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OFFICE OF THE

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BRIAN J. STACK

May 31, 2018

SENT VIA EMAIL

Ian Kysel, Staff Attorney
American Civil Liberties Union Foundation
1851 E. First Street, Suite 450
Santa Ana, California 92705
Email: ikysel@ACLUSoCal.org

Re: Public Records Act Request, Dated May 9, 2018, for records related to the Use of Chemical Agents by the San Luis Obispo County Probation Department

Dear Mr. Kysel:

Pursuant to Penal Code section 6253, subdivision (c), and our previous notification to you that we would be taking an additional 14 days to respond to the above referenced Public Records Act (PRA) request, we now provide this response to your request on behalf of the San Luis Obispo County Probation Department ("the Department").

Your request seeks 30 separate categories of records primarily related to the use of chemical agents. At the outset, we note that the request as a whole is overly broad and burdensome. In this regard, although the request is broken down into three main types of records, the request as a whole seeks 30 separate categories of information. In addition, the request asks for the creation of records that do not presently exist. The majority of the requests made in regard to "data" cannot be responded to because the Department does not track the specific information you seek and, under the PRA, has no duty to "create" a record that doesn't already exist. Nevertheless, the Department has conducted a diligent search of its records and provides the specific responses below.

SAN LUIS OBISPO000322

Ian Kysel/ American Civil Liberties Union Foundation

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Response to Request No. 1 -- Policies and Procedures. With respect to all of the separate categories of records listed under this request, many of the records responsive to the subcategories of the various policies and procedures you seek have already been provided in response to your previous request for information, dated April 2, 2018, which asked for records related to room confinement of juveniles. Therefore, we refer you to these records.

The Department does not have policies or procedures related to the notification of parents or guardians when youth are exposed to chemical agents. (See e.g., Request No. 1, x.) Similarly, the Department does not have any records governing the discipline of staff for violations of policies governing the use of force (i.e., policies governing the use of discipline of staff for violation of policies (specifically referring to Request No. 1, xv.). In addition to the records previously provided, we will provide an Employee Conduct and Responsibility Policy, which may relate to many of the subcategories of records you seek in this Request No 1. In sum, other than the Employee Conduct policy and the policies previously provided in response to your PRA request dated April 2, 2018, we have no further records responsive to this request.

Response to Request No. 2 -- Training materials. The only records we have responsive to the various subcategories of training materials you seek are: (1) a power point document and related materials used for the purpose of certifying officers in the use of pepper spray and the use of force; and (2) Board of Community Corrections training certification outline. Specifically, in regards to subcategory ix (referencing Pen. Code, § 22820), the Department does not use tear gas, and therefore has no records responsive to this request.

Response to Request No. 3 -- Data. This request seeks an extensive amount of data relating to the use of chemical agents for the period January 1, 2015 through March 31, 2018. To the extent the Department has tracked some information in aggregate form for statistical purposes only, which does not identify any of the juveniles or other information that may only be obtained by resort to a juvenile case file, the information will be provided in electronic format. However, any information

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you seek that may only be obtained by resorting to a juvenile case file will not be disclosed absent a court order obtained via a petition filed pursuant to Welfare and Institutions Code section 827. In this regard, in the published opinion *Wescott v. Yuba County* (1980) 104 Cal.App.3d 103, 106, the Court of Appeal specifically held that section 827 of the Welfare and Institutions Code trumps the Public Records Act to the extent of any conflict. In addition, Welfare and Institutions Code section 827, subdivision (e), provides: “[f]or purposes of this section a ‘juvenile case file’ means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.”

Specific responses to each subcategory of records requested in this Request No. 3, are as follows:

i. The Department tracks the use of chemical agents on a monthly basis and will provide these records.

ii Department can provide the incident dates when chemical agents were used, and the reasons therefore. However, the Department does not track demographic information on the youth or officers involved.

iii. This information will not be provided as it may only be disclosed pursuant to a petition filed with the juvenile court pursuant to Welfare and Institutions Code section 827.

iv. The Department does not have any record of specific notices to parents or guardians of the use of chemical agents.

v. The information you seek is not subject to disclosure pursuant to a PRA request, but may only be disclosed pursuant to Welfare and Institutions Code section 827; and Evidence Code section 1043 et seq.

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vi. The information you seek is not subject to disclosure pursuant to a PRA request, but may only be disclosed pursuant to Welfare and Institutions Code section 827.

vii. The Department has no records responsive to this request.

viii. The information you seek is not subject to disclosure pursuant to Government Code section 6254, subdivision (c), section 6254, subdivision (k), and Evidence Code section 1043 et seq.

ix. The Department has records responsive to this request in the form of aggregate data which does not identify the youth or officer involved (as noted similarly in our response to subcategory ii., above). We will provide these records.

x. The Department has records responsive to this request in the form of an inventory list.

xi. The Department has not yet located any records responsive to this request, but may be able to provide purchase orders. If so, these records will be provided by the date indicated below.

xii. The Department has no records responsive to this request.

xiii. The Department has no records responsive to this request.

xiv. The Department has no records responsive to this request.

xv. The information you seek is not subject to disclosure pursuant to Government Code section 6254, subdivision (a) (preliminary drafts, notes, or interagency or intra-agency memorandum not retained in the ordinary course of business), Government Code section 6254, subdivision (k), and the deliberative process privilege (Gov. Code, § 6255) and Evidence Code section 1040. (The deliberative process privilege protects government officials and administrators from

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disclosure of material that may reflect the mental processes by which a government decision was reached. The privilege extends to the substance of conversations, communications, debates, deliberations and similar material reflecting advice, opinions, and recommendations by which policy is processed and formulated.)

xvi. The Department has no records responsive to this request.

The records identified above that will be produced by the Department, will be sent to you electronically on or before June 15, 2018.

Very truly yours,

RITA L. NEAL
County Counsel



By: ANN DUGGAN
Deputy County Counsel

AD:ck

cc: Robert Reyes, Assistant Chief Probation Officer

20181664

1228ckltr

| | A | B | C |
|----|----------------------------|--|-------------------------------|
| 1 | Use of Pepper Spray | Total: 29 | |
| 2 | Date of Incident | Reason | Youth Injured |
| 3 | 03/05/15 | Restrain youth from self-harm; attempt battery on staff | No |
| 4 | 03/09/15 | Restrain youth from self-harm | No |
| 5 | 03/09/15 | Restrain youth from self-harm | No |
| 6 | 03/14/15 | Battery on another youth | No |
| 7 | 03/17/15 | Restrain youth from self-harm | No |
| 8 | 03/19/15 | Physical resistance to being placed in restraints | No |
| 9 | 05/02/15 | Restrain youth from self-harm | Yes-due to self-harm behavior |
| 10 | 06/15/15 | Fight between youths | No |
| 11 | 06/15/15 | Fight between youths | No |
| 12 | 06/23/15 | Physical resistance to being placed in restraints | No |
| 13 | 07/06/15 | Restrain youth from self-harm | No |
| 14 | 07/27/15 | Failure to follow verbal directives (passive resistance) | No |
| 15 | 07/27/15 | Failure to follow verbal directives (passive resistance) | No |
| 16 | 07/28/15 | Physical resistance to being placed in restraints | No |
| 17 | 08/06/15 | Restrain youth from self-harm | No |
| 18 | 08/20/15 | Restrain youth from self-harm | No |
| 19 | 08/31/15 | Restrain youth from self-harm | No |
| 20 | 08/31/15 | Restrain youth from self-harm | No |
| 21 | 09/24/15 | Failure to follow verbal directives (passive resistance) | No |
| 22 | 09/24/15 | Restrain youth from self-harm | No |
| 23 | 09/24/15 | Restrain youth from self-harm | No |
| 24 | 10/05/15 | Fight between youths | No |
| 25 | 10/05/15 | Fight between youths | No |

| | A | B | C |
|----|----------|--|----|
| 26 | 10/07/15 | Aggressive, threatening behavior against officer | No |
| 27 | 10/28/15 | Failure to follow verbal directives (passive resistance) | No |
| 28 | 11/18/15 | Restrain youth from self-harm | No |
| 29 | 11/18/15 | Restrain youth from self-harm | No |
| 30 | 12/28/15 | Fight between youths | No |
| 31 | 12/28/15 | Fight between youths | No |

| | A | B | C |
|----|----------------------------|---|----------------------|
| 1 | Use of Pepper Spray | Total: 14 | |
| 2 | Date of Incident | Reason | Youth Injured |
| 3 | 1/20/2016 | Assault on youth | No |
| 4 | 3/11/2016 | Restrain youth from self-harm | No |
| 5 | 3/11/2016 | Restrain youth from self-harm | No |
| 6 | 3/11/2016 | Restrain youth from self-harm | No |
| 7 | 6/16/2016 | Non-compliant with directives while in the yard | No |
| 8 | 6/16/2016 | Non-compliant with directives while in the yard | No |
| 9 | 6/16/2016 | Non-compliant with directives in the yard | No |
| 10 | 6/28/2016 | Restrain youth from self-harm | No |
| 11 | 6/28/2016 | Restrain youth from self-harm | No |
| 12 | 6/28/2016 | Restrain youth from self-harm | No |
| 13 | 6/28/2016 | Restrain youth from self-harm | No |
| 14 | 9/10/2016 | Restrain youth from self-harm | No |
| 15 | 10/29/2016 | Restrain youth from self-harm | No |
| 16 | 11/15/2016 | Restrain youth from self-harm | No |

| | A | B | C |
|----|----------------------------|---|-------------------------------------|
| 1 | Use of Pepper Spray | Total: 8 | |
| 2 | Date of Incident | Reason | Youth Injured |
| 3 | 2/11/2017 | Flooded room; failure to comply; threatening movement at staff | No |
| 4 | 4/3/2017 | Failure to follow staff directives; passive resistance | No |
| 5 | 4/16/2017 | Fight between youths | Yes-cut lip due to fight |
| 6 | 4/16/2017 | Fight between youths | No |
| 7 | 5/26/2017 | Fight between youths | Yes-Swelling above eye due to fight |
| 8 | 5/26/2017 | Fight between youths | Yes-Sweling above eye due to fight |
| 9 | 9/21/2017 | Failure to follow staff directives; threatening behavior toward officer | No |
| 10 | 12/10/2017 | Fight with other youth | No |

| | A | B | C |
|---|----------------------------|---|---------------|
| 1 | Use of Pepper Spray | Total: 5 | |
| 2 | Date of Incident | Reason | Youth Injured |
| 3 | 1/16/2018 | Attempt assault on another youth | No |
| 4 | 3/6/2018 | Attempt assault on another youth | No |
| 5 | 3/28/2018 | Physical resistance to being placed in restraints | No |
| 6 | 5/2/2018 | Fight between youths | No |
| 7 | 5/2/2018 | Fight between youths | No |

| | I | J | K |
|----|-------------------|---------------------|---------------------------|
| 1 | <u>ExpireDate</u> | <u>PurchaseDate</u> | <u>Status Description</u> |
| 2 | 4/10/2022 | 4/10/2017 | Available |
| 3 | 7/18/2019 | 7/18/2014 | Available |
| 4 | 7/18/2019 | 7/18/2014 | Available |
| 5 | 7/18/2019 | 7/18/2014 | Available |
| 6 | 7/18/2019 | 7/18/2014 | Available |
| 7 | 7/18/2019 | 7/18/2014 | Available |
| 8 | 7/18/2019 | 7/18/2014 | Available |
| 9 | 7/18/2019 | 7/18/2014 | Available |
| 10 | 7/18/2019 | 7/18/2014 | Available |
| 11 | 7/18/2019 | 7/18/2014 | Available |
| 12 | 7/18/2019 | 7/18/2014 | Available |
| 13 | 7/18/2019 | 7/18/2014 | Available |
| 14 | 7/18/2019 | 7/18/2014 | Available |
| 15 | 7/18/2019 | 7/21/2014 | Available |
| 16 | 5/10/2021 | 5/10/2016 | Available |
| 17 | 5/10/2021 | 5/10/2016 | Available |
| 18 | 5/10/2021 | 5/10/2016 | Available |
| 19 | 5/10/2021 | 5/10/2016 | Available |
| 20 | 5/10/2021 | 5/10/2016 | Available |
| 21 | 5/10/2021 | 5/10/2016 | Available |
| 22 | 5/10/2021 | 5/10/2016 | Available |
| 23 | 5/10/2021 | 5/10/2016 | Available |
| 24 | 1/1/2021 | 6/30/2016 | Available |
| 25 | 1/1/2021 | 6/30/2016 | Available |
| 26 | 1/1/2021 | 4/10/2017 | Available |
| 27 | 4/10/2022 | 4/10/2017 | Available |
| 28 | 4/10/2022 | 4/10/2017 | Available |
| 29 | 4/10/2022 | 4/10/2017 | Available |
| 30 | 4/10/2022 | 4/10/2017 | Available |
| 31 | 1/1/2021 | 5/19/2017 | Available |
| 32 | 1/1/2022 | 12/29/2017 | Available |
| 33 | 1/1/2022 | 12/29/2017 | Available |
| 34 | 1/1/2022 | 12/29/2017 | Available |
| 35 | 1/1/2022 | 12/29/2017 | Available |
| 36 | 1/1/2022 | 12/29/2017 | Available |
| 37 | 1/1/2022 | 12/29/2017 | Available |
| 38 | 1/1/2022 | 12/29/2017 | Available |
| 39 | 1/1/2022 | 12/29/2017 | Available |
| 40 | 1/1/2022 | 12/29/2017 | Available |
| 41 | 1/1/2022 | 12/29/2017 | Available |
| 42 | 1/1/2022 | 12/29/2017 | Available |
| 43 | 1/1/2022 | 12/29/2017 | Available |
| 44 | 1/1/2022 | 12/29/2017 | Available |
| 45 | 1/1/2022 | 12/29/2017 | Available |

| | A | B | C | D | E | F | G | H |
|----|------------|---------|---------------------------|----------------|---------|-------------------|------|---------------|
| 46 | 2/12/2018 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 47 | 2/12/2018 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 48 | 2/12/2018 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 49 | 2/12/2018 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 50 | 2/12/2018 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 51 | 2/12/2018 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 52 | 5/19/2016 | aalfaro | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 53 | 5/23/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.99 | First Defense 360 | MK-4 | First Defense |
| 54 | 6/8/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 55 | 7/4/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 56 | 5/1/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |
| 57 | 6/8/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 58 | 6/8/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 59 | 10/6/2015 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.22 | | MK-6 | |
| 60 | 5/19/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 61 | 5/23/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 62 | 5/19/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 63 | 5/1/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |
| 64 | 5/23/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 65 | 5/1/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |
| 66 | 7/4/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 67 | 8/19/2014 | JuvHall | Juvenile Services Officer | Chemical Agent | \$13.17 | First Defense 360 | MK-4 | Safariland |
| 68 | 11/15/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 69 | 5/23/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 70 | 5/19/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 71 | 6/8/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 72 | 5/19/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 73 | 6/8/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 74 | 5/1/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |
| 75 | 7/4/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 76 | 7/4/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 77 | 7/4/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 78 | 5/19/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 79 | 1/25/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 80 | 8/27/2014 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |
| 81 | 8/19/2014 | JuvHall | Juvenile Services Officer | Chemical Agent | \$13.17 | First Defense 360 | MK-4 | Safariland |
| 82 | 7/6/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 83 | 5/1/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |
| 84 | 7/4/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 85 | 6/8/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 86 | 5/19/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 87 | 5/1/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |
| 88 | 8/19/2014 | JuvHall | Juvenile Services Officer | Chemical Agent | \$13.17 | First Defense 360 | MK-4 | Safariland |
| 89 | 5/1/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |
| 90 | 5/1/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.73 | First Defense 360 | MK-3 | Safariland |

| | I | J | K |
|----|-----------|------------|------------|
| 46 | 1/1/2022 | 12/29/2017 | Available |
| 47 | 1/1/2022 | 12/29/2017 | Available |
| 48 | 1/1/2022 | 12/29/2017 | Available |
| 49 | 1/1/2022 | 12/29/2017 | Available |
| 50 | 1/1/2022 | 12/29/2017 | Available |
| 51 | 1/1/2022 | 12/29/2017 | Available |
| 52 | 5/10/2021 | 5/10/2016 | In Service |
| 53 | 5/10/2021 | 5/10/2016 | In Service |
| 54 | 5/19/2022 | 5/19/2017 | In Service |
| 55 | 1/1/2020 | 6/30/2016 | In Service |
| 56 | 4/10/2022 | 4/10/2017 | In Service |
| 57 | 1/1/2021 | 5/19/2017 | In Service |
| 58 | 1/1/2021 | 5/19/2017 | In Service |
| 59 | 10/5/2020 | 10/5/2015 | In Service |
| 60 | 5/10/2021 | 5/10/2016 | In Service |
| 61 | 5/10/2021 | 5/10/2016 | In Service |
| 62 | 5/10/2021 | 5/10/2016 | In Service |
| 63 | 4/10/2022 | 4/10/2017 | In Service |
| 64 | 5/10/2021 | 5/10/2016 | In Service |
| 65 | 4/10/2022 | 4/10/2017 | In Service |
| 66 | 1/1/2020 | 6/30/2016 | In Service |
| 67 | 7/18/2019 | 7/21/2014 | In Service |
| 68 | 1/1/2018 | 6/30/2016 | In Service |
| 69 | 5/10/2021 | 5/10/2016 | In Service |
| 70 | 1/1/2018 | 5/10/2016 | In Service |
| 71 | 5/19/2022 | 5/19/2017 | In Service |
| 72 | 5/10/2021 | 5/10/2016 | In Service |
| 73 | 5/19/2022 | 5/19/2017 | In Service |
| 74 | 4/10/2022 | 4/10/2017 | In Service |
| 75 | 1/1/2021 | 6/30/2016 | In Service |
| 76 | 1/1/2021 | 6/30/2016 | In Service |
| 77 | 1/1/2021 | 6/30/2016 | In Service |
| 78 | 5/10/2021 | 5/10/2016 | In Service |
| 79 | 1/20/2022 | 1/20/2017 | In Service |
| 80 | 7/18/2019 | 7/21/2014 | In Service |
| 81 | 7/18/2019 | 7/21/2014 | In Service |
| 82 | 1/1/2018 | 1/1/2013 | In Service |
| 83 | 4/10/2022 | 4/10/2017 | In Service |
| 84 | 1/1/2020 | 6/30/2016 | In Service |
| 85 | 1/1/2021 | 5/19/2017 | In Service |
| 86 | 5/10/2021 | 5/10/2016 | In Service |
| 87 | 4/10/2022 | 4/10/2017 | In Service |
| 88 | 7/18/2019 | 7/21/2014 | In Service |
| 89 | 1/1/2022 | 4/10/2017 | In Service |
| 90 | 4/10/2022 | 4/10/2017 | In Service |

| | A | B | C | D | E | F | G | H |
|-----|-----------|---------|---------------------------|----------------|---------|-------------------|------|---------------|
| 91 | 7/4/2016 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 92 | 6/8/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$14.49 | First Defense 360 | MK-4 | First Defense |
| 93 | 1/25/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$11.05 | First Defense 360 | MK-3 | Safariland |
| 94 | 1/25/2017 | JuvHall | Juvenile Services Officer | Chemical Agent | \$12.41 | First Defense 360 | MK-4 | Safariland |
| 95 | 5/19/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 96 | 5/19/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 97 | 5/19/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 98 | 5/19/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 99 | 5/19/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 100 | 5/23/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 101 | 5/23/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 102 | 5/23/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |
| 103 | 5/23/2016 | JuvHall | Juvenile Hall Storage | Chemical Agent | \$40.93 | First Defense 360 | Mk-9 | |

| | I | J | K |
|-----|-----------|-----------|----------------|
| 91 | 1/1/2020 | 6/30/2016 | In Service |
| 92 | 1/1/2021 | 5/19/2017 | In Service |
| 93 | 1/20/2022 | 1/20/2017 | In Service |
| 94 | 1/20/2022 | 1/20/2017 | In Service |
| 95 | 1/1/2018 | 5/10/2016 | Out of Service |
| 96 | 1/1/2018 | 5/10/2016 | Out of Service |
| 97 | 1/1/2018 | 5/10/2016 | Out of Service |
| 98 | 1/1/2018 | 5/10/2016 | Out of Service |
| 99 | 1/1/2018 | 5/10/2016 | Out of Service |
| 100 | 1/1/2018 | 5/10/2016 | Out of Service |
| 101 | 1/1/2018 | 5/10/2016 | Out of Service |
| 102 | 1/1/2018 | 5/10/2016 | Out of Service |
| 103 | 1/1/2018 | 5/10/2016 | Out of Service |

From: Robert Reyes [rreyes@co.slo.ca.us]
Sent: Thursday, May 10, 2018 3:53 PM
To: Ian Kysel
Subject: PRA Requested Materials Room Confinement-San Luis Obispo County Probation Department
Attachments: Outlook-CoSLO-Grou.png; Selected Policies from 2016-2017 Juvenile Hall Policy Manual.docx; Selected Policies from 2018 Juvenile Hall Policy and Procedures Manual.docx; PBIS 101 IMPLEMENTAION POWER POINT.pptx; POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS PART II.pptx; INSTRUCTIONAL STRATEGY FOR TEACHING THE MATRIX.doc; MODULE 5 CORRECTING YOUTHS BEHAVIOR.doc; MODULE 5. STAGES OF CHANGE.doc; MODULE 5. THE 2-MINUTE RULE.doc; PHASE 3 TRAINING.docx; Positive Behavior Interventions and Supports Introduction.doc

Dear Mr. Kysel

Attached are the requested the materials related to your public records act request, dated April 2, 2018 on room confinement. A couple of things I wanted to point out related to this request:

- The Probation Department does not have specific policies related to room confinement and use of force or force options. I have attached the Juvenile Hall's general use of force policy
- Below is the only aggregate data available regarding total number of disciplinary and other categorical incidents of room confinement

From Aug./Sept. 2017 - Dec. 2017

- Total number of incidents of disciplinary room confinement exceeding 22 hours in a 24-hour period **0 incidents**
- Total number of incidents of any other category of room confinement exceeding 22 hours in a 24-hour period **0 incidents**

From January 2018 - April 2018

- Total number of incidents of disciplinary room confinement exceeding 22 hours in a 24-hour period **0 incidents**
- Total number of incidents of any other category of room confinement exceeding 22 hours in a 24-hour period **0 incidents**
- Positive Behavioral Intervention and Support training materials included
- All Juvenile Hall policies included for requests indicated in the letter as "a i-xiii and b i-xiv"

If you have any questions, please contact me.

