

PLEASE CLICK ON THE COUNTY OF LOS ANGELES SEAL  
TO RETURN TO THIS PAGE

[CLICK HERE FOR THE EXECUTIVE DIRECTOR OF THE PROBATION OVERSIGHT COMMISSION'S  
REPORT DATED JANUARY 11, 2023](#)

[CLICK HERE FOR THE INSPECTOR GENERAL'S REPORT DATED JANUARY 11, 2023](#)

[CLICK HERE FOR THE INSPECTOR GENERAL AND LOS ANGELES COUNTY PROBATION  
OVERSIGHT COMMISSION'S REPORT DATED JANUARY 31, 2023](#)

[CLICK HERE FOR THE INSPECTOR GENERAL AND LOS ANGELES COUNTY PROBATION  
OVERSIGHT COMMISSION'S REPORT DATED FEBRUARY 21, 2023](#)

[CLICK HERE FOR THE INSPECTOR GENERAL'S REPORT DATED MARCH 6, 2023](#)

[CLICK HERE FOR THE EXECUTIVE DIRECTOR OF THE PROBATION OVERSIGHT  
COMMISSION'S REPORT DATED MARCH 6, 2023](#)

[CLICK HERE FOR THE DIRECTOR OF THE DEPARTMENT OF YOUTH DEVELOPMENT'S REPORT  
DATED MAY 30, 2023](#)



**WENDELYN JULIEN**  
EXECUTIVE DIRECTOR

# COUNTY OF LOS ANGELES PROBATION OVERSIGHT COMMISSION


KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, SUITE 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 633-5777 • [www.poc.lacounty.gov](http://www.poc.lacounty.gov)

## MEMBERS OF THE BOARD

HILDA L. SOLIS  
HOLLY J. MITCHELL  
LINDSEY P. HORVATH  
JANICE HAHN  
KATHRYN BARGER

January 11, 2023

TO: Supervisor Janice Hahn, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Lindsey P. Horvath  
Supervisor Kathryn Barger

FROM: Wendelyn Julien  
Executive Director 

**SUBJECT: FIRST REPORT BACK ON THE PHASING OUT OF OLEORESIN CAPSICUM (OC) SPRAY AT CENTRAL JUVENILE HALL (ITEM NO. 9, AGENDA OF DECEMBER 20, 2022)**

On December 20, 2022, through a [motion](#) by Supervisors Solis and Horvath, the Board of Supervisors (Board) instructed the Probation Oversight Commission (POC) and the Office of the Inspector General (OIG) to regularly report back on the Los Angeles County Probation Department's (Probation) implementation plans for and progress on phasing out OC Spray in housing units that incarcerate youth with developmental disabilities, girls and gender expansive (GGE) youth at Central Juvenile Hall (CJH).

**Directive 1: Direct the Probation Department to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the Office of Inspector General (OIG), to phase out the use of OC spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive (GGE) youth at Central Juvenile Hall (CJH).**

POC and OIG met with Probation leadership on December 29, 2022, and again on January 5, 2023 to discuss the initial plans for compliance with the motion and Probation's implementation plan for the phase out of OC spray.

Probation has begun to take steps toward compliance with the directives and the eventual goal of phase out of OC Spray as follows:

- Probation will assess the staff and youth in the targeted units to determine that the staff assigned to the targeted units have the right skills to successfully implement the phase out and that the youth are appropriately placed in the units.
- The week of January 2, 2023, the Probation Executive Leadership Team met with Probation supervisors and directors to discuss the most effective approach to meeting the goals of the motion.
- Some staff in the current units want to remain to implement the phase out, others may be moved, and others may volunteer to come into the units.

- Probation has already incorporated some of the required information into the weekly OC spray reports that are shared with the Board of Supervisors, the POC, and OIG including the shift during which the spray occurred, and additional data will be collected and shared pursuant to the motion.

**Directive 3: Direct the POC and the OIG to oversee the implementation and evaluation of the phase out of OC spray at CJH and report to the Board, in writing, every 14 working days, until the completion goal of February 27, 2023.**

***The status and re-implementation of the Regional Center training and any additional trainings.***

- For a number of years before 2020, Probation provided training to Detention Services staff on identifying youth with developmental disabilities and providing appropriate referrals. Probation received training from the Regional Center and implemented training using the “train-the-trainer” model. That training ended due to the COVID-19 pandemic. Probation’s executive leadership team has actively reached out to internal staff experts who previously led the training to discuss the content, purpose and effectiveness of the training and to discuss reinstatement of the training. Probation has identified enhancements to this training and is working with LACOE to implement more comprehensive training and tools to assist Probation staff in working closely with youth with development disabilities.
- Probation is meeting in January 2023 with the Los Angeles County Office of Education (LACOE) about collaborative training by LACOE about working with youth with developmental disabilities from an educational perspective.
- The California state curriculum for the Probation academy was recently revised (2020) and now includes trauma-informed care and working with youth with developmental disabilities. This training is received by all new recruits to Los Angeles County Probation through the academy.

***How training is conducted and deployed, including the effectiveness of the “train-the-trainer” model.***

- **Academy Training:** Probation provides Juvenile Correctional Officer Core (JCOC) training (the “academy”) to new hires into the department at the level of GSN and DSO who will begin their careers in Probation working in the juvenile halls. The JCOC consists of 22 modules and includes physical ability and classroom knowledge.
- **Continuing Training:** Probation also provides ongoing training to staff working in the juvenile halls. The State of California Board of State and Community Corrections (BSCC) regulations require 24-40 hours per year of continuing education for peace officers which applies to all sworn staff working in the juvenile halls. The Probation Department also requires additional continuing education to comply with the requirements of the Department of Justice (DOJ) settlement agreement, to provide de-escalation training pursuant to the agreement for OC phase out, and for other special training needs (for example training on NARCAN use or on the usage of new radios).
  - Since September 2021, the required BSCC training hours and the training required by DOJ has been provided through what is commonly referred to by Probation as “Cohort Training” or “DOJ Training” or “De-escalation Training” (referred to hereinafter as “Cohort Training”).
  - Cohort Training is a two-week, 80-hour curriculum during which Probation staff are trained in groups of approximately 25 (10 from Barry J. Nidorf Juvenile Hall, 10 from Central Juvenile Hall, and 5 from Transportation). For the juvenile halls,

Cohort Training is conducted by the professional training staff of the Probation Department, not through the Train-the-Trainer Model. Trainers are POST certified in de-escalation.

- Cohort Training has faced obstacles to successful implementation including:
  - Due to the BSCC annual requirements (met in week one), the course has been divided into two separate weeks which has meant that some staff have only completed one of the two weeks of training.
  - Some employees are unable to complete the full training because they are on work restrictions that limit their ability to participate, in particular in the defense tactics physical component of the training.
  - Many staff have not completed the training because they are on short or long-term leaves. This is most concerning at Central Juvenile Hall where 31% of staff are “inactive” according to Probation, which does not include the many staff who are out on FMLA and/or other intermittent and short-term leaves.
  - The staffing crisis has limited the ability to take staff out of the facilities for training and has basically ended any ability to train staff in unit “cohorts” so that staff from the same unit would train together.
  - In total, at Central Juvenile Hall, 88 staff (22%) have completed both weeks of training, 83 staff (21%) have completed no training, and 228 (57%) have completed one week of training.
- Probation reported at the December 29, 2022 meeting with the POC and OIG that they are taking steps to implement changes to their internal training bureau by reviewing curriculum, instruction methods, and deployment of training staff to the institutions.
- Train-the-Trainer: This model of imparting training is common practice in large law enforcement agencies due to necessary efficiencies and effectiveness, according to Probation’s Executive Leadership Team. It allows staff to gain expertise and share that learning with their peers without requiring staff to leave the job site. However, the train-the-trainer model is not currently in use for de-escalation training. Instead, Probation’s professional training bureau and a selection of outside experts are providing the Cohort training at Probation’s Training Center.

***The effectiveness of training in teams/units versus individuals.***

During the meeting between Probation leadership, OIG and POC on January 5, 2023, Probation explained that, while training in teams or units is more effective because of the impact of building a cohort and leading to smoother implementation of changes, the staffing crisis has made training in teams or units impossible. The Probation Department instead has allowed the institutions to send the staff they are able to spare to training. This has led to greater compliance and better participation figures at Barry J. Nidorf Juvenile Hall as compared to Central Juvenile Hall.

Probation has also attempted both recently and over the past few years to train agency partners including particularly the Department of Mental Health (DMH) and the Los Angeles County Office of Education (LACOE) in de-escalation and other related topics. This was not particularly successful with DMH due to the number of staff telecommuting during the pandemic and the training being offered in person, on-site at the Probation Training Center. More recently, Probation has seen better participation from LACOE in partner trainings after creating a training specifically directed for LACOE employees in the Summer of 2022 and being offered currently on days that LACOE teachers have early release with pupil-free time available for training. This training is being offered, in part, because the DOJ settlement agreement requires collaborative training between the departments.

***The impact of training on staff's ability to de-escalate situations.***

To measure the effectiveness of Cohort Training, Probation conducts course evaluations following each module of training. Outcomes of the surveys are strongly favorable, with staff particularly appreciating the scenario-based components of training. However, actual impact on staff's ability to deescalate critical situations is not currently measured.

Probation has not invested in significant outcomes measurement for this issue which has been identified as a department-wide issue and priority for the executive leadership team. The measurement of the effectiveness of de-escalation training presents challenges, however, including that the likelihood that an employee uses spray may be highly dependent on population changes within the unit where they work, the team of staff with whom they work, and other external factors. Probation's plan to address this is and better measure the actual outcomes on an individual basis is the Early Intervention System which is still in development and subject to negotiation with labor.

There was some consensus between Probation, OIG, and POC, however, that despite the challenges of measuring individualized effectiveness of the training, that the most accurate measurement available to the County at this time is to review trend lines related to OC spray use and uses of force and expect to see a trend line showing overall declines. A second agreed-upon goal was to offer a pre-test and post-test for the training and to check back in with staff who have completed training weeks or months after completing the training to ask about their perceptions of the usefulness of the training and to provide examples of when they have used the techniques learned in training.

OIG has agreed to support efforts to learn more about staff's ability to deescalate situations by reviewing samples of video recordings incidents involving OC spray.

***The impact trained staff have on youth when de-escalation tactics are deployed.***

POC and OIG discussed this issue with Probation and determined that Probation intends to report back on to the Board, the POC, and OIG about a plan to improve the ability of staff to build rapport with youth and provide trauma-informed care and support. This issue will be discussed in more detail in future reports back.

***Interviews with youth in CJH regularly, subject to their attorney's consent, to determine accuracy of the Probation Department's reporting.***

A POC commissioner and two staff members visited Central Juvenile Hall on January 9, 2023 to confirm that the unit classification provided to the POC accurately reflects the placement of youth at the facility. This was necessary after December OC spray data indicated sprays in a unit (RS) that was marked "vacant" on the existing classification document. Probation provided a new classification document on December 29, 2022. During the visit, the POC found that:

- Probation reports that the number of youth housed on units designated for boys with developmental disabilities has been in decline over the course of the previous two months and the POC confirmed that the population is lower. The circumstances causing the population decrease are unclear, however Probation credits it in part to a better collaborative relationship with the courts to move these youth more quickly out of the halls. The POC is concerned about the possible disbursement of youth identified as developmentally disabled to other units and strongly encourages Probation to identify all sprays of these youth in the OC Deployment reports regardless of their housing unit.

- The POC asked Probation to share updated Unit Classification documents as soon as changes are made. There were two units identified that had reportedly been moved into other units for periods of time without updates made to Unit Classification documents. Probation responded immediately and thoroughly to this request, providing clarifications, informing the POC of the reasons and dates of the moves (and explaining that one move did not happen). Probation also agreed to share any updates in housing classifications, including dates of when any moves or changes happened and even if the move was temporary or related to vacancies, as soon as possible and no longer than two business days after the changes occur.

OIG and POC collaborated to develop interview questions for youth at Central Juvenile Hall and shared those questions with the Office of the Public Defender and Alternate Public Defender. OIG and POC staff will interview youth frequently over the phase out period and share any findings in future reports to the Board.

**Directive 4: Direct the OIG to track and collect data on staff who are engaging in multiple incidents of OC spray use, and in collaboration with the POC and the Probation Department, develop, review, and update policies on discipline and training regarding OC spray use.**

The POC has reviewed and developed recommendations regarding Probation's use of force policy which includes the OC spray policy. Those recommendations will be submitted to the Department for review by January 31, 2023.

The POC and OIG have reviewed the OC deployment reports since May of 2022 and found that all deployments reported are said to have been within policy or "N/A." POC has requested information on the meaning of "N/A" in this context and asked for an explanation of any auditing processes that are completed to validate that a deployment is considered within policy.

The POC has also closely tracked Probation's reports to the Board on the timeline for and progress on full phase out of OC spray. During the December 29, 2022 meeting, Probation informed the POC that the 13<sup>th</sup> report, which was due on December 27, 2022, was intentionally held back due to changes in the plan created by the new Board motion. Probation submitted the report on January 11, 2023 and will provide the next report to the Board and the POC by February 13, 2023.

Please feel free to contact me at [wjulien@poc.lacounty.gov](mailto:wjulien@poc.lacounty.gov) with any questions.

c: Fesia Davenport, Chief Executive Officer  
Adolfo Gonzales, Chief Probation Officer  
Celia Zavala, Executive Officer  
Dawyn R. Harrison, Interim County Counsel  
Justice Deputies, Board of Supervisors



# COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

312 SOUTH HILL STREET, THIRD FLOOR  
LOS ANGELES, CALIFORNIA 90013  
(213) 974-6100  
<http://oig.lacounty.gov>

## MEMBERS OF THE BOARD

HILDA L. SOLIS  
HOLLY J. MITCHELL  
LINDSEY P. HORVATH  
JANICE HAHN  
KATHRYN BARGER

MAX HUNTSMAN  
INSPECTOR GENERAL

January 11, 2023

TO: Supervisor Janice Hahn, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Lindsey P. Horvath  
Supervisor Kathryn Barger

FROM: Max Huntsman  
Inspector General

A handwritten signature in black ink, appearing to read "Max Huntsman".

SUBJECT: **FIRST REPORT BACK ON THE PHASE OUT OF OLEORESIN  
CAPSICUM SPRAY AT CENTRAL JUVENILE HALL (ITEM NO. 9,  
AGENDA OF DECEMBER 20, 2022)**

On December 20, 2022, the Board of Supervisors passed a [motion](#) directing the Los Angeles County Probation Department (Probation Department) to create an implementation plan in collaboration with the Office of Inspector General and the Probation Oversight Commission (POC) to phase out the use of Oleoresin Capsicum (OC) spray at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive youth (GGE). The motion directs that the phase out occur within 45 days, which was clarified to mean 45 working days. The motion further directs that the Office of Inspector General and the POC oversee implementation and evaluation of the Probation Department's phase out of OC spray at Central Juvenile Hall (CJH) with specified areas to be included in the evaluation and that the Office of Inspector General report to the Board every 14 days until the completion of the goal. After meeting and collaborating with the executive staff of the Probation Department and the POC, the Office of Inspector General provides this first report.

**Directive 1: Direct the Probation Department to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the**

**Office of Inspector General (OIG), to phase out the use of OC spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive (GGE) youth at Central Juvenile Hall.**

The Office of Inspector General and the POC met with the Probation Department on December 29, 2022, and on January 5, 2023, to discuss the initial plans for compliance with the Board's motion and its implementation plan for the phase out of OC spray in the units housing youth with developmental disabilities, girls, and gender expansive youth at CJH. The Probation Department executive staff reported that it has taken steps to achieve compliance with the directives and the goal to phase out use of OC Spray. As part of its implementation plan, the Probation Department will (1) assess the staff and youth in the targeted units to determine whether the staff assigned to these units have the necessary skills to successfully implement the plan to phase out the use of OC spray and (2) assess whether the youths in these units are placed in the appropriate unit based on the criteria for the units housing the developmentally disabled, girls, and GGE youth.

During the week of January 2, 2023, the Probation Executive Leadership Team met with the Probation Department supervisors and directors to discuss the most effective way the Probation Department is able to achieve the goals of the motion. One step is to ensure that the staff in the units will assist with the implementation. The Probation Department reported that staff expressing a willingness to remain in these units will stay to assist in the implementation of the phase out plan, it will explore finding volunteers willing to be assigned to these units to assist with implementing the phase out, and it will consider moving staff who express hesitation with assisting with the phase out.

**Directive 3: Direct the POC and the OIG to oversee the implementation and evaluation of the phase out of OC spray at CJH and report to the Board, in writing, every 14 days, until the completion goal of February 3, 2023.**

***The status and re-implementation of the Regional Center training and any additional trainings.***

The Probation Department acknowledges the importance of initial and refresher training of its staff relating to working with youths with developmental disabilities. Prior to 2020, the Probation Department provided training to Detention Services staff on identifying youth with developmental disabilities and providing appropriate referrals. Probation



Department staff received this training from the Regional Center and utilized the “train-the-trainer” model to train additional staff. This training stopped due to the COVID-19 pandemic and to date has not been reinstated. The Probation Department Executive Leadership Team has actively reached out to internal staff experts who previously led the training to discuss the content, purpose, and effectiveness of the training and to discuss reinstatement of the training. Probation has identified enhancements to this training and is working with LACOE to implement more comprehensive training and tools to assist Probation staff in working closely with youth with development disabilities.

The Probation Department’s academy curriculum was revised in 2020 to align with the California state curriculum and now includes trauma-informed care and working with youth with developmental disabilities. This training is provided in the Probation Department’s recruit academy. The Probation Department did not report on whether this training is an effective tool in moving toward the goal of phasing out OC spray.

The Probation Department plans to meet in January 2023 with the Los Angeles County Office of Education (LACOE) regarding collaborative training on working with youth with developmental disabilities from an educational perspective.

***How training is conducted and deployed, including the effectiveness of the “train the trainer” model.***

The Probation Department’s academy training provides Juvenile Correctional Officer Core (JCOC) training to its newly hired staff in positions of Group Supervisor, Nights and Detention Services Officer at juvenile halls as required by the State of California Board of State and Community Corrections (BSCC). The JCOC consists of 22 separate modules with some modules requiring testing of either classroom comprehension or physical ability.

The Probation Department also provides continuing training to its staff working in the juvenile halls. The BSCC regulations require 24-40 hours per year of continuing education for peace officers, which applies to all sworn Probation Department staff working in the juvenile halls. The Probation Department also requires additional continuing education to comply with the requirements of the Department of Justice settlement agreement, including de-escalation training.

