



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

## **First Report on The Probation Department's Compliance with The Department of Justice Settlement Agreement on Juvenile Halls**

**July 15, 2022**

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## INTRODUCTION

On October 1, 2019, the Board of Supervisors (Board) approved a motion creating a new oversight structure for the Los Angeles County Probation Department (Probation Department) that included the creation of the Probation Oversight Commission (POC) and the Probation Oversight Commission Unit (Probation Oversight Unit) within the Office of Inspector General. Following the adoption of amended ordinances establishing the POC and the Probation Oversight Unit within the Office of Inspector General, on February 18, 2020, the Board approved establishing and funding a staffing structure for each. 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>1</sup> This stipulated judgment (hereafter referred to as Settlement Agreement) appoints 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>2</sup> As the monitor for the delineated provisions, the Office of Inspector General was tasked to report on its findings regarding Probation compliance with the Settlement Agreement twice per year.<sup>3</sup> This report is the Office of Inspector General's First Report on the Probation Department's Compliance with the Department of Justice Settlement Agreement on Juvenile Halls.

## REVIEW OF THE PROBATION DEPARTMENT'S COMPLIANCE WITH USE OF FORCE POLICIES IN JUVENILE HALLS

The Settlement Agreement<sup>4</sup> mandates that the Probation Department follow its use of force policies and to ensure that video cameras capture 90 percent of the use of force incidents in its two juvenile halls: Barry J. Nidorf (BJNJH) and Central (CJH).

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<sup>1</sup> *People of the State of California, ex rel. Xavier Becerra, Attorney General of the State of California v. County of Los Angeles*

<sup>2</sup> The County of Los Angeles Confidential Detailed Plan is incorporated by reference into the stipulated judgment at paragraph 7.

<sup>3</sup> Some provisions of the Detailed plan require quarterly reporting to the monitor but a formal report to the Board is required bi-annually.

<sup>4</sup> *People of the State of California, ex rel. Xavier Becerra, Attorney General of the State of California v. County of Los Angeles, Stipulated Judgment*, paragraph 17, which states, OIG will review compliance with Probation's use of force policy in the Juvenile Halls, including by conducting a random review of a representative sample of use of force incidents and assessing whether cameras provide sufficient coverage, are operational and in use, and whether recordings are being properly used in relation to use of force incidents, and report its general findings two times a year, in a public written report to the Board of Supervisors, copied to the Monitor during the term of this Judgment, to evaluate Probation's decision-making and oversight processes.

The Office of Inspector General is to review compliance for 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 these BJNJH and CJH for the period covering the last two quarters of 2021.

The Office of Inspector General found that camera coverage at BJNJH was deficient because there are not enough cameras installed to meet the requirement in the County of Los Angeles Detailed Plan that 90 percent of the cameras are operational, in use, and provide sufficient coverage to capture use of force incidents. CJH had more than twice the number of video cameras and video recordings as BJNJH in the use of force cases analyzed. CJH *did* meet the standards as delineated in the Settlement Agreement for every objective. The Office of Inspector General found that when the Probation Department had sufficient video coverage, it followed its use of force policies and law. However, both BJNJH and CJH failed to follow a specific requirement in the Probation Department's use of force policy requiring timely submission of reports, which will be discussed in the *Timely Submission to the Force Intervention Team* section of this report.

## METHODOLOGY

The Office of Inspector General requested the entire population of use of force incidents that occurred at both juvenile hall facilities during the last two quarters of 2021 including related investigations. The Probation Department reported that for the last two quarters of 2021 there were 252 use of force incidents at BJNJH and 492 use of force incidents at CJH. Use of force incidents are documented in Safety Crisis Management (SCM) reports and are commonly referred to as SCM investigations.

The Office of Inspector General selected a statistically valid sample of use of force incidents for each juvenile hall facility in accordance with Government Audit Standards<sup>5</sup>. The calculation resulted in a sample size of 23 use of force incidents at BJNJH and 24 at CJH.<sup>6</sup> The Office of Inspector General used a research randomizer to randomly

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<sup>5</sup> To view current Yellow Book, visit <https://www.gao.gov/yellowbook>.

<sup>6</sup>The sample was calculated using a standard statistically valid one tail test, at a 90 percent confidence level, with a precision rate of 10 percent. A one-tailed test is a statistical test in which the critical area of a distribution is one-sided so that it is either greater than or less than a certain value, but not both. If the sample being tested falls into the one-sided critical area, the alternative hypothesis will be accepted instead of the null hypothesis.

[www.statisticssolutions.com](http://www.statisticssolutions.com)

select the use of force incidents for review from each juvenile hall to meet the requirement of a random selection.<sup>7</sup>

Substantial compliance with the Settlement Agreement, requires that “90% of the use of force incidents reviewed are in compliance with policy and law, 90% of the cases reflect that the recordings are being properly used in relation to use of force incidents, and 90% of cameras are operational, in use, and provide sufficient coverage.” These three objectives are further defined as follows:

**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. *Sufficient coverage* is defined by the Office of Inspector General as camera coverage of an area of the facility that captures any use of force incidents to sufficiently allow the Probation Department staff to review its recording of the incident to determine if policies and procedures were followed.

**Objective B:** assess whether video cameras *are operational and in use*. *Operational and in use* is defined by the Office of the Inspector General as the camera is operating as designed, providing a clear video stream that is able to be viewed on the designated monitors, and recorded on video.

**Objective C:** assess if video recordings are being *properly used* in relation to use of force incident reviews. *Properly used* is defined by the Office of Inspector General as Probation Department staff reviewing the video, comparing it to the written reports, and correctly applying the law and relevant Probation Department policies to the use of force investigation.

The relevant use of force policies are documented in the Probation Department’s Detention Services Bureau Manual sections 1000-1007 relating to use of force, Probation Directives 1194 and 1427, which outline the Probation Department’s response in situations that result in use of force, and the legal standard for use of force which is an objectively reasonable standard: that when force is used, trained officers shall utilize an objectively reasonable standard to ensure the level(s) of intervention utilized is both reasonable and necessary to facilitate the restoration of order.<sup>8</sup>

The Office of the Inspector General also examined the Probation Department’s compliance with its own policies surrounding the Force Intervention Response Support Team (FIRST). FIRST policies mandate certain timelines for the submission of written

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<sup>7</sup> <https://www.randomizer.org/>

<sup>8</sup> United States supreme Court’s decision Graham vs. Connor (1989) 490 U.S. 386.



reports and the review of video recordings as well as other evidence. The lack of timeliness is discussed in this report in the section titled *Timely Submission to the Force Intervention Team*.

