



**Office of Inspector General  
County of Los Angeles**

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

**February 1, 2024**

## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>Decontamination After Use of Oleoresin Capsicum Spray .....</b>	<b>1</b>
<b>Training and Support After Use of Oleoresin Capsicum Spray .....</b>	<b>1</b>
<b>Timely Submission to the Force Intervention Review Team .....</b>	<b>2</b>
<b>Review of the Probation Department’s Compliance with Use of Force Policies in Juvenile Halls .....</b>	<b>2</b>
<b>Sufficiency of Camera Coverage .....</b>	<b>2</b>
<b>Use of Camera Video in Determining Compliance with Use of Force Policies .....</b>	<b>3</b>
<b>Prison Rape Elimination Act.....</b>	<b>3</b>
<b>Room Confinement/Access to Programming .....</b>	<b>3</b>
<b>Youth Grievances.....</b>	<b>4</b>
<b>BACKGROUND.....</b>	<b>5</b>
<b>DECONTAMINATION AFTER USE OF OLEORESIN CAPSICUM SPRAY.....</b>	<b>6</b>
<b>Methodology.....</b>	<b>6</b>
<b>Scope.....</b>	<b>8</b>
<b>Findings .....</b>	<b>8</b>
<b>TRAINING AND SUPPORT TO PROBATION STAFF AFTER USE OF OC SPRAY .....</b>	<b>9</b>
<b>Methodology.....</b>	<b>9</b>
<b>Findings .....</b>	<b>10</b>
<b>TIMELY SUBMISSION TO THE FORCE INTERVENTION SUPPORT TEAM ..</b>	<b>10</b>
<b>REVIEW OF THE PROBATION DEPARTMENT’S COMPLIANCE WITH USE- OF-FORCE POLICIES IN JUVENILE HALLS.....</b>	<b>12</b>
<b>Methodology and Scope .....</b>	<b>13</b>
<b>Findings .....</b>	<b>15</b>
<b>Objective A: Sufficient Camera Coverage of Use-of-Force Incidents .....</b>	<b>15</b>
<b>Objective B: Cameras Are Operational and in Use.....</b>	<b>16</b>
<b>Objective C: Video Camera Recordings are Being Properly Used to Determine Policy Violations .....</b>	<b>17</b>
<b>INTERNAL AFFAIRS BUREAU INVESTIGATIONS.....</b>	<b>20</b>
<b>PRISON RAPE ELIMINATION ACT .....</b>	<b>23</b>

<b>Privacy Curtains.....</b>	<b>24</b>
<b>Blind Spots .....</b>	<b>24</b>
<b>Opposite Gender Announcements.....</b>	<b>25</b>
<b>ROOM CONFINEMENT/ACCESS TO PROGRAMMING .....</b>	<b>26</b>
<b>Creation of Internal Processes to Document and Report on Room</b>	
<b>Confinements and Subsequent Remedial Measures .....</b>	<b>27</b>
<b>Prompt Notification and Subsequent Remedial Measures .....</b>	<b>28</b>
<b>Written Finding That a Youth Posed a Threat to the Safety and Security of the Facility .....</b>	<b>28</b>
<b>Participation in Programming of Youths Who Were Not Found to be a Threat to the Safety and Security of the Facility .....</b>	<b>29</b>
<b>YOUTH GRIEVANCES.....</b>	<b>31</b>
<b>RECOMMENDATIONS .....</b>	<b>33</b>

## **EXECUTIVE SUMMARY**

Pursuant to its role as court-appointed monitor over the stipulated judgment between the County of Los Angeles and the California Department of Justice (DOJ) on various provisions of the Settlement Agreement relating to conditions at Los Angeles County Juvenile Halls, the Office of Inspector General submits its Fourth Report on the Probation Department's Compliance with the Settlement Agreement, covering the period from January 1, 2023, to June 30, 2023.

This Executive Summary includes data and compliance determination for key benchmarks based on data provided by the Probation Department. However, as noted throughout this report, the 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.

### **Decontamination After Use of Oleoresin Capsicum Spray**

Los Angeles County Detailed Plan (Detailed Plan) for monitoring compliance with the Settlement Agreement mandates that the Probation 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. The Office of Inspector General found that both facilities failed to meet the Detailed Plan requirements. From the dataset reviewed, the Office of Inspector General found that at Central Juvenile Hall (CJH) only 38% (5 of 13) of the sampled incidents followed policies and properly documented decontamination after use of Oleoresin Capsicum (OC) spray in compliance with policy and state law.<sup>1</sup> At Barry J. Nidorf Juvenile Hall (BJNJH) only 33% (6 of 18) of the sample of incidents followed decontamination policies and properly documented the decontamination process in compliance with policy and state law. Both facilities failed to achieve compliance with the Detailed Plan.

### **Training and Support After Use of Oleoresin Capsicum Spray**

Substantial compliance with the Detailed Plan requires the Probation Department to identify any need for training and support for Probation Department staff, as well as to

---

<sup>1</sup> Unless otherwise noted, samples reflect a randomly selected, statistically valid sample of the relevant incident or document.

provide such support in 90% of cases where a need for training and support is identified.

Of the sample of thirty-one Physical Intervention Packets (PIPs),<sup>2</sup> only 42% (13 of 31) were reviewed by the Safe Crisis Management (SCM) unit, 61% (19 of 31) by the Force Intervention Response Team (FIRST), and zero by the Critical Incident Review Committee (CIRC). The resulting compliance rate for **simply reviewing** the reports was 61% (19 of 31), well below the 90% required by the Detailed Plan. None of the SCM reviews for BJNJH recommended training. Given the low compliance rate for reviewing the reports, it is likely that the Probation Department failed to identify training needs.

### **Timely Submission to the Force Intervention Review Team**

For the **fourth** consecutive reporting period, staff at both facilities failed to timely submit **any** reports to FIRST. Staff at CJH failed to timely submit 494 PIPs and BJNJH failed to timely submit 178 PIPs to FIRST. The current longest delay in submission is 362 days, far past the seven-day deadline, for an incident that staff still had not reported by the last day of this reporting period.

### **Review of the Probation Department's Compliance with Use of Force Policies in Juvenile Halls**

#### **Sufficiency of Camera Coverage**

The Detailed Plan requires that 90% of all use-of-force incidents have sufficient camera coverage. During the relevant period, the Probation Department reported a total of 529 use-of-force incidents at CJH. In its review of the sample, the Office of Inspector General found that all of the incidents had video recordings, making CJH in compliance with the Settlement Agreement Detailed Plan.

The Probation Department reported a total of 184 use-of-force incidents at BJNJH during the relevant period. In its review of the sample of the incidents, the Office of Inspector General found that only 32% of the incidents reviewed had video recordings attached, falling far short of the 90% requirement for compliance with the Detailed Report.

---

<sup>2</sup> PIPs document uses of force used by the Probation Department staff. PIPs include the Physical Intervention Reports (PIRs) prepared by staff who are involved in uses of force, including the use of OC spray.

## **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. At CJH, the Probation Department properly reviewed 87% (20 of 23) of the sampled incidents, slightly short of compliance with the Detailed Plan.

For BJNJH, 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. Because only 32% (7 of 22) of the sample of use-of-force incidents had video recordings, the Office of Inspector General finds that BJNJH is not in compliance with the requirement of the Detailed Plan for this metric.

## **Prison Rape Elimination Act**

While the Probation Department has made efforts at improving compliance with PREA requirements, such as providing privacy curtains at all of the juvenile facilities as noted in previous reports, the Office of Inspector General noted several of the restrooms at the facilities continue to have blind spots that impair staff from being able to observe for dangerous or inappropriate activity or a medical emergency. The Department's PREA coordinator has previously stated that the Department plans to replace privacy curtains at all facilities with metal doors, eliminate tiled walls, upgrade lighting in the restrooms to ensure compliance with the Detailed Plan, but the Department has not yet implemented these improvements.

