

EXECUTIVE OFFICE



BOARD OF SUPERVISORS

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EXECUTIVE OFFICE
BOARD OF SUPERVISORS

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February 21, 2023

TO: Supervisor Janice Hahn, Chair
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Supervisor Lindsey P. Horvath
Supervisor Kathryn Barger

FROM: Max Huntsman, Inspector General 
Los Angeles County Office of Inspector General

Wendelyn Julien, Executive Director 
Los Angeles County Probation Oversight Commission

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

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

The POC and the Office of Inspector General met with the Probation Department executive and detention services bureau leadership on January 30, 2023, and February 13, 2023, communicated regularly with leadership via email, and conducted interviews

with youth and Probation staff, and investigated specific incidents to collect the information in this report.

Directive 1: Direct the Probation Department to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the Office of Inspector General (OIG), to phase out the use of OC spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive (GGE) youth at Central Juvenile Hall.

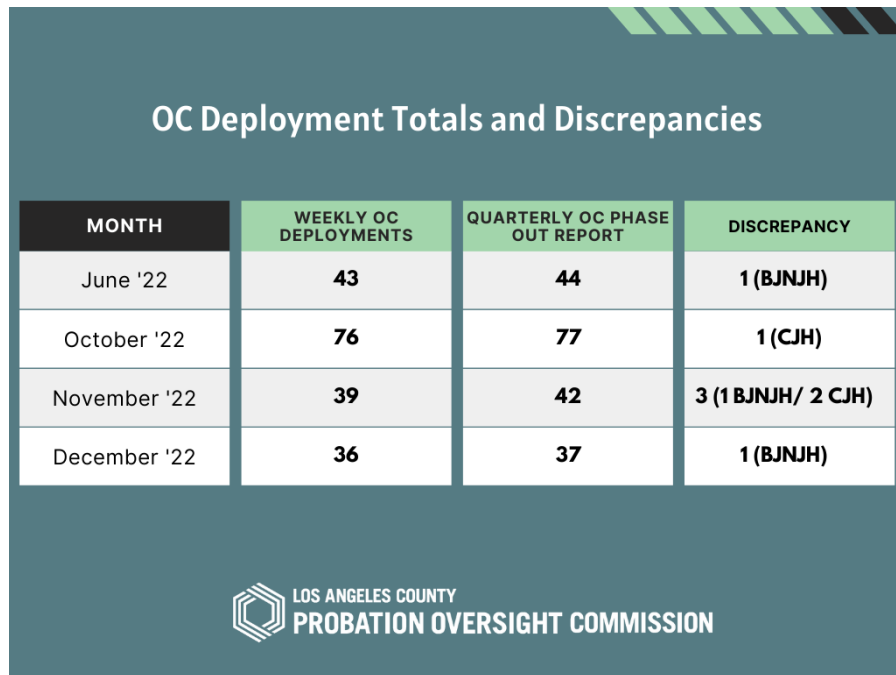
The Probation Department was directed by the Board motion to create an implementation plan to phase out the use of OC spray and eliminate the use of spray in the identified units at CJH ***within 45 business days*** from the date of the motion. Since the last report of January 21, 2023, the Probation Department leadership indicated that they are revising the timelines in its 2019 phase out plan and adjusting it according to the recent Board motion to have a full plan for phase out by the February 27, 2023, deadline. The Office of Inspector General staff inquired if the Probation Department could move to Phase 3 of its 2019 plan which is the *Secured Stage* which requires the only accessible OC spray canisters (two) to be secured in a locked box and only accessible during extreme emergencies. The Probation Department leadership responded that phase out in all the facilities has been delayed due to staff shortages, that the Department is still in Phase 1 – *Training, Programming and Assessment*, unable to bypass any stages in its 2019 plan, unable to move forward to Phase 3 at this time, and that full elimination of OC spray by June 2023 would be “reckless.”

Since the last report of January 21, 2023, Probation’s progress toward compliance with the creation of a plan for full phase-out of OC spray in the juvenile halls and for phase out in the specified units at CJH by February 27, 2023, includes:

Probation has identified 84 staff members who will be assigned to the targeted units at CJH and focused training on those staff.

- Completed both Block Weeks: 30 supervision staff
- Completed Block Week 1 only: 11 supervision staff
- Completed Block Week 2 only: 10 supervision staff
- Attended Block Week 1, but missed one or more courses: 2 supervision staff
- Attended Block Week 2, but missed one or more courses: 1 supervision staff
- Attended both Block Weeks, but missed one or more courses: 9 supervision staff
- Have not attended either Block Week: 9 supervision staff
- Staff that do not have OC Spray: 11 supervision staff

The POC continues to closely track the deployment of OC spray within the Probation Department's two juvenile halls by reviewing the weekly OC Deployment Reports and the Quarterly Phase Out Reports. During the analysis of the most recent quarterly report¹, a data discrepancy was noted affecting the Probation Department's reports spanning the last several months. Specifically, the POC noted that the weekly OC Deployment Reports reported a total of six fewer deployments during June, October, November, and December 2022.



