

OIR Use of Force Review

UOF Review 1-29-22 JH Unit I



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Summary of Facts

On January 29, 2022, at approximately 12:36 p.m., numerous youths Y1, Y3, Y4, Y5, and Y6 assaulted two other youths, Y2 and Y7, in the Unit I day area at Juvenile Hall.¹ Unit A youths were utilizing the day areas of both Unit I and Unit A. Deputy Juvenile Correctional Officer (DJCO) 1 was positioned in the doorway between both units to monitor both sides. DJCO 2 was seated on a chair on the side of the Unit I desk area. A youth (Y8) was vacuuming. DJCO 1 noticed Y8 was talking with Y1 and continued to look into Unit A, at one point nodding to an unknown youth in Unit A.

DJCO 1 stepped into Unit I at which time Y1 ran behind her from Unit A and hit (Y2), who was seated at a desk in Unit I. DJCO 1 yelled for the youth to get down and hit the hard duress button behind the unit desk. (Y3), who was in the day area in Unit I, also began to hit Y2 in the face and head area. Youths (Y4), (Y5), and (Y6) ran over from Unit A and joined in on the assault on Y2.

Y2 attempted to evade the group but got cornered after climbing onto a picnic table. The five youths assaulting Y2 failed to follow directives to get down and continued to strike Y2 in the face, head, body, and groin area. DJCO 2 stood up from his chair and attempted to restrain the five youths and prevent them from continuing their assault on Y2. However, the youths were able to run past him and continue assaulting Y2.

Two uninvolved youths, along with Y8, went into the duck and cover position.

DJCO 1 then stated, "OC clear, get down!" and deployed a ½ - 1 second burst of Oleoresin Capsicum (OC) spray towards the group of five youths from a distance of approximately 3-5 feet, aiming at the eye area.² The spray contacted the facial area of five of the youths. The youths continued to assault Y2 following the deployment of the OC.

DJCO 1 holstered her OC Spray and pulled Y3 onto the ground and away from the assault. Y1 stopped punching Y2 and ran out of the room. DJCO 2 pulled Y6 off Y2 and onto the ground into a prone position. Y4 and Y5 continued to assault Y2. Y2 slid off the tabletop onto the bench of the table. Y2 was pinned between the table and the wall. Y4 was standing on the table stomping on Y2's face and head.

About three seconds after leaving the room, Y1 returned headed toward Y2. DJCO 1 yelled for Y1 to get down and when he failed to do so she deployed a ½ - 1 second burst of OC spray from approximately three feet away. Y1 again began striking Y2 multiple times. DJCO 1 then deployed another ½ - 1 second burst of OC Spray. Y1 then went into the duck and cover position but continued to yell at Y2.

Y4 and Y5 continued to assault Y2. DJCO 2 left Y6 on the floor unsecured and attempted to pull Y4 off the picnic table. Y4 rolled onto his back and jumped down from the table and began punching (Y7), one of the uninvolved youths, in the head and torso as the youth was laying in the duck and cover position. Staff were then able to secure Y4.

¹ All information regarding the incident is taken from DJCO reports and video provided to the OIR. All information regarding statements made or commands given were taken from reports because the video contains no audio.

² A review of the incident video appears to show that this initial spray could have been as much as 2.5 – 3.5 seconds.

As additional staff entered Unit I, Y5 went to the floor and into the prone position. Staff were not aware that he was involved in the incident. DJCO 1 set her canister of OC Spray onto the edge of the staff desk and began to secure Y3 in handcuffs.

Lawful Requirements for Use of OC

In determining whether a particular use of force was appropriate, courts analyze the use of force “under the Fourth Amendment’s prohibition against unreasonable seizures using the framework articulated in *Graham v. Connor*.”³ The reasonableness of a seizure turns on whether the use of force was “objectively reasonable in light of the facts and circumstances confronting [the user of force], without regard to their underlying intent or motivation.”⁴

Reasonableness is determined by balancing “the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the countervailing governmental interests at stake.”⁵

There are three steps in conducting the balancing required by *Graham*. The first step is to assess the “the quantum of force used.”⁶ The second step is to measure “the governmental interests at stake by evaluating a range of factors.”⁷ Finally, the third step is to balance the quantum of force used on the individual against “the government’s need for that intrusion to determine whether it was constitutionally reasonable.”⁸

Quantum of Force

Assessing the quantum of force used requires analyzing the nature and quality of the intrusion on the individual’s Fourth Amendment interests, which, in turn, requires the fact finder to evaluate both the type of force inflicted, and the amount of force used.⁹

Type of Force Used

In this incident, the force used was Oleoresin Capsicum (OC), commonly known as pepper spray. OC is an oily organic resin derived from the fruit of plants in the *Capsicum* genus, such as chili peppers.

