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January 11, 2023

TO: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Holly J. Mitchell
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FROM: Max Huntsman 
Inspector General

SUBJECT: **FIRST REPORT BACK ON THE PHASE OUT OF OLEORESIN
CAPSICUM SPRAY AT CENTRAL JUVENILE HALL (ITEM NO. 9,
AGENDA OF DECEMBER 20, 2022)**

On December 20, 2022, the Board of Supervisors passed a [motion](#) directing the Los Angeles County Probation Department (Probation Department) to create an implementation plan in collaboration with the Office of Inspector General and the Probation Oversight Commission (POC) to phase out the use of Oleoresin Capsicum (OC) spray at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive youth (GGE). The motion directs that the phase out occur within 45 days, which was clarified to mean 45 working days. The motion further directs that the Office of Inspector General and the POC oversee implementation and evaluation of the Probation Department's phase out of OC spray at Central Juvenile Hall (CJH) with specified areas to be included in the evaluation and that the Office of Inspector General report to the Board every 14 days until the completion of the goal. After meeting and collaborating with the executive staff of the Probation Department and the POC, the Office of Inspector General provides this first report.

Directive 1: Direct the Probation Department to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the

Office of Inspector General (OIG), to phase out the use of OC spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive (GGE) youth at Central Juvenile Hall.

The Office of Inspector General and the POC met with the Probation Department on December 29, 2022, and on January 5, 2023, to discuss the initial plans for compliance with the Board's motion and its implementation plan for the phase out of OC spray in the units housing youth with developmental disabilities, girls, and gender expansive youth at CJH. The Probation Department executive staff reported that it has taken steps to achieve compliance with the directives and the goal to phase out use of OC Spray. As part of its implementation plan, the Probation Department will (1) assess the staff and youth in the targeted units to determine whether the staff assigned to these units have the necessary skills to successfully implement the plan to phase out the use of OC spray and (2) assess whether the youths in these units are placed in the appropriate unit based on the criteria for the units housing the developmentally disabled, girls, and GGE youth.

During the week of January 2, 2023, the Probation Executive Leadership Team met with the Probation Department supervisors and directors to discuss the most effective way the Probation Department is able to achieve the goals of the motion. One step is to ensure that the staff in the units will assist with the implementation. The Probation Department reported that staff expressing a willingness to remain in these units will stay to assist in the implementation of the phase out plan, it will explore finding volunteers willing to be assigned to these units to assist with implementing the phase out, and it will consider moving staff who express hesitation with assisting with the phase out.

Directive 3: Direct the POC and the OIG to oversee the implementation and evaluation of the phase out of OC spray at CJH and report to the Board, in writing, every 14 days, until the completion goal of February 3, 2023.

The status and re-implementation of the Regional Center training and any additional trainings.

The Probation Department acknowledges the importance of initial and refresher training of its staff relating to working with youths with developmental disabilities. Prior to 2020, the Probation Department provided training to Detention Services staff on identifying youth with developmental disabilities and providing appropriate referrals. Probation

Department staff received this training from the Regional Center and utilized the “train-the-trainer” model to train additional staff. This training stopped due to the COVID-19 pandemic and to date has not been reinstated. The Probation Department Executive Leadership Team has actively reached out to internal staff experts who previously led the training to discuss the content, purpose, and effectiveness of the training and to discuss reinstatement of the training. Probation has identified enhancements to this training and is working with LACOE to implement more comprehensive training and tools to assist Probation staff in working closely with youth with development disabilities.

The Probation Department’s academy curriculum was revised in 2020 to align with the California state curriculum and now includes trauma-informed care and working with youth with developmental disabilities. This training is provided in the Probation Department’s recruit academy. The Probation Department did not report on whether this training is an effective tool in moving toward the goal of phasing out OC spray.

The Probation Department plans to meet in January 2023 with the Los Angeles County Office of Education (LACOE) regarding collaborative training on working with youth with developmental disabilities from an educational perspective.

