

## 9. Phase Out of Oleoresin Capsicum Spray at Central Juvenile Hall

Revised recommendation as submitted by Supervisors Solis and Horvath: Instruct the Chief Probation Officer to create an implementation plan, in collaboration with the Probation Oversight Commission (POC) and the Inspector General, to phase out the use of Oleoresin Capsicum (OC) spray, within 45 days, at the housing units that incarcerate youth with developmental disabilities and girls and gender expansive youth at Central Juvenile Hall (CJH); authorize the Interim Director of Youth Development to expand the launch of the Credible Messenger Program Pilot (Program) to include Central Juvenile Hall and work with the Chief Probation Officer to implement the expansion in 60 days; authorize the Interim Director of Youth Development to execute and amend, if necessary, agreements not to exceed one year, plus one six month extension option to be exercised at the discretion of the Interim Director, to support the expansion of the Program, with a maximum contract amount for all of the agreements not to exceed \$2,000,000, which will be fully supported by funds in the Department of Youth Development's Fiscal Year 2022-23 budget; instruct the POC and the Inspector General to oversee the implementation and evaluation of the phase out of OC spray at CJH and report back to the Board in writing every 14 days, until the completion goal of February 3, 2023 including, at minimum, the following:

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" mode;

The effectiveness of training in teams/units versus individuals;

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; and

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

Instruct the Inspector General 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 Chief Probation Officer, develop, review, and update policies on discipline and training regarding OC spray use;

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Instruct the Chief Probation Officer to update the weekly OC Deployment Reports to include the following data:

A complete listing of units housing youth that includes a brief qualitative description of who is housed in the unit (i.e., 14 to 16-year-old males, Quarantine Unit, Developmentally Disabled Youth, Females, etc.) for both juvenile halls, with this list to be updated and shared every time a unit is reclassified to house a different population, a unit is vacated and no longer used, or a previously empty unit is occupied;

Notation of involvement of youth with developmentally disabilities in an OC spray incident regardless of unit;

Notation of involvement of gender expansive youth;

Notation of involvement of any youth identified as Commercially Sexually Exploited Children;

Notation of involvement of any youth with Department of Children and Family Services;

Unit assignment of youth and staff involved and actual location of the deployment (school, day room, etc.);

Weekly average number of youth housed on a given unit;

Shift in which the deployment occurred - A.M., P.M., overnight; and

Information regarding any protocols and training specifically aimed at serving youth with developmental disabilities;

Instruct the Chief Probation Officer to update the quarterly OC Elimination Staff Roll-Out Training Report, starting with the 13th report, to include the following:

The number of staff that still need training;

The percentage of trained staff per unit;

Updated timeline on the elimination of OC spray at each facility; and

The number of staff who still carry OC spray post-training and, for those who do carry it, how often it is used; and

Direct the Chief Executive Officer to evaluate the Probation Department's expenditure on OC spray and reduce funding according to the Board-approved phase out of such use; and consult and/or negotiation with impacted labor organizations as required by the County's Employee Relations Ordinance. (22-4699)

**Jose Osuna, Roy Humphreys, Andrew Graebner, Annabella Mazariegos, Kridikel TruthBey and Red Chief Hunt addressed the Board. Interested person(s) also submitted written testimony.**

**Dr. Adolfo Gonzales, Chief Probation Officer, and Wendelyn Julien, Executive Director of the Probation Oversight Commission, responded to questions posed by the Board.**

**After discussion, on motion of Supervisor Solis, seconded by Supervisor Horvath, this item was duly carried by the following vote:**

**Ayes:** 5 - Supervisor Solis, Supervisor Mitchell, Supervisor Horvath, Supervisor Barger and Supervisor Hahn

**Attachments:** [Motion by Supervisors Solis and Horvath](#)  
[Revised motion by Supervisors Solis and Horvath](#)  
[Report](#)  
[Public Comment/Correspondence](#)  
[Audio](#)