Thank you

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SAN LUIS OBISPO COUNTY JUVENILE HALL POLICY AND PROCEDURE MANUAL



Revised 5/9/16

Selected Policies

Pursuant to

Public Records Act Request

Date: April 2, 2018

5.3 Classification Pursuant to Section 1352

A. The security classification system determines the security level for all youth confined in the Juvenile Hall. Classification determination shall reflect the safety and security of the facility, best interest of the youth, and the overall mission of the Probation Department. The classification system is determined by a combination of the following factors:

1. Court status and present offense
2. Criminal offense history
3. Prior behavior while in the facility or other institutions
4. Gang affiliation
5. Conflicts with other youth
6. Court-ordered restrictions as to the association with other youth
7. Requests from investigating agencies to segregate co-defendants
8. Age and maturity of the youth
9. Mental or physical health issues/conditions
10. Developmental and cognitive processing disabilities
11. Transgendered issues
12. Current probation recommendation

As these factors change during the youth's stay in custody, it is expected that the security level may be modified.

B. The on-duty JSOIII/ Supervising Deputy Probation Officer is responsible for determining the classification, housing and programming, which will then be reflected on the Daily Population Report.

C. In determining on which unit the youth shall be housed, the JSO III, acting shift leader or Supervising Deputy Probation Officer shall consider the classification factors listed in subsection A of this section in determining appropriate unit assignment. Staff on the units will be responsible for providing new information and making recommendations regarding the classification level to JSO III/Supervising Deputy Probation Officers.

D. NOTE: Youth placed on suicide prevention protocol shall not be housed in Holding Room #5.

E. Housing is generally based on the following:

East Unit

- Overflow from other units based on the needs of the facility

Center Unit

- Female and younger males
- Youth with non-violent, non-sexual charges
- Youth whose gender orientation would place them at risk for victimization on the Center or West Units
- Youth with sexual charges that require separation from older youth due to being 14 years or younger, or have identified mental or developmental/cognitive disabilities that place them at risk of victimization Center and West Unit

West Unit

- Youth with violent or sexual charges (present or past)
- Youth with a history of disciplinary problems at Juvenile Hall or other facilities
- Youth who have current Probation Department recommendations for the Department of Juvenile Justice
- Youth who are being adjudicated within the Adult Judicial System pursuant to Section 707 of the Welfare and Institutions Code

F. Security Classifications:

1. General Population (GP): Youth are allowed to participate in institutional activities including the regular school program, work details inside the institution and full recreation and program activities. May have a roommate if eligible pursuant to the Privilege System.

2. Restricted Status- Youth who are prohibited from having roommates based on the factors listed in Section A. Examples would include, but are not limited to: being hostile or uncooperative; returning on a warrant, being a flight risk, having severe charges, needing restraints for court, combative/threatening behavior or being on Administrative Separation status. Only Supervising Deputy Probation Officers may place or remove youth from "Restricted" Status. Restricted status youth may be authorized to have a roommate with approval from the Chief Deputy of the Custody Division or his/her designee.
3. Special Modified Program: This category is for those youth who do not fit into the regular institutional programming and no other classification appears to be appropriate.
4. Those placed in this status may include high security risk cases, youth with serious medical problems that require isolation, youth with severe mental health issues requiring a specialized program, Transgender youth etc.
5. Anyone in this category will have a program individually designed to meet the needs of the youth utilizing the Special Modified Program form. Prior to placing a youth on modified program status a facility staff shall conduct a meeting with the Supervising Deputy Probation Officer and/or his/her designee and a representative of Mental Health, Public Health and the Court School to formulate the specifics of the modified program and to ensure the youth's physical, mental and educational needs are met.
6. Youth placed on "Special Modified Program" status require the Approval of the Chief Deputy of the Custody Division.
7. The youth's current status will be noted on the Activity Sheet and Daily Population Report. Changes in status shall be noted immediately in the Shift Log and the on-duty graveyard JSO III or Acting JSO III shall insure status change is noted on the Activity Sheet and Daily Population Report.
8. Administrative Separation: Temporary separation from the general population. for new booking and assessment, suicide watch, physical, medical or mental problem or major rule violation.
9. Roommates: Decisions regarding roommates will be made on a case-by-case basis by the JSO III or Supervising Deputy Probation Officer.

10. Youth shall not be separated from the general population or assigned youth to a single occupancy room based solely on the youth's actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status. This section does not prohibit staff from placing youth in a single occupancy room at the youth's specific request or in accordance with Title 15 regulations regarding separation.

5.4 Orientation of Youth Pursuant to Section 1353

- A. Upon admittance to Juvenile Hall, all youth will be oriented to the facility prior to placement onto the units (living area). This process may be deferred until the morning in cases involving late-night admissions. Written, verbal and visual information shall be provided as need indicates.
- B. Provisions will be made to provide information to youth with disabilities, limited English proficiency, or limited literacy. Those who are unable to read the orientation literature will have it read to them by staff. Information will be in the form of an orientation video or by providing an interpreter who speaks the youth's language. The orientation shall include:
 1. Facility rules and disciplinary procedures.
 2. Grievance procedures.
 3. Access to legal services.
 4. Access to health care services.
 5. Access to religious services;
 6. Access to educational services;
 7. Access to counseling services;
 8. Information on the court process;
 9. Housing assignments.
 10. Availability of personal care items and the opportunity for personal hygiene.
 11. Correspondence, visiting and telephone use.
 12. Availability of reading materials, programs and activities.
 13. Use of restraints and chemicals, and
 14. Use of force.
 15. Emergency evacuation procedures
 16. Non-discrimination policy

5.5 Separation of Youth Pursuant to Section 1354

- A. At times it may become necessary to segregate a youth from the general population at the Juvenile Hall. This action is referred to as

“Administrative Separation.” Youth shall only be segregated for the following reasons:

1. Administrative Separation: Temporary separation from the general population for new booking and assessment, suicide watch, physical, medical or mental problem or major rule violation.
- B. Youth who are separated shall not be denied normal privileges available at the facility, except when necessary to accomplish the objective of separation.
- C. Youth who are segregated for disciplinary purposes shall not be denied any items or services delineated in Section 1390 of Title 15, including:
- Clean Bed or bedding
 - Daily shower, access to drinking fountain, toilet and personal hygiene items
 - Full nutrition
 - Contact with parent or attorney
 - Exercise
 - Medical and counseling services
 - Religious services
 - Clean and sanitary living conditions; and the right to send and receive mail
 - Education
- D. The need to segregate a youth shall be reevaluated by the Supervisor or JSO III on duty during each shift at a minimum of every four waking hours.

5.8 Use of Force and Physical Restraints Pursuant to Sections 1357 and 1358

- A. This policy provides guidance and direction in the use of force by Juvenile Hall sworn personnel in the lawful performance of their duties.
- B. DEFINITIONS

1. **PhysicalForce:** The use of hands, other parts of the body, objects, instruments, chemical devices, or other physical methods to restrain, subdue, or to compel youth to act in a particular way, or to stop acting in a particular way. The exception is the use of security restraints as a standard manner for arrest, transport, or to immobilize, where no active or passive resistant is present.
2. **DeadlyForce:** Physical force that has substantial risk of causing death.
3. **Non-DeadlyForce:** Physical force other than deadly force. A type or amount of force that does not carry a substantial risk of causing death.
4. **ReactiveUseofForce:** The use of force in situations where time and circumstances do not permit approval by higher-ranking staff, or consultation or planning. Situations which may call for the reactive use of force include, but are not limited to, a youth climbing the perimeter fence, a youth beating another youth or staff member in front of an officer, a youth repeatedly battering his head into a concrete wall, a youth attacking a JSO, or a spreading riot.
5. **PlannedUseofForce:** The use of force in situations where time and circumstances allow for consultation with, and approval by, higher ranking staff, and where there is some opportunity to plan the actual use of force.
6. **CorporalPunishment:** The use of physical force for the purpose of punishment.
7. **ReasonableForce:** The use of physical force to achieve a legitimate correctional objective, where the type and amount of force are consistent with the situation and the objective to be achieved; and where alternatives to physical force are unavailable or ineffective; and where the force used is reasonable to control the situation.
8. **ExcessiveForce:** A type or amount of force beyond that which is reasonably necessary to control the situation and achieve the correctional objectives; or the continued use of force after it is no longer reasonably necessary.
9. **Supervisor:** When this use of force policy refers to supervisory approval or supervisory direction, it is intended to include higher ranks within the security series, probation supervisors and managers.

10. **SecurityRestraints:** Handcuffs, flex cuffs, leg irons, belly chains, and similar equipment designed to prevent a youth from escape or from injuring others, and/or to restrict his or her movement.
11. **Shield:** A Plexiglas shield with attached handles, designed to be utilized in containing a combative subject, and protecting officers from kicks, strikes or bodily fluids.
12. **FullRestraints:** A specific configuration of security restraints involving the use of handcuffs, leg irons and a belly chain.
13. **UseofForce:** Any situation in which a staff member uses physical force against a youth or other person, with the exception of those situations in which security restraints are used in a standard manner for arrest, transport, or to immobilize, and in which no active or passive resistant was present.
14. **CognizantManager:** For the purpose of this policy, the cognizant manager will be defined as the on-duty or on-call Supervising Probation Officer, or Chief Deputy.
15. **OC:** OC refers to any aerosol dispenser containing oleoresin capsicum as an active chemical agent along with inert substances and/or propellants.
16. **PreliminaryReview:** The review of use of force incidents by a supervisor.
17. **WRAPRestraintSystem:** A specific type of restraint device designed to immobilize a combative and resistive subject by immobilizing their legs and arms.

C. TRAINING

1. Juvenile Services Officers shall receive training on the nature, meaning and interpretation of this policy within a reasonable period of time following their appointment.
 - a. Training shall include but not limited to known medical conditions that would contraindicate certain types of force; acceptable chemical agents; methods of application; signs or symptoms that should result in immediate referral to medical or mental health staff; and requirements of the decontamination of chemical, if such agents are utilized and appropriate response if the current use of force is ineffective.

2. At the end of such training, every employee shall demonstrate adequate comprehension of the relevant provisions of this policy and sign that they have received a copy of this policy and training on the application and interpretation of this policy.
3. This policy shall supersede any contradictory information in any non-Departmental use of force training that an employee may attend.

D. GENERAL PROVISIONS

1. Physical force may only be used to accomplish the following legitimate correctional objectives.
 - a. To prevent or stop the commission of crimes, including riot, assault, escape, hostage taking, etc.
 - b. To prevent an individual from injuring or killing himself or herself, or others.
 - c. To prevent or stop the destruction of property that could create a safety hazard to youth and/or staff.
 - d. To enforce institutional policies and regulations.
 - e. To affect an arrest.
2. Normally, physical force shall not be used in a situation until:
 - a. A warning or command has been given, and if practical, repeated.
 - b. The youth(s) have had time to comply with the warning or command.
 - c. It appears that the youth(s) are going to continue to resist the order or staff control of the situation.
 - d. Non-force alternatives (e.g., intervention by Mental Health staff) are not reasonably available or have also been tried unsuccessfully, and the situation cannot reasonably be allowed to continue.
3. The need for physical force is established by considering all elements of the situation confronting officers, applying a

"reasonable person" standard, and recognizing that officer's decisions must be based on their perceptions during the situation, rather than on analysis after the fact.

4. The level and amount of force used must be limited to force that is reasonable to control the situation, overcome resistance and attain the correctional objective(s).
5. The use of force must be terminated as soon as the justification for its use is no longer present. (For example, when a youth has stopped resisting and is under staff control.) Also, force may be reapplied if resistance begins again and the conditions for the use of force are again present.
6. This Department does not recognize a traditional or rigid use of force continuum. Although force should usually be escalated from the lowest practical level considering the situation, up to a level that successfully controls the situation; there is no requirement to begin at any particular type or amount of force. Also, there is no requirement that, before using a given type and amount of force, every lesser amount and lesser type of force must have first been exhausted.
7. Risk: In performing their legal duties, employees are not expected to assume unwarranted risk of death or serious bodily injury. Withdrawing from the scene and calling for assistance may be the best response. If a situation involves self-defense or the immediate protection of others, staff shall be prepared to act quickly and decisively to preserve life and/or prevent injury.
8. Corporal punishment is prohibited under any circumstances. Non-physical forms of intentional cruel punishment, such as public humiliation, are also prohibited under any circumstances. Corporal punishment or intentional cruel punishment is grounds for disciplinary action, up to and including dismissal.
9. Only Department authorized and Department issued or approved instruments of physical force may be used to apply force. Officers shall not be authorized to carry or use firearms, chemical agents, baton, or security restraints until they have completed departmental training on the application and use of this equipment. Departmentally authorized instruments may include restraints, chemical agents, or other physical force methods.
 - a. The carrying or use of unapproved personal weapons, devices or equipment for the application of force is prohibited. Use of

such equipment is cause for disciplinary action, up to and including dismissal.

- b. **Exception:** In a situation where an officer or other person is in imminent danger of death or great bodily injury, and where time and circumstances do not permit use of Department approved and trained instruments or methods, officers may use any reasonable means available to control the situation.
10. It is the expectation of the Department that all staff, sworn and non-sworn, SHALL, to the best of their ability, and given the nature and circumstances of the incident, intervene and take affirmative action necessary to stop any inappropriate use of force.
11. Security restraints shall never be used for punishment, and restraints shall not be intentionally applied in a manner that will cause unnecessary pain, nor applied continuously for an unreasonable length of time, nor be allowed to create a substantial risk of a serious medical problem.
12. The use of the carotid hold is prohibited except in self-defense or defense of another where there is no reasonable alternative and where the situation is a clear and immediate threat to life.
13. It is a violation of this policy to harass or otherwise verbally provoke an offender or offenders into an assault on staff in order to justify the use of force against those offenders.
14. Medical attention shall be provided to those injured and those perceived as possibly injured as soon as possible within 30 minutes following any use of force. The on-duty Supervisor / JSO III shall contact the on-duty nurse or request the on-duty Jail nurse to respond to the facility and assess the youth for injuries and determine if further medical care is required. The individual or individuals who use the force will document medical attention provided to individuals involved in the use of force, in a Use of Force Report.
15. Each situation involving any use of force shall be documented in writing, and in detail, including medical care and mental health treatment provided to the involved youth(s), as soon as possible by each individual staff member involved in the use of force and such reports shall be completed before completing the shift or work day, except in cases where an extension is specifically approved by the on-duty supervisor, on-call SDPO, or Chief Deputy

16. Nothing in the above 15 sub-sections is intended, or should be interpreted, as preventing a staff member from taking reasonable measures to protect himself or herself, to protect the lives of others, to stop disturbances, or to stop escapes.

E. PLANNED USE OF FORCE

1. Any planned use of force at Juvenile Hall shall be carried out under the direction of the Shift Leader; supervisory or higher level staff and only after consultation with, and approval of, the on-duty SDPO/ Chief Deputy Chief Deputy.
2. Every planned use of force situation or potential use of force situation at Juvenile Hall shall be videotaped, provided that:
 - a. Time and circumstances allow.
 - b. Staff doing the videotaping is not put in a situation of unusual risk.
 - c. The act of videotaping does not present a clear danger of escalating the situation.
3. Videotaping of planned use of force situations shall include taping at least one verbal attempt at resolution and at least two warnings that force will be used prior to the actual use of physical force.
4. All videotapes of actual incidents shall include the date and time of the incident, the name of the staff member doing the videotaping and the name of the ranking staff member in charge of the use of force. Such tapes shall be stored securely and shall be considered confidential and be maintained by the facility for a minimum period of three years.
5. Staff using video tape in disturbance, riot, hostage, or "sit-down" situations should attempt to use the camera to help in later identification of criminal perpetrators, victims, etc.
6. For every planned use of force at Juvenile Hall, it is required that a medical staff member be brought to the situation prior to the actual use of force, unless:
 - a. The medical person would be placed in a position of unusual risk.

- b. There is no medical person at the facility, or there is no medical person available, and to wait until medical personnel could get to the situation would create an impractical delay.
7. All reasonable attempts should be made to allow the facility Mental Health staff (if present) to intervene and attempt to de-escalate the youth and discontinue the behavior that is prompting the planned use of force.

F. ROOM EXTRACTIONS

1. A room extraction is defined as the planned involuntary removal of a youth from his/her room when one or more of the following is present:
 - a. A credible threat to the safety of staff, serious risk of self-harm, possession of a weapon, or threat to the security of the institution.
 - b. A youth's behavior results in the serious destruction of property.
 - c. All reasonable efforts to gain compliance have been unsuccessful.
 - d. OC spray is ineffective or the use of OC pepper spray is prohibited on the youth.
2. All room extractions will adhere to the Planned Use of Force Guidelines (Section E above), unless a delay in the extraction could result in death or serious bodily injury.
3. A room extraction shall only be authorized by an on-duty supervisor or the on-call SDPO/ Chief Deputy Chief Deputy.
4. Special consideration shall be given to youth with identified medical or mental health conditions, developmental disabilities and youth who may not understand verbal directives in English due to language barriers.
5. All staff involved in the actual room extraction shall complete a Use of Force Report.
6. The authorizing on-duty supervisor or higher-ranking officer shall complete an incident report detailing the reasons for authorizing the room extraction by the end of the shift or the following day after the

authorization was given. Such report shall follow the documentation guidelines in Section XXI of this policy.

7. Only Juvenile Services Officers who have completed the department approved Room Extraction training shall be allowed to participate on an extraction team. **EXCEPTION:** In emergency situations, when there is not a sufficient number of staff on-duty who have been trained in room extractions, the on-duty supervisor or on-call Assistant Superintendent / Chief Deputy may approve the use of non-trained sworn staff to participate in a room extraction.
8. Juvenile Services Officers shall participate in refresher training on room extractions as directed by the Chief Deputy.

G. SECURITY RESTRAINTS

1. The standard use of security restraints for arrest, escort or transportation or in other situations where security restraints are used as standard procedure, and in which no resistance is encountered is not a use of force within the meaning of this policy.
2. If a youth refuses to be placed in restraints and physical force is applied to secure restraints, then it does constitute a use of force within the meaning of this policy.
3. Prior to placing a youth in restraints staff shall decide if the youth has any known medical conditions that would prohibit certain restraint devices and/or techniques, time and circumstances permitting.
4. The affixing of hands and feet together behind the back (hog tying) is prohibited.
5. Restraints may never be placed about the neck, or in any manner that restricts blood circulation or breathing, nor may tape be placed around the nose, mouth or neck. The use of restraints in any of these manners, or for punishment or to intentionally inflict unnecessary pain, is grounds for disciplinary action, up to and including dismissal.

