



Office of Inspector General County of Los Angeles

Fifth Report on the Probation Department's Compliance with the Department of Justice Settlement Agreement on Juvenile Halls

August 8, 2024

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SUMMARY OF DETAILED PLAN COMPLIANCE

Issue	Compliance
Use of Force Review	
All use-of-force incidents not accepted by the Probation Department's Internal Affairs Bureau (IAB) must be timely reviewed by FIRST. (Detailed Plan ¶15.)	Out of compliance. Staff timely submitted use-of-force incidents to FIRST for review in only 17% of incidents at BJNJH and in none of the incidents at LPJH.
At least 90% of the cameras in juvenile facilities must be operational, in use, and provide sufficient coverage to capture use-of-force incidents. (Detailed Plan ¶ 17.)	<p>CJH: In compliance. The Probation Department reported a total of 39 reported uses-of-force incidents at CJH. In its review of a sample of 16 use-of-force incidents, the Office of Inspector General found that all the incidents had video recordings.</p> <p>LPJH: In compliance. During the relevant period, the Probation Department reported a total of 622 use-of-force incidents at LPJH. In its review of a sample of 24 use-of-force incidents, the Office of Inspector General found that all but one of the incidents had video recordings.</p> <p>BJNJH: Out of compliance. The Probation Department reported a total of 38 use-of-force incidents at BJNJH during the relevant period. In its review of a sample of 16 incidents, the Office of Inspector General found that only 63% (10 of 16) of the incidents reviewed had video recordings attached.</p>
Properly used video recordings to determine policy violations in 90% of use of force incidents. (Detailed Plan ¶ 17.)	CJH: In compliance. The Probation Department properly reviewed 100% of the sampled incidents.

Issue	Compliance
	<p>LPJH: Out of compliance. The Probation Department properly reviewed only 83% (20 of 24) of the sampled incidents.¹</p> <p>BJNJH: Out of compliance. While the Probation Department utilized the available video properly, meaningful compliance cannot be achieved until camera coverage is sufficient to provide video recordings for significantly more of the use-of-force incidents. Only 63% (10 of 16) of the sampled of use-of-force incidents had video recordings.</p>
OC Spray	
<p>Document whether staff complies with policies and state law regarding decontamination after the use of OC spray in at least 90% of all uses of OC spray on youths in juvenile hall facilities. (Detailed Plan ¶14(a).)</p>	<p>Out of compliance. The Probation Department properly followed the decontamination policy and properly documented compliance in 57% of incidents reviewed at BJNJH and 14% at CJH.</p>
<p>At least 90% of the OC spray decontaminations reviewed comply with Probation Department policy and state law. (Detailed Plan ¶14(a).)</p>	<p>Out of compliance. The Probation Department properly followed the decontamination policy and properly documented compliance in 57% of incidents reviewed at BJNJH, 57% at LPJH, and 14% at CJH, although there were notations regarding decontamination in 86% of incidents reviewed in either the incident review or narrative of associated PIRs.²</p>
<p>Maintain an internal process to identify and provide any needed training and support to staff relating to the use of OC spray. (Detailed Plan ¶¶ 10, 11, 14(a), (b).)</p>	<p>Out of compliance. The Physical Intervention Packets (PIPs) for OC spray incidents were reviewed in only 74% of cases.</p>
<p>Maintain a process and procedure to monitor and review weekly use of OC spray and engage in continuous improvement efforts.</p>	<p>Partial compliance. While the Probation Department does maintain a process and procedure to monitor and review weekly uses of OC spray, the implementation of</p>

¹ The compliance rate for CJH and LPJH are corrected from the original report released on July 17, 2024.

² The compliance rate for LPJH was omitted from the original report released on July 17, 2024.

Issue	Compliance
(Detailed Plan ¶ 10, 11, 14(b).)	a comprehensive tracking and improvement process remains incomplete. The Department reports that its Early Intervention System (EIS), which is an internal process for identifying staff members who need training, has not been created because the resources were utilized by the Department to address the backlog of use-of-force incident reviews.
Prison Rape Elimination Act (PREA)	
Privacy Curtains: The County will use Prison Rape Elimination Act (PREA) certified auditors from the Office of Inspector General to monitor compliance on ensuring that privacy curtains are properly installed and consistently maintained in the bathrooms of all Units. (Detailed Plan ¶ 22(a).)	In compliance. Facilities continue to have several shower doors and curtains that provide adequate privacy while still maintaining safety.
Opposite Gender Announcements: The County Prison Rape Elimination Act (PREA) certified auditors from the Office of Inspector General to monitor compliance on ensuring that staff of the opposite gender announce their presence when entering a housing Unit. (Detailed Plan ¶ 22(a).)	In compliance. During unannounced visits conducted between July 1, 2023, and December 31, 2023, the Office of Inspector General found consistent compliance with opposite-gender staff announcing their entry into the living units.
Room Confinements	
The County must create an internal process approved by the Monitor to maintain and improve documentation related to and monitoring of youth who are placed in Room Confinement, including the development of individualized plans, and the provision of programming, recreation, exercise, and religious services, and verify the data, to assess implementation and develop appropriate corrective measures, as needed. (Detailed Plan ¶ 20.)	Out of compliance. The Probation Department has still not implemented an approved internal process to track room confinements, provide prompt notification of room confinements that violate policies and state law, document remedial measures, and provide the Office of Inspector General data regarding room confinement.
The Detailed Plan will include mechanisms for providing prompt notice to the Juvenile	In compliance. Based on a review of the available documents, Probation