Since September 2021, the Probation Department has provided Cohort Training, which is a two-week, 80-hour curriculum during which Probation Department staff are trained

in groups of 25 (10 from Barry J. Nidorf Juvenile Hall (BJNJH), 10 from CJH, and 5 from Transportation). In the juvenile halls, Cohort Training is conducted by the Probation Department training staff who are certified in de-escalation by Peace Officers Standards and Training. The Probation Department reported that there have been several obstacles to providing such training. Because the course is divided into one-week sessions, many staff members have not been able to attend both sessions due to work restrictions and short-term and long-term leaves. Per the Probation Department, staffing shortages have also prevented staff from completing training because it requires that the staff absences due to training be covered by other staff members. At CJH, 88 (22%) staff members have completed both weeks of training, 83 (21%) staff members have completed no training, and 228 (57%) staff members have completed one week of training.

The Probation Department reported at a December 29, 2022 meeting with the POC and the Office of Inspector General that it is taking steps to implement changes to its internal training bureau by bringing in a director to ensure that necessary training is conducted and completed in compliance with this motion.

According to the Probation Department, the “train the trainer” model allows a staff member to gain expertise in a particular area and then share that education with their peers without the peers having to leave the job site to be educated. The Probation Department is currently not using this model for de-escalation training but is utilizing its training bureau and a selection of outside experts to provide the training at its training center. Many law enforcement agencies utilize the “train the trainer” model for training their staff. The Office of Inspector General will review the model and analyze the effectiveness of it in comparison to the Probation Department’s current use of its own training bureau and outside experts.

***The effectiveness of training in teams/units versus individuals.***

During the meeting between the Probation Department’s executive staff, the Office of Inspector General and the POC on January 5, 2023, the Probation Department explained that while training in teams or units is more effective because it builds rapport among staff and results in a more seamless implementation of changes, the reported staffing shortages have prevented the utilization of this training method. Probation Department field staff are needed to cover absences in the facilities when staffing shortages arise, which prevents a continuous team from being assigned to a particular unit as staffing needs for a particular unit is prioritized over continuity in assignments.

The Probation Department reported that a greater number of staff at BJNJH have attended the training as it has been left to the command staff at the halls to decide whether there is sufficient staff coverage to allow other staff to attend training.

The Probation Department has also attempted to team train with agency partners such as the Department of Mental Health (DMH) and the Los Angeles County Office of Education (LACOE) in de-escalation and other related topics. However, the Probation Department reported that this approach was not particularly successful with DMH due to the number of DMH staff telecommuting during the pandemic while the training was offered on-site at the Probation Training Center. More recently, there has been better participation from LACOE in team trainings after the creation of a training session specifically for LACOE employees in the summer of 2022 that is offered on days that LACOE teachers have early release with pupil-free time available for training. The DOJ settlement agreement requires collaborative training with LACOE and the Probation Department and LACOE must ensure that the metrics in the DOJ settlement agreement are met.

***The impact of training on staff's ability to de-escalate situations.***

To measure the effectiveness of Cohort Training, the Probation Department conducts course evaluations of each training module. The results of the surveys are strongly favorable, with staff indicating their appreciation and usefulness of the scenario-based components of training. However, actual impact on staff's ability to de-escalate to avoid the use of OC spray is not currently measured by the Probation Department.

The Probation Department indicates that it will attempt to review the impact of de-escalation on an individual basis with use of its Early Intervention System, which will assist in identifying staff members in need of training. This system is still in development and subject to negotiation with labor. The Probation Department must take immediate steps to expedite the implementation of the Early Intervention System or devise a way in the meantime to measure the effectiveness of training for de-escalation.

The Probation Department, the Office of Inspector General and the POC, discussed a number of methods currently available that may be helpful to determine the impact of training on the Probation Department's staff's ability to de-escalate, such as: (1) a review of video recordings to evaluate the staff's use of de-escalation techniques taught in training, (2) a review of OC spray incidents to determine if there are fewer uses of OC spray by staff who received a greater number of de-escalation training hours as

compared with staff who received fewer hours of de-escalation training, and (3) feedback from trained staff regarding the usefulness of the training and to provide examples of when they have employed the techniques learned in the training. The Office of Inspector General will obtain and review available video recordings for a review of the effectiveness of utilizing de-escalation methods, specifically with regard to the use of OC spray.

***The impact trained staff have on youth when de-escalation tactics are deployed.***

The Probation Department, the Office of Inspector General and the POC discussed that one possible method by which to evaluate the impact that trained staff have on youth when de-escalation tactics are properly used is a review of video recordings to gauge the response by youths to the employment of de-escalation tactics. The Probation Department also noted it plans to report to the Board, the POC and the Office of Inspector General on its efforts to build rapport with the youths and to create a supportive environment.

***Interviews with youth in CJH regularly, subject to their attorney's consent, to determine accuracy of the Probation Department's reporting.***

The Office of Inspector General and the POC have jointly created a protocol for interviewing youths in CJH and the Office of Inspector General is in the process of obtaining consent from counsel to conduct the interviews of the youths. Interviews will be conducted of youths in units CD (girls), XY (girls), and AB (boys, developmentally disabled) relating to incidents involving the use of OC spray to compare the youths' accounts with that reported by the Probation Department in its reports, as well as the after-effects of OC spray on them.

**Directive 4: Direct the OIG to track and collect data on staff who are engaging in multiple incidents of OC spray use, and in collaboration with the POC and the Probation Department, develop, review, and update policies on discipline and training regarding OC spray use.**

On January 4, 2022, the Office of Inspector General contacted the Probation Department to obtain reports on staff's use of OC spray to determine if there are patterns of overuse by certain staff. As of the date of this report, the Office of Inspector General has not received the reports regarding multiple incidents of OC spray use by individual staff members. During the January 5, 2023, meeting with the Probation

Department executive staff, the Office of Inspector General was provided the name of a staff member to assist in getting the documents and the Probation Department has assured the Office of Inspector General that efforts are being made to provide the information.

The Probation Department is currently revising its policies relating to OC spray use. The Office of Inspector has reviewed the Probation Department's policies and will make policy recommendations while continuing to monitor the Probation Department's progress on updating policies. The Office of Inspector General has previously made recommendations regarding updating the policies for documentation of OC spray decontamination.

The Probation Department is not currently tracking situations involving staff with multiple uses of OC spray but believes that its anticipated Early Intervention System will assist in identifying such staff. The Probation Department is currently tracking whether a particular use of OC spray was in policy by way of its Physical Intervention Reports, which requires notation of use of OC spray.

The Office of the Inspector General has been attending and participating in the Probation Department's Central Intake Team meetings conducted by its Internal Affairs Bureau (IAB). Included in these meetings are reviews of alleged staff misconduct involving the use of OC spray and a determination of whether an IAB investigation is warranted to address potential misconduct. The Office of Inspector General will continue to participate in the meetings.

Please feel free to contact me with any questions.

MH:sf

c: Fesia Davenport, Chief Executive Officer  
Adolfo Gonzales, Chief Probation Officer  
Celia Zavala, Executive Officer  
Dawyn R. Harrison, Interim County Counsel  
Wendelyn Julian, Executive Director, Probation Oversight Commission

EXECUTIVE OFFICE



BOARD OF SUPERVISORS

COUNTY OF LOS ANGELES  
**EXECUTIVE OFFICE**  
BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • [www.bos.lacounty.gov](http://www.bos.lacounty.gov)

MEMBERS OF THE BOARD

HILDA L. SOLIS

HOLLY J. MITCHELL

LINDSEY P. HORVATH

JANICE HAHN

KATHRYN BARGER

January 31, 2023

TO: Supervisor Janice Hahn, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Lindsey P. Horvath  
Supervisor Kathryn Barger

FROM: Max Huntsman, Inspector General  
Los Angeles County Office of Inspector General

Handwritten signature of Max Huntsman.

Chief Deputy, Inspector General on behalf of Inspector General Max Huntsman

Wendelyn Julien, Executive Director  
Los Angeles County Probation Oversight Commission

Handwritten signature of Wendelyn Julien.

**SUBJECT: SECOND REPORT BACK ON THE PHASING OUT OF OLEORESIN CAPSICUM (OC) SPRAY AT CENTRAL JUVENILE HALL (ITEM NO. 9, AGENDA OF DECEMBER 20, 2022)**

On December 20, 2022, through a [motion](#) by Supervisors Solis and Horvath, the Board of Supervisors (Board) instructed the Probation Oversight Commission (POC) and the Office of the Inspector General (OIG) to report back every fourteen (14) business days on the Los Angeles County Probation Department's (Probation) implementation plans for and progress on phasing out OC Spray in housing units that incarcerate youth with developmental disabilities, girls and gender expansive (GGE) youth at Central Juvenile Hall (CJH). The POC and OIG submit this joint report.

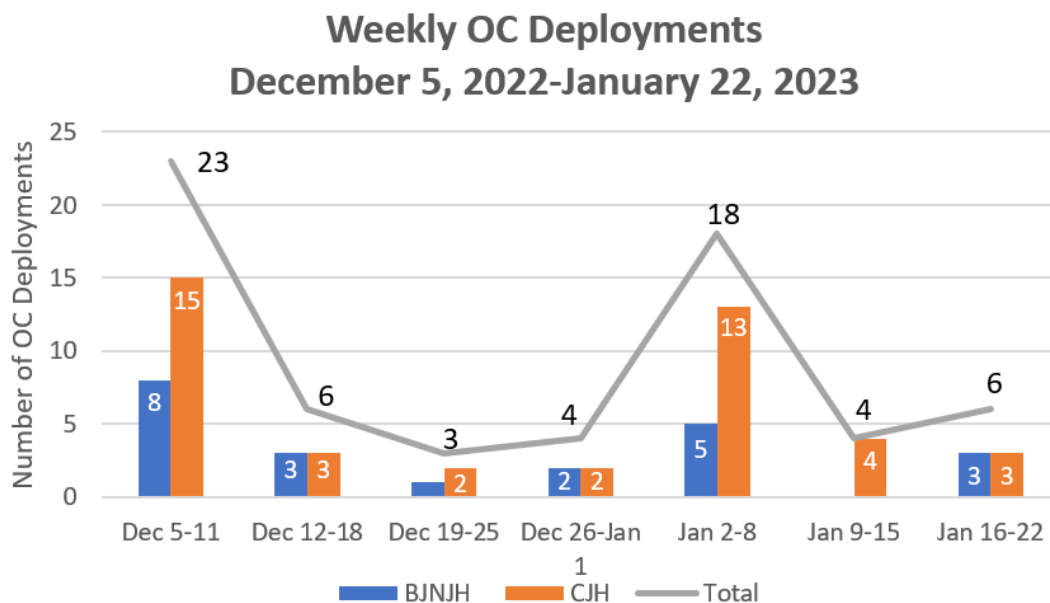
POC and OIG met with Probation leadership on January 24, 2023, and January 30, 2023, communicated regularly with leadership via email, and conducted investigations and interviews with youth, Probation staff, and through the review of specific incidents to collect the information in this report.

**Directive 1: Direct the Probation Department to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the Office of Inspector General (OIG), to phase out the use of OC spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive (GGE) youth at Central Juvenile Hall.**

Since the last report of January 11, 2023, Probation's progress toward compliance with the creation of a plan for full phase-out of OC spray in the juvenile halls and for phase out in the specified units at CJH by February 27, 2023, includes:

- Probation has identified 25 staff members who have volunteered to work in the units where spray will be eliminated.
- Probation has assigned approximately two staff per shift to the units where OC spray will be eliminated who are new recruits. These new recruits are recently trained in de-escalation and other strategies in the academy and are not issued OC spray.
- Probation met with staff to determine their training needs, identifying alternatives to OC spray as the major need including training on policies and best practices related to handcuffing, and use of force, among other topics.
- The 83 staff members that will be assigned to the five units at CJH housing girls, gender expansive youth, and youth identified as developmentally disabled have completed training as follows:
  - Completed both Block Weeks: 30 supervision staff
  - Completed Block Week 1 only: 11 supervision staff
  - Completed Block Week 2 only: 10 supervision staff
  - Attended Block Week 1, but missed one or more courses: 2 supervision staff
  - Attended Block Week 2, but missed one or more courses: 1 supervision staff
  - Attended both Block Weeks, but missed one or more courses: 9 supervision staff
  - Have not attended either Block Week: 9 supervision staff
  - Staff that do not have OC Spray: 11 supervision staff

Progress on decreasing the use of OC spray overall has varied widely week by week since the Board motion was passed. During the months of December 2022 and January 2023, there are weeks of few deployments punctuated by weeks with many deployments. Central Juvenile Hall is on pace to have as many, or more, deployments of OC in January as occurred in December. In contrast, during one week of the reporting period there were zero sprays at Barry J. Nidorf Juvenile Hall (BJNJH).



Use of OC spray has dramatically reduced in Central Juvenile Halls' Units AB and XY, units that house youth with developmentally disabilities and those identified as "emotionally challenged," since the publication of the POC's OC summary in November 2022. For the period between January 1-22, 2023, there have been zero deployments reported for either unit. Unit CD, a unit where girls are housed, had four OC deployments from January 1-22.

The POC is currently working with Probation to address and reconcile a data discrepancy that was discovered in OC reporting. Specifically, Probation's weekly OC spray reports that are provided to the Board show fewer OC deployments per month than Probation's OC Phase Out Quarterly report does for the months of June, October, November, and December 2022.<sup>1</sup>

Month	Weekly Reports	Quarterly Report
June	43	44
October	76	77
November	39	42
December	36	37

**Directive 3: Direct the POC and the OIG to oversee the implementation and evaluation of the phase out of OC spray at CJH and report to the Board, in writing, every 14 working days, until the completion goal of February 27, 2023.**

***The status and re-implementation of the Regional Center training and any additional trainings. How training is conducted and deployed, including the effectiveness of the "train-the-trainer" model.***

- At a meeting between the POC, the OIG, and Probation leadership on January 24, 2023, Probation reported that they met with the Los Angeles County Office of Education (LACOE) who has offered to provide training including an overview of skills needed to work with youth with disabilities and to prevent bullying of vulnerable youth. This training is currently being deployed to Probation officers through a self-guided webinar, however discussions are also underway for more direct training. Once implemented, Probation reports that its plans for training staff in collaboration with LACOE will likely result in more comprehensive and applicable training for working with youth with developmental and other disabilities than what was previously provided. Probation will update its progress on providing additional training by LACOE. Probation has not reported any plans regarding training by the Regional Center. The OIG and POC recommend that Probation collaborate with the Regional Center on the availability and efficacy of training by Regional Center staff.
- Probation plans to continue to provide training by internal experts via the train-the trainer method on when and how to make referrals to Regional Center when appropriate.
- In the [first report back to the Board](#) on January 11, 2023, the POC and the OIG provided an explanation of how the Academy Training and the Continuing Training, often referred to as Cohort Training or Block Training, are conducted and deployed.

---

<sup>1</sup> The POC only has data beginning in May 2022 for purposes of this comparison.



- Academy training has continued with a group of new staff graduating on January 26, 2023, and two more groups scheduled to graduate in the Spring of 2023.
- The 80-hour Block Training continues to be offered to existing staff. Training dates for February 2023 are:
  - Week One: February 6 – 10, 2023
  - Week Two: February 13-17, 2023

***How training is conducted and deployed, including the effectiveness of the “train the trainer” model.***

- There are no reported updates from Probation on how training is conducted and deployed since the time of the OIG and the POC’s first reports. The Probation Department has not made additional significant progress in providing needed training to juvenile hall staff. Probation will provide the OIG and the POC the training schedule.

***The effectiveness of training in teams/units versus individuals.***

As previously reported, Probation believes that unit training is more effective, and reported that it will seek staff volunteers to be assigned to units with the intention of training the unit staff together. Probation staff think that this approach is feasible for the units that are the subject of the motion due to the relatively small group of staff needed for the developmentally disabled units.

***The impact of training on staff’s ability to de-escalate situations.***

In addition to the formal training evaluation Probation collects following Cohort Training, Probation supervisors will elicit on-the-job feedback from recent trainees in the units where OC spray will be eliminated first in order to learn more about the effectiveness of training and other training needs.

Probation leadership intends to continue to provide employee town halls across both juvenile halls to listen to staff’s needs during the phase out process and to provide an opportunity for staff and units who successfully avoid using OC spray to share their techniques and experiences with others. Probation, the OIG, and the POC are continuing to discuss additional methodologies to evaluate the impact of training on staff’s ability to de-escalate.

***The impact trained staff have on youth when de-escalation tactics are deployed.***

- Probation, the OIG, and the POC are continuing to discuss examples of the impact Probation’s staff has had on youths with use of de-escalation tactics, including the review of video recordings of use of force incidents.

***Interviews with youth in CJH regularly, subject to their attorney’s consent, to determine accuracy of the Probation Department’s reporting.***

OIG and POC staff visited Central Juvenile Hall on January 23, 2023, interviewing ten youth with an attorney representative present from the Office of the Public Defender, Alternate Public Defender, or the Los Angeles County Bar Association (LACBA). A list of the interview questions is attached as Appendix A and the reports from those interviews are attached as Appendix B.

Among the themes that emerged from the interviews, some merit further investigation, including:

- Some youth report having asthma or other medical issues that complicate their reaction to OC spray. During a meeting with Probation leadership on January 30, 2023, the POC learned that Juvenile Court Health Services (JCHS) shares issues regarding youth's medical fragility with Probation staff, however manageable conditions such as asthma may not be included on those reports. The POC and the OIG will follow up with JCHS to determine how those issues are communicated with Probation and what the policy and practices are to ensure that youth with medical conditions that are exacerbated by OC spray are not subject to spray.
- A number of youths reported excessive use of spray during individual incidents including reports that spray was "pouring down [the youth's] face," that a youth was "repeatedly" sprayed on his back, that youth experienced staff spraying "all over, without an OC warning," and a report of a youth being sprayed while in handcuffs. There is no description of this in the OC spray reports reviewed by the OIG, calling into question whether all staff reporting is complete and accurate.
- The youths also reported the following:
  1. Most youths that were sprayed with OC spray were provided an "OC warning" by staff prior to the OC spray being deployed.
  2. The warnings were regarded as an effective method to stop the youths' activity.
  3. Decontamination with access to cold water is provided to youth that are involved with uses of OC spray.
  4. Most OC spray incidents are due to physical fights between youths and are sprayed in their faces.
  5. Most OC spray incidents occur in the housing units' dayrooms, in the afternoon and evenings.
  6. There are some staff members that decide to deploy OC spray sooner than other staff evenings.

