



**COUNTY OF LOS ANGELES  
PROBATION COMMISSION**  
9150 EAST IMPERIAL HIGHWAY – DOWNEY – CALIFORNIA 90242  
**(562) 940-2754**



**MINUTES OF REGULAR MEETING OF MARCH 22, 2018**

The regular meeting of the County of Los Angeles Probation Commission was held on Thursday, March 22, 2018 at the Kenneth Hall of Administration, 500 West Temple Street, First Floor, Room 140 A, Los Angeles, California 90012.

I. Commission President Joe Gardner called the meeting to order at 10:08 a.m. President Gardner asked that all identify prior to making any statements.

The following Commissioners were present:

1<sup>st</sup> Vice President Jan Levine  
2<sup>nd</sup> Vice President Daniel Seaver  
Commissioner Yamashiro  
Commissioner Caster  
Commissioner Shutan  
Commissioner Kaplan  
Commissioner Shutan  
Commissioner Butler  
Commissioner Herbon

The following Commissioners were not present:

Commissioner Meredith  
Commissioner Martinez  
Commissioner Mitchell  
Commissioner Hoover  
Commissioner Quintana  
Commissioner Saab

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**Commissioners**

Joe Gardner-President,  
Hon. Jan Levine (Ret.)-1st Vice President, Daniel Seaver – 2<sup>nd</sup> Vice President,  
Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui, Cyn Yamashiro, Esq.,  
Jacqueline Caster, Esq, Jo Kaplan Esq, Olivia E. Mitchell, Peter Shutan,  
Zachary Hoover, Hon. Betsy Butler (Ret.), Hon. Alex Saab, Esq., Randy Herbon, Jessica Quintana

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The following staff were present:

Chief Deputy, Sheila Mitchell  
Deputy Director, Dave Mitchell  
Acting Deputy Director, Luis Dominguez  
Director Attorney, Natasha Khamashta

The following individuals were present:

Tyson Nelson  
Maureen Pacheco  
Michelle Newell  
Dana Garcetti  
Celeste Fremon  
Robert Quintana

## **II. LOS ANGELES COUNTY PROBATION DEPARTMENT UPDATE**

### **Usage of Pepper Spray in Halls and Camps**

Acting Deputy Director Luis Dominguez presented a general review of the use of pepper spray at halls and camps. The Probation Department has taken incident reports of the usage of pepper spray from the years 2015 - 2017. The results of this data are as follows:

- The use of pepper spray at Central Juvenile Hall showed an increase of 338%. The number of incidents increased 87% per one hundred youth.
- The use of pepper spray at Los Padrinos Juvenile Hall showed an increase of 214%. The number of incidents increased 23% per one hundred youth.
- The use of pepper spray at Barry J. Nidorf Juvenile Hall showed an increase of 192%. The number of incidents increased 52% per one hundred youth.
- Data for Challenger has not been finalized.
- In juvenile halls, 85% of the incidents reported were a result of youth's violent behavior. In camps, 75% of the incidents reported were a result of youth's violent behavior. The results conclude there is a correlation with increased pepper spray usage and higher rates of assault on staff.
- Reports show pepper spray was used 85% of the time due to youth's violent behavior of which 53% was youth on youth violence, 12% was nonphysical, and 2% show pepper spray was used due to staff intervention when youth engage in self-harm.

- Both the Residential Treatment Services Bureau (RTSB) and the Detention Services Bureau (DSB) demonstrate 85% of the time pepper spray was used as a de-escalation tactic.
- In 2017 alone the Detention Services Bureau (DSB) reported 1,629 safe crisis management interventions, a 64% increase from 2016.
- From 2016 – 2017 youth on youth violence rose 66% and assault on staff rose 58%. The number of incidents went from 182 incidents in 2016 to 314 incidents in 2017.
- In 2017 alone reports show that 68% of the incidents were physical interventions and 32% were chemical interventions.

Acting Deputy Director Luis Dominguez explained there are six levels of safe crisis interventions in the Probation Department policy. The levels are divided into three categories; low level, high level, and chemical intervention. Levels one, two, and three are considered low level interventions. Youth are either escorted to another room or there is physical intervention in which two officers hook and carry youth to a separate room. Out of the 1,629 interventions reported, 846 were low level interventions. Levels four and five are high levels of intervention. In these cases, physical intervention is used to take the youth down. Out of the 1,629 incidents, there were 265 high level physical interventions. The use of pepper spray is considered chemical intervention, the highest level (level 6). Out of the 1,629 incidents, there were 518 chemical interventions.