## SCOPE

To determine compliance with the three objectives relating to use of force, the scope of this report was based on the Probation Department's current use of force policy and training.<sup>9</sup>

To determine compliance with Objective A, the Office of Inspector General reviewed video recordings for the selected sample in combination with the Safety Crisis Management (SCM) investigations and all documents required for the use of force incidents.

To determine compliance with Objective B, the Office of Inspector General conducted two video camera inspections at each juvenile hall in order to ascertain whether camera coverage in the facilities was sufficient.<sup>10</sup>

The BJNJH inspections were conducted on February 3, 2021 and March 1, 2022. During both inspections, the Probation Department reported plans to install additional cameras to achieve the same level of video coverage as installed at CJH. On June 28, 2022, the Board approved the Barry J. Nidorf Juvenile Hall Closed Circuit Television Project with a total budget amount of \$15,080,000.<sup>11</sup>

On February 4, 2021, the first camera inspection was conducted at CJH. The Office of Inspector General was informed that some cameras were still being repaired and installed. The second inspection at CJH was conducted on March 4, 2022. The Office of Inspector General staff observed newly installed cameras and was informed by the Probation Department staff of its plans to add one additional camera in an area noted to have a blind spot, which prevented sufficient camera coverage.<sup>12</sup>

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

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<sup>9</sup> Office of Inspector General staff attended the current Department of Justice Cohort Training for the Probation Department's use of force policies. Use of force policy used for the training was Detention Services Bureau Manual sections 1000-1007, Safe Crisis Management Use of Force Policy Directive 1194, Physical Intervention Policy Directive 1427, and other policies related to use of force incidents.

<sup>10</sup> BJNJH has a total of 215 cameras, no new cameras had been installed.

<sup>11</sup> The details of the CCTV installation project were presented at the Board Meeting on June 28, 2002. (See <http://file.lacounty.gov/SDSInter/bos/supdocs/170007.pdf>.)

incidents, reviewed the Probation Department policies to assess if the recordings were being properly reviewed, attended Probation Department use of force reviews, and reviewed the decision by the Probation Department on whether the use of force was in policy and any decision to refer the case to the Internal Affairs Office (Internal Affairs.) Specifically, compliance with Objective C was based on whether the following was completed by the Probation staff:

1. Debriefing of the incident.<sup>13</sup>
2. Availability of video recordings for review of the use of force incident.
3. Evaluation 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 of 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>14</sup>, photographs, youth questionnaires, evidence, injuries, and referrals of the alleged misconduct to Internal Affairs.

## **FINDINGS**

### **OBJECTIVE A: SUFFICIENT CAMERA COVERAGE OF USE OF FORCE INCIDENTS**

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

The Probation Department provided 252 use of force incidents for review that occurred at BJNJH for the two quarters reviewed. Of the total 252 use of force incidents that occurred at BJNJH, only 55 percent (139) of the incidents had video recordings. For compliance with the Settlement Agreement, the Probation Department needed to have sufficient camera coverage for at least 226 use of force incidents (90 percent of 252 incidents). When looking at the total number of uses of force cases, BJNJH failed to meet the standard for this objective.

From the 252 total use of force incidents provided, there were 23 randomly selected sampled use of force incidents reviewed. Only 57 percent of the sample had video

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<sup>12</sup> CJH has a total of 569 cameras with one installation pending.

<sup>13</sup> Title 15 Minimum Standards for Juvenile Facilities, UOF section 1357 (a)(5)

<sup>14</sup> Physical Intervention Reports, Medical and Mental Health related documents, Child Safety Assessment, Suspected Child Abuse Reports, Incident Video Review (Directive 1194, section B.)

recordings included (13 use of force incidents), leaving 43 percent without any video (10 use of force incidents). There was *not sufficient camera coverage* to meet the 90 percent standard for the statistically valid sample that the video recordings were sufficient for review for use of force compliance because there was no camera coverage at all for these 10 cases.<sup>15</sup>

To illustrate the importance of having recordings the following are specific cases of use of force incidents reviewed by the Office of Inspector General that demonstrate the insufficiency of the coverage by the existing video cameras:

### CASE 1

*Two youths began fighting in their living unit because of an incident that occurred earlier at the school. An officer instructed the youths to stop fighting, but the youths continued to fight, resulting in the officer giving an OC warning and then deploying a burst of OC spray. The youths continued to fight causing the officer to deploy two additional bursts of OC spray. According to the SCM review, officers could not separate the two youths resulting in the decision by additional officers to deploy OC spray.*

*During this incident, there was a second incident involving a youth attempting to enter a dayroom by squeezing past an officer as the officer was attempting to secure the door. A supervising officer came to assist and instructed the youth to move away from the door, but the youth refused. According to the officer's statement, he/she secured the youth by wrapping his arms around him and both fell to the floor.*

Neither of these uses of force were captured on video due to the lack of cameras in the living unit. Video evidence, in conjunction with officer reports, is critical in ascertaining the events leading up to the use of force and the use of force itself, as independent evidence free from lapses in memory and bias that may be found in written reports, and in evaluating uses of force. Video recordings allow for a more reliable systems of checks and balances.<sup>16</sup>

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<sup>15</sup> Use of force incidents in sample without video recordings SCM Nos 21-1601, 21-1824, 21-2098, 21-2108, 21-2260, 21-2380, 21-2435, 21-2728, 21-3660, and 21-3831.



## CASE 2

*Two youths began to argue; an officer stepped between the two youths to prevent a physical altercation. While being escorted to the control center by a second officer, the first youth jumped on a table and ran and kicked the control center door causing a third officer to lose balance. While the first officer restrained the first youth's arm, the youth and the first officer fell to the floor.*

The use of force was documented in writing but not captured on a video due to the lack of cameras in the living unit. Video evidence would have assisted with documenting the use of force and in the analysis of the officers' actions.<sup>17</sup>

### Central Juvenile Hall

The Probation Department provided 492 use of force incidents that occurred at CJH for review. Of those, 100 percent had video recordings for review by the Probation Department.

From the 24 randomly selected sampled use of force incidents at CJH, all had video recordings that were sufficient for review for use of force compliance and evaluation of this objective. Thus, the Probation Department satisfied its requirement at CJH as required by the Settlement Agreement for this objective.

While the analysis by the Office of Inspector General found the camera coverage sufficient, there were two cases in which the Office of Inspector General noticed an obstructed view of the incident.<sup>18</sup> While anomalies do occur, the Probation Department should assess whether cameras need to be adjusted or objects need to be moved in order to provide unobstructed views of the camera recordings at CJH and to ensure this is not a recurring problem.

