



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

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

**December 31, 2024**

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## SUMMARY OF DETAILED PLAN COMPLIANCE

Issue	Compliance
<b>Use of Force Review</b>	
All use-of-force incidents not accepted by the Probation Department's Internal Affairs Bureau (IAB) must be timely reviewed by the Department's Force Intervention Response Team (FIRST). (Detailed Plan ¶15.)	Out of compliance. Staff timely submitted use-of-force incidents that were not accepted by IAB to FIRST for review in only 3% of incidents.
At least 90% of the cameras in juvenile facilities must be operational, in use, and provide sufficient coverage to capture use-of-force incidents. (Detailed Plan ¶ 17.)	<p>LPJH: Out of compliance. During the relevant period, the Probation Department reported a total of 740 use-of-force incidents at LPJH. In its review of a sample of 81 use-of-force incidents, only 65 had video recordings.<sup>1</sup> The Office of Inspector General found that 89% (58 of 65) of the cameras provided sufficient coverage to capture the use of force.</p> <p>BJNJH: Out of compliance. Probation Department records showed a total of 50 use-of-force incidents at BJNJH during the relevant period. In its review of a sample of 6 incidents, the Office of Inspector General found that only 67% (4 of 6) of the incidents reviewed provided sufficient coverage to capture the use of force.</p>
Properly use video recordings to determine policy violations in 90% of use of force incidents. (Detailed Plan ¶ 17.)	<p>LPJH: In compliance. The Probation Department properly reviewed 93% (57 of 61) of the sampled incidents.</p> <p>BJNJH: Out of compliance. Only 67% (4 of 6) of the sampled of use-of-force incidents had video recordings to properly review for policy violations. While the Probation Department</p>

<sup>1</sup> In the sample of 81 incidents, 16 incidents involved use-of-force incidents that either occurred in an area where there were no video cameras or missing video recordings.

Issue	Compliance
	utilized the available video properly, meaningful compliance cannot be achieved until camera coverage is sufficient to provide video recordings for significantly more of the use-of-force incidents.
<b>OC Spray</b>	
At least 90% of the OC spray decontaminations reviewed comply with Probation Department policy and state law. (Detailed Plan ¶14(a).)	Out of compliance. The Probation Department properly followed the decontamination policy and properly documented compliance in 36% of incidents reviewed at LPJH and 30% at BJNJH. Although there were some notations regarding decontamination in 91% of incidents reviewed in either the incident review or narrative of associated PIRs at LPJH and 88% at BJNJH, those notations did not document decontamination sufficiently for the Office of Inspector General to determine if staff used proper decontamination procedures.
Document whether staff complies with policies and state law regarding decontamination after the use of OC spray in at least 90% of all uses of OC spray on youths in juvenile hall facilities. (Detailed Plan ¶14(a).)	Out of compliance. The Probation Department properly documented compliance in 36% of incidents reviewed at LPJH and 30% at BJNJH.
Maintain an internal process to provide training in 90% of OC spray incidents where the Probation Department identifies a training need. (Detailed Plan ¶ 14(c).)	Out of compliance. The Probation Department did not identify training needs in any OC spray incidents reviewed, so the Office of Inspector General cannot determine whether the Department is providing support in 90% of cases where it identifies a need. In each of the prior monitoring reports, the Office of Inspector General found the Probation Department out of compliance with policies and state law on decontamination after the use of OC spray, thus identifying training needs regarding OC spray decontamination to address that noncompliance.

Issue	Compliance
<b>Prison Rape Elimination Act (PREA)</b>	
<p>Privacy Curtains: The County will use Prison Rape Elimination Act (PREA) certified auditors from the Office of Inspector General to monitor compliance on ensuring that privacy curtains are properly installed and consistently maintained in the bathrooms of all Units. (Detailed Plan ¶ 22(a).)</p>	<p>In compliance. Facilities continue to have several shower doors and curtains that provide adequate privacy while still maintaining safety.</p>
<p>Opposite Gender Announcements: The County Prison Rape Elimination Act (PREA) certified auditors from the Office of Inspector General to monitor compliance on ensuring that staff of the opposite gender announce their presence when entering a housing Unit. (Detailed Plan ¶ 22(a).)</p>	<p>In compliance. During unannounced visits conducted between July 1, 2023, and December 31, 2023, the Office of Inspector General found consistent compliance with opposite-gender staff announcing their entry into the living units.</p>
<b>Room Confinements</b>	
<p>The County must create an internal process approved by the Monitor to maintain and improve documentation related to and monitoring of youth who are placed in Room Confinement, including the development of individualized plans, and the provision of programming, recreation, exercise, and religious services, and verify the data, to assess implementation and develop appropriate corrective measures, as needed. (Detailed Plan ¶ 20.)</p>	<p>Out of compliance. The Probation Department has still not implemented an approved internal process to track room confinements, provide prompt notification of room confinements that violate policies and state law, document remedial measures, and provide the Office of Inspector General data regarding room confinement.</p>
<p>The Detailed Plan will include mechanisms for providing prompt notice to the Juvenile Hall Superintendent of instances of Room Confinement that do not comply with the requirements of Welfare and Institutions Code section 208.3 and for developing and implementing subsequent remedial measures in response to such instances. (Detailed Plan ¶ 20.)</p>	<p>Not applicable this Reporting Period. All room confinements reviewed complied with Department policies and state law, and without non-compliance cases, the Department's remedial measures in response to confinements that do not comply with state law cannot be measured. The Department still lacks sufficient internal processes, including a computerized database as required by the Detailed Plan, to ensure that all non-compliant room</p>

