  - They are currently black and white, but will be made digitally with added color
    - 1. Simple, city hall background, YC written over it



- 2. Sf is written into 2 of sections of dome, and sf youth commission is over dome and that's the bridge holding it up
    - 3. Sf is written into dome without bridge
  - Marshall-Fricker: Are we picking logo?
    - Grace; yes, we will color add digitally
  - Ibarra: what's the logo
    - Grace; one on agenda
- There is no public comment.
- Discussion: Now, Commissioners have the opportunity for questions and feedback.
  - Hylton: thank you very much
  - Green: very talented artist, 2 - add youth commission across bridge and sf
  - Quick: like number 1 - least cluttered
  - Obermeyer: 1st option is favorite
  - Green: what are the current colors? - green colors
- Motions:
  - Motion to support this proposal by Commission Quick, and seconded by Commissioner Min
  - Passed by vote of acclamation.
- 1. IS NEW LOGO
  - Charley Obermeyer (Y), Lily Marshall-Fricker (N), Maggie Dong (Y), Josephine Cureton (Y), Calvin Quick (Y), JoJo Ty (N), Natalie Ibarra (Y), Nora Hylton (Y), Drew Min (N), Grace Hoogerhyde (N), Savion Green (N)
    - 6 Y - 5 N
- 2.
  - Charley Obermeyer (N), Lily Marshall-Fricker (Y), Maggie Dong (N), Josephine Cureton (N), Calvin Quick (N), JoJo Ty (Y), Natalie Ibarra (N), Nora Hylton (N), Drew Min (Y), Grace Hoogerhyde (Y), Savion Green (Y)
    - 6 N - 5 Y
- 3.
  - Charley Obermeyer (N), Lily Marshall-Fricker (Y), Maggie Dong (N), Josephine Cureton (N), Calvin Quick (N), JoJo Ty (N), Natalie Ibarra (N), Nora Hylton (N), Drew Min (N), Grace Hoogerhyde (N), Savion Green (N)
    - 10 N - 1 Y
  - Option one is the new logo.

## 7. Committee Reports (Discussion Only)

### A. Executive Committee

#### i. LAO

##### ○ 3 Ordinances

- Stefani - implicit bias training
- Yee - housing
- Mayor, Brown, Fewer - advisory committee taskforce with youth seats
  - Obermeyer: sunset? Will talk later
- Fewer and Ronen: questioning youth, youth fifteen and under mandates that they have legal counsel. The YC recommended that this be extended to youth ages 16 and 17.
- Log Cabin Ranch
- Baby c - has been passed by the full board





- ii. Communications Team Yc profiles - going into the final stages of the YC profile social media campaign. We have conducted so many interviews with so many people. We want to give a much more human face to the commission and inspire more interest. We still need more.
- B. Housing Committee - we had two presentations. YAB shared their priorities. This inspired the resolution you saw today. Commissioner Ty and Dong did a recap on the various presentations.
- C. Transformative Justice Committee - Frisco Cop Watch - a brief version of the “know your rights” training. We also talked about the omnibus priority areas. We also brainstormed future events.
- D. Civic Engagement Committee - pre-registration efforts, strategy on Vote 16 and developing pre-registration in High Schools. We want to get Vote 16 on the ballot in 2020.

## **8. Staff Report (Discussion Only)**

- Peer resources
  - Cureton: Provides mentorship + critical thinking and social change + implicit biases
  - Transformative change day:
    - Connect with young people and proposals from student feelings
- Activity Log
  - Please do it
  - Will be useful for BPP's
- Meeting with appointing office
  - Josephine, Alysha, Maggie – Thank You
- Save the date for Mid-Year Retreat 1/19 - 1/20
- SFPD x SFUSD MOU Roundtables 12/19 and 1/14
  - Calvin, Grace, Charley, Natalie, Drew
- Caroline medical leave

## **9. Announcements (This Includes Community Events)**

- Ty: Happy Holidays!
- Green: Can we share contact information?
- Min : 1/7 absent
- Hylton: Latin Jazz performance at Brava theater – will go in the weekly internal

## **10. Adjournment**

The meeting is adjourned at 6:31 PM.