## CASE 1

*A youth was walking from the Visiting Center area to the living unit with an officer. A second youth made an insulting comment toward the first youth who immediately ran towards the second youth. Multiple officers assisted in separating the two youths. An officer wrapped both arms around the second youth and escorted him away from the Visiting Center. Officers placed the first youth on the ground in a supine position until youth calmed down.*

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<sup>16</sup> SCM Number 21-2435.

<sup>17</sup> SCM Number 21-2728.

<sup>18</sup> Use of force incidents in sample with partial views SCM Nos 21-2696 and 21-2274.

Although the use of force was captured, a portion of the incident involving the first youth running to fight the second youth was not captured due to obstruction by pop-up tents being used for visitation. The Probation Department should determine if moving the tents, adjusting the cameras, or installing additional cameras will assist with avoiding the obstruction in the area covered by the camera.

## **OBJECTIVE B: CAMERAS ARE OPERATIONAL AND IN USE**

The Office of Inspector General reviewed use of force cases at BJNJH and CJH to determine if the cameras at both halls were operating as designed and providing video that was able to be viewed by the Probation Department staff.

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

The Office of Inspector General conducted an inspection of video cameras at BJNJH on March 1, 2022, finding 85 percent (182 of a total of 215) of cameras operable and the video viewable. For the remaining 15 percent (33) the videos were blurred, non-viewable, or had an error code that did not allow the Office of Inspector General to view the video recording. As noted, the Department of Justice compliance requirement is that 90 percent of all cameras are *operational and in use*. Based on the compliance requirement set forth by the Settlement Agreement, BJNJH failed to meet the standard for this objective.

The following are examples of cases for which the of use of force incidents involved a blurred video:

#### **CASE 1**

*While sharing a recreational field, multiple youths from different sides of the field began fighting. Officers responded and ordered the youths to stop fighting but the youths continued. One officer gave a warning that he would use OC spray, but the youths continued fighting and the officer used two bursts of OC spray on two of the youths fighting each other. Once the OC spray was used, all of the youths complied and stopped fighting.*

The video of the incident was blurred.

## CASE 2

*Two youths engaged in a fight in a dayroom regarding a television remote control. An officer responded and directed the youths to sit down. They did not. A second officer responded and utilized an extended arm use of force wherein an officer puts out his arm to keep the distance between the officer and the youth. A third officer responded utilizing two extended arms use of force and sat the second youth down. The first youth continued to disobey the first officer's commands resulting in the officer using a bear hug use of force maneuver; that maneuver did not prevent the youths from reengaging in fighting. The second officer gave a warning of using OC spray and later deployed two bursts of OC spray.*

Review of the of the video revealed it was blurred, preventing a clear view of the officers' uses of force.

### **Central Juvenile Hall**

On March 4, 2022, the Office of Inspector General conducted an inspection at CJH and found that 100 percent (569) of the cameras had viewable, retrievable video recordings. The video recordings were available for the Probation Department to review for compliance with its use of force policies. Thus, Probation has complied with the Settlement Agreement 90 percent standard.

## **OBJECTIVE C: VIDEO CAMERA RECORDINGS ARE BEING PROPERLY USED TO DETERMINE POLICY VIOLATIONS**

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

In determining whether the Probation Department is *properly using* (see definition in the *Methods* section) the video recordings, a sample of use of force incidents was reviewed. As previously mentioned only 13 of the selected sample had video recordings. Based on the review, of the 13 incidents that had a video recording, all were properly reviewed by the Probation Department in assessing whether there was staff misconduct and/or policy violations in the use of force incidents. While 100 percent of the use of force reviews properly utilized the video in the analysis of policy violations, the lack of sufficient recordings means that the BJNJH failed to meet the 90 percent standard because of the absence of video.

## 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 24 use of force incidents. Of those incidents, two video recordings were not properly reviewed by the Probation Department, resulting in 92 percent compliance rate.

The two cases below illustrate the importance of properly reviewing the video recordings to assist the Probation Department in identifying possible staff misconduct. The Office of the Inspector General acknowledges that opinions on whether something is a violation of policy or law may differ. The cases below represent two use of force incidents that, in the opinion of the Office of Inspector General, the Probation Department failed to properly use the video recordings in analyzing the uses of force for violations of policy or law as the reviewers failed to acknowledge any misconduct:

### CASE 1

*Two youths engaged in a fight in a gymnasium during a game of basketball. An officer responded and attempted to deescalate the situation, followed by a second officer who gave verbal commands to stop fighting, both without success. A third officer deployed a burst of OC spray to the first youth's facial area causing him to stop. The second youth continued to strike the first youth resulting in the third officer deploying a burst of OC spray to the second youth's face and then a second burst after the second youth stated, "that spray ain't shit" and failed to get on his knees. After being sprayed a second time, the second youth complied.*

The Probation Department failed to determine that the third officer was being dishonest in his Physical Intervention Report (PIR) in which he stated the youth approached him with clenched fists. The video contradicts the officers account of the incident. In the video, the officer is seen using an unnecessary second burst of OC as the youth was turning away from the officer without clenching his fists.

### CASE 2

*Approximately 10 youths were having lunch and participating in recreational activities in a dayroom. A youth walked over to a table then turned to a second youth seated in a chair behind the table and immediately threw multiple closed fist punches at the second youth. A staff member entered the day room and intervened. The staff member and both youths fell to the floor. The staff member was on top of the youths attempting to pull them apart while simultaneously reaching for his OC*

*Spray. The second youth stood up and tried to stomp on the first youth's head while the first youth was still on the floor. A third youth, seeing the second youth's attempt to stomp the first youth in the head, walked over to second youth and, from behind, punched the second youth in the face knocking the second youth to the floor. A second staff member entered the room after the first officer had control of the first youth, yelling at the youths to stop fighting, and then walked the second youth out of the room. The third youth who sucker punched the second youth, was not taken out of the room and remained there with the other youths.*

The Office of the Inspector General reviewed the video recording and concluded that the Probation Department failed to address the issue of the second officer not assisting the first officer as he was intervening in the fight between the first and second youths. The video recording indicates that the second officer was sitting at a desk approximately five feet from the doorway of the day room where the youths were fighting, with an unobstructed view of the room. The second officer, upon hearing the disturbance, should have entered the room, to provide an additional presence and putting the officer in a position to stop the third youth from attacking the second youth. An additional option was for the second officer to take a position inside the day room during the first officer's restraint of the youths, ordering all youths to take a knee until the situation was under control. Fortunately, the first officer was able to get the incident under control, but it could have easily evolved into a melee.