Commissioner Yamashiro requested the data collected from the Probation Department to be shared with the Commission. Acting Deputy Director Dominguez stated that the data is in draft form and the Probation Department currently does not have a database to track the information found. A manual poll was conducted for every single incident and reviewed. The Probation Department is working on developing an accountability team, a research team has already been approved. Once the data is finalized it must be presented to the Board of Supervisors and then it may be shared with the Probation Commission.

Commissioner Shutan inquired if the increase of violence is a result of the Department of Justice (DOJ) no longer being present. Acting Deputy Director Dominguez stated that although there is an increase of violence and the usage of pepper spray, the Probation Department still needs to conduct a thorough analysis to determine why the numbers have increased. Commissioner Shutan requested the Probation Department define violence on staff and youth since it is what is being used to justify staffs' use of pepper spray. Acting Deputy Director Dominguez explained assault on staff is defined in the case a youth physically assaults staff. Youth on youth violence is defined as a youth striking another youth which would then result in a staff intervention. If there is an altercation involving more youths, pepper spray would be used to de-escalate the situation. Acting Deputy Director Dominguez stated pepper spray may be used if youth strike staff or staff feel reasonably unsafe.

Commissioner Shutan inquired if there were any reports in the data collected from 2015- 2017 that show pepper spray being used without justification. The Probation Department did not have that data.

President Gardner inquired if the staff carrying pepper spray are trained in an annually or quarterly basis and what was the training protocol. Acting Deputy Director Luis Dominguez stated when a new employee comes into the Probation Department, they go through a three-day training in which a total of 24-hours is completed. Annually, the staff receive a 16-hour refresher training. Acting Deputy Director Luis Dominguez clarified that staff must report to a supervisor their use of pepper spray. The pepper spray cans are then weighted to insure the appropriate amount was used. Each report goes through an internal review process in which every burst of pepper spray is calculated in weight and must be consistent with the amount staff reported to have used.

Commissioner Seaver inquired if the Probation Department has a policy in place permitting the use of force. Acting Deputy Director Luis Dominguez stated that force is permitted to prevent youths from self-harm or the harming of staff.

Commissioner Seaver discussed his concerns of surveillance cameras at various facilities not functioning. Acting Deputy Director Dominguez stated they currently do not have enough cameras to cover all their facilities, however, the Probation Department did request additional cameras to meet the Prison Rape Elimination Act (PREA) standards and have requested 2,200 cameras. Deputy Director Dave Mitchell stated the prioritized placement of the cameras is at Central Juvenile Hall followed by Barry J. Nidorf juvenile hall.

Acting Deputy Director, Luis Dominguez stated Los Angeles County is working on right sizing numbers in their facilities to meet PREA standards for the supervision of youths. The state of California only requires 1 staff to 15 youths during waking hours and 1 staff to 30 youths during sleeping hours. PREA standards are 1 staff per 8 youths during waking hours and 1 staff per 16 youths for sleeping hours.

Commissioner Caster inquired why the model at Campus Kilpatrick has yet to be expanded and if the tracking of assault rates at Campus Kilpatrick differs from the other facilities. Deputy Director Dave Mitchell stated the Probation Department tracks every assault in each facility, when Campus Kilpatrick first opened there were several incidents reported. The reports were mainly youth on youth assaults that were most likely due to new youths coming in. Deputy Director Mitchell stated the Probation Department has seen assault rates diminish in the past three months and assault rates at Campus Kilpatrick are dramatically lower than other facilities but it would be unfair to compare assault rates at Campus Kilpatrick to other facilities as it is a state of the art facility. The Probation Department hopes to continue seeing the culture change in youths' behavior as they expand. Acting Deputy Director Luis Dominguez reported that the Probation Department is hiring more supervisors and are now training officers to be more engaging with the youth.