The Ninth Circuit has clearly held that pepper spray is a form of “force capable of inflicting significant pain and causing serious injury.”¹⁰ “Pepper spray ‘is designed to cause intense pain,’ and inflicts ‘a burning sensation that causes mucus to come out of the nose, an involuntary closing of the eyes, a gagging reflex, and temporary paralysis of the larynx,’ as well as ‘disorientation, anxiety, and panic.’”¹¹ As such, pepper spray is regarded as “intermediate force” that, “while less severe than deadly force, nonetheless present[s] a significant intrusion upon an individual’s liberty interests.”¹²

³ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

⁴ *Graham v. Connor* (1989) 490 U.S. 386, 397; *Blankenhorn v. City of Orange* (9th Cir. 2007) 485 F.3d 463, 477.

⁵ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

⁶ *Davis v. City of Las Vegas* (9th Cir. 2007) 478 F.3d 1048, 1054.

⁷ *Davis v. City of Las Vegas* (9th Cir. 2007) 478 F.3d 1048, 1054.

⁸ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

⁹ *Miller v. Clark County* (9th Cir. 2003) 340 F.3d 959, 964.

¹⁰ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

¹¹ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

¹² *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

Recommendation

Update PMI 3-1-056 to specifically state that OC spray is classified as an intermediate level of force.

Amount of Force Used

Three OC bursts

The amount of “intermediate force” (OC), used in this case was moderate. In total there were three bursts of OC sprayed by DJCO 1.

According to DJCO 1’s report, the first burst lasted ½ - 1 second and was deployed from approximately 3-5 feet away in the direction of the five youths battering Y2. The OIR reviewed the video related to the incident to corroborate DJCO 1’s report. While no actual OC can be seen coming out of the canister, DJCO 1 could be seen holding her right arm outstretched toward the five youths with the OC spray canister in her hand at 12:40:42. DJCO 1 continued holding her arm in the outstretched position, with the canister as she moved closer to the youths. At 12:40:46, DJCO 1 could be seen retracting her arm and her index finger is outstretched and not on the actuator. It appears from the video that the first deployment of OC spray could have been anywhere from ½ to 1 second, as indicated in DJCO 1’s report, or as much as approximately 3 to 3.5 seconds. It is difficult, if not impossible, to tell from the video alone how long the OC spray was deployed during the first deployment.¹³

Y4 and Y5 continued to batter Y2 after coming into contact with the first burst of OC. A third youth, Y1, turned and left the room for approximately two seconds and then returned. DJCO 1 deployed a second one second burst of OC, from the same distance, in the direction of Y1 as he was returning to batter Y2. A second later, DJCO 1 deployed a final burst lasting approximately two seconds towards Y1 from the same distance as he continued to batter Y2.

The video confirms DJCO 1’s account that she applied three bursts of OC spray. All three deployments occurred during a period of approximately 13 seconds. While the first OC burst could have been applied for up to three seconds, the use of OC spray, even in that duration, was reasonably necessary to abate the risk of harm to Y2 as all five youths were currently battering Y2 at the time of deployment.

Some courts have held that the failure to act by not properly decontaminating a person exposed to OC can rise to the level of a constitutional violation.¹⁴ Such is not the case here. Staff ensured that the length of time that the youths felt the effects of the OC was limited. As soon as the involved youths were identified and secured, they were taken directly to the showers to begin the decontamination process. The reports reflect that no more than eleven minutes elapsed from the first deployment of OC and the time that Y1, Y3, Y4, and Y6 began the decontamination process. One of the youths, Y5, was not immediately identified as being involved in the incident because he went into the duck and cover position as additional staff arrived. As a result, Y5 was not restrained nor immediately sent for decontamination. Once he was back in his room, Y5 hit the emergency buzzer and requested to shower. Y5 began his decontamination approximately 30 minutes after the first deployment of OC.