The Office of Inspector General found consistent compliance with opposite gender staff announcing their entry into the living units.

## **Room Confinement/Access to Programming**

The Probation Department has not yet implemented a computerized system to track room confinements, 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. The Department therefore remains out of compliance with the Detailed Plan's requirement for the development of a system for internal tracking room confinement issues to the Office of Inspector General.



The Detailed Plan requires that when the Probation Department determines that a youth constitutes a threat to the safety and security of the facility, it must make its findings in writing at least 90% of the time. The Office of Inspector General reviewed a total of 31 room confinements at CJH and 27 room confinements at BJNJH during the reporting period. In both 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 both facilities met the requirement of the Detailed Plan making the Probation Department in compliance.

The Detailed Plan requires that the Probation Department provide youths schooling, access to recreational activities, exercise, outside time, religious services, visitation, and phone calls (collectively “Activities”), unless it determines that a youth poses a threat to the safety or security of the facility. Staff at CJH documented that they made Activities *available* to 100% of the youths at the facility. Approximately 69% of youths who were not found to be a threat **did not** receive Activities.<sup>3</sup> Because only 31% of the youth eligible to participate at CJH received Activities, CJH was not in compliance with the 93% compliance requirement of the Detailed Plan.<sup>4</sup>

For the fourth straight reporting period, the Probation Department did not provide sufficient information regarding participation in Activities at BJNJH for the Office of Inspector General to determine compliance. Based on the incomplete information provided, the Office of Inspector General finds BJNJH out of compliance with the Detailed Plan.

## Youth Grievances

A review of the Probation Department’s Grievance Log showed that the Department resolved 90% of grievances at CJH and BJNJH in accordance with the Probation Department’s current policies. However, the Probation Department still has not procured the grievance kiosks for youths to electronically file their grievances, which would

---

<sup>3</sup> Self-separations or refusals accounted for 77% of the total number of eligible youths who did not receive Activities. Although there were reasons other than self-separation or refusal for youths failing to participate in programming such as court appearances, or medical visits, these occurrences were minimal and would not have caused the Probation Department to fail to be in compliance if self-separations were absent.

<sup>4</sup> The word eligible is used in this report to designate the youth that were not found to be a threat to the safety and security of the facility. Detailed reporting for each quarter is available in the Quarterly Report on Programming, Room Confinement, and Grievances at Barry J. Nidorf (BJNJH) and Central Juvenile Hall (CJH) covering the first and second quarter of 2023 available on the [OIG website](#).

provide better data to more accurately determine the Department's compliance with this metric, as currently some grievances may not be properly logged.

## BACKGROUND

On January 21, 2021, the Los Angeles County Superior Court approved a stipulated judgment between the County of Los Angeles and the California Department of Justice (DOJ).<sup>5</sup> This stipulated judgment (hereafter referred to as Settlement Agreement) appointed the Office of Inspector General as the monitor on various provisions of the Settlement Agreement relating to conditions at Los Angeles County Juvenile Halls. The Los Angeles County Detailed Plan (Detailed Plan) for monitoring compliance with the Settlement Agreement designated the Office of Inspector General as the monitor for certain provisions of the Detailed Plan.<sup>6</sup> As the monitor for the delineated provisions, the Office of Inspector General was tasked to report on its findings regarding the Los Angeles County Probation Department's (Probation Department) compliance with the Settlement Agreement twice per year in a report to the Board of Supervisors (Board).<sup>7</sup> This Fourth Report on the Probation Department's Compliance with the Settlement Agreement covers the Probation Department's compliance with the Detailed Plan during the period from January 1, 2023, to June 30, 2023 (Compliance Period), unless otherwise noted.

Much of this report relies upon documentation from the Probation Department. As explained in more detail throughout the report, the 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. Despite the Probation Department's lack of required electronic data collection systems and providing such data to the Office of Inspector General for review, the Office of Inspector General reviewed logs and other documentation to provide a review of the Probation Department's compliance with the Detailed Plan.

---

<sup>5</sup> See *People v. County of Los Angeles*, (Super. Ct. Los Angeles County, 2021, No. 21STCV01309.)

<sup>6</sup> The Settlement Agreement incorporates the Detailed Plan by reference at paragraph 7.

<sup>7</sup> The provisions in the Detailed Plan that are not assigned to the Office of Inspector General are assigned to Michael Dempsey, as the "Monitor" defined in the Settlement Agreement and Detailed Plan. Some provisions of the Detailed Plan require quarterly reporting to the Monitor, with a formal report to the Board copied to the Monitor, required twice annually. The information provided on a quarterly basis to the Monitor is incorporated into the Office of Inspector General twice-annual reports to the Board.



## DECONTAMINATION AFTER USE OF OLEORESIN CAPSICUM SPRAY

The Detailed Plan mandates that the Probation Department maintain a process and procedure to document whether its staff comply with its policies and state law regarding decontamination after the use of Oleoresin Capsicum (OC) spray in at least 90% of all incidents in which OC spray was used on youths in CJH and BJNJH.<sup>8</sup> This report analyzes a representative sample of OC spray incidents at CJH and BJNJH for the period covering January 1, 2023 through June 30, 2023.

In April 2022, the Probation Department implemented revised OC spray policies that created an internal process to timely document OC spray decontamination. After review of the Probation Department's OC spray decontamination incidents between January 1, 2023 and June 30, 2023, the Office of Inspector General found that the Probation Department was not in compliance with the Settlement Agreement. At CJH, only 38% of incidents followed the Probation Department's existing decontamination policies, and at BJNJH, only 33% of incidents followed the decontamination policies.

### Methodology

The Office of Inspector General requested documentation relating to all OC spray incidents, including investigations, that occurred between January 1, 2023 and June 30, 2023, at CJH and BJNJH. In response, the Probation Department provided the Office of Inspector General the PIPs for 338 incidents, of which 201 occurred at CJH and 137 occurred at BJNJH.<sup>9</sup> The Office of Inspector General continues to recommend re-organizing the PIPs so as to place the report of the Probation Department staff member who deployed the OC spray first among the reports in the packet. This will provide for easier review by the Probation Department supervising staff members.

---

<sup>8</sup> 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.

<sup>9</sup> PIPs document uses of force used by the Probation Department staff. Included in the PIPs are Physical Intervention Reports (PIRs). PIRs are reports prepared by staff who are involved in uses of force, including the use of OC spray.

The Office of Inspector General selected and reviewed a sample of 13 OC spray incidents from CJH, and 18 from BJNJH.<sup>10</sup> Substantial compliance with the Detailed Plan requires that at least 90% of the OC spray decontaminations reviewed comply with Probation Department policy and state law. The Probation Department's OC spray decontamination policy states the following:

*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 regulations governing the use of chemical agents such as OC spray in juvenile facilities impose the following requirements:

*(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*

---

<sup>10</sup> In constructing the samples described in this report, the Office of Inspector General followed current government audit standards to obtain a statistically valid sample and used a research randomizer to select incidents. (Off. of the Comptroller of the United States, U.S. Accountability Office (2018), <https://www.gao.gov/yellowbook>.)

*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.*

Cal. Code Regs., Tit. 15, § 1357(b).

## Scope

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 Probation Department staff deploy OC spray on a youth. The form specifically requires the information needed to determine whether staff followed each of the requirements set forth in Probation Department policy and state law, including:

- The date, time, and location where OC spray was used.
- Efforts to de-escalate prior to the use of OC spray.
- Reasons for the use of OC spray.
- The decontamination procedures applied.
- The time the youth was decontaminated.
- Justification if the youth was not decontaminated within 10 minutes after containment of the incident.
- Whether the youth was supervised and not left unattended until they were no longer suffering the effects of OC spray.
- Whether any injuries were sustained because of the use of OC spray.