## **TIMELY SUBMISSION TO THE FORCE INTERVENTION TEAM**

In assessing the Probation Department's compliance with its use of force policies and state law, the Office of Inspector General reviewed use of force policies and a sample of 23 use of force incidents at BJNJH, and a sample of 24 use of force incidents at CJH. Included in the policies regarding use of force incidents, is the requirement that these incidents be referred to the FIRST.<sup>19</sup> The Detailed Plan requires that the Office of Inspector General review use of force incidents that are not accepted by Internal Affairs to be timely reviewed by FIRST. To date, the Office of the Inspector General evaluated each use of force incident in the statistically valid sample for BJNJH and CJH for timely submission to FIRST as required by policy guidelines. In our next reporting period, all use of force cases will be reviewed regarding the requirement that they are timely submitted to FIRST.

As part of the Probation Department's use of force review, FIRST was created as an independent reviewing entity to assist the juvenile facilities with assessing use of force

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<sup>19</sup> Probation Directive 1456

incidents.<sup>20</sup> The FIRST staff reviews the Physical Intervention Packet (PIP,) which documents the use of force used on youth by the Probation Department staff. FIRST is tasked with not only identifying possible policy violations, but also identifying preventable risks and proactive measures that will assist in ensuring the Probation Department staff are acting within its use of force policies and state law.

When a physical incident occurs at a facility, each staff member on duty at the unit or camp where the force occurred is required to document their observations and knowledge of what occurred. All PIPs are submitted to the Unit Supervisor or Officer of the Day for review. After the supervisor reviews each document and interviews the youth(s) involved, the supervisor signs off on the PIP and submits the packet to the facility's Safe Crisis Management Review Team for review of the staff's written documentation, video evidence, and to check for any possible Probation Department policy violations. After this review process, the PIP is submitted to the facility's Director for a final review. If there are no policy violations or discrepancies identified by the Director, the PIP is signed by the Director, closed and then submitted to FIRST for an independent review. The PIP must be sent to FIRST within seven days of the incident. After FIRST has conducted its independent review, the PIP is returned to the facility with FIRST's Physical Intervention Review Summary Form, which details its review and determination. If there is a policy violation identified during the Safe Crisis Management review process at the facility level, the facility Director may refer the PIP to the Department's Internal Affairs Office for investigation.

Based on the Office of Inspector General's review of the statistically valid sample of use of force incidents from BJNJH and CJH, both BJNJH and CJH failed to timely submit use of force documents as required by FIRST guidelines. In fact, *none* of the use of force incidents in the sample were timely submitted. The facilities routinely submitted the PIP documents to FIRST more than seven days after the incident, with one incident not reported for 114 days from the use of force incident at BJNJH, and 181 days for a use of force incident at CJH, respectively. Both BJNJH and CJH failed to comply with this objective of the Settlement Agreement.

## **PRISON RAPE ELIMINATION ACT**

The Office of Inspector General reviewed the Probation Department's compliance with the Prison Rape Elimination Act (PREA) with regard to the PREA requirements designated in the Settlement Agreement. PREA was created to deter sexual assault in correctional institutions, including juvenile detention facilities, and to ensure the

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<sup>20</sup> FIRST policy is established by Directive 1456 issued December 1, 2021



announcement of the opposite sex when entering a housing unit, privacy during showering, performing bodily functions, and changing clothes.

In its review, an Office of Inspector General certified auditor audited the Probation Department's compliance with PREA to determine whether (1) privacy curtains are properly installed in the bathrooms of all units, and (2) that staff of the opposite gender announce their presence when entering a housing unit. The two juvenile halls, CJH, and BJNJH and five camps (Camp Clinton B. Afflerbaugh, Dorothy Kirby Center, Camp Vernon Kilpatrick, Camp Joseph Paige, and Camp Glenn Rockey) were inspected unannounced.<sup>21</sup>

## PRIVACY CURTAINS

The Office of Inspector General found that the Probation Department has made substantial efforts to ensure that PREA compliant privacy curtains are installed in the bathrooms, noting the installation of several shower doors and curtains that provide adequate privacy while still maintaining safety. However, the Office of Inspector General discovered blind spots in several of the bathrooms that impair staff from being able to determine if dangerous or inappropriate activity is occurring or if there is a medical emergency. The cause of these blind spots was attributable to the following:

- Shower curtains that are opaque and/or 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 that create an environment that is too dark to safely observe the youth.

Additionally, the Office of Inspector General noted some showers lacked the proper privacy curtain while others did not have a privacy curtain at all.

According to the Probation Department, in 2017, the privacy curtains purchased by the Probation Department had a net/mesh material at the top with opaque material in the middle area. In 2021-2022, the Probation Department purchased different privacy curtains with grey mesh material at the top, opaque material in the middle, and clear plastic at the bottom portion. However, these curtains are often removed and replaced

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<sup>21</sup> While the Settlement Agreement only requires an audit and a report for the juvenile halls, all detention facilities were audited for these PREA requirements.

because of graffiti or calcium build up on the plastic area of the curtain. This was noted at CJH and BJNJH. Because of the reported annual cost of approximately \$200,000 to maintain the curtains, a better solution may be to use privacy doors for uniformity and to lower the maintenance costs associated with the privacy curtains.

## **BLIND SPOTS**

During the review, it was noted that Camp Rockey, Camp Afflerbaugh and Camp Paige each have blind spots inside the restroom area that can obstruct the view of the officer assigned to that housing unit. These blind spots are due to tiled wall fixtures in the middle and corners of the showers. This was brought to the attention of Probation Department staff who noted that the Probation Department is aware of the problem. Although the Probation Department staff stated that there is a staff member usually positioned inside the restrooms during shower periods to supervise the youths, there may be occasions where youths sneak into those areas unbeknownst to the staff. Furthermore, PREA's goal is to not only to ensure that youth do not engage in sexual misconduct, but also to prevent staff from committing sexual misconduct as well. These blind spots need to be addressed by the Probation Department.

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

On March 7, 2021, a PREA Inspection of 16 units was conducted at BJNJH to ensure PREA compliant privacy curtains or doors were properly installed and maintained in youths' restrooms.

**Unit LM/ Boys Intake Unit** – This unit has a total of eight showers, four urinals, and six toilets. Each shower had PREA compliant privacy curtains attached. The urinals had metal privacy guards installed.

**Unit J/K** – This unit has a total of eight showers, six toilets, and four urinals. The J side of the unit did not have any privacy curtains installed for the showers. Unit staff informed Office of Inspector General staff that they do not house any youth on the J side. The K side of the unit had PREA compliant privacy curtains installed for youths' showers and toilet area. The urinals on each side of the unit had metal privacy guards installed.