Issue	Compliance
	confinements are identified and documented thoroughly.
In 90% of Room Confinements that do not comply with the requirements of Welfare and Institutions Code section 208.3, time appropriate subsequent remedial measures must be implemented. (Detailed Plan ¶ 20.)	Not applicable this Reporting Period. All room confinements reviewed complied with Department policies and state law, and without non-compliance cases, the Department’s remedial measures in response to confinements that do not comply with state law cannot be measured. The Department still lacks sufficient internal processes, including a computerized database as required by the Detailed Plan, to ensure that all non-compliant room confinements are identified and documented thoroughly.
<b>Activities</b>	
The Detailed Plan requires that Department staff document and log any denial of required activities by providing the staff member’s reason for denial, the signature of the staff member, and the validation of the superintendent of the facility. (Detailed Plan ¶24(c)(i-iv).)	In compliance. The Office of Inspector General reviewed all 16 room confinements that occurred at LPJH and all 24 that occurred at BJNJH during the reporting period. In all facilities, staff documented findings that a youth posed a threat to the safety and security of the facility in writing in 100% of the incidents.
The Detailed Plan requires that the Probation Department provide required activities for at least 93% of youths at LPJH and BJNJH who have not been found to pose a threat to the safety or security of the facility. (Detailed Plan ¶ 24(c)(i-iv).)	Unable to determine compliance for either LPJH or BJNJH. In the first quarter of 2024, the Probation Department erroneously provided Office of Inspector General with schooling and other excusable absences in the logs used to calculate the compliance of eligible youth who received required activities as documented on the Title 15 logs. <sup>2</sup> As a

<sup>2</sup> The Probation Department provided the Office of Inspector General Title 15 logs as the source documents for programming calculations, which included school activities provided by Los Angeles County Office of Education as “programming.” Title 15 logs include school, large muscle exercise, recreation, and other required programming. Effective 1/1/2019 Juvenile Title 15 Minimum Standards programs may be provided under the direction of the

Issue	Compliance
	result the format for the information that is provided to the Office of Inspector General was revamped and was not provided for the compliance calculations during the reporting time period of January to June 2024.
The Detailed Plan requires that required activities are not denied as a form of punishment, discipline, or retaliation. (Detailed Plan ¶ 24(c)(i-iv).)	In compliance. The Office of Inspector General’s review did not find the denial of any required activities due to punishment, discipline, or retaliation by the Probation Department staff.
The Detailed Plan prohibits room confinement on the basis of a youth’s refusal to participate in required activities. (Detailed Plan ¶ 24(c)(i-iv).)	In compliance. The Office of Inspector General’s review did not find room confinement because of a youth’s refusal to participate in required activities.

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Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community-based organizations, faith-based organizations or Probation staff. Programs may include but are not limited to: (1) Cognitive Behavior Interventions; (2) Management of Stress and Trauma; (3) Anger Management; (4) Conflict Resolution; (5) Juvenile Justice System; (6) Trauma-related interventions; (7) Victim Awareness; (8) Self-Improvement; (9) Parenting Skills and support; (10) Tolerance and Diversity; (11) Healing Informed Approaches; (12) Interventions by Credible Messengers; (13) Gender Specific Programming; (14) Art, creative writing, or self-expression; (15) CPR and First Aid training; (16) Restorative Justice or Civic Engagement; (17) Career and leadership opportunities; and, (18) Other topics suitable to the youth population. While the Detailed Plan does not include all of the programming areas covered by Title 15, it refers to Title 15 and references programs designed to meet the individual needs of youth and address several Title 15 requirements including “culturally relevant programming, healing informed approaches, restorative justice, and activities designed to reduce recidivism.” California Code of Regulations, Title 15, § 1370 addresses schooling separately and provides, “the County Board of Education shall provide for the administration and operation of juvenile court schools in conjunction with the Chief Probation Officer, or designee pursuant to applicable State laws. The school and facility administrators shall develop and implement written policy and procedures to ensure communication and coordination between educators and probation staff.” While school attendance is mandatory, the Office of Inspector General is not required to report on school attendance pursuant to the Detailed Plan.



Issue	Compliance
<b>Grievances</b>	
<p>The County will implement a revised grievance policy and 90% of grievances are resolved in accordance with the approved policy. (Detailed Plan ¶ 31(a).)</p>	<p>In partial compliance. The Office of Inspector General reviewed the Probation Department’s Grievance Log and determined that the Department resolved 90% of grievances at LPJH and BJNJH in accordance with the Department’s current policies.</p> <p>The Department indicated that the Grievance Management System had a technological problem and was taken offline June 2024 by Probation Department IT. All grievances will be handled manually until the problem is corrected, which the Department expects will be in early 2025.</p> <p>Probation still has not procured the grievance kiosks for youths to electronically file their grievances, although it reported that it had identified a vendor that can provide appropriate kiosks with the necessary durability. The Department does not have an expected completion date and, indicated that the new kiosks will not exclude the use of hardcopy grievances.</p>

## **BACKGROUND**

On January 21, 2021, the Los Angeles County Superior Court approved a stipulated judgment and Settlement Agreement between the County of Los Angeles and the California Department of Justice (DOJ).<sup>3</sup> Pursuant to its role as court-appointed monitor on various provisions of the Settlement Agreement relating to conditions at Los Angeles County Juvenile Halls, the Office of Inspector General submits this *Sixth Report on the Los Angeles County Probation Department's Compliance with the Settlement Agreement* covering the period from January 1 to June 30, 2024 (Reporting Period).

This report includes data and compliance determinations for key benchmarks based on information provided by the Probation Department. However, as noted throughout this report, the Department's continued lack of effective systems to document and track uses of force, room confinements, grievances, and other incidents in the juvenile halls and camps raises concerns about the accuracy of the documentation provided to the Office of Inspector General. Despite the Department's lack of effective tracking systems, the Office of Inspector General conducted a manual review of logs, case files, and other documentation to assess the Department's overall compliance with the Los Angeles County Detailed Plan (Detailed Plan) for monitoring compliance with the Settlement Agreement.

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

For the sixth consecutive reporting period, the Probation Department did not timely present use-of-force incidents to its Force Intervention Response Support Team (FIRST).

### **Background: The Probation Department's Use-of-Force Review Process**

When any use of physical force by Probation Department staff occurs at a facility, Department policies require each staff member on duty assigned to the unit or camp to document their observations and knowledge of what occurred in a report. These reports are bundled into a Physical Intervention Packet (PIP), which must be submitted to the unit supervisor or Officer of the Day for review. After the supervisor reviews each document and interviews all the youths involved, the supervisor signs off on the PIP and submits the packet to the facility's Safe Crisis Management (SCM) team for review of the written documentation and video evidence, and to check for any possible

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<sup>3</sup> See *People v. County of Los Angeles* (Super. Ct. Los Angeles County, 2021, No. 21STCV01309.)