The table is titled "OC Deployment Totals and Discrepancies" and is set against a dark teal background with a decorative graphic of diagonal lines in the top right corner. The table has four columns: "MONTH", "WEEKLY OC DEPLOYMENTS", "QUARTERLY OC PHASE OUT REPORT", and "DISCREPANCY". The data rows are for June '22, October '22, November '22, and December '22. The discrepancy column lists the number of missing deployments and the initials of the individuals involved.

MONTH	WEEKLY OC DEPLOYMENTS	QUARTERLY OC PHASE OUT REPORT	DISCREPANCY
June '22	43	44	1 (BJNJH)
October '22	76	77	1 (CJH)
November '22	39	42	3 (1 BJNJH/ 2 CJH)
December '22	36	37	1 (BJNJH)

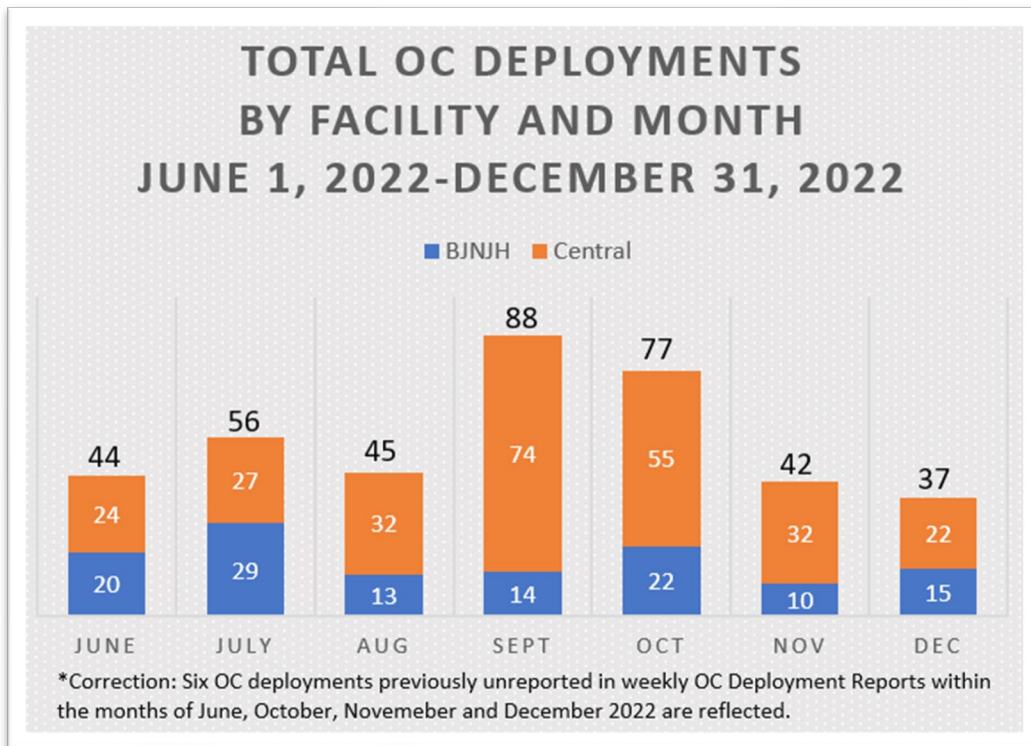
LOS ANGELES COUNTY
PROBATION OVERSIGHT COMMISSION

The POC requested a response from the Probation Department on January 30, 2023, to clarify which data was correct and to provide an explanation of what may have caused the discrepancy. In an email, Deputy Chief Fletcher confirmed that the data in the quarterly reports was correct and that the weekly OC Deployment reports failed to include six deployments. Four deployments were not counted because “they were not identified as a direct contact with youth” but rather the spray made contact with the youths’ sweater. The other two unreported OC deployments were not explained, and it was reported that the Probation Department “cannot specifically state why the other two were not included on the [weekly] report.” The solution proposed by the Probation Department to prevent such discrepancies in the future is to have a single person do both reports. Since the POC based all summaries on weekly OC Deployment Reports, this issue affected the data contained in previous reports, in that there actually were more OC deployments in the identified months than previously reported.