**Unit G/H** - This unit has a total of eight showers with four showers on each side with PREA compliant privacy curtains installed.

**Unit E/F** – This unit has a total of eight showers, with four showers on each side of the unit. The E side had PREA compliant privacy curtains, and the F side had two PREA

compliant privacy curtains with two of the privacy curtains detached due to construction of that area of the shower.

**Unit C/D** – This unit has a total of eight showers with showers on each side of the unit with three PREA compliant privacy curtains installed. Each side was missing one privacy curtain, and the senior detention services officer stated the privacy curtain was removed because of graffiti and would be replaced.

**Unit A/B** – This unit has a total of eight showers, with four showers on each side of the unit. Both sides of the unit had three PREA compliant privacy curtains attached, each side was missing one privacy curtain.

**Unit W** – This unit has a total of 10 showers, with five showers on each side of the unit with PREA compliant privacy curtains attached.

**Unit X** – This unit has a total of 10 showers, with five showers on each side of the unit. The X1 side of the unit had three PREA compliant privacy curtains attached, one privacy curtain was detached, and another privacy curtain was missing from the disabled youths' shower. The senior detention services officer was informed of the missing disabled youths' shower. X2 side had five PREA compliant privacy curtains properly attached to each shower.

**Unit Z** – This unit has a total of 10 showers, with five showers on each side of the unit. The Z1 side had five PREA compliant privacy curtains attached. The Z2 side had three privacy curtains detached and hanging inside the shower stalls, one PREA compliant privacy curtain attached to a shower, and one shower with a missing privacy curtain.

**Unit Y (Covid Isolation Unit)** – This unit has a total of 10 showers, with five showers on each side of the unit. Each shower had a PREA compliant privacy curtain attached.

**Unit T/V (Boys HOPE Center)** – This unit has eight showers, with four showers on each side of the unit. The T side had four PREA compliant privacy curtains attached to each shower, while the V side had only three PREA compliant privacy curtains attached to a shower and one privacy curtain missing.

**Unit R/S (Girls Unit)** – This unit has a total of eight showers, with four showers on each side of the unit with PREA compliant privacy curtains properly attached.

**Unit N/O** – This unit currently does not house any youth. However, the unit has a total of eight showers, with four showers on each side of the unit. The N side had four PREA

compliant privacy curtains attached to each shower, and the O side had three PREA compliant privacy curtains attached with one privacy curtain missing from a shower.

**Unit Q (Girls HOPE Center & Overflow Intake/Medical Unit)** – This unit has a total of two showers, with appropriate PREA compliant metal doors installed at each shower.

**Medical Observation Unit** – This unit has a total of four showers, with two showers on each side of the unit. Each shower had PREA compliant privacy curtains properly attached to each shower.

**Unit P (Overflow Unit for Medical Unit)** – This unit has a total of five showers with five PREA compliant privacy curtains properly attached to each shower.

### Central Juvenile Hall

On March 7, 2022, a PREA Inspection was conducted at CJH of sixteen units to ensure PREA compliant privacy curtains or doors were properly installed and maintained in youths' restrooms. The following are the units inspected and the results:

**Medical Unit** – There are a total of three showers, with two showers with PREA compliant privacy curtains properly attached to each shower. The third shower (middle shower) did not have a privacy curtain installed because it is not used in order for proper separation of the youth based on COVID-19 protocols.

**HOPE Center - Boys/ Unit PQ** – This unit has a total of 10 showers, with five showers on each side of the building with PREA compliant metal doors properly installed for privacy.

**Developmentally Disabled (DD) Unit/ Unit RS** – This unit has a total of 10 showers, with five showers on each side of the unit with PREA compliant metal doors properly installed for privacy.

**Boys Receiving-Quarantine Unit/Unit W** – This unit has a total of six showers, with three showers on each side of the unit. Two of the three showers on each side had PREA compliant privacy curtains properly installed. The third shower (middle shower) did not have a privacy curtain installed because it is not used in order for proper separation of the youth based on COVID-19 protocols.

**Unit KL and Unit MN** – These two units are not in use. This unit has a total of eight showers with four showers on each side with PREA compliant metal properly installed for privacy.

**Unit GH** – This unit has a total of eight showers, with four showers on each side of the unit with PREA compliant metal doors properly installed for privacy.

**Unit EF** – This unit has a total of eight showers, with four showers on each side of the unit with PREA compliant metal doors properly installed for privacy.

**Unit J** – This unit has a total of two showers, with one PREA compliant privacy curtain properly attached, and the other privacy curtain detached and on the floor.

**Unit O** – This unit has a total of two showers and each shower had PREA compliant privacy curtains properly attached.

**Boys Care Unit** – This unit has four showers, with three showers with PREA compliant privacy curtains properly attached. The fourth shower did not have a privacy curtain and had a bench for use by a disabled youth but is not ordinarily in use.

**Girls Care Unit** – This unit has three showers and two toilets. The two showers have clear blue plastic privacy curtains that are not in compliance with PREA, and the shower for the disabled youths did not have a privacy curtain. The two toilets have PREA compliant privacy curtains, but one toilet needs an additional PREA compliant privacy curtain to ensure privacy.

**Girls Receiving/Quarantine Unit/ Unit XY** – This unit has three showers, each with PREA compliant privacy curtains properly attached.

**Enhanced Supervision Unit (ESU) Boys & Girls/ Unit AB** – This unit has a total of 10 showers, with five showers on each side with PREA compliant metal doors properly installed for privacy. There is one toilet inside each restroom area without a PREA compliant privacy curtain attached. Unit AB has individual rooms with separate toilets inside each room making privacy curtains unnecessary.

**HOPE Center – Girls/Unit CD** – This unit has a total of 10 showers, with five showers on each side with PREA compliant metal doors properly installed for privacy.

**Receiving Transportation Unit** – This unit does not house any youths. Youths are sent to this unit for transportation to court or medical/regional center appointments. The unit has three showers, all without privacy curtains installed.

## **Camp Afflerbaugh**

On March 29, 2022, a PREA inspection was conducted to ensure PREA compliant privacy curtains or doors were properly installed and maintained in youths' restroom areas. Camp Afflerbaugh currently houses 16 youths and has one dormitory with seven showers, which all had PREA compliant privacy doors properly attached to each shower. A blind spot was noted that obstructs the view of the Probation Department staff due to tiled wall fixtures in the middle and corners of the showers. This was brought to the Probation Department's staff who noted that the Probation Department is aware of the problem.