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: \_\_\_\_\_

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

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

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

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

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

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

Section 1. Background and Findings

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

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

(c) Youths aged 16 and 17 generally have not yet formed the mental capacity, on their 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, to read as follows:

7  
8 **CHAPTER 96C: POLICE INTERROGATION OF YOUTH**

9  
10 **SEC. 96C.1. RESTRICTIONS ON INTERROGATION.**

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

14 *\_\_\_\_\_ (1) The Youth consults with legal counsel in person, by telephone, or by video*  
15 *conference, which consultation must occur before the waiver of any Miranda rights. This consultation*  
16 *with legal counsel may not be waived.*

17 *\_\_\_\_\_ (2) Following the legal consultation, SFPD shall allow immediate access to the Youth by*  
18 *the parent, guardian, or a responsible relative (collectively, "parent") to be present either in person,*  
19 *by telephone, or by video conference during the custodial interrogation and when SFPD questions or*  
20 *engages in unnecessary conversation with the Youth who is not free to leave. But while this subsection*  
21 *(a)(2) allows parental attendance while SFPD subjects the Youth to a custodial interrogation or when*  
22 *SFPD questions or engages in unnecessary conversation with the Youth who is not free to leave, this*  
23 *subsection (a)(2) also recognizes that the parent may not violate California Penal Code Section 148,*  
24 *which forbids willfully delaying or obstructing a police investigation.*

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

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

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

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

11                   **SEC. 96C.2. PROVISION OF COUNSEL.**

12                   The Public Defender's Office shall provide counsel for the Youth during the consultation and  
13 custodial interrogation referenced in subsection (a) of Section 96C.1. The Youth may instead retain  
14 private counsel, but not at the expense of the City.

15                   **SEC. 96C.3. UNDERTAKING FOR THE GENERAL WELFARE.**

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

20                   **SEC. 96C.4. SEVERABILITY.**

21                   If any section, subsection, sentence, clause, phrase, or word of this Chapter 96C, or any  
22 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a  
23 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining  
24 portions or applications of the Chapter. The Board of Supervisors hereby declares that it would have  
25 passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not

1 declared invalid or unconstitutional without regard to whether any other portion of this Chapter or  
2 application thereof would be subsequently declared invalid or unconstitutional.

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

8  
9  
10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By:

13   
BURK E. DELVENTHAL  
Deputy City Attorney

14 n:\legana\as2018\1900164\01323742.docx  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## LEGISLATIVE DIGEST

[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 in connection with the interrogation, and mandating parental 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, guardian, or a responsible relative (collectively "parent") 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 parent 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 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.

n:\legana\as2018\1900164\01323966.docx



# Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 DEC 11 PM 4:28

Time stamp  
or meeting date

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

- ☒ 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:

A handwritten signature in cursive script, appearing to read "Billy Rone", written over a horizontal line.

For Clerk's Use Only:

FILE NO.

RESOLUTION NO. 1819-AL-03

1 [Omnibus Youth Commission Preliminary Budget Priorities - Priority Programs]

2 **Resolution ~~supporting~~urging the allocation of funding for various youth-related**  
3 **programs in the Mayor's Proposed Budget of the City and County of San Francisco**  
4 **for ~~Fiscal Year~~FY 2019-2020 and FY 2020-2021, and urging ~~certain Departments~~the**  
5 **Department of Children, Youth and their Families, the San Francisco Police**  
6 **Department, the San Francisco Superior Court, the Office of the District Attorney, the**  
7 **Office of the Public Defender, the Department of Public Health, the Adult Probation**  
8 **Department, the Juvenile Probation Department, and the Department of Homelessness**  
9 **and Supportive Housing to request funding for such programs in the submission of**  
10 **their department budgets.**

11  
12 WHEREAS, The City and County of San Francisco operates on a two-year budget  
13 cycle, with the elaboration of department budgets beginning every year in December with the  
14 issuance of budget directions to departments by the Mayor's Office and the Controller's  
15 Office, and the final budget being signed in August; and

16 WHEREAS, The Youth Commission is charged by the Charter to present a report on its  
17 Budget and Policy Priorities (~~hereafter referred to as~~ "BPPs") for youth to the Board of  
18 Supervisors (~~hereafter referred to as~~ "BOS") every year for consideration during the budget  
19 process, usually at a date in the months of April or May; and

20 WHEREAS, The Youth Commission's BPPs consist of recommendations for  
21 consideration by the BOS during the budget process, detailing the policy merits of a wide  
22 range of programs and policies and making sophisticated recommendations for action by the  
23 BOS~~Board of Supervisors~~, both budget-related and policy-oriented; and

24 WHEREAS, However, Youth Commissioners cannot advocate in their official capacity  
25 for youth-related programs and funding until they have formally endorsed them; and