Department policy violations. If the SCM review identifies policy violations, the facility director refers a duplicate PIP to the Department's Internal Affairs Bureau (IAB) for investigation. This initial review process must be completed within five days.

After the review by the SCM, the facility's director must conduct a final review within two days. If the director identifies no policy violations or discrepancies, the director signs and closes the PIP, and then submits it to FIRST.

As defined in paragraph 8 of the Settlement Agreement, FIRST refers to a team of seven Probation Department staff responsible for providing secondary review of use of force incidents in the juvenile halls, "who are independent of the Juvenile Hall command structure and who report directly to the Chief of Probation or a Probation executive designee, who is at the level of Deputy Director or above." Paragraph 15 of the Settlement Agreement requires that "all uses of force not accepted by Internal Affairs for review are timely reviewed by FIRST for compliance with State law and Probation policy." Department policy requires that the facility director submit the PIP to FIRST within seven days of the incident.

When FIRST receives the PIP, it must identify possible policy violations, preventable risks, and proactive measures that will assist in ensuring the Probation Department staff follow use-of-force policies and state law. In cases in which the facility director refers a duplicate PIP to IAB, FIRST must concurrently review the incident to identify emerging trends, policy gaps, programming needs, or necessary training in order for the facility's staff to engage in a discussion of potential remedial actions. FIRST then returns the PIP to the facility with its review and determinations documented in a Physical Intervention Review Summary Form.

If a facility director refers a use of force to IAB, the Central Intake Team (CIT) reviews the PIP form to determine whether a formal investigation is necessary. If IAB declines to open an investigation, it must notify the facility's bureau chief within ten days.

### **Compliance with Detailed Plan Requirements for Force Review**

Under the Detailed Plan, the Office of Inspector General reviews use-of-force incidents declined by IAB for investigation to determine whether FIRST reviewed them in a timely manner. In addition, the Office of Inspector General reviewed all use-of-force incidents to determine if all cases were timely reviewed by FIRST. As part of the review process, the Office of Inspector General reviewed the FIRST accountability logs for use-of-force incidents during the Reporting Period as well as for use-of-force incidents that IAB declined during the same period.

The Office of Inspector General reviewed all 28 incidents that IAB declined to investigate.<sup>4</sup> Although all the reviewed incident reports accurately documented the use of force, only 3% (1 of 28) of the incidents were timely submitted to FIRST. Based on these figures, the Probation Department is out of compliance with the Detailed Plan's requirement that declined cases are to be reviewed in a timely manner. The longest delay in reviewing a use-of-force incident was 795 days from the date the incident occurred. Both LPJH and BJNJH continue to submit documents well past the seven-day deadline.

LPJH had 740 use-of-force incidents from January 1, 2024, through June 30, 2024.<sup>5</sup> Of these, the facility only sent 322 to FIRST for review, and only 1 of the 322 incidents were sent within seven days of the incident as required by policy. In addition, LPJH facility staff did not send 418 use-of-force incidents to FIRST for review.

BJNJH had 50 use-of-force incidents from January 1, 2024, through June 30, 2024. Of these, the facility did not send any of the incidents to FIRST for review within seven days of the incident as required by policy.

As noted in the Office of Inspector General's last report, the Probation Department created a Backlog Project Team in September 2023 to address the backlog of unreviewed use-of-force incidents by hiring 25 use-of-force consultants to provide the initial review of use-of-force incidents before they are sent to FIRST. Despite these efforts, the Department continued to fail to submit reports to FIRST on time.

### **The Probation Department's Disbanding of FIRST**

On July 9, 2024, after this Reporting Period ended, the Probation Department's executive leadership disbanded FIRST. Department staff explained this decision as a response to significant delays in the review of use-of-force incidents that continued to add to the existing backlog of cases not reviewed. The new approach by the Department is to have Department directors review video recordings of use-of-force incidents on designated laptop computers, which the Department believes will expedite the review process and identification of possible violations of policies, alleviating the need to review video at the sole dedicated computer at the facility. In addition, Department leadership informed the Office of Inspector General that the Department

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<sup>4</sup> During this reporting period, there were a total of 813 use-of-force incidents for BJNJH and LPJH combined, of which 186 were sent to IAB.

<sup>5</sup> On December 3, 2023, the Probation Department's "Backlog Project Team" began reviewing use-of-force incidents for violations of Department policies that would normally be sent to FIRST for review.

plans to develop a weekly forum where use-of-force incidents will be tracked and reviewed, but did not provide any information on the staffing, scope, and other details of that forum.

The Probation Department's decision to disband of FIRST is troubling. The Settlement Agreement specifically requires review of use-of-force incidents by FIRST, so it is unclear how the Department can come into compliance with the Settlement Agreement without FIRST in place. The Probation Department did not inform the Office of Inspector General or the DOJ monitor of its intention prior to disbanding the unit or seek approval of the court to disband a review unit that is specifically incorporated into the Settlement Agreement's requirements, and the Department has offered no plan for how it can comply with the Settlement Agreement in the absence of FIRST.

Substantively, FIRST provided an important review of force incidents outside the ordinary chain of command, to help ensure the Department identifies policy violations, problematic patterns, or training issues. Disbanding FIRST removes this review. The Department can and should act to ensure timely review of use of force incidents by directors without sacrificing the additional layer of review independent of the juvenile facilities that FIRST is designed to provide.