Issue	Compliance
<p>Hall Superintendent of instances of Room Confinement that do not comply with the requirements of Welfare and Institutions Code section 208.3 and for developing and implementing subsequent remedial measures in response to such instances. (Detailed Plan ¶ 20.)</p>	<p>Department staff promptly provided notice to the superintendents at CJH, LPJH, and BJNJH of youths being confined to their rooms when not in compliance with policies and state law.</p>
<p>In 90% of Room Confinements that do not comply with the requirements of Welfare and Institutions Code section 208.3, time appropriate subsequent remedial measures must be implemented. (Detailed Plan ¶ 20.)</p>	<p>In compliance. The Office of Inspector General found that CJH, LPJH and BJNJH all promptly reported to the superintendent and remedial measures were implemented in 100% of the incidents at all facilities, satisfying the 90% metric in the Detailed Plan. However, the lack of sufficient internal processes as required by the Detailed Plan, including a computerized data base, continues to raise doubts as to whether the Department identified all instances and documented them in writing.</p>
Activities	
<p>The Detailed Plan requires that Department staff document and log any denial of required activities by providing the staff member’s reason for denial, the signature of the staff member, and the validation of the superintendent of the facility. (Detailed Plan ¶24(c)(i-iv).)</p>	<p>In compliance. The Office of Inspector General reviewed a total of 16 room confinements at CJH, 18 at LPJH, and 15 at BJNJH during the reporting period. In all facilities, staff documented findings that a youth posed a threat to the safety and security of the facility in writing in 100% of the incidents.</p>
<p>The Detailed Plan requires that the Probation Department provide required activities for at least 93% of youths at CJH, LPJH and BJNJH who have not been found to pose a threat to the safety or security of the facility. (Detailed Plan</p>	<p>LPJH: Out of compliance. In the third quarter of 2023, only 72% of eligible youths received required activities; and, in the fourth quarter, only 74% of eligible youth received required activities as documented on the Title 15 logs.³</p>

³The Probation Department provided the Office of Inspector General Title 15 logs as the source documents for programming calculations, which included schooling provided by Los Angeles County Office of Education as well as large muscle exercise, recreation, and other required programming. Effective January 1, 2019, Juvenile Title 15 Minimum Standards programs may be provided under the direction of the Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community-based

Issue	Compliance
¶ 24(c)(i-iv).	BJNJH: Out of compliance. The Office of Inspector General determined that 58% of eligible youths at BJNJH received required activities during the third quarter and 59% received activities during the fourth quarter.
The Detailed Plan requires that required activities are not denied as a form of punishment, discipline, or retaliation. (Detailed Plan ¶ 24(c)(i-iv).)	In compliance. The Office of Inspector General’s review did not find the denial of any required activities due to punishment, discipline, or retaliation by the Probation Department staff.
The Detailed Plan prohibits room confinement on the basis of a youth’s refusal to participate in required activities. (Detailed Plan ¶ 24(c)(i-iv).)	In compliance. The Office of Inspector General’s review did not find room confinement because of a youth’s refusal to participate in required activities.

organizations, faith-based organizations or Probation staff. Programs may include but are not limited to: (1) Cognitive Behavior Interventions; (2) Management of Stress and Trauma; (3) Anger Management; (4) Conflict Resolution; (5) Juvenile Justice System; (6) Trauma-related interventions; (7) Victim Awareness; (8) Self-Improvement; (9) Parenting Skills and support; (10) Tolerance and Diversity; (11) Healing Informed Approaches; (12) Interventions by Credible Messengers; (13) Gender Specific Programming; (14) Art, creative writing, or self-expression; (15) CPR and First Aid training; (16) Restorative Justice or Civic Engagement; (17) Career and leadership opportunities; and (18) Other topics suitable to the youth population. While the Detailed Plan does not include all of the programming areas covered by Title 15, it refers to Title 15 and references programs designed to meet the individual needs of youth and address several Title 15 requirements including “culturally relevant programming, healing informed approaches, restorative justice, and activities designed to reduce recidivism.” California Code of Regulations, Title 15, § 1370 addresses schooling separately and provides, “the County Board of Education shall provide for the administration and operation of juvenile court schools in conjunction with the Chief Probation Officer, or designee pursuant to applicable State laws. The school and facility administrators shall develop and implement written policy and procedures to ensure communication and coordination between educators and probation staff.” While school attendance is mandatory, the Office of Inspector General is not required to report on school attendance pursuant to the Detailed Plan.

Issue	Compliance
Grievances	
<p>The County will implement a revised grievance policy and 90% of grievances are resolved in accordance with the approved policy. (Detailed Plan ¶ 31(a).)</p>	<p>In partial compliance. The Office of Inspector General reviewed the Probation Department's Grievance Log and determined that the Department resolved 90% of grievances at CJH, LPJH and BJNJH in accordance with the Department's current policies.</p> <p>The Department indicated that it had still not procured the grievance kiosks for youths to electronically file their grievances, although it reported that it had identified a vendor that can provide appropriate kiosks with the necessary durability. The Department does not have an expected completion date and, indicated that the new kiosks will not exclude the use of hardcopy grievances.</p>

BACKGROUND

On January 21, 2021, the Los Angeles County Superior Court approved a stipulated judgment and Settlement Agreement between the County of Los Angeles and the California Department of Justice (DOJ).⁴ Pursuant to its role as court-appointed monitor on various provisions of the Settlement Agreement relating to conditions at Los Angeles County Juvenile Halls, the Office of Inspector General submits its Fifth Report on the Los Angeles County Probation Department's Compliance with the Settlement Agreement covering the period from July 1 to December 31, 2023 (Reporting Period).

During this Reporting Period, the Probation Department made significant changes in its housing of youth that affected both the activities it provided and the tracking and monitoring of activities needed to determine compliance with the Settlement Agreement. After the Board of State and Community Corrections deemed Central Juvenile Hall (CJH) and Barry J. Nidorf Juvenile Hall (BJNJH) not suitable for the confinement of minors, the Department transferred all youths housed at CJH to Los Padrinos Juvenile Hall (LPJH) on July 12 and July 13 and transferred all youth housed at BJNJH, except youth housed in the high-security Secure Youth Tracking Facility ("SYTF"), to LPJH on July 17 and July 18. The Department no longer houses youth at CJH or BJNJH, except for about 50 youth housed at SYTF at BJNJH.

This report includes data and compliance determinations for key benchmarks based on information provided by the Probation Department. However, as noted throughout this report, the Department's lack of effective systems to document and track uses of force, room confinements, grievances, and other incidents in the juvenile halls and camps raises concerns about the accuracy of the documentation provided to the Office of Inspector General. In fact, during this Reporting Period, the Probation Department provided documents with room confinement data that conflicted with data published by the Board of State and Community Corrections (BSCC) and Probation Oversight Commission (POC). Recently the BSCC [reported](#) that video evidence contradicted information on youth activity logs and that programming noted as provided was either not provided at all or was of a shorter duration than noted on the log. These inconsistencies, including the possible falsifying of records, underscore the importance of a robust tracking system.

