

From: [Meredith Desautels](#)
To: [SFPD, Commission \(POL\)](#); [SFPD, Chief \(POL\)](#)
Cc: [Julie Traun](#); [Grecia Resendez](#); [Brian Goldstein](#); [Kyle Sporleder](#); [khenriquez](#); [Denise Coleman](#); [DPH-gloria.romero@ifrsf.org](#); [Jen Daly](#); [Indiana Barrenechea](#); [Lee, Patricia \(PDR\)](#); [Analisa Ruiz](#); [Henderson, Paul \(DPA\)](#)
Subject: Letter to SF Police Commission and Chief Scott re: DGO 7.01
Date: Wednesday, October 9, 2024 12:25:21 PM
Attachments: [Community Letter re DGO 7.01 - 10.09.24.pdf](#)
[Attachment A - Redline of Community Coalition Edits - 10.09.24 - DGO 7.01 Post Concurrence Edits 7.5.2024.docx](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Honorable Commissioners and Chief Scott,

Please find attached to this email a letter regarding DGO 7.01, “Policies and Procedures for Youth Non-Psychological Detention, Arrest, and Custody.” This letter is being sent on behalf of a coalition of community organizations that serve and advocate on behalf of youth in San Francisco. Our letter sets forth five key recommendations for revisions to the current draft DGO 7.01. These recommendations are also reflected in redlined edits to the DGO, included as Attachment A.

We hope you will consider our recommendations and incorporate further changes into the new version of DGO 7.01. We would also welcome the opportunity to meet with you or to answer any questions you might have about our proposals.

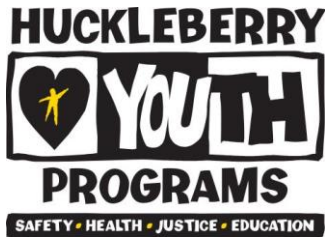
Thank you for your time and consideration.

Sincerely,
Meredith Desautels

Meredith Desautels
Directing Attorney | Youth Law Center
832 Folsom Street, Suite 700
San Francisco, CA 94107
(415) 543 - 3379, ext. 3921
mdesautels@ylc.org
pronouns: she/her/hers

www.ylc.org

Confidentiality Notice: This email, including any attachments, is intended only for the person or entity to which it is addressed, and may contain information that is privileged, confidential, or otherwise protected from disclosure. Any usage, dissemination, distribution, or copying of this email or the information herein by anyone other than the intended recipient(s) is strictly prohibited. If you have received this email in error, please notify the sender by reply email and destroy the original message and all copies immediately.



October 9, 2024

San Francisco Police Commission, *via email:* sfpd.commission@sfgov.org
SFPD Chief William Scott, *via email:* SFPDchief@sfgov.org

Dear President Elias, Honorable Commissioners, and Chief Scott,

We write on behalf of a coalition of community organizations to provide comments on the proposed revisions to Department General Order 7.01, "Policies and Procedures for Youth Non-Psychological Detention, Arrest, and Custody." Please be advised that several of the undersigned organizations participated in every working group meeting for this DGO, including the Public Defender's Office, the Bar Association of San Francisco, Huckleberry and SFCARC.

We believe that revisions to DGO 7.01 are long overdue and commend the San Francisco Police Department on its efforts to update this policy. However, further revisions are needed, as portions of the current proposed version are out of compliance with the law and out of step with best practices in the field.

In summary, we offer five recommendations, with further details provided below. To assist the Commission, we've also created redline edits corresponding to our recommendations, included as Attachment A. Our recommendations are as follows:

- 1. Regarding use of handcuffing during transportation, amend the policy to recognize the harms that can be caused by the decision to handcuff a youth.**
(Note: This was agreed-upon language of the working group as a best practice,

but it is missing from the current version. This same recommendation was sent to the Commission through the comment portal on 12-12-23.)

- 2. Regarding use of handcuffing in the field, add a policy that youth must not be attached to a fixed object absent exigent circumstances. (Note: This was agreed-upon language of the working group as a best practice, but it is missing from the current version. This same recommendation was sent to the Commission through the comment portal on 12-12-23.)**
- 3. Regarding procedures for criminal offenses for youth 12 years or older, amend the policy to include a statement preferring the least restrictive response, as required under Welf. & Inst. Code section 626.**
- 4. Create a new section to address safety concerns for youth who the officer has decided not to arrest or divert.**
- 5. Correct conflicts with existing state law and regulation.**

Recommendation #1:

- Amend the policy to recognize the harms that can be caused by handcuffing a youth.

As part of the purpose statement for the DGO, we recommend that there be an explicit acknowledgement of the adverse psychological and physical effects of handcuffing.

As noted above, this statement was part of the draft version that was posted for public comment in 2023, but it has been removed from the current version. We urge you to re-insert this statement. Research has shown that handcuffing can have significant negative consequences for young people.¹ It is critically important to recognize the harms of handcuffing as part of the context for members when they are making the decision whether to use handcuffs on a young person.

Recommendation #2:

- Add a policy to limit handcuffing to fixed objects in the field only to exigent circumstances.

During the workgroup, it was agreed that youth should not be handcuffed to fixed objects in the field unless there are exigent circumstances. This policy is consistent with best practices for officer interactions with youth.²

¹ See Victor J. St. John et al., Reducing Adverse Police Contact Would Heal Wounds for Children and Their Communities 4 (2022); Kristin Henning, The Rage of Innocence: How America Criminalizes Black Youth, 216 (2021).

