


SPECIAL DIRECTIVE 22-03

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: GEORGE GASCÓN 
District Attorney

SUBJECT: JUVENILE ALTERNATIVE CHARGING EVALUATION POLICIES
AND PROCEDURES

DATE: FEBRUARY 18, 2022

Special Directive 20-09, issued on December 7, 2020, superseded the Juvenile Delinquency Practice Manual and stated, in part, that the Office will immediately end the practice of sending youth to the adult court system. The Office is committed to its existing goals to eliminate mass incarceration and to recognize youth as differently situated from adult offenders. Accordingly, there is a presumption that the Office will not seek transfer to criminal jurisdiction. However, in exceptional circumstances, criminal jurisdiction may be appropriate for youth offenders. Prosecutorial practices in youth justice will still account for the established science demonstrating young people's unique vulnerabilities (including their impulsivity, susceptibility to peer influences, risk-taking and lesser ability to fully appreciate long-term consequences, and their lack of control over their home/family/life circumstances), their malleability and capacity for growth and maturation, and thus their diminished culpability and potential for rehabilitation.

The Juvenile Alternative Charging Evaluation Committee (JACE) will review cases presented with recommendations to proceed with a transfer hearing for matters originating in juvenile court. DDAs assigned to the Juvenile Unit may initiate a request for deviations from current youth justice policy by first referring the case to JACE through their chain of command (Deputy-in-Charge (DIC), Assistant Head Deputy (AHD) of the Juvenile Division, and the Head Deputy (HD) of the Juvenile Division) for roundtable evaluation. DDAs must submit a Transfer Motion Filing Evaluation Memorandum to their DIC to initiate the review process. Each level of review must assess the appropriateness of the request and may deny the handling DDAs request to seek a transfer. A request must be made at the earliest possible opportunity. In appropriate cases, any member of JACE may approve the filing of a transfer *motion* pending the roundtable evaluation. However, under no circumstances shall a transfer *hearing* be conducted without a full evaluation and recommendation from JACE and explicit authorization from the Chief Deputy.

In conducting its full review JACE will examine all supporting documentation, i.e. police reports, psychosocial evaluations, probation reports, etc., along with a recommendation from the assigned DDA, DIC, AHD, and HD. The youth's entire delinquency and prison records must be evaluated prior to conducting a transfer hearing. Factors to consider will include:

- 1) the rehabilitative efforts the minor has already received;
- 2) the circumstances and gravity of the offense;

- 3) an evaluation of the likelihood the Former Minor will be sent to a DJJ/SYTF facility if returned to juvenile jurisdiction; and,
- 4) an evaluation of the benefits, beyond simply longer incarceration, that exist in adult jurisdiction, i.e., availability of post-release supervision and/or mandated re-entry services.

JACE shall review the submitted information and conduct an independent evaluation with a recommendation regarding the appropriateness of proceeding with a transfer motion and conducting a transfer hearing to the Chief Deputy.

DDAs and Juvenile Division supervisors are reminded that our Office policy remains that juvenile offenders should be handled within the juvenile court system. The selective transfers of juveniles to the adult court system will only be in the most egregious cases that warrant a state prison commitment, where it is abundantly clear the minor poses a danger to the public and has serious difficulty controlling their dangerous behavior in line with the evaluation for extended Secure Youth Treatment Facility detention.

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