

OIR Use of Force Review

UOF Review 8-17-22 YLA



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Summary of Facts

On August 17, 2022, at approximately 8:00 p.m., two staff members were supervising a group of youths during large muscle exercise.¹ Y2 was playing handball with three other youths, and Y1 was standing in the southwest corner of the patio with three other youths. Y1 began to slowly walk over towards the group of youths playing handball with his fists clenched at his side. Y2 noticed Y1 walking in his direction, and motioned towards Y1 with his arm as if he was encouraging Y1 to continue to approach him. Y1 continued walking towards Y2 and yelled at Y2 “Fuck you fool, let’s go then.” Deputy Juvenile Correctional Officer (DJCO) 2 directed the youths to “[s]top! Move away from each other!” As Y1 continued to approach Y2, DJCO 1 directed Y1 to “[s]top! Get back!” Y1 stopped in front of Y2 and then began to throw numerous punches in the direction of Y1’s head and upper body. Y2 fought back and began to throw numerous punches at Y1’s head and upper body with closed fists. DJCO 1 called out a Code 2 over the radio and ran towards the youths with DJCO 2 to separate them.² DJCO 2 directed the youths to “[s]top! Get down!” Both youths continued to exchange closed-fist punches.³ DJCO 1 then yelled “[s]top! Get down! OC!” as he unholstered his Oleoresin Capsicum (OC) canister. Both youths continued to strike each other, and DJCO 1 discharged a one-second burst of OC spray toward both youths from four to six feet away. The spray contacted both youths’ eyes, and they both dropped to the ground.

DJCO 1 took control of Y2 and secured him in handcuffs while DJCO 2 took control of Y1 and secured him in handcuffs. DJCO 3 and DJCO 4 responded to the Code 2 call. DJCO 3 assisted DJCO 2 in lifting Y1 to his feet. DJCO 4 relieved DJCO 2, and along with DJCO 3, escorted Y1 to the patio hose to begin decontamination. DJCO 5 also responded and assisted DJCO 1 in escorting Y2 to the showers to decontaminate. Once at the restroom, Y2 requested to use the sink to decontaminate, and he was permitted to do so. As Y2 began to wash his face in the sink, he complained that the intensity of the burning increased and requested to shower. Y2 was allowed to continue his decontamination in the shower.

Both youths began decontamination within seven minutes of the deployment of OC spray. Y2 began decontamination at 8:05 p.m. and finished at 8:12 p.m. Y1 began decontamination at 8:06 p.m. and finished at 8:10 p.m. At 8:19 p.m., Y3 complained that he was experiencing burning due to overspray. Y3 was brought out from his room and permitted to decontaminate in the Youth Leadership Academy (YLA) west shower. DJCO 3 supervised Y3 as he decontaminated.

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*.”⁴ The reasonableness of a seizure turns on whether the use of force was “objectively

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 provided contains no audio.

² A Code 2 indicates that there is a fight in progress.

³ Information from this point forward came from DJCO reports and could not be seen on the video provided.

⁴ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

reasonable in light of the facts and circumstances confronting [the user of force], without regard to their underlying intent or motivation."⁵

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."⁶

There are three steps in conducting the balancing required by *Graham*. The first step is to assess the "the quantum of force used."⁷ The second step is to measure "the governmental interests at stake by evaluating a range of factors."⁸ 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."⁹

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.¹⁰

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."¹¹ "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.'"¹² 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."¹³

Recommendation

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

Amount of Force Used

The amount of "intermediate force" (OC spray) used in this case was minimal. There was one deployment of OC, that struck both youths. The deployment was one second in duration and deployed from a distance between four and six feet. The reports indicate that deployment of OC occurred while Y1 and Y2 were punching each other.

⁵ *Graham v. Connor* (1989) 490 U.S. 386, 397; *Blankenhorn v. City of Orange* (9th Cir. 2007) 485 F.3d 463, 477.

⁶ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

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

⁸ *Davis v. City of Las Vegas* (9th Cir. 2007) 478 F.3d 1048, 1054.

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

¹⁰ *Miller v. Clark County* (9th Cir. 2003) 340 F.3d 959, 964.

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.