⁴ See *People v. County of Los Angeles*, (Super. Ct. Los Angeles County, 2021, No. 21STCV01309.)

Despite the Department's lack of effective tracking systems, the Office of Inspector General conducted a manual review of logs, case files, and other documentation to assess the Department's overall compliance with the Los Angeles County Detailed Plan (Detailed Plan) for monitoring compliance with the Settlement Agreement.

TIMELY SUBMISSION TO THE FORCE INTERVENTION REVIEW TEAM

For the fifth consecutive reporting period, the Probation Department did not timely present use-of-force incidents to its Force Intervention Response Team (FIRST).

Background: The Probation Department's Use-of-Force Review Process

When any use of physical force by Probation Department staff occurs at a facility, Department policies require each staff member on duty assigned to the unit or camp to document their observations and knowledge of what occurred in a report. These reports are bundled into a Physical Intervention Packet (PIP), which must be submitted to the unit supervisor or Officer of the Day for review. After the supervisor reviews each document and interviews all the youths involved, the supervisor signs off on the PIP and submits the packet to the facility's Safe Crisis Management (SCM) team for review of the written documentation and video evidence, and to check for any possible Department policy violations. If the SCM review identifies policy violations, the facility director refers a duplicate PIP to the Department's Internal Affairs Bureau (IAB) for investigation. This initial review process must be completed within five days.

After the review by the SCM, the facility's director must conduct a final review within two days. If the director identifies no policy violations or discrepancies, the director signs and closes the PIP, and then submits it to FIRST. The Probation Department created FIRST in December 2021 to function as an independent reviewing entity to assist the juvenile facilities with assessing use-of-force incidents. Department policy requires that the facility director submit the PIP to FIRST within seven days of the incident.

When FIRST receives the PIP, it must identify possible policy violations, preventable risks, and proactive measures that will assist in ensuring the Probation Department staff follow use-of-force policies and state law.⁵ In cases in which the facility director refers a duplicate PIP to IAB, FIRST must concurrently review the incident to identify emerging

⁵ FIRST is a unit of the Probation Department's Systems Accountability Bureau comprised of seven Department staff who examine documentation and video recordings of uses of force and conduct inquiries to analyze and track the quality of preventative efforts, triggers, de-escalation, and actions taken during and after a use-of-force incident.

trends, policy gaps, programming needs, or necessary training in order for the facility's staff to engage in a discussion of potential remedial actions. FIRST then returns the PIP to the facility with its review and determinations documented in a Physical Intervention Review Summary Form.

If a facility director refers a use of force to IAB, the Central Intake Team (CIT) reviews the PIP form to determine whether a formal investigation is necessary. If IAB declines to open an investigation, it must notify the facility's bureau chief within ten days.

Compliance with Detailed Plan Requirements for Force Review

Under the Detailed Plan, the Office of Inspector General reviews use-of-force incidents declined by IAB for investigation to determine whether FIRST reviewed them in a timely manner. In addition, the Office of Inspector General reviewed all use-of-force incidents to determine if all cases were timely reviewed by FIRST. As part of the review process, the Office of Inspector General reviewed the FIRST accountability logs for use-of-force incidents during the Reporting Period as well as for use-of-force incidents that IAB declined during the same period.

The Office of Inspector General reviewed 36 incidents that IAB declined to investigate, of which 18 involved a use of force. Although all the reviewed incident reports accurately documented the use of force, the facility submitted only 2 of the 36 (6%) sampled incidents to FIRST on time. Based on these figures, the Probation Department is out of compliance with the Detailed Plan's requirement that declined cases are to be reviewed in a timely manner. The longest delay in reviewing a use-of-force incident was 445 days from the date the incident occurred. Both LPJH and BJNJH continue to submit documents well past the seven-day deadline.

LPJH had 520 use-of-force incidents from July 14, 2023, through November 30, 2023.⁶ Of these, the facility sent 257 to FIRST for review, but sent none of them within seven days of the incident as required by policy.

BJNJH had 35 use-of-force incidents from July 14, 2023, through December 3, 2023. The facility sent only 6 of the 35 (17%) incidents to FIRST for review within seven days of the incident as required by policy.

Since the Office of Inspector General's last report, the Probation Department has made efforts to address the backlog of unreviewed use-of-force incidents. On September 14, 2023, the Department created the Backlog Project Team to address the

⁶ On December 3, 2023, the Probation Department's "Backlog Project Team" began reviewing use-of-force incidents for violations of Department policies that would normally be sent to FIRST for review.

backlog of force cases, which entailed hiring 25 use-of-force consultants to assist FIRST in its review of the use-of-force incidents. The consultants forward any incidents they believe may involve an excessive use of force to outside contracted attorneys who review the incident and then determine if the Department should refer it to IAB for investigation. Despite these efforts, facility staff still fail to submit reports to FIRST on time. The Office of Inspector General previously recommended that the Probation Department immediately notify staff that the PIP must be sent to FIRST within seven days of the incident regardless of any referral to IAB. The Office of Inspector General staff again confirmed that this recommendation has not been implemented.

DECONTAMINATION AFTER USE OF OLEORESIN CAPSICUM SPRAY

Despite stated efforts to eliminate the use of Oleoresin Capsicum (OC) spray in juvenile halls as required by the Los Angeles County Board of Supervisors (Board), the Probation Department still provides its staff at LPJH and the SYTF facility at BJNJH with OC spray.⁷ The Detailed Plan mandates that the Department follow its policies and state law and properly document compliance in 90% of all incidents in which Department staff used OC spray on youths.⁸

⁷ The Probation Department eliminated the use of OC spray in Central Juvenile Hall units that incarcerate youth with developmental disabilities, girls, and gender-expansive youth, pursuant to a Los Angeles County Board of Supervisors motion on December 22, 2022. However, on July 28, 2023, Probation Department Chief Viera Rosa sent an email directing the Department to issue OC spray on a temporary basis to permanently assigned staff. The Department has not rescinded that email directive or provided any date for the for the OC ban to be implemented.