² Strategies for Youth, Model Law Enforcement Policies for Youth Interactions, Policy 3: Arrest, Transport, Booking and Temporary Custody, p. 6 (Nov. 2023), <https://strategiesforyouth.org/Model-Policy3.pdf>; Strategies for Youth,

Recommendation #3:

- Amend the procedures for criminal offenses to include a statement preferring the least restrictive response, in accordance with Welf. & Inst. Code section 626.

The DGO's procedures for criminal offenses for youth 12 years or older have improved, but the DGO must go further to guide members in pursuing alternatives that are less restrictive than arrest and incarceration. Specifically, the DGO should incorporate the state law requirement that when an officer is choosing among the responses available, they shall prefer the least restrictive alternative that is compatible with the best interests of the youth and the community (Welf. & Inst. Code § 626).

We recommend that the legal requirement to prefer less restrictive alternatives be added at the start of the "Procedures for Criminal Offenses for Youth 12 Years or Older," as a way of setting the foundation for how a member should be guided in deciding among their available options for response. We also recommend that the subsequent numbered paragraphs of this section be reordered so that the least restrictive responses (release and admonishment) are listed first, followed by diversion, citation, and lastly, delivery to the custody of JPD. Such re-ordering would appropriately reflect the same set of staged responses set out in Welfare and Institutions Code section 626.

This recommendation is based on ample evidence that non-punitive responses and responses that minimize system involvement lead to the best outcomes for youth, communities, and public safety.³

Recommendation #4:

- Create a new section to address safety concerns for youth who the officer has decided not to arrest or divert.

We recommend adding a new section to the DGO for situations in which the officer has decided not to arrest or divert a youth, yet the officer continues to have safety concerns. The new proposed section, as well as the recommended deletions in the section titled "Special Procedures for W&I 300 Youth," are based on input from the Human Services Agency's Steering Committee on Commercially Sexually Exploited Children (CSEC), of which SFPD is a member.

"How to...Handcuff Youth," (2019), https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/07/How-To_Handcuff-Youth-063019.pdf

³ See Annie E. Casey Foundation, *Transforming Juvenile Probation: A Vision for Getting It Right*, p. 8-9 (2018); Logan Seacrest, *Data-Driven Deflection: A Systems Approach to Reducing Juvenile Arrests*, R Street (June 2023); The Sentencing Project, *Protect and Redirect: America's Growing Movement to Divert Youth Out of the Justice System*, p. 5 (2024); Council of State Governments Justice Center, *Core principles for reducing recidivism and improving other outcomes for youth in the juvenile justice system*, p. 9-10 (2014).

These revisions align the DGO with City protocols created over the past few years to improve system-wide service collaboration for foster children and children that are at risk of exploitation. These protocols were created to re-engage our most vulnerable young people to systems of support, and it is critical that the DGO come into alignment with this city-wide effort. In addition, this new section will enhance collaboration among stakeholders, so that officers in the field get the support and information they need to ensure the safety of youth.

Recommendation #5:

- Correct conflicts with state law and regulation.

In several places, revisions to the proposed DGO 7.01 are necessary to bring it into compliance with state law and regulation. Attachment A includes redline edits to correct legal inconsistencies, along with the legal citation for the law or regulation requiring the change.

We would like to draw your attention to two areas that are particularly in need of correction. First, the policies related to detention of youth at a police facility are unlawful. Specifically, the policies on “Temporary Custody at a Police Facility” and “Special Procedures for W&I 601 Youth” require substantial edits to come into compliance with current statutory and regulatory requirements. The policies set forth in the current draft violate Welfare and Institutions Code sections 207, 207.1, and 208, as well as California Code of Regulations, Title 15, sections 1143-1150. We urge you to correct these deficiencies promptly, as these policies are critically important to the safety of youth.⁴

Second, the policy regarding probable cause statements must include the timing requirement set forth in state law. Under the section titled “Juvenile Justice Center Admissions and Report Requirements,” the current draft properly includes the legal requirement that members must provide a probable cause statement for youth who are delivered to the JJC. However, the policy fails to include the requirement under state law that the probable cause statement be provided to JPD **at the time of delivering the youth to JJC** (Welf. & Inst. Code § 626(d)). This timing requirement is essential to protecting the constitutional rights of youth against unconstitutional seizures. It is a statutory obligation and must be included in SFPD’s policy.

Conclusion:

We share the Department’s goal of safety for all community members, and especially for our young people. We believe that our recommendations above are essential to advancing that

⁴ We also want to draw your attention to the fact that SFPD’s policies and practices with respect to detention of youth at police stations are subject to inspection by the Board of State and Community Corrections (BSCC) (Welf. & Inst. Code §§ 210.2, 209(b)). If DGO 7.01 remains out of compliance with state law and regulation, we will be obligated to bring these problems to the attention of the BSCC, which has the power to deem any of SFPD’s law enforcement facilities unsuitable for the confinement of juveniles. (*Id.*)

goal, and we hope that the Commission will incorporate our proposed revisions for DGO 7.01. We would also welcome the opportunity to meet with you to discuss these recommendations.

Thank you for your time and consideration.

