

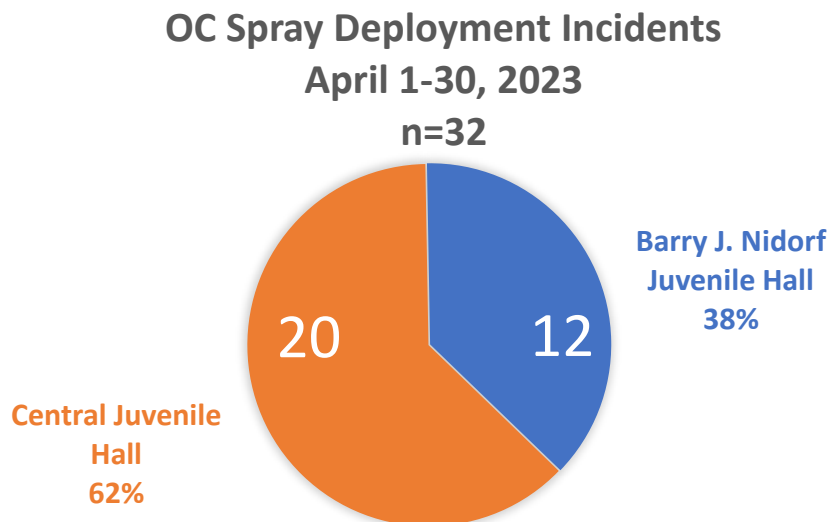
Probation Oversight Commission  
Oleoresin Capsicum (OC) Deployment Summary: Update V  
April 30, 2023

The Probation Oversight Commission (POC) continues to track the deployment of OC spray within Probation’s two juvenile hall facilities, Barry J. Nidorf Juvenile Hall (BJNJH) and Central Juvenile Hall (Central). As called for in the Board of Supervisors’ December 20, 2022 motion, **Phase Out of Oleoresin Capsicum (OC) Spray at Central Juvenile Hall<sup>1</sup>**, the POC continues to analyze Probation’s Weekly OC Deployment Reports and Quarterly OC Phase Out Reports.

Reporting on the utilization of OC has taken place in the following schedule:

Report:	Contains Data Through:
OC Deployment Summary <sup>2</sup>	September 30, 2022
Update I <sup>3</sup>	December 31, 2022
Update II <sup>4</sup>	January 31, 2023
Update III <sup>5</sup>	February 28, 2023
Update IV <sup>6</sup>	March 31, 2023

In April, there were a reported total of 32 incidents of OC use across both juvenile hall facilities.



<sup>1</sup> [Phase Out of Oleoresin Capsicum \(OC\) Spray at Central Juvenile Hall](#)

<sup>2</sup> [OC Deployment Summary](#)

<sup>3</sup> [OC Deployment Summary Update, January 5, 2023](#)

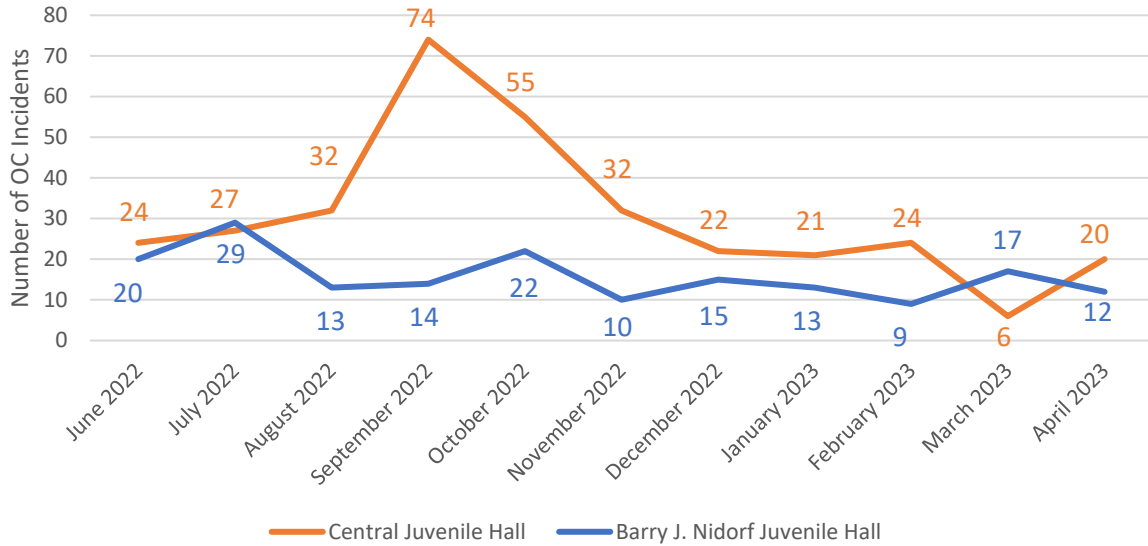
<sup>4</sup> [OC Deployment Summary Update, January 31, 2023](#)