How training is conducted and deployed, including the effectiveness of the “train the trainer” model.

The Probation Department’s academy training provides Juvenile Correctional Officer Core (JCOC) training to its newly hired staff in positions of Group Supervisor, Nights and Detention Services Officer at juvenile halls as required by the State of California Board of State and Community Corrections (BSCC). The JCOC consists of 22 separate modules with some modules requiring testing of either classroom comprehension or physical ability.

The Probation Department also provides continuing training to its staff working in the juvenile halls. The BSCC regulations require 24-40 hours per year of continuing education for peace officers, which applies to all sworn Probation Department staff working in the juvenile halls. The Probation Department also requires additional continuing education to comply with the requirements of the Department of Justice settlement agreement, including de-escalation training.

Since September 2021, the Probation Department has provided Cohort Training, which is a two-week, 80-hour curriculum during which Probation Department staff are trained

in groups of 25 (10 from Barry J. Nidorf Juvenile Hall (BJNJH), 10 from CJH, and 5 from Transportation). In the juvenile halls, Cohort Training is conducted by the Probation Department training staff who are certified in de-escalation by Peace Officers Standards and Training. The Probation Department reported that there have been several obstacles to providing such training. Because the course is divided into one-week sessions, many staff members have not been able to attend both sessions due to work restrictions and short-term and long-term leaves. Per the Probation Department, staffing shortages have also prevented staff from completing training because it requires that the staff absences due to training be covered by other staff members. At CJH, 88 (22%) staff members have completed both weeks of training, 83 (21%) staff members have completed no training, and 228 (57%) staff members have completed one week of training.

The Probation Department reported at a December 29, 2022 meeting with the POC and the Office of Inspector General that it is taking steps to implement changes to its internal training bureau by bringing in a director to ensure that necessary training is conducted and completed in compliance with this motion.

According to the Probation Department, the “train the trainer” model allows a staff member to gain expertise in a particular area and then share that education with their peers without the peers having to leave the job site to be educated. The Probation Department is currently not using this model for de-escalation training but is utilizing its training bureau and a selection of outside experts to provide the training at its training center. Many law enforcement agencies utilize the “train the trainer” model for training their staff. The Office of Inspector General will review the model and analyze the effectiveness of it in comparison to the Probation Department’s current use of its own training bureau and outside experts.

The effectiveness of training in teams/units versus individuals.

During the meeting between the Probation Department’s executive staff, the Office of Inspector General and the POC on January 5, 2023, the Probation Department explained that while training in teams or units is more effective because it builds rapport among staff and results in a more seamless implementation of changes, the reported staffing shortages have prevented the utilization of this training method. Probation Department field staff are needed to cover absences in the facilities when staffing shortages arise, which prevents a continuous team from being assigned to a particular unit as staffing needs for a particular unit is prioritized over continuity in assignments.

The Probation Department reported that a greater number of staff at BJNJH have attended the training as it has been left to the command staff at the halls to decide whether there is sufficient staff coverage to allow other staff to attend training.

The Probation Department has also attempted to team train with agency partners such as the Department of Mental Health (DMH) and the Los Angeles County Office of Education (LACOE) in de-escalation and other related topics. However, the Probation Department reported that this approach was not particularly successful with DMH due to the number of DMH staff telecommuting during the pandemic while the training was offered on-site at the Probation Training Center. More recently, there has been better participation from LACOE in team trainings after the creation of a training session specifically for LACOE employees in the summer of 2022 that is offered on days that LACOE teachers have early release with pupil-free time available for training. The DOJ settlement agreement requires collaborative training with LACOE and the Probation Department and LACOE must ensure that the metrics in the DOJ settlement agreement are met.

The impact of training on staff's ability to de-escalate situations.