Sincerely,

Julie Traun
Director, Court Appointment Programs
Lawyer Referral and Information Service
jtraun@sfbar.org
Bar Association of San Francisco

Grecia Reséndez, Policy Analyst
grecia@cici.org
Brian Goldstein, Director of Policy and Development
brian@cici.org
Center on Juvenile and Criminal Justice (CJCJ)

Kyle Magallanes Castillo
Co-Executive Director
kmagcastillo@communityworkswest.org
Community Works

Kisai Henriquez, Director of Youth Justice
Khenriquez@huckleberryyouth.org
Denise Coleman
dcoleman@huckleberryyouth.org
Community Diversion & Restorative Justice Programs
Huckleberry Youth Programs & SFCARC

Gloria Romero
Executive Director
gloria.romero@ifrsf.org
Instituto Familiar de la Raza

Jennifer Daly
Senior Staff Attorney/Dependency Project Director
jen@lsc-sf.org
Legal Services for Children

Indiana Barrenechea
RTP Director
indiana.barrenechea@ifrsf.org
Roadmap To Peace Initiative

Patti Lee
Assistant Chief Attorney, Defend
patricia.lee@sfgov.org
San Francisco Public Defender's Office

Analisa Zamora
Policy Director
analisa@youngwomenfree.org
Young Women's Freedom Center

Meredith Desautels
Directing Attorney
mdesautels@ylc.org
Youth Law Center

CC: Paul Henderson, Executive Director, Department of Police Accountability,
paul.henderson@sfgov.org

Policies and Procedures for Youth Non-Psychological Detention, Arrest, and Custody

7.01.01 PURPOSE

The purpose of this order is to set policy and procedures regarding detention, arrest, and booking of youth that occur in the City and County of San Francisco. The Department's goal is to carefully consider the following:

- Youth, particularly those who have experienced trauma, special needs, or developmental challenges, may have a challenging time exercising self-control, have heightened anxiety, and are less likely to trust unfamiliar adults including law enforcement.
- That misperceptions about youth of color (including perceiving them as older than they are) by media, law enforcement and the general public have historically led to disparate outcomes.
- Encounters with law enforcement, particularly when handcuffs are used, can cause adverse psychological and physical consequences for youth. Members should strive to take the alternative that is least restrictive to a youth's freedom of movement, provided that alternative is compatible with the best interest of the youth and the community.
- That it is necessary to uphold the youth's rights guaranteed by the state and federal Constitutions, state law, and local ordinances.

Commented [Comm1]: Recommendation #1: This statement reflects the discussion of the working group and should be added to give context to the choice among less restrictive alternatives.

7.01.02 POLICY

All sworn members ("members") of the San Francisco Police Department shall comply with this order. Since the Airport Bureau utilizes San Mateo County Juvenile Facilities and works with San Mateo County Sheriff's Office to investigate criminal cases, Airport Bureau members shall comply with exceptions to this order as defined in the current Airport Bureau General Order pertaining to youth.

7.01.03 DEFINITIONS

A. Child - A person 11 years of age or younger.

B. Responsible Adult (SF Admin. Code § 96C)

1. The youth's parent or guardian;
2. A person 18 years old or over who is related to the youth by blood or adoption including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of these persons even if

the marriage was terminated by dissolution or death;

3. A person 18 years of age or over who has a mentoring or an established familial relationship with the youth or a relative of the youth;
 4. The youth's teacher, medical professional, clergy, neighbor, social worker, or mental health clinician; or
 5. An employee of a non-profit or community organization whose primary focus is assisting youth.
- C. Juvenile Number ("J number")** - A unique identifying number, specific to an incident, created in order to report mandatory data to the California Department of Justice.
- D. Temporary Custody** - When a youth is in the care and custody of the Police Department, and members are responsible for their safety and well-being. Youth defined by W&I Code sections 300, 601, and 602 may be under Police Department's temporary custody.
- E. Unnecessary Conversation** - Communications with the detained youth that are not designed to address the youth's physical needs or to give the youth directions relating to operation of the facility where the youth is detained. (SF Admin. Code § 96C.2)
- F. Youth** - A person 17 years of age or younger.
- G. Youth Facilities** - City & County youth facilities and authorized referral centers including, but not limited to: [San Francisco](#) Community Assessment and [ResourceReferral](#) Center ([SFCARC](#)), Juvenile Justice Center (JJC), and Huckleberry House.

7.01.04 PROCEDURES

- A. Detention of Youth** - Except as set forth below, members shall not engage in "unnecessary conversation," questioning, or a custodial interrogation with any youth that is detained or not free to leave unless and until the youth (1) has consulted with legal counsel and (2) is informed that a Responsible Adult may be present.

When a member detains an individual and suspects they may be a youth, the member shall ask, as soon as reasonably possible, the individual their age. If a member determines that an individual is a youth, the member shall:

1. Advise the youth of their Miranda rights.
2. As soon as practical, facilitate a consultation in person, by telephone, or by video conference with the on-call juvenile attorney with the Public Defender's Office. Call (415) 583-2773. The youth must consult with an attorney before the member engages in "unnecessary conversation," questioning, or a custodial interrogation. The youth

cannot waive the phone call with the Public Defender's Office but can instead choose to call a private attorney.

- a. Members shall take reasonable steps to ensure that youth are able to talk or meet with legal counsel in private.
 - b. A youth cannot waive their Miranda rights until this conversation takes place.
3. After the youth consults with the legal counsel, members may request a Miranda waiver.
 4. After the legal consultation, members shall inform the youth that they may request a Responsible Adult be present during "unnecessary conversation," questioning, or a custodial interrogation.

The Responsible Adult cannot be a suspect or witness in the crime. The Responsible Adult may be present either in person, by telephone, or by video conference. The Responsible Adult may not willfully delay or obstruct the police investigation.

These requirements do not apply if (1) a member questions a youth after reasonably concluding that the information the member is seeking is necessary to protect life or property from an imminent threat; and (2) a member limits the questions to those reasonably necessary to obtain that information.

B. Searching Youth - All searches of youth, including pat searches, should be conducted by a member of the same gender as the youth. If the youth is transgender, gender-variant, or non-binary, the member should ask the youth their preference about the member searching them.