<sup>5</sup> [OC Deployment Summary Update, February 28, 2023](#)

<sup>6</sup> [OC Deployment Summary Update, March 31, 2023](#)

In a reversal of the change seen in March 2023, Central resumed rates of OC use higher than at BJNJH.

### OC Spray Deployment Incidents By Month June 1, 2022-April 31, 2023



According to Probation’s phase out plan, the following units were pending elimination of OC within the following timelines<sup>7</sup>:

<u>Central</u>	<u>Elimination Date</u>
MOU	April 30, 2023
P/Q	June 30, 2023
R/S	August 31, 2023
KL Security/MC	October 31, 2023
<u>Barry J. Nidorf</u>	<u>Elimination Date</u>
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

<sup>7</sup> [FINAL REPORT BACK ON THE PHASE OUT OF OLEORESIN CAPSICUM SPRAY AT CENTRAL JUVENILE HALL](#)

POC staff visited BJNJH on May 15, 2023, and found a continued failure to phase out OC as outlined in the Department’s plans. No phase out occurred on the MOU nor unit L/M to date. Furthermore, staff on those units and other units reported no concrete plans or knowledge of dates for the elimination of OC. It remains unclear why the department has not followed through on its plan at this facility despite reports that OC has not been used on either of these units in the last month.

The POC delivered this feedback and subsequently received the following new timetables from Probation for phasing out OC on numerous units across both juvenile hall facilities:

**CENTRAL JUVENILE HALL**

Housing Unit	Elimination Date
• MOU	June 30, 2023
• P/Q	June 30, 2023
• R/S	August 31, 2023
• KL security and MC	October 31, 2023

**BARRY J. NIDORF JUVENILE HALL**

Housing Unit	Elimination Date
• MOU	June 30, 2023
• L/M	June 30, 2023
• Q	June 30, 2023
• E/F	June 30, 2023
• J/K	July 31, 2023
• N/O	August 31, 2023
• A/B	September 30, 2023
• T/V	October 31, 2023
• Y	November 30, 2023
• W	December 31, 2023
• Z	January 31, 2024
• P	January 31, 2024
• Security/MC	January 31, 2024

While this new timetable addresses the past due elimination dates, at Central there are additional housing units are open that are not addressed in this plan (Unit MN), and at BJNJH the date for OC phase out on one of the units newly housing developmentally delayed youth (Unit AB) remains months away. These issues mirror the repeated concern of Probation staff that there is a critical disconnect in actual facility practice and the reporting that comes from headquarters.

In addition to this finding, the housing classification documentation was found to be substantially flawed at BJNJH. Youth with developmental disabilities have been moved to a different unit, units listed as housing youth are closed, and youth dispositioned to SYTF have been disbursed from Unit X throughout the facility without identified presence within the housing documentation (see Appendix 1).

Analysis of Weekly OC reports indicate that of the 32 OC spray incidents that took place in April:

- Three (3) incidents involved youth with developmental disabilities;
- Twenty-one (21) incidents included youth with DCFS involvement.
- For the second month in a row, there were no reported incidents of OC spray involving girls, gender expansive youth, or youth with CSEC history.

