



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



TERRI L. McDONALD
Chief Probation Officer

May 24, 2019

TO: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Kathryn Barger

FROM: Terri L. McDonald
Chief Probation Officer 

SUBJECT: **PHASING OUT AND ELIMINATING THE USE OF OLEORESIN CAPSICUM SPRAY IN JUVENILE FACILITIES – INTERIM REPORT (ITEM NO. 11, AGENDA OF FEBRUARY 19, 2019)**

BACKGROUND

In response to the Board's February 19, 2019 motion related to phasing out the use of Oleoresin Capsicum (OC) spray in the juvenile facilities, this memorandum serves as an Interim Report that outlines the Probation Department's ("Probation" or "Department") comprehensive plan ("plan") for the phased elimination of OC spray in all Probation facilities that house youth. The plan, as part of the final report, will be available for presentation to the Board at the meeting on June 25, 2019, and includes a move toward implementing alternative approaches to supervision and behavior management that address the underlying cultural and programmatic issues that lead to use of physical interventions and propose a paradigm shift in juvenile detention services.

EXECUTIVE SUMMARY

As we work to create safe and humane environments for all youth and staff as our utmost priority, we are undertaking several actions to lay the groundwork for the OC spray phase-out process.¹ As described in this report, much preparatory work will be required prior to beginning to phase out the use of OC spray in the safest manner possible, and examples of these efforts are included in this report. The actual planned phase out of OC will begin on September 1, 2019, with the eventual elimination of the use of OC spray at the end of calendar year 2020. Though it is recognized that this exceeds the Board's directive's deadline, we are pleased to report that the option to use OC spray will be eliminated at all juvenile camps by July 31, 2019, and Probation will begin its phase out in the

¹ It should be understood that no alternative chemical agent solution will replace OC spray and that the only physical intervention that will ultimately be permitted for emergencies will consist of physical strength and/or holds.

juvenile halls on September 1, 2019, immediately following one month of the closure of Los Padrinos Juvenile Hall (LPJH) on July 31, 2019.

The Department has been working with an OC spray expert consultant and a consultant well-versed in creating trauma-responsive juvenile justice environments who have assisted in the preparation of this interim report and the final plan. The plan takes into consideration the recommendations of the Office of the Inspector General (OIG) and the Probation Reform and Implementation Team (PRIT). The Department's response to these recommendations will be included in the final report.

In addition, the Department has established a team representing labor, the Department of Mental Health (DMH), Public Defender (PD), Alternate Public Defender (APD), and the Los Angeles County Office of Education (LACOE), and other stakeholders who are contributing to the development of paradigm shift in services and informing the final report. To acquire lessons learned, this team has and will continue to visit jurisdictions across the country that have eliminated OC spray, or are in the planning phase or process of doing so. We will also be meeting with additional stakeholders to share our thoughts and ensure their concerns are taken into consideration in the plan.

The following provides the key strategies of our plan for the phased elimination of OC spray in the juvenile facilities which focus on the:

- 1) Elimination of OC spray in the juvenile camps by July 31, 2019, with the closure of the Challenger Memorial Youth Center (CMYC).
- 2) Planning for the elimination of OC in the juvenile halls which will begin on September 1, 2019, after the closure of LPJH on July 31, 2019. To begin the phased removal of OC in the juvenile halls, the Department will require significant preparatory work, including the following:
 - An update to the Department's current policies and procedures, including Physical Intervention (Use of Force) Policy;
 - An analysis of data on the historical usage of OC spray and physical interventions to determine how to best phase its elimination and redistribute staff to create a balance of experienced and less experienced staff, as well as pairing those who are more comfortable engaging without the use of OC spray with those who have been more reliant on using OC spray during critical incidents;
 - Prior to implementing the initial phase-out of OC spray, training will be provided to properly prepare juvenile hall staff for the change, including additional interagency de-escalation, trauma informed treatment, youth engagement and physical intervention;
 - Collaboration with and by DMH to expand/develop youth-centered programming and enhance our de-escalation and communication efforts towards youth in crisis, requiring augmentations to DMH to enable the establishment of Crisis Stabilization Units and Crisis Outreach and Response Teams at Barry J. Nidorf and Central Juvenile Halls; and an increase in clinical personnel in housing units;