Commissioner Caster inquired if the Probation Department has encountered officers who bring in their own pepper spray. Acting Deputy Director Luis Dominguez stated that the Probation Department has not encountered officers bringing their own pepper spray and stated it was prohibited to do so. Acting Deputy Director Dominguez mentioned each officer is given a can of pepper spray which is weighted daily to ensure there are no usage violations.

District Attorney Natasha Khamashta inquired how the Probation Department calculated the data provided. Acting Deputy Director Luis Dominguez stated the Probation Department calculates trending data per one hundred youth.

Commissioner Seaver discussed his informal inspection findings in which he observed the usage of pepper spray increased after the closing of the Special Housing Unit (SHU). Commissioner Seaver inquired if it has been considered by the Probation Department whether there is a correlation between the closing of the SHU and the increase of pepper spray usage in facilities. Acting Deputy Director Dominguez stated that the issue is under the Probation Department's radar and the data collected will be reviewed to determine if the closing of the SHU is a contributing factor to the increase of the pepper spray usage. Commissioner Seaver requested that the data regarding the closing of the SHU and the increase of pepper spray be shared with the Probation Commission as soon as the results are finalized.

Commissioner Herbon inquired how the Probation Department identifies problematic staff using pepper spray. Acting Deputy Director Dominguez stated the Probation Department has what is known as the Early Intervention System. In every incident, a report is conducted of what kind of incident the staff was involved in. When staff meet the threshold, the system advises the Probation Department to formally meet with the staff member to discuss the issue and monitor their activity.

Commissioner Yamashiro inquired what is the Probation Department's strategy now that high-level interventions (such as the SHU) will no longer be available? Acting Deputy Director Dominguez stated the Probation Department has many strategies they are working on, one being Safety Committees chaired by Deputy Director Mitchell and Acting Deputy Director Dominguez in which the union, staff members, and management are invited to address challenges. The Probation Department is also increasing the number of staff to supervise the youth in meeting PREA standards. Acting Deputy Director Dominguez stated the implementation of the L.A. Model will take time due to the increase of staff, training, and renovations. Deputy Director Mitchell stated the Probation Department is conducting an assessment on the effects of removing pepper spray from facilities. Alternatives to pepper spray are still being worked on.

Director Attorney, Natasha Khamashta inquired if staff have been trained with de-escalation techniques and proposed staff take dialectical behavior therapy and anger regression therapy to effectively de-escalate without the use of pepper spray. Acting Deputy Director Dominguez stated Brad Beach and Monique Marrow are part of bringing the L.A. Model to the juvenile halls and are developing the framework of the

Youth in Practice training model. Mr. Beach and Dr. Marrow have already held a few training sessions for their staff. Deputy Director Mitchell mentioned Mr. Beach trained staff at Camp Rockey and stated the Probation Department incorporated 25 juvenile hall staff members in that training session.

District Attorney, Natasha Khamashta stated when the Department of Justice (DOJ) was overseeing the Probation Department, rates of pepper spray usage went down over 90% and mentioned it was not until the DOJ left that there was a dramatic increase in the use of pepper spray. Ms. Khamashta mentioned California is one of 15 states in the Country that permits the usage of pepper spray and urged the Probation Department to find an alternative to pepper spray.

Commissioner Caster stated that the Probation Commission went on a trip to Missouri in October 2009 to meet with Mark Steward who introduced the Missouri Model. Commissioner Caster mentioned the Missouri Model has shown to be effective and was implemented in other states. Commissioner Caster stated it has been 9 years the Probation Department has known about the effectiveness of the Missouri Model yet the L.A. Model has only been implemented in one of their facilities. Commissioner Caster urged the Probation Department to speed up the expansion of the L.A. Model to all their facilities.

### **Pest Control at Central Juvenile Halls Update**

Director, Daniel Aceves of the Management Bureau reported on the pest control at Central juvenile hall and discussed how many traps were placed at each facility. The report is as follows:

- At Central Juvenile Hall, there are 64 bait boxes.
- At Dorothy Kirby Juvenile Hall, there are 9 bait boxes.
- At Camp Afferbaugh, there are 2 bait boxes.
- At Challenger, there are 30 bait boxes.
- At Camp Paige, there are 4 bait boxes.
- At Camp Rockey, there is 1 bait box.
- At Camp Scott and Barry J. Nidorf Juvenile Hall, there are 6 bait boxes.
- There are no bait boxes at Camp Gonzalez, Campus Kilpatrick, or Los Padrinos juvenile hall.

