



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

July 25, 2023

Table of Contents

EXECUTIVE SUMMARY	1
Decontamination After Use of Oleoresin Capsicum Spray	1
Training and Support After Use of Oleoresin Capsicum Spray.....	1
Timely Submission to the Force Intervention Review Team	2
Review of the Probation Department’s Compliance with Use of Force Policies in Juvenile Halls	2
Sufficiency of Camera Coverage	2
Use of Camera Video in Determining Compliance with Use of Force Policies	3
Prison Rape Elimination Act.....	3
Room Confinement/Access to Programming	3
Youth Grievances.....	4
BACKGROUND.....	5
DECONTAMINATION AFTER USE OF OLEORESIN CAPSICUM SPRAY.....	5
Methodology.....	6
Scope.....	8
Findings	8
TRAINING AND SUPPORT TO PROBATION STAFF AFTER USE OF OLEORESIN CAPSICUM SPRAY.....	9
Methodology.....	9
Findings	10
TIMELY SUBMISSION TO THE FORCE INTERVENTION SUPPORT TEAM..	11
REVIEW OF THE PROBATION DEPARTMENT’S COMPLIANCE WITH USE OF FORCE POLICIES IN JUVENILE HALLS	13
Methodology.....	13
Scope	15
Findings	16
Objective A: Sufficient Camera Coverage of Use-of-Force Incidents	16
Objective B: Cameras Are Operational and in Use.....	17
Objective C: Video Camera Recordings are Being Properly Used to Determine Policy Violations	18

PRISON RAPE ELIMINATION ACT.....	22
Privacy Curtains.....	22
Blind Spots.....	23
Barry J. Nidorf Juvenile Hall PREA Inspection.....	24
Central Juvenile Hall.....	25
Camp Afflerbaugh.....	27
Dorothy Kirby Center.....	27
Camp Kilpatrick.....	28
Camp Paige.....	29
Camp Rockey.....	29
Opposite Gender Announcements.....	30
ROOM CONFINEMENT/ACCESS TO PROGRAMMING.....	30
Creation of Internal Processes to Document and Report on Room Confinements and Subsequent Remedial Measures.....	31
Prompt Notification and Subsequent Remedial Measures.....	32
Written Finding That a Youth Was a Threat to the Safety and Security of the Facility.....	33
Participation in Programming of Youths Who Were Not Found to be a Threat to the Safety and Security of the Facility.....	33
YOUTH GRIEVANCES.....	35
RECOMMENDATIONS.....	37

EXECUTIVE SUMMARY

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

This Executive Summary includes data and compliance determination for key benchmarks based on data provided by the Probation Department. However, as noted throughout the report, the lack of effective systems to document and track uses of force, room confinements, grievances, and other incidents in the juvenile halls and camps raises concerns about the accuracy of the documentation provided to the Office of Inspector General.

Decontamination After Use of Oleoresin Capsicum Spray

Los Angeles County Detailed Plan (Detailed Plan) for monitoring compliance with the Settlement Agreement mandates that the Probation Department follow its policies and state law and properly document compliance in 90% of all incidents in which OC spray was used on youths. The Office of Inspector General found that both facilities failed to meet the Detailed Plan requirements. From the dataset reviewed, the Office of Inspector General found that at Central Juvenile Hall (CJH) only 43% (10 of 23) of the incidents randomly selected followed policies and properly documented decontamination after use of Oleoresin Capsicum (OC) spray in compliance with policy and state law. At Barry J. Nidorf Juvenile Hall (BJNJH) only 72% (13 of 18) incidents randomly selected followed decontamination policies and properly documented the decontamination process in compliance with policy and state law. Both facilities failed to achieve compliance with the Detailed Plan.

Training and Support After Use of Oleoresin Capsicum Spray

Substantial compliance with the Detailed Plan requires the Probation Department to identify any need for training and support for Probation Department staff, as well as to actually provide such support in 90% of cases where a need for training and support is

identified. Of the sampled Physical Intervention Packets (PIP),¹ only 15 (7 from CJH and 8 from BJNJH) were reviewed by the Force Intervention Response Team (FIRST) and the Safe Crisis Management (SCM), and only one of those by Critical Incident Review Committee (CIRC).² The resulting compliance rate for **simply reviewing** the reports was 37%, well below the required metric of 90%. In only 3 of the SCM reviews was training recommended, with no indication as to completion of the training. Given the low compliance rate for reviewing the reports, it is likely that there are unidentified training needs.

Timely Submission to the Force Intervention Review Team

For the third consecutive reporting period, staff at both facilities failed to timely submit **any** reports to FIRST. Staff at CJH failed to timely submit 632 PIPs to FIRST. Staff at BJNJH failed to timely submit 463 PIPs to FIRST. The current longest delay in submission is 303 days from the date of the incident, well past the seven-day deadline.

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

Sufficiency of Camera Coverage

The Settlement Agreement Detailed Plan requires that 90% of all use-of-force incidents have sufficient camera coverage.

Between July 1, 2022, and December 31, 2022, a total of 514 use-of-force incidents were reported at CJH. In its review of a statistically valid sample, the Office of Inspector General found that 100% of the incidents had video recordings, 92% had sufficient video coverage for review, and 2 videos failed to capture the use of force due to it occurring directly under the cameras, making CJH in compliance with the Settlement Agreement Detailed Plan.

Between July 1, 2022, and December 31, 2022, a total of 224 use-of-force incidents were reported at BJNJH. In its review of a statistically valid sample of the incidents, the Office of Inspector General found that only 39% of the incidents reviewed had video

¹ PIPs document uses of force used by the Probation Department staff. Included in the PIPs are Physical Intervention Reports (PIRs). PIRs are reports prepared by staff who are involved in uses of force, including the use of OC spray.

² Generally, FIRST and SCM review the same reports.

recordings attached, falling short of the 90% requirement for compliance with the Detailed Report.

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

The Detailed Plan requires that the Probation Department properly use video recordings to determine policy violations in 90% of use of force incident. At CJH, the Department properly reviewed 19 out of 24 incidents from the sample, or 79%, making the Department out of compliance with the requirement at CJH.

For BJNJH, while the Probation Department utilized the available video properly, meaningful compliance cannot be achieved until camera coverage is sufficient to provide video recordings for all or nearly all of the use-of-force incidents in BJNJH. Because only 9 of the 23 selected samples of use-of-force incidents had video recordings, and because this is the third reporting period wherein the video coverage is insufficient, the Office of Inspector General finds that BJNJH is not in compliance with the requirement of the Detailed Plan for this metric.

Prison Rape Elimination Act

While efforts at improving compliance with PREA requirements for privacy curtains have been made, the Office of Inspector General noted several of the restrooms continue to have blind spots that impair staff from being able to determine if dangerous or inappropriate activity is occurring or a medical emergency. The PREA coordinator reports that the Probation Department plans to replace privacy curtains at all facilities with metal doors and to upgrade lighting in the restrooms to ensure compliance with the Detailed Plan.

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

Room Confinement/Access to Programming

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

The Office of Inspector General reviewed a total of 106 room confinements at CJH and 64 room confinements at BJNJH for the third and fourth quarters of 2022. CJH's findings that a youth was a threat to the safety and security of the facility was documented in writing in 99% (105 of 106) of the incidents. BJNJH's findings that a youth was a threat to the safety and security of the facility was documented in writing in 95% (61 of 64) of the incidents, 3 of the documents were found out of compliance due to the youths being confined over four hours without a supervisor's signature indicating acknowledgment. The written findings at both facilities met the requirement that in 90% of the cases the finding that a youth is a threat to the safety and security of the facility is documented in writing.