- Implementation of the LA Model in the juvenile halls that will require program enhancements in areas including arts, job readiness training, gang interdiction, conflict resolution, parenting and sports, Cognitive Behavioral Therapy and the implementation of Multidisciplinary Teams, as all of these have been successful in our camps;
 - An enhanced staffing model supported by the principles of the LA Model, designed to support a small-group, therapeutic living unit structure to create more positive and interactive relationships amongst staff and youth and provide sufficient staff to supervise the youth in a myriad of activities, pending the completion of a “staffing structure needs analysis” with an ideal supervision ratio of 1:5 during normal waking hours instead of the current 1:8 ratio;
 - Introduction of the Deputy Probation Officer III classification in juvenile halls to allow subject matter experts to perform the function of master trainers in a variety of institutional practices;
 - Increased supervision through additional Supervising Detention Services Officers on each shift for increased staff support, safety, training, and accountability;
 - Improved Behavioral Management Program that supports the needs of both short-term and long-term populations;
 - Facility renovations, furniture replacement, and the operation of a centralized, 24-hour, seven-days a week, Probation radio command center, will be needed to improve the conditions for all youth and staff; and
 - Issuance of new radios to assist staff with summoning assistance, when necessary.
- 3) Elimination of OC in the juvenile halls in each housing unit through a gradual phase-out consisting of the following four phases, where we anticipate clustering groups of housing units to begin the process:
- **Phase 1 - Voluntary Stage.** After being trained, staff will have the option to **not** carry OC spray in their assigned housing unit. We anticipate some staff selecting this option, as we know most staff do not use OC spray. This step may last 30-60 days, depending on the historical frequency of use of OC in the particular housing unit and staff and youth comfort with progressing to the next stage of the phase out.
 - **Phase 2 - Restricted Stage.** After the Voluntary Stage (30-60 day period during which staff can opt to **not** carry OC spray), the issuance of OC spray in the housing unit will be restricted to two (2) staff per shift. The selection of those two staff is still under consideration and requires further discussion with our labor partners. This step may last 60-90 days, depending on outcomes.

- **Phase 3 - Secured Stage.** After the Restricted Stage (60-90 day period when only two unit staff per shift are carrying OC spray), two OC spray canisters will be secured in a locked box in the unit and only accessible during extreme emergencies. Locked boxes will need to be procured and installed during the planning phase.
- **Phase 4 - Elimination.** Each unit and area will be independently assessed based on analysis as to when OC will be eliminated from specific units. The last staff to carry or be able to access OC spray generally will be crisis response personnel as more units will not have OC spray available in the housing units. The analysis of readiness to eliminate the secured canisters of OC spray will be based on the status of program enhancements, staff and youth feedback on training and programmatic services supporting the effort; a review of incidents giving rise to use of OC spray and outcomes of those events; and responses and supports given to address on-going issues or conflict in individual units.

Once the phase-out process begins, we anticipate within 9 months, staff working in a housing unit will not be issued OC to carry on their person and within 12 months, OC will only be available in secured boxed for extreme emergencies. We also anticipate that the placement of OC in secured boxes, after the spray has been eliminated from all housing units, will last approximately six months before OC spray is completely phased out.

- 4) Establishment of Review Committees (Force Intervention Response Support Team, Department's Force Review Committee, Critical Incident Leadership Team, and a Policy and Training Development Team) to validate and track the results of the Department's OC phase-out strategies, and review the stages of the transition and provide feedback to make any necessary changes as the phase-out process evolves to evaluate training, programming and other needs identified as OC is eliminated.