⁸ The Probation Department's OC spray decontamination policy provides:

Under no circumstances shall Officers delay decontamination of a youth exposed to OC spray for the purpose of punishment or due to a lack of attention. Youth shall be decontaminated immediately, but no later than ten (10) minutes after containment of the incident. If decontamination within ten minutes is not feasible, justification must be provided in the PIR [Physical Intervention Report]. The failure to affect the timely decontamination of the youth immediately upon concluding the chemical intervention and containment of the incident will result in disciplinary action. All youth exposed to OC spray shall be directly supervised until the youth are fully decontaminated or are no longer suffering the effects of the OC spray. Youth exposed to OC spray shall not be left unattended. Officers must ensure that all post-OC spray application protocols are followed immediately after each use of chemical intervention.

California Code of Regulations, Title 15, § 1357(b), governing the use of chemical agents such as OC spray in juvenile facilities, imposes the following requirements:

Methodology

The Office of Inspector General requested documentation relating to all OC spray incidents, including investigations and reviews, that occurred between July 1 and December 31, 2023. In response, the Probation Department provided PIPs for 233 incidents, of which 7 occurred at CJH, 219 at LPJH, and 7 at BJNJH.

Because the Probation Department transferred all youths detained at CJH and BJNJH to LPJH in mid-July 2023 (except for those housed in the SYTF at BJNJH), this report analyzed data for BJNJH, LPJH and the first two weeks of July 2023 at CJH.

The Office of Inspector General reviewed all 7 OC spray incidents that occurred at CJH and BJNJH, and selected and reviewed a sample of 21 incidents from LPJH.

The Office of Inspector General determined compliance primarily based on information provided in the Probation Department's Physical Intervention Report (PIR) for each incident, including the information required in Section M, "OC Spray Deployment," which must be completed each time Department staff deploy OC spray on a youth. Because Department policy requires staff to complete Section M to document compliance with its decontamination policy, the Office of Inspector General only considered cases in which Section M was properly completed as compliant.

Findings

The Office of Inspector General found that CJH, LPJH, and BJNJH failed to meet the requirements of the Detailed Plan. At CJH, only 14% (1 of 7) of the sampled incidents reviewed followed decontamination policies and properly documented the decontamination process after use of OC spray as required by policy and state law. At LPJH, 57% (12 of 21) of the sampled incidents followed the decontamination policy and properly documented the decontamination process. At BJNJH, 57% (4 of 7) of the sampled incidents reviewed followed the decontamination policy and properly

(b) Facilities that authorize chemical agents as a force option shall include policies and procedures that:

...(3) outline the facility's approved methods and timelines for decontamination from chemical agents.

This shall include that youth who have been exposed to chemical agents shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent.

...(5) provide for the documentation of each incident of use of chemical agents, including the reasons for which it was used, efforts to de-escalate prior to use, youth and staff involved, the date, time and location of use, decontamination procedures applied and identification of any injuries sustained as a result of such use.

documented the decontamination process. In approximately 86% of the sampled incidents, however, Probation Department staff made notations indicating the decontamination of youth after the use of OC spray, either in the incident review or the narrative sections of the associated PIRs.⁹ These cases failed to properly document the decontamination process in Section M and, therefore, failed to comply with Department policy and the requirements of the Detailed Plan. Even if staff had properly documented all incidents, the Department still would have fallen short of the 90% rate required for compliance.

To facilitate greater efficiency and ease of review, the Office of Inspector General continues to recommend placing the report of the Probation Department staff member who deployed the OC spray first among the reports in the packet to facilitate the location of this important document for easier locations review by Department supervising staff. During this Reporting Period, the Department began using a new “OC Deployment Report” form for all OC incidents, in addition to the *OC Spray Deployment* portion of Section M of the PIR, which Department policy and the Detailed Plan already require staff to complete. The purpose of this new form is unclear since it is generally included in the packet with the PIR. While a separate form may help bring additional focus on OC spray incidents, the only information it asks staff to provide is the weight of the OC spray cannister before and after each use — information that is already requested in Section M of the PIR.¹⁰ The new form does not require staff to provide other vital information about OC spray use that Section M contains, such as the reasons for deployment, the de-escalation tactics employed before use of OC spray, and details about decontamination process employed, monitoring, and any injuries from the application of OC spray. The Office of Inspector General recommends that the new form be amended either to request all the information requested in Section M — and most importantly, the decontamination procedures used — or to ask for no information and simply indicate that OC spray was used, while clearly instructing staff to fill out Section M completely.

TRAINING AND SUPPORT AFTER USE OF OLEORESIN CAPSICUM SPRAY

The Detailed Plan requires the Probation Department to identify any need for training and support for Department staff related to decontamination following the use of OC

⁹ The Office of Inspector General reviewed other sections of the sampled PIRs to determine if information regarding decontamination was memorialized elsewhere in the reports.

¹⁰ The OC spray cannisters are weighed prior to being issued to a Probation Department staff member and after a use of OC spray to measure the amount of OC spray that was deployed by an officer in a use-of-force incident.

spray and to provide such support in 90% of cases where it identifies a need. The Department has not complied with these requirements.

The Office of Inspector General examined the PIPs in the sample of 35 OC spray incidents described above to determine if the Probation Department identified training needs and provided that training. This review found that not only were training needs not identified or provided, but that the Department did not consistently review OC spray incidents. SCM only reviewed 74% of the sample of PIPs for training or support issues, far below the 90% rate required by the Detailed Plan. In only 27% of the cases reviewed did SCM make a recommendation for corrective action, none of which included recommendations for any specific type of OC spray training.

The Probation Department also has not implemented its Early Intervention System (EIS) for identifying staff in need of training because it re-allocated the necessary resources to a different project focused on addressing the backlog of use-of-force incident reviews. The Department currently has no expected date for the launch of the EIS. Without the EIS in place, even if the Department identifies staff who need specific OC spray training, it has no tracking system to ensure that training gets delivered.

The Probation Department's failure to review all OC-related cases and implement the EIS makes it highly unlikely that in the next reporting period it will meet the Detailed Plan's further requirements that training and support be provided in 90% of cases where training and support are identified.