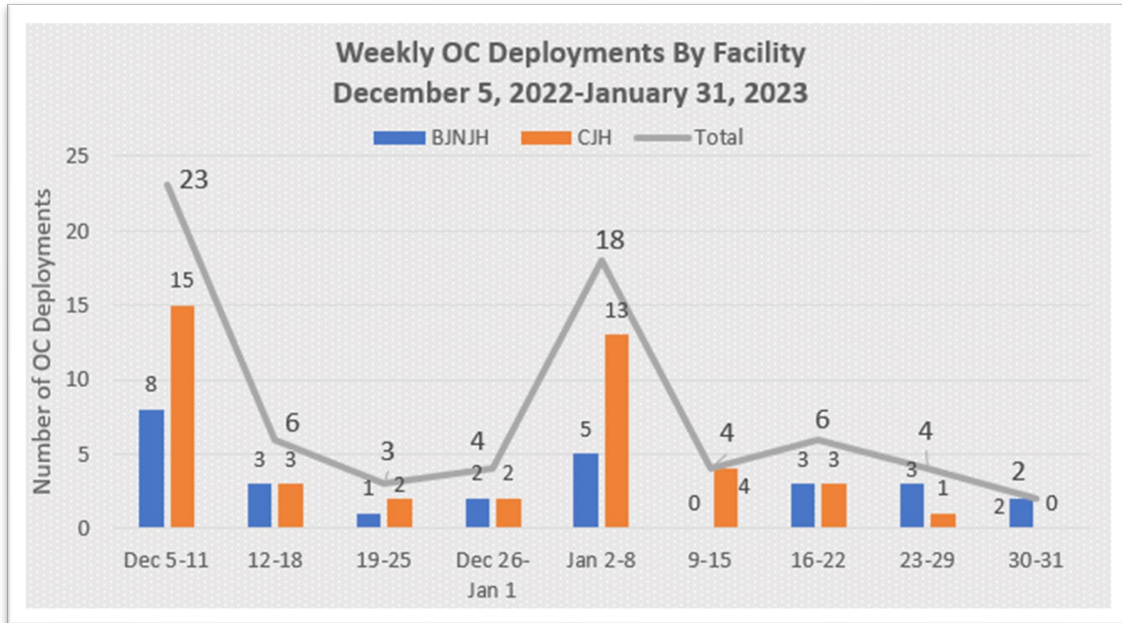
¹ [Progress on Implementation of the Elimination of the use of Oleoresin Capsicum \(OC\) Spray \(Twelfth Monthly Report\)](#)

The POC remains committed to working closely with the Probation Department to address and reconcile data discrepancies in OC and other use of force reporting. The POC has serious concerns about Probation’s inconsistent definition of what is counted as a “deployment” of OC, and the apparent lack of a quality assurance process in the Probation Department’s data gathering and reporting.

The POC recreated the charts showing deployment rates since June 2022 to reflect the now corrected information.



Despite concerns regarding overall data accuracy, deployment patterns still emerge with some level of validity. Currently, wide variations in weekly OC use pose a barrier to proclaiming a decreasing trend, especially at CJH, which had some weeks of low OC deployment which were punctuated by weeks of high deployment.