H. PREGNANT YOUTH

1. Pursuant to Section 222 of the Welfare and Institutions Code, and Penal Code 6030(f), pregnant youth taken to a hospital or medical office outside the facility shall be transported in the least restrictive

manner possible, consistent with legitimate security needs of each youth

2. A pregnant youth shall not be shackled by the wrists, ankles, or both during labor, including during transport to the hospital. A pregnant youth taken to a hospital for the purposes of childbirth shall be transported in the least restrictive way possible, consistent with the legitimate security needs of the youth.
3. Once an attending physician determines that a pregnant youth is in active labor, the youth shall not be shackled by the wrists, ankles, or both, unless it is necessary for the safety and security of the youth, staff, or public.

5.9 Physical Restraints Pursuant to Sections 1357 and 1358

A. WRAP RESTRAINT SYSTEM

1. The Wrap Restraint System is a tool utilized in the Juvenile Hall designed to immobilize the legs and hands of a combative and/or resistive youth.
2. Juvenile Hall staff may use the Wrap Restraint, upon approval of the on-duty supervisor or the on call supervisor or Chief Deputy, when it appears that a less restrictive alternative would be ineffective in controlling assaultive, self-inflicted physical harm, and/or destructive behavior.
3. The Wrap Restraint shall not be used as a form of punishment.
3. The Wrap Restraint shall not be used as a form of punishment.
4. Prior to placing a youth in the Wrap Restraint the on-duty supervisor, in consultation with the on-duty nurse (if available), shall decide if the youth has any known medical conditions that would prohibit placement in the restraint.
5. Once a youth is placed in the Wrap Restraint, an officer shall provide continuous direct visual supervision at all times to ensure the safety of the youth including but not limited to injuries and obvious medical problems.
6. Youth placed in the Wrap Restraint shall have their shoes and socks removed to allow the on-duty nurse or officers to visually observe their toes and feet to check for temperature drops and/or bluish color.

- a. The on-duty nurse shall be called to the scene immediately following the application of the Wrap or if an officer observes or is concerned about changes in the youth's health while in the WRAP. If a nurse is not on duty, the Jail nurse shall be contacted and requested to respond to the facility.
7. The WRAP log shall be used for all youth placed in the Wrap Restraint.
8. A youth's status shall be documented in the WRAP log every 10 minutes while in the Wrap Restraint noting changes in attitude, behavior and level of compliance with officers.
9. Youth shall be placed in the Wrap Restraint not to exceed 30 minutes unless authorized by a Chief Deputy Probation Officer or Assistant Chief.
10. The on-duty mental health counselor shall be directed to engage and deescalate the youth once the youth is secured in the WRAP but no later than 15 minutes after placement in the WRAP. If a mental health counselor is not available, then de-escalation attempts shall be conducted by sworn staff. Additionally, mental health staff shall determine if the youth requires additional mental health treatment. If a youth continues to threaten self-harm behavior and there is no on-duty mental health counselor, the mental health crisis team shall be summoned to the facility to assess the youth.
11. While in the Wrap Restraint, youth shall be offered water no less than every 30 minutes.
12. The Wrap Restraint shall be inspected following each use by the on-duty JSOIII to insure all belts and straps are free of tearing or fraying.
13. The Wrap Restraint shall be stored in the designated CERT closet.
14. Only Departmentally trained staff shall use the Wrap Restraint. It is not to be used for any reason other than that for which it is designed and in accordance with the guidelines above.

B. PROTECTIVE RESTRAINT SHIELD

1. The Restraint Shield is designed to protect staff that must temporarily restrain or control a hostile, physically resistant youth so that he or she can be safely placed in restraints.
2. The Shield is authorized when staff believes that by using the Shield, the risk of injury to staff or youth is reduced, and the youth is combative.
3. Only sworn staff that has completed the department-approved room extraction training is authorized to use the Restraint Shield.
4. Juvenile Services Officers shall participate in bi-annual refresher training in the use of the Restraint Shield as directed by the Superintendent.

C. ANKLE RESTRAINT SYSTEM

1. The Ankle Restraint may be used to immobilize a combative/resistive detainee during vehicle transport.
2. The Ankle Restraint shall not be used as a preemptive precaution based solely on the subject's past history or past behavior.
3. Ankle Restraint shall be used only by sworn staff that has completed the department approved training.
4. Once applied on a subject, he or she shall remain in an upright position.
5. The Ankle Restraint strap shall not be placed in any position that leaves it partially hanging on the vehicle door.
6. The Ankle Restraint strap shall not be used to secure the subject's ankles to his/her hands in any form of a "hog tie" position.

D. CONTROL AND COMPLIANCE HOLDS

1. Control and/or compliance holds are specifically designed to either immobilize the subject, or compel compliance through the incrementally applied pressure to specific areas of the subject's body.
2. Control and/or compliance holds are based upon the principles of pain compliance. Pain is incrementally introduced by applying pressure to specific areas of the subject's body, commensurate with the subject's level of resistance. Once the subject complies, officers shall incrementally reduce the level of pressure applied.

3. During the use of a control/compliance hold, pressure that is applied to the subject beyond the point of compliance shall be considered a form of corporal punishment and may lead to discipline, up to and including dismissal.
4. In general, only those control and compliance holds which have been authorized by the Department Training Unit and taught by Departmental instructors are allowable. Only officers who have received such training are authorized to use control and compliance holds. However, should these control and compliance holds prove to be ineffective in a specific situation, officers may utilize any reasonable alternative means available to control the situation.

E. OTHER HAND-TO-HAND PHYSICAL FORCE METHODS

1. In addition to compliance holds, there are a wide variety of hand-to-hand physical methods, which may be available to staff members, based on their training, background and experience, and the nature of the situation. It is not possible to specify all of these additional methods and techniques, but they include punching, kicking, wrestling holds, the use of pressure points, and a wide range of other possibilities.
2. In general, these methods should be restricted to situations involving self-defense or the immediate defense of others where no safer method of control or defense is available.
3. In situations where physical force must be used, staff is specifically prohibited from punching or kicking a person into submission unless there are no reasonable alternatives.

F. CHEMICAL AGENTS

1. Due concerns must be given to the possibility that innocent bystanders may be affected by the use of chemical agents. However, in emergency situations, the need to use such agents may outweigh the protection of bystanders.
2. When time and circumstances permit, persons other than those against whom the chemical agents are to be directed shall be removed from the area before chemical agents are used.
3. A youth shall not be restrained or held for the sole purpose of rendering him/her relatively immobile, in order to present a more stationary target for a chemical agent. To do so will constitute

excessive force and/or corporal punishment, both of which are expressly prohibited and may lead to discipline, up to and including dismissal.

4. Staff, youth(s) or others affected by a chemical agent shall be permitted to wash their face, eyes, and other exposed skin areas as soon as possible after the chemical agent is used. Youth exposed shall be permitted to shower within one hour of the exposure, if practical. All exposed clothing shall be removed and clean clothing shall be made available immediately, if possible.
5. Youth exposed to chemical agents shall be examined by a health care professional immediately or as soon as practical after the exposure.
6. Department issued OC may not be carried or used off duty except for situations where the Department has authorized the carrying of a firearm off duty in response to a specific threat. OC may be carried in route to and from work, however, and its use at such times shall be governed by this policy.
7. OC may **not** be used:
 - a. Once a youth has been restrained, except if the restrained individual's continued physical aggressiveness poses a serious, clear and imminent danger to the youth or others, and if OC offers the least dangerous method to prevent serious injury of death.
 - b. Against individuals known to have asthma or other respiratory conditions, cardiopulmonary or convulsive disorders.
8. At the Juvenile Hall, the on-duty JSO III/Supervisor shall be on the scene and direct the use of OC spray, time and circumstances permitting in planned use of force situation.
9. At the Juvenile Hall, the use of OC shall be videotaped, time and circumstances permitting in planned use of force situations, including at least one attempt at verbal resolution, one verbal warning, the date, the time and the on-camera identification of all staff on scene, time and circumstances permitting. The Department for a period of three years after the date of the incident shall maintain such videotapes.

G. USE OF THE MK-9 OC PEPPER SPRAY CANISTER

1. The MK-9 shall be used in a manner consistent with this policy section.

2. **MK-9 OC Stream Delivery System**

- a. The MK-9 stream is authorized for use in the facility yard only and is prohibited from being used inside the facility unless approved by the on-duty/on-call Supervising Deputy Probation Officer or Chief Deputy.
- b. The MK-9 stream will be identified by a white band around the label of the canister.
- c. The MK-9 stream canisters will be stored in the holding area closet along with a carrier approved by the Chief Deputy.
- d. The MK-9 stream should not be delivered at a distance of less than 6 feet from the intended target.
- e. Officers shall remove the MK-9 from their person and secure it in the designated location upon returning from the yard as soon as the youth are seated on the unit and/or secured in their rooms.

3. **The MK-9 OC Cone Fogger Delivery System**

- a. The MK-9 cone fogger is authorized for use inside the facility in planned use of force situations.
- b. The MK-9 Cone Fogger will be identified by an orange band around the label of the canister.
- c. The MK-9 Cone Fogger shall be stored in a secured, locked cabinet on each unit and in the JSO III/Supervisors' offices.
- d. The MK-9 should not be removed from the secured cabinet on the unit or JSO III/Supervisors' offices unless authorized by the on-duty Juvenile Services Officer III or Supervising Deputy Probation Officer.
- e. The MK-9 cone fogger should not be delivered at a distance of less than 3 feet from the intended target. This delivery system is designed for area saturation and does not require direct contact.

H. **BATONS**

1. Officers striking another person with a baton should attempt to strike arms, legs, and center mass.
2. The baton shall not be carried within the Juvenile Hall unless under the specific direction of the Chief Deputy.
3. The specific size and model of baton shall be determined by the Chief Probation Officer or his/her designee.

I. USE OF FORCE REPORTS AND NOTIFICATIONS

1. A Departmental use of force form will be used for all use of force situations.
2. All use of force reports shall include:
 - a. A list of all staff that employed force.
 - b. A list of all persons on who force was used.
 - c. A list of the names of all bystanders and/or potential witnesses, whether staff, members of the public, or youth, whenever possible.
 - d. A precise description of the incident, the events leading to the use of force, and the reasons for employing the force.
 - e. A description of the weapon, restraint, chemical agent, other security device, control hold or other type of force that was used, and the manner in which it was used.
 - f. A description of every other attempt to resolve the situation, including other levels of force employed prior to the level of force that was successful in controlling the situation.
 - g. A description of any injuries suffered by staff, youth or others, and the treatment given.
 - h. Identification of the staff member authorizing and/or deciding to use force and of any staff member supervising the use of force.
3. When time and circumstances permit, but as soon after an incident as possible, staff shall obtain detailed color pictures of any injuries.
4. In any situation in which a youth or other person is complaining that a staff member used excessive force or in any situation in which a

youth or other person appears to be uninjured but claims to have sustained an injury as a result of use of force by a staff member, efforts shall be made to take color photographs of the person or persons upon whom force was used, as quickly as is practical.

5. Any such photographs taken shall have the time and date of the photograph printed in ink on the back of the photograph along with the name of the photographer. When the photographs taken are not of the Polaroid type, the staff member arranging or taking the photographs shall document the date, time and name of the photographer in the use of force report, or in an addendum to that report.
6. In the event of a reactive use of force, the involved staff member(s) shall notify the appropriate supervisor as soon as practical that a use of force situation has taken place.
 - a. For planned use of force situations, supervisory notification should have occurred before the actual use of force. If, for any reason, that has not occurred, the staff members shall make such notification involved as soon after the situation as possible.
 - b. This requirement for immediate verbal notification shall not in any manner alter the requirements for written reports as specified herein.
7. Any use of force situation resulting in death or serious injury to any person, shall be reported immediately to the Chief Probation Officer and Chief Deputy.
 - a. Notifications should be made by the on-duty supervisor.
 - b. If for any reason a supervisor is not on duty, it shall be the responsibility of the officer acting in a supervisory role to make these notifications directly.
8. Any probation staff that witnesses excessive, inappropriate or improper use of force, or received an allegation of excessive or improper use of force by a peace officer, shall verbally report that situation to his or her immediate supervisor as soon as possible.
 - a. The reporting officer(s) shall complete a written report describing the situation/incident within one working day. Failure to report as described immediately above shall be grounds for disciplinary action, up to and including termination.

9. Youth who have been involved in a use of force, who wish to file a grievance regarding their treatment, may do so using the standard grievance process.

J. PRELIMINARY REVIEWS

1. Every use of force situation will be reviewed by the Supervising Deputy Probation Officer. If the Supervising Deputy Probation Officer was involved in the use of force, then the Chief Deputy will review the incident or assign to another supervisor.
2. Preliminary reviews shall be completed within a reasonable time after the incident and submitted to the Chief Deputy. All preliminary reviews shall include a written recommendation from the Supervising Deputy Probation Officer conducting the review as to whether the application of force was in compliance with this policy. This recommendation shall be signed and dated.
3. Preliminary reviews are conducted primarily by reviewing the written reports of involved persons and witnesses.
4. The Chief Deputy shall also read the preliminary review to ensure compliance and when applicable make a decision about the necessity of an internal investigation. That decision shall be based upon the severity of the incident, the completeness and agreement of the written reports, the likelihood of grievance or litigation over the incident, the occurrence of staff error in following policy or procedure and other potential benefits of an investigation.

6.2 Recreation and Exercise Pursuant to Section 1371

- A. The Juvenile Hall shall provide a recreational exercise program that meets the needs of both male and female youth. The intent is to maximize the amount of time youth are out of their rooms and not confined to their bed. The staff is to provide an opportunity for recreation and exercise a minimum of three hours a day during the week and five hours a day each non-school days, of which one hour shall be an outdoor activity, weather permitting. Such recreation, program and exercise schedule shall be posted in the living units.
- B. The recreation / exercise program shall include a daily schedule that is posted on each unit.

1. During recreation / exercise periods the youth shall have access to approved reading materials; and other programs such as television, radio, stereo, video and games.
2. All activities are to be supervised and include orientation and coaching of youth. Activities shall be supervised and include orientation and may include coaching of youth.
3. Youth on administrative separation are to have an opportunity for a minimum one hour of large muscle exercise. That one hour of exercise is suspended only upon a written finding by the facility administrator / manager that the youth represents a threat to the safety and security of the facility and other youth. Copies of the written finding shall be distributed to the following: youth's Juvenile Hall file; youth's assigned Deputy Probation Officer; Superintendent's file for documents related to administrative separation.
4. There should always be at least two Juvenile Services Officers supervising the youth during outdoor recreation.
5. Recreational programs shall include a component designed to address the youth's social awareness. These Social Awareness Programs shall take into consideration the needs of male and female youth, and include: victim awareness; conflict resolution; anger management; parenting skills; juvenile justice; self-esteem building effective decision-making skills. (as outlined in section 1378 of Title 15)
6. In addition to the physical education component of the Juvenile Court School curriculum, youth shall be allowed an additional two hours of free time, and encouraged by staff to become involved in activities, which maximize opportunities for movement and exercise. In addition, the facility Administrator shall insure that there is sufficient exercise equipment to satisfactorily address the exercise and fitness needs of both male and female youth. The facility shall provide an opportunity for recreation and exercise a minimum of three hours a day during the week and five hours a day each non-school day.
7. The recreation/exercise program includes a daily schedule that is posted on each unit.
8. During recreation/exercise periods the youth shall have access to approved reading materials such as television, radio, stereo, and video games.

9. All activities are to be supervised and include orientation and coaching of youth.
10. The Facility Administrator or his/her designee may suspend, for a period not to exceed 24 hours, access to recreation and programs
11. The following activities may be offered during, and considered to be a part of the Juvenile Hall recreation program:
 - a. Music Lessons
 - b. Theatrical Presentations
 - c. Creative Writing
 - d. Book Club
 - e. Yoga/Meditation
 - f. Tutoring
 - g. Youth Empowerment Services
 - h. Anti-Violence Program

7.1 Discipline Pursuant to Section 1390

- A. The disciplining of youth shall be consistent with Article 7, Section 1390 of Title 15 of Minimum Standards for Local Juvenile Facilities and the following guidelines:
- B. Disciplinary action shall be described in detail using the appropriate form of documentation and be positive in nature.
- C. Disciplinary action is intended to correct, guide, teach and deter further negative behavior of youth during confinement at the Juvenile Hall.
- D. Whenever possible and reasonable, discipline should include an opportunity for reflection. For example, a youth who repeatedly uses foul language should not simply be placed in her/his room for a period of time. A more appropriate and positive consequence is to place them in their room and give them a written assignment pertaining to their use of profanity and how they can improve and avoid future similar problems.
- E. Discipline **SHALL NOT** include any form of corporal punishment, group punishment, physical or psychological degradation or deprivation of: clean bed and/bedding; shower and toilet; drinking fountain; hygiene items; clean clothing; contact with parents, clergy, or attorneys; exercise; medical and counseling services; religious services; clean and sanitary living conditions; education; the ability to send and receive mail; books and/or reading material; deprivation of diet and/nutritional needs. Note: Meals

consisting of foods that may be consumed without utensils may be provided for youth who have been deemed at risk for injuring themselves, and/or have demonstrated a history of aggressive and/violent behavior using their food trays, i.e. throwing trays against walls.

- F. Discipline should be timely, and occur as soon as possible after the incident, which supports the use of discipline. Such rules and penalties shall include both major violations and minor violations, be stated simply and affirmatively, and be made available to all youth. Provision shall be made to provide accessible information to youth with disabilities, limited English proficiency, or limited literacy.
- G. The on-duty Supervisor / JSO III shall notify and make arrangements with educational program staff to provide school work for youth on administration separation who are deemed a risk to the safety and security of the facility that requires separation.
- H. Restricting attendance from religious services as a disciplinary consequence is prohibited. If a youth is deemed a risk to the safety and security of the facility requiring separation, then separate arrangements shall be made to provide religious services to the youth upon approval of the on-call Supervising Deputy Probation Officer / Facility Manager.
- I. Reflection Time is a phrase used to refer to time a youth spends in her/his room for disciplinary reasons. There are times when less restrictive methods of intervention have proven unsuccessful in modifying the youth's negative behavior, and that the placement of the youth in his/her room may be the most appropriate option in both correcting the youth's behavior, deterring future similar behavior, and maintaining a safe and secure environment.
- J. Room Confinement Status: Temporary confinement to room pending a disciplinary hearing.
- K. Administrative Separation: Temporary separation from the general population. The on-duty Supervisor shall assess the youth at least every 4 waking hours, to determine if additional separation remains appropriate. A youth will be offered one hour out of his/her room for large muscle activity and may or may not be completely separated from all other youth.

7.2 Discipline Process Pursuant to Section 1391

- A. When a youth is placed in his/her room for disciplinary purposes as the result of a major rule violation, the reporting JSO shall advise the on-duty JSO III or Supervisor.
- B. The JSO III or Supervisor shall evaluate the major rule violation including but not limited to assessing the youth's attitude and behavior, discussing the incident with the Juvenile Services Officer (JSO) involved and determining if formal disciplinary action is required. If so, they shall direct the reporting JSO to prepare an incident report. The incident reports should include informal and less interventions that were attempted prior to recommendation for formal disciplinary action.
- C. The reporting JSO shall serve the youth with an incident report discussing with them the reason for the report and the request for formal disciplinary action. The JSO shall note on the incident report if the youth agrees or not agree with the facts and circumstances documented in the report and if the youth waives his/her right to a hearing. The JSO's are prohibited from delegating discipline to any youth.
- D. The on-duty Supervisor/JSO III shall document the service of the incident report to the youth, name of the reporting officer and advisement of the youth on "room confinement status" pending a disciplinary hearing in the facility shift change log.
- E. If the youth waives his right to a hearing, the on-duty supervisor or JSOIII shall note on the incident report and the facility shift change log the youth's waiver of hearing and subsequent disciplinary action taken.
- F. Hearings
 - 1. Disciplinary Hearing times are scheduled to take place, within 8 hours of the youth being placed on room confinement status. Exception: disciplinary hearings will not be conducted between 2200-0700 hours. Disciplinary hearings that fall within this time period shall be conducted the following day. An on-duty JSOIII, who is not a party to the incident, is responsible for conducting the disciplinary hearing.
 - a. Written notice of violation prior to a hearing
 - 2. The Hearing Officer shall appoint a staff member to assist the youth when requested and allow the youth to make a statement regarding the incident and the recommendation of formal disciplinary action.
 - a. Hearing by a person who is not a party to the incident
 - 3. The Hearing Officer in determining if formal disciplinary action is appropriate shall take the following into consideration: achievement

of rehabilitative/disciplinary goal; prior behavioral history; the youth's immediate behavior and attitude; safety/security of the facility; input of reporting officer; current/ongoing mental health issues related to youth's behavior; any insight or reflection the youth may have as to the nature of the problem and their willingness to improve their behavior.