## **Dorothy Kirby Center**

On March 29, 2022, a PREA Inspection was conducted on 11 cottages to ensure PREA compliant privacy curtains or doors were properly installed and maintained in youths' restrooms. The following cottages were inspected:

**Topaz Cottage** – This cottage has a total of three showers, all with PREA compliant privacy curtains properly attached.

**Sapphire Cottage** – This cottage has a total of three showers, all with PREA compliant privacy curtains properly attached.

**Emerald Cottage** – This cottage has a total of three showers, all with PREA compliant privacy curtains properly attached.

**Amber Cottage (Boys HOPE Center)**– This cottage has a total of three showers, all with PREA compliant privacy curtains properly attached.

**Garnet Cottage** – This cottage has a total of three showers, all with PREA compliant privacy curtains properly attached.

**Turquoise Cottage** – This cottage has a total of three showers, all with PREA compliant privacy curtains properly attached.

**Jade Cottage (Currently Camp Joseph Scott)** – This cottage has a total of three showers, all with PREA compliant privacy curtains properly attached.

**Amethyst Cottage** – This cottage is currently occupied by the Los Angeles County Office of Education (LACOE) due to construction at the school site. This cottage has



three showers with PREA compliant privacy curtains attached. Youths are not housed at this cottage.

**Aqua Cottage (Girls Cottage)** – This cottage has two showers with two PREA compliant privacy curtains properly attached.

**Diamond Cottage (Girls HOPE Center)** – This cottage has two showers with two PREA compliant privacy curtains properly attached.

**Cool Down Room (Transgender and/ or Self-Harming Unit)** – This cottage has one shower with the PREA compliant privacy curtain properly attached.

### **Camp Kilpatrick**

On March 29, 2022, a PREA Inspection was conducted to ensure PREA compliant privacy curtains or doors were properly installed and maintained in youths' restroom areas. Campus Kilpatrick has a total of four residential units, gym, game room, and medical unit. In each unit, a blind spot was noted in the last shower stall which obstructs the view of the Probation Department staff due to tiled wall fixtures in the middle and corners of the showers. This was brought to the Probation Department's staff who noted that the Probation Department is aware of the problem. The following units/buildings were inspected:

**Sycamore A** – This unit has a total of three showers, each with a PREA compliant metal door properly installed.

**Sycamore B** – This unit was under quarantine and was not inspected.

**Aspen C** – This unit has a total of three showers, each with a PREA compliant metal door properly installed.

**Aspen D**– This unit was under quarantine and was not inspected.

**Gym** – The facility gym has a total of three showers, each with a PREA compliant metal door properly installed.

**Game Room** – The facility game room has a total of three showers, each with a PREA compliant metal door properly installed.

**Maple G (Medical Unit)** – The facility medical unit was under quarantine and was not inspected.

### **Camp Paige**

On March 29, 2022, a PREA Inspection was conducted to ensure PREA compliant privacy curtains or doors were properly installed and maintained in youths' restroom areas. Camp Paige has one dormitory with seven showers, each with PREA compliant privacy curtains properly attached to each shower. A blind spot was noted that obstructs the view of the Probation Department staff due to tiled wall fixtures in the middle and corners of the showers. This was brought to the Probation Department's staff who noted that the Probation Department is aware of the problem.

### **Camp Rocky**

On March 29, 2022, a PREA Inspection was conducted to ensure PREA compliant privacy curtains or doors were properly installed and maintained in youths' restroom areas. Camp Rocky has one dormitory, with seven showers. Each shower had a PREA compliant privacy curtain properly attached to each shower. A blind spot was noted that obstructs the view of the Probation Department staff due to tiled wall fixtures in the middle and corners of the showers. This was brought to the Probation Department's staff who noted that the Probation Department is aware of the problem. The HOPE Center at Camp Rocky has total of six showers, Side A with three showers with PREA compliant privacy curtains attached to each shower. Side B has three showers with PREA compliant privacy curtains attached to each shower.

## **OPPOSITE GENDER ANNOUNCEMENTS**

During the Office of Inspector General's unannounced visits, there was consistent compliance with the opposite gender announcing their entry into the housing units, with infrequent lapses in compliance. Based on our observations and interviews of staff and youths, the announcement by the opposite gender is consistently done as required by the Detailed Plan.

Based on the Office of Inspector General's review of the juvenile halls and camps, the Probation Department substantially complied with the Settlement Agreement in both PREA and opposite gender announcement. However, improvement is needed to reach 100 percent compliance with privacy curtains or doors.

## **ACCESS TO PROGRAMMING/ROOM CONFINEMENT**

The Probation Department was mandated to revise its existing policies to ensure youth access to programming, recreation, exercise, outside activity, religious services,

visitation, and phone calls (collectively program activities). Included in the mandated revisions is the responsibility to ensure that youths are not denied these activities and are not being confined to their rooms simply because of a refusal to participate. Additionally, the Probation Department is to document any denial of program activities, stating the Probation Department staff's reason for not allowing the youths to participate.<sup>22</sup>

The Probation Department currently posts in the office and on activity boards in the living units a recreation schedule with the activities offered and the activity times. 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. Compliance with the program schedule requires a senior detention services officer to enter into a logbook, the specific activity and start time. Program activities may only be suspended for an individual youth if there is a written finding by the facility administrator that the youth is a "threat to the safety and security of the facility," or for mental health or other health related reasons.

The Office of Inspector General reviewed weekly report logs, Detention Adjustment Reports, and Self-Separation<sup>23</sup> forms for BJNJH and CJH juvenile halls for the first quarter of 2022.<sup>24</sup> These documents noted the youths' participation in the program activities, absences, and the reasons for non-participation in various program activities. The purpose of the review was to assess whether the Probation Department was ensuring that youths were participating in the program activities and not being improperly confined to their rooms.

As required in the Settlement Agreement, the Probation Department is mandated to implement an internal data system to monitor the movement of the youth to better identify and track room confinement. The Probation Department reports that it is in the process of designing and implementing this system. While a computerized system will be instrumental in recording accurate data, in the absence of that system, the Office of Inspector General requested the current documentation used by the Probation Department to record the program activities that each youth received at both BJNJH and CJH. Upon first review, the documentation used by the Probation Department to note the program activities and the youths' participation, tracked basic information such as the date, unit, youth's name, etc. The Office of Inspector General worked with the Probation Department to expand its template log to include the name of the facility and

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<sup>22</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>23</sup> Self-separation is when a youth provides a reason for non-participation, such as sleeping or reading.

<sup>24</sup> Future reporting will be for the same two quarters as the as the other provisions in the Detailed Plan. Thus, the next report for this metric will be for the first two quarters of this year. The implementation of a computerized system will greatly enhance the ability to audit this information.

a comments section to note what the youths were actually doing instead of participating in the program activity.