While CJH's Program Activities were *available* to 98% of the youths at the facility, 26% of programming was noted as not being provided to the youths for reasons that were unclear, reported as either *unable to determine* or *other*. Approximately 16% of youths at CJH who were not found to be a threat did not receive Program Activities due to self-separation or refusal.³ CJH was not in compliance with the 93% compliance requirement of the Detailed Plan because only 42% of youth who self-separated received Program Activities.

Based on the incomplete information provided by BJNJH regarding the youths' participation in Program Activities, the Office of Inspector General finds that BJNJH is not in compliance with the Detailed Plan. This is the third straight reporting period for which BJNJH did not provide sufficient information regarding participation in Program Activities.

Youth Grievances

While a review of the Probation Department's Grievance Log showed that 90% of the grievances at CJH and BJNJH were resolved in accordance with the Probation Department's current policies, the lack of a centralized grievance management system raises concerns about accuracy of the grievance documentation and therefore compliance with this metric.

³ Self-separations or refusals accounted for 16%. Although there were other reasons for youths failing to participate in programming such as court appearances, or medical visits, these occurrences were minimal and would not have caused the Probation Department to fail to be in compliance if self-separations were absent.

BACKGROUND

On January 21, 2021, the Los Angeles County Superior Court approved a stipulated judgment between the County of Los Angeles and the California Department of Justice (DOJ).⁴ This stipulated judgment (hereafter referred to as Settlement Agreement) appointed the Office of Inspector General as the monitor on various provisions of the Settlement Agreement relating to conditions at Los Angeles County Juvenile Halls. The Los Angeles County Detailed Plan (Detailed Plan) for monitoring compliance with the Settlement Agreement designated the Office of Inspector General as the monitor for certain provisions of the Detailed Plan.⁵ As the monitor for the delineated provisions, the Office of Inspector General was tasked to report on its findings regarding the Los Angeles County Probation Department's (Probation Department) compliance with the Settlement Agreement twice per year in a report to the Board of Supervisors (Board).⁶ This report is the Office of Inspector General's Third Report on the Probation Department's Compliance with the Settlement Agreement.

Much of this report relies upon documentation from the Probation Department. As explained in more detail throughout the report, the lack of effective systems to document and track uses of force, room confinements, grievances, and other incidents in the juvenile halls and camps raises concerns about the accuracy of the documentation provided to the Office of Inspector General.

DECONTAMINATION AFTER USE OF OLEORESIN CAPSICUM SPRAY

The Detailed Plan mandates that the Probation Department maintain a process and procedure to document whether decontamination after the use of Oleoresin Capsicum (OC) spray is in compliance with its policies and state law in 90% of all incidents in which OC spray was used on youths in Central Juvenile Hall (CJH) and Barry J. Nidorf

⁴ *People of the State of California, ex rel. Xavier Becerra, Attorney General of the State of California v. County of Los Angeles*.

⁵ The County of Los Angeles Confidential Detailed Plan is incorporated by reference into the stipulated judgment at paragraph 7.

⁶ The provisions in the Detailed Plan that are not assigned to the Office of Inspector General are assigned to Michael Dempsey, as the "Monitor" defined in the Settlement Agreement and Detailed Plan. Some provisions of the Detailed Plan require quarterly reporting to the Monitor, with a formal report to the Board copied to the Monitor, required twice annually. The information provided on a quarterly basis to the Monitor is incorporated into the Office of Inspector General twice-annual reports to the Board.

Juvenile Hall (BJNJH)⁷. This report analyzes a representative sample of OC spray incidents at CJH and BJNJH for the period covering July 1, 2022 through December 31, 2022.

In April 2022, the Probation Department implemented revised OC spray policies that created an internal process to timely document OC spray decontamination. After review of the Probation Department's OC spray decontamination incidents from July 1, 2022 to December 31, 2022, the Office of Inspector General found that the Probation Department was not in compliance with the Settlement Agreement. At CJH, only 43% of incidents followed the Probation Department's existing decontamination policies, and at BJNJH, only 72% of incidents followed the decontamination policies.

Methodology

The Office of Inspector General requested documentation relating to all OC spray incidents, including investigations, that occurred between July 1, 2022, and December 31, 2022, at CJH and BJNJH. In response, the Probation Department provided the Office of Inspector General the Physical Intervention Packets (PIP) for 352 incidents. Of the 352 incidents, 249 occurred at CJH, and 103 occurred at BJNJH.⁸ The Office of Inspector General recommends re-organizing the PIPs so that the first report in the packet is that of the Probation Department staff member who deployed the OC spray. This will provide for easier review by the Probation Department supervising staff members.

The Office of Inspector General selected and reviewed a statistically valid sample of the incidents from each of the juvenile halls in accordance with Government Audit Standards⁹ for review. The calculation resulted in a sample size of 23 OC spray incidents from CJH, and 18 from BJNJH. The Office of Inspector General used a research randomizer application to randomly select the incidents for review.¹⁰

⁷ The Probation Department eliminated the use of OC spray in Central Juvenile Hall units that incarcerate youth with developmental disabilities, girls and gender expansive youth, pursuant to a Los Angeles County Board of Supervisors motion on December 22, 2022.

⁸ PIPs document uses of force used by the Probation Department staff. Included in the PIPs are Physical Intervention Reports (PIRs). PIRs are reports prepared by staff who are involved in uses of force, including the use of OC spray.

⁹ To view current Yellow Book, visit <https://www.gao.gov/yellowbook>.

¹⁰ Research Randomizer at <https://www.randomizer.org/>.

Substantial compliance with the Detailed Plan requires that 90% of the OC spray decontaminations reviewed are in compliance with policy and law. The Probation Department's OC spray decontamination policy states the following:

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

The relevant state law on Chemical Agents and decontamination is found in Title 15 section 1357(b) which states in relevant part:

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

...(3) outline the facility's approved methods and timelines for decontamination from chemical agents. This shall include that youth who have been exposed to chemical agents shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent.

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

Scope

To determine compliance with the Probation Department's policies, the scope of this review was based primarily on information provided in the Probation Department's Physical Intervention Report (PIR), including the information required in Section M, *OC Spray Deployment*, which must be completed each time OC spray is deployed on a youth. Included on this form are each of the requirements set forth in the Probation Department policy and state law, including:

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

For the purposes of this review, if the PIR, including section M, included the required information, the Office of Inspector General found compliance with the Probation Department's policies and state law.¹¹ In cases in which Section M of the PIR was incomplete, Section N, *Description of the Incident*, which is a narrative of the incident, was reviewed to determine whether each of the above requirements were satisfied.

Findings

From the statistically valid sample of the incidents from each of the juvenile halls, the Office of Inspector General found that at CJH only 43% (10 of the 23 incidents randomly selected) followed policies and properly documented decontamination in compliance with policy and state law. At BJNH only 72% (13 of the 18 incidents randomly selected) followed decontamination policies and properly documented the decontamination process in compliance with policy and state law.

¹¹ Based on the Probation Department's requirement of completion of Section M for determination of proper compliance with its own decontamination policy, the Office of Inspector General only considered those cases in which Section M was complete as compliant.

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

TRAINING AND SUPPORT TO PROBATION STAFF AFTER USE OF OLEORESIN CAPSICUM SPRAY

The Settlement Agreement and Detailed Plan mandates that the Probation Department set up and maintain an internal process to identify and provide any needed training and support to Probation staff relating to use of OC spray. The Detailed Plan requires that the Probation Department provide identified training and support to the Probation Department staff in 90% of cases where training and support are identified.

Between July 1, 2022, and December 31, 2022, 149 probation staff members, 5 of whom are assigned to CJH and 11 of whom are assigned to BJNJH, completed a two-hour refresher course on use of OC spray and post OC spray decontamination with an emphasis on defensive tactics and de-escalation. However, it has not been taught since August 2022 due to staffing issues and the expected complete elimination of OC spray. Additionally, eight employees completed a more expansive four-hour training which was last taught in October 2022.