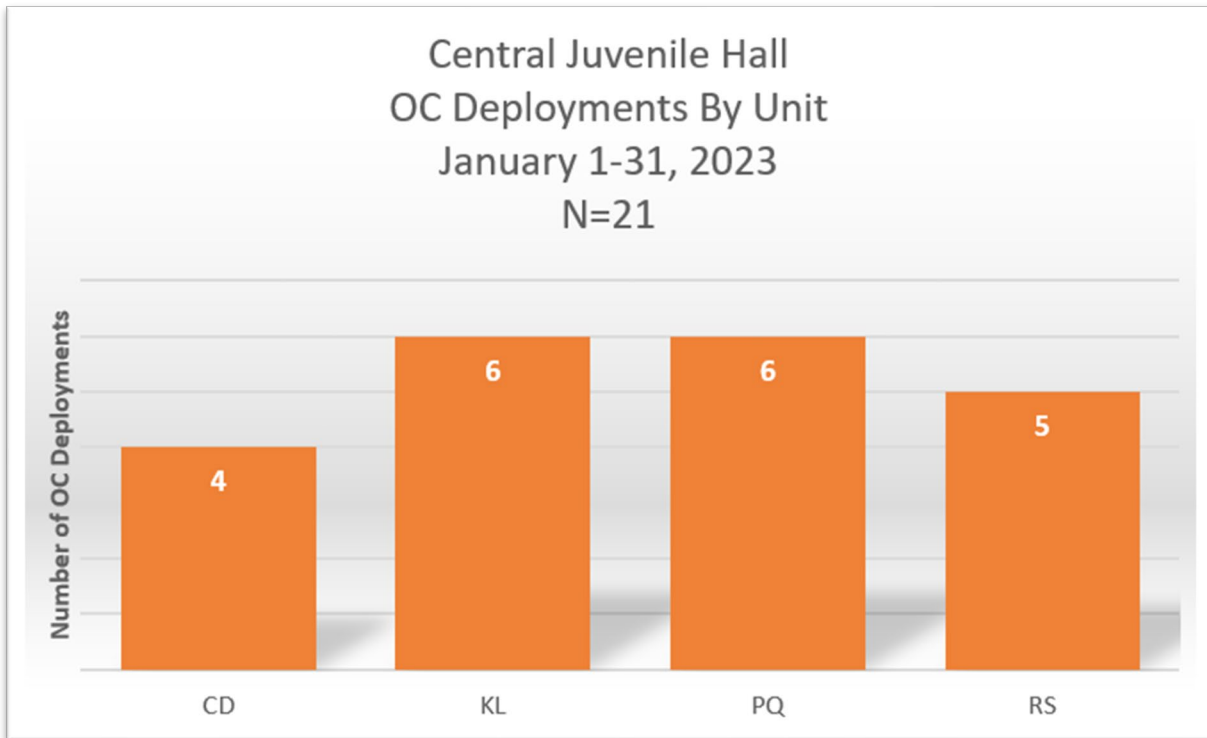


A notable event took place at BJNIH during the week of January 9-15, 2023, in that there were zero deployments of OC reported. This accomplishment should be explored to understand staff interventions and behaviors, as well as any other factors, that may have contributed to this result.

From January 1-31, 2023, four units at CJH had OC deployments, while several others had none.

The units in the following graph house youth according to the following criteria:

- Unit CD- Girls ages 14-16+ in Unit C and ages 17-18+ on Unit D
- Unit KL- Boys ages 15-17 in Unit K and ages 17-18+ on Unit L
- Unit PQ-Boys ages 15-17
- Unit RS- Boys ages 16-18+



Zero incidents of OC deployments were reported for Units AB or XY, which according to unit classifications and staff reports, are the units at CJH that house the most youth diagnosed with developmental disabilities.

During POC visits to CJH, it was reported that youth with developmental disabilities may also be housed in units other than AB and XY for varying reasons including increased supervision and mental health needs, availability of space in the designated units, and the safety need to separate certain youth. It was reported that, typically, youth with developmental disabilities are moved to designated units as they are identified, even if they have only been referred for testing as soon as it is safe to do so. Probation has added a column to its most recently released weekly OC Deployment Report for January 30-February 5, 2023² to denote the involvement of any youth with developmental disabilities, regardless of unit assignment, in OC deployment incidents.

The POC will continue to analyze and report on OC use and phase-out, emphasizing the importance of the Probation Department's tracking and sharing data with oversight bodies and the public.

² [OC Deployment Report January 30-February 5, 2023](#)

Directive 3: Direct the POC and the OIG to oversee the implementation and evaluation of the phase out of OC spray at CJH and report to the Board, in writing, every 14 working days, until the completion goal of February 27, 2023.

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

Probation leadership informed the POC and the Office of Inspector General that they have developed a training curriculum to train Probation staff to work effectively with youth who are identified as developmentally disabled and that curriculum has been turned in to the Board of State and Community Corrections (BSCC) for approval for continuing education hours. While the training includes recommendations from the Regional Center, Probation Training staff will be providing this training. Also discussed was the Regional Center assisting with an additional training that the Regional Center is meeting internally to discuss and will provide an update to the Probation Department. The Probation Department is attempting to commence the training by February 24, 2023.

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

At a meeting on February 13, 2023, with the POC, Office of Inspector General, and Probation Department management, the management team stated that 84 staff members are needed to staff the five designated units at CJH. Those 84 staff members need to be trained in de-escalation techniques, handcuffing, and issues related to developmentally disabled youth. According to the Probation Department, about half of the staff have been trained in handcuffing and little more than half in de-escalation, but zero have been trained on developmentally disabled issues due to what Probation officials described as problems with certification of staff, which the management team expected to be resolved by February 14, 2023, and a training plan created. Officials did not describe the nature of the problems.

- The Probation Department has offered a de-escalation training course since 2021; as of January of 2022, over 300 staff members have completed this training. Probation Department staff have stated that some of these approximately 300 staff members can be placed in these designated units. From this pool of employees some will be assigned to the designated five units. This de-escalation training is conducted by two Probation staff members certified by the Peace Officers Standards and Training and BSCC. Currently only these two staff members are certified and teaching the de-escalation class. Two other staff members are certified but no longer work for the training office. The Office of Inspector General recommends the Probation Department utilize all certified staff

members to ensure all staff are properly trained in de-escalation by the OC spray phase out deadline of July 30, 2023.