POC and OIG staff will return to CJH with representatives from the defense bar on February 1, 2023, to conduct additional interviews of youth.

POC staff visited CJH on January 24, 2023, to gain an understanding of the scope of units temporarily and permanently housing youth who have been diagnosed as developmentally disabled. As indicated previously by Probation, Units AB and XY at CJH are the primary designated units meant to permanently house boys and girls with developmental disabilities, respectively. Staff reported that there were youth on other units who were also identified as having developmental disabilities, including in the Boys Enhanced Supervision unit and the Boys CARE unit. Staff also shared that in other units, including non-specialized units, it is not uncommon for youth with developmental disabilities to be temporarily housed there while awaiting a permanent housing transfer to units AB or XY.

POC staff will return to CJH on February 7, 2023, to revisit the issue of housing classifications and the housing of youth diagnosed with developmental disabilities.

**Directive 4: Direct the OIG to track and collect data on staff who are engaging in multiple incidents of OC spray use, and in collaboration with the POC and the Probation Department, develop, review, and update policies on discipline and training regarding OC spray use.**

- On January 4, 2023, the OIG contacted Probation to obtain data regarding all use of force and use of OC spray incidents that occurred from July 2022 to December 2022, as well as reports regarding multiple uses of OC spray by individual staff members during the same period. Included in the request were Physical Intervention Reports (PIR) from July 2022 to December 2022, to assist in identifying patterns of overuse by specific Probation Department staff. On January 18, 2023, the OIG sent Probation a reminder to provide the requested data. Probation indicated that it needed additional time to provide the information. During a January 24, 2023, meeting with Probation's executive leadership team, and the POC, the OIG was informed that Probation does not specifically track patterns of multiple use of OC spray by staff members. The OIG, along with the POC, discussed with Probation possible methods to identify staff that are involved in multiple uses of OC spray, and provide that information in a weekly report to the OIG and the POC for review. This will enable identification and monitoring of patterns of possible overuse of OC spray by staff members. The OIG will also review PIRs previously provided by Probation to determine if those reports will provide the requisite data to track multiple OC spray incidents by staff.

Although Probation is not currently tracking situations involving staff with multiple uses of OC spray, Probation's executive leadership team reported that the anticipated Early Intervention System (EIS) will assist in identifying such staff. The EIS uses algorithms to track and analyze uses of force, and calculates scores based on objective metrics, which then result in "flags" (alerts) in problematic areas. The EIS will track the frequency of the "flags" for a later enhanced review by Probation staff and will identify staff present during the incidents. The EIS system has not yet been implemented but is expected to launch this spring.

- Probation currently reviews PIRs to determine whether the use of OC spray was in accordance with its policy. These forms require a notation of a staff's use of OC spray, and the accuracy of the PIR is crucial in tracking the OC spray incidents. In reviewing PIRs for Probation's compliance with the California Department of Justice settlement agreement, the OIG determined that the reports were consistently incomplete and inaccurate. Furthermore, the reports were consistently filed late by Probation staff causing a delay in the review of the reports by supervisors. Although Probation created the FIRST team to ensure use of force review and accountability, based on the OIG's [\*First Report on the Probation Department's Compliance with the Department of Justice Settlement Agreement on Juvenile Halls\*](#), and [\*Second Report on the Probation Department's Compliance with the Department of Justice Settlement Agreement on Juvenile Halls\*](#), Probation has had zero percent compliance, in both reporting periods for the timely submission to and review of use of force incidents by its FIRST team. The OIG reiterates its recommendation that all staff, including supervisors, be refreshed on the policies and practices surrounding submitting timely and complete reports after use of OC spray and other uses of force incidents.

- Probation revised its use of force policies in 2022, which includes use of OC spray and decontamination. The OIG reviewed Probation's OC spray policies and in its [Second Report on the Probation Department's Compliance with the Department of Justice Settlement Agreement on Juvenile Halls](#), made recommendations regarding updating the policies for documentation of OC spray decontamination. These recommendations included:
  1. Revising Physical Intervention Report forms to ensure *section M* has sufficient space for documentation of decontamination of multiple youths.
  2. The Physical Intervention Report form(s) of staff member(s) that deployed the OC spray should be the first page(s) of the Physical Intervention Report Packet.
  3. Adding a signature line to *section M* of the Physical Intervention Report form for a supervisor to verify that the section has been reviewed and completed.
  4. OC spray training, including use of OC spray and decontamination requirements and how to properly complete *sections M* and *N* of the Physical Intervention Report, with documentation of participation in the training to ensure that all employees have been trained.
  5. Video recording each OC spray decontamination.
  6. Conducting training for all staff regarding the requirement of complete, accurate, and timely reports relating to all uses of force as required by Probation policies.
- The OIG attends and monitors Probation's Central Intake Team (CIT) meetings conducted by its Internal Affairs Bureau (IAB) which reviews allegations of staff misconduct for possible investigation. Included in these meetings is the review of alleged staff misconduct regarding the use of OC spray, and a determination of whether an IAB investigation is warranted to address the conduct. Based on attending these meetings, the OIG has determined that not all OC spray cases are reviewed by CIT, but rather only those incidents where it is believed by the juvenile facility that there is possible staff misconduct. Given the Board's directives to phase out the use of OC spray first in the specified units in CJH and ultimately in both its juvenile halls, the OIG recommends that *every* OC spray incident be reviewed by the CIT. The OIG will continue to discuss such implementation with Probation.

**Directive 5: Direct the Probation Department to update the weekly OC Deployment Reports to include data as follows:**

- A complete listing of units housing youth that includes a brief qualitative description of who is housed in the unit for both juvenile halls – ***Provided to the POC***
- Notation of involvement of youth with developmentally disabilities in an OC spray incident regardless of unit – ***Not Complete***
- Notation of involvement of gender expansive youth – ***Complete***
- Notation of involvement of any youth identified as CSEC – ***Not Complete***
- Notation of involvement of any youth with DCFS involvement – ***Not Complete***
- Unit assignment of youth and staff involved and actual location of the deployment (school, day room, etc.) – ***Partially Complete***
- Weekly average number of youth housed on a given unit – ***Complete***

- Shift in which the deployment occurred – ***Complete***

Probation leadership informed the POC on January 27, 2023, that they will be able to provide all of the additional data elements in the weekly OC spray reports no later than the February 6, 2023, report, which will reflect incidents between January 30, 2023, and February 5, 2023. At this point, this data is being collected manually.

### **Status of OC Spray Phase Out Plan as Directed by the Board Motion**

The Probation Department was directed by this Board motion to implement a plan to phase out the use of OC spray in the identified units at Central Juvenile Hall ***within 45 business days*** from the date of the motion. To date, we have not seen a draft of any such plan. To date, neither the OIG nor the POC have received a draft plan.

In 2019, Probation presented a plan<sup>2</sup> to phase out OC spray that included four preliminary phases to taper and then eliminate OC spray usage. Based on the information reported by Probation, even the completion of Phase 1 has not yet been achieved. At this juncture, the OIG and the POC recommend that within 60 days the Probation Department provide staff with sufficient training to move to Phase 3 of this plan,<sup>3</sup> which is delineated in the report as follows:

**Phase 3 – Secured Stage.** After the Restricted Stage, (60-90 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.<sup>4</sup>

The Probation report was published three-and-a-half years ago and we are no closer to eliminating the use of OC spray in the juvenile halls. Based on information provided to the OIG and the POC, the previous Chief of the Probation Department countermanded the Board's directive by ordering the Probation Department staff to disregard the phase out and to stop efforts to eliminate the use of OC spray. The current administration has made no effort to reinstitute the phase out despite knowing of the Board's previous and current directives and the 2019 Probation phase out plan.

In order to train staff and to sufficiently staff the juvenile halls, the OIG and the POC recommend transferring Probation field officers to training to complete the necessary training to assign them to juvenile halls.

The OIG and the POC further recommend that within the next 60 days the Probation Department finalize a plan to phase out the use of OC spray by July 30, 2023, in both juvenile halls. This deadline is 180 days from the date of this report. Given the original phase out plan in Probation's 2019 report, there is sufficient time to meet this deadline.

---

<sup>2</sup> [\*Embracing the Future: Elimination of Chemical Agents in the Probation Department's Juvenile Facilities and Development of Youth-Centered Therapeutic Milieus and Staff Support Systems\*](#), June 21, 2019.

<sup>3</sup> OC spray use should already have been eliminated as to the units housing GGE and youth who are developmentally disabled based upon the phase out deadline of February 27, 2023)

<sup>4</sup> Id at page 5.

The Honorable Board of Supervisors

January 31, 2023

Page 9

The POC and the OIG will continue to collaborate with the Probation Department to ensure OC spray is completely phased out as originally instructed in the Board's 2019 motion.

Please feel free to contact Inspector General Max Huntsman at [mhuntsman@oig.lacounty.gov](mailto:mhuntsman@oig.lacounty.gov) or Executive Director Wende Julien at [wjulien@poc.lacounty.gov](mailto:wjulien@poc.lacounty.gov) with any questions.

MH:WJ

Attachments

c: Fesia Davenport, Chief Executive Officer  
Adolfo Gonzales, Chief Probation Officer  
Celia Zavala, Executive Officer  
Dawyn R. Harrison, Interim County Counsel  
Justice Deputies, Board of Supervisors

*Board Motion: Phase Out of Oleoresin Capsicum (OC) Spray at Central Juvenile Hall*

<b>Central Juvenile Hall</b> <b>Interview Protocol</b>
---

**INTRO:** Interviewer introduces him/herself to youth and explains purpose of the interview. Interviewer ensures youth's anonymity will be preserved (no names, identifying information to be used in reporting) and reviews confidentiality and its limits. Interviewer shares with the youth that this interview should only take about 10 minutes of their time and requests their volunteered participation.

**Demographic Data and Questions**

Age:

Housing Unit:

How long have you been at CJH?

Have you remained at CJH the entire time or have you moved between Halls?

During your stay [here] at Juvenile Hall, have you ever been pepper-sprayed?

- If **NO**, Ask: Have you ever been present when someone was sprayed?
- If **YES**, follow-up with these questions (and continue remaining questions outlined below but make modifications in the questions for those who were *present* but not the individual targeted to be sprayed)
  - Do you remember the date or how long ago you experienced this? (OC spray)
  - Can you share what you remember happened leading up to this event?
  - What happened after the spraying occurred? (e.g., did you visit the eye-wash area or visit the nurse)?
  - Did the DSO/staff try to break up the fighting or whatever was happening before they used spray?
  - Did the DSO tell you why they sprayed you? Who said what?
    - (If only present: Did you hear the DSO or any staff say why they were using spray? Who said what?)
  - Did you agree with what the DSO/staff said? If not, why not?
  - Were you the only one sprayed or were others present with you also sprayed?
  - Do you know who else was sprayed?
  - Do you think the others who were sprayed were sprayed accidentally or could you tell if they were sprayed on purpose? If on purpose, what makes you think it was on purpose?
  - Have you been sprayed before this last time or was this the first time?
    - \*(If **YES** more times) How many times have you been sprayed? Why were you sprayed before? What happened?
  - \*When you were sprayed before, was it the same person who sprayed you this time?
    - If **NO** – was the person who sprayed you the time before, present this time? Did this person say anything to you?

- \*Have you seen this same DSO/staff member use the spray before on someone else? When was that? Where? On whom?
- *\*Is there anything relating to this topic (pepper-spray / OC spray) you would like to share?*

\*Post spray decontamination details from section M of PIR.

**END:** Thank youth for their time; repeat your name and contact information to them. Convey openness should they want to reach out to you at a later time with further information or anything else related to this topic.



## Central Juvenile Hall Interviews

**January 23, 2023**

Interviewer: Erica Reynoso, Ph.D., LCSW  
Office of the Public Defender: Vera Koulian, JD

Interviewer: Daysi Alarcon, OIG  
LACBA: Erik Rodstrom, JD

Youth	Housing Unit	Age	Length of Stay (during this detention)	Entire time at CJH or moved between Halls?	Has been pepper- sprayed?	Has been present when someone was sprayed?
1	AB	17	13 months	10 months CJH, 3 months BJNH	✓	✓
2	AB	16	3 months	Entire time	✓	✓
3	Boys' CARE	15	9 months	6 months BJNH, 3 months CJH		✓
4	Boys' CARE	18	6 months	Entire time	✓	✓
5	R/S	17	5 months	1 month BJNH, 4 months CJH	✓	✓
6	BESU	18	5 months	Entire time	✓	✓
7	BESU	17	2 months	1 week at RS		
8	Girl's CARE	13	4 months	Entire time	✓	✓
9	C	15	1 month	Entire time		
10	C	18	2 months	Entire time		✓

### Themes / Patterns

- All youth who were sprayed indicated receiving access to cold water (wash station or shower) immediately following each incident, along with further decontamination protocols from nursing (i.e., icepacks). One of the youth mentioned using milk because the dairy helps.
- Most youth, except for two, who were sprayed received "OC warning" by staff before OC spray was deployed (one youth reported not having received "OC warning" during second OC spray)
- Most "OC warnings" occurred immediately prior to OC being deployed (few seconds to one minute prior)
- Youth reported "OC warnings" recognizable and regarded as an effective prevention tactic for some youth: "for some kids, when they hear OC warning, they stop fighting and don't end up getting sprayed."

- All youth who were not sprayed reported hearing the OC warning and altercations stopping therefore the spray did not occur
- All youth reported OC spray incidents occurred due to physical fights or altercations ensuing between youth and/or due to property being damaged (i.e., breaking window)
- Most OC spray deployments occurred in housing unit's dayrooms, some at school
- Most youth were sprayed on faces; one youth reporting being sprayed on his back, repeatedly
- Most youth agreed when OC was deployed by staff (in their own instance or while witnessed others sprayed), except for one youth who reported being unjustly sprayed by unit supervisor and another instance during which a staff member entered the dayroom and sprayed "all over, (multiple kids) without an OC warning."
- Heterogeneity noted in use of OC spray, by (different) staff and by unit but "there are staff who are quicker to use it than others."
- Most OC spray incidents occurred in the afternoon and in the evening
- Most youth reported that another person or staff was sprayed in addition to the person the spray was intended for.
- This sample of youth reported having been sprayed (or witnessing) in their current units and/or in [CJH] units W (intake), R/S, G/H, and J/O. While at BJNH, they were sprayed (or witnessed) in units J/K, T/V.
- Youth reported that only [Probation] staff were in their unit during OC spray deployments; there were no partner agency staff (i.e., LACOE, DMH, JCHS) nor CBO's present during these deployments.

#### Notes and Individual youth reports

- Three youth reported adverse reactions to pepper spray, beyond the "burning sensations" and "red face" – two youth reported having asthma (one requires albuterol inhaler) and one youth may have an allergic reaction, "my face gets swollen" and "my eyes were irritated for a week." Both youth explained reporting these symptoms to probation staff and to nursing.
- One OC spray incident led to a restraint by the unit supervisor – youth indicated being sprayed a second time while restrained, and in handcuffs.
- One youth commented: "Staff need to use the pepper spray to keep everyone safe" – "they also have families they have to go home to."
- One youth reported that "staff antagonize youth, put them down and talk [expletive]" which often leads to fights and OC spray deployment
- One youth questioned "if they take away pepper spray the youth won't stop, youth stop during the warning because they don't want to be sprayed."
- Youth reported different amounts of spray. One described as a squirt, another described as pouring down his face. Another stated it covered her glasses.
- One youth stated that communication was a better way to handle youth.

EXECUTIVE OFFICE



BOARD OF SUPERVISORS

COUNTY OF LOS ANGELES  
**EXECUTIVE OFFICE**  
BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • [www.bos.lacounty.gov](http://www.bos.lacounty.gov)

MEMBERS OF THE BOARD

HILDA L. SOLIS

HOLLY J. MITCHELL

LINDSEY P. HORVATH

JANICE HAHN

KATHRYN BARGER

February 21, 2023

TO: Supervisor Janice Hahn, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Lindsey P. Horvath  
Supervisor Kathryn Barger

FROM: Max Huntsman, Inspector General  
Los Angeles County Office of Inspector General

Wendelyn Julien, Executive Director  
Los Angeles County Probation Oversight Commission

**SUBJECT: THIRD REPORT BACK ON THE PHASING OUT OF OLEORESIN  
CAPSICUM (OC) SPRAY AT CENTRAL JUVENILE HALL (ITEM NO. 9,  
AGENDA OF DECEMBER 20, 2022)**

On December 20, 2022, the Board of Supervisors passed a [motion](#) directing the Los Angeles County Probation Department (Probation Department) to create an implementation plan in collaboration with the Office of Inspector General and the Probation Oversight Commission (POC) to phase out the use of Oleoresin Capsicum (OC) spray at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive youth (GGE). The motion directs that the phase out occur within 45 days, which was clarified to mean 45 working days. The motion specifies that the Office of Inspector General and the POC oversee implementation and evaluation of the Probation Department's phase out of OC spray at Central Juvenile Hall (CJH) with specified areas to be included in the evaluation and directs the Office of Inspector General and POC to report to the Board every 14 working days until the completion goal. After meeting and collaborating with the executive staff of the Probation Department and the POC, the Office of Inspector General and the POC provides this joint third report.

The POC and the Office of Inspector General met with the Probation Department executive and detention services bureau leadership on January 30, 2023, and February 13, 2023, communicated regularly with leadership via email, and conducted interviews

with youth and Probation staff, and investigated specific incidents to collect the information in this report.

**Directive 1: Direct the Probation Department to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the Office of Inspector General (OIG), to phase out the use of OC spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive (GGE) youth at Central Juvenile Hall.**

The Probation Department was directed by the Board motion to create an implementation plan to phase out the use of OC spray and eliminate the use of spray in the identified units at CJH ***within 45 business days*** from the date of the motion. Since the last report of January 21, 2023, the Probation Department leadership indicated that they are revising the timelines in its 2019 phase out plan and adjusting it according to the recent Board motion to have a full plan for phase out by the February 27, 2023, deadline. The Office of Inspector General staff inquired if the Probation Department could move to Phase 3 of its 2019 plan which is the *Secured Stage* which requires the only accessible OC spray canisters (two) to be secured in a locked box and only accessible during extreme emergencies. The Probation Department leadership responded that phase out in all the facilities has been delayed due to staff shortages, that the Department is still in Phase 1 – *Training, Programming and Assessment*, unable to bypass any stages in its 2019 plan, unable to move forward to Phase 3 at this time, and that full elimination of OC spray by June 2023 would be “reckless.”