The Probation Department reports it is continuing to work on finalizing its internal process for identifying needed training, including refining its Early Intervention System (EIS) to identify individuals needing training. Although the implementation of the system was targeted for May 2023, the Probation Department reports that the launch of the system is delayed due to technical problems and is expected to commence in late August 2023. Due to the lack of a system to identify and provide supportive staff training, the Probation Department is not in compliance with this requirement in the Detailed Plan. The Office of Inspector General reviewed OC spray incidents to determine if the necessary training was at least identified. This report analyzes a representative sample of OC spray incidents at CJH and BJNJH from July 1, 2022, to December 31, 2022.

Methodology

The Office of Inspector General requested the entire population of OC spray incidents that occurred at both juvenile hall facilities between July 1, 2022, and December 31, 2022, including related investigations. The Probation Department reported that during

that period there were 249 OC spray incidents at CJH, and 103 OC spray incidents at BJNJH.¹²

The Office of Inspector General selected a statistically valid sample of OC spray incidents for each juvenile hall facility in accordance with Government Audit Standards.¹³ The calculation resulted in a sample size of 23 OC spray incidents at CJH and 18 at BJNJH and a research randomizer was used to select the use of force cases to review.¹⁴ Substantial compliance with the Detailed Plan requires the Probation Department to identify any need for training and support for Probation Department staff and provide the support in 90% of cases where such a need for training and support is identified. The Office of Inspector General examined PIPs to determine if the cases were reviewed by the Probation Department and, if so, was training or support recommended.

Findings

In its review of PIPs, the Office of Inspector General looked to see if the Force Intervention Response Team (FIRST), Safe Crisis Management (SCM), and/or Critical Incident Review Committee (CIRC) reviewed the reports to identify necessary training following an OC spray use. Only 15 (7 from CJH and 8 from BJNJH) of the sampled reports were reviewed by FIRST and SCM, and only one of those by CIRC.¹⁵ The resulting compliance rate for **simply reviewing** the reports was 37%, an increase of 17% from the previous reporting period, but still well below the required metric of 90%. In only three of the SCM reviews was training recommended, which was related to proper and timely completion of documentation for the facility involved. The records provided by the Probation Department to the Office of Inspector General do not indicate if the training was completed. In nine cases, email “reminders” were sent to offending staff members as to deficiencies in documentation and policy on timely and complete documentation.

As a result of the Probation Department’s failure to have a functioning internal process to identify necessary training and support for staff, the Office of Inspector General finds that the Probation Department is not in compliance with the Detailed Plan. The lack of review means that the threshold of identifying the needed training and support has not been met, making it impossible for the Probation Department to meet the Detailed Plan

¹² The Probation Department provided these cases to the OIG in the form of Physical Intervention Reports (PIRs).

¹³ To view current Yellow Book, visit <https://www.gao.gov/yellowbook>.

¹⁴ <https://www.randomizer.org/>

¹⁵ Generally, FIRST and SCM review the same reports.

requirement that training and support be provided in 90% of cases where training and support are identified.

TIMELY SUBMISSION TO THE FORCE INTERVENTION SUPPORT TEAM

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 incidents.¹⁶ The Detailed Plan requires that the Office of Inspector General review use-of-force incidents that are not accepted by the Probation Department's Internal Affairs Bureau (IAB) to determine if they were timely reviewed by FIRST. The Office of Inspector General reviewed the FIRST accountability logs for use-of-force incidents occurring from July 1, 2022 to December 31, 2022, and use-of-force incidents that were *declined* by IAB during the same period.

When a physical incident occurs at a facility, each staff member on duty assigned to the unit or camp 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 SCM team for review of the written documentation, video evidence, and to check for any possible Probation Department policy violations. If there are policy violations identified during the SCM review process at the facility level, the facility Director refers a *duplicate PIP* to IAB for investigation. This initial review process must be completed within five days.

After the review by the SCM, the PIP is submitted to the facility's Director for a final review which must occur within two days. 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.

When FIRST receives the PIP, it is tasked with identifying possible policy violations and identifying preventable risks and proactive measures that will assist in ensuring the Probation Department staff are following use of force policies and state law. In cases in which a duplicate PIP has been referred to IAB, FIRST is required to concurrently review the incident to identify emerging trends, policy gaps, programming needs, or necessary training in order for the pertinent facility's staff to engage in a discussion of

¹⁶ FIRST policy is established by Directive 1456 issued December 1, 2021.

potential remedial actions. After FIRST conducts its independent review, the PIP is returned to the facility with FIRST's Physical Intervention Review Summary Form, which details its review and determination in accordance with these tasks.

If a use of force referral is made to IAB, the Central Intake Team (CIT) reviews the PIP form to determine whether a formal investigation is necessary. Referrals to IAB that are *declined* for investigation require notification within ten days to the facility's Bureau Chief that IAB has declined to open an investigation.

Based on the Office of Inspector General's review of the 36 incidents that were declined for investigation by IAB, 16 incidents involved a use of force. Although all of the incident reports accurately documented the uses of force, **none** of the incidents were timely submitted by CJH or BJNJH to FIRST for its independent review as was reported in the Office of Inspector General's two previous reports. Both CJH and BJNH facilities continue to submit the documents well past the seven-day deadline. The current longest delay is 303 days from the date of the incident.

The number of uses of force that were out of compliance for timely submission to FIRST for the reporting period of July 1, 2022 through December 31, 2022, were as follows:

- CJH - 632 PIPs not timely submitted to FIRST.
- BJNJH - 463 PIPs not timely submitted to FIRST.

Based on the Officer of Inspector General's review, one of the likely causes for the failure to timely submit the PIPs to FIRST is the continued misconception that the facility Directors must delay reviewing the incident until IAB has made a determination on whether potential staff misconduct warrants an investigation. FIRST cannot commence its review of the incident until the facility Director completes the initial review of the incident. Further compounding the problem is that FIRST is not always aware of IAB's decision to decline an investigation and therefore may not be reviewing cases even when an IAB decision to decline has already been made. In its second report, the Office of Inspector General recommended that the Probation Department immediately notify staff that the PIP must be sent to FIRST within seven days of the incident regardless of any referral to IAB. The Office of Inspector General staff confirmed that this recommendation has not been implemented. Due to the failure to submit any of the reviewed cases to FIRST within seven days, the Probation Department is not in

compliance with the 90% compliance rate for timely submission of cases declined by IAB for investigation.

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

The Detailed Plan mandates that the Probation Department follow its use of force policies and to ensure that video cameras capture 90% of the use-of-force incidents in its two juvenile halls: CJH and BJNJH. 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 CJH and BJNJH for the period covering July 1, 2022 to December 31, 2022.

As noted in the Office of Inspector General's first two reports on compliance with the Settlement Agreement, CJH has more than twice the number of video cameras as BJNJH. The Office of Inspector General previously found that camera coverage at BJNJH was deficient because there are not enough cameras installed to meet the requirement in the Detailed Plan that 90% of the cameras are operational, in use, and provide sufficient coverage to capture use-of-force incidents. While BJNJH properly used the video recordings in reviewing incidents captured by the video recordings, the Office of Inspector General finds that BJNJH is not in compliance because only 39% of the randomized sample of use-of-force incidents had video recordings.

The Office of Inspector General found that when the Probation Department had sufficient video coverage, it followed its use of force policies and law at both facilities. The Probation Department recently purchased additional cameras and commenced installation at BJNJH.

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 2022, including related investigations. The Probation Department reported that for this time period there were 514 use-of-force incidents at CJH and 229 use-of-force incidents at BJNJH. Use-of-force incidents are documented in SCM reports.