## **DECONTAMINATION AFTER USE OF OLEORESIN CAPSICUM SPRAY**

Despite stated efforts to eliminate the use of Oleoresin Capsicum (OC) spray in juvenile halls as required by the Los Angeles County Board of Supervisors (Board), the Probation Department still provides its staff at LPJH and the SYTF facility at BJNJH with OC spray.<sup>6</sup> The Detailed Plan mandates that the Probation Department follow its

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<sup>6</sup> The Probation Department eliminated the use of OC spray in Central Juvenile Hall units that incarcerate youth with developmental disabilities, girls, and gender-expansive youth, pursuant to a Board motion on December 22, 2022. However, on July 28, 2023, Probation Department Chief Viera Rosa sent an email directing the Department to issue OC spray on a temporary basis to permanently assigned staff. The Department has not rescinded that email directive or provided any date for the for the OC ban to be implemented. In a letter to the Board dated September 12, 2024, the Probation Department stated, "The Department continues to collaborate with the California Department of Justice Court appointed monitor to develop an updated OC spray phase out strategic plan. Probation is committed to downscaling and ultimately eliminating the use of OC, and the plan will be completed by the end of the second quarter of 2024."

policies and state law and properly document compliance in 90% of all incidents in which Department staff used OC spray on youths.<sup>7</sup>

## Methodology

The Office of Inspector General requested documentation relating to all OC spray incidents, including investigations and reviews, that occurred between January 1 and June 30, 2024. In response, the Probation Department provided PIPs for 228 incidents, of which 10 occurred at BJNJH and 218 at LPJH.

The Office of Inspector General selected and reviewed a sample of 8 OC spray incidents that occurred at BJNJH and a sample of 22 incidents from LPJH.<sup>8</sup> The Office of Inspector General determined compliance primarily based on information provided in the Probation Department's Physical Intervention Report (PIR) for each incident,

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<sup>7</sup> The Probation Department's Detention Services Bureau (DSB) Manual section 1014 has been replaced with DSB 1006 "Post OC Spray application Protocols" which contains the same language as 1014:

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

California Code of Regulations, Title 15, § 1357(b), governing the use of chemical agents such as OC spray in juvenile facilities, imposes the following requirements:

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

...(3) outline the facility's approved methods and timelines for decontamination from chemical agents.

This shall include that youth who have been exposed to chemical agents shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent.

...(5) provide for the documentation of each incident of use of chemical agents, including the reasons for which it was used, efforts to de-escalate 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.

<sup>8</sup> In constructing the samples described in this report, the Office of Inspector General followed current government audit standards to obtain a statistically valid sample and used a research randomizer to select incidents. (Off. of the Comptroller of the United States, U.S. Accountability Office (2018), <https://www.gao.gov/yellowbook>.)

including the information required in Section M, “OC Spray Deployment,” which must be completed each time Department staff deploy OC spray on a youth. Because Department policy requires staff to complete Section M to document compliance with its decontamination policy, the Office of Inspector General only considered cases in which Section M was properly completed.

## Findings

The Office of Inspector General found that LPJH, and BJNJH failed to meet the requirements of the Detailed Plan. At LPJH, 36% (8 of 22) of the sampled incidents reviewed properly documented the decontamination process after use of OC spray as required by policy and state law. At BJNJH, 38% (3 of 8) of the sampled incidents properly documented the decontamination process. In approximately 88% (7 of 8) of the sampled incidents at BJNJH, and 91% (20 of 22) at LPJH, Probation Department staff made notations indicating the decontamination of youth after the use of OC spray, either in the incident review or the narrative sections of the associated PIRs.<sup>9</sup> However, because of the failure to include the required decontamination information in Section M or in the narrative sections, the Office of Inspector General cannot determine if youths were properly decontaminated, and therefore, the Department failed to comply with the requirements of the Detailed Plan. This is the second reporting period in which Probation Department staff included some mention of decontamination procedures in the reports at a significantly higher rate than what was properly documented in section M. Given the failure to achieve the mandated compliance rate, the Office of Inspector General recommends that the re-train staff on staff the importance of documentation requirements and hold them accountable for failing to properly document decontamination, to ensure both that youth receive required care following application of OC spray and that documentation accurately reflects the Department’s decontamination efforts.

*Adoption of Review Checklist.* During this Reporting Period the Department began using the “Physical Intervention Packet Review Checklist” (Review Checklist). This checklist reviews and details many of the components of Section M in a checkbox format. The addition of this checklist should aid in determining the accuracy and efficiency of the decontamination process, preventing the need to look through numerous documents to get a clear understanding of an OC incident and the decontamination process.

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<sup>9</sup> The Office of Inspector General reviewed other sections of the sampled PIRs to determine if information regarding decontamination was memorialized elsewhere in the reports.

The Review Checklist contains a section entitled “Suggested Corrective Action,” that does not have a checkbox, in which the reviewer can address concerns about Probation Department staff actions and make recommendations for the staff member to review certain policies and protocols or receive additional training. However, in this Reporting Period, no reviewer suggested any training in any of the Review Checklists. A specific box for training would be helpful in identifying and addressing training as mandated by the DOJ Settlement Agreement.

Also included on the Review Checklist form is a “Debriefing by Supervisor” checkbox. Although this box indicates that a Probation Department supervisor conducted a debriefing with the involved Department staff, the Office of Inspector General recommends an amendment to the section to allow the inclusion of identification of Department staff involved and any identified deficiencies or possible policy violations. Debriefing after each incident is a valuable tool for the review of an incident for deficiencies and improvements.

*Continuing Recommendations:* The Office of Inspector General also reiterates recommendations made in prior reports to facilitate documentation and review of OC spray deployments, including:

- Placing the report of the Probation Department staff member who deployed the OC spray first among the reports in the packet to facilitate the location of this important document for easier locations review by Department supervising staff.
- Eliminating use of the “OC Deployment Report” form, which asks for most, but not all, of the information required in Section M of the PIR, “OC Spray Deployment,” or amending the form to request all the information requested in Section M —most importantly, the decontamination procedures used.

*Use of Portable Showers for Decontamination:* The Probation Department revised its policy on OC spray decontamination with additional language regarding the use of portable showers for decontamination as follows:

#### *Temporary Portable Showers*

The purpose of this policy is to establish procedures for the temporary use of portable cold showers during the decontamination process following the deployment of Oleoresin Capsicum (OC) Spray.

#### *Procedures*

Decontamination for OC Spray is exposure to fresh air and the application of cold water. After the youth is removed to a safe area, only cold water shall be gently sprayed or splashed into the facial area of the contaminated youth. Officers



contaminated with OC Spray shall follow the same decontamination procedures outlined for youth. Hot or warm water shall never be used for decontamination purposes as it aggravates the effect of the spray.