If the PIR included the required information, the Office of Inspector General found compliance with the Probation Department's policies and state law.<sup>11</sup>

## Findings

Of the sampled incidents at CJH, only 38% (5 of 13 incidents) followed policies and properly documented decontamination in compliance with policy and state law. At

---

<sup>11</sup> Because Probation Department policy requires staff to complete Section M to document compliance with its decontamination policy, the Office of Inspector General only considered those cases in which Section M was complete as compliant. However, the Office of Inspector General reviewed Section N to determine if the information was provided elsewhere despite the policy violation of not providing it in Section M.

BJNJH only 33% (6 of 18) followed decontamination policies and properly documented the decontamination process in compliance with policy and state law.

Because substantial compliance with the Detailed Plan requires that at least 90% of the OC spray decontaminations reviewed follow Probation Department policy and state law, both CJH and BJNJH failed to comply with the Detailed Plan requirements.

## **TRAINING AND SUPPORT TO PROBATION STAFF AFTER USE OF OC SPRAY**

The Settlement Agreement and Detailed Plan mandates that the Probation Department maintain an internal process to identify and provide any needed training and support to Probation staff relating to use of OC spray. The Detailed Plan requires that the Probation Department review cases to identify any needed training or support, and also that the Department actually provide any such identified training or support in at least 90% of those cases. Between January 1, 2023 and June 30, 2023, 58 Probation Department recruits completed a four-hour course on the use of OC spray and OC spray decontamination before assignment to Los Padriños Juvenile Hall (LPJH). Despite stated efforts to eliminate the use of OC spray in juvenile halls as required by the Board, Probation Department's new hires are provided with OC spray.

The Probation Department reports it is continuing to work on finalizing its internal process for identifying staff members who need training, including through refinements to its Early Intervention System (EIS). Although the Department aimed to implement the EIS by May 2023, it reports that the launch of the system remains delayed due to technical problems and has no revised date for launch. The Probation Department is therefore not in compliance with the requirement in the Detailed Plan for a system to identify and provide supportive staff training. The Office of Inspector General reviewed OC spray incidents to determine if the necessary training was at least identified. This report analyzes a representative sample of OC spray incidents at CJH and BJNJH during the reporting period.

### **Methodology**

The Office of Inspector General requested the documentation for all uses of OC spray at both juvenile hall facilities during the reporting period, including related investigations. The Probation Department provided PIRs for 201 incidents in which its staff used OC spray at CJH and 137 such incidents at BJNJH.

The Office of Inspector General, utilizing the sample of OC spray incidents as noted above, selected 13 OC spray incidents at CJH and 18 at BJNJH. Substantial compliance with the Detailed Plan requires that the Probation Department both identify any need for training and support for Probation Department staff and actually provide the needed training or support in 90% of cases where such a need for training and support is identified. The Office of Inspector General examined PIPs to determine if the cases were reviewed by the Probation Department and, if so, was training or support recommended.

## Findings

In its review of PIPs, the Office of Inspector General looked to see if FIRST, SCM, or CIRC reviewed the reports to identify necessary training following a use of OC spray. FIRST had reviewed 61% (19 of 31) of the reports. SCM had reviewed 42% (13 of 31) of the reports, all of which had also been reviewed by FIRST. CIRC did not review any reports. In nearly 39% of incidents (12 of 31), none of the three bodies reviewed the reports to identify training or support needs.

The resulting compliance rate for *simply reviewing* the reports was 61% (19 of 31), an increase of 17% from the previous reporting period, but still well below the required 90%. None of the SCM reviews from BJNJH or CJH recommended any type of training. In the 13 cases reviewed by SCM, email reminders were sent to offending staff members as to deficiencies in documentation and policy on timely and complete documentation.

The Office of Inspector General finds the Probation Department out of compliance with the Detailed Plan. The Department's failure to review cases means that it has not met the threshold requirement to identify the needed training and support, making it impossible for the Probation Department to meet the Detailed Plan requirement that training, and support be provided in 90% of cases where training and support are identified.

## TIMELY SUBMISSION TO THE FORCE INTERVENTION SUPPORT TEAM

The Probation Department created FIRST as part of its use-of-force review process, to provide an independent reviewing entity to assist the juvenile facilities with assessing

force incidents.<sup>12</sup> The Detailed Plan requires that the Office of Inspector General review use-of-force incidents that are not accepted by the Probation Department's Internal Affairs Bureau (IAB) to determine if they were timely reviewed by FIRST. The Office of Inspector General reviewed the FIRST accountability logs for use-of-force incidents occurring during the reporting period, and as well as for use-of-force incidents that IAB *declined* during the same period.

When a physical incident occurs at a facility, Probation 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 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 SCM team for review of the written documentation, video evidence, and to check for any possible Probation Department policy violations. If the SCM review process at the facility level identifies policy violations, the facility Director refers a *duplicate PIP* to 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 for an independent review. The PIP must be sent 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. In cases in which the facility Director refers a duplicate PIP to IAB, FIRST must concurrently review the incident to identify emerging trends, policy gaps, programming needs, or necessary training in order for the facility's staff to engage in a discussion of potential remedial actions. After FIRST conducts its independent review, the PIP is returned to the facility with FIRST's Physical Intervention Review Summary Form, which details its review and determinations.

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.

---

<sup>12</sup> FIRST policy is established by Directive 1456 issued December 1, 2021.



Based on the Office of Inspector General’s review of the 42 incidents that IAB declined to investigate, 18 incidents involved a use of force. Although all incident reports accurately documented the uses of force, **none** of the incidents were timely submitted by CJH or BJNH to FIRST for its independent review as was reported in the Office of Inspector General’s three previous reports. Both CJH and BJNH facilities continue to submit the documents well past the seven-day deadline. The current longest delay of actual review is 93 days from the date of the incident. However, one use of force incident that occurred on July 3, 2022, was not reviewed by FIRST by the end of this reporting period, a total of 362 days later.<sup>13</sup>

- In total, Probation Department staff failed to submit PIPs to FIRST in a timely manner for 494 PIPs at CJH and for 178 PIPs arising out of incidents at BJNH.

The Probation Department continues to have issues with facility staff not completing and or submitting their PIPs to unit Supervisors or Officers of the Day in a timely manner. In its second report, the Office of Inspector General 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. In addition, the Probation Department continues to have low staffing levels, requiring field Deputy Probation Officers to be deployed in the juvenile halls. During this reporting period, the Probation Department’s field staff initially encountered problems accessing the Probation Case Management System (PCMS) that they use to write the PIRs which are included in the PIPs. This issue has recently been resolved, and field staff can now access PCMS.

Because Probation Department staff did not submit any of the reviewed cases to FIRST within seven days, the Probation Department is not in substantial compliance with the requirement for timely submission of cases declined by IAB for investigation.

## **REVIEW OF THE PROBATION DEPARTMENT’S COMPLIANCE WITH USE-OF-FORCE POLICIES IN JUVENILE HALLS**

---

<sup>13</sup> As of September 14, 2023, the Probation Department instituted a program to address the backlog of cases not properly reviewed, which included hiring 25 use of force consultants to assist FIRST in its review of the use of force incidents at BJNH and CJH.