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.¹⁷ The calculation resulted in a sample size of 24 use-of-force incidents at CJH, and 23 at BJNJH. The Office of Inspector General used a research randomizer to randomly select the use-of-force incidents for review from each juvenile hall to meet the requirement of a random selection.¹⁸

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

Objective A: ensure the Probation Department’s video cameras provide *sufficient coverage* of use-of-force incidents to assist in determining whether involved personnel have complied with use of force policies. *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 Inspector General as the camera operating as designed, providing a clear video stream that is able to be viewed on the designated monitors, and recording the video for later playback.

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.¹⁹

¹⁷ To view current Yellow Book, visit <https://www.gao.gov/yellowbook>.

¹⁸ Research Randomizer at <https://www.randomizer.org/>

¹⁹ United States Supreme Court’s decision *Graham vs. Connor* (1989) 490 U.S. 386.

Scope

The Office of Inspector General determined compliance with the three objectives relating to use of force based on the Probation Department's current use of force policy and training.²⁰

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

To determine compliance with Objective B, the Office of Inspector General conducted a video camera reinspection at each juvenile hall in order to ascertain whether camera coverage in the facilities was sufficient.²¹

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

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

1. Debriefing of the incident.²²
2. Availability of video recordings for review of the use of force incident.
3. Evaluation of use of force cases for reasonableness, de-escalation, force prevention, and intervention; the appropriate application of force utilized; the level of threat perceived by officers; the need for force

²⁰ Office of Inspector General staff attended the current Department of Justice Cohort Training for the Probation Department's use of force policies. The 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. The Office of the Inspector General attended the updated training on situational use of force on September 26, 2022.

²¹ BJNJH has a total of 215 cameras, new cameras are in the process of being installed but are not expected to be fully functioning until December 2023.

²² Title 15 Minimum Standards for Juvenile Facilities, UOF section 1357 (a)(5)

versus the level of force; whether any injury was suffered and the extent of the injuries.

4. Evaluation of all necessary forms and documents,²³ photographs, youth questionnaires, evidence, injuries, and referrals of alleged misconduct to IAB.

Findings

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

Central Juvenile Hall

The Office of Inspector General reinspected CJH on December 14, 2022, and found all cameras operable.²⁴ However, installation of a specific camera intended to eliminate a previously identified blind spot is still pending.

During the last reporting period, the Office of Inspector General reported that cameras at CJH in units S and M were pointed toward the walls and away from the open area. As noted in the previous report, a second inspection was conducted on October 19, 2022, and at that time that the cameras were correctly positioned. During the latest inspection, the Office of Inspector General staff noticed the need for cleaning and repair of cameras, apparently due to continued tampering of the cameras by the youths. The Office of Inspector General continues to recommend that the Probation Department Directors review the live feed from the cameras at the beginning of each shift to ensure the cameras have not been tampered with and are properly functioning.

Between July 1, 2022 and December 31, 2022, a total of 514 use-of-force incidents were reported at CJH. A statistically valid sample of 24 of the 249 incidents were selected for review. Of the 24 incidents reviewed, 100% of the incidents had video recordings, 92% (22 of 24 incidents) had sufficient video coverage for review, with the use of force in 2 incidents not being captured because it occurred directly under the cameras. Based on the Detailed Plan requirement that 90% of all use-of-force incidents have sufficient camera coverage, CJH is in compliance with the Settlement Agreement.

²³ Physical Intervention Reports, Medical and Mental Health related documents, Child Safety Assessment, Suspected Child Abuse Reports, Incident Video Review (Directive 1194, section B.)

²⁴ During this reporting period, CJH had a total of 569 cameras installed with one additional installation pending.

Barry J. Nidorf Juvenile Hall

During a December 14, 2022, inspection of BJNJH, the Office of Inspector General staff was informed that the new cameras noted in its last report to be purchased by the Probation Department were in fact purchased and are in the process of being installed. The expected completion date is December 2023.

Between July 1, 2022, and December 31, 2022, a total of 224 use-of-force incidents were reported at BJNJH. A statistically valid sample of 23 of the 224 incidents were selected for review. The Office of Inspector General found that only 39% (9 of 23) of the incidents reviewed had video recordings attached, falling short of the 90% requirement for compliance with the Detailed Report.²⁵

Objective B: Cameras Are Operational and in Use

The Office of Inspector General conducted inspections at both juvenile halls and reviewed use-of-force incidents at CJH and BJNJH to determine if the cameras at both halls were operating as designed and providing video recordings that were able to be viewed by the Probation Department staff in analyzing a use of force.

Central Juvenile Hall

On December 14, 2022, the Office of Inspector General conducted an inspection at CJH and found that 100% (569) of the cameras were operable and had viewable and retrievable video recordings. However, there was evidence of tampering with the cameras preventing the most optimally clear recordings. The Probation Department staff informed the Office of Inspector General staff that it is conducting internal audits and inspections to address the need to regularly clean and repair the cameras. As noted above, the Office of Inspector General continues to recommend that the Probation Department Directors review the live feed from the cameras at the beginning of each shift to ensure the cameras are fully operational. In all but one of the incidents reviewed from the statistically valid sample, video recordings were available for the Probation Department to review for compliance with its use of force policies and the law. Thus, the Probation Department complied with the Detailed Plan requirement that 90% of cameras at CJH are operational and in use such that video is available for use of force review.

²⁵ Use-of-force incidents in sample without video recordings SCM Nos. 22-4550, 22-4744, 22-4784, 22-4789, 22-4970, 22-5120, 22-5281, 22-5510, 22-5690, 22-6109, 22-6162, 22-6189, 22-6230.

Barry J. Nidorf Juvenile Hall

On December 14, 2022, the Office of Inspector General reinspected video cameras at BJNJH. Although the Office of Inspector General found all 215 cameras were operable, the Detailed Plan requires that 90% of all cameras be operational and in use *for the purpose of use of force review*. As noted above, only 52% of the use-of-force incidents at BJNJH had video recordings, well under the 90% requirement in the Detailed Plan. Installing a sufficient number of cameras and ensuring they are operational is the only way to capture uses of force incidents on video such that the coverage can be used in reviews to meaningfully comply with this metric. Based on the Probation Department's lack of sufficient video recordings for review, it is not in compliance with the Detailed Plan.

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

Central Juvenile Hall

In determining whether the Probation Department is *properly using* the video recordings at CJH, the Office of Inspector General reviewed a sample of 24 use-of-force incidents at CJH. Of the 24 incidents reviewed, CJH properly reviewed 19 out of 24 incidents to determine policy violations, a rate of 79% that is below the Detailed Plan's requirement of 90%. The Office of Inspector General finds that the Probation Department is not in compliance with the Detailed Plan.

The following cases illustrate the importance of properly reviewing the video recordings to assist in identifying possible staff misconduct.²⁶ The cases below represent four 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

Four youths exited a dayroom by using a piece of laminated paper to open a locked door and went down a stairwell in an attempt to leave the unit building. A DPO and a second DPO responded and attempted to open the door to the stairwell, but it was blocked by one of the youths. The DPOs

²⁶ Use-of-force incidents in case examples SCM Nos 22-2157, 22-2523, 22-2589, and 22-2863.

were able to push the door open and the first DPO grabbed one youth by his shirt as the second DPO went down the stairwell toward the other three youths. The first DPO officer then pulled the first youth into the dayroom, instructed the youth to go to his room, and then deployed OC spray on him. As the first DPO was engaged with the first youth, a second youth ran past the first DPO toward the hallway of assigned rooms, and the first DPO deployed OC spray on him as well. A third youth exited the stairwell and walked past the first DPO toward the assigned rooms, and the first DPO sprayed him with OC as well. Later, during a struggle in the hallway between the third youth and the first DPO, both fell to the ground. The second DPO entered to assist and was able to place the third youth in his assigned room. The first DPO returned to the hallway, encountered the second youth at the end of the hallway and instructed him to go to his room. The second youth was heard saying, "if you gonna spray me, we gonna fight right now" to which the first DPO replied, "alright, we're gonna have to" or words to that effect. As the second youth slowly stepped toward his room, the first DPO deployed OC spray a second time on the second youth. The first and second DPOs then guided the second youth into his room.