1. If a like gendered member or member of youth's preference is unavailable or there is an immediate need to search, any member may search a youth.
2. If a search is necessary and a like gendered member or member of youth's preference is not available, the youth may be restrained (handcuffed) until a search can be conducted by the preferred member.

Commented [Comm2]: This appears to be a typo – the word "not" is missing.

C. Handcuffing in the Field

In the field, handcuffs must not be used to attach youth to a fixed object (such as a pole, fence, radiator, banister, etc.) absent exigent circumstances, and must not be used to punish, coerce, or to intimidate.

Commented [Comm3]: Recommendation #2: This section should be added to reflect the discussions of the working group and best practices.

D. Interrogations

1. The number of members interrogating a youth shall be limited to two at any given time.
2. Interrogations shall be audio recorded unless exigent circumstances are present. If a

DGO 7.01
Rev. XX/XX/XX
Eff. XX/XX/XX

youth is suspected of committing murder as listed under 187 or 189 PC, members shall video and audio record the interrogation consistent with 859.5 PC.

3. During a custodial interrogation of a youth, members shall not employ threats, physical harm, deception, or psychologically manipulative interrogation tactics. (See W&I Code 625.7) This prohibition does not apply to interrogations of a youth if both of the following criteria are met:
 - a. a member questions a youth after reasonably concluding that the information the member is seeking is necessary to protect life or property from imminent threat and
 - b. a member limits the questions to those reasonably necessary to obtain that information.

D.E. **Notification of Responsible Adult** - When a youth has been detained, arrested, brought into a police or juvenile facility, or has been transported by a member, that member or their designee shall take immediate steps to notify the youth's Responsible Adult as soon as reasonably possible.

1. **Notification** - Member should notify the Responsible Adult by telephone or in person.
 - a. When a Responsible Adult is contacted, the member shall inform the Responsible Adult where the Youth is and the violation or the reason for the police contact. The Responsible Adult and Youth shall be allowed to speak with one another, privately, if either party so desires.
 - b. Should an initial attempt to contact a Responsible Adult fail, renewed attempts shall be made by phone every thirty minutes until the processing and investigation has been completed. The time of all calls shall be entered on the Non-Secured or Secured Detention Logs.
 - c. If a Responsible Adult has not been contacted at the conclusion of the investigation and processing, the assigned member shall be responsible for arranging for either electronic communication or the leaving of a note. This notification should provide information about the Youth's present whereabouts, and the name and phone number to contact a member or the phone number of the district station.
2. **Out of Town** - If the Youth resides outside of the City, members shall make a telephone call to a Responsible Adult. If notification cannot be made by telephone, members shall arrange for notification through the local law enforcement agency.
3. **Youth Victims** - When a member takes a report from a Youth who is a victim of a crime, the member shall notify the Responsible Adult as soon as reasonable. This notification is not to be made if the suspect is the Responsible Adult. If the report is being taken at a school, the member may request school personnel make the notification.
4. **Documenting Notification** - Members shall include in their incident report how notification was made or what actions the member took in attempting to notify a

Responsible Adult.

E.F. Transporting Youth - Members may only transport a Youth for a lawful police purpose.

1. **With Adults** - Members shall not knowingly transport Youth with adult arrestees.
2. **Female Youth** - Female Youth shall, when possible, be transported by female members. If a female member is unavailable, (2) two male members shall transport female youth with a supervisor's approval.
3. **Transgender, Gender-Variant, Nonbinary Youth** – Members shall follow DGO 5.22.
4. **Documenting the Transportation of Youth** - Prior to the transport of any youth, members shall broadcast to Department of Emergency Management (DEM) their destination and the police vehicle's starting mileage. Upon arrival, member shall inform DEM of their ending mileage. In both instances, dispatch broadcast and record in CAD a starting time and ending time for the transport.

If a member's Body Worn Camera (“BWC”) is on, continuous recording by BWC will satisfy the required notification to DEM and documentation.

F.G. Handcuffing Youth During Transportation to Non-Custodial Location - When transporting Youth to any non-custodial location (e.g. SFCARC, Huckleberry House, Family Children Services (FCS), etc.), members have the discretion not to handcuff. When determining the appropriateness of applying handcuffs or other physical restraints, members shall consider:

1. The totality of the circumstances known at the time of transport, including, but not limited to, the nature of the incident, the youth’s age, physical size, actions, and conduct; and
2. Whether such restraints are necessary to provide for the safety of the youth, the officer, or others.

G.H. Temporary Custody at a Police Facility - After a member has made reasonable efforts from the field or from an appropriate youth facility to investigate, arrange release, or transfer, a member may bring a youth who is taken into temporary custody on the basis of being a person described under W&I 602 to a police facility containing an adult lockup. Members shall follow these procedures:

Youth may be held in temporary custody in such a facility solely for the purposes of: 1) investigating the case, 2) facilitating the release of the minor to a parent or guardian, or 3) arranging for the transfer of the minor to an appropriate juvenile facility.

Members shall additionally follow these procedures:

Commented [Comm4]: Edits required to comply with state law - WIC 207.1(b)(1)(A) and (b)(2).

Commented [Comm5]: Edits required to comply with state law - WIC 207.1(b)(1)(A) and (b)(2).

DGO 7.01
Rev. XX/XX/XX
Eff. XX/XX/XX

1. **Non-Secure** - Youth, age 13 and under, ~~detained for any who are taken into temporary custody on the basis of being a person described under W&I 602 offense~~ shall be held in non-secure custody. Youth, age 14 and over, ~~who are taken into temporary custody on the basis of being a person described under W&I 602 and~~ who do not reasonably present a serious security risk of harm to themselves or others, shall be held in non-secure custody. When holding a youth in non-secure custody, members shall:

Commented [Comm6]: Edits required to comply with state law - WIC 207.1(b)(2).

a. ~~Not hold a youth in a locked room or securely detain them in any way, including by use of handcuffs.~~

b. ~~Not handcuff youth to any rail or stationary object.~~

eb. Ensure that youth do not have any contact with any adults or youth in secure detention.

ec. Maintain constant direct visual supervision of the youth at all times to ensure their safety.