Since the last report of January 21, 2023, Probation’s progress toward compliance with the creation of a plan for full phase-out of OC spray in the juvenile halls and for phase out in the specified units at CJH by February 27, 2023, includes:

Probation has identified 84 staff members who will be assigned to the targeted units at CJH and focused training on those staff.

- Completed both Block Weeks: 30 supervision staff
- Completed Block Week 1 only: 11 supervision staff
- Completed Block Week 2 only: 10 supervision staff
- Attended Block Week 1, but missed one or more courses: 2 supervision staff
- Attended Block Week 2, but missed one or more courses: 1 supervision staff
- Attended both Block Weeks, but missed one or more courses: 9 supervision staff
- Have not attended either Block Week: 9 supervision staff
- Staff that do not have OC Spray: 11 supervision staff

The POC continues to closely track the deployment of OC spray within the Probation Department's two juvenile halls by reviewing the weekly OC Deployment Reports and the Quarterly Phase Out Reports. During the analysis of the most recent quarterly report<sup>1</sup>, a data discrepancy was noted affecting the Probation Department's reports spanning the last several months. Specifically, the POC noted that the weekly OC Deployment Reports reported a total of six fewer deployments during June, October, November, and December 2022.

OC Deployment Totals and Discrepancies			
MONTH	WEEKLY OC DEPLOYMENTS	QUARTERLY OC PHASE OUT REPORT	DISCREPANCY
June '22	43	44	1 (BJNJH)
October '22	76	77	1 (CJH)
November '22	39	42	3 (1 BJNJH/ 2 CJH)
December '22	36	37	1 (BJNJH)

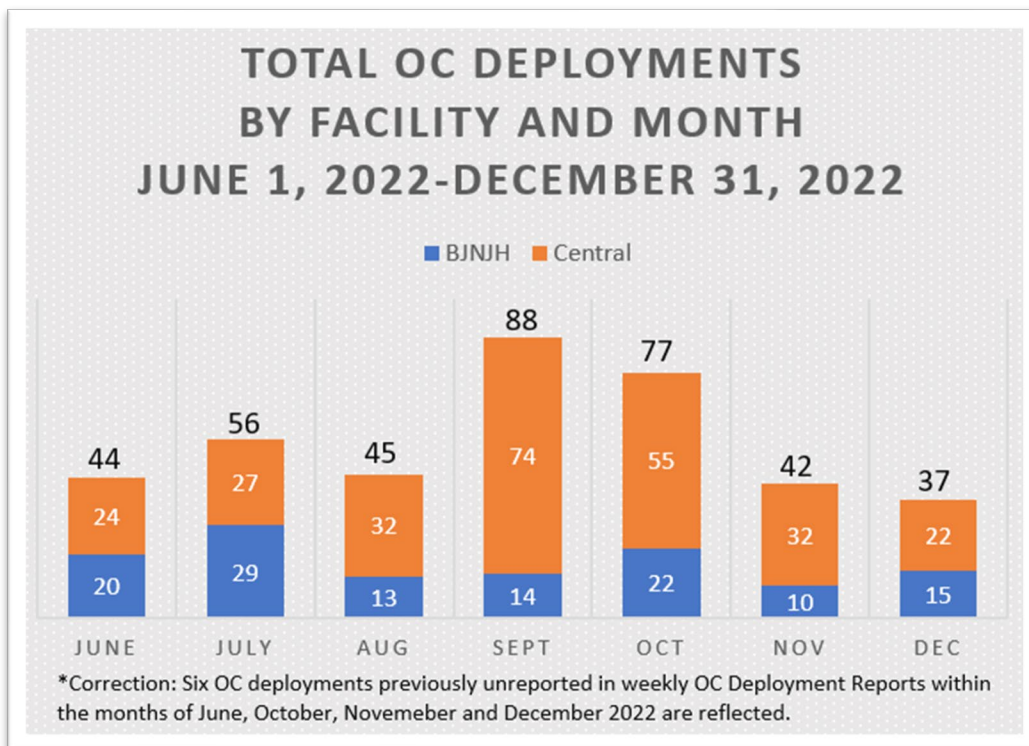
LOS ANGELES COUNTY  
PROBATION OVERSIGHT COMMISSION

The POC requested a response from the Probation Department on January 30, 2023, to clarify which data was correct and to provide an explanation of what may have caused the discrepancy. In an email, Deputy Chief Fletcher confirmed that the data in the quarterly reports was correct and that the weekly OC Deployment reports failed to include six deployments. Four deployments were not counted because “they were not identified as a direct contact with youth” but rather the spray made contact with the youths’ sweater. The other two unreported OC deployments were not explained, and it was reported that the Probation Department “cannot specifically state why the other two were not included on the [weekly] report.” The solution proposed by the Probation Department to prevent such discrepancies in the future is to have a single person do both reports. Since the POC based all summaries on weekly OC Deployment Reports, this issue affected the data contained in previous reports, in that there actually were more OC deployments in the identified months than previously reported.

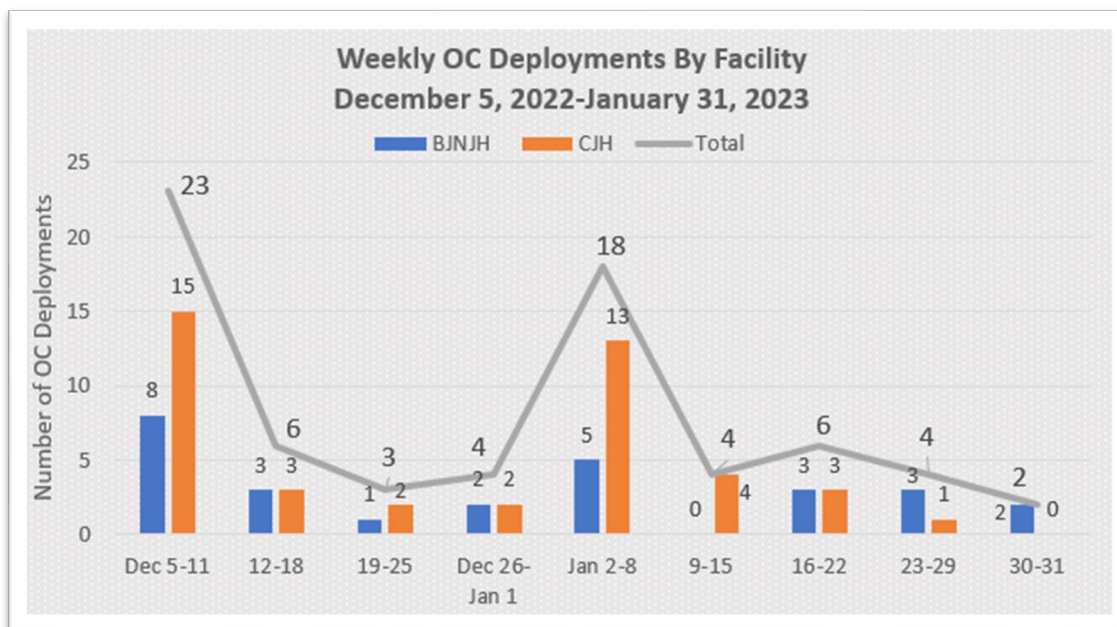
<sup>1</sup> [Progress on Implementation of the Elimination of the use of Oleoresin Capsicum \(OC\) Spray \(Twelfth Monthly Report\)](#)

The POC remains committed to working closely with the Probation Department to address and reconcile data discrepancies in OC and other use of force reporting. The POC has serious concerns about Probation's inconsistent definition of what is counted as a "deployment" of OC, and the apparent lack of a quality assurance process in the Probation Department's data gathering and reporting.

The POC recreated the charts showing deployment rates since June 2022 to reflect the now corrected information.



Despite concerns regarding overall data accuracy, deployment patterns still emerge with some level of validity. Currently, wide variations in weekly OC use pose a barrier to proclaiming a decreasing trend, especially at CJH, which had some weeks of low OC deployment which were punctuated by weeks of high deployment.

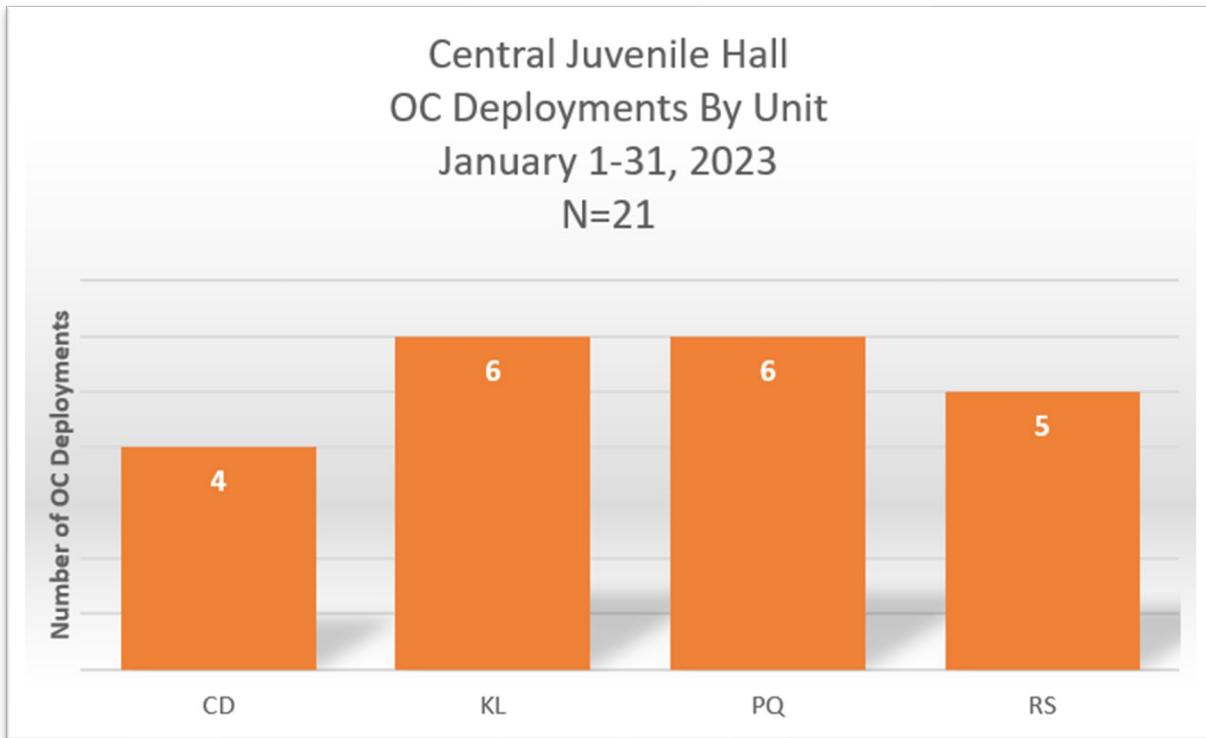


A notable event took place at BJNH during the week of January 9-15, 2023, in that there were zero deployments of OC reported. This accomplishment should be explored to understand staff interventions and behaviors, as well as any other factors, that may have contributed to this result.

From January 1-31, 2023, four units at CJH had OC deployments, while several others had none.

The units in the following graph house youth according to the following criteria:

- Unit CD- Girls ages 14-16+ in Unit C and ages 17-18+ on Unit D
- Unit KL- Boys ages 15-17 in Unit K and ages 17-18+ on Unit L
- Unit PQ-Boys ages 15-17
- Unit RS- Boys ages 16-18+



Zero incidents of OC deployments were reported for Units AB or XY, which according to unit classifications and staff reports, are the units at CJH that house the most youth diagnosed with developmental disabilities.

During POC visits to CJH, it was reported that youth with developmental disabilities may also be housed in units other than AB and XY for varying reasons including increased supervision and mental health needs, availability of space in the designated units, and the safety need to separate certain youth. It was reported that, typically, youth with developmental disabilities are moved to designated units as they are identified, even if they have only been referred for testing as soon as it is safe to do so. Probation has added a column to its most recently released weekly OC Deployment Report for January 30-February 5, 2023<sup>2</sup> to denote the involvement of any youth with developmental disabilities, regardless of unit assignment, in OC deployment incidents.

The POC will continue to analyze and report on OC use and phase-out, emphasizing the importance of the Probation Department's tracking and sharing data with oversight bodies and the public.

---

<sup>2</sup> [OC Deployment Report January 30-February 5, 2023](#)



**Directive 3: Direct the POC and the OIG to oversee the implementation and evaluation of the phase out of OC spray at CJH and report to the Board, in writing, every 14 working days, until the completion goal of February 27, 2023.**

***The status and re-implementation of the Regional Center training and any additional trainings.***

Probation leadership informed the POC and the Office of Inspector General that they have developed a training curriculum to train Probation staff to work effectively with youth who are identified as developmentally disabled and that curriculum has been turned in to the Board of State and Community Corrections (BSCC) for approval for continuing education hours. While the training includes recommendations from the Regional Center, Probation Training staff will be providing this training. Also discussed was the Regional Center assisting with an additional training that the Regional Center is meeting internally to discuss and will provide an update to the Probation Department. The Probation Department is attempting to commence the training by February 24, 2023.

***How training is conducted and deployed, including the effectiveness of the “train the trainer” model.***

At a meeting on February 13, 2023, with the POC, Office of Inspector General, and Probation Department management, the management team stated that 84 staff members are needed to staff the five designated units at CJH. Those 84 staff members need to be trained in de-escalation techniques, handcuffing, and issues related to developmentally disabled youth. According to the Probation Department, about half of the staff have been trained in handcuffing and little more than half in de-escalation, but zero have been trained on developmentally disabled issues due to what Probation officials described as problems with certification of staff, which the management team expected to be resolved by February 14, 2023, and a training plan created. Officials did not describe the nature of the problems.

- The Probation Department has offered a de-escalation training course since 2021; as of January of 2022, over 300 staff members have completed this training. Probation Department staff have stated that some of these approximately 300 staff members can be placed in these designated units. From this pool of employees some will be assigned to the designated five units. This de-escalation training is conducted by two Probation staff members certified by the Peace Officers Standards and Training and BSCC. Currently only these two staff members are certified and teaching the de-escalation class. Two other staff members are certified but no longer work for the training office. The Office of Inspector General recommends the Probation Department utilize all certified staff

members to ensure all staff are properly trained in de-escalation by the OC spray phase out deadline of July 30, 2023.

- Since the last report, the Probation Department provided the Office of Inspector General and the POC its training schedule, a member of the Office of Inspector General staff attended de-escalation training on February 14, 2023. The Probation Department expected 25 staff members to attend the class, but only 10 staff members were present for the training. Probation Department staff reported that of the 84 staff needed for the five designated units, 25-30 may not be fully trained in de-escalation by February 27, 2023. De-escalation training is provided to new recruits as part of the Safe Crisis Management and Defensive Tactics curriculum. However, this training does not include the de-escalation course that is currently part of the training for juvenile hall staff. The Office of Inspector General recommends that the specialized de-escalation training for juvenile hall staff be provided to new recruits.
- The Probation Department has implemented a new training technique. The “shadowing program” enables academy trainees to follow senior staff to observe the requirements of their position and provides an opportunity for trainees to ask questions which will later be used in academy classes.

***The “train the trainer” method of instruction will not be utilized***

- The Probation Department has informed the POC and the Office of Inspector General that it will not be implementing *train the trainer* model at this time. Executive staff at the Probation Department determined that given the short time frame to get staff trained prior to the ban on use of OC spray, it would take too long to implement a *train the trainer* model. The Probation Department leadership also explained that finding staff to become trainers during the current staffing shortage would be exceedingly difficult. Further, leadership felt that a *train the trainer* model can lead to a “watered down” version of the initial training in that with each subsequent iteration, important information may not be conveyed. While these concerns are certainly valid, the *train the trainer* model is an effective way to quickly train staff when there is a necessity to train a large number of staff who need immediate training.

- While not a substitute for serious in-depth training, the train the trainer model is an effective stop gap measure to provide training to ensure there are enough trained staff to backfill vacancies in the juvenile hall; once that goal is achieved, training by expert trainers to provide additional continuing training to staff on a rotating basis should be implemented. Additionally, the *train the trainer* model may be beneficial to an agency in the long run if it results in developing expertise in a greater number of staff members as well as encouraging a culture of de-escalation if used for de-escalation training. While the Probation Department has responded to the directives in the current motion by trying to address the lack of necessary training, delay in implementing training has impeded the goal of phasing out OC in the designated units as directed by this recent Board motion and to phasing out the use of OC spray in the juvenile halls as directed in 2019.
- The Probation Department acknowledged the benefits of the *train the trainer* model, but stated it is reluctant to utilize the *train the trainer* model because it is fast tracking the necessary training, maintaining that it doesn't want to rely on rushing to train staff to then train other staff members given their doubts regarding the availability of staff to be used as trainers. Another Probation Department concern with this model is that it will require staff to be removed from their assigned posts and substitute staff members would need to cover these assignments. The Probation management team appears reluctant to bring in field officers to fill the juvenile hall vacancies to ensure adequate staffing in the juvenile halls despite Office of Inspector General recommendations to do this.

***The effectiveness of training in teams/units versus individuals.***

- As noted in the previous report, the Probation Department is of the opinion that unit training is more effective and reported that it continues to seek volunteers to be assigned to the five units with the intention of training the unit staff together. The Probation Department staff believed that this approach would be feasible for the designated five units due to the relatively small group of staff needed for the developmentally disabled units. However, in the last meeting with the Probation leadership, they expressed concern over the unit training because of staff shortages. To train an entire unit or even a part of the unit would require additional staffing to work in the vacated assigned posts of the staff being trained.

The Office of Inspector General has recommended moving field officers to the juvenile halls as the safety of the youth under the care of the Probation Department is of the utmost importance and abdicating the mandate to do so based on alleged staff shortages as an excuse not to properly train staff is unacceptable.

***The impact of training on staff's ability to de-escalate situations.***

- As noted in the previous report, the Probation Department supervisors will elicit on-the-job feedback from recent trainees in the units where OC spray will be eliminated first to learn more about the effectiveness of training and other training needs. Since the previous report, the Probation Department has not had any employee town halls or learned of any information to better understand the impact of training on staff's ability to de-escalate situations. The Probation Department has recently assigned 11 new staff members to CJH in two-person teams. It will monitor the effectiveness of the staff's de-escalation training as they were not provided OC spray.