The PIR prepared by the first DPO contradicted the video recording. The report stated that the first DPO deployed OC spray because the first youth was resisting. However, the video depicts the youth in the grasp of the first DPO without the ability to comply and go to his room as ordered when that DPO employed OC spray. This same DPO did not note in his PIR that he deployed OC spray on the second youth despite having done so. Furthermore, the first DPO noted in the PIR that OC spray was deployed on the third youth in the hallway "[d]ue to just being physically assaulted this officer deployed my OC spray which landed in the facial areas [sic] of youth . . ." The video recording clearly shows that at the moment the third youth was sprayed with OC spray, the youth was slowly walking down the hall toward his room as ordered.

The video recording indicates the first DPO deployed OC spray on all three youths without the existence of an "imminent threat" to the officer. However, the Probation Department staff failed to properly review the video recording to determine if misconduct occurred. After review by the Office of Inspector General, this incident was brought to the attention of IAB and was accepted for investigation.

CASE 2

A youth in a dayroom began to bang his hand repeatedly on the window of a door. As four Probation Department staff prepared to enter the room, the youth backed away from the door and stood across the room, approximately 15 feet from the door. As the Probation Department staff entered the room, the first DPO to enter the room deployed three bursts of OC spray at the youth, who remained approximately 15 feet from the door with his hands in the air.

The DPO stated in the PIR that OC spray was deployed to “prevent the youth from further injuries and for safety reasons.” It further described the deployment of OC spray toward the youth and the failure of the first two deployments to make contact with the youth, and the success of the third deployment “in stopping the youths [sic] aggressive behavior.” However, the video recording clearly shows the youth with his hands up and not being aggressive or an imminent threat to the DPO at any point. This video recording was reviewed by the Probation Department staff six days after the incident and then forwarded to the facility superintendent for a “second opinion” for possible misconduct. The superintendent did not review the video recording until **138 days** after the incident. After review by the Office of Inspector General, this incident was brought to the attention of IAB and was accepted for investigation.

CASE 3

A DPO and a youth were talking in a dayroom. As the youth walked away, the youth reached out and touched the first DPO’s shoulder. The DPO then grabbed the youth in chokehold and walked backward with the youth across the room up to a wall. The DPO released the youth after a second DPO intervened. As the youth was released, he attempted to fight the first DPO and was restrained by the second DPO.

The Probation Department failed to review the video recording, which revealed that the first DPO used unauthorized force and both DPOs were dishonest in their PIRs. The first DPO stated in his PIR that as the youth was being escorted back to the dayroom, he “with closed fists started swinging” at the DPO and that he placed him in an “upper body control” hold. The second DPO reported in his PIR that the youth attempted to push past the first DPO several times and that the first the first DPO placed the youth in an “upper torso” hold due to the youth’s “aggression” and his attempts to push past him.

The Office of Inspector General reviewed the video, which clearly indicates that the youth was not aggressive and was walking away from the first DPO when the DPO placed him in a chokehold. The first DPO thus used an inappropriate restraint technique, and both DPOs reported the facts of the incident dishonestly to avoid disclosing the improper use of force. After review by the Office of Inspector General, this incident was brought to the attention of IAB and was accepted for investigation.

CASE 4

A youth stood at a classroom's whiteboard in front of other youths. The youth started to laugh, and a second youth stood up from his chair and slowly started to walk toward him. The DPO in the classroom remained standing very close to the youths and didn't step between them until after they started fighting. The DPO grabbed both youths by the shirt and kept them separated. The DPO then released the second youth and slammed the first youth against a wall.

The DPO stated in the PIR that after stepping between the youths to stop them from fighting, the first youth continued to fight and was "secured" against the wall to prevent him from fighting with the second youth. However, the video recording indicates the DPO was standing very close to both youths before the fight began, slowly reacted to the youths fighting, and then suddenly slammed the first youth against the wall. The video recording did not show the youth attempting to continue to fight the second youth and the use of force utilized on the first youth by the DPO appeared based upon the circumstances. The Probation Department staff failed to review the video recording to determine if misconduct occurred. After review by the Office of Inspector General, this incident was brought to the attention of IAB and it was referred back to the facility for further training of the officer.

Barry J. Nidorf Juvenile Hall

In determining whether the Probation Department is *properly using* the video recordings, a sample of use-of-force incidents was reviewed. As previously mentioned, only 9 of the 23 selected samples of use-of-force incidents had video recordings. While the Probation Department utilized the available video properly in these incidents, meaningful compliance cannot be achieved until camera coverage is sufficient to provide video recordings for all or nearly all of the use-of-force incidents in BJNJH. At this juncture, the Office of Inspector General finds that BJNJH is not in compliance as this is the third reporting period without corrective action to achieve compliance.

PRISON RAPE ELIMINATION ACT

The Office of Inspector General reviewed the Probation Department's compliance with the portions of the Prison Rape Elimination Act (PREA) requirements designated in the Detailed Plan. PREA was created to deter sexual assault in correctional institutions, including juvenile detention facilities. Portions of PREA seek to ensure the announcement of a person of the opposite sex entering a housing unit, and privacy during showering, performing bodily functions, and changing clothes.

An Office of Inspector General investigator inspected CJN, BJNJH, and the Probation Department camps²⁷ to determine compliance with the two PREA related requirements in the Detailed Plan: (1) that 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.

Privacy Curtains

The Office of Inspector General found that since its last report, the Probation Department continues to make 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 noted several of the restrooms continue to have blind spots that impair staff from being able to determine if dangerous or inappropriate activity is occurring or to identify a medical emergency. These blind spots have several causes:

- Shower curtains that are opaque and reach the floor causing the view of an individual's head and/or feet to be obstructed.

²⁷ The Office of Inspector General staff assigned to oversee the Probation Department attended and completed PREA training to become certified PREA auditors but are not yet certified. During the previous reporting period, the Office of Inspector General's PREA certified auditors were available to assist with the PREA related audits in the Detailed Plan. For this reporting period, those auditors were conducting PREA audits for the Los Angeles Sheriff's Department. The certified auditors will be available to conduct the audits at the juvenile halls and camps during the next reporting period. While the Detailed Plan requires only an audit and a report for the juvenile halls, the Office of Inspector General also conducted audits at the camps for compliance with these two requirements.

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

Since the Office of Inspector General's last report, the Probation Department's PREA Coordinator ordered metal doors for installation inside the restrooms of each unit at BJNJH to replace the privacy curtains, with the installation scheduled for May 2023. However, the installation was halted due to safety concerns raised by the Board of State and Community Corrections (BSCC), relating to the possible use of the doors for suicide attempts by the youths. The Probation Department is also in the process of upgrading the lighting at each juvenile facility to Light Emitting Diode (LED) lighting to improve the lighting inside their facility restrooms.

Blind Spots

During the last reporting period, the Officer of Inspector General noted that Camp Rockey, Camp Afflerbaugh, Camp Paige and Camp Kilpatrick each had blind spots due to tiled wall fixtures in the shower areas. In December 2022, Office of Inspector General staff met with the Probation Department's PREA Coordinator, conducted inspections, and noted that blind spots remain inside the restrooms of all four facilities. The PREA Coordinator informed the Office of Inspector General staff that the department is in the process of determining the feasibility of remodeling the tiled wall fixtures at these locations. The Probation Department's Management Services Bureau recently requested photographs of Camp Kilpatrick's youth restrooms to provide a formal quote to determine the length of time for the completion of the project and the impact the construction may have on the facility.