By creating a profound paradigm shift of trauma-informed service provision in the juvenile halls, improving the environments, including providing sufficient staffing, training, programming, and increased accountability, the use of OC spray can become a thing of the past, resulting in permanent and lasting positive culture change. The following four sections provide additional information on the strategies identified above, much of which will require a significant paradigm shift and resources, as well as constant assessment and correction, as time and experience informs our collaborative approach. The issuance of this interim report assists us in receiving additional feedback as we refine our plan, as this is an evolving process and aspects may adjust with additional feedback.

I. ELIMINATION OF OC SPRAY IN THE JUVENILE CAMPS

Closure of Challenger Memorial Youth Center (CMYC)

CMYC remains the only Probation Camp that issues OC spray to staff, as other camps have been functioning for many years without the use of OC spray. As part of the Department's Camp Consolidation Plan, CMYC is currently scheduled for closure on July 31, 2019, at which time, the Department will have effectively removed all OC spray usage by the Residential Treatment Services Bureau (RTSB). Youth and staff will be appropriately transferred to other camps. The operations at all other RTSB facilities will proceed without any phase-out deployment.

II. PLANNING FOR THE ELIMINATION OF OC SPRAY IN THE JUVENILE HALLS

In order to prepare the facilities, staff and youth for the phase out of the use of OC spray in the juvenile halls, Probation will proceed with appropriate due diligence and will require several months to implement reforms, include the following initiatives:

Updates to Current Policies and Procedures

To create a foundation for the phase-out process, Departmental policies and procedures will be updated, including ones that are not specifically related to OC spray. The Department is updating our Physical Intervention (Use-of-Force) Policy, to clarify expectations and provide staff with de-escalation and physical intervention techniques to work through crisis situations without the use of OC spray. Examples include:

Updates to Physical Intervention (Use-of-Force) Policy

- The Physical Intervention (Use-of-Force) Policy and associated training will be fully updated by July 31, 2019. Although the use of OC spray will remain an option in the updated policy pursuant to our plan, the policy will reflect that its use will be phased out as the program is rolled out. The policy's section regarding OC spray will be removed as part of a future revision. As policy changes are finalized, they will be made available to the public via the Department's public website.
- To the degree that IT systems and resources allow, supporting physical intervention documentation templates will be updated to capture necessary data points to effectively monitor results (i.e. de-escalation tactics used, demographics of youth, associated injuries, post incident support). This process will include analysis of the mechanisms necessary to assist in the accurate capture of data that will help the Department maximize its data-driven decision processes as recommended by the OIG.

Closure of Los Padrinos Juvenile Hall

Attempting to reduce OC spray in multiple facilities with staffing constraints will prove challenging. Fortunately, Probation has been planning for the July 31, 2019 closure of Los Padrinos Juvenile Hall (LPJH). We are working with our labor partners to redirect staff from LPJH to assist with filling critical vacancies as well as augment staffing in the two remaining facilities. The redirecting of staffing will be accompanied by training staff on new policies and protocols in preparation for the OC spray phase out.

Additionally, Probation will be seeking support in reducing supervision ratios in the two remaining juvenile halls from the current 1 staff per 8 youth to an ideal 1 staff per 5 youth during waking hours. This will enable the Department to provide additional staff to support enhanced programming and provide additional response staff should an incident occur. The closures of the CMYC and LPJH aid in addressing these challenges. However, while unrelated, those closures were planned to also assist with the potential Title IV-E Waiver revenue loss; therefore, Probation will be submitting a resource request as an attachment to the upcoming final report, and has referenced the request in its FY 2019-20 Unmet Needs memorandum to the Board.

Juvenile Halls OC Usage and Physical Interventions Data Analysis to Determine How to Best Phase Elimination and Redistribution of Staff

Probation is in the process of reviewing the data associated with OC spray usage in each living unit in the halls to determine how best to eliminate OC spray in phases. Additionally, the Department will review the history of the use of physical interventions and OC spray by all staff working in the juvenile halls. Staff will be redistributed to support placing experienced staff in partnership with less experienced staff, as well as pairing those who have demonstrated the greatest ability to engage youth without the use of OC spray with those who have been more reliant on using OC spray during critical incidents. The redistribution of staff will be completed by July 31, 2019. During August 2019, teams will be trained before units begin being placed into the phase-out protocol on September 1, 2019.