***The impact trained staff have on youth when de-escalation tactics are deployed.***

- The Office of Inspector General reviewed video recordings of use-of-force incidents and conducted youth interviews to assess the impact on youths of trained staff members utilizing de-escalation techniques. In viewing the video recordings, there were numerous occurrences of staff members attempting to de-escalate incidents when the staff had time to do so. Many incidents occurred quickly, leaving no time for staff to attempt to de-escalate. However, in situations where the youths were initially being verbally disruptive or upset, staff often utilized de-escalation measures even if ultimately the youths continued to be involved in some type of unwanted behavior. It was also noted that in youth-on-youth fights, after the youths were separated, Probation Department staff often used de-escalation methods and calmed the youth down, preventing a second incident occurring.
- Many youths during their interviews expressed that the Probation Department staff have many times attempted to utilize de-escalation methods during potential use-of-force situations and said that it was helpful when utilized. One event described by a youth involved three staff members and supervisor utilizing de-escalation methods to successfully calm down an "out of control" youth.

***Interviews with youth in CJH regularly, subject to their attorney's consent, to determine accuracy of the Probation Department's reporting.***

The Office of Inspector General and the POC, along with representatives from defense counsel, interviewed nine (9) youth on February 1, 2023, and eight (8) on February 14, 2023. Some of the youth had been sprayed with OC spray, others had witnessed their peers being sprayed, and others had not experienced or witnessed spray. The comments and demographic information from the February 1<sup>st</sup> visit are shared in detail on Appendix A. Information from the February 14<sup>th</sup> visit will be provided with the next report back.

Themes and quotes from the interviews conducted on February 1, 2023, included:

- Youth reporting not receiving an “OC warning” from staff prior to being sprayed.
- Youth observing staff “shake OC cans” from the control center or other areas in the unit.
- Youth reporting receiving “OC warnings” from staff and feeling that the warning and the spray that followed was fair and appropriate to stop the youth from fighting.
- Youth reporting issues with physical effects post-spray, usually receiving adequate medical attention post-spray, but sometimes experiencing delayed post-spray intervention and longer lasting symptoms.
- Youth reporting having been sprayed multiple times including incidents some youths believe are unjustified.
- Youth noticing patterns in certain staff members who over-spray youth and noting that most staff do not want to spray youth.
- Youth reporting that “OC warnings” often prevent fights from occurring and that use of “restraints” also prevents fights from occurring. One youth noted that staff “use other tools instead of pepper spray” – “I don’t think they want to spray; I have not seen any who are ‘trigger-happy.’”
- Youth witnessing incidents where de-escalation worked, witnessed three staff members and a supervisor calm down an out-of-control youth by using de-escalation methods and noting that OC spray is a deterrent.

As noted in the first report back, beginning on January 24, 2023, the POC has made weekly visits to CJH to verify unit classifications.

Visit	Date of POC Visit to CJH
1	January 24, 2023
2	January 30, 2023
3	February 7, 2023
4	February 16, 2023

During the February 7, 2023, visit, the Probation Department staff confirmed the general housing criteria for all units. While there is a widely agreed upon assertion that youth with developmental disabilities are to be housed in units AB and XY, staff in nearly all units acknowledged that out of necessity, there are periods of time when these youth may be housed within any given unit due to a variety of reasons including safety and the availability of a room.

Staff on all units gave feedback on how they identified youth with disabilities, and though there were several different answers, ranging from checking the youth's chart, alert logs, and Probation Case Management System (PCMS) documentation, all staff reported having a procedure.

During the February 7, 2023, visit, one significant discrepancy was found between the unit classification document and practice. A youth with an SYTF disposition was reportedly housed within the MOU for several days. During that time, the housing protocols were not amended to acknowledge the accommodation of this youth at CJH, the staff reported concern at the appropriateness of the housing, and furthermore, the youth's presence in the facility was incorrectly categorized within the population statistics as a youth pending disposition. Feedback was provided to Probation regarding the incorrect categorization and reporting of data which led to revised Population Statistics reports.

During the POC's visit to CJH on February 16, 2023, Probation staff on multiple units reported information that was not reported to the POC in unit classification documents as previously agreed upon. These discrepancies include the following:

- Unit XY was moved into Unit O. Staff reported that they believed the move may have happened as early as Thursday, February 9, 2023.
- Unit XY staff also reported that the specialized unit is being utilized to house an overflow of girls from Unit CD, which they reported causing fights due to mixing youth with highly diverse supervision needs.

- Receiving is currently classified as Transportation Pit Stop, but is reportedly being used to house youth in quarantine as overflow from Unit W.

The Probation Department has repeatedly agreed to update and share housing protocols with the POC to ensure appropriate OC reporting and did not fulfill this responsibility. The POC is concerned about delayed and incorrect tracking of youth, which will affect the analysis of compliance to the OC phase-out at CJH. Upon advising the Probation Department of the noted changes, a corrected housing classification was sent on February 18, 2023, retroactive to February 9, 2023.

The next planned visit to CJH for verification of unit classification and youth housing will take place on February 23, 2023.

**Directive 4: Direct the OIG to track and collect data on staff who are engaging in multiple incidents of OC spray use, and in collaboration with the POC and the Probation Department, develop, review, and update policies on discipline and training regarding OC spray use.**

- On December 21, 2022, the Office of Inspector General contacted the Probation Department to obtain reports on staff's use of OC spray to determine if there are patterns of overuse by certain staff. During the January 5, 2023, meeting with the Office of Inspector General and the POC, Office of Inspector General staff members were instructed to contact the Probation Department's litigation unit. As of the date of this report, the Office of Inspector General has contacted the litigation unit multiple times but has not been provided the necessary information to update the Board on which Probation Department staff members are engaged in multiple incidents of OC spray use. The lack of response to the requests from the Office of Inspector General is unacceptable. The Probation Department reiterated its expectations of its EIS system to identify staff members who engage in multiple uses of OC spray, and it expects the system to be in operation by May 2023. That time frame is simply too long to wait given the Board directives regarding OC spray phase out.

**Directive 5: Direct the Probation Department to update the weekly OC Deployment Reports to include data as follows:**

- A complete listing of units housing youth that includes a brief qualitative description of who is housed in the unit for both juvenile halls – ***Provided to the POC***

- Notation of involvement of youth with developmentally disabilities in an OC spray incident regardless of unit – **Complete**
- Notation of involvement of gender expansive youth – **Complete**
- Notation of involvement of any youth identified as CSEC – **Complete**
- Notation of involvement of any youth with DCFS involvement – **Complete**
- Unit assignment of youth and staff involved and actual location of the deployment (school, day room, etc.) – **Complete**
- Weekly average number of youth housed on a given unit – **Complete**
- Shift in which the deployment occurred – **Complete**

### **Status of OC Spray Phase Out Plan as Directed by the 2018 Board Motion**

The Board in December 2018 directed the Office of Inspector General to investigate safety concerns in Los Angeles County Probation Department juvenile halls and camps, with an emphasis on use-of-force incidents involving OC spray and to report back with findings and related recommendations. On February 4, 2019, the Office of Inspector General provided the Board its findings in its report titled, [Report Back on Ensuring Safety and Humane Treatment in the County's Juvenile Justice Facilities](#). Included in the 2019 report were the following specific recommendations which are relevant to the Board's current motion regarding OC spray:

1. ***The Department should dedicate appropriate resources to finalize and implement its comprehensive use-of-force accountability improvements including its Force Response Support Team (FIRST) and Department Force Review Committee (DFRC) processes.***

The Office of Inspector General in two prior reports assessed the Probation Department's compliance with its use-of-force policies and state law, as required by the California Department of Justice stipulated judgment (hereafter Settlement Agreement) and noted the Probation Department's continued failure to timely review use-of-force incidents in accordance with its policies. Based on the Office of Inspector General's review of 36 randomly selected incidents, none of the cases were timely submitted by CJH or Barry J. Nidorf Juvenile Hall (BJNJH) to FIRST for its independent review. As noted in the two prior California Department of Justice reports, the Probation Department had zero percent compliance with the Settlement Agreement during the two periods. This continues to be a problem, and the POC at its most recent meeting, has requested the Probation Department to provide specific data on the actual number of use-of-force incidents that have not been reviewed by the FIRST team.



2. ***The Department should introduce cameras in all of its juvenile justice facilities. It should also consider updating its CIR policy to require supervisors to view relevant videos of incidents.***

CJH continues to have more than twice the number of fully operable video cameras installed as BJNJH. Camera coverage at BJNJH is still deficient but the Probation Department leadership stated that installation of Closed-Captioned Television is underway at BJNJH and is expected to be available in the living units in the coming months.

3. ***The Department should address staff concerns regarding inadequate use-of-force training by developing comprehensive and fully integrated training curriculums and presentations that offer effective alternatives.***

The Probation Department has added self-defense techniques to its use-of-force training and has a full week of training related to de-escalation techniques as part of its academy training as well as refresher training for its existing staff. As noted above, Office of Inspector General staff attended a de-escalation training session to observe the methodology of the training. The training was very comprehensive, and the instructors and students were very engaged in the use of de-escalation as an alternative to uses-of-force. However, the Probation Department has fallen far short of its training goals with regard to the number of staff needed to be trained for the upcoming phase out of OC spray in the designated units.

4. ***The Department should assess and enhance training, including off-post training, in interacting with youth with mental health and behavioral needs, and youth in acute mental health crises.***

The Probation Department indicates that it provides trauma-informed care in its two-week training. This training includes working with youth with mental health concerns, as well as adolescent development. It is intended to address the effects of child trauma, and the behavioral health conditions commonly seen among the youths supervised by the Probation Department staff. Also included is the review of effective interventions and services and highlights the important role of the family. It seeks to provide the staff with practical strategies for better interaction and communication with youths who may be experiencing a mental or substance use disorder. While such enhanced training may be available, it is crucial that enough staff have received the training in order to staff the juvenile halls with trained personnel.

5. ***The Department should ensure that staff are effectively trained to accurately document all events that led up to the use-of-force, including staff and youth behaviors that precipitated force, and decontamination efforts.***

The Office of Inspector General in two prior California Department of Justice reports, assessed the Probation Department's efforts in accurately documenting use-of-force incidents, including use of OC spray and the decontamination process. The Office of Inspector General, after review of Physical Intervention Reports (PIRs), concluded that the Probation Department properly documented the decontamination process for only 47% of the incidents at CJH, and only 57% at BJNJH. The Office of Inspector General in its last report on Probation Department compliance with the California Department of Justice settlement agreement, recommended the Probation Department conduct training for all employees regarding the requirement of complete, accurate, and timely reports. The Probation Department indicates that during its two-week training period, staff are trained in proper report writing, including specific accounts of what each staff member did and the reason for the staff's conduct.

Of note, it appears that the Probation Department staff is not consistent in its understanding of *how* to properly document the use of OC spray in *section M* of the PIRs. The Office of Inspector General has noticed that in *section M*, which addresses whether OC spray was used, Probation Department staff consistently indicate that no OC spray was deployed, but later in the "narrative" section, staff members often indicate that OC spray was in fact deployed. It is quite likely that the Probation Department staff believe that the *section M* is related only to that reporting staff member's use of OC spray and not whether OC spray was deployed by another staff member involved in the incident. The Office of Inspector General believes that in *section M* staff should answer in the affirmative if any staff member deployed or witnessed the deployment of OC spray. This approach is supported by the fact that in that specific section of the PIR, the staff member is asked to identify the specific staff member who deployed OC spray.

6. ***The Department should establish a unified training and policy development team.***

The Probation Department has developed a Policy Unit that reports directly to the Chief Deputy of Administrative Services. It is currently staffed with five employees and works closely with training and operations.

7. ***The Department should ensure that its use-of-force policies clearly define keystone concepts.***

The Office of Inspector General recommended that use-of-force policies clearly define keystone concepts and not use vague terms such as "disruptive behavior" and "other" when authorizing the use of OC spray. The Probation Department in 2022 updated its use-of-force policies to include more concise language and definitions of terms. The

revised policy acknowledges that OC spray is being phased out and specifically states when it can be used. It requires an “imminent threat” to staff and is only to be used after use of de-escalation efforts and other crisis intervention techniques have failed.

The policy now states that when determining the necessary and reasonable level of physical intervention, including the use of OC Spray, the intervention must be "objectively reasonable" meaning the amount and type of force that an objective, similarly trained, experienced, and competent youth supervision officer, faced with similar facts and circumstances, would consider necessary and reasonable to ensure the safety and security of youth, staff, others, and the facility. Use-of-force is restricted to the minimum level necessary to ensure the safety and security of youth, staff, others, and the facility to control the situation and restore order.

8. ***The Department should require staff to act appropriately when observing policy violations and deviations from training.***

The Probation Department leadership indicated that during the staffs training, all officers are instructed that they have an affirmative duty to timely, accurately, and comprehensively report incidents of abuse, inappropriate force, or prohibited conduct in accordance with state law and consistent with the Child Abuse Reporting Policy for Juvenile Detention Facilities. All officers also have an affirmative duty to immediately take action to stop incidents of abuse and/or department policy violations. Officers who violate this policy and its related procedures shall be subject to the performance management process and may result in discharge, criminal prosecution, and/or civil sanctions.

9. ***The Department should continue assessing its staff resources, with an emphasis on ensuring that sufficient and effective supervision is provided to line-staff and youth.***

The Office of Inspector General continues to recommend that available adult services staff be reassigned to the juvenile facilities to ensure the phasing out of OC spray as ordered by the Board. The Probation Department leadership has indicated that staffing continues to be a concern, and that staff “leaves” remain high. The Probation Department reports that it is working with the Department of Human Resources to address short- and long-term staff disability cases. It is also relying on the deployment of staff from the field to ensure appropriate supervision and implementing the Department of Youth Development’s *Credible Messenger* program, which is a mentoring program with the Los Angeles County Department of Mental Health that aims to facilitate a safer and more therapeutic environment. The program works in conjunction with detention staff, education, and behavioral health staff to provide a holistic set of supports focused on healing, youth development, wellness promotion and safety. *Credible Messengers* are intended to impact the overall tone and temperature of the facilities by building meaningful and trustful relationships through positive interactions with youth in preparation for their transition back into the community. The

program will be at facilities daily from 7:00 a.m. to 9:30 p.m. and will participate in multi-disciplinary youth discussions. Prior to the commencement of the program, all *Credible Messengers* will participate in trainings to ensure a clear understanding of their role, youth development, facility procedures and engagement protocols.

The Office of Inspector General and the POC look forward to receiving and reviewing the Probation Department's plan to phase out OC spray in the designated units by February 27, 2023, as required by the Board motion.

Please feel free to contact Inspector General Max Huntsman at [mhuntsman@oig.lacounty.gov](mailto:mhuntsman@oig.lacounty.gov) or Executive Director Wendelyn Julien at [wjulien@poc.lacounty.gov](mailto:wjulien@poc.lacounty.gov) with any questions.

MH:WJ

#### Attachments

c: Fesia Davenport, Chief Executive Officer  
Adolfo Gonzales, Chief Probation Officer  
Celia Zavala, Executive Officer  
Dawyn R. Harrison, Interim County Counsel  
Justice Deputies, Board of Supervisors



# COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

312 SOUTH HILL STREET, THIRD FLOOR  
LOS ANGELES, CALIFORNIA 90013  
(213) 974-6100  
<http://oig.lacounty.gov>

## MEMBERS OF THE BOARD

HILDA L. SOLIS  
HOLLY J. MITCHELL  
LINDSEY P. HORVATH  
JANICE HAHN  
KATHRYN BARGER

MAX HUNTSMAN  
INSPECTOR GENERAL

March 6, 2023

TO: Supervisor Janice Hahn, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Lindsey P. Horvath  
Supervisor Kathryn Barger

FROM: Max Huntsman   
Inspector General Chief Deputy, Inspector General on behalf of Inspector General Max Huntsman

SUBJECT: **FINAL REPORT BACK ON THE PHASE OUT OF OLEORESIN  
CAPSICUM SPRAY AT CENTRAL JUVENILE HALL (ITEM NO. 9,  
AGENDA OF DECEMBER 20, 2022)**

On December 20, 2022, the Board of Supervisors (Board) passed a motion directing the Los Angeles County Probation Department (Probation Department) to create an implementation plan (Plan) in collaboration with the Office of Inspector General and the Probation Oversight Commission (POC) to phase out the use of Oleoresin Capsicum (OC) spray at the housing units that incarcerate youth with developmental disabilities, girls and gender expansive youth (GGE). The motion directed that the phase out occur within 45 days, which was clarified to mean 45 working days. The motion specified that the Office of Inspector General and the POC oversee implementation and evaluation of the Probation Department's phase out of OC spray at Central Juvenile Hall (CJH) with specified areas to be included in the evaluation and directed the Office of Inspector General and POC to report to the Board every 14 working days until the completion goal. After meeting and collaborating with the executive staff of the Probation Department and the POC, the Office of Inspector General provides this final report.

The POC and the Office of Inspector General met with the Probation Department Executive and Detention Services bureau leadership on January 30, 2023, February 13, 2023, and March 1, 2023, communicated regularly with leadership via email, and

conducted interviews with youth and Probation Department staff, and investigated specific incidents to collect the information in this report.