The PREA Coordinator previously made a requisition request to remove the metal partitions from the restroom areas of Camp Rockey, Camp Paige, Camp Afflerbaugh, and BJNJH, and the removal of the partitions was completed in March 2023. The Office of Inspector General staff noted that the removal of the metal partitions eliminated a number of previously noted blind spot areas inside the restrooms. During the Office of Inspector General's inspection in December 2022, it was noted that BJNJH units have frosted restroom windows up to twelve inches providing adequate privacy when restrooms are in use. According to the PREA Coordinator, Camp Rockey, Camp Paige

and Camp Afflerbaugh are in the process of frosting at least one of the shower windows for additional privacy.

Barry J. Nidorf Juvenile Hall PREA Inspection

On December 21, 2022, the Office of Inspector General conducted an inspection at BJNJH for PREA-compliant privacy curtains or doors in the youth restrooms. During the inspection, the Probation Department's PREA Coordinator informed the Office of Inspector General staff that the Probation Department is progressing with the project to install privacy doors inside each unit restroom and expects the installation to begin in May 2023. As noted previously in this report, the installation was halted due to safety concerns raised by the BSCC, relating to the possible use of the doors for suicide attempts by the youths.

Unit L/M – This unit has a total of eight showers, four urinals, and six toilets. Each side has four showers and three toilets with PREA-compliant privacy curtains attached. The two urinals had metal privacy guards installed.

Unit J/K – This unit has a total of eight showers, six toilets, and four urinals. Each side has four showers and three toilets with PREA-compliant privacy curtains attached. The two urinals on each side of the unit had metal privacy guards installed.

Unit G/H - This unit has a total of eight showers and ten toilets. There are four showers and five toilets on each side of the unit. Each shower and toilet had a PREA-compliant privacy curtain attached.

Unit E/F – This unit was closed and under construction.

Unit C/D – This unit was closed and under construction.

Unit A/B – This unit has a total of eight showers, four urinals, and six toilets. Each side has four showers and three toilets with PREA-compliant privacy curtains attached. The two urinals have metal privacy guards installed.

Unit W – This unit has a total of ten showers and ten toilets. Each side of the unit has five showers and five toilets with PREA-compliant privacy curtains attached.

Unit X – This unit has a total of ten showers and ten toilets. Each side of the unit has five showers and five toilets each with a PREA-compliant privacy curtain attached.

Unit Z – This unit was closed and under construction.

Unit Y– This unit has a total of ten showers and ten toilets. Each side of the unit has five showers and five toilets each with a PREA-compliant privacy curtain attached.

Unit T/V – This unit was recently remodeled and is currently the Secured Youth Track Facility (SYTF) unit. The unit has a total of five toilets and four showers with PREA-compliant privacy curtains attached.

Unit R/S – This unit was closed and under construction.

Unit N/O – This unit has a total of eight showers and ten toilets. There are four showers and five toilets on each side of the unit. Each shower and toilet had a PREA-compliant privacy curtain attached.

Medical Observation Unit (MOU) – This unit has one shower with a privacy curtain attached and one toilet. Only one youth is permitted inside the MOU restroom facilities at a time. The restroom door of the MOU has a window with brown paper covering the window for youths' privacy.

Unit PQ – This unit was closed and under construction.

Central Juvenile Hall

On December 14, 2022, the Office of Inspector General conducted an inspection at CJH for PREA-compliant privacy curtains or doors in the youth restrooms, with the following results:

Medical Observation Unit (MOU) – There are a total of three showers and two toilets. The toilets and showers each had a PREA-compliant privacy curtain attached. This unit has self-contained toilet facilities inside the youths' rooms.

Unit PQ – Unit PQ has a total of ten showers with five showers on each side of the building. Each shower had a PREA-compliant metal door properly installed for privacy. This unit has self-contained toilet facilities inside the youths' rooms.

Unit RS – This unit has a total of ten showers with five showers on each side of the unit. Each shower had a PREA-compliant metal door properly installed for privacy. This unit has self-contained toilet facilities inside the youths’ rooms.

Unit W (Receiving Unit) – This unit is the COVID-19 quarantine isolation unit. This unit has a total of six showers with three showers on each side of the unit. Unit W1, had privacy curtains properly installed on each shower and Unit W2, had one privacy curtain attached and two privacy curtains missing. The Probation Department staff assigned to the unit explained that the two missing curtains are due to the curtains repeatedly becoming detached. The unit staff informed the Office of Inspector General staff that youth are showered one at a time. The Office of Inspector General staff informed the PREA Coordinator of Unit W2’s privacy curtains becoming detached and recommended completing a work order to correct the problem.

Unit KL – Unit KL has a total of eight showers with four showers on each side. Each shower had a PREA-compliant metal door properly installed for privacy.

Unit GH – This unit was closed for repairs and vacant.

Unit EF – This unit was closed and under construction for roofing repairs.

Unit J – Boys Enhanced Supervision Unit (BESU) – This unit has two showers and two toilets. Each shower and toilet had PREA-compliant privacy curtains attached. This unit has self-contained toilet facilities in the youths’ rooms.

Unit O / Girls Care Unit – This unit has a total of two showers and each shower had a PREA-compliant privacy curtains properly attached. This unit has self-contained toilet facilities inside the youths’ rooms.

Boys Care Unit – This unit has four showers and two toilet stalls. The showers and toilets had privacy curtains properly attached.

Unit XY – This unit has three showers, each with a PREA-compliant privacy curtain properly attached. Unit XY has individual rooms with separate toilets inside each room for use.

Unit AB/Developmentally Disabled (DD) Unit – This unit has a total of ten showers with five showers on each side. Each shower had a PREA-compliant metal door

properly installed for privacy. This unit has self-contained toilet facilities inside the youths' rooms.

Unit CD – This unit has a total of ten showers with five showers on each side. Each shower had a PREA-compliant metal door properly installed for privacy. This unit has self-contained toilet facilities inside the youths' rooms.

Unit MN – This unit was vacant and closed for repairs.

Unit TV – This unit was condemned and used only for storage purposes.

Camp Afflerbaugh

On December 21, 2022, the Office of Inspector General conducted an inspection for PREA-compliant privacy curtains or doors in youth restrooms. Camp Afflerbaugh has one dormitory with seven showers, which all had PREA-compliant privacy doors properly attached. As noted in the Office of Inspector General's previous report, a blind spot obstructs the view of the Probation Department staff due to tiled wall fixtures in the middle and corners of the showers. Since the last report, the Probation Department PREA Coordinator's requisition request to remove the metal partitions from inside the restroom area was completed and many of the blind spots were eliminated from the areas inside the restroom. The Probation Department's executive leadership approved the cost to remove the tiled walls, and completion of the removal is expected in the summer or fall of 2023.

Dorothy Kirby Center

On December 29, 2022, the Office of Inspector General conducted an inspection of ten cottages to ensure PREA-compliant privacy curtains or doors in the youth restrooms. The following cottages were inspected:

Topaz Cottage – This cottage has a total of three showers and two toilets. Each shower had a privacy curtain attached. The two toilets had privacy doors installed for privacy.

Sapphire Cottage – This cottage has a total of three showers and two toilets. Each shower had a privacy curtain attached. The two toilets had privacy doors installed.

Emerald Cottage – This cottage has a total of three showers and two toilets. Each shower had a privacy curtain attached. The two toilets had privacy doors installed.

Amber Cottage (Boys HOPE Center) – This cottage has a total of three showers and two toilets. Each shower had a privacy curtain attached. The two toilets had privacy doors installed.