To ensure the safe and effective use of portable shower kits, staff should adhere to the following:

- Portable shower kits shall be charged and ready in advance. Each unit includes a wall charger, which can be used to charge the unit by inserting the plug into the water cover. It may take several hours to fully charge, and the battery life can be monitored with the voltmeter. If the voltmeter reads 10.8v or lower, the unit should be charged immediately. The power button is used to turn on the unit, but the unit will not turn off automatically when the water tank is empty. Therefore, it is important to turn the unit off when not in use.
- Water shall be filled using the cold tap water from the utility closet. The unit shall be refilled only before immediate use, not in advance. Any leftover water in the unit must be disposed of after use. The unit must be kept upright to prevent any leaks. After each use, the unit should be tipped to the side to drain any remaining water below the tray.<sup>10</sup>

The Office of Inspector General inquired as to the implementation and training on the portable showers. The Probation Department stated that all supervisors have been trained and a demonstration video has been sent to all DSB staff. The Department reports that the showers have been implemented but could not provide information on the number of times staff have used the showers or where staff keeps the showers, because the Department does not track that information. The Office of Inspector General recommends that the Department make the most of the additional resources for decontamination by fully training all DSB staff on the use of the portable showers and tracking both training and use of the showers to ensure staff use the showers properly and according to policy.

## **TRAINING AND SUPPORT AFTER USE OF OLEORESIN CAPSICUM SPRAY**

The Detailed Plan requires the Probation Department to identify any need for training and support related for Department staff to decontamination following the use of OC

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<sup>10</sup> DSB Manual § 1006, *Post OC Spray application Protocols* (replacing former § 1014).

spray and to provide such support in 90% of cases where it identifies a need. The Department has not complied with these requirements.

The Office of Inspector General examined the PIPs in the sample of 30 OC spray incidents described above to determine if the Probation Department identified training needs and provided that training. As in the last report, this review found that not only did the Department not consistently identify training needs or provide training, but that the Department did not consistently review OC spray incidents as required by the Settlement Agreement.

While SCM reviewed 100% of BJNJH OC spray incidents (8 of 8), it made recommendations for corrective action in 62% of the OC incidents, none of which included recommendations for any specific type of OC spray training. In addition, none of the PIPs included Review Checklists.

At LPJH, SCM reviewed 32% (7 of 22) of the OC spray incidents and made recommendations for corrective action in 27% of the incidents, none of which included recommendations for any type of OC spray training. In addition, 68% of the PIPs contained Review Checklists. Because the Probation Department did not identify training needs in any OC spray incidents reviewed, the Office of Inspector General cannot determine whether the Department is providing support in 90% of cases where it identifies a need. Additionally, in each of the prior monitoring reports, the Office of Inspector General found the Probation Department out of compliance with policies and state law on decontamination after the use of OC spray, thus identifying training needs regarding OC spray decontamination to address that noncompliance.<sup>11</sup> The Department

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<sup>11</sup> The Office of Inspector General's [second monitoring report](#) notes that Central Juvenile Hall (CJH) reviewed only 10% of the sampled reports and BJNJH reviewed only 19% of the sampled reports. We did not report on the identification of training, as the low percentage of review made it impossible for the Department to meet the 90% requirement. In the [third monitoring report](#), the Office of Inspector General's review of randomly sampled incidents of OC spray use found that only 43% of the incidents at CJH followed policies and state law and properly documented decontamination and only 72% of the randomly sampled OC spray incidents at BJNJH followed policies and state law and properly documented decontamination, thus flagging the need for training to achieve compliance. The [fourth monitoring report](#) found that only 38% of the sampled incidents at CJH and 33% of the incidents at BJNJH followed policies and state law and properly document decontamination, again identifying a need for training. The [fifth monitoring report](#) continued to identify the need for training. Of the randomly sampled documentation for OC spray incidents, the Office of Inspector General found that only 14% at CJH and 57% at BJNJH followed decontamination policies and state law and properly documented the decontamination process. The Office of Inspector General review also found that not only were training needs not identified or provided, but that the Department did not consistently review OC spray incidents for training or support issues, with SCM reviewing only 74% of the sample of PIPs far below the 90% rate required by the Detailed Plan. In only 27% of the

received each of these reports both as a validation draft and as a final report, thus notifying the Department of the Office of Inspector General's findings and the need for training to ensure compliance with OC spray decontamination laws and policies.

The Probation Department also still has not implemented its Early Intervention System (EIS) for identifying staff in need of training. As reported in the previous compliance report, the Department re-allocated the necessary resources for the EIS to a different project focused on addressing the backlog of use-of-force incident reviews. The Department still has no expected date for the launch of the EIS, without which it has no system to track whether recommended training gets delivered.

Also as noted in the Office of Inspector General's last report, the Probation Department's continued failure to review all OC-related cases and implement an Early Intervention System makes it highly unlikely that it will meet the Detailed Plan's further requirements that training, and support be provided in 90% of cases where the need is identified.

While the Probation Department does provide general OC spray training that all employees must complete to work in the juvenile hall facilities, that training is not based on Departmental reviews of OC spray incidents and the identification of needed training and support. Between January 1, 2024, and June 30, 2024, the Department provided generalized training in the proper use of OC spray and decontamination procedures to 443 employees, of which 39 completed a four-hour course and 394 completed a two-hour refresher course.

## **REVIEW OF THE PROBATION DEPARTMENT'S COMPLIANCE WITH VIDEO CAMERA MANDATES IN JUVENILE HALLS**

The Detailed Plan mandates the Probation Department to follow its use of force policies and ensure that video cameras capture 90% of the use of force incidents in its juvenile halls, LPJH and BJNJH. The Office of Inspector General reviews compliance in three specific areas: (1) whether cameras provide sufficient coverage, (2) whether cameras are operational and in use, (3) and whether recordings are properly used in analyzing compliance with the Department's use of force policies and state law. This report analyzes a sampling of use of force incidents from BJNJH, and LPJH for the Reporting Period.