While the Probation Department does provide general OC spray training that all employees must complete to work in the juvenile hall facilities, that training is not based on Departmental reviews of OC spray incidents and the identification of needed training and support. Between July 1, 2023, and December 31, 2023, the Department provided generalized training in the proper use of OC spray and decontamination procedures to 92 employees, of which 58 completed a four-hour course and 41 completed a two-hour refresher course.

The Office of Inspector General recommends that the Probation Department conduct a debriefing after every OC spray incident and review each incident for deficiencies. In addition, each employee involved in an OC spray incident should be required to attend refresher training outlining de-escalation, decontamination, and proper OC spray documentation.

REVIEW OF THE PROBATION DEPARTMENT'S COMPLIANCE WITH VIDEO CAMERA MANDATES IN JUVENILE HALLS

The Detailed Plan mandates the Probation Department to follow its use of force policies and ensure that video cameras capture 90% of the use of force incidents in its juvenile halls, CJH, LPJH and BJNJH.¹¹ The Office of Inspector General reviews compliance in three specific areas: (1) whether cameras provide sufficient coverage, (2) whether cameras are operational and in use, (3) and whether recordings are properly used in analyzing compliance with the Department's use of force policies and state law. This report analyzes a sampling of use of force incidents from CJH, BJNJH, and LPJH for the Reporting Period.¹²

Methodology

The Office of Inspector General requested documentation for all use-of-force incidents and related investigations that occurred at all juvenile hall facilities during the Reporting Period. The Probation Department reported that for this period there were 39 use-of-force incidents at CJH, 622 at LPJH, and 35 at BJNJH. The Office of Inspector General constructed a sample of 16 use-of-force incidents at CJH, 24 at LPJH, and 16 at BJNJH.

Sufficiency of Camera Coverage

The Detailed Plan requires that Probation Department's video cameras provide sufficient coverage of use-of-force incidents to assist in determining whether involved personnel have complied with use-of-force policies 90% of the time. The Office of Inspector General interprets sufficient coverage to mean camera coverage of an area of the facility that captures any use-of-force incidents sufficiently to allow the Department staff to review its recording of the incident to determine if staff followed its policies and procedures. To determine compliance with Objective A, the Office of Inspector General reviewed video recordings for the selected sample, in combination with SCM investigations and other documents, to determine whether the cameras captured the incident on video sufficiently to allow the Department to use video in its investigation and analysis.

¹¹ Based on the transfer of youths from CJH to LPJH in July 2023, LPJH is also subject to the Detailed Plan requirements.

¹² The Office of Inspector General reviewed cases at CJH for the two-week period subject to this Reporting Period that the youths were at CJH prior to the transfer to LPJH.

At CJH, 94% of sampled use-of-force incidents had sufficient video coverage for review, without obstructed views, putting CJH in compliance with the Settlement Agreement Detailed Plan.

At BJNJH, only 63% of sampled use-of-force incidents had sufficient video coverage for review, without obstructed views, putting BJNJH out of compliance with the Settlement Agreement Detailed Plan.

In prior reports, the Office of Inspector General noted that BJNJH lacks sufficient cameras to meet the requirement in the Detailed Plan that 90% of the cameras are operational, in use, and provide sufficient coverage to capture use-of-force incidents. The Probation Department reported a plan to install additional cameras for BJNJH in September 2022, but the completed installation date has changed to September 2024.¹³

At LPJH, the Office of Inspector General found 96% of sampled use-of-force incidents had sufficient video coverage for review, without obstructed views, putting LPJH in compliance with the Detailed Plan.

Cameras Operational and In Use

The Detailed Plan requires that 90% of the Probation Department's video cameras are operational and in use, which the Office of Inspector General interprets to mean that each camera operates as designed, providing a clear video stream that can be viewed on the designated monitors and is recorded for later playback.

On June 28, 2023, the Office of Inspector General attempted to schedule an inspection at CJH for this Reporting Period. However, due to the anticipated closing of the facility on July 12, 2023, the inspection was not conducted. Currently, no youths are housed at CJH.¹⁴

At BJNJH, the Office of Inspector General inspected video cameras on December 14, 2023, and found all 215 cameras operable. One roof-top camera did not

¹³ Included in the installation of the cameras, is the installation on programming software that the Probation Department indicates is also back ordered with no estimated date of arrival. As of this report, units A/B, C/D, E/F, G/H, J/K, L/M, School, W, X – are functioning, units L/M, R/S, T/V – are currently under construction, units Z, Y, T/V are pending CCTV installation until units are vacated and ISD has access.

¹⁴ The Probation Department transferred youths to Los Padrinos Juvenile Hall from CJH on July 12 and July 13, 2023, and from BJNJH on July 17 and July 18, 2023, after the Board of State Community Corrections found CJH and BJNJH unsuitable to house youths (other than in the Secured Youth Treatment Facility at BJNJH). The Probation Department still takes youths to CJH for medical services but releases them the same day back to Los Padrinos Juvenile Hall or BJNJH's Secured Youth Treatment Facility.

provide an adequate view to capture all uses of force because it continually rotated to provide coverage of a large area. The Probation Department reports that it has commenced installing the necessary conduit for 600 additional cameras, as previously reported, but was unable to complete the project by the previously stated May 2024 completion date.¹⁵ The Department reports a current expected completion date of September 2024.

The Office of Inspector General staff also observed improvements in cameras in mental health evaluation rooms that, in prior reports, showed evidence of dirtied or obstructed camera lenses, but in this inspection had clear, unobstructed views. The Probation Department also placed staff at Movement Control stations to monitor the cameras. Based on these findings, BJNJH is in compliance with the Detailed Plan requirement that 90% of installed cameras be operational and in use for use-of-force review.

At LPJH, the Office of Inspector General conducted inspections on December 23, 2023, and determined that there were 234 cameras operable with viewable video recordings. However, during a subsequent inspection on April 17, 2024, outside the Reporting Period, the Office of Inspector General staff noted that most living units at LPJH with cameras had paper covering them. Even when the cameras appeared clean when looking at them in the unit, the image appeared smudged or dirty on the video monitors, possibly from glue remaining on the lens after staff removed tape or Post-It notes that covered them. While this inspection fell outside the Reporting Period and therefore does not affect compliance for purposes of this report, the Office of Inspector General notes the problem to ensure that the Probation Department addresses it promptly.