Weekly OC Deployment Reports in April raised red flags regarding the integrity of current and past information encountered in Probation’s reporting for two data points: Decontamination Within Policy and Injury to Youth from OC.

Within Weekly OC reports, there are two columns which indicate whether an individual, or group of individuals, sprayed with OC were decontaminated within policy<sup>8</sup>. The first data point provides a percentage of the incidents decontaminated within policy, and the second column indicates a Yes or No answer as to whether the person or people were decontaminated within policy. Beginning in reports received for April 10, 2023, the percentage of incidents that were decontaminated within policy was much lower than previous reports, with the week of April 10 reporting only 44% of all OC incidents appropriately decontaminated. The week of April 17 showed 80% and April 24 showed 78% decontaminated within policy. Prior to the report for the week of April 10, 2023, there had only been a single incident in the category that was labeled “N/A”.

TYPE OF INCIDENT		DECONTAMINATION WITHIN POLICY	
BINJH	AOS	3	33%
	ATTEMPTED AOS	0	N/A
	ATTEMPTED ESCAPE	0	N/A
	SELF HARM	0	N/A
	DISRUPTIVE BEHAVIOR	2	0%
	MAJOR DISTURBANCE	0	N/A
	YOYV	0	N/A
	OTHER	0	N/A
TOTAL:	5	20%	
CIH	AOS	0	N/A
	ATTEMPTED AOS	0	N/A
	ATTEMPTED ESCAPE	0	N/A
	SELF HARM	0	N/A
	DISRUPTIVE BEHAVIOR	1	0%
	MAJOR DISTURBANCE	0	N/A
	YOYV	3	100%
	OTHER	0	N/A
TOTAL:	4	75%	
TOTAL:	9	44%	

The other column in question is “Decontamination Within Policy,” which labeled the information as “Pending” rather than acknowledging the apparent lack of compliance to the approved standard of care of youth after an OC incident. To date, Probation has not sent any updated or revised reports indicating the final decontamination outcomes in cases marked “Pending”.

JUVENILE INSTITUTIONS WEEKLY TOTAL OF OC DEPLOYMENTS: 9

INCIDENT DATE	FACILITY	UNIT	LOCATION	GENDER	DD YOUTH INVOLVED	DCFS YOUTH INVOLVED	CSEC YOUTH INVOLVED	SHIFT	INCIDENT TYPE	WEEKLY AVG POP**	EXPLANATION IF REQUIRED	DECONTAMINATION WITHIN POLICY	INJURY TO YOUTH FROM OC	INJURY TO YOUTH	VIDEO REVIEWED	PHASEOUT STAGE
4/11/2023	CIH	RS	Dayroom	M	N	1	N	AM	YOYV	25	N	Y	N	N	Pending	N/A
4/11/2023	BINJH	TV	Dayroom	M	N	3	N	AM	DISRUPTIVE BEHAVIOR	17	Y	Pending	N	3	N/A	N/A
4/11/2023	CIH	RS	Dayroom	M	N	1	N	AM	YOYV	25	N	Y	N	N	Pending	N/A
4/11/2023	BINJH	X	Boy's Admission	M	1	N	N	AM	AOS	25	Y	Pending	N	N	N/A	N/A
4/11/2023	CIH	GH	Dayroom	M	N	N	N	PM	YOYV	30	N	Y	N	N	Pending	N/A
4/12/2023	BINJH	X	Dayroom	M	N	N	N	PM	DISRUPTIVE BEHAVIOR	25	Y	Pending	N	N	Pending	N/A
4/14/2023	BINJH	Y	Dayroom	M	N	N	N	AM	AOS	27	Y	Pending	N	1	Pending	N/A
4/15/2023	BINJH	TV	Dayroom	M	N	N	N	PM	AOS	17	Y	Y	2	N	N/A	N/A
4/16/2023	CIH	MN	Dayroom	M	N	3	N	PM	DISRUPTIVE BEHAVIOR	29	Y	Pending	N	N	Pending	N/A