¹³ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

Some courts have also 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 youths were secured, Y2 was taken directly to the showers, and Y1 to the patio hose (at his request), to begin the decontamination process. Y1 and Y2 began decontamination within seven minutes of the first deployment of OC. According to the reports, at approximately 8:19 p.m., after staff called a Code 4, Y3 alerted staff that he was exposed to overspray.¹⁵ Y3 was immediately brought out from his room and permitted to decontaminate in the shower.

Governmental Interest

Intermediate force is a “significant level of force that must be justified by the governmental interest involved.”¹⁶ 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.”¹⁷

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.¹⁸ 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.¹⁹ 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.”²⁰ “It is enough that the force used is likely to cause serious bodily injury. No injury is necessary.”²¹ Courts have said that punching is “capable of inflicting significant pain and causing serious injury.”²²

Here, the video, and reports, show that Y1 and Y2 were exchanging closed- fist punches to the head and upper body area when DJCO 1 deployed a single one second burst of OC at Y1 and Y2. Following the deployment, both youths immediately got down and staff secured them in handcuffs. Considering that Y1 and Y2 were throwing continuous punches at each other’s head and upper body which could result in serious injury, the assaults by Y1 and Y2 should be considered severe.

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

¹⁵ A Code 4 indicates that it is all clear.

¹⁶ *Bryan v. MacPherson* (9th Cir. 2010) 630 F. 3d 805, 826.

¹⁷ *Graham v. Connor* (1989) 490 U.S. 386 [109 S.Ct. 1865, 104 L.Ed.2d 443].

¹⁸ Pen. Code, §§ 240, 242, 243(a).

¹⁹ Pen. Code, §§ 242, 243(d), 245(a).

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

²¹ *People v. Hopkins* (1978) 78 Cal.App.3d 316 [142 Cal.Rptr. 572].

²² *Reaza v. County of Riverside* (C.D.Cal. Oct. 26, 2022, No. 5:20-cv-01188-MEMF (SPx)) 2022 U.S.Dist.LEXIS 198653.

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.²³ Here, the reports make clear that Y1 approached Y2 with the intent to fight. Y1 then began to punch Y2 numerous times in the head and upper body. Y2 fought back and began to punch Y1 numerous times in the head and upper body. As a result, the youths clearly posed an immediate threat to each other as they exchanged closed-fist punches. The facts establish that but-for DJCO 1's intervention, the mutual assault would have continued. Therefore, at the time of the OC deployment, the youths posed an immediate and ongoing threat to each other.

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

While the youths were not attempting to evade DJCO 1 or DJCO 2, both youths were clearly actively resisting the DJCOs' attempts to take control of them by refusing to comply with their commands and submit to their authority. Both youths ignored commands to "stop," "move away from each other," and "get back." Instead, both youths continued to assault each other. It was only after the youths were sprayed with OC spray that they submitted to the DJCOs' authority and laid down on the ground in the prone position.

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."²⁴ 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."²⁵ 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 DJCO 2's order to get down and continued to fight. 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 fight were under the custody and care of the Probation Department. As such, the Probation Department had an obligation to protect them from harm. Prior to the deployment of OC, Y1 and Y2 posed an ongoing threat to each other. Additionally, the severe harm that could have occurred to either youth from closed-fist strikes justified the single deployment of OC, particularly when the youths continued to assault each other even after being directed to stop and get down multiple times. Thus, the deployment of OC was justified when considering each of the above factors.

²³ *Chew v. Gates* (9th Cir. 1994) 27 F.3d 1432.

²⁴ *Espinosa v. City & County of San Francisco* (9th Cir. 2010) 598 F.3d 528.

²⁵ *Silva v. Chung* (9th Cir. 2018) 740 F.App'x 883.

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.²⁶ 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;²⁷ 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 shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent;²⁸ 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;²⁹ 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.³⁰

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.³¹ 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.”³² This verbiage is consistent with state law.

The reports regarding this incident make clear that Y1 and Y2 posed an imminent threat to each other. As mentioned above, Y1 approached Y2 and began to continuously punch him, leading Y2 to start continuously punching Y1 in return.

DJCO 2 attempted to verbally de-escalate the situation by directing the youths to “stop” and to “[m]ove away from each other!” DJCO 1 also attempted to de-escalate through verbal directives to Y1 to “[s]top! Get back!” Both DJCOs attempts to de-escalate were unsuccessful.