The prevalence of force and associated injuries will also need to be “baselined” for future analysis. Utilizing recommendations from various sources, including PRIT and the OIG, Probation will be using the planning period to analyze 6-12 months of force data to create a baseline as well as to seek a contract for an external outcome evaluation.

Training for Staff

Prior to implementing the initial phase-out of OC spray, training will be provided to properly prepare juvenile hall staff for the change, including additional interagency de-escalation, trauma-informed treatment, youth engagement, and physical intervention. Our overarching strategy to phase out the use of OC spray relies on the camp system’s “LA Model” as the foundation for youth treatment in juvenile halls.

We will communicate with all staff and labor partners to ensure their awareness of the phase-out plan and goals, and will conduct listening sessions at both juvenile halls to allow staff to ask questions and voice concerns; these will be addressed by managers. In addition, because the current “refresher training” process for perishable use-of-force skills is insufficient, the Department will incorporate a new, more in-depth, annual recertification process. Probation staff also need training on stress reduction, personal wellness practices and vicarious trauma/compassion fatigue. Probation will require staff and overtime funding to allow staff time “off post” to attend the trainings. Examples of training include but are not limited to the following and many will be taught in conjunction with DMH, LACOE and other partners. The trainings will be provided for staff at juvenile halls and camps.

Externally-Developed Training

- In collaboration with DMH and the University of California, Los Angeles (UCLA), focus groups have been formed to assess further training needs in working more effectively with youth that exhibit more severe mental health symptoms and behavior. The Department is exploring the inclusion of the “Crisis Intervention Behavioral Health” course to address mental health-specific needs of youth in the de-escalation process. This 16-hour course is designed to train staff to manage crisis situations involving youth with serious mental illnesses and/or developmental disabilities. The Department is exploring other trainings in partnership with universities.

- In partnership with JKM Training, Inc., the Department developed a 16-hour course to serve as an annual refresher for all physical intervention training, including documentation, incident review process, de-escalation techniques, Departmental policy, as well as physical intervention skills and practices. As of March 11, 2019, the Department obtained certification for 16 trainers to provide the refresher training to all juvenile facilities staff.

The Department has contracted with Crisis Prevention Institute (CPI) to provide Nonviolent Crisis Intervention Skills (NCIS) training. This course will provide staff with an effective framework for decision making and problem solving to prevent, de-escalate, and safely respond to disruptive or assaultive behavior. As of March 11, 2019, the Department has successfully obtained certification of 20 departmental officers to disseminate training in the CPI Program Components course. The Department has trained 505 staff in this course and plans to continue the training to include all juvenile facility staff.

- Trauma Informed training has been developed and has been provided in the juvenile halls but will be expanded with the overall initial and on-going training plans.

Internally-Developed Training

- A “Rapport Based Supervision” course curriculum is being developed for the juvenile halls. This curriculum, adapted from a successful program introduced in the camps, includes key topics such as, providing safe and effective supervision practices, including teamwork, communication, consistency, trauma and factors affecting youth development, engagement with youth, and creating professional and trusting relationships. The development of this curriculum will include input from workgroups conducted with line staff.
- The Department has certified 25 trainers to train Department personnel in effective communications. This course is designed to teach staff how to effectively communicate and gain voluntary compliance from agitated and initially non-compliant youth in juvenile facilities by utilizing key skills such as active listening and non-verbal communication.