The Detailed Plan mandates that the Probation Department follow its use of force policies and ensure that video cameras capture 90% of the use-of-force incidents in its two juvenile halls, CJH and BJNJH.<sup>14</sup> The Office of Inspector General reviews compliance in three specific areas: (1) whether cameras provide sufficient coverage, (2) whether the cameras are operational and in use, (3) and whether the recordings are properly used in analyzing compliance with the Probation Department's use-of-force policies and state law. This report analyzes a representative sample of use-of-force incidents at CJH and BJNJH for the reporting period.<sup>15</sup>

As noted in the Office of Inspector General's first three reports on compliance with the Settlement Agreement, CJH has more than twice the number of video cameras as BJNJH. The Office of Inspector General previously found that there are not enough cameras installed at BJNJH 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. While BJNJH properly used the video recordings in reviewing incidents captured by the video recordings, the Office of Inspector General finds that BJNJH is not in compliance because its cameras captured only 32% of the randomized sample of use-of-force incidents on video. The Probation Department recently purchased additional cameras and commenced installation at BJNJH but have not started operating those cameras due to a back-order of necessary components.

The Office of Inspector General found that when the Probation Department had sufficient video coverage, it followed its use-of-force policies at both facilities.

## **Methodology and Scope**

The Office of Inspector General requested documentation for all use-of-force incidents and related investigations that occurred at both juvenile hall facilities during the reporting period. The Probation Department reported that for this period there were 529 use-of-force incidents at CJH and 184 use-of-force incidents at BJNJH. Use-of-force incidents are documented in SCM reports.

The Office of Inspector General constructed a sample 23 use-of-force incidents at CJH and 22 incidents at BJNJH.

---

<sup>14</sup> Based on the transfer of youths from CJH to LPJH on July 12-13, 2023, LPJH is also subject to the Detailed Plan requirements.

<sup>15</sup> The Office of Inspector General will provide a review of sampled use-of-force cases from LPJH to determine compliance with the Detailed Plan in its next report.

Substantial compliance with the Detailed Plan, requires that the following three objectives be met 90% of the time:

**Objective A:** Ensure the 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. The Office of Inspector General defines *sufficient coverage* as camera coverage of an area of the facility that captures any use-of-force incidents sufficiently to allow the Probation 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.

**Objective B:** Assess whether video cameras are *operational and in use*. The Office of Inspector General defines *operational and in use* to mean that each camera operates as designed, providing a clear video stream that can be viewed on the designated monitors and recording the video for later playback.

To determine compliance with Objective B, the Office of Inspector General conducted a video camera inspection at each juvenile hall in order to ascertain whether the cameras operated properly and provided sufficient video for review.<sup>16</sup>

**Objective C:** Assess if video recordings are being *properly used* in relation to use-of-force incident reviews. The Office of Inspector General defines *properly used* to mean that Probation Department staff review the video, compare it to the written reports, and correctly apply the law and relevant Probation Department policies to the use-of-force investigation.

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 Probation Department training and relevant statutory and case law. These authorities generally require that a use of non-deadly force by Probation Department staff be both reasonable and necessary to facilitate the restoration of order.<sup>17</sup>

---

<sup>16</sup> BJNJH currently has a total of 215 cameras. The Probation Department reports it is currently in the process of installing additional cameras, which it expects to be fully functioning by February 2024.

<sup>17</sup> See generally California Penal Code section 835a; *Graham vs. Connor* (1989) 490 U.S. 386.

To determine compliance with Objective C, the Office of Inspector General attended Probation Department use-of-force training, reviewed video recordings of use-of-force incidents, reviewed the Probation Department policies, attended Probation Department use-of-force reviews, and reviewed decisions by the Probation Department on whether uses of force were in policy and compliant with the law and decisions to refer cases to IAB.

Specifically, the Office of Inspector General reviewed the following actions by the Probation Department:

1. Debriefing of the incident.<sup>18</sup>
2. Availability of video recordings for review of the use of force incident.
3. Evaluation of use of force cases for reasonableness, de-escalation, force prevention, and intervention; the appropriate application of force utilized; the level of threat perceived by officers; the need for force versus the level of force; whether any injury was suffered and the extent of the injuries.
4. Evaluation of all necessary forms and documents,<sup>19</sup> photographs, youth questionnaires, evidence, injuries, and referrals of alleged misconduct to IAB.

## Findings

### Objective A: Sufficient Camera Coverage of Use-of-Force Incidents

#### *Central Juvenile Hall*

Of the sample of 23 incidents at CJH, all had video recordings, and 97% (22 of 23) had sufficient video coverage for review, without obstructed views. Based on the Detailed Plan requirement that at least 90% of all use-of-force incidents have sufficient camera coverage CJH is in compliance with the Settlement Agreement.

---

<sup>18</sup> Title 15 Minimum Standards for Juvenile Facilities, UOF section 1357 (a)(5)

<sup>19</sup> Physical Intervention Reports, Medical and Mental Health related documents, Child Safety Assessment, Suspected Child Abuse Reports, Incident Video Review (Directive 1194, section B.)

### *Barry J. Nidorf Juvenile Hall*

Of the sample of 22 use-of-force incidents at BJNJH, only 32% (7 of 22) of the incidents reviewed had video recordings, falling short of the 90% required for compliance with the Detailed Plan.<sup>20</sup>

In prior reports, the Office of Inspector General noted that the Probation Department in September 2022 reported a plan to install additional cameras for BJNJH. As of the Office of Inspector General's Third Report on Compliance, the Probation Department estimated that cameras would be installed by December 2023.<sup>21</sup> The Department has not completed installation, but expects that BJNJH will have 660 cameras, with an expected completion date of February 23, 2024.

### **Objective B: Cameras Are Operational and in Use**

The Office of Inspector General conducted inspections at both juvenile halls and reviewed use-of-force incidents at CJH and BJNJH to determine if the cameras at both halls operate as designed and provide video recordings suitable for use in analyzing a use of force.

### *Central Juvenile Hall*

On June 16, 2023, the Office of Inspector General conducted an inspection at CJH and found 100% (569) of the cameras operable with viewable and retrievable video recordings. However, items such as paper and lotion had been placed on lenses of 33 of the cameras (in 11 of the buildings and 13 housing rooms), in a manner that prevented optimal recording and which seemed to have been deliberate. Currently there are no youths housed at CJH due to the transfer of youths to Los Padrinos Juvenile Hall.<sup>22</sup> The Probation Department staff reported to the Office of Inspector General staff that because CJH is now only utilized as a same-day medical service facility, the

---

<sup>20</sup>Use-of-force incidents in sample without video recordings SCM Nos. 23-0005, 23-0032, 23-0170, 23-0512, 23-0985, 23-1157, 23-1157, and 23-1158.

<sup>21</sup> Third Report on Compliance at 17; Second Report on Compliance at 13.

<sup>22</sup> The Probation Department transferred youths to Los Padrinos Juvenile Hall from CJH on July 12 and 13, 2023, and from BJNJH on July 17 and 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.

Department plans to conduct internal audits and inspections to address the need to regularly clean and repair the cameras only on cameras in the medical unit .

### ***Barry J. Nidorf Juvenile Hall***

On June 29, 2023, the Office of Inspector General reinspected video cameras at BJNJH and found all 215 cameras operable. BJNJH is therefore in compliance with the Detailed Plan requirement that 90% of installed cameras are operational and in use for the purpose of use of force review.

However, Office of Inspector General staff also observed that cameras in mental health evaluation rooms showed evidence of camera lenses being dirtied or obstructed. When they raised the issue with the Probation Department, Department staff immediately submitted a work order to address the tampering. There was no indication that the Probation Department staff previously identified this problem. As noted in previous reports, the Office of Inspector General recommends that each director at the start of their respective shifts, review the video monitors to ensure that all cameras are recording without obstruction.

### **Objective C: Video Camera Recordings are Being Properly Used to Determine Policy Violations**

#### ***Central Juvenile Hall***

In determining whether the Probation Department is *properly using* the video recordings at CJH, the Office of Inspector General reviewed a sample of 23 use-of-force incidents at CJH. Of the 23 incidents reviewed, CJH properly reviewed 87% (20 of 23) of the incidents to determine policy violations, a rate below the Detailed Plan's requirement of 90%. In the other three incidents captured on video, the Department overlooked what Office of Inspector General staff observed to be obviously excessive uses of force. The Office of Inspector General finds that the Probation Department is not in compliance with the Detailed Plan.