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

²⁶ Cal. Code Regs., tit. 15, § 1357 – Use of Force.

²⁷ Cal. Code Regs., tit. 15, § 1357(b)(2).

²⁸ Cal. Code Regs., tit. 15, § 1357(b)(3).

²⁹ Cal. Code Regs., tit. 15, § 1357(b)(4).

³⁰ Cal. Code Regs., tit. 15, § 1357(b)(5).

³¹ Procedure Manual Item 3-1-056 Oleoresin Capsicum (OC) Spray – Facilities;
Procedure Manual Item 3-1-015 Use of Force – Facilities.

³² Procedure Manual Item 3-1-056 I(C) General Information.

youth is subdued and restrained.”³³ The OC Procedure further states that youth shall be placed, “fully 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.”³⁴

According to the reports, Y1 and Y2 came into direct contact with, and were affected by the OC spray. As soon as the youths were secured, Y2 was escorted to the YLA 1 west showers, and Y1 to the YLA 1 patio hose (at his request) to decontaminate. According to the reports, both youths began decontamination within four minutes of the OC deployment.

The reports also state that approximately 17 minutes after the deployment of OC, Y3 complained “that he had some burning from ‘overspray’ of the OC Pepper Spray.” Y3 “was brought out and permitted to shower for the decontamination procedure.” It appears from the reports that staff was not aware that Y3 was exposed to overspray until after the incident was rendered a Code 4 and all uninvolved youths were returned to their rooms.

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 DJCO 1 indicated in his narrative that he “issued clean clothing to” Y2, and that he “collected the contaminated clothing and placed it in a bag, labeling the bag ‘OC PEPPER SPRAY.’” DJCO 3 indicated in his narrative that Y1 “was given fresh new clothes and his soiled clothes were properly bagged and labeled.” While there is no narrative as it relates to issuing Y3 clean clothing and disposing of his contaminated clothes, DJCO 1’s use of force report did indicate “yes” to the statements “contaminants placed in water soluble bag,” and “bag labeled.”

Staff are also required to be with “the youth throughout the entire decontamination process.”³⁶ None of the reports specifically state that staff remained with the youths during the entire decontamination process. DJCO 1’s main SIR narrative indicates that he “removed the handcuffs from [Y2]’s wrists,” and later that he “issued clean clothing to” Y2, and “collected the contaminated clothing, placed it in a bag,” and labeled it. This verbiage implies, without specifically saying, that DJCO 1 was with Y2 throughout the entire decontamination process.

Similarly, DJCO 4’s SIR narrative states that both he and DJCO 3 escorted Y1 to the unit patio so that Y1 could start his decontamination. During Y1’s decontamination, DJCO 4 left and went into the unit to get Y1 fresh clothes, and “brought them to DJCO [3] who was still assisting [Y1]’s decontamination process.” DJCO 4’s verbiage implies, without saying, that DJCO 3 was present with Y1 throughout the entire decontamination process.

Lastly, for Y3, the main SIR states that DJCO 3 supervised the decontamination process for Y3. These statements imply that someone was present throughout the entire decontamination with the youths.

³³ 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.)

³⁴ Procedure Manual Item 3-1-056 II(F)(4) Decontamination/Aftercare Procedures.

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.

However, it remains unclear whether a staff member was continuously present with the youths throughout the entire decontamination process.

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

The main SIR narrative indicates that Supervising Juvenile Correctional Officer (SJCO) 1 was on scene and supervised the securing of Y2 and his escort for decontamination.

Supplemental report narratives indicate that the medical unit was notified within six minutes of the incident. The main SIR narrative indicates that medical was advised of the incident, and a nurse “examined” both Y1 and Y3. The main SIR narrative also indicates that Y2 “declined to be examined by the nurse.”

In addition, the narratives and Use of Force reports indicate that staff notified the guardians for Y1 and Y2 at 8:26 PM. However, as it relates to Y3, no documents indicate whether his parent or guardian was notified of his overspray exposure.

Recommendation

Provide additional training to remind supervisors and staff that parental notification procedures should be followed, not just with respect to youths who were the target of OC spray, but also for youths who encountered overspray.