Mental Health Collaboration

As made clear by the Board, and all team members concur, mental health personnel desire and are necessary to play a much more pronounced role in juvenile services. A large proportion of the youth in the juvenile halls have open mental health cases for a variety of reasons (approximately 92% as reported in a recent PRIT meeting). The increased involvement of DMH is a key component in implementing a model for a more responsive, therapeutic form of juvenile custody. The Department will continue to collaborate with DMH to expand/develop youth-centered programming and enhance our de-escalation and communication efforts towards youth in crisis. To accomplish this, the teams are recommending augmentations to DMH in the following manner:

- **Establishment of Crisis Stabilization Units (CSUs) at BJN and CJH:** In the halls, many youth currently placed on direct supervision would benefit from a unit designed specifically for stabilization. Additionally, as juvenile halls are an entry location for the system, the youth can arrive in crisis or enter crisis during their stay and the Probation staff have insufficient

training and options to address their profound needs. DMH and Probation will be seeking support and resources to establish designated units to stabilize youth who are in crisis.

- **Establishment of a Crisis Outreach and Response Team (CORT)² at BJN and CJH.** DMH and Probation seek to create a Crisis Outreach Response Team (CORT) at each juvenile hall. This interdisciplinary team of DMH and Probation staff will serve as a rapid response team for crisis situations. In situations where the CORT team deploys, specifically trained DMH members will serve in a more direct role in engaging youth in crisis to assist with de-escalation. DMH and Probation will be seeking support and resources to establish these teams.

Increase Clinical Personnel in Housing Units. The Departments recognize that DMH is not able to provide ideal coverage and services with existing resources. DMH will be seeking resources to expand clinical coverage to 16 hours per day in each housing unit, phasing in the staffing increase in alignment with the phase out of OC spray. DMH and Probation will be seeking support and resources to increase services.

Implementation of the LA Model in Juvenile Halls – Programming Enhancements

The Department's primary strategy to decrease the level of youth violence and create safe environments revolves around providing all youth with a variety of engaging programming options. A core component of the LA Model is the belief that youth who are engaged, busy and interested in participating in activities are less likely to act out or cause disruptions.

Program enhancements for the pilot units will be requested utilizing Juvenile Justice Crime Prevention Act (JJCPA) funding with the goal that programming opportunities will be available every day and during the evenings. We anticipate programming augmentation will begin as the phase out begins, targeting the units moved into the phase out strategy as well as the "high OC spray utilization" units first, with the goal that all units have enhanced programming over time. Examples of programs include but are not limited to:

- arts
- job readiness training
- gang interdiction
- conflict resolution
- parenting and family reunification
- sports

Several programs successfully implemented in our camps systems will be introduced into the juvenile halls. By utilizing these proven models, which are being implemented in facilities which have been operating without OC spray, we hope to achieve the same level of success in behavior management in the juvenile halls.

² The name of the unit is under discussion; title used as placeholder for interim report.

- **Cognitive Behavioral Therapy (CBT).** Cognitive-behavioral interventions utilize a problem-solving approach to help people identify and change the dysfunctional beliefs, thoughts, and patterns of behavior that contribute to their problems. Cognitive therapy is a way to gain control over inappropriate, repetitive thoughts that often feed or trigger various presenting problems.
- **Multi-Disciplinary Teams (MDT).**³ Prior to community re-entry, the MDT will assist the youth in developing a structured aftercare relapse prevention plan that will incorporate building pro-social support networks while building a suitable accountability plan to ensure successful transition. The plan will include a list of items needed to make a successful transition such as identification, resume, housing, medical care, support groups, transportation, and employment. This team will also assist with identifying youth who could be diverted or placed in alternative settings, as well as assist with family or caregiver connection.

Revised Staffing Model

The Department has conceptualized an enhanced staffing model, supported by the principles of the LA Model which is designed to support a small-group, therapeutic living unit structure to create more positive and interactive relationships between staff and youth. In addition, it will provide sufficient staff to supervise the youth in a variety of activities. This model of care is intended to realign the tasks and activities of juvenile facility staff into job descriptions and roles that are focused on the care and support of youth residing in our facilities. The Department will complete and present a "Staffing Structure Needs Analysis" to determine the number of staff required to efficiently operate the facilities using this small-group, therapeutic milieu, with an ideal supervision ratio of 1:5 during normal waking hours.