Based on the Office of Inspector General's review of logbooks, Self-Separation forms, Detention Adjustments Reports and other information, the Office of Inspector General determined that the Probation Department provided program activities to 94 percent of youths at CJH this year, meeting the 93 percent requirement in the Detailed Plan. BJNJH only provided a portion of the information necessary for a review, therefore the percentage of youths at BJNJH who did not receive program activities is unknown.

Included in that review was an assessment of how often youths are not allowed program activities due to the Probation Department determining that the youths were a threat to the safety and security of the facility. The Office of Inspector General determined that at CJH, threat to the safety and security of the facility situations accounted for an average of 40 percent of the denial of program activity daily resulting in those youths being provided program activities only 60 percent of the time the activities were available. BJNJH documentation regarding the denial of program activities due to a threat to the safety and security of the facility was not provided.

Although it is understood that youths may at times not have access to program activities due to medical issues, mental health issues, or threats to the safety of the facility, or self-separation, it is important to have written documentation supporting the allegations that resulted in nonparticipation. A review of documents indicated that each incident where a youth was denied program activities due to an allegation of a threat to the safety and security of the facility, it was properly supported by a Physical Intervention Report, Significant Incident Report, or mental health documentation indicating the specific disruptive behavior as policy requires.

In all other situations that did not involve a threat to the safety and security of the facility, the Probation Department made available the program activities and followed its policies in identifying youths who chose to self-separate and not participate in the activities provided. Of the youths who did not pose a threat to the safety and security of the facility, the Office of Inspector General determined that those youths were provided access to program activity 87 percent of the time at CJH and, due to a lack of documentation, an unknown number of the time at BJNJH, respectively. The Office of Inspector General's review of the logs and other documentation showed that the Probation Department documented the program activity that the youths missed, including forms written by staff indicating the date, time and actual program activity missed by the youths, signed by the Probation Department officer and a supervising officer. At times, the youths indicated to the staff that they did not want to participate in a

program activity and decided to remain in the room to either read or sleep. The most common reason noted by the staff was that the youth was sleeping and did not want to participate in the program activity. On a number of the forms reviewed by the Office of Inspector General, the staff noted their attempts to re-engage the youth in the program activity being provided and often the self-separation was for a couple of hours or less. The officers noted the required room checks of every fifteen minutes, which likely caused many youths to re-engage in some of the situations and ultimately participate in the program activities. The Office of Inspector General did not discover any incidents where youths were confined to their room for punishment, discipline, or retaliation against the youths for not participating in program activities. The logs that the Office of Inspector General created in collaboration with Probation Department Compliance unit and both halls to track programming, which include room confinement and the reason for the confinement, were not provided by BJNJH therefore we were unable to assess compliance for that facility.

Included in the review of the youths' proper access to activities, the Office of Inspector General reviewed visitation, religious and telephone logs at BJNJH and CJH. The review of these areas indicated that the youths were properly being provided access to make telephone calls, family visitation, and to attend religious services. Although there were some visitation complaints raised by parents during the period when the CJH youths were moved to BJNH in March 2022, it appears that those complaints were limited the distance of BJNJH from CJH.

Because of the lack of adequate documentation tracking programming, the Office of Inspector was not able to determine if Probation met the requirement that 90 percent of the time that youth were denied programming due to representing a threat to the safety and security of the facility was based on a written finding. Nor was the Office of Inspector General able to determine if Probation met the requirement that youth who were not found to be a threat to facility safety were provided with programming 93 percent of the time.

The Office of Inspector General used a metric set forth in the Detailed Plan that is assigned to the Monitor in order to provide a limited assessment of the programming. The Office of Inspector General staff reviewed the grievances logs for each location and extracted the grievances regarding programming to determine the percentage of grievances relating to programming. From the provided logs of BJNJH, the Office of Inspector General found that three percent of the grievances documented were related to programming. For CJH, the Office of Inspector General found that seven percent of the grievances were related to programming. Both halls were in

compliance with the metric that 90 percent of the grievances reviewed show that youth were not unduly denied access for impermissible reasons.<sup>25</sup>

Youth access to program 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. In order 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 utilize the tracking log template developed with the Office of Inspector General to ensure that on a quarterly basis the weekly reports on denials of programming are provided to the Office of Inspector General for an assessment as to compliance.

## YOUTH GRIEVANCES

The Probation Department is required to provide a method for youths to file grievances for complaints the youths may have relating to their care at a facility.<sup>26</sup> These grievances include those concerns lodged by a youth in custody at a juvenile hall as well as those filed by family members. The grievances are collected daily from the grievance boxes by the Grievance Officer at juvenile halls, and should be reviewed, 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 also currently uses the Juvenile Institutions Grievance System (JIGS) to receive grievances *electronically* which allows youths to file their grievances from their individual computer laptops. It operates as a mailbox for the Probation Department staff to retrieve and review the filed grievances. The Probation Department is in the process of revising its existing JIGS system. For this report, the Office of Inspector General reviewed grievances filed by youths, their families, or members of other involved agencies. Grievances have been received by the Office of Inspector General as well as by the Ombudsman's office, which is another avenue the youth have to file a complaint regarding their care and services. The Office of Inspector

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<sup>25</sup> This metric is assigned to the Monitor under a related task in the Detailed Plan. Because the Office of Inspector General was unable to determine compliance with the metrics in the task assigned, this metric was used as a temporary measure.

<sup>26</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."



General has communicated with the Ombudsman's office regarding complaints received by the Office of Inspector General.

In situations where there is more than one complaint on a grievance form, each complaint is to be addressed individually. Once the grievance is collected, 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 has filed a grievance, (6) ensure that the minor signs and receives a copy of their grievance(s), (7) update the Probation Incident Reporting System (PIRS) with grievance information, (8) maintain facility's grievance log, and (9) prepare reports regarding grievances as instructed by 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 Prison Rape Elimination Act or Internal Affairs. As noted, a deputy probation officer or detention services officer will review the grievance and in writing, either declare the grievance resolved, granted, unresolved, or denied, each with an option to seek further review by senior staff.

The Office of Inspector General has been tasked by the Settlement Agreement to provide oversight of the grievance policy. The current grievance policy has not been finalized or provided to the Office of Inspector General. The Office of Inspector General did review the Probation Department's Grievance Log which documents the youths' grievances, which include the type of complaint and the outcome of the grievance once reviewed by the Probation Department staff.