Finally, DJCO 1’s use of force forms indicate that the Clinical Evaluation Guidance Unit (CEGU) was notified of the incident for both Y1 and Y2. However, except for a notation in DJCO 2’s use of force report, indicating that Y1 was seen by mental health at 20:09, there is no documentation indicating that any of the youths were actually seen by CEGU.

Additionally, there was no documentation indicating that CEGU was notified about Y3, the youth who was oversprayed.

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.

Recommendation

Provide additional training to remind supervisors and staff that mental health notification procedures should be followed, not just with respect to youths who were the target of OC spray, but also for youths who encountered overspray.

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

DJCO 1 completed the main SIR for this incident and four other DJCOs prepared supplemental incident reports. The main SIR identified the youths involved as well as the actions taken by DJCO 1 and DJCO 2 to attempt to de-escalate the situation prior to the use of force. The main report also sets forth the activities that occurred after the use of force except for whether staff members remained with the youths throughout the entire decontamination process, whether Y3's guardians were notified, and whether the CEGU evaluated any of the youths.

During a review of this incident, the OIR observed some areas of concern related to documentation. For example, DJCO 2's use of force report indicates that Y1 was seen by mental health at 20:09, while none of the other DJCOs' reports, or narratives, indicate that any of the youths were seen by mental health. Additionally, DJCO 2's supplemental narrative indicates that Y1's parents were informed of the incident at 8:26 p.m., but on her Use of Force report, she indicates that Y1's parents were notified via voicemail at "22:28."

As it relates to Y3, no supplemental narrative was written related to Y3's decontamination indicating who participated, how the decontamination process was carried out, and whether CEGU was notified. Additionally, none of the reports for this incident indicate whether Y3's parents were notified that he received overspray.

Recommendation

Provide additional training reminding DJCOs of the importance of making sure that their reports are accurate and complete.

Observations

At the time that OC spray was deployed during this incident, there were at least seven uninvolved youths participating in large muscle exercise in the in the YLA patio. Y3 was not involved in the fight that occurred between Y1 and Y2. Y3 was, however, subjected to overspray. Despite being sprayed, Y3 returned to his room without decontaminating. It was not until approximately 17 minutes after the

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

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

deployment of OC that Y3 complained that he had some burning from the overspray and was allowed to decontaminate.

Recommendation

Update PMI 3-1-056 to require that after OC spray is deployed, where uninvolved youths are present, that a DJCO shall be assigned to examine each uninvolved youth to determine, and document, whether they were actually sprayed and whether they need to be decontaminated prior to returning to their room.

Use of Force Review Board

On October 27, 2022, the Department's Use of Force Review Board convened and reviewed this use of force incident.

Similarly to the OIR, the Board recognized that there was "no documentation that [Y3]'s parents were notified that he was oversprayed or that CEGU was contacted for the youth."

The Board recommended that staff add when they start a safety check and how they were conducted (e.g., youth in day room, room checks) to their reports. The Board also recommended that "staff ensure accuracy in information between the narrative and the UOF form."

Conclusion

A review of the SIRs, Use of Force reports, and video footage established that the use of force by DJCO 1 was within law and policy. It is clear from the reporting that had DJCO 1 not deployed force, Y1 and Y2 would have continued their mutual assault, resulting in potentially serious injuries. However, information regarding parental notification of Y3, supervision of the youths during decontamination, and whether CEGU actually saw the youths was not sufficiently documented.

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 which DJCO(s) stayed with each youth during the entire decontamination process.
3. Provide additional training to remind supervisors and staff that parental notification procedures should be followed, not just with respect to youths who were the target of OC spray, but also for youths who encountered overspray.
4. Provide additional training to remind supervisors and staff that mental health notification procedures should be followed, not just with respect to youths who were the target of OC spray, but also for youths who encountered overspray.
5. Provide additional training reminding DJCOs of the importance of making sure that their reports are accurate and complete.
6. Update PMI 3-1-056 to require that after OC spray is deployed, where uninvolved youths are present, that a DJCO shall be assigned to examine each uninvolved youth to determine, and document, whether they were actually sprayed and whether they need to be decontaminated prior to returning to their room.