- Since the last report, the Probation Department provided the Office of Inspector General and the POC its training schedule, a member of the Office of Inspector General staff attended de-escalation training on February 14, 2023. The Probation Department expected 25 staff members to attend the class, but only 10 staff members were present for the training. Probation Department staff reported that of the 84 staff needed for the five designated units, 25-30 may not be fully trained in de-escalation by February 27, 2023. De-escalation training is provided to new recruits as part of the Safe Crisis Management and Defensive Tactics curriculum. However, this training does not include the de-escalation course that is currently part of the training for juvenile hall staff. The Office of Inspector General recommends that the specialized de-escalation training for juvenile hall staff be provided to new recruits.
- The Probation Department has implemented a new training technique. The “shadowing program” enables academy trainees to follow senior staff to observe the requirements of their position and provides an opportunity for trainees to ask questions which will later be used in academy classes.

The “train the trainer” method of instruction will not be utilized

- The Probation Department has informed the POC and the Office of Inspector General that it will not be implementing *train the trainer* model at this time. Executive staff at the Probation Department determined that given the short time frame to get staff trained prior to the ban on use of OC spray, it would take too long to implement a *train the trainer* model. The Probation Department leadership also explained that finding staff to become trainers during the current staffing shortage would be exceedingly difficult. Further, leadership felt that a *train the trainer* model can lead to a “watered down” version of the initial training in that with each subsequent iteration, important information may not be conveyed. While these concerns are certainly valid, the *train the trainer* model is an effective way to quickly train staff when there is a necessity to train a large number of staff who need immediate training.

- While not a substitute for serious in-depth training, the train the trainer model is an effective stop gap measure to provide training to ensure there are enough trained staff to backfill vacancies in the juvenile hall; once that goal is achieved, training by expert trainers to provide additional continuing training to staff on a rotating basis should be implemented. Additionally, the *train the trainer* model may be beneficial to an agency in the long run if it results in developing expertise in a greater number of staff members as well as encouraging a culture of de-escalation if used for de-escalation training. While the Probation Department has responded to the directives in the current motion by trying to address the lack of necessary training, delay in implementing training has impeded the goal of phasing out OC in the designated units as directed by this recent Board motion and to phasing out the use of OC spray in the juvenile halls as directed in 2019.
- The Probation Department acknowledged the benefits of the *train the trainer* model, but stated it is reluctant to utilize the *train the trainer* model because it is fast tracking the necessary training, maintaining that it doesn't want to rely on rushing to train staff to then train other staff members given their doubts regarding the availability of staff to be used as trainers. Another Probation Department concern with this model is that it will require staff to be removed from their assigned posts and substitute staff members would need to cover these assignments. The Probation management team appears reluctant to bring in field officers to fill the juvenile hall vacancies to ensure adequate staffing in the juvenile halls despite Office of Inspector General recommendations to do this.

The effectiveness of training in teams/units versus individuals.

- As noted in the previous report, the Probation Department is of the opinion that unit training is more effective and reported that it continues to seek volunteers to be assigned to the five units with the intention of training the unit staff together. The Probation Department staff believed that this approach would be feasible for the designated five units due to the relatively small group of staff needed for the developmentally disabled units. However, in the last meeting with the Probation leadership, they expressed concern over the unit training because of staff shortages. To train an entire unit or even a part of the unit would require additional staffing to work in the vacated assigned posts of the staff being trained.

The Office of Inspector General has recommended moving field officers to the juvenile halls as the safety of the youth under the care of the Probation Department is of the utmost importance and abdicating the mandate to do so based on alleged staff shortages as an excuse not to properly train staff is unacceptable.

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

- As noted in the previous report, the Probation Department supervisors will elicit on-the-job feedback from recent trainees in the units where OC spray will be eliminated first to learn more about the effectiveness of training and other training needs. Since the previous report, the Probation Department has not had any employee town halls or learned of any information to better understand the impact of training on staff's ability to de-escalate situations. The Probation Department has recently assigned 11 new staff members to CJH in two-person teams. It will monitor the effectiveness of the staff's de-escalation training as they were not provided OC spray.

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

- The Office of Inspector General reviewed video recordings of use-of-force incidents and conducted youth interviews to assess the impact on youths of trained staff members utilizing de-escalation techniques. In viewing the video recordings, there were numerous occurrences of staff members attempting to de-escalate incidents when the staff had time to do so. Many incidents occurred quickly, leaving no time for staff to attempt to de-escalate. However, in situations where the youths were initially being verbally disruptive or upset, staff often utilized de-escalation measures even if ultimately the youths continued to be involved in some type of unwanted behavior. It was also noted that in youth-on-youth fights, after the youths were separated, Probation Department staff often used de-escalation methods and calmed the youth down, preventing a second incident occurring.
- Many youths during their interviews expressed that the Probation Department staff have many times attempted to utilize de-escalation methods during potential use-of-force situations and said that it was helpful when utilized. One event described by a youth involved three staff members and supervisor utilizing de-escalation methods to successfully calm down an "out of control" youth.