The following cases illustrate the importance of properly reviewing the video recordings to assist in identifying possible staff misconduct.<sup>23</sup> The cases below represent two use-of force incidents for which, in the opinion of the Office of Inspector General, the Probation Department failed to properly use the video recordings in analyzing the uses

---

<sup>23</sup> Use-of-force incidents in case examples SCM Nos. 2023-0734, 2023-0481.



of force for violations of policy or law as the reviewers failed to acknowledge any misconduct.

### CASE 1

*A youth was in the housing unit hallway requesting a shower but was informed by the DPO that she was not allowed to take a shower at that time. The youth became upset and picked up a cup of soap which had been placed on the table for the youths and threw it at the DPO. The DPO then picked up another cup of soap and threw it at the youth. The youth then attempted to punch the DPO and the DPO responded by punching the youth in the head and pushing the youth against the wall, despite the presence of three other DPOs keeping the youth away from assaulting the first DPO.*

The Probation Department failed to properly review the incident. The first DPO failed to prepare a PIR as required by the Probation Department policy. The second DPO in her PIR clearly states that the first DPO “. . . immediately picked up a cup of soap and threw it on youth . . .” A proper review of the PIR by the unit supervisor would have indicated that there was misconduct by the first DPO. A review of the video by the SCM team, the Director, or FIRST would have indicated that the first DPO used excessive force in punching the youth while the youth was being pulled away from the first DPO.

However, the Probation Department staff failed to require that all involved DPOs provide PIRs, as required by its policy, and the Department failed to review the video recording to determine if the use of force was within policy. After review by the Office of Inspector General staff, this incident was brought to the attention of IAB for consideration for investigation and was accepted by IAB for investigation.

### CASE 2

*A youth ran through a hallway over a makeshift barricade of card tables between two classrooms to tease or taunt a second youth in another classroom. The first youth returned over the barricade to her side of the classroom area where she was joined by a third youth who was also teasing the second youth. The first and third youths continued to tease the second youth, while refusing to obey the DPO's orders to return to their classroom. The video shows the DPO taking out OC spray, and as the first and third youth began to laughingly grab each other,*

*the DPO sprays them both with OC spray, including once from behind the third youth as the youth was standing looking away from the DPO. Later, as the third youth was complying with the DPO's order by walking to the classroom, the DPO again sprayed the third youth in the face. The DPO sprayed the youths a total of five times.*

The video clearly demonstrates the youths' conduct might be playful or disruptive but was not threatening. The DPO used OC spray not to address any threat, but merely because the youths did not follow instructions to go back to their classroom, and admitted as such in her PIR stating, "Their refusal to return back to their own classroom became more aggressive and uncomplying, since there was [sic] no other staffs [sic] around to support this officer, OC warning was shouted severally, [sic] but the youths did not listen. Therefore, it became imperrative [sic] to spray the two of them." Although the DPO includes the assertion that there was no other DPO present as the basis for the use of OC spray, the video clearly illustrates a second DPO in the doorway. The Probation Department staff again failed to review the video to determine if the use of OC spray complied with policy. After review by Office of Inspector General staff, this incident was brought to the attention of IAB for consideration for investigation.

### CASE 3

*A youth was in a hallway refusing to go to his room with two DPOs. The first DPO was facing the youth, moving forward, and pushing the youth in his chest moving the youth backwards. The youth then struck the DPO in the face. The DPO reacted and punched the youth with the DPO's right hand, followed immediately with a punch from his left hand, both striking the youth in the face. The youth fell to the ground and then got up and walked to his room. Additional Probation Department staff members are later captured on video cleaning up what is thought to be blood in the hallway.*

The video demonstrates the DPO's excessive force. The DPO was a large muscular male, and the youth was much smaller and thinner. Although the youth hit the DPO in the face, the youth did not appear to pose an ongoing threat to the DPO when the DPO punched him, the DPO had options to use to keep the youth from physically threatening the DPO, such as pushing the youth away and creating distance as well as other de-escalation tactics. Again, the DPO appeared to use the youth hitting him as an excuse to retaliate and hit the youth. Also, the video shows a third staff member cleaning up various spots on the hallway floor, which appear to be the youth's blood from being punched in the face twice by the first DPO.

A facility director properly reviewed the video recording of the incident and forwarded to IAB for review based on the possibility of excessive force by the DPO. The incident was later presented to CIT for discussion of opening an investigation. However, CIT declined to investigate because Probation Department staff felt the use of force by the DPO was “quick and reactive” in self-defense and sent it back to the Bureau Chief to only address the failure of the second DPO to provide a PIR, although there is no indication that this issue was ever discussed with the second DPO. It is the opinion of the Office of Inspector General that this incident should have been fully investigated by IAB for an excessive use of force. However, the statutory period for disciplining the officers has expired, so that an investigation cannot be opened nor can the second DPO be disciplined for failing to provide a PIR.<sup>24</sup>

### *Barry J. Nidorf Juvenile Hall*

As set forth above, in the sample of 22 use-of-force incidents at BJNJH, only 7 had video recordings. While the Probation Department used the available video properly in those 7 incidents, meaningful compliance requires sufficient camera coverage to provide video recordings for all or nearly all the use-of-force incidents in BJNJH. At this juncture, the Office of Inspector General finds BJNJH not in compliance.

## **INTERNAL AFFAIRS BUREAU INVESTIGATIONS**

In reviewing the Probation Department’s use of video to review use-of-force incidents, the Office of Inspector General discovered that in approximately one-third of cases (40 of 124) in which the director requested investigation by IAB due to possible excessive force,<sup>25</sup> IAB found the allegations of use of excessive force “unsubstantiated” or found “insufficient or inconclusive” evidence of the alleged misconduct despite video evidence in some of the cases indicating otherwise.<sup>26</sup> This is very troubling because in these

---

<sup>24</sup> 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.

<sup>25</sup> IAB only investigates cases where the alleged misconduct can lead to a suspension of 16 days or more from employment.

<sup>26</sup> The Probation utilizes the following for the determination of its investigation findings: 1) *Substantiated* – “A complete investigation is conducted that reveals the allegations did occur (guilty). Preponderance of evidence indicates the allegation was true (it occurred),” 2) *Unsubstantiated* - “A complete investigation is conducted, and it cannot be determined if what was alleged did or did not occur (not guilty),” 3) *Insufficient Evidence* – “There is

cases, (1) there is a video of the incident, which was properly viewed and documented by the director according to policy, (2) the director found sufficient indication of misconduct in the video to send the incident to be reviewed by CIT, and (3) the CIT committee perceived there was enough evidence in the video to warrant an investigation by IAB. However, in contravention of this determination by the director and CIT, the investigator still issued a report stating the allegations were “unsubstantiated” despite video evidence that, at least to the Office of Inspector General, clearly indicates misconduct. This trend also reveals a serious flaw in Probation’s system of force review: that even where the director and CIT have found grounds to investigate excessive force, a single investigator has unilateral authority to determine that allegations are unsubstantiated, without supervisory review of the investigator’s report to ensure it is consistent with video evidence and appropriate legal standards. This effectively makes the investigator the final decisionmaker for force determinations and defeats the purpose of the director and IAB viewing the video recording to identify possible misconduct for investigation.<sup>27</sup>

The Office of Inspector General recommends that the IAB investigators’ reports only present the facts of the investigation and not ultimate conclusions such as substantiated or unsubstantiated regarding the allegations of misconduct. The ultimate decision whether a use of force violates policy should rest with the Roundtable, which decides the penalty if a staff member is found to be in violation of use-of-force policies.<sup>28</sup> In addition, the Probation Department should supervise investigators and review the final investigation report to ensure that the investigation was properly conducted and the report accurately sets forth the facts. The following cases are examples of cases found to be “unsubstantiated” or declined to be investigated, despite the video recordings demonstrating conduct that the director and CIT perceived may be excessive uses of force:<sup>29</sup>

## CASE 1

---

insufficient (lacking) evidence to interview SOI or continue with a formal investigation,” 4) *Inconclusive* – “A completed investigation is conducted and it cannot be determined if what was alleged did or did not occur.”

