

Motion Summary, February 5, 2019: LA County Board of Supervisors Motion by Supervisors Mark Ridley-Thomas and Chair Hahn: The OIG Investigation and Improving Safety in the Juvenile Facilities

Background

LA County operates the largest juvenile justice system in the nation, serving approximately 800 youth. Recently, issues have been raised around excessive use of force, assaults on both youth and staff, and a tripling of the usage of oleoresin capsicum (OC) spray, or pepper spray, in the juvenile halls since 2015. After learning of more serious uses of pepper spray, on December 18, 2018 the Board of Supervisors (Board) unanimously approved a motion directing the Office of the Inspector General (OIG) to investigate client and staff safety concerns in the County's juvenile halls and probation camps, particularly, use of force incidents involving pepper spray.

Motion Summary

The OIG investigation occurred over 45 days and included interviews with youth and staff, visits to juvenile facilities, assessments of policies, procedures and staffing, evaluation of practices in other jurisdictions, review of footage and review of reports of problematic incidents.

On February 4, 2019, the OIG returned to the Board with findings and recommendations for improvement in its report, "Report Back on Ensuring Safety and Humane Treatment in the County's Juvenile Justice Facilities" (Report). The Report notes a range of potential contributors to problematic use of force and pepper spray, the OIG made a series of recommendations to improve safety inside the juvenile facilities and ultimately recommended the County explore the feasibility of restricting or eliminating the use of OC spray.

The Board of Supervisors Moved

1. Direct the Probation Reform and Implementation Team (PRIT), housed within the Executive Office, **to hold a special hearing (Hearing)**, and report back with any recommendations, on: **The OIG report and safety concerns** in Los Angeles County's (County's) juvenile justice facilities **and** how the **County** and **Department** can **collect and share data on the use of force, safety and well-being** and **metrics** to measure trends, **demographic data** to assess disproportionality. **Incident levels to assess compliance**, steps to **consistently and publicly share data**.
2. Direct the Inspector General and Chief Probation Officer to report back in writing in 30 days with updated data on **Pepper Spray and Use of Force**.
3. Direct the Chief Probation Officer, within 60 days, **to obtain feedback from the PRIT**, and County Departments, impacted labor groups, and community stakeholders and report back with an implementation plan for recommendations in the Inspector General's "Report Back on Ensuring Safety and Humane Treatment in the County's Juvenile Justice Facilities" (Report), and **PRIT recommendations, on the Future use of Pepper Spray with a goal of Improved Safety and Well- Being for staff and youth**

Motion Summary, February 12, 2019: LA County Board of Supervisors Motion by Supervisors Sheila Kuehl and Mark Ridley-Thomas: Phasing out the Use of Oleoresin Capsicum (OC) Spray in County Juvenile Facilities

Background

The Use of Oleoresin Capsicum (OC) Spray, more commonly known as "pepper spray" has been declining across the country as a means of protection for probation officers who staff our nation's juvenile halls and camps or as a means of discipline for juvenile inmates. In fact, California is one of only 15 states that continue to permit its use and is 1 of only 5 states that allow probation officers to carry OC cans on their persons at all times (Report by Legislative Counsel to the State Assembly Committee on Public Safety, April 2018). Over the past several years, discipline of incarcerated youth has pivoted from physical discipline and isolation to a more comprehensive and holistic approach.

At the heart of this departure from a culture of punishment, control and isolation, to a culture of support and rehabilitation is the growing awareness of the impact of trauma on juveniles. Young people in juvenile facilities have

extensive trauma histories, and there is a need to: consider how best to evaluate and assess, to identify treatment resources including trauma-informed techniques and de-escalation tools, and to identify effective tools and strategies to promote healing that will support healthy development and promote increased outcomes.

Motion Summary

On December 18, 2018, the Board, alarmed by the dramatic upswing in the use of OC spray in the Halls and Camps and concerned about the potential violations of Probation policy, directed the Office of the Inspector General (OIG) to investigate uses of force, particularly of OC spray, determine if its use was within Probation's policies and procedures and to make recommendations consistent with its findings. That report was released on February 4th, 2019.

Currently, the use of OC spray is only permitted in the County's three juvenile halls and two of its juvenile Camps, in the Challenger Youth Center (Camps Onizuka and McNair). Probation policy permits the use of OC spray as "the final and ultimate authorized" method to gain control of violent or dangerously out of control youth.

Now, OC spray is viewed by many experts as counter-productive, needlessly punitive and potentially both seriously medically and psychologically harmful. The fact that most of the LA County Probation camps no longer use OC spray is a significant indication that the elimination of OC use in all Probation facilities, when accompanied by intentional, well-considered alternatives, comprehensive training and support and independent oversight is more than possible, it is appropriate and necessary.

The Board of Supervisors Moved

1. Direct Probation, County Departments and Stakeholders to utilize the findings from the PRIT special hearing and report back in 60 days **on a plan for the phased elimination of the use of OC spray in Los Angeles County Camps and Halls** before the end of the calendar year 2019
2. Direct Probation, County Departments and Stakeholders to create a plan that considers best practices, training for staff and restricts OC spray access during phase out and a timeline for implementation of alternate forms of supervision and behavior management.

Motion Summary, February 19, 2019: LA County Board of Supervisors Motion by Supervisors Mark Ridley-Thomas and Chair Hahn: The OIG Investigation and Improving Safety in the Juvenile Facilities.

Background

The BOS Motions on February 5th and February 12th, each address excessive Use of Force, and the upswing of the use of OC spray in Juvenile Facilities. The motions provide specific directives to the Probation Department, and other County Departments and outlines expectations for a 30day and 60day report back. The February 19th motion further directs the assessment of Mental Health needs and to explore approaches to Trauma Informed Care by the Department of Mental Health and a 180 day report back from the OIG. Below is an outline of the BOS directive.

The Board of Supervisors Moved

1. Direct the IG and Chief Probation Officer to report back in 30days with an update on **Pepper Spray and Use of Force** and to make the information available to the PRIT.
2. Direct the Chief Probation Officer, within 60 days, to obtain feedback from the PRIT, CEO and County Departments and report back within 60 days with an implementation plan for the recommendations laid out in the OIG report and the PRIT, with a goal of **improved safety and well-being for staff and youth** and a return to the mandate for rehabilitation.
3. Director of the Department of Mental Health with the Chief Probation Officer, IG, and community stakeholders, to report back in writing in 60days, with an **assessment of the Mental Health** needs in the juvenile facilities areas to improve trauma-informed approaches and reduce use of force.
4. Directs the IG to do a follow-up report on safety concerns, outlined in their report, in 180 days.