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cases reviewed did SCM make a recommendation for corrective action, none of which included recommendations for any specific type of OC spray training.

## Methodology

The Office of Inspector General requested a list of all use-of-force incidents that occurred at both juvenile hall facilities during the Reporting Period. The Probation Department reported that for this period there were 740 use-of-force incidents at LPJH, and 51 at BJNJH. The Office of Inspector General constructed a stratified representative sample of 81 use-of-force incidents at LPJH and 6 at BJNJH.

## Sufficiency of Camera Coverage

The Detailed Plan requires that 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 90% of the time. The Office of Inspector General interprets sufficient coverage to mean camera coverage of an area of the facility that captures any use-of-force incident sufficiently to allow the Department staff to review its recording of the incident to determine if staff followed its policies and procedures. To determine compliance, the Office of Inspector General reviewed video recordings for the selected sample, in combination with SCM investigations and other documents, to determine whether the cameras captured the incident on video sufficiently to allow the Department to use video in its investigation and analysis.

During this Reporting Period, at BJNJH, only 67% (4 of 6) of sampled use-of-force incidents had sufficient video coverage for review putting BJNJH out of compliance with the Settlement Agreement Detailed Plan. In prior reports, the Office of Inspector General noted that BJNJH lacked sufficient cameras 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, and that the Probation Department's plans to install additional cameras by September 2022 had been delayed to an anticipated completion date of September 2024. The Department has now completed the installation and has a total of 654 video cameras operable and providing reviewable video recordings (up from about 200 before the installation) that will factor into compliance during the next reporting period.

At LPJH, the Office of Inspector General found 89% (58 of 65) of sampled use-of-force incidents had sufficient video coverage for review, without obstructed views, putting LPJH just short of compliance with the Detailed Plan.

## Cameras Operational and In Use

The Detailed Plan requires that 90% of the Probation Department's video cameras are operational and in use, which the Office of Inspector General interprets to mean that

each camera operates as designed, providing a clear video stream that can be viewed on the designated monitors and is recorded for later playback.

At BJNJH, the Office of Inspector General inspected video cameras during the Reporting Period and just after, on July 11, 2024, and found all 654 cameras operable. During a recent follow up re-inspection the cameras were viewable and functioning. Based on the most recent findings, BJNJH is in compliance with the Detailed Plan requirement that 90% of installed cameras be operational and in use for use-of-force review.

At LPJH, the Office of Inspector General conducted inspections during the Reporting Period and just after, on July 17, 2024, and determined that 288 cameras were operable with viewable video recordings. Six cameras were offline due to technical issues which have been reported for repair. The Office of Inspector General staff noted that cameras in dayrooms with televisions had obstructed views of the dayroom due to the placement of the televisions slightly below the cameras, reducing the field of view for the cameras. Most of these dayrooms, however, have a second camera on the opposite wall which provides sufficient coverage of the room.

Also, as previously noted in prior reports, some living units at LPJH continue to have paper covering some cameras. The Probation Department reported that supervisors on all shifts are required to conduct inspections of the cameras prior to the start of the shift, but Office of Inspector General staff continue to observe some cameras are obstructed. As in previous reports, the Office of Inspector General again recommends that Department staff monitor the cameras in real time and remove obstructions as soon as they occur, to ensure the safety of youth.

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

The Detailed Plan requires that the Probation Department properly use video recordings to determine policy violations in 90% of use-of-force incidents. The Office of Inspector General deems video recordings properly used when Department staff review the video, compare it to the written reports, and staff statements and correctly apply the law and relevant Department policies to the use-of-force review.<sup>12</sup>

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<sup>12</sup> The relevant standards for uses of force are set forth in the Probation Department's Detention Services Bureau Manual sections 1000-1007, and Probation Directives 1194 and 1427, which outline the Department's response to uses of force, as well as current Department training and relevant statutory and case law. These authorities generally require that the use of non-deadly force by Department staff be both reasonable and necessary to facilitate the restoration of order. See also, California Penal Code section 835a; *Graham vs. Connor* (1989) 490 U.S. 386.

At BJNJH, while the staff used the available video properly, as previously reported, meaningful compliance cannot be achieved until camera coverage is sufficient to provide video recordings for significantly more of the use-of-force incidents. The Detailed Plan requires the Probation Department use video recordings to determine policy violations in 90% of use-of-force incidents. Only 67% of the sampled use-of-force incidents had video recordings, resulting in the Probation Department not being in compliance with the requirement for using video in determining compliance with use-of-force policies at BJNJH.

At LPJH, staff properly reviewed 93% (57 of 61) of the sampled incidents to determine policy violations, a rate above the Detailed Plan's requirement of 90%, making the Department in compliance.<sup>13</sup>

However, in four of the sampled incidents, in the opinion of the Office of Inspector General, the Probation Department overlooked excessive use of force demonstrated in video recordings, which Department staff failed to identify as policy violations. Although the Office of Inspector General finds that the Department is in compliance with the Detailed Plan's requirement to properly use video recordings to determine use of force, these incidents are troubling.

The following two cases provide examples of the Probation Department's failure to properly use the video recordings to analyze uses of force to identify violations of policy or law at LPJH.<sup>14</sup>

## **CASE 1**

*Two youths got into an argument in the dayroom of their housing unit and Youth 1 threw an object at Youth 2. Two Detention Services Officers (DSOs) intervened, and DSO 1 restrained Youth 1 and removed him from the dayroom. DSO 2 restrained Youth 2, and while he was restrained, a third youth (Youth 3) attempted to punch Youth 2. DSO 1, who had returned to the dayroom, restrained Youth 3, but the youth broke free of DSO 1 and ran toward Youth 2. DSO 2 released Youth 2 and intercepted Youth 3, who he pushed against the wall and then threw to the floor.*

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<sup>13</sup> The cases in which the Office of Inspector General Staff noted discrepancies include: 2024-2733, 2024-2686, 2024-1776, and 2024-1616.

<sup>14</sup> Use-of-force incidents in case examples: SCM Nos. LPJH 2024-3203, LPJH 2024-2159 (presented to CIT in May and June 2024).