4. The Hearing Officer shall document on the incident report and the Disciplinary Hearing Form whether the incident is founded or not founded and the disciplinary action taken.
 - a. Violations that result in a removal from a camp or commitment program, but not a return to court, will follow the due process provisions in subsection (b)
- G. The Supervising Deputy Probation Officer / Chief Deputy shall review all disciplinary hearings to ensure consistency with departmental policy and Title 15.
- H. Any decision by the Supervising Deputy Probation Officer or Chief Deputy to modify the youth's discipline shall be documented clearly in the facility shift change log.

7.3 Privilege System Behavior Management Policy and Procedure

The concept of behavior management is multi-faceted and begins at the time of booking. It is important to set a professional tone at that time. Further, it is important that youth receive proper instructions regarding institution expectations as well as copies of all rules and instructions.

The Privilege System provides youth an opportunity to have a fresh start on a daily basis. The youth's daily behavior determines their programming and privileges for that day in most cases. The Privilege System is based on graduated sanctions, positive reinforcement, and incentives to manage and control behavior.

The youth must understand that the institution provides a safe and secure environment, and that they will be expected to adhere to the rules of the institution and follow the directions of the staff.

- A. The youth are eligible daily to have 3.5 hours of recreation time during weekdays and up to 6.75 hours of recreation during weekend based on their behavior.
- B. The minimum expected behaviors throughout the day for youth include the following:

1. Bed is made with few wrinkles;
2. Clothing in room is folded;
3. Communicates in a respectful manner with staff and other youth;
4. Gets along with others;
5. Requires no more than average amount of supervision;
6. Attends school, does work as required and complies with teacher directives;
7. Responds appropriately to staff instructions and follows all safety directives;
8. Wears clothing neatly and properly; and
9. Has acceptable personal hygiene and grooming.

C. All meals shall be eaten at the dining table unless a youth has received a consequence for violating an established dining table rule or is on administrative separation status.

D. Graduated Sanctions

1. Graduated sanctions matches the youth's action with the appropriate intervention or sanction based upon the youth's current behavior while in detention, severity of the facility rule violation and level of cooperation at the time of the violation/incident. The goal is to achieve a legitimate rehabilitative or disciplinary purpose
2. Staff shall start with the lowest consequence that is necessary and reasonable for the situation and move to higher interventions as needed.
3. Staff shall give clear expectations of behavior prior to school and programming times and utilize redirection and counseling at a minimum for negative or poor behavior.
4. Time Outs: The purpose of time outs is to give youth a chance to think about their inappropriate behavior, regroup and change their behavior without having to receive more significant consequences.

Time outs shall not exceed 15 youth and it is expected that staff shall counsel youth during this time period and reinforce the minimum expected behaviors.

5. Reflection Time: Reflection Time is used to provide the youth with an opportunity to quietly reflect on their behavior; examine how their negative actions impact others; and develop strategies for avoiding poor decision in the future. Above all, Reflection Time should be an educational experience with a specific assignment and behavioral goal in mind.

Reflection time sanctions shall be given for rule violations that do not constitute or necessitate an incident report. Reflection times shall result in a youth losing the next available recreation period. Reflection time is NOT to be served during school hours or prohibit a youth from receiving religious services.

The on-duty Supervisor or JSO III is authorized to approve officers' recommendations for imposing reflection time on youth or extending reflection time as needed.

6. Privilege Suspension: Privilege suspensions are reserved for youth that refuse to attend school or for repeated rule violations that do not require administrative separation. Privilege suspensions shall be documented in an incident report and approved by the on-duty supervisor.
7. Incident Reports: Incident reports shall document major rule violations as designated in the Juvenile Hall Rule Book that could result in a recommendation for administrative separation. Staff shall clearly articulate how lower levels of interventions and sanctions were used and failed to change the youth's behavior, when applicable.

The on-duty Supervisor is authorized to approve officers' recommendations for administrative separation as the result of incident reports and determine if a youth may remain in school or if other arrangements are needed to insure the youth completes school for the day; determine when the youth may have one (1) hour out and if a disciplinary hearing is required.

8. Youth may be placed on Administrative Separation (ADSEP) if the youth is determined to be a risk to the safety and security of the facility or others at the approval of the Chief Deputy. A SDPO or JSO III in the absence of a SDPO, shall assess the youth every four waking hours thereafter to determine whether a youth requires further administrative separation status.
9. Youth on ADSEP status may not be allowed to participate in regular programming but shall not be denied all of the following:
 - a. Bed and bedding;
 - b. Daily shower and hygiene;
 - c. Personal hygiene items;
 - d. Clean clothing;
 - e. Meals
 - f. Medical and mental health services;

- g. Contact with parent(s) or attorney
 - h. Receive religious services;
 - i. Right to send and receive mail;
 - j. Educational materials and school program;
 - k. Books and magazines that equal no more than four and one bible; and
 - l. One (1) hour of large muscle activity.
10. Administrative separations that exceed more than 24 hours shall automatically have a Discipline Hearing pursuant to Section 7.2-C of this policy and be documented in the 23/1 log to include the reason for the youth being on ADSEP, the time the youth was given one (1) hour or the reason the youth was not given one (1) hour out and the time the youth was cleared.
- E. Incident Reports, privilege suspensions and reflection times shall be documented in the shift log at the end of each shift and the Juvenile Hall Activity Sheet.
- F. The Chief Deputy Supervisor shall review all incident reports daily to insure compliance with policy and Title 15.
- G. Staff shall document in the shift log and provide notice to school staff when a youth refuses to attend school.
- H. Incentives
1. Youth who meet the minimum expected behaviors shall be allowed the following:
- Attend all recreation activities;
 - Have a roommate if eligible;
 - Have the latest bedtimes during the week;
 - Assist with set up and break down before/after meals;

 - Have lights and radios until 2130 on weeknights and 2200 hours on weekends;
 - Friday movie night;
 - Games night;
 - Exercise program, yoga;
 - Guest speakers;
 - Gardening activities; and
 - Other incentives may include flag football games, basketball and video game tournaments, request roommate of their choice approved by the on-duty Supervisor, hardbound journals and assigned to mentor new youth.

2. Commissary: All eligible youth shall receive commissary on Saturdays. Youth are not eligible if they are serving time down during Commissary.
 - a. Commissary bags will include hygiene products and treats of the same items.
3. Non-Collect Phone Calls: All youth will be eligible for one (1) non-collect phone call per week.
 - a. Youth will complete a request form and the requests will be approved by the on-duty Supervisor or JSO III. Approval of the phone calls will be dependent on the youth having good behavior on the day the request is submitted
 - b. Unit staff shall notify the on-duty JSO III or Supervisor when approved calls have been completed. Unit staff shall document phone calls in the Unit Phone Log.
4. Social Event
 - a. Youth who have been detained for at least seven (7) days and have not received any incident reports, privilege suspensions or reflection times throughout the week will be eligible to attend the Social Event
 - b. The Social Event is scheduled on Saturdays at 2030 hours and may include special food, games, rewards, etc.
5. Long Term Incentives: Youth who do not received any incident reports, privilege suspensions, or reflection times for extended period times will be eligible for the following:
 - a. Game Night:
 - Toothbrush cap/tube
 - Calling card
 - Pluck eyebrows
 - Domino Cards
 - b. Three weeks with no more than one (1) timeout will be eligible for:
 - Different colored t-shirt

- c. Four weeks with no more than one (1) timeout will be eligible for:
 - Baseball cap
- d. Five weeks with no more than one (1) timeout will be eligible for:
 - Basketball hoops for room
 - Boxers (boxers)
 - New Sports Bras (girls)

7.4 Juvenile Hall Youth's Handbook

INTRODUCTION

When you first arrive at Juvenile Hall you will be booked into custody by a Juvenile Services Officer (JSO). At that time you will go over the booking packet that includes rules and expectations with the booking officer. All of your property will be taken from you and your clothing will be placed in a locker. You will be required to shower and given Juvenile Hall clothing to wear. Juvenile Hall staff will explain your rights, and you will be offered the opportunity to make **two (2) phone calls, one to a parent or guardian and one to an attorney or an employer.**

During the booking process our on-site nurse will complete a physical with you, obtain your height and weight, speak to you about medications, find out if you are allergic to anything and make sure you do not have any injuries. Our Mental Health Therapist will also speak with you after you have completed the booking paperwork and you have showered. Anything you disclose to Mental Health is confidential, but understand that each staff member here at Juvenile Hall is a mandated reporter and must report any suspected youth abuse. This can include physical, sexual or emotional abuse and neglect. Mental Health is also required to report if you are at risk of harming yourself or others.

Juvenile services officers are sworn peace officers in accordance with 830.5 of the Penal Code. This means that they have similar rights and powers as police officers do on the street. You will be expected to obey their directives.

If it is necessary for you to stay in Juvenile Hall you will be assigned a court date. You will appear in court within 72 court hours from the time you are booked into custody. Your parents and your attorney will be notified of your court date. If you don't have an attorney one will be assigned to you. You will also be assigned to a probation officer and/or an intake officer if you don't already have one assigned. JSOs are available to help you answer any questions you may have and introduce you to programs that are available in Juvenile Hall.

ZERO TOLERANCE FOR SEXUAL ABUSE AND SEXUAL HARASSMENT

The San Luis Obispo County Juvenile Hall has a “zero” tolerance policy for sexual abuse and/or harassment. This means that sexual activity (touching, talking, note writing, non-verbal signals like making sexual gestures) between youth and/or between staff and youth **IS NOT ALLOWED UNDER ANY CIRCUMSTANCES.**

Sexual harassment includes any of the following:

- Inappropriate and unwanted touching in any form
- Sexual or gender based jokes or teasing
- Rude and inappropriate noises, like whistling, or noises which are sexually suggestive
- Rumors and comments about a person’s sexuality
- Comments about a person’s body

If you are subjected to **ANY** form of Sexual Abuse or Harassment, notify an adult who is not involved in this behavior **IMMEDIATELY**. Adults who can help you include:

- A Supervisor or Shift Leader
- A teacher
- A church volunteer
- A mental health counselor

RULES:

While in Juvenile Hall you must obey all instructions given to you (written and verbal) by all Juvenile Hall staff. It is very important that you follow all staff instructions for your safety and the safety of others. You are expected to follow all rules and regulations the first time you are asked. By following the rules you will receive privileges and by failing to follow the rules you will lose privileges. Some rule violations may result in new charges being filed against you. Not all the rules are in the rulebook. If you have any questions please discuss them with staff.

First Rule to Remember:

Staff directions (written, verbal or implied) must be quickly and respectfully obeyed. Failure to do so will result in loss of privileges, reflection time, or the use of force.

Communication:

Communicate only with youth who are out on the unit with you. Use appropriate and respectful language at all times. Gestures with sexual, gang, or derogatory overtones are not appropriate. Profanity will not be tolerated while at Juvenile Hall. While you are in your room you may talk quietly with your roommate only. Yelling, banging, whistling, or singing loud enough to be heard from your room will result in a loss of privileges. Do not communicate with youth through doors, vents, or windows, either verbally or with gestures. Note passing and hand signs are not allowed.

If Spanish is your primary language and you do not speak English, you will be permitted to speak to the other youth in Spanish while on the unit. If a Spanish speaking youth asks you a question you may respond and help them with their daily activities. If you also speak English, Spanish may only be spoken on the units when a Spanish speaking staff is present.

Fighting:

Fighting will not be tolerated. Any youth involved in fighting will be isolated from the population. Fighting will result in a loss of privileges and/or the use of force and may result in the filing of new charges. Do not threaten to assault staff or youth jokingly or otherwise.

“FACE”

During a fight or other incident you may be told “FACE” by an officer or staff member. This directive means to immediately lay face down on your stomach on the ground and place your hands behind your back. Failure to do so is a safety and security risk to yourself and officers. Failing to comply with this directive could result in serious consequences.

Pat downs:

You may be patted down when: you are booked in, have had a visit, have finished working in the kitchen, return from a furlough, have seen your attorney, during random searches or for various other reasons. **You may be subject to a pat down anytime an officer deems it is warranted. With probable cause a pat down may result in a strip search.**

Rooms: You are responsible for the condition of your room.

- Your bed is to be made before you leave your room.
- A combination of four books or magazines and one Bible or NA/AA book are allowed in your room. No hardback books are allowed in your room.
- The door window, outside window, speakers and room lights are not to be covered.
- Do not tamper with locks, light fixtures, speakers or air vents. You are allowed to have 5 items (pictures, calendars or appropriate drawings) hanging on the outside of the window frame, but nothing should be hanging from the vents, speakers or on the door.
- All rooms will be cleared for “tagging,” vandalism and unauthorized items before you are assigned to a room. It would be wise to notify staff if tagging or vandalism is found when you are assigned to your room.
- Only go into your assigned room and no one else’s. Stay away from the doors and windows of other rooms.
- -If you are in your room during an outside activity, do not make any visual or verbal contact with the youth on the yard.
- Your room may be subject to a random shakedown at any time.

Contraband:

Contraband is anything not issued or cleared by staff.

Clothing:

- T-shirts must be worn and tucked in at all times. **You must have a shirt on at all times unless you are in your room, the kitchen or in a bathroom with the door closed.**
- You may not layer of clothes, *except* when a sweatshirt or summer shirt is worn over a T-shirt.
- Pants should fit properly. This means they should not sag below the waistline and if they are too long they must be cuffed not pegged up so that they don't drag on the ground. **Pant legs may not be tucked into your socks**, *unless* you are in the kitchen or on the yard as *approved by staff*.
- Shorts may not be worn on the units between the hours of 6:30AM and 10:30PM. If you are using the restroom in the middle of the night, that is understandable.
- Shorts are not to be worn under your pants. Shorts, pants or sweats must be worn at night. You may not sleep in your underwear.
- Sandals are worn inside the facility only. Shoes are worn on the yard and in the kitchen only. If you have questions please ask a peer leader or a staff.
- Shoes that have Velcro straps must be strapped in the correct way. Straps may not be crossed or hang loose.
- Clothing is exchanged twice a week on Monday and Friday nights. It is your responsibility to leave dirty clothes outside of your door before the graveyard shift. If you are sleeping in an item you need replaced, it is your responsibility to let staff know.
- Clothing is considered County property. Do not rip, tear, alter in any way or throw away without staff's permission.
- You may not wear any of your own personal clothing, accessories or jewelry while here at Juvenile Hall. (Prior to this rulebook peer leaders would be allowed a few of their own items; this is no longer allowed.)

MOVEMENT:

Movement procedure occurs when you are moving to and from your room, crossing between units or to the yard, during meal count, or any time staff places you into "Movement." **You must have your hands behind your back and NO communicating of any sort is allowed during movement procedure.** This means no questions should be asked of an officer once movement procedure has begun. Gestures, mouthing words, or any non-verbal communication, is not allowed in movement. Once you are in your room with the door closed behind you, you may make a request of staff. Talking during movement procedure may result in a loss of privileges and/or reflection time. When you cross throughout the building you must say "CROSSING" each time you go through a door loud enough to be heard by staff. When crossing between units you are considered to be in "movement procedure."

Showers and bathrooms:

You must ask staff's permission before entering a bathroom. When exiting, ask a JSO if you should leave the door "open or closed". In the morning, you will have 5 minutes to

use your hygiene tray and return to your room. In the evening, you have 10 minutes to shower, use your hygiene tray, and return to your room. Staff will be conducting 5-minute visual checks during showers. Showers will be completed during the evening activity time, as designated by staff.

Escape/Escape Attempt/Talk of Escape:

Escape is taken very seriously at Juvenile Hall. You will lose privileges if you make any reference to escaping. Do not joke about escaping. All references to escape will be taken seriously.

Self-Mutilation:

Using any type of instrument to mark your skin is not allowed. Picking at sores and/or scabs is not allowed. Tattooing and/or piercing yourself or others is not allowed.

Graffiti:

It is expected that all surfaces at Juvenile Hall will be free of graffiti. Any markings that can be identified as belonging to you or being created by you will result in disciplinary action. This may include room confinement and/or new charges being filed against you.

Gang related behaviors:

Juvenile Hall is a neutral facility. Claiming of territory by use of hand signs, graffiti, verbal admissions to other residents, clothing styles designating affiliation or gang-affiliated writings will not be tolerated. This also includes anything staff designates as gang affiliated or related behavior. If your gang related behavior or your association with other gang-affiliated persons jeopardizes the safety of officers or other youth in custody you will be breaking a major rule violation here at Juvenile Hall and may receive appropriate consequences. The Probation Department may pursue the filing of new criminal charges and/or probation violations.

CLASSIFICATION:

M - Modified Program

R - Restricted Status

GP-General Population

Each of these has certain limitations to them, and is based upon your charges (current or past) as well as your behavior and history at Juvenile Hall. This status is subject to change during your time at Juvenile Hall.

SERVICE REQUESTS:

Juvenile Hall uses a form called "Youth's Request". They are located near the control desk on each unit. There are three different colors.

White Youth's Request forms are filled out if you would like to talk to your intake worker, caseworker, probation officer, lawyer, shift leader or a supervisor. This form may also be used to request room changes, a roommate, or phone calls, and for peer leader requests or for general questions.

Purple Youth's Request forms are filled out if you would like to speak to a therapist. SLO County Mental Health therapists provide counseling services here at Juvenile Hall. Services may include: mental health screening and evaluations, individual and group therapy, psychiatric and medication evaluations provided by a psychiatrist and/or crisis intervention. In some circumstances therapists are required to share information about you with probation staff. We must report all suspected abuse of youth, dependent adults, and elders as well as any plan to seriously hurt yourself or others. If you would like to see a counselor, please fill out a purple youth's request form and you will be contacted as soon as possible.

Gold Youth's Request forms are filled out if you need to speak to the nurse or if you are requesting services from the nurse. Please remember to write specifically what you need or would like to speak to them about.

*Unit staff can complete a non-confidential request for the youth at their discretion.

REMEMBER:

Juvenile Service Officers are peace officers. Threatening to harm them or actually harming them is a felony.

The staff at the Juvenile Hall may use a chemical agent called OC, commonly called pepper spray, when someone becomes a risk to staff, self, the facility or other youth. This chemical agent causes pain and discomfort until the area is decontaminated. Staff will decontaminate a youth after he or she complies with staff directives. Each unit has a warning sign posted explaining that OC may be used and describing its effects.

After staff has read you your rights it is important to remember that anything you say about your arresting offense may be reported to the Court.

You are not allowed to talk with other youth regarding your crime or the reason you have been brought to Juvenile Hall.

EXPECTED BEHAVIORS:

- Your bed is to be made with few wrinkles and your room is to be kept neat and clean at all times.
- Your clothing should be folded and placed neatly in the cubbies under your bed.
- You are to communicate in a respectful manner to staff and get along with other youth in custody.
- You are expected to participate in regular programming activities on the units.
- You are expected to stay on task in school.
- You do not argue with staff and you know the basic Juvenile Hall rules.
- You do little complaining and you ask if you have a question.
- You respond positively to staff instruction.
- You help with unit chores such as unit cleaning, laundry, setting up for meals and organizing the clothes closet.

- You follow staff directives immediately.
- You participate in court or probation ordered NA/AA, anger management and substance abuse programs.
- Your clothing is worn properly and neatly.
- You complete your hygiene and grooming daily.

If you require the **average** amount of supervision and can follow the expected behaviors you may be able to spend the maximum time out of your room. How much time you are able to spend out of your room will depend on your attitude, behavior, actions, demeanor and manners.

If the type of behavior listed above is observed you may be able to eat meals at the dining table with other youth, you may be out of your room for school and activity time during the day and evenings, and if you are eligible you may be allowed to work in the kitchen. Your programming time is subject to your behavior, youth and major rule violations, your attitude and the needs of the facility.

With behavior permitting you may have the radio on in your room until lights out and you may be allowed a 5-minute non-collect call to a family member upon request once a week.

Bedtime is 8:00 pm for those who have been able to maintain their behavior throughout the day. Lights and radios will be turned off at 9:30 pm Sunday through Thursday. Bedtime is 8:30pm on the weekends for those who have maintained their behavior. Lights and radios will be turned off in your room at 10:00 pm on Friday and Saturday. *A JSO III or Supervisor may turn off your lights early due to having a poor attitude towards staff directives, being loud in your room, or for breaking a minor or major rule violation.