As in previous reports, the Office of Inspector General again recommends that all directors review the video monitors at the beginning of their shifts to ensure a clear video recording of the unit. Supervisors on all shifts should be directed to conduct internal audits of the cameras prior to the start of the shift. Probation staff should monitor the cameras in real-time to ensure the safety of youth, which has the added benefit of auditing camera coverage.

Use of Camera Video in Determining Compliance with Use of Force Policies

The Detailed Plan requires that the Probation Department properly use video recordings to determine policy violations in 90% of use-of-force incidents. The Office of Inspector General deems video recordings properly used when Department staff review the video,

¹⁵ The Office of Inspector General was informed by the Probation Department that the exact number of cameras may change depending on construction issues and needs.

compare it to the written reports, and staff statements and correctly apply the law and relevant Department policies to the use-of-force review.¹⁶

At CJH, Probation Department staff properly reviewed 100% of the sampled use-of-force video recorded incidents to determine policy violations. The Office of Inspector General finds CJH in compliance with the Detailed Plan's requirement of 90% compliance.

At BJNJH, while the staff used the available video properly, as previously reported, meaningful compliance cannot be achieved until camera coverage is sufficient to provide video recordings for significantly more of the use-of-force incidents. Only 63% of the sampled use-of-force incidents had video recordings, resulting in the Probation Department not being in compliance with the requirement for using video in determining compliance with use-of-force policies at BJNJH.

At LPJH, staff properly reviewed 83% of the sampled incidents to determine policy violations, a rate below the Detailed Plan's requirement of 90%. In three of the sampled incidents, the Probation Department overlooked, in the opinion of the Office of Inspector General, excessive uses of force.

Based on its findings across the three facilities, the Office of Inspector General finds that the Probation Department is not in compliance with the Detailed Plan's requirement to properly use video recordings to determine use of force.

The following two cases provide examples of the Probation Department's failure to properly use the video recordings to analyze uses of force to identify violations of policy or law at LPJH.¹⁷

CASE 1

Two youths got into an argument in the dayroom of their housing unit that escalated to a physical fight. Although one staff member attempted to

¹⁶ The relevant standards for uses of force are set forth in the Probation Department's Detention Services Bureau Manual sections 1000-1007, and Probation Directives 1194 and 1427, which outline the Department's response to uses of force, as well as current Department training and relevant statutory and case law. These authorities generally require that the use of non-deadly force by Department staff be both reasonable and necessary to facilitate the restoration of order. See also, California Penal Code section 835a; *Graham vs. Connor* (1989) 490 U.S. 386.

¹⁷ Use-of-force incidents in case examples: SCM Nos. 2023-1097, 2022-2020 (presented to CIT in March 2024).

de-escalate and physically restrain Youth 1 from fighting Youth 2, both youths repeatedly re-engaged in fighting, despite attempts by staff to separate them.

After staff initially separated the youths, a Detention Services Officer (DSO 1) physically escorted Youth 1 to the doorway of the unit office. However, the Deputy Probation Officer (DPO) near Youth 2 allowed the youth to walk ahead of him, giving Youth 2 a pathway to Youth 1. Youth 2 attacked Youth 1 and they re-engaged in a fight. Staff separated the youths again and DSO 1 took Youth 1 inside the unit office.

Youth 2 began to kick at the unit office door, attempting to get at Youth 1. A Senior DSO and the DPO attempted to restrain Youth 2 as he kicked the door and ignored orders to leave the doorway. A second DSO (DSO 2) stood at the doorway talking to Youth 2 as the Senior DSO and the DPO attempted to calm Youth 2 down. Nevertheless, DSO 2 utilized her OC spray and sprayed Youth 2 in the face as the Senior DSO and the DPO held him.

Although Youth 2 had been actively resisting the staff and not following their orders, at the time DSO 2 sprayed Youth 2, the youth was not actively resisting. A short time later, Youth 1 came out of the unit office and the two youths attempted to re-engage in a fight. DSO 1 again kept the youths separated and prevented them from getting close enough to each other to fight. However, DSO 2 sprayed Youth 2 again. At the time of the second OC spray, Youth 2 was not fighting and was approximately 30 feet from Youth 1.

Probation Department policy states that OC spray should only be used if there is an imminent threat to the youth's safety or the safety of others and only at an objectively reasonable level.¹⁸ In this case, the video recording shows that both times the officer discharged the OC spray on Youth 2, the youth was not actively resisting or fighting. There appeared to be no need for the officer to use her OC spray while the youth was restrained by the other officers in front of the unit office. The second time the officer sprayed Youth 2, the youth was yelling at Youth 1 from approximately 30 feet away. Again, there was no need for the officer to use her OC spray as Youth 2 did not present an imminent danger. DSO 2 could have addressed the situation by allowing other officers to intervene and de-escalate or could have addressed the yelling as a

¹⁸ Directive – 1006 provides: Chemical interventions should only be considered when objectively reasonable and when there is an imminent threat to the youth's safety or the safety of others, and only when de-escalation efforts have been unsuccessful; it shall never be applied as punishment, discipline, retaliation, or treatment.

disciplinary issue rather than a threat. In addition, the officer failed to properly document the use of OC spray by failing to reference the second OC spray of the youth in her PIP.

After reviewing this incident, a Probation Department facility director determined that no excessive or unnecessary force was used. Office of Inspector General staff reviewed this incident and brought it to the attention of the IAB, which reviewed the video and opened an investigation on this incident.

CASE 2

In a dayroom, Youth 1 stood on a stool and kicked Youth 2 in the head while Youth 2 was seated at a table. Youth 1 then began striking Youth 2 in the head with his fists. A Deputy Probation Officer (DPO 1) standing next to Youth 2 saw the assault but did not immediately intervene, instead standing with his arms folded as Youth 1 struck Youth 2 four times on the head. DPO 1 attempted to stop the attack only after a second DPO (DPO 2) came to assist. A third youth (Youth 3) started to strike a fourth youth (Youth 4) seated at the table. As that occurred, a third DPO (DPO 3) restrained Youth 1 in the corner of the dayroom after Youth 1 struck a youth sitting in a chair (Youth 5). Youth 3 picked up a chair and threw it at Youth 5, hitting him, as a sixth youth (Youth 6) picked up a trash can and threw it across the room at Youth 5. DPO 1 attempted to restrain Youth 6 by wrapping his arms around the youth from behind. During the struggle, DPO 1's hold on Youth 6 transitioned to a chokehold-type restraint with DPO 1's two arms around Youth 6's neck. DPO 1 continued with this grip as Youth 6 resisted and thrashed around the room. DPO 1 ultimately placed Youth 6 on the ground, and staff handcuffed him.