***Directive 1: Direct the Probation Department to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the Office of Inspector General (OIG), to phase out the use of OC spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities, girls and gender expansive (GGE) youth at Central Juvenile Hall.***

- The Probation Department was directed by the Board's motion to create an implementation plan to phase out the use of OC spray in the identified units at CJH within 45 business days from the date of the motion. On February 27, 2023, the Probation Department provided the Office of Inspector General and the POC a draft of the plan entitled, *Phase out of OC Spray at Juvenile Hall (Plan)* for review. Because the Plan provided was a draft, it is unclear if there will be changes to the draft Plan by the Probation Department after this final report. The Plan reported that as of February 27, 2023, OC spray has been eliminated in the five identified units. Office of Inspector General staff made an unannounced visit to the units on February 27, 2023 and confirmed that OC spray was not in the possession of Probation Department staff in those units and unit staff was informed that they are no longer permitted to carry or use OC spray. However, according to the Plan, staff assigned to Movement and Control, Resource/Response teams, and Special Enforcement Officers (SEO) responding to assist at the five identified units will be allowed to carry OC spray in the units with the restriction that OC spray is not to be used inside those five units. The Plan does include this exception, "Only if it is over 10 youth involved, out of control or more than 20 min should [OC spray] be considered." It is unclear from the wording of the Plan if the incident requires more than 10 youths *and* it being "out of control" for 20 minutes, or if only one of the two factors allows for the use of OC spray in the designated units. It also recommends handcuffing one youth at a time, if necessary, to gain control of the situation in specialized units. The Plan also indicates that "No OC Spray" signs are now posted in the identified units.
- The Plan contains the Probation Department's process to completely phase out the use of OC spray in *all* juvenile facilities, while addressing the following areas:

- A Behavior Management Program
  - A *credible messenger* program that will be launched June 1, 2023
  - Resource teams made up of Probation staff and Department of Mental Health staff to respond to critical incidents
  - Employee wellness programs
  - Employee support services
  - Peer Support Program
  - Collection of OC spray
- Since the Board's motion on December 20, 2022, the Probation Department through its academy, has graduated 39 Detention Services Officers (DSO) and 2 Group Supervisors, Nights (GSN.) On February 20, 2023, 14 DSO and 2 GSN were assigned to CJH and will work in pairs in the five identified units. Each new staff member has been assigned a mentor to assist them in their growth and acclimation to their new positions as well as to provide immediate support.
  - The Probation Department began collection of OC spray in the identified units on February 26, 2023, as staff reported for their shifts. The OC spray was collected, weighed, and documented that it was collected and then provided to the Bureau Chief. Any Probation Department staff temporarily assigned to the five identified units must either place their OC spray in their vehicles or provide it to management for later retrieval when the staff leaves the facility.
  - The Probation Department's Plan provides anticipated dates that the Probation Department intends to phase out the use of OC spray in the remainder of its units as follows:

**Central**

MOU  
P/Q  
R/S  
KL Security/MC

**Elimination Date**

April 30, 2023  
June 30, 2023  
August 31, 2023  
October 31, 2023

<b><u>Barry J. Nidorf</u></b>	<b><u>Elimination Date</u></b>
MOU	March 31, 2023
L/M	April 30, 2023
Q	May 31, 2023
G/H	June 30, 2023
J/K	July 31, 2023
N/O	August 31, 2023
A/B	September 30, 2023
T/V (SYTF)	October 31, 2023
Y (will be X) W (SYTF)	November 30, 2023
P/X (will be Z) (SYTF)	December 31, 2023
Security/Movement Control	January 31, 2024

As detailed above, the Probation Department intends to gradually eliminate OC spray in all units between April 30, 2023, and January 31, 2024. This estimated timeline does not completely eliminate OC spray until more than three years after the Probation Department's 2019 phase out plan, which called for the phase out of OC spray by September 2020.<sup>1</sup> The Probation Department provided no explanation in the Plan for its delay in complying with the Board's 2019 motion directing the Probation Department to eliminate use of OC spray in the juvenile halls by the end of the 2019 calendar year nor any explanation as to its failure to follow its own phase out plan.

***Directive 3: Direct the POC and the OIG to oversee the implementation and evaluation of the phase out of OC spray at CJH and report to the Board, in writing, every 14 working days, until the completion goal of February 27, 2023.***

***The status and re-implementation of the Regional Center training and any additional trainings.***

- As noted in the Office of Inspector General's previous reports, the Probation Department leadership stated that it had several meetings with the Regional

---

<sup>1</sup> As of June 30, 2023, youth from the Department of Juvenile Justice (DJJ) will be transferred to the Probation Department. As set forth in the recommendations, the Office of Inspector General identifies this as the appropriate target date for the elimination of OC spray.



Center and provided the Regional Center information for Probation staff to be certified by BSCC. Although the Plan indicates that the Probation Department is currently in the process of scheduling training with the Regional Center, in the last meeting with the Office of Inspector General and the POC, the Probation Department leadership indicated that the Regional Center will not be providing training regarding youth with developmental disabilities; according to the Probation Department, the Regional Center did not provide a reason for declining to provide the training. However, the Regional Center did agree to attempt to identify another agency capable of providing the requisite training and agreed to continue dialoguing with the Probation Department regarding this training.

***How training is conducted and deployed, including the effectiveness of the “train the trainer” model.***

- The Probation Department’s Plan includes its expected efforts to train its staff taking into account the elimination of OC spray. Included in its plan for training are the following areas, which are provided in the OC Phase Out training:
  - Handcuffing (3-hour course)
  - De-escalation (8-hour course)
  - Physical intervention (16-hour course)
  - Physical intervention policy review (1-hour course)
  - Training for Supervision of Developmentally Disabled Youth (4-hour course)
- The Plan reports that as of February 26, 2023, 106 staff have been assigned to the five identified units, including 25 recent graduates of the Probation Department’s academy. Although these graduates have not participated in any of the above-mentioned training, they have received similar training in these areas at the academy, and none of the recent graduates were issued OC spray.

The Probation Department’s Plan details the following with respect to the completion or partial completion of OC Phase Out training:

- Completed both Block Weeks: 30 supervision staff
  - Completed Block Week 1 only: 11 supervision staff
  - Completed Block Week 2 only: 10 supervision staff
  - Attended Block Week 1, but missed one or more courses: 2 supervision staff
  - Attended Block Week 2, but missed one or more courses: 1 supervision staff
  - Attended both Block Weeks, but missed one or more courses: 9 supervision staff
  - Have not attended either Block Week: 9 supervision staff
  - Staff that do not have OC spray: 11 supervision staff
- As clearly indicated, only a minority of the 106 staff members assigned to the identified units have completed the requisite training. Identifying the number of staff completing each category of training shows that many staff are woefully undertrained:
    - *De-escalation* training completed by 37 of 106 line staff and 3 of 9 supervisors.
    - *Handcuffing* training completed by 20 of 106 line staff and 0 of 9 supervisors.
    - *Physical Intervention* training completed by 69 of 106 line staff and 7 of 9 supervisors.
    - *Supervision of Developmentally disabled youth* training completed by 12 of 106 line staff and 1 of 8 supervisors.

A significant number of the staff needed in the five identified units have not been fully trained, which requires approximately 24 hours of staff time. The Probation Department leadership is concerned about the necessary training time and the staff being away from the units and unable to provide supervision of the youths. Despite this concern, the Probation Department leadership refuses to utilize the *train the trainer* method as previously discussed in prior reports and continues to cite concerns that use of the *train the trainer* model may lead to a watered down version of the initial training in that with each subsequent iteration, important information may not be conveyed.

Although the Probation Department has responded to the directives in the current Board motion by trying to address the lack of necessary training, the delay in implementing

training as set forth in its 2019 plan has impeded the goal of phasing out OC spray as directed by this Board's 2019 motion to phase out the use of OC spray in all juvenile halls. The Office of Inspector General continues to recommend use of the *train the trainer* model as an effective way to quickly train staff when there is a necessity to immediately train a large number of staff, and it is an effective stop gap measure to provide training to ensure there are sufficient trained staff to fill existing vacancies.<sup>2</sup>

***The effectiveness of training in teams/units versus individuals.***

- As noted in the previous reports, the Probation Department leadership agrees that unit training is more effective than individual training and reported that it continues to seek volunteers to be assigned to the five identified units with the intention of training the unit staff together. The Probation Department leadership continues to believe that this approach is feasible for the five units due to the relatively small group of staff needed for the units. However, there are continuing concerns that reported staff shortages will continue to impede the training process. The Office of Inspector General continues to recommend moving field officers to the juvenile halls as the safety of the youth under the care of the Probation Department is of the utmost importance; failing to train a sufficient number of staff is an abdication of the Probation Department's Constitutional responsibility to safely house incarcerated youth.

***The impact of training on staff's ability to de-escalate situations.***

- As noted in the previous reports, the Probation Department supervisors will continue to elicit on-the-job feedback from recent trainees in the units where OC spray is eliminated to learn more about the effectiveness of training and other training needs. Since the previous report, the Probation Department has not had any employee town halls or learned of any information to better understand the impact of training on staff's ability to de-escalate situations. However, it plans to continue to utilize town halls and meetings to obtain and evaluate staff input on the training modality to ensure an effective curriculum.

---

<sup>2</sup> The Office of Inspector General has also recommended moving field officers to the juvenile halls to address staffing shortages at the halls and to provide current staff with the necessary time to complete training. [\*OIG and POC Joint Third Report Back on the Phasing Out of Oleoresin Capsicum \(OC\) Spray at Central Juvenile Hall\*](#) at pages 9, 10, and 17.

***The impact trained staff have on youth when de-escalation tactics are deployed.***

- The Office of Inspector General, as previously reported, reviewed video recordings of use-of-force incidents and conducted youth interviews to assess the impact on youths of trained staff members utilizing de-escalation techniques. The Office of Inspector General's review of video recordings identified numerous occurrences of staff members attempting to de-escalate incidents, including successful de-escalation. During three interview sessions, youths described situations during which staff in fact utilized de-escalation methods and the success of such methods. The Office of Inspector General recommends the Probation Department continue its efforts to have all staff trained in de-escalation as it has shown to be an effective method in response to disturbances.

***Interviews with youth in CJH regularly, subject to their attorney's consent, to determine accuracy of the Probation Department's reporting.***

The Office of Inspector General and the POC, along with representatives from defense counsel, interviewed nine youth on February 1, 2023, eight on February 14, 2023, and nine on March 3, 2023. The list of questions used during the interviews was provided in the previous report. In summary, during the three interview sessions, the youths reported, (1) in most incidents, the Probation Department staff members provided the requisite "OC warnings" prior to deploying the OC spray on the youths, (2) decontamination was usually provided, (3) most OC deployments were due to fights between youths, and occur in the dayroom, and (4) some staff members deploy OC spray more readily than other staff members.

However, there were youths who described uses of OC spray by the Probation Department staff without any warning. There was one claim of a youth being sprayed while in handcuffs. The OC spray reports reviewed by Office of Inspector General staff do not reflect any uses of OC spray without warning nor do any of the reports reviewed reflect that a youth was sprayed while handcuffed. However, due to the deficiencies in timely reporting and effective internal investigation at the Probation Department, the

Office of Inspector General has no confidence that such allegations are likely to be properly investigated.

***Directive 4: Direct the OIG to track and collect data on staff who are engaging in multiple incidents of OC spray use, and in collaboration with the POC and the Probation Department, develop, review, and update policies on discipline and training regarding OC spray use.***

- As noted in the previous reports, the Office of Inspector General continuously requested reports on the Probation Department staff use of OC spray to determine if staff are engaging in multiple incidents of OC spray use. The first request was made on December 21, 2022, then again during the meetings with Probation Department leadership on January 5, 2023, and February 13, 2023. As of the date of this final report, the Office of Inspector General has not received the necessary information from the Probation Department and therefore, cannot provide an informative response to the Board's directive to track and collect data on staff who are engaging in multiple incidents of OC spray use.
- The Office of Inspector General continues to recommend that all OC spray incidents be reviewed by the Central Intake Team at the meetings conducted by the Probation Department's Internal Affairs Bureau, which reviews allegations of staff misconduct for potential investigation.

### **Office of Inspector General's Final Report Recommendations**

Based on the Office of Inspector General's review of the Probation Department's current draft OC phase out implementation plan, and the Probation Department's 2019 OC spray phase out plan, the following recommendations are made:

- The Probation Department should reassign field staff to the juvenile halls to ensure sufficient staff who are trained in techniques that enable de-escalation without the necessity of employing OC spray.
- The Probation Department should utilize the *train the trainer* model of training as a stop-gap measure as an effective way to quickly and efficiently train a large number of staff. Once a sufficient number of staff are trained using this

model, the Probation Department should continue to provide training using experts to train staff more thoroughly.

- The Probation Department should assess and enhance training for working with youth with mental health and behavioral needs, and youth in acute mental health crises. While such enhanced training may be currently available, it is crucial that sufficient staff have received the training to properly staff the juvenile halls.
- The Probation Department staff should receive further training in the proper and timely completion of all use of force forms. In addition, current reporting deadline policies should be enforced vigorously with discipline imposed for failing to timely complete and submit the forms. Managers who fail to require the timely submission of the forms should also be subject to discipline.
- *Section M* of the Physical Intervention Report, which addresses the use of OC spray, should be answered by the Probation Department staff in the affirmative if *any* staff member deployed or witnessed the deployment of OC spray, and provide details as required by the form.
- All Probation Department staff should receive refresher training on the policies and practices requiring submitting timely and complete reports after use of OC spray and other use of force incidents.
- The Physical Intervention Report form(s) of staff member(s) that deployed the OC spray should be the first page(s) of the Physical Intervention Report Packet.
- Adding a signature line to *Section M* of the Physical Intervention Report form for a supervisor to verify that the section has been reviewed and completed.
- Video recording of each OC spray decontamination.
- All uses of OC spray should be reviewed by the Central Intake Team.

- The Probation Department should eliminate OC spray in all units by June 30, 2023, when it will have custody and care of all Los Angeles County youths currently in DJJ facilities.
- The Probation Department should proceed with plans referenced in its draft Plan to implement:
  - A credible messenger program
  - Resource teams made up of Probation staff and Department of Mental Health staff to respond to critical incidents
  - Employee wellness programs
  - Employee support services
  - Peer Support Program

MH:sf

c: Adolfo Gonzales, Chief Probation Officer  
Fesia Davenport, Chief Executive Officer  
Celia Zavala, Executive Officer  
Dawyn Harrison, Interim County Counsel  
Wendelyn Julien, Executive Director, Probation Oversight Commission



**WENDELYN JULIEN**  
EXECUTIVE DIRECTOR

# COUNTY OF LOS ANGELES PROBATION OVERSIGHT COMMISSION


KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, SUITE 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 633-5777 • [www.poc.lacounty.gov](http://www.poc.lacounty.gov)

## MEMBERS OF THE BOARD

HILDA L. SOLIS  
HOLLY J. MITCHELL  
LINDSEY P. HORVATH  
JANICE HAHN  
KATHRYN BARGER

March 6, 2023

TO: Supervisor Janice Hahn, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Lindsey P. Horvath  
Supervisor Kathryn Barger

FROM: Wendelyn Julien   
Executive Director

**SUBJECT: FINAL REPORT BACK ON THE PHASING OUT OF OLEORESIN  
CAPSICUM (OC) SPRAY AT CENTRAL JUVENILE HALL (ITEM NO. 9,  
AGENDA OF DECEMBER 20, 2022)**

On December 20, 2022, through a [motion](#) by Supervisors Solis and Horvath, the Board of Supervisors (Board) instructed the Probation Oversight Commission (POC) and the Office of Inspector General (OIG) to report back every fourteen (14) business days on the Los Angeles County Probation Department's (Probation) implementation plans for and progress on phasing out OC Spray in housing units that incarcerate youth with developmental disabilities, girls and gender expansive (GGE) youth at Central Juvenile Hall (CJH).

To complete the research for this final report back, POC met with Probation leadership on March 1, 2023, communicated regularly with leadership via email, conducted interviews with youth and staff at CJH, and conducted weekly site visits to CJH to verify housing classifications.

**Directive 1: Direct the Probation Department to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the Office of Inspector General (OIG), to phase out the use of OC spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive (GGE) youth at Central Juvenile Hall.**

Since the last report of February 10, 2023, Probation's progress toward compliance with the creation of a plan for full phase-out of OC spray in the juvenile halls and for phase out in the specified units at CJH by February 27, 2023, includes:



### ***Plan for Full Phase Out***

- Probation provided a draft plan to the POC and OIG on February 27, 2023, attached here as Appendix A. The plan focuses primarily on training and staffing as the obstacles to immediate implementation of the phase out of OC spray and describes the training that will be offered and to whom in detail. The POC will continue to follow up with Probation to obtain the final version of the plan and ensure accountability with the plan going forward.
- The plan does not allude to the 2019 phase out plan, nor does it include any plans to gradually reduce staff's reliance on OC spray. Examples in the former plan included, for example, voluntary relinquishment of OC spray, providing access to OC spray in the units but not having the Detention Services Officers carry OC spray, and other phased approaches.
- The plan provides an update on training, explaining the progress on OC Phase Out Block Week Training for the 106 staff assigned to the identified units. These figures show very little change from the data was first reported to the POC and OIG in January 2023. The plan indicates that consistency in staffing and the increased population at CJH have contributed to the lack of progress in sending staff through training. The training totals are as follows:
  - Completed both Block Weeks: 30 supervision staff
  - Completed Block Week 1 only: 15 supervision staff
  - Completed Block Week 2 only: 10 supervision staff
  - Attended Block Week 1 - missed one or more courses: 2 supervision staff
  - Attended Block Week 2 - missed one or more courses: 2 supervision staff
  - Attended both Block Weeks - missed one or more courses: 11 supervision staff
  - Staff that have not attended either Block Week: 11 supervision staff
  - Staff that do not have OC Spray: 25 supervision staff who are recent graduates of the JCOC Academy.
- The POC's biggest concern about the draft plan is the expected final phase out date for OC spray listed as January 2024 and dates are listed as "tentative" dates. Given the years that have gone into this phase out plan, the POC supports the OIG's recommendation of a much faster full phase out with a goal of July 1, 2023.

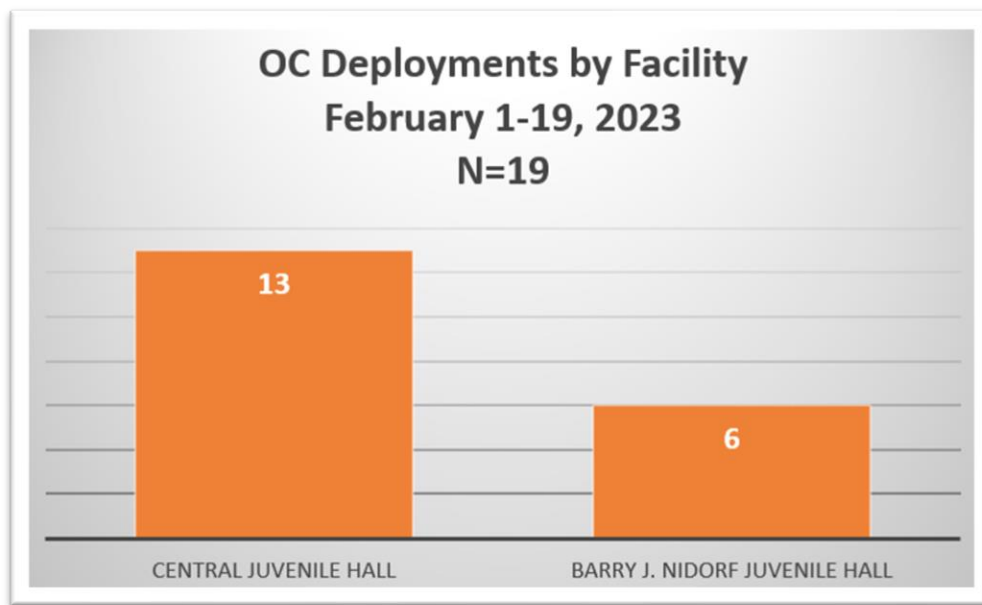
### ***Progress on OC Phase Out and Elimination in Targeted Units***

POC and OIG staff confirmed during visits to CJH on February 27, 2023 (OIG), March 2, 2023 (POC), and March 3, 2023 (OIG and POC), and from Executive Leadership during a meeting on March 1, 2023, that staff in the five targeted units at CJH are no longer carrying or using OC spray and staff from other units who might be called to respond to incidents in those units are aware of the new prohibition on spray in these units.