Commissary:

All eligible youth will receive commissary on **Wednesdays and Fridays** at the **6:00 pm programming*** if supplies are available. To be eligible, you must be up to programming at the time commissary is distributed. If you are serving time down in your room (RT, Level Suspension, Incident Report, New Booking, etc.), you **are not eligible** and will not get that day's commissary (no exceptions).

** In some instances where commissary is distributed at a different time/day (other than 6:00 pm programming on Wednesdays and Fridays) due to the needs of the facility, the same rules listed above will apply.*

Commissary will include **hygiene products** (deodorant, toothpaste, etc.) **on Wednesdays** and **treats** (candy, snacks, etc.) **on Fridays**. All commissary bags will include the same items, pending availability.

Peer Leader Party:

If you have been in custody for at least 7 days, have not received any incident reports, no more than 1 reflection time, or timeout throughout the week, you may attend the Saturday night peer leader party (9:00pm – 10:00pm). The weeks begin on Saturday night at 9:01 pm (just after the party starts) and end on Saturday at 8:59pm (just before the party starts). Peer leaders *may be given* the opportunity to participate in various

activities that range from basketball tournaments, to workout programs to playing video games on Saturdays and Sundays.

MAIL:

You may mail one letter per day at the County's expense. There is no limit on the number of letters you can mail if you use your own stamps. If your parent or guardian brings in stamps for you they will be kept in your locker.

- All letters are to be mailed during programming time **only**. If you have received an IR or an RT, you have lost your privilege to mail out a letter until your consequence is served. You will be allowed to send a letter at the next available programming time.
- When staff hand you an envelope, you need to immediately address it, seal it, and hand it back to staff who will initial the back of the envelope. If staff does not witness you seal the envelope, you will be asked to re-open the letter. The envelope must contain your full true name in the left hand corner and the recipient's full name and address. No inappropriate drawings, language, gang related drawings, or symbols should be on the envelope. You may not send out another youth's mail. After it is sealed, it is placed in the "To Be Mailed Outgoing Box".
- Staff will only read your mail if there is probable cause to do so. Probable cause is clear evidence that your mail: advocates the furtherance of a specific criminal act, advocates or encourages specific acts of violence or physical harm to a person(s), contains threats of suicidal intent, advocates or plans for escape, or contains contraband. **You are not allowed to keep any envelopes, stickers or stamps in your room.**
- You will not be allowed to write to people who are listed as your court ordered non-associates. You may not pass, receive or possess any mail that does not belong to you, this will be considered note passing.
- If you are writing to someone in another institution: DJJ/CYA, County Jail, CMC, a Supervisor must approve the mailing of the letter prior to being sent. Do not seal the envelope but ask staff to place it on a supervisor's desk.
- Mail coming **in from another institution may be read**. If you do not want the letter to be read it can be placed in your locker unopened.
- If you have any questions about your mail, please ask staff any questions or concerns.

PHOTOGRAPHS:

Photographs are allowed in the institution, but staff **must approve them and initial on the back of the photograph**.

- Photographs may not depict any form of gang affiliation, sexual content, drugs and alcohol or anti-social/criminal activity. A supervisor may remove a picture from a youth's room anytime they feel it is not appropriate.
- Photographs cannot be altered to make them appropriate. (Do not ask staff to cut them, they will be placed in your locker instead.)
- You are NOT allowed to have photographs of youth currently in custody.
- No Polaroid photographs are allowed in your room.

- A maximum of 5 photographs can be displayed in your room around your window. (This includes calendars, letters, and drawings. Pictures torn out of a magazine are not allowed.) Excess photographs may be placed in your room folder. Photographs are to remain in your room and not shared with others unless approved by a supervisor.

VISITS:

You may visit with your parents and or legal guardians up to twice a week for one hour. Your parents can contact Juvenile Hall by telephoning (805) 781-5389 to make an appointment. They will receive instructions on what they can bring you and how to schedule visits. Anyone other than your legal guardian will need to have prior approval from your Probation Officer or a Supervisor.

TELEPHONE CALLS:

All telephone calls after your rights call during the booking process will be "collect." Most cell phones do not accept collect calls and some house phones do not either.

You will be allowed the *possibility* of **a non-collect phone call per week** (unless you have some type of restriction on making phone calls). The calls will be approved at the discretion and convenience of staff. Approval of calls will be dependent on your good behavior that day and staff having time to facilitate the call. Completed calls will be logged in the unit phone logs so that future staff on the unit can see how long it has been since you had a call. Calls given to you on a staff phone are a privilege, not a right. You are not entitled to a weekly call. You may write a request to JSO IIIs or Supervisors for phone calls but there must be a valid reason if you are asking for an extra call(s).

Staff has the authority to end your phone call if you are heard being rude, disrespectful, or you are using inappropriate language. Your call may be ended if it is causing you to become upset and agitated to the point that you are causing a disruption or you are in need of extra attention.

THINGS TO DO!

There are several activities offered at Juvenile Hall. You may participate in activities depending on your status. If you are on a modified program or on restricted status, some of the activities may not be available to you. Activities that are offered include: Alcoholics/Narcotics Anonymous, school, Healing Touch, anger management, the workout program, our substance abuse program, kitchen duty, and a variety of religious services. If you have any questions regarding these activities ask a peer leader or staff.

REFLECTION TIME & ASSESSMENTS:

Time Out or Reflection Time:

There may be times when you break a youth rule infraction. When this happens, staff may choose to send you to your room for a "time out" or "reflection time." This time is designed to give you the opportunity to think about the choices you've made, away from any other potential negative influence. At staff discretion an assignment may be issued such as an essay that you must complete. During this time it is suggested that you

think about how your decision impacts others and what you can do to avoid future incidents.

Timeouts may range from 10 minutes to 30 minutes. You may be given an assignment or asked to take your schoolwork to your room with you. You may not be told how long you will be in your room it may depend completely on your behavior.

RT's may specify the amount of time you will be serving down in your room (i.e. 30 min., 45 min., 1 hour, 1 ½ hours) or be open ended. Reflection time can only be served for a maximum of 1 ½ hours (90min.). However, if you have had continued poor behavior while serving RT, an additional RT or an incident report may be necessary. If a JSO feels an additional RT or an Incident Report is needed they will consult with a JSOIII or Supervisor and begin documenting your behavior.

RT may also specify that you be required to eat your next meal down in your room (on a tray). If your behavior at the table earlier in the day or the night before warrants a reflection time, one may be given to you. Please read the dining rules posted on the unit.

The length of your “time out” or “reflection time” will depend on a variety of things including, but not limited to:

- The severity of your behavior
- Your attitude during the incident and when you were redirected
- How seriously you appeared to be taking the situation
- Any incidents that took place since you were sent to your room
- Whether or not you have had other recent incidents of inappropriate behavior.

FOR EXAMPLE: If you slam your door you may spend extra time in your room rather than if you would have gone to your room without an incident.

*Radios will not be turned on in your room while you are serving a RT or a timeout.

Assignments:

Assignments such as essays or questions about the rulebook will need to be finished before you will be allowed to program again. If you fail to finish your assignment, it will be carried over into the next programming until it is completed. This assignment not only provides you with the opportunity to better understand the youth rule infraction you broke but it also allows you to offer an explanation and accept responsibility for your actions.

Assessments:

The Leadership Team may decide to increase, maintain, decrease, or terminate your reflection time at any phase of the assessment process based on your behavior and attitude while in your room and during the verbal assessment. Additionally, based on your performance during assessment(s) your privileges may be affected and/or suspended as a result of the recommendation of a Juvenile Services Officer(s) and the

approval of a member of the Leadership Team. *A Supervisor may drop or raise your level at any time they feel it is necessary.

Administrative Separation:

If you do not require urgent medical care, but are in need of substance detoxification or you have just been booked in and are in need of a period of observation you may be placed on **Administrative Separation (ADSEP)**. You may be placed on ADSEP after being booked in for a period of up to 24 hours. Due to a specific crime violation a youth may be placed on ADSEP for a period longer than 24 hours after being evaluated by Management.

If you have received an incident report or have been involved in a use of force you will also be placed on ADSEP. You may not be allowed to participate in regular programming but you will be offered all of the following: bed and bedding, daily shower, access to bathroom facilities, personal hygiene items and clean clothing; full nutrition, contact with parent and attorney, exercise (one hour out with the general population, unless supervisor specifies otherwise), medical services and counseling, religious services, the right to send and receive mail, educational materials, and a combination of books and magazines that equal no more than four and one bible. Lights out for a youth on ADSEP is 9:30pm pending their behavior.

NOTE: Any Juvenile Services Officer may, at any time, place a youth on Administrative Separation due to failing to follow the major rules listed. Your behavior and actions will be typed up on an incident report (IR). You may be allowed to have a copy of your IR regarding the circumstances and the incident that occurred. A copy of the IR will either be given to you or placed in your locker. You will be on AdSep. until the Supervisor or Shift Leader determines you are appropriate to move back into General Programming. Decisions about placing a youth on a 1:1 program and taking a youth off a 1:1 program are to be made by supervisors only. Youth must remain on AdSep. while they are on a 1:1 program. Other items a supervisor may determine are necessary could be safety blankets, a safety gown, finger foods or frequent checks.

*Radios will not be turned on in your room while you are serving time down for an Incident Report/Major Rule Violation.

PRIVILEGE SUSPENSION

A privilege suspension occurs when a JSO requests that a youth's privileges be suspended for a period of **up to one day**. A privilege suspension will temporarily suspend a youth's privileges for the day.

The following reasons will earn a youth a Privilege Suspension:

1. Youth refuses any part of school
2. Youth refuses to participate in PE
3. Youth refuses to work kitchen

During a privilege suspension, you will be allowed one hour out of your room for large muscle movement. A supervisor may allow a youth to attend school during a privilege suspension.

*Radios will not be turned on in your room while you are on serving a level suspension.

YOUTH RULE VIOLATIONS:
TIME OUT and/or REFLECTION TIME

***Includes but is not limited to the following:**

- Use or possession of non-threatening contraband (example: extra clothes, extra bedding, etc.)
- Touching TV, radio or video equipment without staff permission
- Yelling, talking through vent
- Communicating to youth in secured rooms or communicating with youth from a secured room
- Wearing clothes improperly (see clothing section on page 3)
- Staff shopping (Asking more than one staff a question in an attempt to get a desired answer)
- Showing tattoos to other youth
- Junior staffing (telling other youth what to do on the units.)
- Horseplay or wrestling while in your room or on the unit
- Inappropriate/offensive/demeaning comments and gestures toward others
- Bed is unmade and room is not clean
- Disrespectful to staff and/or teacher
- Talking during school (TDS) or talking during movement (TDM)
- Not completing school work after staff has consulted with the teacher and evaluated your work for the day
- Not following staff directives (NFSD), or arguing with staff and/or teacher. Refusal or failure to follow staff instructions or directions
- Refusing hygiene for multiple days
- Demanding water/restroom when housed in a wet room
- Passing or sharing mail/photos/IR's
- Inappropriate language, remarks, or comments while using the phone
- Yelling, shouting, or talking too loudly across the unit or across tables, or yelling to staff as they walk onto the unit. Communicating between, into or across units.
- Giving another youth a handshake or "knuckles." No touching at any time between youth.
- Not assisting to fold laundry or do chores during programming
- Refusing to attend court ordered or probation ordered NA, AA, substance abuse or anger management programs (per case plan.)
- Taking too long with hygiene or in the shower
- Talking during pat downs
- Encouraging another youth to violate any Juvenile Hall rule
- Tapping or knocking on the ceiling, floor, desk, walls, bed, in school, or in your room. Singing loud enough for others to hear.
- Drawing on or destroying your green school folders
- Sharing food, betting your food or gambling while at JSC
- Having pictures, addresses, phone numbers or email address (MySpace, Facebook, etc.) of other youth that are currently in custody
- Refusing to clean your room on Saturday mornings

- Not going up/coming down the stairs appropriately

Recreation Rules:

*Recreation rules fall under youth rule violations unless in **BOLD** print, then an IR/ADSEP is at staff's discretion

*Yard Rules may include but are not limited to:

- Do not sit or stand on the patio stairs
- No more than 3 youth may “group” together at one time
- Please do not spit on the courts (basketball or volleyball)
- FULL court basketball games are not permitted
- Laying down in the grass will not be allowed
- Only 4 people may sit at the picnic bench at one time
- Only 4 people may play basketball on one court
- You may not draw in the sand
- Only 1 person may be on the West patio getting a ball at a time, once everyone has been excused out of movement
- Depending on the person's motive, a ball hit over the fence or onto the roof may result in 30 minutes in your room
- Do not communicate from the yard to youth in their rooms
- Refrain from throwing the balls against the windows and or the building
- Looking into West or Center unit windows is not permitted
- Talking during movement while on the patio. You are always in movement while on the patio.
- **Throwing a ball intentionally at another person will not be tolerated or accepted here. Dodge ball may not be played at JSC.**
- **Stay 3 feet away from the fence at all times**
- **Do not bring in anything from the yard, i.e. rocks, lizards, bugs**
- **JSC basketball only, which means, NO CONTACT on or off the court**
- **During an incident in the yard you are to follow staff instruction immediately and quickly. If you fail to do so you may be OC sprayed or given an IR for violations of safety & security.**

MAJOR RULE VIOLATIONS:

*Major rule violations include but are not limited to:

- A. Gang behaviors: hand signs, clothing, gestures, words, tagging, drawings or notes
- B. Personal, racial, ethnic, religious, gender slurs and or harassment towards staff or another youth, whether they are present or not on the unit at that time.
- C. Verbal sexual harassment towards another youth or staff.
- D. Verbal threats to harm yourself or cause a facility lock down (Example: “I’m going to go off if I get a RT” or “I’m going to kill myself if you give me an IR.”)
- E. Communicating with a court ordered or probation ordered non-associate. This includes another youth that you were booked in with and you two

have not gone to court yet. You will be non-associates with this person until you go to court and/or JSC has been given the verbal ok by Probation to allow you to communicate.

- F. Destruction of County property: vandalism or destruction may include the filing of charges and/or the cost for repairs. Destruction of County property is a violation of section 594 of the Penal Code of California.
- G. Assault: verbal threats of violence to do bodily harm to another without the actual act of doing so. Inciting and or antagonizing another youth may also fall under this rule violation at staff's discretion.
- H. Medication: any youth observed giving, taking or in possession of unauthorized medication may have additional charges filed.
- I. Takedown: any youth who needs to be forcibly restrained.
- J. Encouraging another youth to ignore staff's directives during an incident.
- K. Tampering with your door and or/lock.
- L. Facility lock down, disrupting school, church, programming or any other activity due to excessive pounding & kicking. Or the needed show of force without having to use force.
- M. Battery/fighting: any use of force or violence upon the person of another. A physical, verbal or emotional attack on an individual.
- N. Escape attempt: such as aiding, abetting or acquiring implements that could be used to escape.
- O. Sexual activity: this includes any sexual activity in the facility, either consensual or forced. This includes masturbating in view of another person, or masturbating in the presence of a roommate. This includes "flashing" or "mooning."
- P. Use or possession of dangerous/threatening or illegal contraband: any item on the youth, in his/her possession or assigned area (i.e. hygiene tray, cubby, room, desk, shoe)
- Q. Loud in room after lights out (21:30 weekdays/22:00 weekends). This includes pounding, yelling, singing, or horseplay.
- R. Anything that has the potential to undermine the safety and security of the officers/youth and/or the institution.
- S. Refusing to provide a urine analysis when returning from a furlough or when asked to provide one by probation.
- T. Testing dirty after returning from a furlough.
- U. Urinating or defecating into a water cup, milk carton or any receptacle other than a toilet.
- V. Refusing to go to your room when directed to.
- W. Stealing or hiding anything, which includes but is not limited to school materials, unit supplies and hygiene products.
- X. Defacing or destroying school property (books, art supplies, desk).
- Y. Smuggling contraband (food or other items) from the kitchen, peer leader party, table, or visit. Smuggling an item into the facility from a furlough or during a booking.
- Z. Crossing without permission, crossing by yourself.

- AA. Self-mutilation: tattooing, piercing, picking at scabs, carving/cutting on yourself.
- BB. Touching staff or staff's personal equipment.
- CC. Repetitive acts-Continuing to engage in the same violations after being redirected despite counseling or guidance.
- DD. Throwing dangerous objects while on the unit or in your room (i.e. chair, desk, pencil, trays).

The following rule infractions listed in BOLD print will result in Reflection Times and/or ADSEP based on Staff DISCRETION:

- **Talking about staff's personal lives, family, living situation, or gossiping about staff, whether they are on the unit or not.**
- **Stealing (taking something that doesn't belong to you)**
- **Inserting an object into a piercing**
- **Passing, receiving or possessing notes/letters/drawings etc. from another youth in custody**
- **Tampering with or removing your wrist band**
- **Lying to staff for any reason**
- **Failing to comply with staff directives**
- **Repetitive acts-continuing to engage in the same violations after being redirected**
- **Aggressive posturing: "mad-dogging, clinched fists, stare-down"**
- **Refusing to say a number due to gang affiliation, "i.e. 13, 14"**
- **Making sudden movements or motions during pat downs**
- **Cheating in school**

HEARINGS:

Youth placed on "Administrative Separation" will automatically be granted a Disciplinary Hearing. It will be determined within the first hour of the Incident Report, whether the youth(s) incident will go to a Disciplinary Hearing, or if their time will be reduced, thereby eliminating the need for a hearing.

Disciplinary Hearing times are scheduled to take place, *as needed*, before school, after lunch and after dinner. These hearing times are **most likely** to take place at 8:00, noon, or 17:00 depending on your behavior, the availability of the shift leader and or supervisor and what is happening in the facility at that time.

If it is determined by a supervisor that a hearing is unnecessary, an hourly assessment of the youth's behavior will take place.

GRIEVANCE PROCEDURE:

Youth wishing to express complaints, concerns or disagreements regarding a consequence they have received from the staff or to resolve a grievance they have relating to any condition of confinement use a Due Process/Grievance form. At your request a grievance will be issued to you. Staff has until the conclusion of their shift to issue you a Grievance form. You may not fill out a Grievance during school or during

programming around other youth; you may take your grievance to your room to complete if you choose. Your grievance needs to be completed and turned into staff by the **end of the day**. *Pencils will not be checked out on the graveyard shift due to safety and security, but staff will issue you a Grievance at the beginning of the day shift if you choose.

*If you receive a consequence (time out, reflection time or incident report) or have a complaint, you have the right to request to speak to the shift leader or supervisor and you may fill out a white request. A JSO III or SJSO will speak with you at their convenience.

8.26 Psychotropic Medications Pursuant to Section 1439

- A. The purpose of this policy is to ensure proper, safe and uniform administration of psychotropic medications to youth.
- B. Medically licensed persons may administer psychotropic medications to youth detained at the Juvenile Hall.
- C. Medically licensed persons for the purposes of this policy include Physicians, RNs, NPs, LVN's, LPTs with a valid California license.
 - 1. RNs, LVNs and LPTs may accept and implement telephone, verbal or written medication orders from a physician.
 - 2. The medically license person on each shift will review the physician's orders for any psychotropic medications that youth are scheduled to receive.
 - 3. If a mental status exam by a medically licensed staff person indicates that a youth needs psychotropic medication, the medically licensed staff person contacts the psychiatrist on duty at 781-4700 for orders.
- D. General Principles
 - 1. The medically licensed person must know the classification, action, and potential side effects of each medication. He/she will review this information prior to administering any medication unfamiliar to him/her.
 - 2. The medically licensed person is responsible for obtaining a written consent to administer psychotropic medications from the youth's parent(s), legal guardian(s), responsible relative or the Juvenile

Court. This consent contains information on the medication's class, action, effect and potential side effects.

3. Medications are checked against the physician's orders for:
 - Correct person
 - Correct medication
 - Correct time
 - Correct dosage
 - Correct route
4. The youth's allergies are reviewed to verify the medication is not contraindicated.
5. Verify identification of youth by:
 - a. Checking the photo ID custody book
 - b. Verification by the custody officer in attendance

E. Refusal to take psychotropic medication

A youth in custody may refuse to take a psychotropic medication. If the youth refuses, and they continue to threaten imminent harm to self or others, the SLO Mobile Crisis team shall be summoned by calling 781-4700. They will evaluate the youth for possible 5185 admission to the acute hospital.