<sup>8</sup> [Los Angeles County Probation Department | DSB1000 Policy 1014 Post OC Spray Application Protocols](#)

The primary concern is that the well-being of youth is compromised when decontamination policy is not followed, leaving youth vulnerable to physical injury and emotional trauma. While the stark difference in reporting in April is likely the result of a more accurate or honest reporting procedure and is appreciated by the POC, this directly reflects upon the public's ability to have confidence in previous reports of appropriate decontamination. Current discrepant and non-transparent data practices continue to pose a barrier to honest acknowledgment of practices that need to be addressed by department leadership for the immediate physical safety and emotional well-being of youth in detention.

The other category of concern is "Injury to Youth from OC". The POC began consistently receiving OC spray data as of May 23, 2022. That data has included limited reports of injury to youth from OC. Dates of incidents that reported injury to youth from OC are as follows:

1. November 7, 2022- Injury reported by "Y" indicating Yes;
2. December 6, 2022-Injury reported by "Y" indicating Yes;
3. April 15, 2023-Two youth reportedly injured.

The POC has repeatedly sought information from Probation and Juvenile Court Health Services to define this data point including clarification of who makes the determination of injury and asking for a definition of injury within the context of OC and other uses of force. Youth interviews previously conducted jointly by POC and OIG staff directly contradicted the low reported number of injuries resulting from OC spray on youth<sup>9</sup>. The lack of information sharing calls the integrity of the data into question and as a result limits its use for future trend analysis. Full disclosure of data definitions, information gathering practices, and reporting procedures for this use of force is immediately needed. Current management of data in this department continues to pose a barrier to honest acknowledgment of practices that need to be addressed by department leadership for the immediate physical safety and emotional well-being of youth in detention.

With the OC phase out completely stalled across units and facilities, the only indication that the department intends to eventually follow through with the elimination was a statement made at the May 11, 2023, POC meeting by Interim Chief Guillermo Viera Rosa, who at the time of the meeting was functioning in the role of Probation Chief Strategist for Juvenile Operations. When asked whether staff will be carrying pepper spray at Los Padrinos Juvenile Hall, if and when that facility re-opens, Interim Chief Viera Rosa stated that there is nothing within the current plan that allows the use of OC on pre-disposition detained youth at Los Padrinos Juvenile Hall. The POC has not received written confirmation nor commitment to this statement. The current failure of the Department to follow through with its own phase out plan has also not been acknowledged by leadership and it is unknown if they are fully aware of the lack of progress toward the elimination of OC at the facility level.

The POC will continue to track Probation's report of OC use and will continue to provide guidance to the department to improve tracking and reporting procedures, however the department has previously received these questions and recommendations with little effect. The POC strongly recommends that the department contract a third party to assess the current strategy and overall capability to manage its data, with a focus on use of force reporting. The POC will continue to report on OC utilization and phase-out in public meetings and reports with the goal of increasing transparency and improving data hygiene with the

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<sup>9</sup> [FINAL REPORT BACK ON THE PHASING OUT OF OLEORESIN CAPSICUM \(OC\) SPRAY AT CENTRAL JUVENILE HALL, MARCH 6, 2023](#)

acknowledgement that the numbers are a simplified representation of the real-life experiences of youth and staff in these facilities.