<sup>27</sup> The Office of Inspector General has not conducted a statistical analysis of how often the investigators’ findings are followed by the Bureau Chiefs.

<sup>28</sup> A Roundtable is the designation that Probation Department executives from Internal Affairs and the Performance Management Unit use to refer to the meeting during which the imposition of discipline is determined. This process of discipline is not incorporated into any formal policy. The Office of Inspector General recommends that the discipline process be formalized and standardized in the form of an adopted policy. The Office of Inspector General is invited to and is present at the Roundtable.

<sup>29</sup> IAB Case Nos. 22-079-UF, 23-054-UF.

*A youth was talking to a DPO attempting to enter the unit office. The DPO attempted to prevent the youth from entering and informed the youth that he could not enter the office. The youth reached forward and touched the DPO, attempting to walk past the DPO. The DPO walked toward the youth telling him, “keep your hands off me” and the youth again touched the DPO’s arm as the youth attempted again to walk past the DPO. The youth was then forcefully pushed to the floor, as the DPO stated, “don’t put your fucking hands on me.” The DPO then picked up the youth and pushed them up against the wall, narrowly missing the youth’s head hitting a fire extinguisher storage cabinet. The DPO then threw the youth to the floor a second time where the youth was ultimately restrained.*

The DPO in his PIR stated that youth “grabbed this officer’s arm and would not let go,” and the youth “attempted to overpower this officer,” and that the youth “fell to the floor . . . made several attempts to pull this officer to the floor.” The video clearly demonstrates that this account is false and that the DPO violently pushed and threw the youth to the floor.

The investigator in the investigation report determined that the allegation of “misuse of force” was “unsubstantiated” based on the witness statements, the DPO’s statements and the video recording. However, the witness statements and the DPO’s statement were not consistent with the video recording. The DPO described the youth’s grabbing of his arm as an “aggressive attack” and that he felt his personal safety was threatened by the youth’s “unprovoked attack.” He further stated, “I can’t believe it’s gotten to the point where the youth feel like . . . they can go ahead and put hands on me and actually grab me.” The video recording clearly contradicts the DPO’s claim that there was any “attack” by the youth and shows that the DPO was upset that the youth touched him, ignored his instructions, and attempted to walk past him. It is the Office of Inspector General’s opinion that the DPO’s safety was not threatened during his interaction with the youth, and such use of force was unwarranted and against the Probation Department’s use of force policies.

## CASE 2

*Six DPOs escorted a youth from a housing unit to a medical facility because of a fight with another youth earlier in the day. As they walked, the first DPO had his hand on the youth’s shoulder and the other five DPOs were walking behind the youth. The youth, in an underhand motion, threw a hand size rubber ball, striking a second DPO approximately three feet away. The second DPO quickly walked up in front of the youth and grabbed the youth’s head and, with the help of four other DPOs, forced the youth to the ground and restrained him.*

The investigator's report determined that the allegation of "excessive use of force" was "unsubstantiated" without stating the specific reasons beyond merely recounting the evidence collected. A review of the documents indicated that the second DPO in his PIR stated, ". . . the minor turned toward me, and threw a yellow object at me. As a result, I approached the minor and grabbed him by the shoulder and escorted him to the ground . . ." By the DPO's own words, the youth was not a threat to the officer, warranting a use of force, but merely threw a rubber stress ball at the DPO.

These incidents reflect a troubling pattern of cases in which officers use force to retaliate against acts of provocation by youths and describing the youths as having "threatened" the officers' safety to justify the officers' use force. Neither the law nor Probation Department policy allows officers to use force as punishment for perceived insults or a youth merely touching Probation staff. The Probation Department must improve its review of force incidents to prevent its staff from using force inappropriately in these cases.

## **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) requirements designated in the Detailed Plan. PREA includes a range of requirements intended to deter sexual assault in correctional institutions, including juvenile detention facilities. Portions of PREA seek to ensure the announcement of a person of the opposite sex entering a housing unit, and privacy during showering, performing bodily functions, and changing clothes.

During the reporting period, an Office of Inspector General investigator inspected CJH, BJNJH, and the Probation Department camps to determine compliance with the 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.<sup>30</sup> The Office of Inspector General inspected the two juvenile halls (CJH and BJNJH) and five camps (Camp

---

<sup>30</sup> 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.



Clinton B. Afflerbaugh, Dorothy Kirby Center, Camp Vernon Kilpatrick, Camp Joseph Paige, and Camp Glenn Rockey) in unannounced visits.

## Privacy Curtains

Since the Office of Inspector General's last compliant report, the Probation Department has installed several shower doors and curtains that provide adequate privacy while still maintaining safety. However, several of the restrooms continue to have blind spots that the Office of Inspector General has previously reported, which impair staff in monitoring for dangerous or inappropriate activity or identifying a medical emergency. These blind spots have several causes:

- Shower curtains that are opaque and reach the floor causing the view of an individual's head and/or feet to be obstructed.
- Shower curtains that are designed for viewing of an individual's head and feet but are improperly installed or have calcium build up causing the view to be obstructed.
- Walls or fixtures in bathrooms that obstruct views.
- Inadequate lighting in bathrooms to safely observe the youth.

Since the Office of Inspector General's last report, the Probation Department's PREA Coordinator ordered metal doors for installation inside the restrooms of each unit at BJNJH to replace the privacy curtains, with the installation scheduled for May 2023. However, the Probation Department's PREA coordinator informed Office of Inspector General staff that as of June 2023, the Probation Department suspended both that project and upgrades to the restroom lighting at BJNJH, in order to use the resources to open LPJH in July 2023. The Probation Department has provided no timeline for resuming the project. Currently, the only youths housed at BJNJH are in the Secured Youth Treatment Facility, which is PREA compliant.

The Office of Inspector General conducted inspections at CJH for PREA-compliant privacy curtains or doors in the youth restrooms. During the period of review, CJH was PREA compliant. As of July 17, 2023, CJH is no longer used for housing youths, but used to provide same day medical services.

## Blind Spots

During the last reporting period, the Officer of Inspector General noted that Camp Rockey, Camp Afflerbaugh, Camp Paige and Camp Kilpatrick each had blind spots due to tiled walls in the shower areas. For this reporting period, the Office of Inspector General staff met with the Probation Department's PREA Coordinator and PREA Compliance Manager, conducted inspections, and noted that blind spots remain inside the restrooms of all four facilities. The PREA Coordinator informed the Office of Inspector General staff that the Department is still in the process of evaluating the remodeling of the tiled walls at these locations, as it will cost hundreds of thousands of dollars. Although the Department's executive leadership initially approved the expenditure to remove the tiled walls, the Department reports suspending the project in order to shift resources to LPJH infrastructure upgrades necessary for the June opening of the facility. The Probation Department continues to assign staff at each camp to monitor the blind spots while the youths utilize the restrooms. The Department has provided no timeline for removing the tiled walls.

The PREA Coordinator previously made a requisition request to remove the metal partitions from the restroom areas of Camp Rockey, Camp Paige, Camp Afflerbaugh, and BJNJH, which the Probation Department finished removing in March 2023. Removing the metal partitions eliminated a number of previously noted blind spot areas inside the restrooms.