F. Administration of medication

1. Administer medication. Stay with youth to verify it has been ingested (PO), or properly absorbed (IM).
2.
 - a. The medically licensed person takes and records the youth's vital signs (BP/P/R) at least once within a 2 hour period after the medication is administered.
 - b. Any significant change in the youth's vital signs is promptly reported in person or by phone to the physician on duty for further instructions.
3. Medication is never left unattended.

G. Documentation

1. The medication is charted in the youth's record after administration.

2. The documentation should include the name of the medication, the dose, the route and what symptoms it was intended to reduce.
3. Within an hour, a second entry should indicate if the medication was effective, and any side effects noted.



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SAN LUIS OBISPO COUNTY JUVENILE HALL POLICY AND PROCEDURE MANUAL



Review and updated; 03.27.18

SELECTED POLICIES

PURSUANT TO

PUBLIC RECORDS ACT REQUEST

DATE: APRIL 2, 2018

5.3 Classification Pursuant to Section 1352

A. The security classification system determines the security level for all youth confined in the Juvenile Hall. Classification determination shall reflect the safety and security of the facility, best interest of the youth, and the overall mission of the Probation Department. The classification system is determined by a combination of the following factors:

1. Court status and present offense
2. Criminal offense history
3. Prior behavior while in the facility or other institutions
4. Gang affiliation
5. Conflicts with other youth
6. Court-ordered restrictions as to the association with other youth
7. Requests from investigating agencies to segregate co-defendants
8. Age and maturity of the youth
9. Mental or physical health issues/conditions
10. Developmental and cognitive processing disabilities
11. Transgendered issues
12. Current probation recommendation

As these factors change during the youth's stay in custody, it is expected that the security level may be modified.

B. The on-duty JSOIII/ Supervising Deputy Probation Officer is responsible for determining the classification, housing and programming, which will then be reflected on the Daily Population Report.

C. In determining on which unit the youth shall be housed, the JSO III, acting shift leader or Supervising Deputy Probation Officer shall consider the classification factors listed in subsection A of this section in determining appropriate unit assignment. Staff on the units will be responsible for providing new information and making recommendations regarding the classification level to JSO III/Supervising Deputy Probation Officers.

D. NOTE: Youth placed on suicide prevention protocol shall not be housed in Holding Room #5.

E. Housing is generally based on the following:

Coastal Valley Academy (CVA)

- For youth who have been court ordered to participate in the Coastal Valley Academy

East Unit

- Overflow from other units based on the needs of the facility

Center Unit

- Female and younger males
- Youth with non-violent, non-sexual charges
- Youth whose gender orientation would place them at risk for victimization on West Unit.
- Youth with sexual charges that require separation from older youth due to being 14 years or younger, or have identified mental or developmental/cognitive disabilities that place them at risk of victimization West Unit.

West Unit

- Youth with violent or sexual charges (present or past)
- Youth with a history of disciplinary problems at Juvenile Hall or other facilities
- Youth who have current Probation Department recommendations for the Department of Juvenile Justice
- Youth who are being adjudicated within the Adult Judicial System pursuant to Section 707 of the Welfare and Institutions Code

F. Security Classifications:

1. General Population (GP): Youth are allowed to participate in institutional activities including the regular school program, work details inside the institution and full recreation and program

activities. May have a roommate if eligible pursuant to the Privilege System.

2. Restricted Status- Youth who are prohibited from having roommates based on the factors listed in Section A. Examples would include, but are not limited to: being hostile or uncooperative; returning on a warrant, being a flight risk, having severe charges, needing restraints for court, combative/threatening behavior or being on Administrative Separation status. Only Supervising Deputy Probation Officers may place or remove youth from "Restricted" Status. Restricted status youth may be authorized to have a roommate with approval from the Chief Deputy of the Custody Division or his/her designee.
3. Special Modified Program: This category is for those youth who do not fit into the regular institutional programming and no other classification appears to be appropriate.
4. Those placed in this status may include high security risk cases, youth with serious medical problems that require isolation, youth with severe mental health issues requiring a specialized program, Transgender youth etc.
5. Anyone in this category will have a program individually designed to meet the needs of the youth utilizing the Special Modified Program form. Prior to placing a youth on modified program status a facility staff shall conduct a meeting with the Supervising Deputy Probation Officer and/or his/her designee and a representative of Mental Health, Public Health and the Court School to formulate the specifics of the modified program and to ensure the youth's physical, mental and educational needs are met.
6. Youth placed on "Special Modified Program" status require the Approval of the Chief Deputy of the Custody Division.
7. The youth's current status will be noted on the Activity Sheet and Daily Population Report. Changes in status shall be noted immediately in the Shift Log and the on-duty graveyard JSO III or Acting JSO III shall insure status change is noted on the Activity Sheet and Daily Population Report.
8. Administrative Separation: Temporary separation from the general population, for new booking and assessment, suicide watch, physical, medical or mental problem or major rule violation.

9. Room confinement: means the placement of a youth in a locked sleeping room or cell with minimal or no contact with persons other than correctional facility staff and attorneys.
10. Roommates: Decisions regarding roommates will be made on a case-by-case basis by the JSO III or Supervising Deputy Probation Officer.
11. Youth shall not be separated from the general population or assigned youth to a single occupancy room based solely on the youth's actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status. This section does not prohibit staff from placing youth in a single occupancy room at the youth's specific request or in accordance with Title 15 regulations regarding separation.

5.4 Orientation of Youth Pursuant to Section 1353

- A. Upon admittance to Juvenile Hall, all youth will be oriented to the facility prior to placement onto the units (living area). This process may be deferred until the morning in cases involving late-night admissions. Written, verbal and visual information shall be provided as need indicates.
- B. Provisions will be made to provide information to youth with disabilities, limited English proficiency, or limited literacy. Those who are unable to read the orientation literature will have it read to them by staff. Information will be in the form of an orientation video or by providing an interpreter who speaks the youth's language. The orientation shall include:
 1. Facility rules and disciplinary procedures.
 2. Grievance procedures.
 3. Access to legal services.
 4. Access to health care services.
 5. Access to religious services;
 6. Access to educational services;
 7. Access to counseling services;
 8. Information on the court process;
 9. Housing assignments.
 10. Availability of personal care items and the opportunity for personal hygiene.
 11. Correspondence, visiting and telephone use.
 12. Availability of reading materials, programs and activities.
 13. Use of restraints and chemicals, and
 14. Use of force.
 15. Emergency evacuation procedures

16. Non-discrimination policy

5.5 Separation and Room Confinement of Youth Pursuant to Section 1354

A. At times it may become necessary to segregate a youth from the general population at the Juvenile Hall. This action is referred to as "Administrative Separation." Youth shall only be segregated for the following reasons:

1. Administrative Separation: Temporary separation from the general population for new booking and assessment, suicide watch, physical, medical or mental problem or behavior that presents a threat to the safety and security of any youth or staff.

B. Youth who are separated shall not be denied normal privileges available at the facility, except when necessary to accomplish the objective of separation.

C. Youth who are segregated for disciplinary purposes shall not be denied any items or services delineated in Section 1390 of Title 15, including:

- Clean Bed or bedding
- Daily shower, access to drinking fountain, toilet and personal hygiene items
- Full nutrition
- Contact with parent or attorney
- Exercise
- Medical and counseling services
- Religious services
- Clean and sanitary living conditions; and the right to send and receive mail
- Education

C. Room Confinement pursuant to WIC 208.3

1. "Room confinement" means the placement of a youth in a locked sleeping room or cell with minimal or no contact with persons other than correctional facility staff and attorneys.
2. Room confinement does not include confinement of a youth in a single-person room or cell for brief periods of locked room confinement necessary for required institutional operations.
3. This section does not apply:
 - a.) during normal sleeping hours.
 - b.) to minors or wards in court holding facilities.
 - c.) during an extraordinary, emergency circumstance that requires a significant departure from normal institutional operations, including a natural disaster or facility-wide threat that poses an imminent and substantial risk of harm to multiple staff, and youth. This exception shall apply for the shortest amount of time needed to address the imminent and substantial risk of harm.
 - d.) when a minor or ward is placed in a locked cell or sleep room to treat and protect against the spread of a communicable disease for the shortest amount of time required to reduce the risk of infection, with the written approval of a licensed physician or nurse practitioner, when the minor or ward is not required to be in an infirmary for an illness.
 - e.) when a youth is placed in a locked cell or sleep room for required extended care after medical treatment with the written approval of a licensed physician or nurse practitioner.
5. The placement of a youth in room confinement shall be accomplished in accordance with the following guidelines:
 - a. Room confinement shall not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety or security of any youth or staff.
 - b. Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff.
 - c. Room confinement shall not be used to the extent that it compromises the mental and physical health of the youth.
 - d. A youth may be held up to four hours in room confinement. After the youth has been held in room confinement for a period of four hours, staff shall do one or more of the following:
 1. Return the youth to general population.

2. Consult with mental health or medical staff.
 3. Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth into general population.
- e. If room confinement must be extended beyond four hours, staff shall do the following:
1. Document the reason for room confinement and the basis for the extension, the date and time the youth was first placed in room confinement, and when he or she is eventually released from room confinement.
 2. Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population.
1. Obtain documented authorization by the facility superintendent or a SDPO every four hours thereafter.

.8 Use of Force and Physical Restraints Pursuant to Sections 1357 and 1358

A. This policy provides guidance and direction in the use of force by Juvenile Hall sworn personnel in the lawful performance of their duties.

B. DEFINITIONS

1. **PhysicalForce:** The use of hands, other parts of the body, objects, instruments, chemical devices, or other physical methods to restrain, subdue, or to compel youth to act in a particular way, or to stop acting in a particular way. The exception is the use of security restraints as a standard manner for arrest, transport, or to immobilize, where no active or passive resistant is present.
2. **DeadlyForce:** Physical force that has substantial risk of causing death.
3. **Non-DeadlyForce:** Physical force other than deadly force. A type or amount of force that does not carry a substantial risk of causing death.
4. **ReactiveUseofForce:** The use of force in situations where time and circumstances do not permit approval by higher-ranking staff, or consultation or planning. Situations which may call for the reactive use of force include, but are not limited to, a youth climbing

the perimeter fence, a youth beating another youth or staff member in front of an officer, a youth repeatedly battering his head into a concrete wall, a youth attacking a JSO, or a spreading riot.

5. **PlannedUseofForce:** The use of force in situations where time and circumstances allow for consultation with, and approval by, higher ranking staff, and where there is some opportunity to plan the actual use of force.
6. **CorporalPunishment:** The use of physical force for the purpose of punishment.
7. **ReasonableForce:** The use of physical force to achieve a legitimate correctional objective, where the type and amount of force are consistent with the situation and the objective to be achieved; and where alternatives to physical force are unavailable or ineffective; and where the force used is reasonable to control the situation.
8. **ExcessiveForce:** A type or amount of force beyond that which is reasonably necessary to control the situation and achieve the correctional objectives; or the continued use of force after it is no longer reasonably necessary.
9. **Supervisor:** When this use of force policy refers to supervisory approval or supervisory direction, it is intended to include higher ranks within the security series, probation supervisors and managers.
10. **SecurityRestraints:** Handcuffs, flex cuffs, leg irons, belly chains, and similar equipment designed to prevent a youth from escape or from injuring others, and/or to restrict his or her movement.
11. **Shield:** A Plexiglas shield with attached handles, designed to be utilized in containing a combative subject, and protecting officers from kicks, strikes or bodily fluids.
12. **FullRestraints:** A specific configuration of security restraints involving the use of handcuffs, leg irons and a belly chain.
13. **UseofForce:** Any situation in which a staff member uses physical force against a youth or other person, with the exception of those situations in which security restraints are used in a standard manner for arrest, transport, or to immobilize, and in which no active or passive resistant was present.

14. **CognizantManager:** For the purpose of this policy, the cognizant manager will be defined as the on-duty or on-call Supervising Probation Officer, or Chief Deputy.
15. **OC:** OC refers to any aerosol dispenser containing oleoresin capsicum as an active chemical agent along with inert substances and/or propellants.
16. **PreliminaryReview:** The review of use of force incidents by a supervisor.
17. **WRAPRestraintSystem:** A specific type of restraint device designed to immobilize a combative and resistive subject by immobilizing their legs and arms.

C. TRAINING

1. Juvenile Services Officers shall receive training on the nature, meaning and interpretation of this policy within a reasonable period of time following their appointment.
 - a. Training shall include but not limited to known medical conditions that would contraindicate certain types of force; acceptable chemical agents; methods of application; signs or symptoms that should result in immediate referral to medical or mental health staff; and requirements of the decontamination of chemical, if such agents are utilized and appropriate response if the current use of force is ineffective.
2. At the end of such training, every employee shall demonstrate adequate comprehension of the relevant provisions of this policy and sign that they have received a copy of this policy and training on the application and interpretation of this policy.
3. This policy shall supersede any contradictory information in any non-Departmental use of force training that an employee may attend.

D. GENERAL PROVISIONS

1. Physical force may only be used to accomplish the following legitimate correctional objectives.
 - a. To prevent or stop the commission of crimes, including riot, assault, escape, hostage taking, etc.

- b. To prevent an individual from injuring or killing himself or herself, or others.
 - c. To prevent or stop the destruction of property that could create a safety hazard to youth and/or staff.
 - d. To enforce institutional policies and regulations.
 - e. To affect an arrest.
2. Normally, physical force shall not be used in a situation until:
- a. A warning or command has been given, and if practical, repeated.
 - b. The youth(s) have had time to comply with the warning or command.
 - c. It appears that the youth(s) are going to continue to resist the order or staff control of the situation.
 - d. Non-force alternatives (e.g., intervention by Mental Health staff) are not reasonably available or have also been tried unsuccessfully, and the situation cannot reasonably be allowed to continue.
3. The need for physical force is established by considering all elements of the situation confronting officers, applying a "reasonable person" standard, and recognizing that officer's decisions must be based on their perceptions during the situation, rather than on analysis after the fact.
4. The level and amount of force used must be limited to force that is reasonable to control the situation, overcome resistance and attain the correctional objective(s).
5. The use of force must be terminated as soon as the justification for its use is no longer present. (For example, when a youth has stopped resisting and is under staff control.) Also, force may be reapplied if resistance begins again and the conditions for the use of force are again present.
6. This Department does not recognize a traditional or rigid use of force continuum. Although force should usually be escalated from the lowest practical level considering the situation, up to a level that successfully controls the situation; there is no requirement to begin

at any particular type or amount of force. Also, there is no requirement that, before using a given type and amount of force, every lesser amount and lesser type of force must have first been exhausted.

7. Risk: In performing their legal duties, employees are not expected to assume unwarranted risk of death or serious bodily injury. Withdrawing from the scene and calling for assistance may be the best response. If a situation involves self-defense or the immediate protection of others, staff shall be prepared to act quickly and decisively to preserve life and/or prevent injury.
8. Corporal punishment is prohibited under any circumstances. Non-physical forms of intentional cruel punishment, such as public humiliation, are also prohibited under any circumstances. Corporal punishment or intentional cruel punishment is grounds for disciplinary action, up to and including dismissal.
9. Only Department authorized and Department issued or approved instruments of physical force may be used to apply force. Officers shall not be authorized to carry or use firearms, chemical agents, baton, or security restraints until they have completed departmental training on the application and use of this equipment. Departmentally authorized instruments may include restraints, chemical agents, or other physical force methods.
 - a. The carrying or use of unapproved personal weapons, devices or equipment for the application of force is prohibited. Use of such equipment is cause for disciplinary action, up to and including dismissal.
 - b. **Exception:** In a situation where an officer or other person is in imminent danger of death or great bodily injury, and where time and circumstances do not permit use of Department approved and trained instruments or methods, officers may use any reasonable means available to control the situation.
10. It is the expectation of the Department that all staff, sworn and non-sworn, SHALL, to the best of their ability, and given the nature and circumstances of the incident, intervene and take affirmative action necessary to stop any inappropriate use of force.
11. Security restraints shall never be used for punishment, and restraints shall not be intentionally applied in a manner that will cause unnecessary pain, nor applied continuously for an

unreasonable length of time, nor be allowed to create a substantial risk of a serious medical problem.

12. The use of the carotid hold is prohibited except in self-defense or defense of another where there is no reasonable alternative and where the situation is a clear and immediate threat to life.
13. It is a violation of this policy to harass or otherwise verbally provoke an offender or offenders into an assault on staff in order to justify the use of force against those offenders.
14. Medical attention shall be provided to those injured and those perceived as possibly injured as soon as possible within 30 minutes following any use of force. The on-duty Supervisor / JSO III shall contact the on-duty nurse or request the on-duty Jail nurse to respond to the facility and assess the youth for injuries and determine if further medical care is required. The individual or individuals who use the force will document medical attention provided to individuals involved in the use of force, in a Use of Force Report.
15. Each situation involving any use of force shall be documented in writing, and in detail, including medical care and mental health treatment provided to the involved youth(s), as soon as possible by each individual staff member involved in the use of force and such reports shall be completed before completing the shift or work day, except in cases where an extension is specifically approved by the on-duty supervisor, on-call SDPO, or Chief Deputy
16. Nothing in the above 15 sub-sections is intended, or should be interpreted, as preventing a staff member from taking reasonable measures to protect himself or herself, to protect the lives of others, to stop disturbances, or to stop escapes.

E. PLANNED USE OF FORCE

1. Any planned use of force at Juvenile Hall shall be carried out under the direction of the Shift Leader; supervisory or higher level staff and only after consultation with, and approval of, the on-duty SDPO/ Chief Deputy.
2. Every planned use of force situation or potential use of force situation at Juvenile Hall shall be videotaped, provided that:
 - a. Time and circumstances allow.

- b. Staff doing the videotaping is not put in a situation of unusual risk.
 - c. The act of videotaping does not present a clear danger of escalating the situation.
- 3. Videotaping of planned use of force situations shall include taping at least one verbal attempt at resolution and at least two warnings that force will be used prior to the actual use of physical force.
- 4. All videotapes of actual incidents shall include the date and time of the incident, the name of the staff member doing the videotaping and the name of the ranking staff member in charge of the use of force. Such tapes shall be stored securely and shall be considered confidential and be maintained by the facility for a minimum period of three years.
- 5. Staff using video tape in disturbance, riot, hostage, or "sit-down" situations should attempt to use the camera to help in later identification of criminal perpetrators, victims, etc.
- 6. For every planned use of force at Juvenile Hall, it is required that a medical staff member be brought to the situation prior to the actual use of force, unless:
 - a. The medical person would be placed in a position of unusual risk.
 - b. There is no medical person at the facility, or there is no medical person available, and to wait until medical personnel could get to the situation would create an impractical delay.
- 7. All reasonable attempts should be made to allow the facility Mental Health staff (if present) to intervene and attempt to de-escalate the youth and discontinue the behavior that is prompting the planned use of force.

F. ROOM EXTRACTIONS

- 1. A room extraction is defined as the planned involuntary removal of a youth from his/her room when one or more of the following is present:

- a. A credible threat to the safety of staff, serious risk of self-harm, possession of a weapon, or threat to the security of the institution.
 - b. A youth's behavior results in the serious destruction of property.
 - c. All reasonable efforts to gain compliance have been unsuccessful.
 - d. OC spray is ineffective or the use of OC pepper spray is prohibited on the youth.
2. All room extractions will adhere to the Planned Use of Force Guidelines (Section E above), unless a delay in the extraction could result in death or serious bodily injury.
 3. A room extraction shall only be authorized by an on-duty supervisor or the on-call SDPO/ Chief Deputy Chief Deputy.
 4. Special consideration shall be given to youth with identified medical or mental health conditions, developmental disabilities and youth who may not understand verbal directives in English due to language barriers.
 5. All staff involved in the actual room extraction shall complete a Use of Force Report.
 6. The authorizing on-duty supervisor or higher-ranking officer shall complete an incident report detailing the reasons for authorizing the room extraction by the end of the shift or the following day after the authorization was given. Such report shall follow the documentation guidelines in Section XXI of this policy.
 7. Only Juvenile Services Officers who have completed the department approved Room Extraction training shall be allowed to participate on an extraction team. EXCEPTION: In emergency situations, when there is not a sufficient number of staff on-duty who have been trained in room extractions, the on-duty supervisor or on-call Assistant Superintendent / Chief Deputy may approve the use of non-trained sworn staff to participate in a room extraction.
 8. Juvenile Services Officers shall participate in refresher training on room extractions as directed by the Chief Deputy.