## Appendix

### 1) Barry J. Nidorf Juvenile Hall Unit Classification received on February 2, 2023

Barry J. Nidorf Juvenile Hall  
HOUSING PROTOCOLS

Division	Unit	Gender	Age Range	Capacity	Description of Unit Housing Criteria
II	A	MALE	15-16+	20	Level 3 male youth, NODSP, camp ordered overflow, and court ordered drug program. No SYTF, DJJ, or UNFIT youth.
II	B	MALE	15-16+	20	Level 3 male youth, NODSP, camp ordered overflow, and court ordered drug program. No SYTF, DJJ, or UNFIT youth.
II	C	MALE	14-18	20	Closed
II	D	MALE	14-18	20	Closed
II	E	MALE	17-18	19	Closed
II	F	MALE	17-18	18	Closed
II	G	N/A	17-18	15	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No SYTF, DJJ, or UNFIT youth.
II	H	N/A	17-18	17	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No Proposition 57, DJJ, or UNFIT youth.
II	J	MALE	14 to 16	20	Level 3 male youth, NODSP, camp ordered overflow, and court ordered drug program. No SYTF, DJJ, or UNFIT youth.
II	K	MALE	12 to 14	18	Level 3 male youth, NODSP, camp ordered overflow, and court ordered drug program. No SYTF, DJJ, or UNFIT youth.
I	L	MALE	16 to 18+	17	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No Proposition 57, DJJ, or UNFIT youth.
I	M	MALE	12 to 18+	16	Post COVID Protocols/Unit Transfer Pending
III	N	MALE	HOPE CENTER 14-20	18	Healing, Opportunities and Positive Engagement (HOPE) Center: Temporary housing and De-escalation area for youth who are assigned to the Compound unit. SSP's
III	O	MALE	HOPE CENTER 14-20	19	Healing, Opportunities and Positive Engagement (HOPE) Center: Temporary housing and De-escalation area for youth who are assigned to the Compound unit.
III	R	MALE	14-18	20	Closed
III	S	MALE	14-18	20	Closed
III	T	MALE	16 - 20	18	High Risk Offender (HRO): Male youth sentenced to SYTF
III	V	MALE	18 - 24	19	High Risk Offender (HRO): Male youth sentenced to SYTF
IV	W1	MALE	14-17	20	High Risk Offender (HRO): Male youth actively going through Fitness/Transfer setting proceedings in juvenile court, MH Level 3, SYTF Exposure; and 707(B)
IV	W2	MALE	18 +	20	High Risk Offender (HRO): Male youth actively going through Fitness/Transfer setting proceedings in juvenile court, MH Level 3, SYTF Exposure; and 707(B)
IV	W3	MALE	HOPE CENTER ANY	4	Healing, Opportunities and Positive Engagement (HOPE) Center: College Prep/AA Degree Program and De-escalation area for youth who are assigned to the Compound unit. SSP Adm. Assigned
IV	X1	MALE	18-25	20	High Risk Offender (HRO): Male youth ordered SYTF, SYTF order
IV	X2	MALE	14-18+	20	High Risk Offender (HRO): Male youth ordered SYTF, SYTF order
IV	Y1	MALE	15-18+	20	DJJ returnees, High-Risk Offender (HRO): Male youth sentenced to SYTF
IV	Y2	MALE	14-18	20	High Risk Offender (HRO): Male youth actively going through Fitness/Transfer setting proceedings in juvenile court, MH Level 3, (17+Overflow).
IV	Y3	MALE	15-18+	4	Healing, Opportunities, and Positive Engagement (HOPE) Center: College Prep/AA Degree Program and De-escalation area for youth who are assigned to the Compound unit. SSP Adm. Assigned - Overflow
IV	Z1	MALE	18 +	20	Closed
IV	Z2	MALE	18 +	20	Closed
III	P	MALE	17-18	26	MEDICAL OVERFLOW
III	Q	MALE	DD 15-18 +	10	Compound DD Youth- Regional Center Clients (HRO): Male youth who are currently listed as Developmentally Disabled (DEV/DIS), Level 3, youth who are actively going through Fitness/Transfer Setting in juvenile court, 707(B).
I	MOU	UNISEX	ALL	13	All youth with medical needs or special orders