Members shall not use audio, video, or other electronic equipment as a substitute for constant ~~personal~~ direct visual observation.

d. ~~Exercise one of the dispositional options authorized by W&I sections 626 and 626.5 without unnecessary delay.~~

e. Not hold youth at a district station for more than (6) six hours.

f. Document entry and release times.

Commented [Comm7]: Edits required under state regulation - Any restraint is considered secure detention under Title 15 and not allowable pursuant to "nonsecure" detention. See Title 15, section 1146.

Commented [Comm8]: Edits required under state regulation - Title 15, section 1150.

Commented [Comm9]: Edits required under state law - WIC 207.1(b)(2).

Commented [Comm10]: Edits required under state regulation - Title 15, section 1150.

2. **Secure** - Youth, age 14 and over, who ~~are taken into temporary custody on the basis of being a person described under W&I 602 and who~~ members reasonably believe present a serious security risk of harm to self or others, may be held in secure custody.

Commented [Comm11]: Edits required under state law - WIC 207.1(b)(1)

Members shall take reasonable steps and consider the following factors before placing a youth in secure custody:

a. The youth's physical and emotional age, maturity, and history of delinquency and criminal contacts, if known;

b. The youth's developmental and intellectual maturity, if known;

c. The seriousness of the offense;

d. minor's behavior, including the degree to which the minor appears to be cooperative or non-cooperative;

de. Availability of staff to adequately supervise and protect a youth; and

ef. The age, type, and number of other subjects being held at the facility.

Commented [Comm12]: Edits required under state regulation - See Title 15, section 1145.

When holding a youth, ~~age 14 and over, who is taken into temporary custody on the basis of being a person described under W&I 602~~ in secure custody, members:

Commented [Comm13]: Edits required under state law - WIC 207.1(b)(1)

a. ~~Shall not hold the youth in secure custody for more than six hours, except upon grant of an extension by the Bard of State and Community Corrections due to inclement weather, acts of God, or natural disasters that result in the temporary unavailability of transportation, as provided in W&I 207.1((b)(1)(B) and (d)).~~

ab. Shall inform the youth at the time that they are securely detained of the purpose for their secure custody, the expected custody time, ~~and~~ of the 6-hour maximum, ~~and~~,

Commented [Comm14]: Edits required under state law - WIC 207.1(b)(1)(B) and (d).

DGO 7.01
Rev. XX/XX/XX
Eff. XX/XX/XX

- ~~in the event that a time extension is granted by the Board of State and Community Corrections, the length of time the extension is expected to last.~~
- b.c. May handcuff the youth to a stationary object for a maximum of (30) thirty minutes ~~as necessary to prevent escape and protect the minor and others from harm.~~ After (30) thirty minutes, members shall either remove the youth from secure custody or obtain approval from a supervisor to extend the secure custody. Each 30-minute extension shall be approved and recorded by a supervisor on the Detention Log, ~~and shall be based upon the best interests of the youth. A staff person from the facility shall provide constant direct visual observation to assure the minor's safety while secured to a stationary object. Members shall not use audio or video equipment as a substitute for constant personal observation.~~
- e. Shall ~~maintain constant direct visual~~ provide adequate supervision of ~~the any~~ youth held in secure custody inside a locked enclosure, which, ~~at all times whenever there is an adult prisoner present in the same room or area as a minimum, includes:~~ 1) constant auditory access to staff by the youth; ~~and prevent any communication between adult prisoners and youth and to ensure the~~ 2) safety checks of the youth. ~~Members by staff of the facility, at least once every 30 minutes, which shall be documented. Youth of different genders shall not use video equipment as a substitute for~~ be placed in the same locked room unless under constant
- d. ~~personal direct visual observation by staff of the facility.~~
- e. Shall not permit youth to come into or remain in contact with confined adults. ~~In situations where brief or accidental contact may occur, such as booking or facility movement, facility staff (trained in the supervision of incarcerated people) shall maintain a constant, side-by-side presence with the youth or the adult to prevent sustained contact.~~
- f. Shall maintain a log or other written record showing the offense that is the basis for the secure detention of the minor in the facility, the reasons and circumstances forming the basis for the decision to place the minor in secure detention, and the length of time the minor was securely detained.
3. **Detention Logs** - Members shall ensure proper documentation in the Secure and Non-Secure Detention Logs. Prior to the end of each watch, the platoon commander shall ensure that the Secure or Non-Secure Detention of Juvenile Log Forms (SFPD 473/472) have been properly completed.
4. **Telephone Calls** - Immediately after taking the youth to a place of confinement and except where physically impossible, no later than (1) one hour after the youth has been taken into custody, members shall allow the youth to make at least (2) two telephone calls: one completed call to a Responsible Adult and another completed call to an attorney.
5. **Access to Basic Amenities** - In secure and non-secure custody, members shall ensure that the following amenities are made available to youth:
- a. ~~Reasonable~~ Access to toilets and washing facilities;
- b. ~~A~~One snack if the youth has not eaten within the 4 hours or is otherwise in need of appropriate nourishment;

Commented [Comm15]: Edits required under state law - WIC 207.1(b)(1)(C).

Commented [Comm16]: Edits required under state regulation - Title 15, section 1146

Commented [Comm17]: Edits required under state regulation - Title 15, section 1148.