¹³ The OIR was not provided with any records that indicate that DJCO 1 was interviewed or questioned regarding the possibility that the first deployment was longer than a “.05 – 1.0 second burst.”

¹⁴ *Wilson v. Bucato* (E.D.Cal. Dec. 7, 2023, No. 1:23-cv-00023-HBK (PC)) 2023 U.S.Dist.LEXIS 218539.

Governmental Interest

Intermediate force is a “significant level of force that must be justified by the governmental interest involved.”¹⁵ In evaluating the government’s interest in the use of force, courts look to: “(1) the severity of the crime at issue, (2) whether the suspect posed an immediate threat to the safety of the officers or others, and (3) whether the suspect was actively resisting arrest or attempting to evade arrest by flight.”¹⁶

Severity of the Crime at Issue

The crimes at issue in this incident were violent crimes of assault and battery. Under California law, assault and battery are misdemeanor offenses.¹⁷ However, battery involving the infliction of serious bodily injury and assault by means of force likely to produce great bodily injury are both felony offenses.¹⁸ The felony battery charge focuses on the actual injury inflicted, while the felony assault charge focuses on the force used and not whether the force produced great bodily injury. “The crime of assault by means of force likely to produce great bodily injury is completed before any injury is inflicted.”¹⁹ “It is enough that the force used is likely to cause serious bodily injury. No injury is necessary.”²⁰ Courts have said that punching is “capable of inflicting significant pain and causing serious injury.”²¹

Here, the reports show that five youths were engaged in a violent targeted attack on Y2 that involved striking and punching him with closed fists that contacted his head and torso. Additionally, Y4 and Y5 appeared to stomp and kick Y2 in the head.

Whether the Suspect Posed an Immediate Threat to the Safety of the Officers or Others

Courts have said that the most important element of the *Graham* factors is whether the suspect poses an immediate threat to the safety of the officers or others.²² The reports make clear, and the video confirms, that not only did Y1 run towards Y2, but as soon as he got to Y2, he immediately began to strike him. Y3, Y4, Y5, and Y6 immediately joined Y1 in assaulting Y2.

The reports also establish that even after commands to stop and “get down” were given by the DJCOs, the youths continued to assault Y2. In fact, Y4 and Y5 continued to fight even after three bursts of OC were deployed. It wasn’t until additional staff arrived that the DJCOs were able to stop the fight and get all the youths secured. These facts establish that but for the DJCOs intervention, the assault on Y2 would have continued. More importantly, they also confirm that at the time that OC was deployed, the youths posed an immediate and ongoing threat to Y2.

Whether the Suspect was Actively Resisting Arrest or Attempting to Evade Arrest by Flight

When the assault began, DJCO 2 immediately left his seat and placed himself between Y2 and the group of youths chasing Y2. According to his report, and the video, DJCO 2 “tried to contain a few of the

¹⁵ *Bryan v. MacPherson* (9th Cir. 2010) 630 F. 3d 805, 826.

¹⁶ *Graham v. Connor* (1989) 490 U.S. 386 [109 S.Ct. 1865, 104 L.Ed.2d 443].

¹⁷ Pen. Code, §§ 240, 242, 243(a).

¹⁸ Pen. Code, §§ 242, 243(d), 245(a).

¹⁹ *People v. Hopkins* (1978) 78 Cal.App.3d 316 [142 Cal.Rptr. 572].

²⁰ *People v. Hopkins* (1978) 78 Cal.App.3d 316 [142 Cal.Rptr. 572].

²¹ *Reaza v. County of Riverside* (C.D.Cal. Oct. 26, 2022, No. 5:20-cv-01188-MEMF (SPx)) 2022 U.S.Dist.LEXIS 198653.

²² *Chew v. Gates* (9th Cir. 1994) 27 F.3d 1432.

youths..." but they evaded him and made their way to Y2, where they began to batter him. The youths were clearly refusing to comply with the DJCOs commands to get down and continued to batter Y2.

DJCO 1 indicated in her report that she gave commands to get down on two separate occasions prior to the deployment of OC. The fact that the youths continued to batter Y2 after OC was deployed showed that they were willfully refusing to comply with the DJCOs authority to take them into custody. Ultimately, to place the non-compliant combative youths into custody, DJCO 1 had to do more than simply place a compliant youth into handcuffs. In fact, both DJCO 1 and DJCO 2 had to physically take youths to the ground to handcuff them.