The roles of each staff in the juvenile halls will be reassessed and reorganized to increase the efficiency and effectiveness of the overall team. The Department will also be requesting the following items:

- **Introduction of the Deputy Probation Officer III (DPO III) Series.** These staff will serve as Subject Matter Experts (SME) who perform the function of Master Trainers in a variety of institutional practices. Additional functions of this classification will be to assist in the development and implementation of additional training programs and serve in a lead role to oversee and guide the small group model program focus. These Officers' experience with casework will assist in providing support for cognitive behavioral therapy (CBT), support family engagement and discharge planning, and ensure that that our behavioral modification programs are being disseminated properly and producing desired outcomes.⁴

³ Exact name of team under discussion; title used as placeholder for interim report.

⁴ DMH and Probation are also exploring the appropriate Probation classification to serve as the co-located staff with the CORT team.

- **Increase Supervision.** The Department plans to include a request for additional Supervising Detention Services Officers (SDSOs) on each shift. This change would increase staff support, supervision, safety, and accountability. SDSOs are needed to train staff, ensure programming is occurring, help immediately resolve problems and assume responsibility of crisis situations, and appropriately direct and guide staff to take the correct actions.

Behavioral Management Program

The Department's Behavior Management Program (BMP) is designed to motivate youth to be consistent in demonstrating appropriate prosocial behaviors by providing rewards, incentives/privileges, and sanctions that provide them with on-going feedback concerning their behavior. In partnership with DMH, LACOE, and labor, the Department will continue to improve on this model by updating the BMP to align with the programming and practices of the LA Model.

The update will include the development of a system to address the motivations and factors affecting the longer-term populations in juvenile hall and a system of graduated sanctions for misbehavior. This system will be modeled after the Developmental Stage System being developed for Campus Kilpatrick, which utilizes the principles of positive youth development.

The goal is to achieve a system that supports the needs of both short-term and long-term populations. To help accomplish this, a complete review and update of current behavior management programming rewards and sanctions policies and practices will be completed, with assistance from our internal partners and external service providers.

Facility Renovations⁵

The conditions in which the youth reside and staff work are not rehabilitative in nature and may exacerbate or actually induce trauma. For example, the units are linear in design, have hardened furniture and lack art and non-institutional feel in living units and in the common areas. To reduce the cold and institutional feel of the living units, housing units where the pilot program will begin will require renovation to a more home-like. Assuming funding for renovation and furniture replacement, Probation proposes to begin renovations of living units at CJH and BJN, starting with units selected to begin the process of OC spray phase-out, with rolling renovations until all living units have been updated and refurbished. Additionally, common areas will continue to be transformed to include murals, gardens, and shaded seating areas.

Communication Equipment

Updated emergency communication equipment (radios) will be programmed and issued to staff as they assume their posts. The goal is to improve response time from staff outside of each unit when a crisis occurs, as well as create a personal alarm system. The radios are expected to be available by July 31, 2019 to begin programming for issuance.

⁵ While a longer-term strategy, increased diversion, expansion of community mental health options, redesign of existing camps to small group model, and replacement of Central Juvenile Hall are all projects underway either by Probation or under Board direction to County partners.

A request will be submitted to obtain funding for a centralized Probation radio command center to be operated 24-hours a day, 7 days a week. Once in place, this center will ensure that distress signals and requests for support are reported and quickly responded to by camp, hall, transportation, and field personnel, and that outside aid from law enforcement, medical, or fire can be summoned quickly during a major emergency, such as the Woolsey Fire experienced at Campus Kilpatrick or the recent group disturbance at Camp Rockey.