Commented [Comm18]: Edits required under state regulation - Title 15, section 1006 (Definitions).

Commented [Comm19]: Edits required under state regulation - Title 15, section 1147.

Commented [Comm20]: Edits required under state law - WIC 208.

Commented [Comm21]: Edits required under state law - WIC 207.1(b)(1)(F)

- c. ~~Reasonable~~ Access to drinking water;
- d. Access to language services;
- e. Access to disabilities services;
- e.f. Sanitary napkins, panty liners, and tampons as requested;
- e.g. Privacy during visits with a Responsible Adult and/or lawyer;
- h. Blankets and clothing, as necessary, to assure the comfort of the youth; and
- i. Personal clothing unless the clothing is inadequate, presents a health or safety problem or is required to be utilized as evidence of an offense.

Upon entry, the minor shall be informed in writing of what is available under this section, and it shall be posted in at least one conspicuous place to which minors have access

Commented [Comm22]: Edits required under state regulation - Title 15, section 1143.

6. **Well-Being** - Members are responsible for the security, safety, and physical well-being of youth in their care and custody.
- a. Behavioral or Mental Health Crisis - If members reasonably believe that youth might be experiencing a behavioral or mental health crisis, members shall adhere to DGO 7.02 *Psychological Evaluation of Juveniles*.
 - b. Medical Assistance - Members shall ensure that youth who are obviously ill, injured, or under the influence of alcohol or drugs, are examined at the San Francisco General Hospital prior to being booked at JJC or transferred to a youth facility.
 - i. If the youth must remain in the hospital and booking is required, members shall complete an admission form and deliver it to JJC. Members shall request that a JJC counselor be dispatched to the hospital for the purpose of taking custody of the youth.
 - ii. Members shall remain with the youth until medically cleared or relieved by the counselor from JJC. If released by medical staff while still in police custody, members shall transport the youth to JJC. If the youth is violent, members may request the patrol wagon from dispatch.

H.I. Procedures for Criminal Offenses for Youth 12 Years or Older (W&I 602)

After taking temporary custody, in determining which course of action to take with respect to the youth, the member shall prefer the alternative which least restricts the youth's freedom of movement, provided that alternative is compatible with the best interests of the youth and the community.

Commented [Comm23]: Recommendation #3: This requirement is set forth in state law - WIC 626.

1. **Release:** A member may release a youth pursuant to Welfare and Institutions Code section 626(a).
2. **Admonishment:** If circumstances do not warrant diverting, citing, or booking a youth, members may in their discretion, admonish a youth on misdemeanor and infraction cases with the approval of a supervisor. Members are not required to call SFCARC. Members shall follow the procedures in 7.01.04.A Detention of Youth and contact the Public Defender's Office prior to an admonishment.

DGO 7.01
Rev. XX/XX/XX
Eff. XX/XX/XX

Members shall release the youth consistent with 7.01.04.N, Releasing Youth and document the incident in a police report. (See DGO 5.03 Investigative Detentions)

3. **Diversion:** Community-based diversion programs exist in San Francisco to divert youth away from the juvenile justice system, increase intervention services, and aim to reduce recidivism. These diversion programs may operate in a pre-arrest or post-arrest format. At the direction of SFCARC/JPD, members may receive specific instructions regarding the diversion process.

Commented [Comm24]: Recommendation # 3: These sections should be re-ordered to align with the preference set out in state law: 1. Release, 2. Divert, 3. Cite 4. Transport to JPD custody. (WIC 626.)

4.4. ——— If a youth (12 years of age and older) has been arrested for a criminal offense, except for minor traffic infractions or admonishments, members shall call the juvenile arrest line: (415) 437-2500. Members should provide SFCARC with preliminary information about the youth and the incident. SFCARC will then transfer members to the Juvenile Probation Department (JPD) who will provide information and instructions, including whether to transport the youth to SFCARC or another youth facility for processing, book the youth at JJC, issue a citation, or divert the youth (see 7.01.04.H.2). Outside of business hours, members will be connected directly to JPD.

Members are reminded that misdemeanor offenses committed by a youth do not require a citizen's arrest nor need to have occurred in a member's presence.

~~2. **Diversion:** Community-based diversion programs exist in San Francisco to divert youth away from the juvenile justice system, increase intervention services, and aim to reduce recidivism. These diversion programs may operate in a pre-arrest or post-arrest format. At the direction of CARC/JPD, members may receive specific instructions regarding the diversion process.~~

~~3. **Admonishment:** If circumstances do not warrant diverting, citing, or booking a youth, members may in their discretion, admonish a youth on misdemeanor and infraction cases with the approval of a supervisor. Members are not required to call CARC. Members shall follow the procedures in 7.01.04.A Detention of Youth and contact the Public Defender's Office prior to an admonishment. Members shall release the youth consistent with 7.01.04.N, Releasing Youth and document the incident in a police report. (See DGO 5.03 Investigative Detentions)~~

4.5. Members should, if feasible, call the Family and Children Services (FCS) / Child Protective Services (CPS) Hotline prior to consulting with SFCARC or the JPD to inquire whether the youth is an active Dependent, has an FCS social worker, or is in an FCS placement as this information will assist SFCARC and JPD.

5.6. If a member is transporting a youth to SFCARC, members shall provide SFCARC with a referral form and complete Section (A) the Juvenile Detention Disposition Report Form (#JUS 8716).

6.7. If SFCARC is closed and after speaking with the on-duty Juvenile Probation Officer

it is determined that the youth will not be booked, members shall issue a citation with the notice to appear date and time provided by the on-duty Juvenile Probation Officer.