Balancing the Force Used Against the Need for Such Force

Finally, in order to determine if force used was excessive, courts "balance the gravity of the intrusion on the individual against the government's need for that intrusion."²³ Put another way, does the government's need for the force used, based on the severity of the crime, the threat to safety, and the resistance of the subject, outweigh the type and amount of force used?

The Ninth Circuit has said that the law is clearly established "that police officers employ excessive force in violation of the Fourth Amendment when they use pepper spray upon an individual who is engaged in the commission of a non-violent misdemeanor and who is disobeying a police officer's order but otherwise poses no threat to the officer or others."²⁴ That is not the situation that confronted the DJCOs in this incident.

As previously stated, the youths were engaged in, at a minimum, a violent misdemeanor, and potentially a violent felony, and they clearly disobeyed the DJCOs' order to get down and continued to fight after being sprayed. The most important distinction, however, is the fact that by continuing to fight, the youths clearly posed a threat to each other.

The youths involved in the attack were under the custody and care of the Probation Department. As such, the Probation Department has an obligation to protect them from harm and prevent them from being harmed. Prior to the deployment of OC, the youths posed an immediate threat to Y2. Additionally, the harm that could have occurred to one or more of the involved youths from closed fist strikes justified the use of OC when the youths failed to follow commands to "get down."

Compliance with Department Procedure

State Law

The State of California has set forth requirements that a facility, which authorizes the use of chemical agents as a force option, must have in their policies and procedures.²⁵ Those requirements include that the policies mandate that chemical agents only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible;²⁶ that the policy outline the facility's approved methods and timelines for decontamination from chemical agents including that youth who have been exposed to chemical agents

²³ *Espinosa v. City & County of San Francisco* (9th Cir. 2010) 598 F.3d 528.

²⁴ *Silva v. Chung* (9th Cir. 2018) 740 F.App'x 883.

²⁵ Cal. Code Regs., tit. 15, § 1357 – Use of Force.

²⁶ Cal. Code Regs., tit. 15, § 1357(b)(2).

shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent;²⁷ that the policy define the role, notification, and follow-up procedures required after a use of force incident involving chemical agents for medical, mental health staff and parents or legal guardians;²⁸ and that the policy provide for the documentation of each incident of use of chemical agents, including the reasons for which it was used, efforts to de-escalate prior to use, youth and staff involved, the date, time and location of use, decontamination procedures applied and identification of any injuries sustained as a result of such use.²⁹

Department Procedure

Imminent threat and de-escalation

The Probation Department has two procedures that address the use of OC by DJCOs in the course and scope of their duties.³⁰ The OC procedure provides that OC spray may “only be used when there is an imminent threat to the youth’s safety and/or the safety of the officer or others and only when de-escalation efforts have been unsuccessful or are not reasonably possible.”³¹ This verbiage is consistent with state law.

The reports, and video, regarding this incident make clear that Y1 ran towards Y2 and instantly began to strike him with closed fists. Y3, Y4, Y5, and Y6 immediately joined in the attack. Y2 did not fight back and tried to get away but was quickly cornered by the five youths that were continuing to batter him.

DJCO 1 attempted to de-escalate the situation by providing verbal commands to all youths to “get down, get down.” However, DJCO 1’s de-escalation efforts were unsuccessful at ending the fight. For the “safety of [Y2] and DJCO [2], as well as [her]self,” DJCO 1 deployed a burst of OC towards the “cluster of youth” after the youths refused to stop battering Y2. DJCO 1 deployed two additional short bursts after Y1 returned and continued to batter Y2.

Based on OIR’s review of the reports and video of this incident, there was an imminent threat to the safety of Y2. As such, DJCO 1 was in compliance with this section of the Department’s OC procedure at the time of her deployment of OC spray.

Decontamination

The Probation Department’s OC Procedure requires that “[f]or youth exposed to OC spray, through a direct spray or over spray, decontamination measures must be undertaken as soon as practical after a youth is subdued and restrained.”³² The OC Procedure further states that youth shall be placed, “fully

²⁷ Cal. Code Regs., tit. 15, § 1357(b)(3).

²⁸ Cal. Code Regs., tit. 15, § 1357(b)(4).