G. SECURITY RESTRAINTS

1. The standard use of security restraints for arrest, escort or transportation or in other situations where security restraints are used as standard procedure, and in which no resistance is encountered is not a use of force within the meaning of this policy.
2. If a youth refuses to be placed in restraints and physical force is applied to secure restraints, then it does constitute a use of force within the meaning of this policy.
3. Prior to placing a youth in restraints staff shall decide if the youth has any known medical conditions that would prohibit certain restraint devices and/or techniques, time and circumstances permitting.
4. The affixing of hands and feet together behind the back (hog tying) is prohibited.
5. Restraints may never be placed about the neck, or in any manner that restricts blood circulation or breathing, nor may tape be placed around the nose, mouth or neck. The use of restraints in any of these manners, or for punishment or to intentionally inflict unnecessary pain, is grounds for disciplinary action, up to and including dismissal.

H. PREGNANT YOUTH

1. Pursuant to Section 222 of the Welfare and Institutions Code, and Penal Code 6030(f), pregnant youth taken to a hospital or medical office outside the facility shall be transported in the least restrictive manner possible, consistent with legitimate security needs of each youth
2. A pregnant youth shall not be shackled by the wrists, ankles, or both during labor, including during transport to the hospital. A pregnant youth taken to a hospital for the purposes of childbirth shall be transported in the least restrictive way possible, consistent with the legitimate security needs of the youth.
3. Once an attending physician determines that a pregnant youth is in active labor, the youth shall not be shackled by the wrists, ankles, or both, unless it is necessary for the safety and security of the youth, staff, or public.

5.9 Physical Restraints Pursuant to Sections 1357 and 1358

A. WRAP RESTRAINT SYSTEM

1. The Wrap Restraint System is a tool utilized in the Juvenile Hall designed to immobilize the legs and hands of a combative and/or resistive youth.
2. Juvenile Hall staff may use the Wrap Restraint, upon approval of the on-duty supervisor or the on call supervisor or Chief Deputy, when it appears that a less restrictive alternative would be ineffective in controlling assaultive, self-inflicted physical harm, and/or destructive behavior.
3. The Wrap Restraint shall not be used as a form of punishment.
4. Prior to placing a youth in the Wrap Restraint the on-duty supervisor, in consultation with the on-duty nurse (if available), shall decide if the youth has any known medical conditions that would prohibit placement in the restraint.
5. Once a youth is placed in the Wrap Restraint, an officer shall provide continuous direct visual supervision at all times to ensure the safety of the youth including but not limited to injuries and obvious medical problems.
6. Youth placed in the Wrap Restraint shall have their shoes and socks removed to allow the on-duty nurse or officers to visually observe their toes and feet to check for temperature drops and/or bluish color.
 - a. The on-duty nurse shall be called to the scene immediately following the application of the Wrap or if an officer observes or is concerned about changes in the youth's health while in the WRAP. If a nurse is not on duty, the Jail nurse shall be contacted and requested to respond to the facility.
7. The WRAP log shall be used for all youth placed in the Wrap Restraint.
8. A youth's status shall be documented in the WRAP log every 10 minutes while in the Wrap Restraint noting changes in attitude, behavior and level of compliance with officers.
9. Youth shall be placed in the Wrap Restraint not to exceed 30 minutes unless authorized by a Chief Deputy Probation Officer or Assistant Chief.

10. The on-duty mental health counselor shall be directed to engage and deescalate the youth once the youth is secured in the WRAP but no later than 15 minutes after placement in the WRAP. If a mental health counselor is not available, then de-escalation attempts shall be conducted by sworn staff. Additionally, mental health staff shall determine if the youth requires additional mental health treatment. If a youth continues to threaten self-harm behavior and there is no on-duty mental health counselor, the mental health crisis team shall be summoned to the facility to assess the youth.
11. While in the Wrap Restraint, youth shall be offered water no less than every 30 minutes.
12. The Wrap Restraint shall be inspected following each use by the on-duty JSOIII to insure all belts and straps are free of tearing or fraying.
13. The Wrap Restraint shall be stored in the designated CERT closet.
14. Only Departmentally trained staff shall use the Wrap Restraint. It is not to be used for any reason other than that for which it is designed and in accordance with the guidelines above.

B. PROTECTIVE RESTRAINT SHIELD

1. The Restraint Shield is designed to protect staff that must temporarily restrain or control a hostile, physically resistant youth so that he or she can be safely placed in restraints.
2. The Shield is authorized when staff believes that by using the Shield, the risk of injury to staff or youth is reduced, and the youth is combative.
3. Only sworn staff that has completed the department-approved room extraction training is authorized to use the Restraint Shield.
4. Juvenile Services Officers shall participate in bi-annual refresher training in the use of the Restraint Shield as directed by the Superintendent.

C. ANKLE RESTRAINT SYSTEM

1. The Ankle Restraint may be used to immobilize a combative/resistive detainee during vehicle transport.

2. The Ankle Restraint shall not be used as a preemptive precaution based solely on the subject's past history or past behavior.
3. Ankle Restraint shall be used only by sworn staff that has completed the department approved training.
4. Once applied on a subject, he or she shall remain in an upright position.
5. The Ankle Restraint strap shall not be placed in any position that leaves it partially hanging on the vehicle door.
6. The Ankle Restraint strap shall not be used to secure the subject's ankles to his/her hands in any form of a "hog tie" position.

D. CONTROL AND COMPLIANCE HOLDS

1. Control and/or compliance holds are specifically designed to either immobilize the subject, or compel compliance through the incrementally applied pressure to specific areas of the subject's body.
2. Control and/or compliance holds are based upon the principles of pain compliance. Pain is incrementally introduced by applying pressure to specific areas of the subject's body, commensurate with the subject's level of resistance. Once the subject complies, officers shall incrementally reduce the level of pressure applied.
3. During the use of a control/compliance hold, pressure that is applied to the subject beyond the point of compliance shall be considered a form of corporal punishment and may lead to discipline, up to and including dismissal.
4. In general, only those control and compliance holds which have been authorized by the Department Training Unit and taught by Departmental instructors are allowable. Only officers who have received such training are authorized to use control and compliance holds. However, should these control and compliance holds prove to be ineffective in a specific situation, officers may utilize any reasonable alternative means available to control the situation.

E. OTHER HAND-TO-HAND PHYSICAL FORCE METHODS

1. In addition to compliance holds, there are a wide variety of hand-to-hand physical methods, which may be available to staff members, based on their training, background and experience, and the nature of the situation. It is not possible to specify all of these additional

methods and techniques, but they include punching, kicking, wrestling holds, the use of pressure points, and a wide range of other possibilities.

2. In general, these methods should be restricted to situations involving self-defense or the immediate defense of others where no safer method of control or defense is available.
3. In situations where physical force must be used, staff is specifically prohibited from punching or kicking a person into submission unless there are no reasonable alternatives.

F. CHEMICAL AGENTS

1. Chemical agents are to be used as a reactionary use of force to protect any youth, officer, or staff member who is being assaulted.
2. Chemical agents may be used when other force options are ineffective.
3. Due concerns must be given to the possibility that innocent bystanders may be affected by the use of chemical agents. However, in emergency situations, the need to use such agents may outweigh the protection of bystanders.
4. When time and circumstances permit, persons other than those against whom the chemical agents are to be directed shall be removed from the area before chemical agents are used.
5. A youth shall not be restrained or held for the sole purpose of rendering him/her relatively immobile, in order to present a more stationary target for a chemical agent. To do so will constitute excessive force and/or corporal punishment, both of which are expressly prohibited and may lead to discipline, up to and including dismissal.
6. Staff, youth(s) or others affected by a chemical agent shall be permitted to wash their face, eyes, and other exposed skin areas as soon as possible after the chemical agent is used. Youth exposed shall be permitted to shower within one hour of the exposure, if practical. All exposed clothing shall be removed and clean clothing shall be made available immediately, if possible.
7. Youth exposed to chemical agents shall be examined by a health care professional immediately or as soon as practical after the exposure.

8. Department issued OC may not be carried or used off duty except for situations where the Department has authorized the carrying of a firearm off duty in response to a specific threat. OC may be carried in route to and from work, however, and its use at such times shall be governed by this policy.
5. It is the officer's responsibility to ensure department issued OC is functionally maintained. If an OC canister is deployed or has an expired expiration date, the officer shall request a new canister from a SDPO. OC spray is stored in the locked equipment room in the upstairs administrative area.
6. OC may **not** be used:
 - a. Once a youth has been restrained, except if the restrained individual's continued physical aggressiveness poses a serious, clear and imminent danger to the youth or others, and if OC offers the least dangerous method to prevent serious injury or death.
 - b. Against individuals known to have asthma or other respiratory conditions, cardiopulmonary or convulsive disorders.
8. At the Juvenile Hall, the on-duty JSO III/Supervisor shall be on the scene and direct the use of OC spray, time and circumstances permitting in planned use of force situation.
9. At the Juvenile Hall, the use of OC shall be videotaped, time and circumstances permitting in planned use of force situations, including at least one attempt at verbal resolution, one verbal warning, the date, the time and the on-camera identification of all staff on scene, time and circumstances permitting. The Department for a period of three years after the date of the incident shall maintain such videotapes.

G. USE OF THE MK-9 OC PEPPER SPRAY CANISTER

1. The MK-9 shall be used in a manner consistent with this policy section.
2. **MK-9 OC Stream Delivery System**
 - a. The MK-9 stream is authorized for use in the facility yard only and is prohibited from being used inside the facility unless

approved by the on-duty/on-call Supervising Deputy Probation Officer or Chief Deputy.

- b. The MK-9 stream will be identified by a white band around the label of the canister.
- c. The MK-9 stream canisters will be stored in the holding area closet along with a carrier approved by the Chief Deputy.
- d. The MK-9 stream should not be delivered at a distance of less than 6 feet from the intended target.
- e. Officers shall remove the MK-9 from their person and secure it in the designated location upon returning from the yard as soon as the youth are seated on the unit and/or secured in their rooms.

3. **The MK-9 OC Cone Fogger Delivery System**

- a. The MK-9 cone fogger is authorized for use inside the facility in planned use of force situations.
- b. The MK-9 Cone Fogger will be identified by an orange band around the label of the canister.
- c. The MK-9 Cone Fogger shall be stored in a secured, locked cabinet on each unit and in the JSO III/Supervisors' offices.
- d. The MK-9 should not be removed from the secured cabinet on the unit or JSO III/Supervisors' offices unless authorized by the on-duty Juvenile Services Officer III or Supervising Deputy Probation Officer.
- e. The MK-9 cone fogger should not be delivered at a distance of less than 3 feet from the intended target. This delivery system is designed for area saturation and does not require direct contact.

H. **BATONS**

- 1. Officers striking another person with a baton should attempt to strike arms, legs, and center mass.
- 2. The baton shall not be carried within the Juvenile Hall unless under the specific direction of the Chief Deputy.

3. The specific size and model of baton shall be determined by the Chief Probation Officer or his/her designee.

I. USE OF FORCE REPORTS AND NOTIFICATIONS

1. A Departmental use of force form will be used for all use of force situations.
2. All use of force reports shall include:
 - a. A list of all staff that employed force.
 - b. A list of all persons on who force was used.
 - c. A list of the names of all bystanders and/or potential witnesses, whether staff, members of the public, or youth, whenever possible.
 - d. A precise description of the incident, the events leading to the use of force, and the reasons for employing the force.
 - e. A description of the weapon, restraint, chemical agent, other security devise, control hold or other type of force that was used, and the manner in which it was used.
 - f. A description of every other attempt to resolve the situation, including other levels of force employed prior to the level of force that was successful in controlling the situation.
 - g. A description of any injuries suffered by staff, youth or others, and the treatment given.
 - h. Identification of the staff member authorizing and/or deciding to use force and of any staff member supervising the use of force.
3. When time and circumstances permit, but as soon after an incident as possible, staff shall obtain detailed color pictures of any injuries.
4. In any situation in which a youth or other person is complaining that a staff member used excessive force or in any situation in which a youth or other person appears to be uninjured but claims to have sustained an injury as a result of use of force by a staff member, efforts shall be made to take color photographs of the person or persons upon whom force was used, as quickly as is practical.
5. Any such photographs taken shall have the time and date of the photograph printed in ink on the back of the photograph along with

the name of the photographer. When the photographs taken are not of the Polaroid type, the staff member arranging or taking the photographs shall document the date, time and name of the photographer in the use of force report, or in an addendum to that report.

6. In the event of a reactive use of force, the involved staff member(s) shall notify the appropriate supervisor as soon as practical that a use of force situation has taken place.
 - a. For planned use of force situations, supervisory notification should have occurred before the actual use of force. If, for any reason, that has not occurred, the staff members shall make such notification involved as soon after the situation as possible.
 - b. This requirement for immediate verbal notification shall not in any manner alter the requirements for written reports as specified herein.
7. Any use of force situation resulting in death or serious injury to any person, shall be reported immediately to the Chief Probation Officer and Chief Deputy.
 - a. Notifications should be made by the on-duty supervisor.
 - b. If for any reason a supervisor is not on duty, it shall be the responsibility of the officer acting in a supervisory role to make these notifications directly.
8. Any probation staff that witnesses excessive, inappropriate or improper use of force, or received an allegation of excessive or improper use of force by a peace officer, shall verbally report that situation to his or her immediate supervisor as soon as possible.
 - a. The reporting officer(s) shall complete a written report describing the situation/incident within one working day. Failure to report as described immediately above shall be grounds for disciplinary action, up to and including termination.
9. Youth who have been involved in a use of force, who wish to file a grievance regarding their treatment, may do so using the standard grievance process.

J. PRELIMINARY REVIEWS

1. Every use of force situation will be reviewed by the Supervising Deputy Probation Officer. If the Supervising Deputy Probation Officer was involved in the use of force, then the Chief Deputy will review the incident or assign to another supervisor.
2. Preliminary reviews shall be completed within a reasonable time after the incident and submitted to the Chief Deputy. All preliminary reviews shall include a written recommendation from the Supervising Deputy Probation Officer conducting the review as to whether the application of force was in compliance with this policy. This recommendation shall be signed and dated.
3. Preliminary reviews are conducted primarily by reviewing the written reports of involved persons and witnesses.
4. The Chief Deputy shall also read the preliminary review to ensure compliance and when applicable make a decision about the necessity of an internal investigation. That decision shall be based upon the severity of the incident, the completeness and agreement of the written reports, the likelihood of grievance or litigation over the incident, the occurrence of staff error in following policy or procedure and other potential benefits of an investigation.

6.2 Recreation and Exercise Pursuant to Section 1371

- A. The Juvenile Hall shall provide a recreational exercise program that meets the needs of both male and female youth. The intent is to maximize the amount of time youth are out of their rooms and not confined to their bed. The staff is to provide an opportunity for recreation and exercise a minimum of three hours a day during the week and five hours a day each non-school days, of which one hour shall be an outdoor activity, weather permitting. Such recreation, program and exercise schedule shall be posted in the living units.
- B. The recreation / exercise program shall include a daily schedule that is posted on each unit.
 1. During recreation / exercise periods the youth shall have access to approved reading materials; and other programs such as television, radio, stereo, video and games.
 2. Activities shall be supervised and include orientation and may include coaching of youth.

3. Youth on administrative separation are to have an opportunity for a minimum one hour of large muscle exercise. That one hour of exercise is suspended only upon a written finding by the facility Chief Deputy or their designee, that the youth represents a threat to the safety and security of the facility and other youth. Copies of the written finding shall be distributed to the following: youth's Juvenile Hall file; youth's assigned Deputy Probation Officer; Superintendent's file for documents related to administrative separation.
4. There should always be at least two Juvenile Services Officers supervising the youth during outdoor recreation.
5. Recreational programs shall include a component designed to address the youth's social awareness. These Social Awareness Programs shall take into consideration the needs of male and female youth, and include: victim awareness; conflict resolution; anger management; parenting skills; juvenile justice; self-esteem building effective decision-making skills. (as outlined in section 1378 of Title 15)
6. In addition to the physical education component of the Juvenile Court School curriculum, youth shall be allowed an additional two hours of free time, and encouraged by staff to become involved in activities, which maximize opportunities for movement and exercise. In addition, the facility Administrator shall insure that there is sufficient exercise equipment to satisfactorily address the exercise and fitness needs of both male and female youth. The facility shall provide an opportunity for recreation and exercise a minimum of three hours a day during the week and five hours a day each non-school day.
7. The recreation/exercise program includes a daily schedule that is posted on each unit.
8. During recreation/exercise periods the youth shall have access to approved reading materials such as television, radio, stereo, and video games.
9. All activities are to be supervised and include orientation and coaching of youth.
10. The Facility Administrator or his/her designee may suspend, for a period not to exceed 24 hours, access to recreation and programs

11. The following activities may be offered during, and considered to be a part of the Juvenile Hall recreation program:
 - a. Music Lessons
 - b. Theatrical Presentations
 - c. Creative Writing
 - d. Book Club
 - e. Yoga/Meditation
 - f. Tutoring
 - g. Youth Empowerment Services
 - h. Anti-Violence Program

7.1 Discipline Pursuant to Section 1390

- A. The disciplining of youth shall be consistent with Article 7, Section 1390 of Title 15 of Minimum Standards for Local Juvenile Facilities and the following guidelines:
- B. Disciplinary action shall be described in detail using the appropriate form of documentation and be positive in nature.
- C. Disciplinary action is intended to correct, guide, teach and deter further negative behavior of youth during confinement at the Juvenile Hall.
- D. Whenever possible and reasonable, discipline should include an opportunity for reflection. For example, a youth who repeatedly uses foul language should not simply be placed in her/his room for a period of time. A more appropriate and positive consequence is to place them in their room and give them a written assignment pertaining to their use of profanity and how they can improve and avoid future similar problems.
- E. Discipline SHALL NOT include any form of corporal punishment, group punishment, physical or psychological degradation or deprivation of: clean bed and/bedding; shower and toilet; drinking fountain; hygiene items; clean clothing; contact with parents, clergy, or attorneys; exercise; medical and counseling services; religious services; clean and sanitary living conditions; education; the ability to send and receive mail; books and/or reading material; deprivation of diet and/nutritional needs. Note: Meals consisting of foods that may be consumed without utensils may be provided for youth who have been deemed at risk for injuring themselves, and/or have demonstrated a history of aggressive and/violent behavior using their food trays, i.e. throwing trays against walls.

- F. Discipline should be timely, and occur as soon as possible after the incident, which supports the use of discipline. Such rules and penalties shall include both major violations and minor violations, be stated simply and affirmatively, and be made available to all youth. Provision shall be made to provide accessible information to youth with disabilities, limited English proficiency, or limited literacy.
- G. The on-duty Supervisor / JSO III shall notify and make arrangements with educational program staff to provide school work for youth on administration separation who are deemed a risk to the safety and security of the facility that requires separation.
- H. Restricting attendance from religious services as a disciplinary consequence is prohibited. If a youth is deemed a risk to the safety and security of the facility requiring separation, then separate arrangements shall be made to provide religious services to the youth upon approval of the on-call Supervising Deputy Probation Officer / Facility Manager.
- I. Reflection Time is a phrase used to refer to time a youth spends in her/his room for disciplinary reasons. There are times when less restrictive methods of intervention have proven unsuccessful in modifying the youth's negative behavior, and that the placement of the youth in his/her room may be the most appropriate option in both correcting the youth's behavior, deterring future similar behavior, and maintaining a safe and secure environment.
- J. Administrative Separation: Temporary confinement to room pending a disciplinary hearing.
- K. Room Confinement Status: Separation from the general population. The on-duty JSO III or Supervisor shall assess the youth at least 2 times every 4 waking hours, to determine if additional separation remains appropriate. A youth will be offered one hour out of his/her room for large muscle activity and may or may not be completely separated from all other youth.

7.2 Discipline Process Pursuant to Section 1391

- A. When a youth is placed in his/her room for disciplinary purposes as the result of a major rule violation, the reporting JSO shall advise the on-duty JSO III or Supervisor.
- B. The JSO III or Supervisor shall evaluate the major rule violation including but not limited to assessing the youth's attitude and behavior, discussing the incident with the Juvenile Services Officer (JSO) involved and determining if formal disciplinary action is required. If so, they shall direct

the reporting JSO to prepare an incident report. The incident reports should include informal and less interventions that were attempted prior to recommendation for formal disciplinary action.