J. Special Procedures for A CHILD 11 and Under

1. If a child is arrested for any of the following offenses pursuant to 602(b) W&I, members shall contact JPD as soon as reasonably possible to arrange for transfer of the child into JPD custody:
 - a. Homicide;
 - b. Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury;
 - c. Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury;
 - d. Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful injury; or
 - e. Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
2. For any other criminal offense, members shall document the incident involving a child in an incident report. The report shall be forwarded to Family & Children Services (FCS/CPS) at FCSHotline@sfgov.org once it is completed. Members shall release the youth consistent with 7.01.04. N.

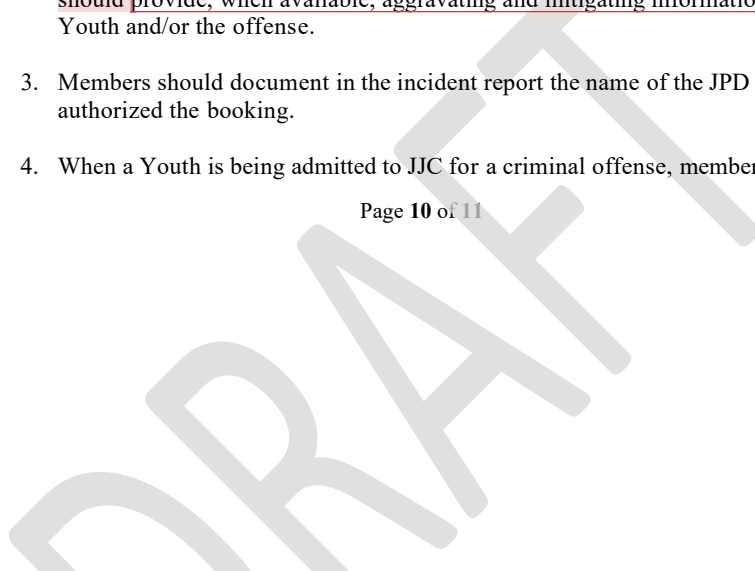
K. Juvenile Numbers - Members shall obtain a juvenile number (“J number”) from the Police Department’s ID Bureau when youth is cited or arrested under 602 W&I, or transported under 601 W&IA.

L. Juvenile Justice Center Admissions and Report Requirements

1. When members are directed by SFCARC or JPD, to **book/deliver** a youth **to the custody of JPD** at JJC, members shall, during the booking process, complete Section (A) of the Juvenile Disposition Report Form (#JUS 8716) and submit the form to the on-duty probation officer.
2. **At the time of delivering the youth to JJC,** members shall complete an Admission Form, San Francisco Juvenile Court (form #1202-03). In addition to providing a probable cause statement **upon delivery of the youth to JPD,** members should provide, when available, aggravating and mitigating information about the Youth and/or the offense.
3. Members should document in the incident report the name of the JPD official who authorized the booking.
4. When a Youth is being admitted to JJC for a criminal offense, members shall provide

Commented [Comm25]: Edits required under state law - WIC 628.

Commented [Comm26]: Edits required under state law - WIC 626(d).



the incident report to JJC upon completion. Members may either fax or email the report. Members shall not include CLETS attachments in a fax or email. Members shall confirm receipt of the report.

L.M. Changes of Custody

1. If a subject booked at County Jail is found to be a youth, the station that originally booked the subject shall process and transport the youth to SFCARC, JJC, or the appropriate youth facility within the City. Members shall contact SFCARC who in consultation with JPD will provide information and instructions on where to transport the youth or whether to issue a citation.

If the arresting members are unable to return and transport their arrestee, they shall immediately notify their supervisor, who will be responsible for ensuring a unit from their station responds to County Jail and provides transportation to the appropriate youth facility.

Southern Station personnel remain responsible for transporting a youth from County Jail to the appropriate youth facility for those youth who were booked by an investigative unit and were later discovered to be a youth.

In all cases, the transfer of custody from County Jail to the youth facility shall be documented in a statement or a supplemental incident report.

2. If a subject is taken into custody for an adult warrant and prior to booking it is discovered that the subject is a youth or is under the jurisdiction of the juvenile court, members shall process the subject as a youth and book the youth at JJC. Members shall notify County Jail and request that a booking form be completed with a notation that the subject is youth and is being held at JJC. Members shall contact the on-duty Juvenile Probation Officer prior to booking the youth.

Commented [Comm27]: Edit required under state law - See WIC sections 208.5, 208.55.

M.N. Adults Arrested on Juvenile Warrants

1. If an individual over the age of 18 years of age and under 25 years of age, is arrested solely for a juvenile warrant, members shall book/deliver the individual at JJC. Members shall notify the on-duty Juvenile Probation Officer prior to booking.
2. If the individual has a juvenile warrant and additional adult charges and/or an adult warrant, members shall notify JJC, book/deliver the individual at County Jail/JJC, and place a hold on the individual for Juvenile Court.

Commented [Comm28]: Edit required under state law - WIC 626(d), 628, 208.5.

Commented [Comm29]: WIC section 208.5 supports detention of a youth who is under juvenile court jurisdiction in JJC. WIC section 208.55 requires sight and sound separation between adults and youth who are under the jurisdiction of the juvenile court. Young people under the jurisdiction of the juvenile court must not be brought to County Jail unless there is sight and sound separation from all adults.

N.O. Releasing a Youth

1. Members shall consider factors such as time of day, location of release, and the age and known vulnerability of the youth in determining the best circumstances for releasing that youth.