Director, Daniel Aceves reported the rodents are believed to be coming from various general areas around the building. Director Aceves mentioned there is construction happening around the USC Medical Center area, there are also train tracks nearby, and a lot of vegetation behind Central Juvenile Hall. Director Aceves stated 30 bait traps additional to the 64 bait traps at Central Juvenile Hall have been removed. The bait traps set up now are there as a precautionary measure recommended by vector control. An update will be provided for next meeting.

Commissioner Caster inquired if there is a possibility the rodents are coming from underneath the building as a result of rodent nesting. Director Aceves stated it is not likely there are rodents nesting inside the building and more likely the rodents are coming from the outside areas. Commissioner Caster discussed how at last meeting it was stated Central Juvenile Hall did not have a rat infestation. With the much larger number of bait boxes placed at Central Juvenile Hall, compared to all the other Probation facilities and the admission by CJH Assistant Superintendent Phelps that the facility was "inundated" with rodents, Commissioner Caster said that made no sense. Director Aceves stated he is stationed at Central juvenile hall and has not encountered rodent activity and would agree that there is not a rodent infestation at Central Juvenile Hall. Commissioner Caster said because the facility was so old, that it could be worth someone inspecting the crawl spaces under the building just to be sure there was no infestation. In the event there were, tearing down the building, which has so many other age-related problems, might be in order, she said. Commissioner Shutan requested an official vector control report on the rodent infestation status at Central Juvenile Hall.

### **Response to the Distribution of Daily Population Reports**

President Gardner inquired recent population reports from the Probation Department. Acting Deputy Director Dominguez stated the current population report is available to the Probation Commission. Deputy Director Dominguez stated he is personally working on developing a new population report that includes the needs Commissioner Seaver requested.

Acting Deputy Director Dominguez stated that a few years ago, the Probation Department conducted a daily population report at each camp. The reports included the number of youths in the camps, youths in the hope centers, youths in de-escalation, and the youths in special supervision. The Probation Commission will be able to view these reports once they have access to the network. Acting Deputy Director Dominguez mentioned a similar format is in development for juvenile halls. Commissioner Seaver requested use of force data to be included in the daily population reports.

### **III. PUBLIC COMMENT**

There were no public comments.

### **IV. NEW BUSINESS**

The Probation Commission discussed the priorities for the year and what would be the best method on conducting a poll to identify the top 5 priorities. The discussion was tabled for next meeting.

### **V. OLD AND CONTINUED BUSINESS**

President Gardner reminded the Probation Commission of the 2018 annual inspection sign-ups.

President Gardner stated April 26, 2018 is the set date for the Probation Department to report on recruitment efforts for new candidates.

Commissioner Levine requested for a date to be setup with Judge Peter Espinoza, Director of the Office of Re-entry and Diversion, to make a presentation for a future meeting.

The Probation Commission discussed necessary actions regarding the issues related to mental health services and psychotropic medication. President Gardner suggested arranging a committee of three to draft a letter to the Board of Supervisors. The discussion was tabled for a future meeting.

## **VI. ANNOUNCEMENTS**

President Gardner announced the 34<sup>th</sup> annual Bakers to Vegas Challenge Cup Relay took place on March 17, 2018. The 2018 Los Angeles County Probation Baker to Vegas Team was ranked 65 out of 275 teams that participated across all division. Commissioner Herbon stated the Los Angeles County Probation Bakers to Vegas Team placed 5<sup>th</sup> in the mixed division.

Commissioner Herbon announced the Probation Department is in mourning for the passing of Assistant Director, Steve Napoli. Commissioner Herbon asked the Probation Commission to take staff's challenges in the halls and camps into consideration. Commissioner Herbon urged the Probation Commission to take the time to speak with staff when conducting inspections.

President Gardner announced the Probation Department's grief for the passing of Ron Taylor and Robert Castillo.

## **VII. ADJOURNMENT**

President Gardner moved to adjourn the meeting in memory of Steve Napoli, Ron Taylor, and Robert Castillo. His motion was second by Commissioner Yamashiro. The motion was approved and the meeting was adjourned at 12:04 p.m.