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

The Office of Inspector General and the POC, along with representatives from defense counsel, interviewed nine (9) youth on February 1, 2023, and eight (8) on February 14, 2023. Some of the youth had been sprayed with OC spray, others had witnessed their peers being sprayed, and others had not experienced or witnessed spray. The comments and demographic information from the February 1st visit are shared in detail on Appendix A. Information from the February 14th visit will be provided with the next report back.

Themes and quotes from the interviews conducted on February 1, 2023, included:

- Youth reporting not receiving an “OC warning” from staff prior to being sprayed.
- Youth observing staff “shake OC cans” from the control center or other areas in the unit.
- Youth reporting receiving “OC warnings” from staff and feeling that the warning and the spray that followed was fair and appropriate to stop the youth from fighting.
- Youth reporting issues with physical effects post-spray, usually receiving adequate medical attention post-spray, but sometimes experiencing delayed post-spray intervention and longer lasting symptoms.
- Youth reporting having been sprayed multiple times including incidents some youths believe are unjustified.
- Youth noticing patterns in certain staff members who over-spray youth and noting that most staff do not want to spray youth.
- Youth reporting that “OC warnings” often prevent fights from occurring and that use of “restraints” also prevents fights from occurring. One youth noted that staff “use other tools instead of pepper spray” – “I don’t think they want to spray; I have not seen any who are ‘trigger-happy.’”
- Youth witnessing incidents where de-escalation worked, witnessed three staff members and a supervisor calm down an out-of-control youth by using de-escalation methods and noting that OC spray is a deterrent.

As noted in the first report back, beginning on January 24, 2023, the POC has made weekly visits to CJH to verify unit classifications.

Visit	Date of POC Visit to CJH
1	January 24, 2023
2	January 30, 2023
3	February 7, 2023
4	February 16, 2023

During the February 7, 2023, visit, the Probation Department staff confirmed the general housing criteria for all units. While there is a widely agreed upon assertion that youth with developmental disabilities are to be housed in units AB and XY, staff in nearly all units acknowledged that out of necessity, there are periods of time when these youth may be housed within any given unit due to a variety of reasons including safety and the availability of a room.

Staff on all units gave feedback on how they identified youth with disabilities, and though there were several different answers, ranging from checking the youth's chart, alert logs, and Probation Case Management System (PCMS) documentation, all staff reported having a procedure.

During the February 7, 2023, visit, one significant discrepancy was found between the unit classification document and practice. A youth with an SYTF disposition was reportedly housed within the MOU for several days. During that time, the housing protocols were not amended to acknowledge the accommodation of this youth at CJH, the staff reported concern at the appropriateness of the housing, and furthermore, the youth's presence in the facility was incorrectly categorized within the population statistics as a youth pending disposition. Feedback was provided to Probation regarding the incorrect categorization and reporting of data which led to revised Population Statistics reports.

During the POC's visit to CJH on February 16, 2023, Probation staff on multiple units reported information that was not reported to the POC in unit classification documents as previously agreed upon. These discrepancies include the following:

- Unit XY was moved into Unit O. Staff reported that they believed the move may have happened as early as Thursday, February 9, 2023.
- Unit XY staff also reported that the specialized unit is being utilized to house an overflow of girls from Unit CD, which they reported causing fights due to mixing youth with highly diverse supervision needs.

- Receiving is currently classified as Transportation Pit Stop, but is reportedly being used to house youth in quarantine as overflow from Unit W.

The Probation Department has repeatedly agreed to update and share housing protocols with the POC to ensure appropriate OC reporting and did not fulfill this responsibility. The POC is concerned about delayed and incorrect tracking of youth, which will affect the analysis of compliance to the OC phase-out at CJH. Upon advising the Probation Department of the noted changes, a corrected housing classification was sent on February 18, 2023, retroactive to February 9, 2023.

The next planned visit to CJH for verification of unit classification and youth housing will take place on February 23, 2023.

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

- On December 21, 2022, the Office of Inspector General contacted the Probation Department to obtain reports on staff's use of OC spray to determine if there are patterns of overuse by certain staff. During the January 5, 2023, meeting with the Office of Inspector General and the POC, Office of Inspector General staff members were instructed to contact the Probation Department's litigation unit. As of the date of this report, the Office of Inspector General has contacted the litigation unit multiple times but has not been provided the necessary information to update the Board on which Probation Department staff members are engaged in multiple incidents of OC spray use. The lack of response to the requests from the Office of Inspector General is unacceptable. The Probation Department reiterated its expectations of its EIS system to identify staff members who engage in multiple uses of OC spray, and it expects the system to be in operation by May 2023. That time frame is simply too long to wait given the Board directives regarding OC spray phase out.

