
Cashel C. White
cash@plelawfirm.com

May 17, 2018

Via email: ikysel@ACLUSoCal.org

Ian Kysel, Esq.
ACLU – Orange County Office
1851 E. First Street, Suite 450
Santa Ana, CA 92705

Re: C.P.R.A. Request – Modoc County Probation Department

Dear Mr. Kysel:

This firm represents the County of Modoc. Please accept this as the County's response to the above-referenced Public Records request, which was received by the County May 9, 2018. Below is a list of your requests and a specific response to each request:

- Request #1** Copies of any and all of the following policies and procedures used/in effect between January 1, 2015 and March 31, 2018 (inclusive) in each facility operated by MCPD:
- i. Any and all rules of conduct and disciplinary and/or behavior management policies and procedures for youth, including those governing sanctions as well as those governing incentives and/or privileges.
 - ii. Any and all behavior management or other policies and procedures governing use of force by staff, including what kind of force can be used and the continuum of appropriate force permitted in specific circumstances.
 - iii. Any and all behavior management or other policies and procedures governing use of cell/room extraction, including any requirements to video or audiotape cell/room extraction.
 - iv. Any and all behavior management or other policies and procedures governing use of de-escalation techniques by staff.
 - v. Any and all behavior or other policies and procedures governing use of chemical agents (including the type, size/volume and approved method of deployment for those chemical agents) and methods of application as well as chemical agent cleanup/decontamination after use.
 - vi. Any and all policies and procedures regarding storage and maintenance requirements for any chemical agents permitted to be stored, used, or carried in the facility.
 - vii. Any and all polices and procedures regarding identifying or authorizing staff who permitted to carry and/or use chemical agents in the facility.

May 17, 2018

Re: Kysel Modoc County PRA request

Page 2

- viii. Any and all policies and procedures addressing medical and behavioral health conditions that would contraindicate or limit use of chemical agents.
- ix. Any and all policies and procedures regarding identifying and evaluating youth who have been exposed to chemical agents, including any signs and symptoms requiring medical or behavioral health evaluation referral.
- x. Any and all policies and procedures regarding notification of parents or legal guardians regarding youth exposure to chemical agents.
- xi. Any and all policies and procedures on documentation and reporting requirements following any use of chemical agents.
- xii. Any and all policies and procedures on requirements to debrief or discuss use of force incidents, including use of chemical agents, with youth after the incident.
- xiii. Any and all policies and procedures on supervisory or other review of use of force incidents by staff, including use of chemical agents.
- xiv. Any and all policies and procedures regarding the information provided to youth to explain rules, rights, policies and procedures related to use of force, including but not limited to use of chemical agents (including copies of such information, as provided to youth, in each language in which it is available).
- xv. Any and all policies and procedures governing discipline of staff for violations of policies, procedures and rules governing the use of force, including use of chemical agents.

Response #1: The County of Modoc does not operate any facilities, and therefore has no documents responsive to this request.

Request #2: Copies of any and all of the following training materials used/in effect between January 1, 2015 and March 31, 2018 (inclusive) in each facility operated by MCPD:

- i. Any and all training materials on the use of chemical agents, including but not limited to permissible use and standard(s) for use, methods of application and cleanup/decontamination.
- ii. Any and all training materials on cell/room extractions.
- iii. Any and all training materials on the provision of medical or behavioral health services or referral before or after youth are exposed to chemical agents.
- iv. Any and all training materials or identifying signs or symptoms of medical or behavioral health conditions that would contraindicate the use of certain types of force, including chemical agents.
- v. Any and all training materials on the use and exhaustion of less restrictive options that use of chemical agents and before the use of chemical agents.
- vi. Any and all training materials on complying with authorization, reporting and documentation requirements in connection with the use of chemical agents.
- vii. Any and all training materials on conducting a review of use of force, including on the use of chemical agents.
- viii. Any and all training materials on debriefing or discussing use of force incidents with use, including use of chemical agents, after the incident.
- ix. Any and all training materials used to ensure compliance of staff authorized to carry or use chemical agents with Penal Code section 22820 (requiring completion of training in

the use of tear gas for any peace officer before they can purchase, possess, transport, or use tear gas or a tear gas weapon).

Response #2: The County of Modoc does not operate any facilities, and therefore has no documents responsive to this request.

Request #3: Any and all data on the use of chemical agents between January 1, 2015 and March 31, 2018 (inclusive) in each facility operated by MCPD, including:

- i. Records showing any and all aggregate data regarding average rate of use of chemical agents per month, quarter and year.
- ii. Records showing any and all individual data regarding specific instances of use of chemical agents, including, for each instance, the incident date, time, volume or amount of chemical agent deployed, location within the facility, description of the incidents (including the situation alleged to precipitate the use; for example, but not limited to fight, cell/room extraction, refusal to follow a verbal order, assault, riot, etc.), and demographic information about the juvenile and staff involved, including but not limited to age, race, national origin, gender identify and gender expression. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.
- iii. Copies of any and all videotapes or other audio and/or visual records of the use of force or cell/room extractions involving the use of chemical agents. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.
- iv. Copies of any notification of parents or guardians after chemical agent use made. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.
- v. Copies of any and all complaints/grievances made regarding use of chemical agents, including records showing any response and any action taken. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.
- vi. Copies of any and all incident reports or other reports related to use of chemical agents, including log book entries, entries in an electronic case management system(s), and entries in any other institutional case, data, or record management system(s). We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.
- vii. Copies of any and all internal reviews related to use of chemical agents conducted
- viii. Records showing any staff disciplined in connection with use of chemical agents, including allegations, findings, and any disciplinary actions taken. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.
- ix. Records of injury to staff or youth related to use of chemical agents. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.
- x. Records showing number and volume of all containers or units of chemical agents currently maintained or stored for use.

May 17, 2018

Re: Kysel Modoc County PRA request

Page 4

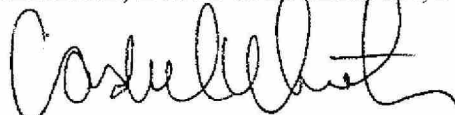
- xi. Records showing number and volume of all containers or units of chemical agents purchased per month, quarter and year (and the total cost for such purchases).
- xii. Records showing number and volume of all containers or units of chemical agents destroyed or discarded per month, quarter and year.
- xiii. Copies of any and all studies, inspection or accreditation reports, audits, or analyses relating to the Facilities conducted internally or by outside agencies or organizations that mention chemical agents.
- xiv. Strategic plans, committee reports, briefings, data, memoranda, final agendas, meeting minutes, or other documents or materials relating to the use of pepper spray.
- xv. Draft and final memoranda, documents, or guidance materials or directives, including but not limited to those addressing changes to policies, procedures, and training materials disclosed in response to this request, prepared by the MCPD related to use of chemical agents.
- xvi. Copies of any approvals or denials of any proposed changes to policies, procedures, trainings or guidelines, including but not limited to those addressing changes to policies, procedures, and training materials disclosed in response to this request, prepared by MCPD related to use of chemical agents.

Response #3: The County of Modoc does not operate any facilities, and therefore has no documents responsive to this request.

Should you have any questions or concerns, please do not hesitate to contact our office.

Yours very truly,

PRENTICE, LONG & EPPERSON, PC



Cashel C. White

cc: Kim Wills, Modoc County Chief Probation Officer