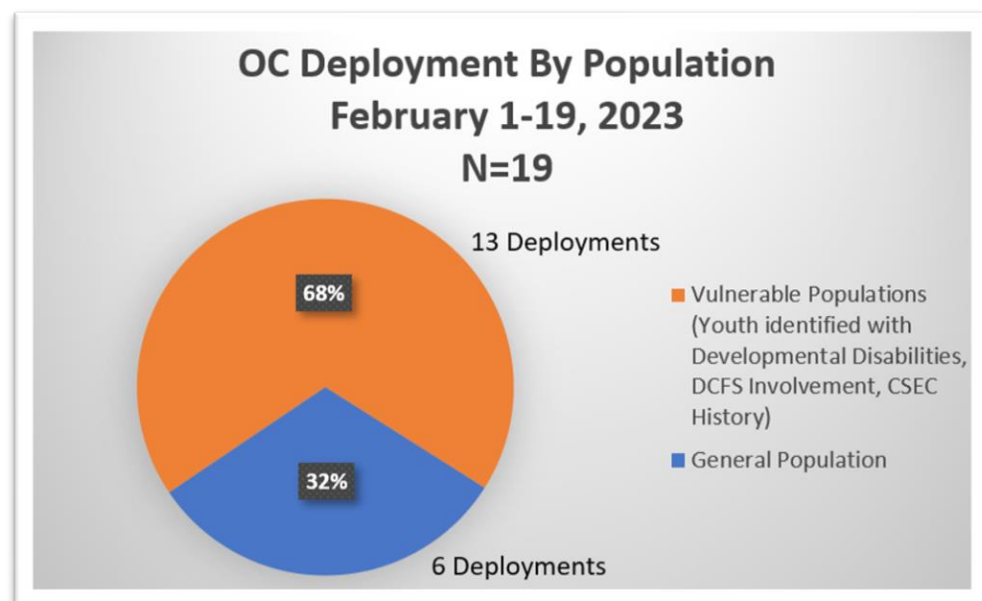
As of March 6, 2023, the POC had received weekly OC Deployment Reports through February 19, 2023, limiting the scope of data available for this report back. The weekly reports have been received with further delay than previously, which may be a result of the increased information provided on the report but prevents timely updates to the POC's analysis. By late January 2023, Probation had made all of the additions to its weekly OC

deployment reports required by the Board motion, including the acknowledged involvement of youth with documented vulnerabilities including those diagnosed with developmental disabilities, commercial sexual exploitation histories (CSEC), and Department of Children and Family Services (DCFS) involvement, which improves the quality of the reports.

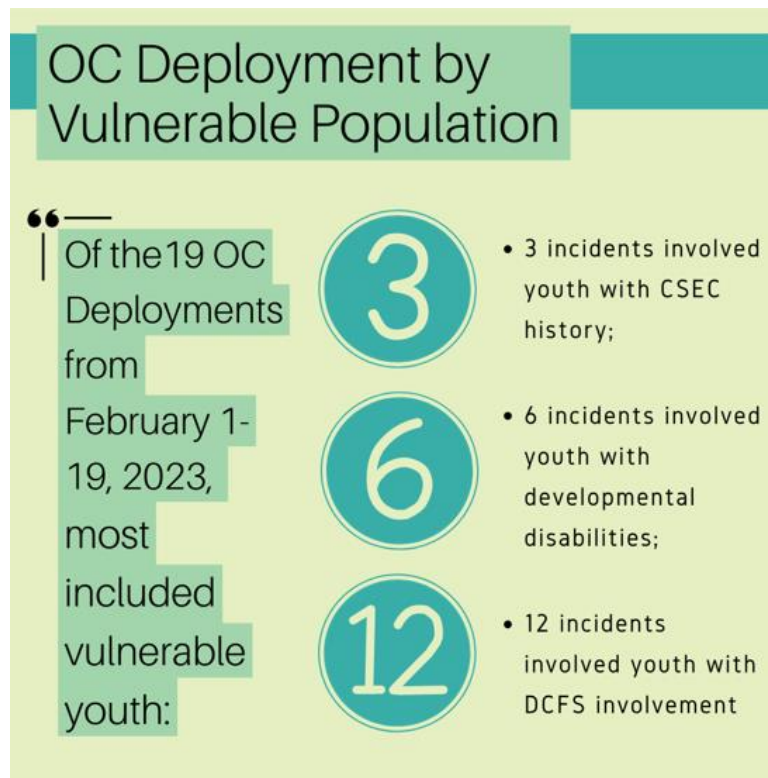
According to the weekly reports, there were a total of 19 OC deployments from February 1-19, 2023 between CJH and Barry J. Nidorf Juvenile Hall (BJN).



Of those 19 total incidents, more than two-thirds involved vulnerable youth, and occurred at both juvenile hall facilities.



In further analysis of vulnerable youths' exposure to OC spray, youth with DCFS involvement were over-represented and were involved in 12 of the incidents, youth with developmental disabilities were involved in six incidents, and youth with CSEC history in three of the incidents.



It is worthwhile to note that while CJH is phasing out OC spray in units that are designated to house youth with developmental disabilities, there were OC deployments on these vulnerable youth while housed on non-designated units in both facilities. At CJH, there was one deployment on a youth in Movement Control, as well as a deployment in Unit RS. At BJN, youth with developmental disabilities were affected in one deployment that occurred in Unit NO, otherwise known as the HOPE Center, and another in Unit X, which houses youth dispositioned to Secure Youth Treatment Facility (SYTF).

Further disproportionality is highlighted in the data wherein girls were sprayed in six of the 19 incidents, or 32% of the total incidents, while making up less than 25% of the population at Central during the period under review.

In continued examination of the weekly OC Deployment data, the POC has posed questions to Probation and Juvenile Court Health Services (JCHS) regarding the data reported under “Injury to youth from OC” to clarify the definition of the word “injury” and who determines that a youth has or has not been injured by OC. Since the POC began receiving OC deployment data points pertaining to May 23, 2022 to present day, only two incidents have indicated injury to youth by OC spray, despite verbal reports by multiple youth to POC staff that they experienced negative and painful effects immediately, and in some cases for an extended period following OC exposure, via exacerbation of existing respiratory problems and skin irritation, including one youth who stated, “My eyes were

irritated for a week.” Probation reported that the injury data for youth is derived from JCHS assessment, but JCHS reported that they did not define the term “injury” for the purposes of the weekly OC Deployment Report. It was also reported by JCHS that when a youth is brought for examination, staff note any injury resulting from a use of force, including OC spray, and reports that information back to Probation. To date, the POC has never received an amended report due to a later discovered injury that resulted from OC.

The POC remains unclear on who exactly determines if a youth has or has not been injured by OC, and what the criteria is for assessing “Injury to youth from OC.” Given the lack of clarity reported by Probation and JCHS, the POC has serious concern regarding the accuracy of the data reported for injuries to youth caused by OC exposure and will continue to investigate how this is determined and reported.

Because of the lack of clarity regarding what constitutes an injury caused by OC spray, the POC cautions against comparing this data to any future analysis of injuries sustained by other uses of force.

***Verification of Unit Classifications at Central Juvenile Hall: 2/23/23 & 3/2/23***

POC staff continue to make follow up visits to Central Juvenile Hall to verify housing classifications.

Visit	Date of POC Visit to CJH
1	January 24, 2023
2	January 30, 2023
3	February 7, 2023
4	February 16, 2023
5	February 23, 2023
6	March 2, 2023

During the visit that on February 23, 2023, there continued to be variances between the housing classification documents shared with the POC and the actual reported housing of youth:

- Staff assigned to the Girls ESU/Girls CARE (formerly housed in unit XY and currently housed on unit O) reported that the unit is being utilized for overflow from the other girls unit. It was shared in a previous visit that the housing of youth with widely varied supervision needs caused unsafe conditions including youth on youth violence.
- The Receiving Unit, while labeled solely as a Transportation Pit Stop, is housing the overflow of intakes for Unit W, and staff reported that since it is functioning in this manner, there is a possibility of housing youth with developmental disabilities, though none were housed there at the time of the visit.

During the visit to CJH, it was learned that many Probation staff were unaware of a plan for a staggered phase out of OC spray by unit and had been informed that they would be turning in their OC spray prior to starting their shifts on Monday, February 27, 2023 to

work on the affected units. This coincides with the draft plan provided by Probation on February 27, 2023 but earlier conversations with leadership had included a plan for more gradual removal of the OC spray.

The March 2, 2023, visit to CJH verified that, with the exception of the Girls ESU/Girls care additionally housing unit CD overflow as reported above, youth housing protocols were accurate. Staff on the five units slated for OC Phase Out, Units AB, CD, Boys Care, Boys ESU, Girls Care/Girls ESU, had all either turned in their OC spray or had been instructed to do so immediately. Staff on these units substantially understood that OC was not to be used. Laminated signs were posted on most doors of the targeted units to alert anyone responding to the unit that OC is not to be deployed on the units.

The targeted units are all on one side of CJH's campus, which in the opinion of the POC and as expressed by Probation leadership, supports the implementation of the elimination of OC spray in these units and reduces the chance that a staff member responding to a disturbance in the unit would use OC spray since there is general understanding among staff that OC spray is not to be used on that side of the facility.

Aspects of planning for the phase out had not been clarified with staff throughout the facility, however. One staff member shared that they had not received any instruction about the use of OC if they are called upon to respond to an emergency on a phase out unit. Another staff member assigned to one of the phase out units reported a lack of clarity about what would happen for his regular Sunday shift that takes place on a non-phase out unit and whether he would be able to have OC. Communication with staff should be Probation leadership's priority during this critical period of change to ensure understanding of new procedures and increase staff confidence in phase out planning. The POC will continue to analyze and report on OC use and phase-out in public meetings and in reports to the Board, emphasizing the importance of Probation tracking and sharing data with oversight bodies and the public.

**Directive 3: Direct the POC and the OIG to oversee the implementation and evaluation of the phase out of OC spray at CJH and report to the Board, in writing, every 14 working days, until the completion goal of February 27, 2023.**

***The status and re-implementation of the Regional Center training and any additional trainings. How training is conducted and deployed, including the effectiveness of the "train-the-trainer" model.***

- See the Office of Inspector General Report Back of March 6, 2023.

***How training is conducted and deployed, including the effectiveness of the "train the trainer" model.***

- See the Office of Inspector General Report Back of March 6, 2023.

***The effectiveness of training in teams/units versus individuals.***

- See the Office of Inspector General Report Back of March 6, 2023.

***The impact of training on staff's ability to de-escalate situations.***

***The impact trained staff have on youth when de-escalation tactics are deployed.***

Since the last report back, Probation had discouragingly little to report on progress in this area. Executive leadership has not held any additional town halls with staff since the last report back about the phase out, few staff have completed OC spray Cohort Training since the last report back, and Probation has not implemented any new measurement of the effectiveness of the training for staff.

Probation executive leadership continues to report that implementation of the Early Intervention System (EIS) will help to address measurement of individual issues related to effective interventions, but report that labor negotiations and other issues continue to cause delay in the implementation of EIS.

Probation, the OIG, and the POC are continuing to discuss examples of the impact Probation's staff has had on youths with use of de-escalation tactics, including OIG's review of video recordings of use of force incidents.

***Interviews with youth in CJH regularly, subject to their attorney's consent, to determine accuracy of the Probation Department's reporting.***

Staff from OIG and POC, supported by defense attorneys, conducted interviews at CJH on February 14, 2023, and March 4, 2023. Attached as Appendix D is detailed information about those interviews. Some of them include disturbing reports of youth experiencing pain and fear related to OC spray and incidents that precede the use of OC spray. Major takeaways from the recent interviews include:

- Youth across units report that staff almost always warn them before using OC spray.
  - For example, a youth shared having received "OC warnings" each time he was sprayed. The youth reports his face typically gets sprayed and [it] "burns a lot; last time the spray dripped down my face to my body." Youth adds that he usually has difficulty breathing afterward.
  - Another youth reported having heard "OC warning" before OC is deployed and understands everyone needs to "drop to the floor" when this warning is given.
- Youth report that OC spray is almost always used to stop fights between youth, although some youth report other reasons as well.
  - For example, one youth was sprayed in the back of the head due to having been considered "out of bounds." According to this youth, she was sprayed so much it poured down her body, all the way down to her private parts. She reported that after the OC deployment, another staff used force on her by choking her.
  - Another youth reported that she does not disagree with OC spray deployment when multiple youth are fighting. Youth gave an example of a fight in unit RS where a youth jumped another youth and another youth jumped in, sharing, "the staff needed to get in there to break that up."
- Multiple youth report that staff use excessive amounts of spray during each deployment, resulting in physical discomfort including burning, itching, and trouble breathing. Youth report that spray often drips down their bodies after deployment.

- For example, one youth reported having been sprayed twice; once at BJNJH and once at CJH; both for fighting. He reported about the OC deployment at BJNJH, that it resulted in severe burning to his face and spray dripping down his face onto his neck and body. He reported not being able to see or walk to the bathroom for decontamination.
  - Another youth reported having experienced effects when OC was deployed in the unit including severe burning sensation to the eyes, coughing, and “tearing up for hours”.
  - Another youth believes OC deployments she has witnessed have been fair for the most part but claims when it is used it is excessive, indicating staff don’t squirt a small amount, rather they spray, holding the spray can nozzle down for a while.
- Youth interviewed across the units reported that they have access to water quickly after the spray but have concerns about the amount of time they have to wait for proper medical attention after a spray.
  - For example, one youth reported “the worst OC spray incident occurring in July ’22, in Unit AB at CJH during which time there was a fight involving multiple youth and the entire dayroom was sprayed, resulting in ‘the entire floor being covered in red.’ Many youth were directed to their rooms, without eye wash or decontamination. He reports each youth was taken to see the nurse “one by one” and approximately half hour after that deployment. Youth believes this fight started because one youth “disrespected” a female staff member and another youth came to her defense.
- Youth report concerns about certain staff who tend to deploy spray more often. Youth also report that, in their experience, female staff tend to deploy spray more often than male staff.
  - For example, a youth reported witnessing an OC spray incident approximately 2 weeks ago; reported seeing a staff spray multiple youth and that she appeared to be “trigger happy.” The incident described by two youth was the result of a use of force between a staff and a youth outside one of the rooms, during which the youth report seeing another youth being ‘choked outside the room.’
  - For example, a youth reported noticing that female staff usually spray more often than male staff who more typically restrain kids; he attributes this to a difference in size between male and female staff.
- Youth vary somewhat in their opinions about the big picture question of eliminating OC spray all together, although many provided clear statements about the problems with OC spray and their desire to see it eliminated from the halls. Some express their opinions as follows:
  - One youth does not believe OC spray is necessary, “only if someone is in danger or if a situation gets really out of control.”
  - Another youth reports witnessing OC deployment during “riots” in the hall; understands why staff use it but doesn’t like it being used on kids – “it burns when they spray, and it shouldn’t be used.”
  - Another youth reports that approximately two weeks ago, they witnessed a group of girls fighting in the recreation area. Youth believes OC deployment was warranted because too many girls were fighting, remarking, “It’s better than the staff slamming them down or breaking their arms.”

**Interview Demographics: February 14, 2023**

Youth ID	Housing Unit	Age	Length of Stay (during this detention)	Entire time at CJH or moved between Halls?	Has been pepper-sprayed?	Has been present when someone was sprayed?
1	Unit J	18	7 months	4 months CJH, 3 months BJNJH		✓
2	Unit J	17	4 months	Entire time	✓	✓
3	Unit AB	15	5 months	2 months CJH, 3 months BJNJH	✓	✓
4	Unit CD	18	4 weeks	Entire time		
5	Unit O	17	2 weeks	Entire time		✓
6	Unit O	13	1 month	Entire time	✓	✓
7	Unit AB	18	1 year 2 months	3 months BJNJH, 11 months CJH	✓	✓
8	Unit AB	17	3 months	Entire time		✓

**Interview Demographics: March 3, 2023**

Youth ID	Housing Unit	Age	Length of Stay (during this detention)	Entire time at CJH or moved between Halls?	Has been pepper-sprayed?	Has been present when someone was sprayed?
1	Boys' CARE	17	2 months	Entire time		✓
2	Boys' CARE	16	10 months	Entire time	✓	✓
3	Unit AB	16	Unknown	Unknown		✓
4	Unit CD	16	9 months	Entire time		✓
5	Unit O	17	4 weeks	Entire time	✓	✓
6	Unit AB	18	1 month	Entire time		
7	Unit AB	16	4 weeks	Entire time		
8	Unit O	17	4 weeks	Entire time		✓
9	Unit O	17	2 months	Entire time	✓	✓



**Directive 5: Direct the Probation Department to update the weekly OC Deployment Reports to include data about vulnerable populations.**

Complete.

**Final Recommendations**

Though this report marks the end of the POC's reporting responsibilities as outlined in the Board's motion, however the POC will continue to provide oversight, track and encourage progress, and report those back to the Board and the public, until Probation's plan for OC phase out has been fully implemented.

The POC staff, with regular reporting to the full Probation Oversight Commission and the Board, intends to proceed as follows:

1. Continue monitoring and regular reporting of OC deployment data until a full phase out has been successfully executed and verified for both juvenile hall facilities.
2. Continue regularly scheduled visits to both juvenile halls to verify housing classifications and unit occupancy as they relate to youth exposure to OC and staff experiences. These visits will focus on tracking the housing and potential for use of OC spray on youth identified as developmentally disabled, CSEC or DCFS involved, or girls or gender expansive youth and identify "high use" and "low use" units to work to identify best practices and ensure the Department is on track to meet their goals for phase out in the units identified in the February 27, 2023 draft plan.
3. Continue to pursue data transparency via exploration and identification of Probation's OC data gathering and reporting procedures, including emphasis to clarify definitions of basic concepts including what constitutes injury to youth and how that is identified for reports.
4. Request and analyze Use of Force data beyond OC spray use on a regular basis to promote data transparency and to provide recommendations to the department aimed to increase the integrity of data gathering and reporting processes.