²⁹ Cal. Code Regs., tit. 15, § 1357(b)(5).

³⁰ Procedure Manual Item 3-1-056 Oleoresin Capsicum (OC) Spray – Facilities;

Procedure Manual Item 3-1-015 Use of Force – Facilities.

³¹ Procedure Manual Item 3-1-056 I(C) General Information.

³² Procedure Manual Item 3-1-056 II(F)(3) Decontamination/Aftercare Procedures. (The Department’s Use of Force Policy, Procedure Manual Item 3-1-015 VIII(E) Medical and Mental Health Considerations, has been renumbered and amended to include language that decontamination measures must be undertaken as soon as practical after a youth is subdued and restrained.)

clothed, into a shower, at a sink, or on the patio with the garden hose, allowing cold water to freely fall onto the youth until the youth no longer feels the effects of the OC spray.”³³

According to DJCO 1, there were five youths affected by the OC spray. DJCO 1’s report indicates that after each affected youth was secured, they were taken directly to separate shower areas to begin the decontamination process. A review of the timeline included with DJCO 1’s report shows that Y1 began the decontamination process within six minutes of the Code 3.³⁴ Y3 began the decontamination process within 2 minutes of the Code 3. Y4 began the decontamination process within nine minutes of the Code 3, and Y6 began the decontamination within 11 minutes of the Code 3. As stated above, because Y5 tried to hide his involvement in the assault, staff did not know that Y5 was involved in the assault against Y2. Therefore, Y5’s decontamination did not begin until 31 minutes after the initial Code 3.

Here, all the youths were placed in separate showers for the decontamination process. Most of the reports did not specifically state that the youths were placed in the shower “fully clothed.” Some reports could be read to imply that the youth was “fully clothed” in the shower, such as the report for Y6 which indicated that the youth was escorted into the shower stall, the water was turned on, and then the youth was directed to remove his clothes and set them outside the stall for collection. The report for Y4 stated that the youth “was left handcuffed in the shower,” and when Y4 got to his room he was uncuffed and given a clean pair of clothes “to change into” and his contaminated clothes were placed in a water-soluble bag. However, the reports, for Y1, Y3, and Y5 simply make no mention of whether the youths were “fully clothed” when they were placed in the shower.

Recommendation

Update the portion of the Use of Force/Restraint Special Incident Report (SIR) form relating to Pepper Spray and Decontamination to add an entry field that requires the report writer to specifically indicate whether the youth was placed into the shower fully clothed.

The OC Procedure also states that the youth will then remove contaminated clothing and be issued clean clothing. The contaminated clothing shall be placed in a marked plastic bag.³⁵ All the reports indicated that the affected youths were provided with a clean set of clothing and their contaminated clothes were bagged and labeled.

Staff are also required to be with “the youth throughout the entire decontamination process.”³⁶ While DJCO 1’s report did indicate that two deputies “stood by to supervise” Y3’s decontamination, most of the reports do not specifically state that a particular DJCO stayed with the youths during the entire decontamination process.

DJCO 1’s report did indicate that Y1, Y4 and Y6 ended their decontaminations by their own request or choice. These statements imply that someone was present for each youth to alert that they wanted to voluntarily end their decontamination. However, it is unclear whether a DJCO was continuously present during each youth’s decontamination.

³³ Procedure Manual Item 3-1-056 II(F)(4) Decontamination/Aftercare Procedures.

³⁴ A Code 3 indicates Staff needs assistance.

³⁵ Procedure Manual Item 3-1-056 II(F)(7) Decontamination/Aftercare Procedures.

³⁶ Procedure Manual Item 3-1-056 II(F)(10) Decontamination/Aftercare Procedures.

The Department's review board also appeared to recognize the lack of clarity surrounding documentation of this portion of the OC procedure as they indicated that they discussed a recommendation "to ensure that staff document in an SIR if they assisted with the decontamination process of an individual youth."

Recommendation

Update the portion of the Use of Force/Restraint SIR form relating to Pepper Spray and Decontamination to add an entry field that requires the report writer to specifically indicate which DJCO(s) stayed with each youth during the entire decontamination process.