Although there were multiple fights in the dayroom during this chaotic situation, the video recording clearly illustrates misconduct by DPO 1. The DPO failed to intervene immediately after seeing Youth 1 kick Youth 2 in the head; then, the DPO used excessive force on Youth 5, utilizing a chokehold-type grasp around Youth 5's neck. A facility director reviewed this incident and did not find excessive or unreasonable force. Sometime later, the Probation Department's Backlog Project Team reviewed this case and referred it to IAB for investigation.

Here, the director failed to identify the problematic policy and use-of-force issues clearly presented in the video and did not refer this case to IAB for possible investigation. Due to the delay in referring this case for investigation, the statutory period for disciplining the officer expired, and IAB was barred from opening an investigation into the possible

misconduct of DPO 1. The Probation Department could only open an investigation into the director's failure to properly review the video recording.¹⁹

PRISON RAPE ELIMINATION ACT

The Office of Inspector General reviewed the Probation Department's compliance with the portions of the Prison Rape Elimination Act (PREA) designated in the Detailed Plan, including a range of requirements intended to deter sexual assault in correctional institutions, including juvenile detention facilities.

During the Reporting Period, Office of Inspector General staff inspected juvenile facilities and Probation Department camps to determine compliance with two PREA-related requirements in the Detailed Plan: (1) that the bathrooms of all units have properly installed privacy curtains, and (2) that staff announce their presence when entering a housing unit for youth of a different gender.²⁰ The Office of Inspector General inspected two juvenile halls (LPJH and BJNJH) and five camps (Camp Clinton B. Afflerbaugh, Dorothy Kirby Center, Camp Vernon Kilpatrick, Camp Joseph Paige, and Camp Glenn Rockey) in unannounced visits.²¹

As the Office of Inspector General has noted in previous reports, Camp Rockey, Camp Afflerbaugh, Camp Paige and Camp Kilpatrick each had blind spots due to tiled walls in the shower areas. The Probation Department's PREA Coordinator reports that the Department remains in the process of evaluating the remodeling of the tiled walls at these locations. The Department's executive leadership initially approved the expenditure for this remodel but suspended the project in order to allocate resources to LPJH infrastructure upgrades necessary for the June 2023 opening of the facility. The

¹⁹ Discipline against peace officers is governed by the Public Safety Officers Procedural Bill of Rights and requires any administrative action for discipline be concluded within one year of the employer becoming aware of the possible misconduct.

²⁰ The Office of Inspector General staff assigned to oversee the Probation Department attended and completed PREA training to become certified PREA auditors but are not yet certified. During the previous reporting period, the Office of Inspector General's PREA certified auditors were available to assist with the PREA related audits in the Detailed Plan. For this Reporting Period, those auditors were conducting PREA audits for the Los Angeles Sheriff's Department. The certified auditors will be available to conduct the audits at the juvenile halls and camps during the next reporting period. While the Detailed Plan requires only an audit and a report for the juvenile halls, the Office of Inspector General also conducted audits at the camps for compliance with these two requirements.

²¹ Central Juvenile Hall was not inspected due to the transfer of youths to LPJH on July 12 and July 13, 2023.

Department continues to assign staff at each camp to monitor the blind spots while the youths utilize the restrooms until the necessary remodel can be completed.

The Probation Department's PREA Coordinator further stated that the Department's plans to eliminate the tiled walls and inadequate lighting at BJNJH have been suspended due to use the resources used to open LPJH, and because of the Board of State and Community Corrections' (BSCC) recent determination that BJNJH and LPJH facilities were not in compliance with other Title 15 requirements.²² The Department provided no timeline for resuming the project to remove the tiled walls. The Department, however, did address previously noted problems of obstructed views of the youth in the showers at BJNJH and LPJH due to old and improperly installed curtains by replacing them with the appropriate curtains, making both halls PREA compliant.

The Office of Inspector General found consistent compliance with opposite-gender staff announcing their entry into the living units, and therefore finds the Probation Department in compliance with this requirement of the Detailed Plan.

ROOM CONFINEMENT AND ACCESS TO PROGRAMMING

The Probation Department has still not yet implemented the computerized electronic data system it is developing to track the Detailed Plan's directives on room confinements including mechanisms to provide prompt notification of room confinements that violate policies and state law, to document remedial measures, and to provide the Office of Inspector General data regarding room confinement. While the Department is still using written forms to track room confinement data, the Department recently reported to the Office of Inspector General that it developed an electronic safety log system to track the information on the written forms. However, this electronic log system has not been approved by the DOJ monitor nor was data from it provided to the DOJ monitor or the Office of Inspector General for the time period covered in this report, as required by the Detailed Plan.²³ Until the Probation Department implements a system approved by the DOJ monitor and provides the data to the monitor and the Office of Inspector General, it remains out of compliance with the Detailed Plan requirement that it develop an internal system for tracking the specified room confinement data that the Monitor approves.

²² On August 11 and August 18, 2023, respectively, the BSCC determined that BJNJH and LPJH were not in compliance with Title 15 requirements in 12 areas at LPJH and 10 at BJNJH.

²³ The Office of Inspector General received the data from the system for the first time in January 2024.

During this Reporting Period, the Office of Inspector General learned that Department staff were not properly documenting some room confinements, which underscores the importance of a proper tracking system. As part of the review process, the Probation Department provided documents that contained room confinement data that conflicted with data published by the BSCC and Probation Oversight Commission. The information presented in this report is based on room confinement documents provided by the Probation Department.

The Probation Department also uses written forms and the electronic safety logs to document safety checks and re-engagement for room confinements. The Detailed Plan provides that when the Department determines that a youth constitutes a threat to the safety and security of the facility, it need not make programming, access to recreational activities, large muscle exercise, outside time, religious services, visitation, phone calls (“required activities”) or schooling available to that youth but must make findings supporting that determination in writing at least 90% of the time.