III. GRADUAL PHASE-OUT OF OC SPRAY

As envisioned by the Board and recommended by PRIT, the process of elimination of OC spray will involve a gradual phase-out. Probation is currently anticipating doing so by clustering groups of housing units to begin the four-phase approach. The units likely will be selected based on utilization rates of OC spray and the phase out will begin as units are renovated, staff have been trained together, mental health clinical support is enhanced, and programming is augmented. The elimination of OC spray in each housing unit will occur in four (4) phases:

- **Phase 1 - Voluntary Stage.** After being trained, staff will have the option to not carry OC spray in their assigned housing unit. We anticipate some staff selecting this option as we know most staff do not use OC spray. This step may last 30-60 days, depending on the historical frequency of use of OC in the particular housing unit and staff and youth comfort with progressing to the next stage of the phase out.
- **Phase 2 - Restricted Stage.** After the Voluntary Stage (30-60 day period during which staff can opt to not carry OC spray), the issuance of OC spray in the housing unit will be restricted to two (2) staff per shift. The selection of those two staff is still under consideration and requires further discussion with our labor partners. This step may last 60-90 days, depending on outcomes.
- **Phase 3 - Secured Stage.** After the 60-90 day period when only two unit staff per shift are carrying OC spray, two OC spray canisters will be secured in a locked box in the unit and only accessible during extreme emergencies. Locked boxes will need to be procured and installed during the planning phase.
- **Phase 4 - Elimination.** Each unit and area will be independently assessed based on analysis as to when OC will be eliminated from specific units. The last staff to carry or be able to access OC spray generally will be crisis response personnel as more and more units will not have OC spray available in the housing units. The analysis of readiness to eliminate the secured canisters of OC spray will be based on the status of program enhancements, staff and youth feedback on training and programmatic services supporting the effort, a review of incidents giving rise to use of OC spray and outcomes of those events, and responses and supports given to address on-going issues or conflict in individual units.

Based on the time needed to close LPJH and redirect staff to their new assignments, update policies, update training, renovate units, seek and fund staffing augmentations, recruit mental health personnel, contract for additional programs, analyze data, issue radios, and complete other critical steps, we anticipate that the actual movement into the *Voluntary Stage* for the first juvenile hall units will not occur until September 1, 2019. However, once the process begins, we expect that staff

working in a housing unit will not be issued OC to carry on their person within 9 months of beginning the departmental phase out. Within 12 months, OC spray will only be available in secured boxes for extreme emergencies. Probation anticipates that the placement of OC spray in secure boxes will last approximately six months before OC spray is completely phased out. Continual assessment and adjustment will inform the timing and strategy but with program enhancements, training, supportive mentoring and transparency in outcomes, the Department is confident the County of Los Angeles can lead in the elimination of OC spray in juvenile facilities.

IV. ESTABLISHMENT OF REVIEW COMMITTEES

To validate and track the results of the Department's OC spray phase-out strategies, several committees and support teams have been or will be established. These entities will be responsible for reviewing the stages of the transition and will continue to provide feedback to make any necessary changes as the process evolves to evaluate training, programming, and other needs identified as OC spray is eliminated.

- **Force Intervention Response Support Team (FIRST).** FIRST is an early response review and support team for uses of force and critical incidents in the Department's juvenile facilities. FIRST's main purpose is to assist facilities in preparing accurate and quality use of force reports by providing incident oversight and on-site investigative analysis and support. FIRST staff will be expected to conduct intensive post-incident reviews and respond on-site for critical incidents. FIRST staff also will be tasked with reviewing compliance to policies and training, and with identifying trends associated with facility-based challenges to improve those policies and trainings. Funding for this team is expected for the upcoming fiscal year.
- **Department's Force Review Committee (DFRC).** The Department's Critical Incident Review Committee will also serve as the DFRC. The DFRC review will be a retrospective evaluation of a critical use of force incident to: ensure that employee actions were in accordance with Departmental policy, procedures and training; determine the effectiveness of existing policies and procedures before and after an event; address the root causes of an event; and to prevent similar incidents from occurring in the future.
- **Critical Incident Leadership Team.** Prior to the elimination of OC spray, an executive level Critical Incident Leadership Team, in partnership with other Departments, labor organizations, and OIG, will be convened to review all OC spray use. This team will be established by August 30, 2019.
- **Safety committees** have been organized at each juvenile facility, consisting of various levels of facility personnel, including executive management, line staff, union representatives, and County agency partners (e.g., DMH, JCHS, and the Los Angeles County Office of Education (LACOE)). The purpose of these committees is to address facility concerns and/or issues, including systemic policy and procedural barriers, with a focus on collaboration to improve the safety of youth and staff.