To measure the effectiveness of Cohort Training, the Probation Department conducts course evaluations of each training module. The results of the surveys are strongly favorable, with staff indicating their appreciation and usefulness of the scenario-based components of training. However, actual impact on staff's ability to de-escalate to avoid the use of OC spray is not currently measured by the Probation Department.

The Probation Department indicates that it will attempt to review the impact of de-escalation on an individual basis with use of its Early Intervention System, which will assist in identifying staff members in need of training. This system is still in development and subject to negotiation with labor. The Probation Department must take immediate steps to expedite the implementation of the Early Intervention System or devise a way in the meantime to measure the effectiveness of training for de-escalation.

The Probation Department, the Office of Inspector General and the POC, discussed a number of methods currently available that may be helpful to determine the impact of training on the Probation Department's staff's ability to de-escalate, such as: (1) a review of video recordings to evaluate the staff's use of de-escalation techniques taught in training, (2) a review of OC spray incidents to determine if there are fewer uses of OC spray by staff who received a greater number of de-escalation training hours as

compared with staff who received fewer hours of de-escalation training, and (3) feedback from trained staff regarding the usefulness of the training and to provide examples of when they have employed the techniques learned in the training. The Office of Inspector General will obtain and review available video recordings for a review of the effectiveness of utilizing de-escalation methods, specifically with regard to the use of OC spray.

The impact trained staff have on youth when de-escalation tactics are deployed.

The Probation Department, the Office of Inspector General and the POC discussed that one possible method by which to evaluate the impact that trained staff have on youth when de-escalation tactics are properly used is a review of video recordings to gauge the response by youths to the employment of de-escalation tactics. The Probation Department also noted it plans to report to the Board, the POC and the Office of Inspector General on its efforts to build rapport with the youths and to create a supportive environment.

Interviews with youth in CJH regularly, subject to their attorney's consent, to determine accuracy of the Probation Department's reporting.

The Office of Inspector General and the POC have jointly created a protocol for interviewing youths in CJH and the Office of Inspector General is in the process of obtaining consent from counsel to conduct the interviews of the youths. Interviews will be conducted of youths in units CD (girls), XY (girls), and AB (boys, developmentally disabled) relating to incidents involving the use of OC spray to compare the youths' accounts with that reported by the Probation Department in its reports, as well as the after-effects of OC spray on them.

Directive 4: Direct the OIG to track and collect data on staff who are engaging in multiple incidents of OC spray use, and in collaboration with the POC and the Probation Department, develop, review, and update policies on discipline and training regarding OC spray use.

On January 4, 2022, the Office of Inspector General contacted the Probation Department to obtain reports on staff's use of OC spray to determine if there are patterns of overuse by certain staff. As of the date of this report, the Office of Inspector General has not received the reports regarding multiple incidents of OC spray use by individual staff members. During the January 5, 2023, meeting with the Probation

Department executive staff, the Office of Inspector General was provided the name of a staff member to assist in getting the documents and the Probation Department has assured the Office of Inspector General that efforts are being made to provide the information.

The Probation Department is currently revising its policies relating to OC spray use. The Office of Inspector has reviewed the Probation Department's policies and will make policy recommendations while continuing to monitor the Probation Department's progress on updating policies. The Office of Inspector General has previously made recommendations regarding updating the policies for documentation of OC spray decontamination.

The Probation Department is not currently tracking situations involving staff with multiple uses of OC spray but believes that its anticipated Early Intervention System will assist in identifying such staff. The Probation Department is currently tracking whether a particular use of OC spray was in policy by way of its Physical Intervention Reports, which requires notation of use of OC spray.

The Office of the Inspector General has been attending and participating in the Probation Department's Central Intake Team meetings conducted by its Internal Affairs Bureau (IAB). Included in these meetings are reviews of alleged staff misconduct involving the use of OC spray and a determination of whether an IAB investigation is warranted to address potential misconduct. The Office of Inspector General will continue to participate in the meetings.

Please feel free to contact me with any questions.

MH:sf

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