### **Opposite Gender Announcements**

During their unannounced visits conducted between January 1, 2023 and June 30, 2023, Office of Inspector General staff observed consistent compliance with Probation Department staff announcing their entry into the living units for youth of a different gender, with infrequent lapses in compliance. Based on the Office of Inspector General staff's observations and interviews of staff and youths, it finds the Probation Department in compliance with the requirement for announcements of entry by the opposite gender, as required by the Detailed Plan.

Based on the above, the Office of Inspector General finds the Probation Department substantially complied with the Detailed Plan in both the installation of PREA-compliant privacy curtains or doors and opposite gender announcements. However, the elimination of blind spots remains necessary based on the Probation Department's failure to remove the tiled walls.

## ROOM CONFINEMENT/ACCESS TO PROGRAMMING

The Probation Department currently posts a recreation schedule with a list of activities and the times the activities are offered in the office and on activity boards in the living units. There are generally no deviations with respect to the start and end times or the location of the activity, all of which are shown on the schedule. Activities include school, recreational activities, exercise, outside time, religious services, visitation, and phone calls. Activities may only be suspended for an individual youth if there is a written finding by the facility administrator that the youth must be placed in room confinement due to being a “threat to the safety and security of the facility,” or for mental health or other health related reasons. The Probation Department is required to document any denial of Activities, stating the Probation Department staff member’s reason for not allowing a youth to participate, signed and validated by the superintendent, and provided weekly to the Office of Inspector General.<sup>31</sup>

During all room confinements, at a minimum, a Probation Department staff member must conduct a safety check consisting of direct visual observation of the youth at random or varied intervals that do not exceed 15 minutes between each observation. These safety checks are required for youths who have been deemed a threat to safety and security, as well as for youths who choose not to participate.

When youth has chosen not to participate of their own accord (designated as self-separation), each safety check requires the staff member to indicate if the youth was encouraged to rejoin the group, rejoined the group, remained separated, or was asleep, along with any pertinent comments. The safety checks must continue until the youth joins the Activities.<sup>32</sup>

Absent a youth posing a threat to the safety or security of the facility, the Probation Department is prohibited from confining youths to their rooms thereby preventing access to Activities. The Probation Department must also ensure that youths are not confined to their rooms simply because of a youth’s refusal to participate. During the reporting period, there were 27 room confinements at BJNJH and 31 at CJH.

---

<sup>31</sup> See Probation Detention Services Bureau Manual Chapter 12 sections 22 and 23; See also California Code of Regulations Title 15 Crime Prevention and Corrections section 1371.

<sup>32</sup> If a youth on an Enhanced Supervision Level 2 or Level 3 requests to self-separate, the Safety Room Check and Enhanced Supervision Observation Form shall be utilized per Directive 1188. DSB Section 1400 - Enhanced and Specialized Supervision.

## Creation of Internal Processes to Document and Report on Room Confinements and Subsequent Remedial Measures

The Detailed Plan requires that the Probation Department create an internal process to better identify and track room confinement, promptly notify the superintendents of the juvenile halls of instances of room confinement of youths that are outside of policies and state law, and implement remedial measures as needed. The Probation Department must also develop an internal process to provide the Office of Inspector General data and documentation of subsequent remedial measures taken in response to room confinement incidents that were determined to be in violation of the Probation Department's policies or the law.

The Probation Department reports that it is still in the process of designing and implementing a computerized system to track room confinements, provide prompt notification of instances of room confinement that are outside of policies and state law, to document remedial measures, and to provide the Office of Inspector General the data on documentation. Without the implementation of this system, the Probation Department is not compliant with the Detailed Plan's requirement for the development of the system for internal tracking and reporting to the Office of Inspector General.

In an effort to determine whether the Probation Department is compliant with the requirements as to the other metrics relating to room confinement, Office of Inspector General staff conducted a review of the Probation Department's written documentation by requesting and reviewing current programming logs and related documentation used by the Probation Department to record the Activities each youth received at both CJH and BJNJH. To assess the Probation Department's compliance that youths were participating in the Activities and not improperly confined to their rooms in violation of existing policies and state law as mandated by the Detailed Plan, the Office of Inspector General reviewed weekly report logs, initial intake screening questionnaires, Assessment and Classification forms, Detention Adjustment Reports, Self-Separation forms,<sup>33</sup> SIR/PIR forms, Enhanced Supervision forms, Readiness for Release forms, Reintegration Plans, Hope Center Bed Charts, Safety Check Sheet, and Room Confinement logs for both CJH and BJNJH juvenile halls for the first and second quarters of 2023.<sup>34</sup>

---

<sup>33</sup> Self-separation is when a youth chooses to not participate in Activities and usually remains in the housing unit to read or sleep.

<sup>34</sup> Since July 2022, the Office of Inspector General was provided the required information on a weekly basis in accordance with the provisions of Paragraph 24(c) of the Settlement Agreement, including the denials of

## **Prompt Notification and Subsequent Remedial Measures**

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 review of the available documents, Probation Department staff promptly provided notice to the superintendents at both CJH 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 Probation Department implement subsequent remedial measures. The Office of Inspector General found that both BJNJH and CJH promptly reported to the superintendent and remedial measures were implemented in 100% of the incidents at both facilities, satisfying the 90% metric in the Detailed Plan. The lack of a sufficient internal processes as required by the Detailed Plan, including a computerized data base, continues to raise some doubts as to whether the Department identified all instances and documented them in writing.

## **Written Finding That a Youth Posed a Threat to the Safety and Security of the Facility**

The Office of Inspector General reviewed a total of 31 room confinements at CJH for this reporting period. From the documentation reviewed, CJH's staff provided written documentation of their findings that a youth posed a threat to the safety and security of the facility in writing in 100% of the incidents, thus meeting the 90% threshold required for compliance.

The Office of the Inspector General reviewed a total of 27 room confinements at BJNJH for this reporting period. From the documentation reviewed, BJNJH's staff provided written documentation of their findings that a youth posed a threat to the safety and security of the facility were in 100% of the incidents, meeting the 90% threshold required for compliance.

---

programming, recreation, exercise, outside activity, religious services, visitation, and phone calls, and the reasons for denials. Because of the delay in developing an internal process for collecting, maintaining, and reporting data, the Office of Inspector General is not considering this documentation to be in compliance with the Detailed Plan.

## Participation in Programming of Youths Who Were Not Found to be a Threat to the Safety and Security of the Facility

The Detailed Plan requires that the Probation Department provide youth with Activities and prohibits the Probation Department from confining youth to their rooms, thus preventing access to Activities, unless it determines that a youth poses a threat to the safety or security of the facility. The Detail Plan requires that Department staff document and log any denial of 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.<sup>35</sup>

The Detailed Plan requires that the Probation Department provide Activities for at least 93% of youth at BJNH and CJH who it has not found to pose a threat to the safety or security of the facility. To determine compliance, the Office of Inspector General reviews programming exception logs, which require accurate and complete documents specified by the Board of State Community Corrections (BSCC) that note when youths miss school or other required programming.

Based on the Office of Inspector General's review and assessment of the documentation, CJH only denied access to Activities to youths in room confinement based on a determination that the youths were a threat to the safety and security of the facility. Therefore, Activities were *available* to 100% of the youths at the facility who did not pose a threat to the safety or security of the facility.

However, Activities were still not provided to some youths who were not determined to pose a threat to the safety and security of the facility, and the reason for not receiving the Activities was often documented as self-separation or refusal. The documentation provided does not clearly show whether youth are being encouraged to reengage or note the reason for the self-separation or refusal. The Probation Department's logs for CJH showed persistent errors in reporting self-separations. The logs should distinguish between self-separations, in which youth take themselves completely out of a block of activity and provide a reason for their non-participation (for example, by staying in their room to sleep rather than attending school), and refusals, where youth attend a block but simply refuse to participate in one or more activities. The Office of Inspector General's review and subsequent communications with the Probation Department show that Department staff often failed to make this distinction, sometimes by reporting self-separations incorrectly as refusals or and other times by failing to report them at all. The

---

<sup>35</sup> The Office of Inspector General interprets "validation" under Paragraph 24(c) to mean a signature on the log by a supervisor and superintendent.