1 WHEREAS, Currently, the budget has already gone through many iterations by the  
2 time the Youth Commission presents its BPPs to the BOS~~Board of Supervisors~~, leaving little  
3 room for significant changes based on recommendations made in the BPPs; and

4 WHEREAS, The needs of youth and their communities are therefore easily left out of  
5 the elaboration of department budgets and further review before they come before the BOS;  
6 and

7 WHEREAS, In order to represent the interests of youth throughout the entire budget  
8 process, this Resolution enumerates the youth-related programs that the Youth Commission  
9 wishes to see funded in fiscal year~~FY~~ 2019-2020 and FY 2020-2021; and

10 WHEREAS, This Resolution ~~would~~ enables the Youth Commission, ~~its officers, its staff,~~  
11 ~~and its members~~ to advocate early on in the budget process for certain specific programs that  
12 ~~it believes~~ fulfill the needs and requests of the Youth Commission's constituency; and

13 WHEREAS, Furthermore, this Resolution ~~would~~ allows for youth advocacy  
14 organizations to influence the budget process through the Youth Commission in a meaningful  
15 way from the very beginning of the budget process; and

16 WHEREAS, This Resolution has been considered by the three policy committees of the  
17 Youth Commission, ~~during which, in conjunction with the Youth Commission's Media and~~  
18 ~~Outreach Officers~~Executive Committee, ~~have conducted extensive outreach to~~heard from  
19 community members and organizations, as well as City departments, and have ensuingly to  
20 formulated recommendations for various youth-related programs that they wish to see funded  
21 in the upcoming budget season; and

22 WHEREAS, On \_\_\_\_\_, 2018, t~~The Civic Engagement Committee of the Youth~~  
23 ~~Commission voted to recommend amendments to this Resolution enumerating support for~~  
24 ~~various youth-related programs and funding in the areas of \_\_\_\_\_~~has determined the  
25

1 youth-related program it wishes to see funded, and has proposed amendments to this  
2 Resolution that reflect that intent; and

3 WHEREAS, On \_\_\_\_\_, 2018, ~~t~~The Transformative Justice Committee of the  
4 Youth Commission ~~voted to recommend amendments to this Resolution enumerating support~~  
5 ~~for various youth-related programs and funding in the areas of \_\_\_\_\_~~ has determined  
6 the youth-related programs it wishes to see funded, and has proposed amendments to this  
7 Resolution that reflect those priorities; and

8 WHEREAS, On \_\_\_\_\_, 2018, ~~t~~The Housing and Land Use Committee of the  
9 Youth Commission ~~voted to recommend amendments to this Resolution enumerating support~~  
10 ~~for various youth-related programs and funding in the areas of \_\_\_\_\_~~ has determined  
11 the youth-related programs it wishes to see funded, and has proposed amendments to this  
12 Resolution that reflect those priorities; now, therefore, be it

13 RESOLVED, ~~That action clauses shall be amended into this Resolution at this point~~  
14 ~~following consideration by Committees, this clause being amended out; and, be it~~

15 FURTHER RESOLVED, ~~That the Youth Commission will advocate for the programs~~  
16 ~~enumerated in this action clauses, this clause being amended out; and, be it~~

17 FINALLY RESOLVED, That the Youth Commission urges ~~certain Departments~~the  
18 Mayor to ~~request~~propose funding for the programs enumerated ~~above~~below in the submission  
19 of their department budgets Mayor's Proposed Budget for FY 2019-2020 and FY 2020-2021;  
20 and, be it-

21 FURTHER RESOLVED, That, following the recommendation of its Civic Engagement  
22 Committee, the Youth Commission urges the Department of Children, Youth and their  
23 Families ("DCYF") to propose the establishment and funding in its budget for FY 2019-2020  
24 and FY 2020-2021 of a program to provide fee waivers to youth aged 16 through 18 inclusive  
25

1 for the \$30 fee for obtaining a California ID card from the California Department of Motor  
2 Vehicles; and, be it

3 FURTHER RESOLVED, That, following the recommendation of its Transformative  
4 Justice Committee, the Youth Commission urges the San Francisco Police Department  
5 ("SFPD") to fully fund in its budget for FY 2019-2020 and FY 2020-2021 mandatory instruction  
6 for law enforcement officers on youth cognitive development and on interactions with youth,  
7 and to work with the Youth Commission, the Department of Police Accountability, and  
8 community organizations such as Frisco CopWatch and Strategies for Youth to develop  
9 curriculum on interactions with law enforcement to share with concerned communities, in the  
10 interest of fostering more positive and fair interactions between law enforcement and youth, in  
11 which both parties will be aware of their rights and responsibilities; and, be it