Probation Department policy permits the amount of force that “an objective, similarly trained, experienced, and competent youth supervision officer, faced with similar facts and circumstances, would deem reasonable and necessary to ensure the safety and security of youth, and staff.”<sup>15</sup> Department policy also expressly prohibits DSOs from deliberately pushing youth into hard, fixed objects, including walls and floors.<sup>16</sup> The DSO also wrote in the incident report that youth “fell to the floor,” which clearly was not true. Despite this, a facility director reviewed the video recording of this incident and did not find excessive or unreasonable force nor the that the DSO provided false statements in the incident report. Later, the Probation Department’s Backlog Project Team reviewed this case and referred it to IAB for investigation.

## CASE 2

*A youth picked up a chair in the dayroom of a housing unit and threw it to the ceiling, knocking down ceiling tiles. Three DPOs attempted to restrain the youth but were having trouble getting the youth under control. A fourth DPO responded and restrained the youth using his forearm across the youth’s neck, then forcefully pulled the youth to the floor. The DSOs ultimately handcuffed the youth and removed the youth from the dayroom.*

Probation Department policy prohibits staff from using any type of carotid restraint or chokehold in attempting to restrain youth.<sup>17</sup> The video recording clearly shows the fourth DPO put his arm around the youth’s neck and pull him to the floor, in violation of Department policy. However, a facility director reviewed the video recording and determined that there was no excessive or unnecessary force. The Backlog Project Team reviewed the incident and referred to IAB for investigation.

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<sup>15</sup> Detention Services Bureau Policy 1005.

<sup>16</sup> Detention Services Bureau Policy 1005(G): The following examples are PROHIBITED USES OF FORCE AND CONDUCT: Deliberately or recklessly striking a youth’s head, limbs, *torso*, or other body parts against a hard, fixed object (e.g., roadway, driveway, floor, *wall*, etc.) (emphasis added).

<sup>17</sup> Detention Services Bureau Policy 1005(G): The following examples are PROHIBITED USES OF FORCE AND CONDUCT: Carotid, "arm-bar," chokehold, or any other deliberate chokehold restraint utilized to or having the impact of restricting the airway or blood flow. (Emphasis added).

## 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) designated in the Detailed Plan, including a range of requirements intended to deter sexual assault in correctional institutions, including juvenile detention facilities.

During the Reporting Period, Office of Inspector General staff inspected juvenile facilities and Probation Department camps to determine compliance with two PREA-related requirements in the Detailed Plan: (1) that the bathrooms of all units have properly installed privacy curtains, and (2) that staff announce their presence when entering a housing unit for youth of a different gender.<sup>18</sup> The Office of Inspector General inspected two juvenile halls (LPJH and BJNJH) and five camps (Camp Clinton B. Afflerbaugh, Dorothy Kirby Center, Camp Vernon Kilpatrick, Camp Joseph Paige, and Camp Glenn Rockey) in unannounced visits.

As the Office of Inspector General has noted in previous reports, Camp Rockey, Camp Afflerbaugh, Camp Paige and Campus Kilpatrick each had blind spots due to tiled walls in the shower areas. As noted in the Office of Inspector General's previous report, the Probation Department planned to remodel the showers to address the blind spots, but then diverted resources for that project in order to open LPJH, and because of the BSCC determination that BJNJH and LPJH facilities were not in compliance with other Title 15 requirements.<sup>19</sup> The Department's PREA Coordinator stated that the Statement of Work detailing the requirements to complete the project to remove the tiled walls has expired. The Department continues to assign staff at each camp to monitor the blind spots while the youths utilize the restrooms.

The Probation Department continues to address previously noted problems of obstructed views of the youth in the showers at BJNJH and LPJH due to old and

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<sup>18</sup> The Office of Inspector General staff assigned to oversee the Probation Department attended and completed PREA training to become certified PREA auditors but are not yet certified. During the previous reporting period, the Office of Inspector General's PREA certified auditors were available to assist with the PREA related audits in the Detailed Plan. For this Reporting Period, those auditors were conducting PREA audits for the Los Angeles Sheriff's Department. The certified auditors will be available to conduct the audits at the juvenile halls and camps during the next reporting period. While the Detailed Plan requires only an audit and a report for the juvenile halls, the Office of Inspector General also conducted audits at the camps for compliance with these two requirements.

<sup>19</sup> October 14, 2024, the Board of State and Community Corrections found Los Padrinos Juvenile Hall not suitable for the confinement of juveniles pursuant to Welfare Institutions Code section 209, subdivisions (a)(4) and (d).



improperly installed curtains, by replacing them with the appropriate curtains, making both halls PREA compliant.

The Office of Inspector General found generally consistent opposite-gender staff announcing their entry into the living units, and therefore finds the Probation Department in compliance with this requirement of the Detailed Plan.

## **ROOM CONFINEMENT AND ACCESS TO PROGRAMMING**

The Detailed Plan requires that the Probation Department create and implement an internal system to identify and track room confinements. This system must promptly notify juvenile hall superintendents of room confinements that violate Department policy or state law. It must also facilitate the swift implementation of remedial measures to address any identified deficiencies. The Detailed Plan further requires that the Department create an approved internal process to provide the Office of Inspector General with documentation of identified violations of room confinement policy or state law as well as the remedial measures taken in response to these violations. The Department has not created an approved internal process or completed implementation of a computerized data system. The Department therefore remains out of compliance with the room confinement tracking system requirement of the Detailed Plan.

The Probation Department uses written forms and the electronic safety logs to document safety checks and re-engagement for room confinements. The Detailed Plan provides that when the Department determines that a youth constitutes a threat to the safety and security of the facility, it need not make programming, access to recreational activities, large muscle exercise, outside time, religious services, visitation, phone calls (“Required Activities”) or schooling available to that youth, but must make findings supporting that determination in writing at least 90% of the time.

The Office of Inspector General reviewed written documentation for all the reported room confinements during this Reporting Period — 16 LPJH and 24 at BJNJH. In both facilities, staff sufficiently documented findings that a youth posed a threat to the safety and security of the facility in writing in 100% of the incidents, making the Probation Department in compliance with this provision.