DGO 7.01
Rev. XX/XX/XX
Eff. XX/XX/XX

- a. When releasing a youth to a Responsible Adult, members shall conduct a preliminary criminal background check (California Criminal History (CII)) and contact FCS/CPS to determine if the person willing to take responsibility for the children has a history of child abuse. Any history of sexual crimes, 290 PC registration status, or violence against children makes the Responsible Adult ineligible to assume responsibility for the youth. This does not apply to the parent/guardian unless there is a court order limiting contact with the youth.
2. Members shall document the name, contact information, and relationship to the youth, for any Responsible Adult that a youth was released to or if the youth was released to themselves in an incident report. If a youth is released to their own custody, they must be furnished, upon request, with transportation to their home or to the place where they were taken into custody.

Commented [Comm30]: Edit required under state law - WIC 207.2

O.P. Special Procedures for W&I 601 Youth

1. Follow procedure in 7.01.04.A – Detention of Youth.
 2. For a W&I 601 violations (e.g., runaway, beyond parental control), a member should call SFCARC, Huckleberry House, or any agency contracted or authorized by the City to receive 601 Youth to discuss the circumstances of the incident and connect the youth to appropriate resources. Members may deliver or refer the youth to an appropriate agency for shelter care, counseling, or diversion services.
 3. ~~After a member has made reasonable efforts from the field or from an appropriate youth facility to investigate, arrange release, or transfer the youth, a member may, if necessary, bring a youth to a police facility containing an adult lockup.~~
 4. ~~If a W&I 601 youth has been brought to a police facility, members shall hold the youth in non-secure detention and follow all appropriate procedures including detention logs, telephone calls, access to basic amenities, and well-being checks. No youth shall be detained at a district station for more than (6) six hours.~~
- ~~5.3.~~ Members shall obtain a J-Number from the Police Department’s ID Bureau if a youth is transported for a 601 offense.

Commented [Comm31]: In accordance with state law - WIC 626.

Commented [Comm32]: These sections must be deleted because this is prohibited by WIC 207.

P.Q. Special Procedures ~~for~~ when Arresting or Diverting a W&I 300 Youth to SFCARC

1. Follow procedures ~~in~~ 7.01.04.A ~~– Detention of Youth.~~
2. ~~A member may, with or without a warrant, take a youth into emergency temporary custody if any of the following conditions are met:~~
 - a. ~~The youth is in immediate need of medical care;~~
 - b. ~~The youth is in immediate danger of physical or sexual abuse;~~
 - c. ~~The youth's physical environment poses an immediate threat to the youth's health or safety;~~

DGO 7.01
Rev. XX/XX/XX
Eff. XX/XX/XX

- ~~d. A youth left unattended poses an immediate threat to the youth's health or safety (Prior to taking a Youth into temporary custody for this, members shall first attempt to contact the parent or legal guardian of the Youth);~~
- ~~e. The Youth is a dependent of the juvenile court and the member has reason to believe the Youth has violated an order of the court or has left any placement ordered by the juvenile court.~~

Commented [Comm33]: Recommendation #4: These provisions should be deleted, as they do not apply to youth who are currently in the dependency system (i.e. WIC 300 youth). Rather, they apply when there is reasonable cause for believing that a youth is a person described in WIC 300 (see WIC 305), and therefore they do not belong in this section. Instead, this issue is addressed in the new section below.

~~3.2.3 When taking a youth into temporary custody, member should immediately call the FCS/CPS Hotline ((415) 558-2650) to alert them of the arrest or diversion to SFCARC:~~

- ~~a. Call the FCS/CPS Hotline for medical screening and/or placement in emergency or temporary shelter. FCS may meet members in the field or direct them to an appropriate location to bring the youth. If applicable, call/notify the youth's home county as well.~~
- ~~b. If unable to reach FCS/CPS, members should call CARC or Huckleberry House to discuss the incident and appropriate connection to resources or placement options.~~
- ~~c. If bringing a youth to Huckleberry, members should be able to provide basic contact information, parental contact information if applicable, and details surrounding why the youth is being transported to Huckleberry House. Members shall notify Huckleberry House prior to bringing a youth to their location.~~
- ~~d. If a W&I 300 youth has been brought to a police facility, members shall hold the youth in non-secure detention and follow all appropriate procedures including detention logs, telephone calls, access to basic amenities, and well-being checks. No youth shall be detained at a district station more than (6) six hours.~~

Commented [Comm34]: Recommendation #4: These sections are replaced by the new section, below.

R. Procedures if Circumstances Do Not Warrant Arresting or Diverting a Youth, but Member is Concerned for the Safety of the Youth.

1. The member should notify the CPS/FCS Hotline ((415) 558-2650) immediately if in the process of temporarily detaining a youth for suspected criminal activity a member determines arrest or diversion is not appropriate, but one of the following circumstances exists:
 - a. the youth's physical environment poses an immediate threat to the youth's health or safety;
 - b. the member suspects the youth is being trafficked; or,
 - c. there is a Child Welfare (AWOL) Warrant.
2. If CPS/FCS worker confirms that youth is a dependent of the juvenile court (W&I 300), the worker will make a safety assessment and determine whether the youth should be released, whether a worker will meet the member in the field, or whether to direct the member to an appropriate location to bring the youth.
3. If the member determines the youth is not a dependent of the court, but the member has

Commented [Comm35]: Recommendation #4: Create new section establishing response when there is a safety concern for a youth who is not being arrested or diverted.

DGO 7.01
Rev. XX/XX/XX
Eff. XX/XX/XX

reasonable cause to believe the youth is a person described in W&I 300, then CPS/FCS will determine whether the situation warrants an immediate response in the field. If not, the member should follow steps in 7.01.04 N for release of the minor.