Despite the Probation Department's efforts in keeping an accurate log, the Office of Inspector General was informed of a problem in the existing JIGS system used by the youths to lodge complaints. The issue related to a number of grievances filed by the youths, that were not appearing in the systems' mailbox for the Probation Department staff to review. On November 23, 2021, the Office of Inspector General staff went to two camps and investigated the problem and discovered that there were no grievances in the system mailbox. Based on information reported to the Office of Inspector General, one of grievances that was not in the mailbox was an allegation of sexual misconduct. Probation Department staff members who were interviewed indicated that they did not

have any knowledge of any issues related to the systems' mailbox. However, the Office of Inspector General discovered an email dated September 8, 2021, from a Probation Department staff member relating to a problem with the mailbox, as well a request for assistance to its helpdesk to fix the problem. Due to the nature of the grievance involving a sexual encounter, the Office of Inspector General interviewed a number of staff and recommended the Probation Department conduct an investigation of the allegations, which they did. The Probation Department's consultant indicated that the system mailbox error has been corrected and that a new JIGS system is expected sometime in 2022.

## CONCLUSION

### CAMERAS AND TIMELY REPORTING

The Office of Inspector General found that camera coverage at BJNJH was deficient because there were not enough cameras installed, nor were all of the cameras installed fully operational, resulting in a failure to meet the requirement in the Detailed Plan requiring that 90 percent of the cameras installed be operational, in use, and provide sufficient coverage to capture use of force incidents. CJH had more than twice the number of operable video cameras installed as BJNJH and all of BJNJH's cameras were fully operational resulting in CJH meeting the 90 percent requirement for these metrics. The Office of Inspector General found that because there was *not sufficient camera coverage* at BJNJH for the cases reviewed, the requirement that 90 percent of the video recordings were properly used in the use of force review could not be achieved due to the absence of videos for 10 of the cases reviewed. At CJH the videos were *properly used* in the use of force incidents for 92 percent of the cases reviewed, achieving the compliance standard of 90 percent.

The Office of Inspector General found that both the Probation Department staff at both BJNJH and CJH failed to timely submit use of force reports as to FIRST as required by guidelines and that no case was timely submitted.

### PREA

The Office of Inspector General found that the Probation Department made substantial efforts to ensure that privacy curtains were installed in the bathrooms, with several shower doors and curtains providing adequate privacy while still maintaining safety. However, the Office of Inspector General discovered blind spots in several of the bathrooms that could restrict probation staff from being able to determine if a dangerous or inappropriate activity or a medical emergency was occurring. In some bathrooms, privacy curtains were missing or not properly maintained.

The Office of Inspector General observed staff making opposite gender announcements and interviewed Probation Department staff and youth to determine whether staff of the opposite gender announced themselves before entering a living facility. Although a few instances of non-compliance were reported, the Office of Inspector General found that gender announcements are consistently made by staff prior to entering a housing unit.

## **ACCESS TO PROGRAMMING/ROOM CONFINEMENT**

Under the Settlement Agreement, the Probation Department is mandated to revise its existing policies to ensure youth access to programming, recreation, exercise, outside activity, religious services, visitation, and phone calls. All denials of programming due to youth being classified as a threat to the safety and security of the facility by Probation Department staff must be documented in writing. The Probation Department staff are responsible for ensuring that youth who are not a threat are not being denied activities for other reasons.

Because an internal data system to programming and room confinement has not yet been implemented, the Office of Inspector General requested a review of weekly report logs, Detention Adjustment Reports, and Self-Separation forms for BJNJH and CJH juvenile halls for the first quarter of 2022. These documents noted the youths' participation in the program activities, absences, and the reasons for non-participation in various program activities. The Office of Inspector General found that at CJH, youth classified as being a threat to the safety and security of the facility accounted for an average of 40 percent of the denial of program activities, resulting in those youths being provided program activities only 60 percent of the time the activities were available. This assessment was not performed at BJNJH because the relevant documentation was not provided to Office of Inspector General staff for review.

The Office of Inspector General found that CJH provided program activities to 94 percent of youth for the first quarter of 2022, fulfilling the 93 percent requirement in the Detailed Plan. Because of a lack of complete documentation from BJNJH the Office of Inspector General was not able to determine the percentage of youth who were provided or denied activities, resulting in BJNJH failing to meet the standard in the Detailed Plan.

## **YOUTH GRIEVANCES**

Currently, grievances can be manually placed in a facility grievance box or lodged electronically via JIGS which allows youths to file their grievances from their individual

computer laptops. A revised current grievance process has not been finalized. The Office of Inspector General was able to review the Probation Department's Grievance Log, which documents the youths' grievances, including the types of complaints filed and their outcomes.

A review of the current JIGS system revealed several grievances filed by youth were not appearing in the systems' mailbox and therefore were not being reviewed and investigated by Probation Department staff. Office of Inspector General staff discovered that one of the missing grievances involved an allegation of sexual misconduct. This was immediately brought to the attention of Probation Department staff and an investigation was opened. The Probation Department has since reported that the error in the JIGS system has been fixed and that they are working on an updated JIGS system.

## **RECOMMENDATIONS**

The Office of Inspector General recommends the following to achieve compliance with the Settlement Agreement:

1. Purchasing and installing a sufficient number of operable high-quality cameras for BJNJH.
2. Scheduling and performing regular reviews of all camera coverage video.
3. Scheduling and performing regular maintenance for cameras at BJNJH and CJH.
4. Researching the availability of systems with an option that will alert the Probation Department of a camera malfunction.
5. Updating the SCM and PIR forms to include a section indicating whether video is consistent with the written reports.
6. Implementing training for all staff on the importance of reviewing video in analyzing use of force incidents, and that all written reports must be reviewed in conjunction with video.
7. Implementing training for supervisors regarding the proper review of written reports and videos in analyzing use of force incidents.
8. Reviewing Probation Department policies on utilizing video review for use of force analysis to ensure consistency in the review process.

9. Training on FIRST procedures and requirements and the necessity of timely submission of use of force incidents to FIRST.
10. Adding privacy curtains to those showers with missing or damaged curtains, regular maintenance and cleaning of the existing curtains to ensure appropriate viewing, and to consider replacing curtains with privacy doors, which may be more cost effective.
11. Eliminating the noted blind spots in the facility bathrooms to ensure PREA compliance.
12. Ensuring the required cross-gender announcements are an institutionalized practice.
13. Developing and implementing a computerized database to track programming and denials of service for youth who are documented to be a threat to the security and safety of the facility, to document participation and non-participation in programming and to document reasons for non-participation for youth who have not been deemed to be a threat.
14. Developing and implementing a reliable system to track youth and family grievances and updating the current grievance system to comply with the requirements that grievances can be submitted through online portals, can be tracked, and are available for prompt review by the Office of Inspector General.