The POC recommends Probation immediately considered the following recommendations:

1. Increase communication and feedback processes with line staff immediately affected by the phase out and all staff working at Central. Staff need direct instruction about the procedures put into place to support the OC phase out, including clarifying unit assignments, protocols for responding to emergencies, and upcoming opportunities for training. Staff repeatedly report a lack of clarity around issues that immediately affect them and report that this affects morale and confidence in the department's ability to make a plan that does not jeopardize their safety.
2. Re-evaluate data gathering and reporting procedures for OC deployment and Use of Force data overall immediately to achieve an acceptable level of accuracy and

consistency in reports. The number of errors, hand-counted data points, and poorly or non-defined terms, such as “Incident”, “Deployment”, and “Injury” have led the POC to determine that the department’s reported OC data has limited use for comparison purposes and needs overhaul for any future consideration of validity. In its current state, Probation’s OC data is not acceptable to be used in analysis comparing injury statistics, or against any other Use of Force data.

3. In the event that Probation does thoroughly re-evaluate data gathering and reporting procedures for OC deployment and Uses of Force generally, and finds, as has been demonstrated throughout this process, insufficient capacity to thoroughly correct these issues, then Probation must find and contract a third party to appropriately manage Use of Force data. Accountability begins with leadership acknowledgement that data remains a struggle and that the department as a whole would benefit from allowing an equipped third party to take charge of this complex task, to bring integrity to reporting and to encourage data driven decision making processes and policies.

The POC will continue to collaborate with OIG and the Probation Department to ensure OC spray is completely phased out as originally instructed in the Board’s 2019 motion.

Please feel free to contact Executive Director Wende Julien at [wjulien@poc.lacounty.gov](mailto:wjulien@poc.lacounty.gov) with any questions.

#### Attachments

c: Fesia Davenport, Chief Executive Officer  
Adolfo Gonzales, Chief Probation Officer  
Celia Zavala, Executive Officer  
Dawyn R. Harrison, Interim County Counsel  
Justice Deputies, Board of Supervisors

## CENTRAL JUVENILE HALL – INTERVIEW NOTES

February 14, 2023

### Interview Teams:

- Erica Reynoso, Ph.D., LCSW  
PD Partner: Vera Koulian, JD
- Daysi Alarcon  
IJD Partner: Erik Rodstrom, JD

### Demographic Data

Youth ID	Housing Unit	Age	Length of Stay (during this detention)	Entire time at CJH or moved between Halls?	Has been pepper-sprayed?	Has been present when someone was sprayed?
1	Unit J	18	7 months	4 months CJH, 3 months BJNJH		✓
2	Unit J	17	4 months	Entire time	✓	✓
3	Unit AB	15	5 months	2 months CJH, 3 months BJNJH	✓	✓
4	Unit CD	18	4 weeks	Entire time		
5	Unit O	17	2 weeks	Entire time		✓
6	Unit O	13	1 month	Entire time	✓	✓
7	Unit AB	18	1 year 2 months	3 months BJNJH, 11 months CJH	✓	✓
8	Unit AB	17	3 months	Entire time		✓

### NOTES

- One youth indicated witnessing several instances of OC deployment at BJNJH (several months ago) and at CJH (mainly in unit B). He reported having experienced effects when OC was deployed in unit (i.e., severe burning sensation to eyes, coughing and “tearing up for hours”).

- A majority of youth reported having heard “OC warning” each time an OC deployment occurred or heard a “stop fighting” command.
- One youth reported “the worst OC spray incident occurring in July ’22, in unit B at CJH during which time there was a multiple youth fight and the entire dayroom was sprayed, resulting in ‘the entire floor being covered in red (pepper-remnants).’ Youth recalls every youth being sprayed during that deployment. Many youth were directed to their rooms, without eye wash or decontamination. He reports each youth (“one by one” was taken to see the nurse) approximately half hour later, after that deployment. Youth believes this fight started because one youth “disrespected” one female staff member and another youth came to her defense.
- Many youth believe OC deployments occur because there is not enough staff in their buildings, especially staff whom they know.
- Youth report generally having immediate access to partial decontamination (splash water) but some report waiting in their rooms for a while before getting full decontamination and/or medical care.
- One youth reported having been sprayed twice; once at BJNJH and once at CJH; both for fighting. He reported when OC deployment occurred at BJNJH, it resulted in severe burning to his face and the spray was dripping down his face onto this neck and body – youth reported not being able to see or walk to the bathroom for decontamination.
- One youth reported having been sprayed outside at CJH when his unit (AB) was out to rec. He reported he and peer were involved in a dispute within the game and it escalated to physical fighting. Youth reported not hearing “OC warning” given but admits he may just not have heard it. Youth recalls when he was sprayed this time it especially burned his face (because it was hot outside) and it seemed it took a long time to get relief (decontamination); but he received cold water from inside his unit and was later taken to see the nurse for post OC treatment.
- Another youth witnessed one OC spray incident approximately 2 weeks ago; youth reported seeing a staff spray multiple youth and that she appeared to be “trigger happy.” The incident described by two youth was the result of a use of force between a staff and a youth outside one of the rooms, in which according to them [these youth], witnessed another youth being ‘choked outside the room.’
- One youth was sprayed due to having been considered “out of bounds.” She was sprayed in the back of her head. According to this youth, she was sprayed so much it poured down her body, all the way down to her private parts. Reportedly, after this OC deployment, another staff used force on her by choking her.
- A male youth also reported that post-OC deployment, [it] dripped down his body, stating that ‘they overspray’ and he washed it on his own carefully because it spreads easily.
- One youth reported severe effects due to having been sprayed during which she could not breathe and coughed up blood.

March 3, 2023

Interview Teams:

- Erica Reynoso, Ph.D., LCSW  
PD Partner: Omid Haghighat, JD
- Daysi Alarcon  
IJD Partner: Erik Rodstrom, JD

Demographic Data

Youth ID	Housing Unit	Age	Length of Stay (during this detention)	Entire time at CJH or moved between Halls?	Has been pepper-sprayed?	Has been present when someone was sprayed?
1	Boys' CARE	17	2 months	Entire time		✓
2	Boys' CARE	16	10 months	Entire time	✓	✓
3	Unit AB	16	Unknown	Unknown		✓
4	Unit CD	16	9 months	Entire time		✓
5	Unit O	17	4 weeks	Entire time	✓	✓
6	Unit AB	18	1 month	Entire time	✓	✓
7	Unit AB	14	Less than 1 month	Entire time		
8	Unit O	17	1 month	Entire time	✓	✓
9	Unit O	17	2 months	Entire time	✓	

**NOTES**

- Approx. 2 weeks ago, one youth witnessed a group of girls fighting in recreation area. He posits, OC deployment was warranted because too many girls were fighting – youth remarked, “It’s better than the staff slamming them down or breaking their arms.”
- Most youth shared having received “OC warnings” each time they were sprayed. Several youth reported their face typically getting sprayed and [it] “burns a lot;” a few youth reported experiencing the spray dripping down their face and bodies.
- Several youth agreed that OC spray deployment was needed during fights involving multiple youth. One youth gave an example of a fight in which a youth in unit RS was jumped and other youth jumped in – “the staff needed to get in there to break that up.”
- Several youth do not believe OC spray is necessary: “only if someone is in danger or if a situation gets really out of control.”

- Several youth reported that when staff restrain youth, female staff should restrain female youth and male youth should restrain males. Further, several youth reported noticing that female staff usually spray and male staff don't use as much spray but typically restrain kids; they attributes this to a difference in size between male and female staff.
- One youth reports being sprayed three times since his detainment; each time OC was deployed (on him) it was due to engaging in fight
- Most all youth described two options staff employ: either pepper-spray us or restrain; youth mixed in their preferences (between OC spray and being restrained)- one youth explained that last summer he was not sprayed but rather restrained by a staff member during an incident at rec – he reportedly 'body slammed him, face hit ground and youth's arm was pinned back and bent behind' him. Youth described this incident as an extreme restraint.
- One youth reported having witnessed OC deployments "more than 20 times" during his detainment
- One youth believes OC deployments she has witnessed have been fair for the most part but claims when it is used it is excessive, indicating staff don't squirt a small amount, rather they spray, holding the spray can nozzle down for a while.
- A few youth expressed some staff over-rely on OC spray use and it is used unreasonably, especially some staff in unit XY (girls' unit). Youth reported a time (approx. 2 months ago) during which this supervisor sprayed a young woman in XY because she knocked her lunch from the table. The youth further explained that this supervisor not only sprayed the young woman at the table, but it [the spray] extended to other girls and their lunches – one girl vomited repeatedly afterward because she ate her lunch that had been covered in pepper spray.
- One youth reported that OC spray "burns in the moment, but I have learned not to panic or breathe the spray in."
- One youth reported that last time she was sprayed (post-deployment), she was sent to her room – where she splashed cold water on face from her sink – but didn't get good relief from the burning until after she was released from her room, approx. 40 minutes later.
- A few youth noted, 'male staff don't pull out spray, they restrain us, but female staff do spray a lot.' Many youth claimed when staff spray it may be necessary because otherwise youth would keep fighting but they also agreed that when they spray it does not have to be excessive.
- Several female youth report many more issues, leading to OC spray in girls unit due to "mixing" of populations – they report seeing more fights during rec time.
- Several female youth fear injury (from being restrained) now that staff are not allowed to use OC spray – many youth expressed "seeing the men in black [reference to SEO] coming" and believe they are "too rough" and 'have free reign on taking us down.' One youth described incurring leg fractures resulting from a restraint by an SEO.
- One youth reported that he is immune to OC spray, and it does not prevent him from fighting.
- Youth reported having heard "OC warning" each time and "stop fighting" commands given.
- Youth noted that male youth are pressured to continue fighting until stopped. Youth would prefer staff step between the youth to have them stop fighting.
- Youth explained he was aware of OC spray and believes being combined with units that have people that don't like each other cause fights.
- Youth believes keeping kids physically separate that don't get along and talking to kids is the best way to deescalate the situation without using spray.

- Youth reported having witnessed OC sprays twice in the O unit Youth since February 16.
- Youth reported when OC deployment occurred multiple people were sprayed. She described incidents occurring on the Girls care patio. OC spray warning was given but they say different things.
- Youths involved had severe burning to face and breast, the spray was dripping down one youths face onto the body – youth reports those involved not being able to see or walk to the bathroom for decontamination. Youth reports that in both incidents girls were sent to their rooms because they can only decontaminate one youth at a time.
- Youth reports that OC spray has now been taken away from the unit and 2 staff involved in the incidents have been moved. OC spray has been completely removed from the unit for a few weeks and now the men in black (a specialized unit of Probation officers that were all black) are called if there is a fight. Youth reports one girl's wrist has been broken and another had a dislocated leg. The men in black are rough, aggressive and the girls fear them.
- Youth stated that a 50/50 program would be more helpful which she describes as splitting up girls into rooms that don't get along. She believes the problems in the unit come from combining ESU enhanced supervision unit girls with girls' care.
- Youth Palma reports having been sprayed several times in the past. Normally for fighting because she will not stop otherwise. Youth reports being over sprayed every incident and the OC Spray causing swelling and burning. She is told to stop fighting but does not know if she is always given the OC warning.
- Youth reports that her last incident was on the girl's patio 2 weeks ago. Youth stated that she was not been allowed to decontaminate immediately and was sent to her room until they get to her.
- Youth are more concerned now that there is no OC spray because the men in black dislocated her leg and hurt her. She also stated that more recreation time would be helpful and splitting up girls who don't get along.



**COUNTY OF LOS ANGELES  
DEPARTMENT OF YOUTH DEVELOPMENT**

Hall of Records  
320 West Temple Street, Suite 7001  
Los Angeles, California 90012  
<https://dyd.lacounty.gov>



DAVID CARROLL  
Director

Board of Supervisors  
HILDA L. SOLIS  
First District

HOLLY J. MITCHELL  
Second District

LINDSEY P. HORVATH  
Third District

JANICE HAHN  
Fourth District

KATHRYN BARGER  
Fifth District

Date: May 30, 2023

To: Supervisor Janice Hahn, Chair  
Supervisor Hilda L. Solis  
Supervisor Holly J. Mitchell  
Supervisor Lindsey P. Horvath  
Supervisor Kathryn Barger

From: David Carroll *DC*  
Director

**PHASE OUT OF OLEORESIN CAPSICUM (OC) SPRAY AT CENTRAL JUVENILE HALL (ITEM NO. 9, AGENDA OF DECEMBER 20, 2022)**

On December 20, 2022, the Board of Supervisors (Board) adopted the motion titled, "[Phase Out of Oleoresin Capsicum \(OC\) Spray at Central Juvenile Hall](#)." Directive 2 tasked the Department of Youth Development (DYD) to expand the launch of the Credible Messenger Pilot Program to include Central Juvenile Hall and to work with the Probation Department to implement this expansion. The motion further identified the housing units where OC spray is deployed at the highest rates and where the expansion efforts should focus: girls, gender expansive (GGE) youth and developmentally disabled (DD) youth.

This report details the efforts DYD has taken to implement the expansion of the Credible Messenger Pilot Program and highlights next steps.

**Implementation Progress**

*Assessment of Lessons Learned from Secure Youth Treatment Facility (SYTF) Credible Messenger Pilot Program*

Between January and March 2023, DYD supported the launch of a Credible Messenger Pilot Program for Secure Youth Treatment Facility (SYTF) youth in Barry J. Nidorf Juvenile Hall (BJN) and Campus Vernon Kilpatrick (CVK). DYD executed contracts with two community-based organizations to provide credible messengers five days a week (now up to seven days a week) in January, held a 9-day long training for these credible messengers and organizational leadership in late February, and launched the program at both BJN and CVK in late March.

*"Supporting the Equitable Development of Young People in Los Angeles County"*



The launch of the pilot for SYTF has provided valuable lessons learned that are informing scope of work development, training curriculum, optimal schedules, ongoing coaching needs, data collection and tracking, physical space and technology access needs, on-site relationship building, and reentry planning for expansion efforts. DYD has been actively applying these lessons learned to expansion planning for the GGE and DD populations.

#### *Hiring DYD Staff to Support Credible Messenger Expansion*

In April and May 2023, DYD hired a Youth Development Supervisor, Youth Development Specialist, and Youth Development Ambassador to support the Department's Reentry team. These dedicated staff members are working on various aspects of Credible Messenger efforts and bring content expertise in facility operations, programming, and reentry to provide the leadership and capacity needed to expand the Credible Messenger model.

#### *Assessment of Central Juvenile Hall*

In April 2023, the DYD team visited Central Juvenile Hall to gain a better understanding of facility operations, program schedules, and the needs of the youth in order to effectively plan for the Credible Messenger expansion. The site visit allowed for initial planning on units to be served, number of credible messengers needed, and optimal ways to infuse Credible Messengers into the current programming.

At the time of this visit, DYD gathered the following information about the populations of focus:

- Twenty-six (26) girls and/or gender expansive (GGE) youth were in custody pre-disposition, with roughly twenty (20) in General Population and six (6) in either Girls Care or Enhanced Supervision units.
- Five to six (5-6) GGE youth were pending placement.
- 100% of GGE youth were identified as having either a mental health diagnosis or referral, ~30% are Commercially Sexually Exploited Children (CSEC), and ~30% have dual status cases with Department of Children and Family Services (DCFS).
- Youth with developmental disabilities (DD) have longer length of stays compared to the broader juvenile hall population due to competency hearings and difficulties in finding appropriate placements.
- DD youth in custody have a wide range of disabilities and a high percentage have Individualized Education Plans (IEPs).

Additional information about these populations is being gathered in follow up with the Probation Department.

### *Shift to Los Padrinos Juvenile Hall*

While initial expansion planning had focused on Central Juvenile Hall given the Board's original motion, all youth at Central Juvenile Hall, including GGE and DD youth, are now slated to be moved to Los Padrinos Juvenile Hall (LP) by July, as indicated in the recently adopted [Board letter](#) and consistent with the Board of State and Community Corrections (BSCC) ruling. Due to this shift, DYD has now pivoted planning efforts to LP. Program planning is heavily dependent on facility-based factors, such as scheduling, daily operations, unit population assignments, and on-site relationship building, impacting the ability to launch the program prior to the movement of youth and requiring additional planning and information gathering at the newly designated facility.

DYD staff toured LP on May 15, 2023 to begin planning for this shift, and have been working with the Probation Department on things like spacing and technology needs at LP for the program. DYD will have Credible Messengers working with GGE youth in LP as soon as possible after the young people have been moved, in order to help smooth their transition and provide them additional supports; the DD launch will follow soon after.

### *Partnership Building and Service Provider Selection*

Because of the unique needs of the GGE and DD populations, DYD believes it is important to partner with organizations who have specific expertise serving these youth. To this end, DYD was able to build on its existing decarceration of girls and gender expansive youth work to survey community-based organizations and hold a focus group in partnership with the Gender Responsive Workgroup of the Youth Justice Advisory Group to solicit feedback on programming and to determine the capacity and availability of organizations to serve in this role. Informed by that process, DYD has identified and begun initial negotiations with an organization we believe can best serve GGE youth. DYD is scheduling a tour of LP with this provider in early June to advance their planning and readiness to launch the program.

DYD has been working to broker new partnerships to prepare to serve youth with developmental disabilities. In June, DYD will meet with the DD Youth Probation Director and two Regional Center Providers to better understand Probation's existing efforts to support this population, clarify ways the Regional Center process can be better coordinated, and assess the best provider for Credible Messengers for the DD population.

### **Timeline and Next Steps**

DYD aims to have a contract executed with a service provider for GGE youth by the first half of July and will notify the Board 30 days in advance of the contract execution. Credible Messenger services are intended to begin in LP in August after staff have been identified by the organization, cleared by Probation's background check process, and received initial training.

Each Supervisor  
Date: May 30, 2023  
Page 4

In the meantime, as we solidify the contract and necessary logistics, DYD and the service provider are committed to offering some supports to the GGE youth as soon they are moved to LP, which will help meet current needs of the young people and pave the way for a successful full launch of the program.

DYD continues to work to identify an organization that can best serve DD youth and will notify the Board 30 days in advance of contract execution.

Should you have any questions concerning this matter, please contact me at (213) 584-4331 or [dcarroll@dyd.lacounty.gov](mailto:dcarroll@dyd.lacounty.gov).

DC:MN:KC:zr

c:     Executive Office, Board of Supervisors  
       Chief Executive Office  
       Probation Department