Directive 5: Direct the Probation Department to update the weekly OC Deployment Reports to include data as follows:

- A complete listing of units housing youth that includes a brief qualitative description of who is housed in the unit for both juvenile halls – ***Provided to the POC***

- Notation of involvement of youth with developmentally disabilities in an OC spray incident regardless of unit – **Complete**
- Notation of involvement of gender expansive youth – **Complete**
- Notation of involvement of any youth identified as CSEC – **Complete**
- Notation of involvement of any youth with DCFS involvement – **Complete**
- Unit assignment of youth and staff involved and actual location of the deployment (school, day room, etc.) – **Complete**
- Weekly average number of youth housed on a given unit – **Complete**
- Shift in which the deployment occurred – **Complete**

Status of OC Spray Phase Out Plan as Directed by the 2018 Board Motion

The Board in December 2018 directed the Office of Inspector General to investigate safety concerns in Los Angeles County Probation Department juvenile halls and camps, with an emphasis on use-of-force incidents involving OC spray and to report back with findings and related recommendations. On February 4, 2019, the Office of Inspector General provided the Board its findings in its report titled, [Report Back on Ensuring Safety and Humane Treatment in the County's Juvenile Justice Facilities](#). Included in the 2019 report were the following specific recommendations which are relevant to the Board's current motion regarding OC spray:

1. ***The Department should dedicate appropriate resources to finalize and implement its comprehensive use-of-force accountability improvements including its Force Response Support Team (FIRST) and Department Force Review Committee (DFRC) processes.***

The Office of Inspector General in two prior reports assessed the Probation Department's compliance with its use-of-force policies and state law, as required by the California Department of Justice stipulated judgment (hereafter Settlement Agreement) and noted the Probation Department's continued failure to timely review use-of-force incidents in accordance with its policies. Based on the Office of Inspector General's review of 36 randomly selected incidents, none of the cases were timely submitted by CJH or Barry J. Nidorf Juvenile Hall (BJNJH) to FIRST for its independent review. As noted in the two prior California Department of Justice reports, the Probation Department had zero percent compliance with the Settlement Agreement during the two periods. This continues to be a problem, and the POC at its most recent meeting, has requested the Probation Department to provide specific data on the actual number of use-of-force incidents that have not been reviewed by the FIRST team.

2. ***The Department should introduce cameras in all of its juvenile justice facilities. It should also consider updating its CIR policy to require supervisors to view relevant videos of incidents.***

CJH continues to have more than twice the number of fully operable video cameras installed as BJNJH. Camera coverage at BJNJH is still deficient but the Probation Department leadership stated that installation of Closed-Captioned Television is underway at BJNJH and is expected to be available in the living units in the coming months.

3. ***The Department should address staff concerns regarding inadequate use-of-force training by developing comprehensive and fully integrated training curriculums and presentations that offer effective alternatives.***

The Probation Department has added self-defense techniques to its use-of-force training and has a full week of training related to de-escalation techniques as part of its academy training as well as refresher training for its existing staff. As noted above, Office of Inspector General staff attended a de-escalation training session to observe the methodology of the training. The training was very comprehensive, and the instructors and students were very engaged in the use of de-escalation as an alternative to uses-of-force. However, the Probation Department has fallen far short of its training goals with regard to the number of staff needed to be trained for the upcoming phase out of OC spray in the designated units.

4. ***The Department should assess and enhance training, including off-post training, in interacting with youth with mental health and behavioral needs, and youth in acute mental health crises.***

The Probation Department indicates that it provides trauma-informed care in its two-week training. This training includes working with youth with mental health concerns, as well as adolescent development. It is intended to address the effects of child trauma, and the behavioral health conditions commonly seen among the youths supervised by the Probation Department staff. Also included is the review of effective interventions and services and highlights the important role of the family. It seeks to provide the staff with practical strategies for better interaction and communication with youths who may be experiencing a mental or substance use disorder. While such enhanced training may be available, it is crucial that enough staff have received the training in order to staff the juvenile halls with trained personnel.

5. ***The Department should ensure that staff are effectively trained to accurately document all events that led up to the use-of-force, including staff and youth behaviors that precipitated force, and decontamination efforts.***

The Office of Inspector General in two prior California Department of Justice reports, assessed the Probation Department's efforts in accurately documenting use-of-force incidents, including use of OC spray and the decontamination process. The Office of Inspector General, after review of Physical Intervention Reports (PIRs), concluded that the Probation Department properly documented the decontamination process for only 47% of the incidents at CJH, and only 57% at BJNJH. The Office of Inspector General in its last report on Probation Department compliance with the California Department of Justice settlement agreement, recommended the Probation Department conduct training for all employees regarding the requirement of complete, accurate, and timely reports. The Probation Department indicates that during its two-week training period, staff are trained in proper report writing, including specific accounts of what each staff member did and the reason for the staff's conduct.