The Office of Inspector General reviewed written documentation on 16 room confinements at CJH, 18 at LPJH, and 15 at BJNJH during the Reporting Period. In all facilities, staff documented findings that a youth posed a threat to the safety and security of the facility in writing in 100% of the incidents. The written findings at all facilities met the requirement of the Detailed Plan, making the Probation Department in compliance with this provision.

The Detailed Plan requires that staff promptly notify the superintendent of the juvenile hall of room confinements that do not comply with Welfare and Institutions Code section 208.3. Based on a review of the available documents, Probation Department staff promptly provided notice to the superintendents at CJH, LPJH, and BJNJH of youths being confined to their rooms when not in compliance with policies and state law. The Detailed Plan also requires that in 90% of the incidents determined to be out of policy or not compliant with the law, the Department implement subsequent remedial measures. The Office of Inspector General found that CJH, LPJH and BJNJH promptly reported to the superintendent and remedial measures were implemented in 100% of the incidents at all facilities, satisfying the 90% metric in the Detailed Plan. The lack of sufficient internal processes approved by the DOJ monitor, as required by the Detailed Plan, and the inconsistencies between Probation Department, BSCC, and POC data, continues to raise some doubts as to whether the Department identified all instances and documented them in writing.

The Detailed Plan requires that the Probation Department provide youths activities such as programming, access to recreational activities, large muscle exercise, outside time, religious services, visitation, and phone calls, as noted above. In addition, the Probation Department has volunteers and outside vendors that provide non-required activities to

youth. Required activities are to be provided to all youth unless the Probation Department determines that a youth poses a threat to the safety or security of the facility or if the youth self-separates or refuses to participate in the required activities.²⁴ Staff at LPJH documented that they made required activities *available* to 100% of the eligible youths at the facility.²⁵

During this period, the Office of Inspector General examined the percentage of youths actually receiving required activities (as opposed to the Probation Department merely making required activities available to them).²⁶ At LPJH, in the third quarter of 2023, only 72% of eligible youths actually received required activities documented on the Title 15 logs; and, in the fourth quarter, only 74% of eligible youth received required activities. These rates fall far short of the 93% required for compliance with the Detailed Plan.

For the first time since the Office of Inspector General began reporting on Detailed Plan compliance, the Probation Department provided sufficient information regarding participation in required activities at BJNJH for the Office of Inspector General to determine compliance. Based on this information, the Office of Inspector General determined that 58% of eligible youths at BJNJH received required activities documented on the Title 15 logs during the third quarter and 59% received required activities during the fourth quarter. These rates fall far below the 93% level required for compliance with the Detailed Plan.

²⁴ The Probation Department provides outside vendor activities to the youths, although not required by the Detailed Plan. These activities may also be limited when Department staff determines that a youth poses a threat to the safety or security of themselves or the facility, or if the youth refuses to participate.

²⁵ In this section, “eligible” youth refers to youth who are eligible to participate in activities because the Probation Department has not found they pose a threat to the safety or security of the facility or themselves.

²⁶ Because the Probation Department provided different data regarding youths that it had determined posed a threat to themselves or others (and therefore excluded from required and vendor activities) in the third quarter than it did in the fourth quarter, the Office of Inspector General reports compliance rates for the quarters separately, consistent with auditing standards. In addition, the Department provided the Office of Inspector General programming documents, which included both required activities as well as schooling that is provided by Los Angeles County Office of Education and is not considered “programming” in the Detailed Plan’s definition of that term. Schooling and programming are covered separately under Title 15. See footnote 1, *ante*.

YOUTH GRIEVANCES

State law requires the Probation Department to provide a process for youths to file grievances for youth complaints relating to care at a juvenile hall.²⁷ The Department continues to use written grievances and the Grievance Management System to receive grievances electronically. The Grievance Management System allows youths to file their grievances from their individual computer laptops and operates as a mailbox for the Department staff to retrieve and review the filed grievances. Grievances can also be sent to the Office of Inspector General as well as the Department's Office of the Ombudsman. The Office of Inspector General continues to communicate on a weekly basis with the Office of the Ombudsman regarding complaints received by the Office of Inspector General.

The Probation Department indicated that it had still not procured the grievance kiosks for youths to file their grievances, although it reported that it had identified a vendor that could provide appropriate kiosks with the necessary durability. The Department does not have an expected completion date and indicated that the new kiosk will not exclude the use of hardcopy grievances.

A review of the Probation Department's Grievance Log showed that the Department resolved 90% of grievances at CJH, LPJH and BJNJH in accordance with the Department's current policies.

For LPJH, the Office of Inspector General found that of the total 311 grievances documented between July 1, 2023, and December 31, 2023, 7% (22 of 311) related to phone calls, 14% (45 of 311) related to required activities or vendor activities, and none related to religious services or recreation.

For BJNJH, the Office of Inspector General found that of the total 81 grievances documented between July 1, 2023, and December 31, 2023, 16% (13 of 81) related to required activities, including wanting better required activities, 2% (2 of 81) related to visitation, 2% (2 of 81) related to phone calls, and none related to religious services or recreation. The review of these areas indicated that generally youths were being provided access to telephone calls, and family visitation. The balance of the grievances addressed areas that are not subject to the Detailed Plan.

²⁷ Calif. Code of Reg., Title 15, section 1361 provides, "The facility administrator shall develop and implement written policies and procedures whereby any youth may appeal and have resolved grievances relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail or visiting procedures, food, clothing, bedding, mistreatment, harassment or violations of the nondiscrimination policy."

RECOMMENDATIONS

The Office of Inspector General recommends that legal action be considered to compel timely use of force investigations and to prohibit the use of OC spray without decontamination. The recommendations set forth in its [*Second Report on the Probation Department's Compliance with the Department of Justice Settlement Agreement on Juvenile Halls \(December 30, 2022\)*](#) that have not been implemented should be implemented. In addition, as noted in its last report, the Office of Inspector General continues to recommend a change in the process of investigating and determining whether staff engaged in misconduct, as well as re-assignment of Probation Department field staff to the juvenile facilities to provide appropriate supervision of the youths.