- **Peer Support Teams** - On January 1, 2018, a Peer Support Program was implemented. This program consists of staff who are trained to provide support and reassurance to peers who may be experiencing stress or are in crisis. The program's goal is to help staff clarify their perceptions, bolster their self-esteem, and develop new skills to manage stress. Managers will continue to refer staff to this and other existing services, such as the Employee Assistance Program (EAP) and Employee Support Services (ESS).
- **Policy and Training Development Team.** The prevention phase will include establishing a Policy and Training Development Team consisting of subject matter experts and multiple stakeholders (e.g., Probation Oversight Commission, County Counsel, bargaining units, Youth Councils, OIG, DMH, LACOE, Program Providers) to develop a comprehensive set of policies and trainings required to effect the paradigm shift from a "custody and control" ethos to one that is more therapeutic in nature. This team will also provide recommendations to the Department on utilizing newer technologies to share physical intervention policies and data publicly.

Establishing Internal Support Systems

The Department recognizes that a significant number of support structures will need to be built to further the goals outlined for the OC spray phase-out. Creating a physical plant that allows for small group living units in the juvenile halls requires significant changes to the existing structures. Similarly, establishing a more therapeutic environment will require a significant paradigm shift and additional resources.

An operation the size of the Probation Department, will require a great deal of support and resources to realize the desired improvements. In partnership with both our internal and external stakeholders, we are building a foundation to help accomplish the needed tasks and smooth out the transition process. Building on recommendations from RDA's report, PRIT, OIG, various audits, the Accountability Plan and the OC phase-out plan, much work remains to build a Department that can sustain transformation. In addition, the Department continues to advocate for resources identified in the Accountability Plan to augment various areas, including training, policy development, and internal affairs investigations.

CONCLUSION

The Department and our partner agencies are committed to leading and providing the necessary changes to create a safe and secure environment for all youth and staff without the utilization of OC spray. By creating a culture of care and support in the juvenile halls through enhanced staffing, collaboration, coordination, training and programming described above, this profound paradigm shift in juvenile services will provide alternatives and early intervention to eliminate the need for OC spray and lessen the need for use-of-force through the development of effective de-escalation and prevention strategies. By utilizing the aforementioned resources and committees, the Department will be better equipped to gather accurate and quantitative data to assist in formulating and evaluating its success and efficacy. Probation is finalizing the comprehensive report and will be available to present to the Board on June 25, 2019. As with any complex and sensitive matter, time and experience will guide the department and our partners as we work together to make this successful.

Each Supervisor
May 24, 2019
Page 14 of 14

Please feel free to contact me if you have any questions, or your staff may contact Sheila Mitchell, Chief Deputy, Juvenile Services, at (562) 940-2511.

TLM:SEM:DA

- c: Honorable Victor Greenberg, Presiding Judge of the Juvenile Court
- Sachi A. Hamai, Chief Executive Officer
- Celia Zavala, Executive Officer, Board of Supervisors
- Mary C. Wickham, County Counsel
- Janice Fukai, Alternate Public Defender
- Fred Leaf, Interim Director, Health Agency
- Max Huntsman, Office of Inspector General
- Scott Minnix, Director, Internal Services Department
- Jonathan E. Sherin, Director, Department of Mental Health
- Joe Gardner, President, Probation Commission
- Saúl Sarabia, Executive Director, Probation Reform and Implementation Team
- Ricardo Garcia, Public Defender
- Debra Duardo, Ed.D., Superintendent, Los Angeles County Office of Education
- Justice Deputies