2) Central Juvenile Hall Unit Classification received on March 28, 2023

The Central Juvenile Hall  
HOUSING PROTOCOLS

Revised 3/24/2023

Division	Unit	Gender		Age Range	Capacity	Description of Unit Housing Criteria
1	Receiving	UNISEX				Transportation Pit Stop
4	A	MALE	DD	14-18	14	Regional Center Clients (High Needs): Male youth who are currently listed as Developmentally Disabled (DEV/DIS), Level 3, youth
4	B	MALE	DD	14-18+	14	Regional Center Clients (High Needs): Male youth who are currently listed as Developmentally Disabled (DEV/DIS), Level 3, youth
4	BOYS CARE	MALE	CARE	14-18	12	C.A.R.E. Unit: Short-term stabilization unit for emotionally challenged youth. No Level 3, SYTF, DJJ, or UNFIT youth. <b>NOTE</b> - Population shall not exceed 12 youth.
3	Girls Care	FEMALE	CARE	12-18+	12	<b>Vacant for repair</b>
3	C	FEMALE		14-16+	14	High Risk Offender (HRO): Female youth actively going through Fitness/Transfer setting proceedings in juvenile court, MH Level 3, DJJ, SYTF, and UNFIT. Level 3 female youth (specialized supervision plan), NODSP, CAMPN, CAMPM, fitness/trail setting, or regional center clients awaiting transfer, SYTF, and UNFIT housing.
3	D	FEMALE		17-18+	14	High Risk Offender (HRO): Female youth actively going through Fitness/Transfer setting proceedings in juvenile court, MH Level 3, DJJ, SYTF, and UNFIT. Level 3 female youth (specialized supervision plan), NODSP, CAMPN, CAMPM, fitness/trail setting, or regional center clients awaiting transfer, SYTF, and UNFIT housing.
	E	MALE			20	<b>Vacant for repair</b>
	F	MALE			20	<b>Vacant for repair</b>
	G	MALE			20	<b>Vacant for repair</b>
	H	MALE			20	<b>Vacant for repair</b>
4	J	UNISEX	Boys ESU	14-18	16	Enhanced Supervision Unit: Level 3 male youth, NODSP, and DKC Placements. No SYTF, DJJ, or UNFIT youth.
3	O	FEMALE	GESU/ GCARE	12-18+	16	ESU-Enhanced Supervision Unit: Level 3 female youth, NODSP, Regional Center Clients, and DKC Placements. No SYTF, DJJ, or UNFIT youth. C.A.R.E. Unit: Short-term stabilization unit for emotionally challenged youth. No Level 3, SYTF, DJJ, or UNFIT youth. <b>NOTE</b> - Population shall not exceed 12 youth.
	K	MALE		15-17	20	<b>Vacant for repair</b>
	L	MALE		17-18+	20	<b>Vacant for repair</b>
6	M	MALE		15-17	20	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No Proposition 57, DJJ, or UNFIT youth. (overflow for PO)
6	N	MALE		17-18+	20	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No Proposition 57, DJJ, or UNFIT youth. (overflow for R/S)
5	P	MALE		15-17	14	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No Proposition 57, DJJ, or UNFIT youth.
5	Q	MALE		15-17	14	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No Proposition 57, DJJ, or UNFIT youth.
6	R	MALE		16-18+	14	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No Proposition 57, DJJ, or UNFIT youth.
6	S	MALE		16-18+	14	Level 3 male youth, NODSP, camp ordered overflow, county jail deferred, and court ordered drug program. No Proposition 57, DJJ, or UNFIT youth.
	T	NA				<b>Permanently Closed</b>
	V	NA				<b>Permanently Closed</b>
1	W1	UNISEX		15-18	19	<b>ISOLATION Unit</b> - for youth positive with Covid 19 who must be isolated in the facility.
1	W2	UNISEX		15-18	19	<b>Receiving - Intake - All youth Pending medical clearance</b>
3	XIY	FEMALE	GESU/ GCARE	12-18+	16	<b>Vacant for repair</b>
5	MOU	UNISEX		ALL	11	All youth with medical needs or special orders and youth who are administratively assigned. <b>NOTE</b> : Youth found positive for COVID 19 will be housed here until cleared by JCJS