12 FURTHER RESOLVED, That, following the recommendation of its Transformative  
13 Justice Committee, the Youth Commission urges the San Francisco Superior Court, the Office  
14 of the District Attorney, the Office of the Public Defender, the Department of Public Health  
15 ("DPH"), the Adult Probation Department ("ADP"), DCYF, and SFPD to work together and with  
16 community non-profits to secure funding in their budgets for FY 2019-2020 and FY 2020-2021  
17 for maintaining and expanding the Young Adult Court in San Francisco, and for finding and  
18 pursuing alternatives to incarceration; and, be it

19 FURTHER RESOLVED, That, following the recommendation of its Transformative  
20 Justice Committee, the Youth Commission urges ADP, DPH, DCYF, the Juvenile Probation  
21 Department ("JPD"), and the Department of Homelessness and Supportive Housing ("HSH")  
22 to include increased funding in their budgets for FY 2019-2020 and FY 2020-2021 for re-entry  
23 programs and services, focusing on livelihood, community, safety, education, housing, health,  
24 and healing, and specifically designating investment in job resources, ensuring consistent  
25 access to supportive housing, enabling social workers or community members to take on the

1 role of probation officers, opening access to free credentialing or education, and developing  
2 and supporting programs that work to bring families and formerly incarcerated individuals  
3 together; and, be it

4 FURTHER RESOLVED, That, following the recommendation of its Transformative  
5 Justice Committee, the Youth Commission urges DCYF, DPH, SFPD, ADP, and JPD to work  
6 together to include funding in their budgets for FY 2019-2020 and FY 2020-2021 for  
7 rehabilitation and healing services for young people who have experienced police brutality  
8 and trauma from witnessing the systemic disregard of people of color in the judicial system,  
9 specifically investing in social workers at schools and in free and quality mental health  
10 resources for young people and their families; and, be it

11 FURTHER RESOLVED, That, following the recommendation of its Housing and Land  
12 Use Committee, the Youth Commission urges HSH to propose funding in its budget for FY  
13 2019-2020 and FY 2020-2021 sufficient to create and maintain a minimum of 400 units of  
14 permanent supportive housing for TAY; and, be it

15 FURTHER RESOLVED, That, following the recommendation of its Housing and Land  
16 Use Committee, the Youth Commission urges HSH to propose funding in its budget for FY  
17 2019-2020 and FY 2020-2021 for programs and services that target TAY experiencing  
18 homelessness proportionally to the size of the population of TAY within the larger population  
19 of individuals experiencing homelessness; and, be it

20 FURTHER RESOLVED, That, following the recommendation of its Housing and Land  
21 Use Committee, the Youth Commission urges HSH to propose funding in its budget for FY  
22 2019-2020 and FY 2020-2021 for mental health and substance use treatment and counseling  
23 programs, particularly targeting TAY experiencing homelessness or living in supportive  
24 housing; and, be it

1 FURTHER RESOLVED, That, following the recommendation of its Housing and Land  
2 Use Committee, the Youth Commission urges HSH to propose funding in its budget for FY  
3 2019-2020 and FY 2020-2021 for equipping TAY experiencing homelessness with first-aid  
4 survival resources, and for increased support services for food and laundry for that population;  
5 and, be it

6 FURTHER RESOLVED, That, following the recommendation of its Housing and Land  
7 Use Committee, the Youth Commission urges HSH to collaborate with other agencies and  
8 community-based organizations to propose funding in its budget for FY 2019-2020 and FY  
9 2020-2021 for employment training for TAY, programs for life training for TAY, and financial  
10 support for education resources for TAY; and, be it

11 FURTHER RESOLVED, That, following the recommendation of its Housing and Land  
12 Use Committee, the Youth Commission urges HSH to propose funding in its budget for FY  
13 2019-2020 and FY 2020-2021 for more accessible drop-in centers providing an entry the  
14 supportive system for TAY experiencing homelessness, including staff trained in youth  
15 development and trained to receive youth from marginalized communities, such as LGBTQ+  
16 youth or youth of color, as well as multilingual access at all drop-in centers; and, be it

17 FINALLY RESOLEVED, That the Youth Commission commits to advocating for the  
18 passage of a budget for FY 2019-2020 and FY 2020-2021 that reflects the needs of the youth  
19 population in San Francisco.