Office of Inspector General has previously raised this issue with the Department, which must report accurately for this office to accurately assess compliance.

The Probation Department's failure to engage youth in programming without an explanation is problematic and raises concerns that it is not offering youths adequate programming.<sup>36</sup> Moreover, this finding is consistent with reports from youth, staff, and the BSCC that youth are not provided with adequate programming or reengaged.

Based on the information the Probation Department provided, the Office of Inspector General calculated that, on average, the Probation Department provided Activities each day to only 31% of youths at CJH who were not found to pose a threat. Conversely, 69% of youths who were eligible did not attend some type of programming on those days.<sup>37</sup> This falls far short of the 93% required for compliance with the Detailed Plan. However, the documents the Probation Department provided indicate that staff in CJH made Activities available to youth 100% of the time and followed its policies in identifying youths who chose to self-separate or refused participation in the Activities provided. As in the previous quarter, CJH records listed refusals (including erroneously categorized self-separations) as the most common reason given for missed participation in Activities, followed by the balance for "excusable reasons" (such as court, medical, released, special visit).

In addition, the Probation Department's transition to an electronic tracking system has created unanticipated barriers to transparency and oversight. The Probation Department replaced hardcopy forms it previously used to track the specific reasons youths self-separated or refused to engage in Activities with the new electronic grievance system. However, the new electronic grievance system does not identify the specific reasons why youths self-separate or refuse Activities. The loss of this information will hinder review of these incidents, making it more difficult to determine whether staff takes all appropriate steps to re-engage with youths and encourage them to resume participation in Activities. The Office of Inspector General recommends that the Probation Department modify the new grievance system to allow for input of the

---

<sup>36</sup> Title 15 minimum standards require that youths be provide with the *opportunity* for programming for a specified number of hours in various categories. (See [BSCC California Title 15 Minimum Standards for Juvenile Facilities](#), pages 38 to 43.) The lack of documentation and computerized databases makes a determination of compliance difficult. Moreover, the stated purpose of providing programming is to "minimize the amount of time youth are in their rooms or their bed area." (BSCC California Title 15 Minimum Standards for Juvenile Facilities, at page 40.)

<sup>37</sup> The rate of noncompliance was calculated by taking the average number of youths who missed at least one Activity each day divided by the average daily population for the period of January 1, 2023, through June 30, 2023.

specific reasons for youths' self-separation and refusal and to memorialize staff efforts to re-engage the youths in the Activities.

The Office of the Inspector General worked with the Probation Department at the beginning of the implementation of the Detailed Plan to create logs for the Department to use to report the information necessary to determine compliance; however, the Department failed to provide those logs in a timely manner. Again, in this reporting period, the Probation Department did not provide complete information for BJNJH in the deadlines required for this review, so that the Office of Inspector General could not determine compliance with the Activities requirements for that facility.

In April 2023, the Office of Inspector General contacted the Probation Department regarding its deficiencies in the collection and reporting of Activities information and provided the Department with a streamlined information request to assist in the production of the information needed for this review. While the Office of Inspector General has not completed our compliance analysis for the third quarter of 2023, our initial review suggests that the Probation Department is now submitting timely and complete information using the streamlined form.

As the Office of Inspector General noted in its previous reports, youth access to Activities is vital to the proper care of youths while incarcerated, and any impediment to such access, especially being confined to a room, must be viewed critically. To provide an assessment as to compliance, it is imperative that a computerized database be implemented as soon as practicable. Until such implementation, the Probation Department should continue to utilize the tracking log template recommended by the Office of Inspector General to ensure that on a weekly basis the accurate reports on denials of Activities are provided to the Office of Inspector General for an assessment as to compliance.

## **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.<sup>38</sup> These grievances

---

<sup>38</sup> Calif. Code of Reg., Title 15, section 1361: "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."

include concerns lodged by a youth in custody at a juvenile hall as well as those filed by family members. Although the Probation Department acquired a new Grievance Management System that was due to launch in October 2022, it was not implemented until February 2023 due to issues with the system vendor. For this reporting period, grievances were collected daily from the grievance boxes by the Grievance Officer at juvenile halls, reviewed, entered into the Grievance Management System and a response provided either at the end of the Grievance Officer's shift or within three business days, or within two business days if the grievance is filed with a senior detention probation officer or supervising detention services officer. If a youth's grievance is denied, they may appeal to a supervisor or director.

The Probation Department continues to use written grievances and the Juvenile Institutions Grievance System (JIGS) to receive grievances *electronically*, which allows youths to file their grievances from their individual computer laptops, as the Probation Department continues to await the expected "kiosks" that will be used for youths to electronically file grievances directly through the kiosks. It operates as a mailbox for the Probation Department staff to retrieve and review the filed grievances. Grievances can also be sent to the Office of Inspector General as well as the Ombudsman's office. The Office of Inspector General communicates with the Ombudsman's office regarding complaints received by the Office of Inspector General on a weekly basis.

In situations where there is more than one complaint on a grievance form, each complaint is addressed individually. Once the grievance is collected, the staff are required to (1) process and handle grievances including appealed grievances, (2) review filed grievances in the facility each week, (3) ensure grievances and appeals are processed within the time requirements, (4) ensure that grievances involving other agencies are processed and addressed timely, (5) meet with any minor who filed a grievance, (6) ensure that the minor signs and receives a copy of their grievance, (7) update the Probation Incident Reporting System (PIRS) with grievance information, (8) maintain the facility's grievance log, and (9) prepare reports regarding grievances as instructed by the Superintendent or Director.

There are two levels of grievances, *low-level* grievances such as needing shoes or disliking the food (resolved by the deputy probation officer or detention services officer who receives the grievance), and *high-level* matters such as sexual harassment, sexual abuse, or use of force. The high-level grievances are reviewed by a supervising deputy probation officer or senior detention services officer (as well as any other appropriate office such as PREA or IAB), who will declare the grievance resolved, granted, unresolved, or denied, each with an option to seek further review by senior staff.

The Detailed Plan tasked the Office of Inspector General with providing oversight of the grievance policy. Although the new grievance policy was finalized on May 8, 2023, it has not been fully implemented as it includes policies related to the kiosks, which the Probation Department still has not procured. The Office of Inspector General reviewed the Probation Department's Grievance Log, which documents the youths' grievances, including the type of complaint and the outcome of the grievance once reviewed by the Probation Department staff.

For CJH, the Office of Inspector General found that of the total 154 grievances documented between January 1, 2023 and June 30, 2023, none related to visitation, 13% (20 of 154 grievances) related to phone calls, and 4% (6 of 154 grievances) related to Activities, none were related to religious services.

For BJNJH, the Office of Inspector General found that of the total 297 grievances documented between January 1, 2023 and June 30, 2023, 2% (6 of 297) related to visitation, 6% (18 of 297) related to phone calls, 11% (34 of 297) related to Activities and none related to Religious Services. The review of these areas indicated that generally youths were being provided access to telephone calls, and family visitation.

While this review showed that 90% of the grievances at CJH and BJNJH were resolved in accordance with the Probation Department's current policies, the lack of kiosks continues to raise concerns about accuracy and availability of grievance documentation and therefore compliance with this metric.

## **RECOMMENDATIONS**

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 as soon as possible. In addition, the Office of Inspector General recommends a change in the process of investigating and determining whether staff engaged in misconduct. The reports written by the investigators should not provide the investigators' opinions on whether the investigation determined the existence of staff misconduct, but rather present the facts collected in an unbiased manner to be presented to the Roundtable decision-maker for that final determination of whether staff engaged in misconduct.