Garnet Cottage – This cottage has a total of three showers and two toilets. Each shower had a privacy curtain attached. The two toilets had privacy doors installed.

Turquoise Cottage – This cottage has a total of three showers and two toilets. Each shower had a privacy curtain attached. The two toilets had privacy doors installed.

Jade Cottage – This cottage has a total of three showers and two toilets. Each shower had a privacy curtain attached. The two toilets had privacy doors installed.

Amethyst Cottage – This cottage has a total of three showers and two toilets. Each shower had a privacy curtain attached. As noted in the previous report, one of the shower curtains was not PREA compliant. The privacy block on the curtain was too long, blocking the view of the youths' head and feet. The two toilets had privacy doors installed.

Aquamarine Cottage (Currently Camp Joseph Scott) – This cottage has a total of two showers and two toilets. Each shower had a privacy curtain attached. The two toilets had privacy doors installed.

Diamond Cottage (Girls HOPE Center) – This cottage has a total of two showers with one toilet. Each shower has privacy curtains attached. The toilet has a privacy door installed.

Camp Kilpatrick

On February 22, 2023, the Office of Inspector General inspected Camp Kilpatrick for PREA compliance. There is ongoing construction in preparation for the housing of Secured Youth Treatment Facility population. The Probation Department's PREA Coordinator informed the Office of Inspector General staff that there have not been any upgrades or changes to Camp Kilpatrick's shower areas or restrooms since the last report. However, the Probation Department Management Services Bureau requested that the PREA Coordinator submit photographs of each unit's restroom to prepare

estimates and formal quote for the removal or altering the bottom portion of the last shower stall to alleviate blind spots.

Camp Kilpatrick has a total of four residential units, a gym, a game room, and a medical unit. In each unit, a blind spot was noted in the last shower stall that obstructs the view of the Probation Department staff due to tiled wall fixtures in the middle and corners of the showers. This was previously brought to the attention of the Probation Department's PREA coordinator who submitted a requisition request to remove the tiled wall fixtures inside the shower areas of Camp Kilpatrick's facility restrooms and is expected to be corrected with the current construction.

Camp Paige

On December 14, 2022, the Office of Inspector General conducted an inspection for PREA-compliant privacy curtains or doors in the youth restrooms. Camp Paige has one dormitory with seven showers and seven toilet stalls. Each shower had PREA-compliant privacy curtains attached, and privacy doors were installed at each toilet stall. The Office of Inspector General's previous report noted blind spots that obstruct the view of the Probation Department staff due to tiled wall fixtures in the middle and corners of the showers. Since the last report, the Probation Department's PREA Coordinator's requisition request to remove the metal partitions from inside the restroom area was completed and many of the blind spots were eliminated from the areas in the restroom. The Probation Department leadership approved the costs to remove the tiled walls and construction is expected in the summer or fall of 2023.

Camp Rockey

On December 21, 2022, the Office of Inspector General conducted an inspection for PREA-compliant privacy curtains or doors in the youth restrooms. Camp Rockey has one dormitory, with seven showers. Each shower had a PREA-compliant privacy curtain properly attached. The HOPE Center at Camp Rockey has a total of six showers. Side A has three showers with a PREA-compliant privacy curtain attached to each shower. Side B was vacant and closed for construction. There were no youth housed inside the HOPE Center during the inspection.

A blind spot that was noted in a previous report that obstructed the view of the Probation Department staff due to tiled wall fixtures in the middle and corners of the showers. Modifications to eradicate the blind spot have been approved and completion is expected by the fall of 2023.

Opposite Gender Announcements

During the Office of Inspector General's unannounced visits conducted from September 2022 through December 2022, there was consistent compliance with the opposite gender staff announcing their entry into the living units, with infrequent lapses in compliance. The Probation Department is in the process of moving their announcement display signages from inside youth day room areas to the youth changing areas. Based on the Office of Inspector General staff's 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 review of the juvenile halls and camps, the Probation Department substantially complied with the Detailed Plan in both the installation of PREA-compliant privacy curtains or doors and opposite gender announcements. Improvement is in progress to reach 100% compliance with privacy curtains or doors.

ROOM CONFINEMENT/ACCESS TO PROGRAMMING

The Probation Department currently posts a recreation schedule with a list of activities and the times the activities are offered in the office and on activity boards in the living units. There are generally no deviations with respect to the start and end times or the location of the activity, all of which are shown on the schedule. Activities include recreational activities, exercise, outside time, religious services, visitation, and phone calls (collectively "Program Activities"). Program Activities may only be suspended for an individual youth if there is a written finding by the facility administrator that the youth must be placed in room confinement due to being a "threat to the safety and security of the facility," or for mental health or other health related reasons. The Probation Department is required to document any denial of Program Activities, stating the Probation Department staff member's reason for not allowing a youth to participate, signed and validated by the superintendent and provided weekly to the Office of Inspector General.²⁸

During all room confinements, at a minimum, a Probation Department staff member must conduct a safety check consisting of direct visual observation of the youth at

²⁸ 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.

random or varied intervals that do not exceed ten minutes between each observation.²⁹ These safety checks are required for youths who have been deemed a threat to safety and security, as well as for youths who choose not to participate.

In instances when the youth is not participating of their own accord (designated as self-separation) each safety check requires the staff member to indicate if the youth was encouraged to rejoin the group, rejoined the group, remained separated, or was asleep, along with any pertinent comments. The safety check must continue until the youth joins the Program Activities.³⁰

Absent a youth being a threat to the safety or security of the facility, the Probation Department is prohibited from confining youths to their rooms thereby preventing access to Program Activities. It is also the Probation Department's responsibility to ensure that youths are not being confined to their rooms simply because of a youth's refusal to participate.

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

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

The Probation Department reports that it is still in the process of designing and implementing a computerized system to track room confinements, provide prompt notification of instances of room confinement that are outside of policies and state law, to document remedial measures, and to provide the Office of Inspector General the data on documentation. Without the implementation of this system, the Probation

²⁹ The Safety Check policy was updated on June 8, 2022, to change the time interval between checks to ten minutes as opposed to the previous policy that required 15-minute intervals.

³⁰ If a youth on an Enhanced Supervision Level 2 or Level 3 requests to self-separate, the Safety Room Check and Enhanced Supervision Observation Form shall be utilized per Directive 1188. DSB Section 1400 - Enhanced and Specialized Supervision.

Department is not compliant with the Detailed Plan's requirement for the development of the system for internal tracking and reporting to the Office of Inspector General.

In an effort to determine whether the Probation Department is compliant with the requirements as to the other metrics relating to room confinement, Office of Inspector General staff conducted a review of the Probation Department's written documentation by requesting and reviewing current programming logs and related documentation used by the Probation Department to record the Program Activities each youth received at both CJH and BJNJH. To assess the Probation Department's compliance that youths were participating in the Program Activities and not improperly confined to their rooms in violation of existing policies and state law as mandated by the Detailed Plan, the Office of Inspector General reviewed weekly report logs, initial intake screening questionnaires, Assessment and Classification forms, Detention Adjustment Reports, Self-Separation forms,³¹ SIR/PIR forms, Enhanced Supervision forms, Readiness for Release forms, Reintegration Plans, Hope Center Bed Charts, Safety Check Sheet, and Room Confinement logs for both CJH and BJNJH juvenile halls for the third and fourth quarters of 2022.³²

Prompt Notification and Subsequent Remedial Measures

The Detailed Plan requires prompt notification to the superintendent of the juvenile hall of instances of room confinement that do not comply with Welfare and Institutions Code section 208.3. Based on review of the available documents, notice was promptly provided to the superintendents at both CJH and BJNJH of youths being confined to their rooms when not in compliance with policies and state law.

