

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND
CHAIR HAHN**

February 19, 2019

The OIG Investigation and Improving Safety in the Juvenile Facilities

Los Angeles County (County) operates the nation’s largest juvenile justice system, where it is responsible for the safety and well-being of approximately 800 youth while in custody. Though the Probation Department (Department) has reduced the number of youth incarcerated, it has struggled to operate safe locked facilities. Recently, issues have been raised around excessive use of force, assaults on both youth and staff, and a tripling of the usage of oleoresin capsicum (OC) spray, or pepper spray, in the juvenile halls since 2015. After learning of more serious pepper spray incidents, on December 18, 2018 the Board of Supervisors (Board) unanimously approved a motion directing the Office of the Inspector General (OIG) to investigate client and staff safety concerns in the County’s juvenile halls and probation camps, particularly use of force incidents involving pepper spray.

To conduct this investigation, over the past 45 days the OIG interviewed youth and staff; visited the juvenile facilities; reviewed video footage and reports of problematic incidents; assessed policies, procedures and staffing; and evaluated practices in other jurisdictions. On February 4, 2019, the OIG returned to the Board with

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findings and recommendations for improvement in its report, "Report Back on Ensuring Safety and Humane Treatment in the County's Juvenile Justice Facilities" (Report).

According to the Report, both youth and staff recognized that strong and respectful relationships are crucial to creating a safe environment, and that some staff are adept at that, and do not utilize pepper spray. However, both youth and staff also expressed deep concerns with pepper spray. The OIG found that, in violation of Department policy, pepper spray appears to be a commonly used tool by some staff to obtain compliance. The OIG found instances where pepper spray was excessive and not justified, often because it was used as the first, rather than last, tool for gaining control. For example, in one incident, a youth was sprayed in the face, without physical provocation, for not following verbal commands to enter their cell. The OIG found instances where pepper spray was used on vulnerable populations in violation of policy, including asthmatic youth, who can suffer serious respiratory effects as a result, as well as youth on psychotropic medication. Moreover, the OIG found improper decontamination procedures, including, in a severe instance, staff not only preventing a youth who was sprayed from decontaminating, but even cutting off the water to their cell as they suffered. Staff reporting on these troubling incidents was found to be incomplete, and sometimes blatantly misleading, seriously inhibiting oversight.

The Report notes a range of potential contributors to problematic use of force and pepper spray, including: inadequate and inconsistent staffing and supervision; low staff morale; policies in need of updating; perceived messages within the Department encouraging pepper spray use over other use of force methods; lack of trust in the

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Department's accountability and Internal Affairs; insufficient training; and limited mental health resources. Culture was also identified in the Report as an underlying problem, where punishment, disrespect, retaliation, and a "neglect of youths' basic human needs" were perpetuated. This punitive culture can lead to a range of issues the OIG touched upon -- group punishment, denial of programming or religious services, and threatening language -- which in turn heightens tension and makes violence and use of force more likely. Lastly, the OIG noted improper oversight mechanisms, from limited video technology to spotty reporting to challenges with tracking investigations.

The OIG made a series of recommendations to improve safety inside the juvenile facilities. As noted in the Report, some of the findings reflect problems, and solutions, that the Department has identified, and in some cases, is in the process of implementing. The OIG also recommended the County explore the feasibility of restricting or eliminating the use of OC spray, noting misalignment with the Department's philosophical shift toward rehabilitation and trauma informed care. Solutions here must be vetted by the community and other stakeholders, as well as comprehensive, transparent and get to the root of culture change. Ensuring that unsafe conditions are addressed, and that oversight mechanisms are in place to prevent future abuses, is of the highest priority.

On February 5, 2019 the Board directed the Probation Reform and Implementation Team (PRIT), housed within the Executive Office, to hold a special hearing (Hearing) on this report and safety concerns in the County's juvenile justice facilities, and report back to the Board with any recommendations. This Hearing should

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include discussion of how the County and the Probation Department can collect and share metrics moving forward that measure use of force, safety and well-being in the County's juvenile justice facilities, including quantifiable metrics to measure trends, demographic data to assess any disproportionalities, incident level analysis to assess compliance issues and necessary remedial action, and steps to consistently and publicly share the data.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Inspector General and Chief Probation Officer to report back in writing as soon as possible and within 30 days with updated data on pepper spray and use of force, and to make this information available at the Probation Reform and Implementation Team (PRIT) Hearing.
2. Within 60 days following the PRIT Hearing, direct the Chief Probation Officer to obtain feedback from the PRIT, Chief Executive Officer (CEO), County Counsel, Inspector General (IG), Director of the Department of Mental Health, other relevant departments, impacted labor groups, and community stakeholders, and report back in writing with an implementation plan for recommendations laid out in the Inspector General's "Report Back on Ensuring Safety and Humane Treatment in the County's Juvenile Justice Facilities" (Report) as well as recommendations made by the PRIT, including in the areas of staffing, training, accountability, mental health resources, culture, policies, data collection and dissemination, and the future use of pepper spray, with a goal of improved safety and well-being for staff and youth and a return to the mandate for rehabilitation.

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3. Direct the Director of the Department of Mental Health, in coordination with the Chief Probation Officer, IG, and community stakeholders, to report back in writing in 60 days with an assessment of the mental health needs in the juvenile facilities, including areas to improve trauma-informed approaches and reduce use of force.
4. Direct the IG to do a follow up report on safety concerns in juvenile facilities outlined in their Report in 180 days.

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