The Detailed Plan requires Probation Department staff to notify superintendents of the juvenile halls promptly when room confinements do not comply with Welfare and Institutions Code section 208.3. Based on a review of the available documents, none of the room confinements the Department identified during this Reporting Period violated policy or state law in a way that warranted notification to the superintendent. The Detailed Plan also requires that in 90% of the incidents determined to be out of policy or

not compliant with the law, the Department implement subsequent remedial measures. Because there were no identified room confinements in violation of policies or state law, the Office of Inspector General has no incidents in which to assess the Department's implementation of remedial measures during this reporting period. The Department still lacks sufficient internal processes, including a computerized database as required by the Detailed Plan, to ensure that all non-compliant room confinements are identified and documented thoroughly. Additionally, inconsistencies between Department, Board of State and Community Corrections (BSCC), and Probation Oversight Commission (POC) data continue to raise doubts as to whether the Department identified and documented in writing all out-of-compliance room confinements.

The Detailed Plan requires that the Probation Department provide youths activities such as programming, access to recreational activities, large muscle exercise, outside time, religious services, visitation, and phone calls, as noted above. In addition, the Probation Department has volunteers and outside vendors that provide non-required activities to youth. The Department must provide Required Activities to all youth unless it determines that a youth poses a threat to the safety or security of the facility or if the youth self-separates or refuses to participate in the Required Activities.<sup>20</sup>

For compliance, the Detailed Plan requires that the Probation Department provide Required Activities each day for at least 93% of youth who it has not found pose a threat to the safety or security of the facility or themselves ("eligible youth").<sup>21</sup> To determine compliance, the Office of Inspector General reviews written Title 15 programming exception logs, as well as supporting documentation, that are required by the BSCC when youths miss required programming. For this Reporting Period, the Department erroneously included school activity as part of the Title 15 log programming documentation, as well as on its exception log used to track programming which is provided to the Office of Inspector General. As a result, the Office of Inspector General cannot determine the Department's compliance with the Detailed Plan for programming this Reporting Period.

In response to the Probation Department's error, the Department, the DOJ monitor and Office of Inspector General staff met to clarify the definition for programming and to

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<sup>20</sup> The Probation Department provides outside vendor activities to the youths, although not required by the Detailed Plan. These activities may also be limited when Department staff determines that a youth poses a threat to the safety or security of themselves or the facility, or if a youth refuses to participate.

<sup>21</sup> The Detailed Plan originally applied to BJNH and Central Juvenile Hall (CJH). However, on July 17, 2023, the Probation Department transferred all youths housed at CJH to LPJH.

determine how to calculate compliance with the Required Activities provisions of the Detailed Plan. The DOJ monitor informed the Department that it should not include school in reports on access to programming and should exclude excusable absences from the compliance calculation. After that determination, on July 18, 2024, Office of Inspector General staff met with Department staff to adjust the exception logs used to track absences from programming, by adding all excusable reasons in a drop-down menu within the exception log as well as removing school as a program in the current drop-down menu to remove those programs from those activities required by the DOJ monitor. The Department will use the new exception log to document absences from required programs after July 1, 2024.

As noted in the Office of Inspector General's last report, the Probation Department is working on developing a computerized data system that will automatically generate the required report with compliance information for Required Activities, to the Office of Inspector General. The Department indicated it has completed the first phase of the project and is currently working on creating an electronic Title 15 log that will receive information directly from other Department systems to track a youth's activity for the day. The Department could not provide an expected completion date.

## **YOUTH GRIEVANCES**

State law requires the Probation Department to provide a process for youths to file grievances for youth complaints relating to care at a juvenile hall.<sup>22</sup> The Probation Department implemented its electronic grievance management system (GMS) in February 2023, which allows youths to file their grievances from their individual computer laptops and operates as a mailbox for the Department staff to retrieve and review the filed grievances.<sup>23</sup> In June 2024, the Department reported that the GMS electronic system had a technological problem that the Department's IT could not repair without taking the system offline. The Department expects it to be fully functional in early 2025. In the meantime, staff and youth, and LACOE, have been informed that the paper grievances are available for youth to report problems as was done prior to the

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<sup>22</sup> Calif. Code of Reg., Title 15, section 1361 provides, "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."

<sup>23</sup> GMS is an electronic grievance management system used for tracking and distribution system of grievances, which replaced the previous system JIGS that was an email method of distribution that was flawed therefore replaced.

electronic system. Grievances can also be sent to the Office of Inspector General as well as the Department's Office of the Ombudsman. The Office of Inspector General continues to communicate as needed with the Office of the Ombudsman regarding complaints received by the Office of Inspector General.

The Probation Department indicated that it had still not procured the grievance kiosks for youths to file their grievances, and recently reported that it is negotiating with a specific vendor. The Department does not have an expected completion date.

A review of the Probation Department's Grievance Log showed that the Department resolved 90% of grievances at LPJH and BJNJH in accordance with the Department's current policies.

For LPJH, the Office of Inspector General found that of the total 493 grievances documented between January 1, 2024, and June 30, 2024, 4% (22 of 493) related to phone calls, 8% (39 of 493) related to programming, 1% (3 of 493) related to recreation, 1% (3 of 493) related to visitation and none related to religious services or recreation.

For BJNJH, the Office of Inspector General found that of the total 81 grievances documented between January 1, 2024, and June 30, 2024, 19% (15 of 81) related to programming, 4% (3 of 81) related to visitation, 1% (1 of 81) related to phone calls, 2% (2 of 81) related to religious services and none or recreation. The review of these areas indicated that generally youths were being provided access to telephone calls, and family visitation. The balance of the grievances addressed areas that are not subject to the Detailed Plan.

## RECOMMENDATIONS

The Office of Inspector General continues to recommend that legal action be considered to compel timely use of force investigations and to prohibit the use of OC spray without decontamination. 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. The Office of Inspector General also continues to recommend a change in the process of investigating and determining whether staff engaged in misconduct, as well as re-assignment of Probation Department field staff to the juvenile facilities to provide appropriate supervision of the youths.