Notification and Procedures Required After Use of Force Incidents

The OC Procedure requires that a DJCO who discharges an OC canister notify his or her supervisor as soon as possible.³⁷ The OC Procedure also makes clear that "[t]he staff member who sprayed the individual is responsible for advising medical personnel or others of the decontamination procedures."³⁸ The responsibility for contacting the youth's parent or legal guardian is assigned to the SJCO/Duty Officer or designee.³⁹ Lastly, while the OC Procedure requires that the youth must be referred to Mental Health staff immediately following decontamination, it does not specifically identify whose responsibility it is to ensure that this section of the procedure is followed.⁴⁰

According to DJCO1's report, at least one Supervising Juvenile Correctional Officer (SJCO) was present on scene and aware of the deployment of OC. DJCO 1's report also indicates that the Medical Unit was notified "of all listed youths involved." The report also documented the time medical staff saw each of the five youths and that all youths sprayed with OC were cleared of any injuries within approximately one hour and 15 minutes following the Code 3.

Recommendation

Update PMI 3-1-056 to clearly articulate who has the responsibility to refer youth to Mental Health Staff following decontamination. This change would put DJCOs on notice as to whose responsibility it is to ensure that Mental Health staff are contacted.

DJCO 1's report also indicates that all the parents/guardians for the youths were notified, and that the Clinical Evaluation Guidance Unit (CEGU) was notified of the incident and youths involved less than 25 minutes after the Code 3 was called.

Documentation

Department procedure related to use of force provides that any DJCO involved in, or a witness to, a use of force, which includes the use of Chemical - Oleoresin capsicum (OC) spray, shall write and submit a Special Incident Report (SIR).⁴¹ Further, the procedure requires a SIR and Restraint Report must include a clear and factual justification for the use of OC, efforts to de-escalate prior to use or reasons why de-escalation was not reasonably possible, youths and staff involved, the date, time and location of use, a

³⁷ Procedure Manual Item 3-1-056 II(E)(1) Notification and Documentation.

³⁸ Procedure Manual Item 3-1-056 II(F)(13) Decontamination/Aftercare Procedures.

³⁹ Procedure Manual Item 3-1-056 II(F)(18) Decontamination/Aftercare Procedures.

⁴⁰ Procedure Manual Item 3-1-056 II(F)(17) Decontamination/Aftercare Procedures.

⁴¹ Procedure Manual Item 3-1-015 VIII(F) DJCO Responsibilities.

complete description of decontamination procedures, and identification of any injuries and medical treatment.⁴²

DJCO 1 completed the main SIR for this incident and 12 other DJCOs prepared supplemental incident reports. The main SIR identified the youths involved as well as the actions taken by DJCO 1 prior to the use of force. DJCO 1's report also identified the reason for the deployment of OC and the effect of the OC on the affected youths. The included timeline clearly laid out the activities that occurred after the use of force except for specifically stating whether staff were with the youths "throughout the entire decontamination" process.

Noticeably absent from DJCO 1's SIR and the Use of Force Review Board's memorandum, was any discussion regarding the video showing DJCO 1's outstretched arm holding the OC spray canister for approximately three seconds during the time that she indicated, in her report, that she sprayed the OC for "a .5 – 1.0 second burst."

Conclusion

A review of the SIR and Use of Force reports established that the force used by DJCO 1 was reasonable and lawful. It is clear from the reporting that had DJCO 1 not deployed force, the youths would have continued to strike Y2, possibly resulting in serious injuries.

However, with the information provided to the OIR, it is difficult to corroborate whether DJCO1's first deployment of OC was actually ½ - 1 second, and therefore within procedure, or longer and potentially outside of procedure.

⁴² Procedure Manual Item 3-1-056 II(E)(2) Notification and Documentation.

Recommendations

1. Update PMI 3-1-056 to specifically state that OC spray is classified as an intermediate level of force.
2. Update the portion of the Use of Force/Restraint SIR form relating to Pepper Spray and Decontamination to add an entry field that requires the report writer to specifically indicate whether the youth was placed into the shower fully clothed.
3. Update the portion of the Use of Force/Restraint SIR form relating to Pepper Spray and Decontamination to add an entry field that requires the report writer to specifically indicate which DJCO(s) stayed with each youth during the entire decontamination process.
4. Update PMI 3-1-056 to clearly articulate who has the responsibility to refer youth to Mental Health Staff following decontamination. This change would put DJCOs on notice as to whose responsibility it is to ensure that Mental Health staff are contacted.