Of note, it appears that the Probation Department staff is not consistent in its understanding of *how* to properly document the use of OC spray in *section M* of the PIRs. The Office of Inspector General has noticed that in *section M*, which addresses whether OC spray was used, Probation Department staff consistently indicate that no OC spray was deployed, but later in the "narrative" section, staff members often indicate that OC spray was in fact deployed. It is quite likely that the Probation Department staff believe that the *section M* is related only to that reporting staff member's use of OC spray and not whether OC spray was deployed by another staff member involved in the incident. The Office of Inspector General believes that in *section M* staff should answer in the affirmative if any staff member deployed or witnessed the deployment of OC spray. This approach is supported by the fact that in that specific section of the PIR, the staff member is asked to identify the specific staff member who deployed OC spray.

6. ***The Department should establish a unified training and policy development team.***

The Probation Department has developed a Policy Unit that reports directly to the Chief Deputy of Administrative Services. It is currently staffed with five employees and works closely with training and operations.

7. ***The Department should ensure that its use-of-force policies clearly define keystone concepts.***

The Office of Inspector General recommended that use-of-force policies clearly define keystone concepts and not use vague terms such as "disruptive behavior" and "other" when authorizing the use of OC spray. The Probation Department in 2022 updated its use-of-force policies to include more concise language and definitions of terms. The

revised policy acknowledges that OC spray is being phased out and specifically states when it can be used. It requires an “imminent threat” to staff and is only to be used after use of de-escalation efforts and other crisis intervention techniques have failed.

The policy now states that when determining the necessary and reasonable level of physical intervention, including the use of OC Spray, the intervention must be "objectively reasonable" meaning the amount and type of force that an objective, similarly trained, experienced, and competent youth supervision officer, faced with similar facts and circumstances, would consider necessary and reasonable to ensure the safety and security of youth, staff, others, and the facility. Use-of-force is restricted to the minimum level necessary to ensure the safety and security of youth, staff, others, and the facility to control the situation and restore order.

8. ***The Department should require staff to act appropriately when observing policy violations and deviations from training.***

The Probation Department leadership indicated that during the staffs training, all officers are instructed that they have an affirmative duty to timely, accurately, and comprehensively report incidents of abuse, inappropriate force, or prohibited conduct in accordance with state law and consistent with the Child Abuse Reporting Policy for Juvenile Detention Facilities. All officers also have an affirmative duty to immediately take action to stop incidents of abuse and/or department policy violations. Officers who violate this policy and its related procedures shall be subject to the performance management process and may result in discharge, criminal prosecution, and/or civil sanctions.

9. ***The Department should continue assessing its staff resources, with an emphasis on ensuring that sufficient and effective supervision is provided to line-staff and youth.***

The Office of Inspector General continues to recommend that available adult services staff be reassigned to the juvenile facilities to ensure the phasing out of OC spray as ordered by the Board. The Probation Department leadership has indicated that staffing continues to be a concern, and that staff “leaves” remain high. The Probation Department reports that it is working with the Department of Human Resources to address short- and long-term staff disability cases. It is also relying on the deployment of staff from the field to ensure appropriate supervision and implementing the Department of Youth Development’s *Credible Messenger* program, which is a mentoring program with the Los Angeles County Department of Mental Health that aims to facilitate a safer and more therapeutic environment. The program works in conjunction with detention staff, education, and behavioral health staff to provide a holistic set of supports focused on healing, youth development, wellness promotion and safety. *Credible Messengers* are intended to impact the overall tone and temperature of the facilities by building meaningful and trustful relationships through positive interactions with youth in preparation for their transition back into the community. The

program will be at facilities daily from 7:00 a.m. to 9:30 p.m. and will participate in multi-disciplinary youth discussions. Prior to the commencement of the program, all *Credibile Messengers* will participate in trainings to ensure a clear understanding of their role, youth development, facility procedures and engagement protocols.

The Office of Inspector General and the POC look forward to receiving and reviewing the Probation Department's plan to phase out OC spray in the designated units by February 27, 2023, as required by the Board motion.

Please feel free to contact Inspector General Max Huntsman at mhuntsman@oig.lacounty.gov or Executive Director Wendelyn Julien at wjulien@poc.lacounty.gov with any questions.

MH:WJ

Attachments

c: Fesia Davenport, Chief Executive Officer
Adolfo Gonzales, Chief Probation Officer
Celia Zavala, Executive Officer
Dawyn R. Harrison, Interim County Counsel
Justice Deputies, Board of Supervisors