The Detailed Plan also requires that in 90% of the incidents that are determined to be out of policy or not compliant with the law, subsequent remedial measures were implemented. The Office of Inspector General found that CJH promptly reported to the superintendent and remedial measures were implemented in 99% of the incidents and 96% for BJNJH, satisfying the 90% metric in the Detailed Plan. The lack of a sufficient internal processes as required by the Detailed Plan, including a computerized data

³¹ Self-separation is when a youth provides a reason for non-participation, such as sleeping or reading.

³² Since July 2022, the Office of Inspector General was provided the required information on a weekly basis in accordance with the provisions of Paragraph 24(c) of the Settlement Agreement, including the denials of programming, recreation, exercise, outside activity, religious services, visitation, and phone calls, and the reasons for denials. Because of the delay in developing an internal process for collecting, maintaining, and reporting data, the Office of Inspector General is not considering this documentation to be in compliance with the Detailed Plan.

base, continues to raise some doubts as to whether all of the instances are identified and documented in writing.

Written Finding That a Youth Was a Threat to the Safety and Security of the Facility

The Office of Inspector General reviewed a total of 106 room confinements at CJH for the third and fourth quarters of 2022. From the documentation reviewed, CJH's findings that a youth was a threat to the safety and security of the facility was documented in writing in 99% (105 of 106) of the incidents, thus meeting the requirement that in 90% of the cases this finding is documented in writing.

The Office of the Inspector General reviewed a total of 64 room confinements at BJNJH for the third and fourth quarters of 2022. From the documentation reviewed, BJNJH's findings that a youth was a threat to the safety and security of the facility was documented in writing in 95% (61 of 64) of the incidents. Three of the documents were found out of compliance due to the youths being confined over four hours without a supervisor's signature indicating notification to a supervisor. BJNJH's written findings that a youth was a threat to the safety and security of the facility findings in 95% of the incidents met the requirement that in 90% of the cases this finding is documented in writing.

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

The Detailed Plan requires that 93% of youth who were not found to be a threat have been provided Program Activities. Based on the Office of Inspector General's review and assessment of the documentation, CJH denied 2% of the youths access to program activities based on a determination that the youths were a threat to the safety and security of the facility, meaning that Program Activities were *available* to 98% of the youths at the facility. However, 26% of programming was noted as not being provided to the youths for reasons that were unclear, reported as either *unable to determine* or *other*. The failure to provide 26% of programming without an explanation is problematic and raises concerns that youths are not being offered sufficient programming.³³

³³ Title 15 minimum standards require that youths be provide with the *opportunity* for programming for a specified number of hours in various categories. (See [BSCC California Title 15 Minimum Standards for Juvenile Facilities](#), pages 38 to 43.) If the reason for the 26% of programming not being provided is because of a lack of opportunity, it is likely that that Probation Department is not in compliance. The lack of documentation and computerized

Moreover, this finding is consistent with reports from youth, staff, and the BSCC that youth are not provided with adequate programming.

The information provided the Office of Inspector indicates that approximately 16% of youths at CJH who were not found to be a threat did not receive Program Activities due to self-separation or refusal.³⁴ Of these youths who self-separated, only 42% received Program Activities, thus failing to comply with the Detailed Plan requirement that 93% of youths who were not found to be a danger participate in Program Activities. CJH followed its policies 100% of the time in *identifying* youths who chose to self-separate from participation in the Program Activities provided, but this does not result in compliance.

The Office of Inspector General's review of the logs and other documentation showed that the Probation Department documented the Program Activities that the youths missed, including through forms written by staff indicating the date, time and specific 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 particular 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. Many of the forms reviewed by the Office of Inspector General noted staff attempts to re-engage the youth in the program activity being provided and often the self-separation was for two hours or less. The officers noted the required room checks, which likely resulted in youths reengaging in the Program Activities. The Office of Inspector General did not find any incidents where youths were confined to their rooms for punishment, discipline, or retaliation for not participating in Program Activities aside from the previously reported room confinements.

Based on the incomplete information provided by BJNJH regarding the youths' participation in Program Activities, the Office of Inspector General finds that BJNJH is not in compliance with the Detailed Plan.

databases makes a determination of compliance difficult. Moreover, the stated purpose of providing programming is to "minimize the amount of time youth are in their rooms or their bed area." (BSCC California Title 15 Minimum Standards for Juvenile Facilities, at page 40.)

³⁴ Self-separations or refusals accounted for 16%. Although there were other reasons for youths failing to participate in programming such as court appearances, or medical visits, these occurrences were minimal and would not have caused the Probation Department to fail to be in compliance if self-separations were absent.

Included in the review of the youths' access to Program Activities, the Office of Inspector General reviewed visitation, religious and telephone logs at CJH and BJNJH. In addition to this information, the Office of Inspector General reviewed the grievance logs to measure the frequency with which youths indicated that they were not provided telephone calls, family visitation, and religious services to determine the percentage of grievances relating to denial of Program Activities. For CJH, the Office of Inspector General found that of the total 196 grievances documented in the third and fourth quarters of 2022, 4% percent (8 of the 196 grievances) related to visitation, 40% (79 of 196 grievances) related to phone calls, and 3% (6 of 196 grievances) related to Program Activities, none were related to religious services.

For BJNJH, the Office of Inspector General found that of the total 302 grievances documented in the third and fourth quarter of 2022, slightly less than 1% (1 of 302) related to visitation, 2% (7 of 302) related to phone calls, slightly less than 2% (6 of 302) related to Program Activities and 1% (1 of 302) related to Religious Services. The review of these areas indicated that generally youths were being provided access to telephone calls, family visitation, and religious services but the percentage of grievances relating to phone calls at CJH should be explored by the Probation Department to determine if phone calls are being denied properly

As noted in the Office of Inspector General's previous reports, 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 continue to utilize the tracking log template recommended by the Office of Inspector General to ensure that on a weekly basis the accurate reports on denials of Program Activities are provided to the Office of Inspector General for an assessment as to compliance.

YOUTH GRIEVANCES

State law requires the Probation Department to provide a process for youths to file grievances for youth complaints relating to care at a juvenile hall.³⁵ These grievances

³⁵ 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,

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

The Probation Department continues to use 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. Grievances can also be sent to the Office of Inspector General as well as the Ombudsman's office. The Office of Inspector General communicates with the Ombudsman's office regarding complaints received by the Office of Inspector General on a weekly basis.

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

There are two levels of grievances, *low-level* grievances such as needing shoes or disliking the food, (resolved by the deputy probation officer or detention services officer who receives the grievance), and *high-level* matters such as sexual harassment, sexual abuse or use of force. The *high-level* grievances are reviewed by a supervising deputy probation officer or senior detention services officer as well as any other appropriate office such as PREA or IAB. As noted, a deputy probation officer or detention services

telephone, mail or visiting procedures, food, clothing, bedding, mistreatment, harassment or violations of the nondiscrimination policy."

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 Detailed Plan tasked the Office of Inspector General with providing oversight of the grievance policy. The current draft grievance policy was provided to the Office of Inspector General but not been finalized. The Office of Inspector General provided feedback to the Probation Department with recommendations. The Office of Inspector General reviewed the Probation Department's Grievance Log which documents the youths' grievances, including the type of complaint and the outcome of the grievance once reviewed by the Probation Department staff. While this review showed that 90% of the grievances at CJH and BJNH were resolved in accordance with the Probation Department's current policies, the lack of a centralized grievance management system continues to raise concerns about accuracy of the grievance documentation and therefore compliance with this metric.

RECOMMENDATIONS

The Office of Inspector General has no new recommendations. The recommendations set forth in its [*Second Report on the Probation Department's Compliance with the Department of Justice Settlement Agreement on Juvenile Halls \(December 30, 2022\)*](#) that have not been implemented should be implemented as soon as possible.