- C. The reporting JSO shall serve the youth with an incident report discussing with them the reason for the report and the request for formal disciplinary action. The JSO shall note on the incident report if the youth agrees or not agree with the facts and circumstances documented in the report and if the youth waives his/her right to a hearing. The JSO's are prohibited from delegating discipline to any youth.
- D. The on-duty Supervisor/JSO III shall document the service of the incident report to the youth, name of the reporting officer and advisement of the youth on "room confinement status" pending a disciplinary hearing in the facility shift change log.
- E. If the youth waives his right to a hearing, the on-duty supervisor or JSOIII shall note on the incident report and the facility shift change log the youth's waiver of hearing and subsequent disciplinary action taken.
- F. Hearings
 - 1. Disciplinary Hearing times are scheduled to take place, within 4 hours of the youth being placed on room confinement status. Exception: disciplinary hearings will not be conducted between 2200-0700 hours. Disciplinary hearings that fall within this time period shall be conducted the following day. An on-duty JSOIII, who is not a party to the incident, is responsible for conducting the disciplinary hearing.
 - a. Written notice of violation prior to a hearing
 - 2. The Hearing Officer shall appoint a staff member to assist the youth when requested and allow the youth to make a statement regarding the incident and the recommendation of formal disciplinary action.
 - a. Hearing by a person who is not a party to the incident
 - 3. The Hearing Officer in determining if formal disciplinary action is appropriate shall take the following into consideration: achievement of rehabilitative/disciplinary goal; prior behavioral history; the youth's immediate behavior and attitude; safety/security of the facility; input of reporting officer; current/ongoing mental health issues related to youth's behavior; any insight or reflection the youth may have as to the nature of the problem and their willingness to improve their behavior.

4. The Hearing Officer shall document on the incident report and the Disciplinary Hearing Form whether the incident is founded or not founded and the disciplinary action taken.
 - a. Violations that result in a removal from a camp or commitment program, but not a return to court, will follow the due process provisions in subsection (b)
- G. The Supervising Deputy Probation Officer / Chief Deputy shall review all disciplinary hearings to ensure consistency with departmental policy and Title 15.
- H. Any decision by the Supervising Deputy Probation Officer or Chief Deputy to modify the youth's discipline shall be documented clearly in the facility shift change log.

7.3 Privilege System Behavior Management Policy and Procedure

The concept of behavior management is multi-faceted and begins at the time of booking. It is important to set a professional tone at that time. Further, it is important that youth receive proper instructions regarding institution expectations as well as copies of all rules and instructions.

The Privilege System provides youth an opportunity to have a fresh start on a daily basis. The youth's daily behavior determines their programming and privileges for that day in most cases. The Privilege System is based on graduated sanctions, positive reinforcement, and incentives to manage and control behavior.

The youth must understand that the institution provides a safe and secure environment, and that they will be expected to adhere to the rules of the institution and follow the directions of the staff.

- A. The youth are eligible daily to have 3.5 hours of recreation time during weekdays and up to 6.75 hours of recreation during weekend based on their behavior.
- B. The minimum expected behaviors throughout the day for youth include the following:
 1. Bed is made with few wrinkles;
 2. Clothing in room is folded;
 3. Communicates in a respectful manner with staff and other youth;
 4. Gets along with others;
 5. Requires no more than average amount of supervision;
 6. Attends school, does work as required and complies with teacher directives;

7. Responds appropriately to staff instructions and follows all safety directives;
 8. Wears clothing neatly and properly; and
 9. Has acceptable personal hygiene and grooming.
- C. All meals shall be eaten at the dining table unless a youth has received a consequence for violating an established dining table rule or is on administrative separation status.

D. Graduated Sanctions

1. Graduated sanctions matches the youth's action with the appropriate intervention or sanction based upon the youth's current behavior while in detention, severity of the facility rule violation and level of cooperation at the time of the violation/incident. The goal is to achieve a legitimate rehabilitative or disciplinary purpose
2. Staff shall start with the lowest consequence that is necessary and reasonable for the situation and move to higher interventions as needed.
3. Staff shall give clear expectations of behavior prior to school and programming times and utilize redirection and counseling at a minimum for negative or poor behavior.
4. Time Outs: The purpose of time outs is to give youth a chance to think about their inappropriate behavior, regroup and change their behavior without having to receive more significant consequences.

Time outs shall not exceed 15 youth and it is expected that staff shall counsel youth during this time period and reinforce the minimum expected behaviors.

5. Reflection Time: Reflection Time is used to provide the youth with an opportunity to quietly reflect on their behavior; examine how their negative actions impact others; and develop strategies for avoiding poor decision in the future. Above all, Reflection Time should be an educational experience with a specific assignment and behavioral goal in mind.

Reflection time sanctions shall be given for rule violations that do not constitute or necessitate an incident report. Reflection times shall result in a youth losing the next available recreation period. Reflection time is NOT to be served during school hours or prohibit a youth from receiving religious services.

The on-duty Supervisor or JSO III is authorized to approve officers' recommendations for imposing reflection time on youth or extending reflection time as needed.

6. Privilege Suspension: Privilege suspensions are reserved for youth that refuse to attend school or for repeated rule violations that do not require administrative separation. Privilege suspensions shall be documented in an incident report and approved by the on-duty supervisor.
7. Incident Reports: Incident reports shall document major rule violations as designated in the Juvenile Hall Rule Book that could result in a recommendation for administrative separation. Staff shall clearly articulate how lower levels of interventions and sanctions were used and failed to change the youth's behavior, when applicable.

The on-duty Supervisor is authorized to approve officers' recommendations for administrative separation as the result of incident reports and determine if a youth may remain in school or if other arrangements are needed to insure the youth completes school for the day; determine when the youth may have one (1) hour out and if a disciplinary hearing is required.

8. Youth may be placed on Administrative Separation (ADSEP) if the youth is determined to be a risk to the safety and security of the facility or others at the approval of the Chief Deputy. A SDPO or JSO III in the absence of a SDPO, shall assess the youth every four waking hours thereafter to determine whether a youth requires further administrative separation status.
9. Youth on ADSEP status may not be allowed to participate in regular programming but shall not be denied all of the following:
 - a. Bed and bedding;
 - b. Daily shower and hygiene;
 - c. Personal hygiene items;
 - d. Clean clothing;
 - e. Meals
 - f. Medical and mental health services;
 - g. Contact with parent(s) or attorney
 - h. Receive religious services;
 - i. Right to send and receive mail;
 - j. Educational materials and school program;
 - k. Books and magazines that equal no more than four and one bible; and

- I. One (1) hour of large muscle activity.
10. Administrative separations that exceed more than 4 hours shall automatically have a Discipline Hearing pursuant to Section 7.2-C of this policy and be documented in the 23/1 log to include the reason for the youth being on ADSEP, the time the youth was given one (1) hour or the reason the youth was not given one (1) hour out and the time the youth was cleared. Administrative separation needs to be in compliance with section 5.5 D, as it relates to Room Confinement.
- E. Incident Reports, privilege suspensions and reflection times shall be documented in the shift log at the end of each shift and the Juvenile Hall Activity Sheet.
 - F. The Chief Deputy Supervisor shall review all incident reports daily to insure compliance with policy and Title 15.
 - G. Staff shall document in the shift log and provide notice to school staff when a youth refuses to attend school.
 - H. Incentives
 1. Youth who meet the minimum expected behaviors shall be allowed the following:
 - Attend all recreation activities;
 - Have a roommate if eligible;
 - Have the latest bedtimes during the week;
 - Assist with set up and break down before/after meals;

 - Have lights and radios until 2130 on weeknights and 2200 hours on weekends;
 - Friday movie night;
 - Games night;
 - request roommate of their choice approved by the on-duty Supervisor,
 - hardbound journals
 2. Commissary: All eligible youth shall receive commissary on Wednesday and Saturdays. Youth are not eligible if they are serving time down during Commissary.
 - a. Commissary bags will include hygiene products and treats of the same items.

3. Non-Collect Phone Calls: All youth will be eligible for one (1) non-collect phone call per week.
 - a. Youth will complete a request form and the requests will be approved by the on-duty Supervisor or JSO III. Approval of the phone calls will be dependent on the youth having good behavior on the day the request is submitted
 - b. Unit staff shall notify the on-duty JSO III or Supervisor when approved calls have been completed. Unit staff shall document phone calls in the Unit Phone Log.
4. Social Event
 - a. Youth who have been detained for at least seven (7) days and have not received any incident reports, privilege suspensions or reflection times throughout the week will be eligible to attend the Social Event
 - b. The Social Event is scheduled on Saturdays at 2030 hours and may include special food, games, rewards, etc.
5. Long Term Incentives: Youth who do not received any incident reports, privilege suspensions, or reflection times for extended period times will be eligible for incentives which vary on a weekly basis and may include but not limited to, use of game room, a different colored t-shirt, baseball cap, longer showers, white phone calls, etc.

7.4 Juvenile Hall Youth's Handbook

INTRODUCTION:

At Juvenile Hall we:

Redirect
Educate
Empower
Heal

The staff of Juvenile Hall is here to work with you to stay out of trouble so you can make choices that are safe, responsible, and considerate to others and yourself. We believe you are valuable, intelligent, and capable, to have a positive influence in your community.

Juvenile Hall staff includes Juvenile Services Officers (JSOs), Supervising Deputy Probation Officers (SDPOs), teachers, nurses and therapists all of whom are committed to supporting you to maintain your freedom and make responsible choices for your quality of life and the good of the citizens of SLO County.

We GUIDE – Our probation officers and JSOs are committed to keeping you safe, directing you to have appropriate and healthy behavior while at Juvenile Hall. We hope to help you to understand that illegal actions are destructive to your life and happiness.

We EDUCATE – Our dedicated teachers provide you with a quality education and ensure all the work you do here becomes part of your academic record and counts toward your school goals. We believe your education is vitally important for your success.

We EMPOWER – Our compassionate mental health counselors provide crisis intervention and counseling to help you get through your stay and Juvenile Hall, and grow in self-understanding, and to clarify your life goals to prevent future incarcerations.

We HEAL – Our highly qualified nursing staff helps you get and stay healthy while you are at JSC. They provide an initial physical exam, daily medical care for minor injuries and illnesses, and medication management for people taking prescriptions medicines.

Youth within the facility shall have fair and equal access to all available services, placement, care, treatment, and benefits. No person shall be subject to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status, including restrictive housing or classification.

When you first arrive at Juvenile Hall:

- You will be booked into custody by a Juvenile Services Officer (JSO).
- All of your property will be collected and your clothing will be placed in a property room.
- You will be offered the opportunity to make **two (2) phone calls, one to a parent/guardian or an employer and one to an attorney.**
- After staff has read you your rights it is important to remember that anything you say about your arresting offense may be reported to the Court.

Do NOT talk with other youth regarding your crime or the reason you have been brought to Juvenile Hall.

After the booking paperwork is completed:

- Our on-site Nurse will complete a physical exam.
- Our Mental Health Therapist will speak with you.

Each staff member here at Juvenile Hall is a mandated reporter and must report any suspected child abuse.

Juvenile Services Officers are sworn peace officers in accordance with 830.5 of the Penal Code. This means that they have powers of arrest, search, and the ability to use physical force including the use of mechanical restraints, physical restraints, and pepper spray to maintain the

safety of the people in the facility. You are to follow their directives. ***Threatening to harm Juvenile Services Officers or actually harming them is a felony.***

Sexual harassment includes any of the following:

- Inappropriate and unwanted touching in any form
- Sexual or gender based jokes or teasing
- Rude and inappropriate noises, like whistling, or noises which are sexually suggestive
- Rumors and comments about a person's sexuality
- Comments about a person's body

If you are subjected to **ANY** form of sexual abuse or harassment notify an adult who is not involved in this behavior IMMEDIATELY.

Adults who can help you include:

- A Supervisor or Shift Leader
- A JSO
- A teacher
- A volunteer
- A mental health counselor

ZERO TOLERANCE FOR SEXUAL ABUSE AND SEXUAL HARASSMENT

The San Luis Obispo County Juvenile Hall has a "zero" tolerance policy for sexual abuse and/or harassment. This means that sexual activity (touching, talking, note writing, non-verbal signals like making sexual gestures) between youth and/or between staff and youth

IS NOT ALLOWED UNDER ANY CIRCUMSTANCES.

COURT PROCESS:

- Probation officer will be assigned to your case to meet with you and determine if you should remain in custody and attend a detention hearing or be released to a parent or guardian
- If it is necessary for you to stay in Juvenile Hall you will be assigned a court date. Your parents and your attorney will be notified of your court date. If you don't have an attorney one will be assigned to you.
- The Detention Hearing will take place within 48-72 BUSINESS hours after your booking. At that hearing the Judge will make a decision to have you remain in custody for future hearings, be released on Home Supervision with or without Electronic Monitoring, or be straight released to a parent or guardian.
- Future hearings will take place to determine appropriate actions based on your charges, criminal history, peer associations, family relationships, school performance, substance abuse history and pro-social activities and behavior.

HOUSING:

Unit and room assignments are based on the following:

- Age
- Gender
- Charges
- Criminal history
- Behavioral history
- Mental health needs
- Medical needs
- Facility needs

JUVENILE HALL SERVICES:

ACCESS TO LEGAL SERVICES:

- You will have access, upon request, to licensed attorneys.
- You will be allowed confidential consultation with attorneys.
- You will be allowed unlimited, postage free legal correspondence.

ACCESS TO HEALTH SERVICES:

- You will have access to first aid and emergency services.
- You will have access to health care regardless of your classification status or behavior.
- You will have opportunities, both written and verbal, to talk with medical or mental health staff about your medical or mental health needs.
- You will have access to reproductive and family planning services.
- You will have access to medical diets due to food allergies or other health related problems.

ACCESS TO COUNSELING SERVICES:

- You will have access to crisis treatment and counseling upon request.
- You will have access to individual counseling by mental health staff or with your current therapist.
- You will have opportunities to attend group counseling in anger management, substance abuse, and AA/NA support when available.

ACCESS TO RELIGIOUS PROGRAMMING

- You will have the opportunity to attend a religious program at least once per week.
- Participation in religious programming is **VOLUNTARY**. You may also participate in free time activities on a separate unit.
- If you require a special diet based on your religion, please notify staff.

ACCESS TO EDUCATION

- You will have the ability to attend an accredited educational program through the County Office of Education.
- The teaching staff will discuss with you an educational plan while you are in custody.
- Your responsibility is to attend daily, participate in your education and help create a positive learning environment for everyone.

ACCESS TO READING MATERIAL, PROGRAMS, AND ACTIVITIES

- There are a large supply of books and magazines on every living unit

- You will receive a minimum of one hour of physical activity every day
- You will receive a minimum of 2 additional hours of free time a day for a total of 3 hours during the week; and a total of 5 hours on the weekend and holidays.
- Weather permitting 1 hour of recreation will be outside
- A program and activity calendar is posted on each unit
- Participation in programs and activities is encouraged and based on a youth's behavior

FIGHTING:

Fighting and verbal aggression will not be tolerated. Any youths involved in fighting will be segregated from the population. Fighting will result in a loss of privileges and/or the use of force and may result in the filing of new charges.

PAT DOWNS:

You may be patted down:

- When you are booked in.
- When you have had a visit.
- When you return from a furlough.
- After you have seen your attorney.
- During random searches or shake downs.
- Anytime an officer deems it is warranted. **If an officer has reasonable suspicion to believe that you may be hiding contraband, you may be strip searched.**

CONTRABAND:

Contraband is any object, writing or substance, the possession of which would constitute a crime under the laws of the state of California, pose a danger within a juvenile facility, or would interfere with the orderly day to day operation of the facility.

ITEMS ALLOWED IN YOUR ROOM:

- 1 mattress & pillow per bed unless medically cleared.
- 3 blankets
- 1 water cup, 1 shirt, 1 underwear, bra for girls, 1 pair of socks, 1 pair of green pants, 1 pair of sweatpants, 1 sweatshirt, 1 summer shirt, 1 sleeping shorts
- Approved Peer Leader clothes
- A combination of 5 books/magazines/Bible
- Cards - You may check these out at staff's discretion.
- Room folder & Journal - These items are not allowed on the unit.
- Photographs - You may display 5 appropriate photographs. Items may not be torn or cut out of magazines.

Lights, radios, and TV's will be turned off at 9:30 pm Sunday through Thursday.

Lights, radios, and TV's will be turned off at 10:00 pm on Friday and Saturday nights.

SHOWERS AND BATHROOMS:

You must ask staff's permission before entering a bathroom. When exiting, ask a JSO if you should leave the door "open or closed." In the morning, you will have 5 minutes to use your hygiene tray and return to your room. In the evening, you have 10 minutes to shower, use your hygiene tray, and return to your room. Staff will conduct 5-minute visual checks during showers.

IF YOU HAVE HAIR LONGER THAN SHOULDER LENGTH YOU MUST WEAR IT UP IN A PONYTAIL OR BUN WITH A HAIR TIE.

CLOTHING:

- T-shirts must be worn and tucked in at all times.
- You must have your shirt and pants on at all times unless you are in the bathroom with the door closed.
- You may not layer clothes, *except* when a sweatshirt or summer shirt is worn over a T-shirt.
- Pants should fit properly by sitting at the waistline and if they are too long they must be cuffed, so that they don't drag on the ground.
- Keep waist band unrolled
- *Pant legs may not be tucked into your socks, unless it is approved by staff (while on the yard).*
- Sandals may be worn in the shower only.
- Clothing is exchanged twice a week on Monday and Friday.
- Clothing is considered County property. Treat with respect by maintaining its original form
- Summer shirts and sweatshirts should be worn untucked
- You will wear issued County clothes
- For your safety, you may not put clothing over your face while sleeping

REQUESTS:

Juvenile Hall uses a form called "Minor's Request." They are located near the control desk on each unit. There are three different colors.

White Minor's Request forms are filled out if you would like to talk to: your Probation Officer, lawyer, shift leader, or a supervisor. This form may also be used to request room changes, a roommate, or phone calls, and for peer leader requests or for general questions.

Purple Minor's Request forms are filled out if you would like to speak to a mental health counselor.

Gold Minor's Request forms are filled out if you need to speak to the nurse or if you are requesting services from the nurse.

*Unit staff can complete a non-confidential request for the youth at their discretion.

MAIL:

You may mail letters at the County's expense. All letters are to be mailed during programming times.

- When staff hand you an envelope, you need to immediately address it, place the letter inside, and hand it to staff. The envelope must contain your full true name in the left hand corner and the recipient's full name and address.
- Letters will be checked for contraband, sealed, and placed in outgoing mail by graveyard staff.

- Staff will open incoming mail to make sure that the envelope contains no contraband. **You are not allowed to keep any envelopes, stickers, or stamps in your room.**
- If you are writing to someone in another custody facility, a Supervisor must approve the mailing of the letter prior to being sent. Do not seal the envelope but ask staff to place it on a supervisor's desk.
- You may not write letters to or receive letters from court ordered non-associates or **others who are on probation or parole.**
- Outgoing mail may be read by a Supervisor IF
 - staff reasonably believes the letter may contain information that could pose someone a safety risk, or promote criminal behavior;
 - If you are a documented gang member and are sending a letter to another documented gang member;
 - If your letter contains any anti-social drawings, symbols, or writings;
 - Contains gang or drug related material.
- Incoming mail may be read for the same reasons as stated with outgoing mail.

Mail should not contain or advocate the following:

- pornographic material
- material promoting racial, gender, religious, or sexual discrimination
- Any writings, drawing, pictures, or other materials promoting gang activity or behavior
- explosives, or any unlawful substances
- criminal behavior
- plans of escape

The address to receive mail at Juvenile Hall is:

(Youth's Name)

SLO County Government Center

Attn: Probation JSC

SLO, CA 93408

PHOTOGRAPHS:

Photographs are allowed in the institution, but staff **must approve them and initial on the back of the photograph.**

- Photographs may not depict any form of gang affiliation, sexual content, drugs and alcohol or anti-social/criminal activity. An officer may remove a picture from a youth's room if they feel it is not appropriate.
- You are NOT allowed to have photographs of youths currently in custody or on probation.
- No Polaroid photographs are allowed in your room.
- Photographs are to remain in your room and not shared with others unless approved by a supervisor.

VISITS:

You may visit with your parents and or legal guardians twice a week for one hour. Your parents can contact Juvenile Hall by telephoning (805) 781-5389 to make an appointment. They will

receive instructions on what they can bring you and how to schedule visits. Anyone other than your legal guardians will need to have prior approval from your Probation Officer or a Supervisor.

TELEPHONE CALLS:

All telephone calls after your rights call during the booking process will be "collect." If a home number or cell phone is unable to receive collect calls the owner may call Global's billing department 1-877-650-4249.

You may be allowed the *possibility* of a **non-collect phone call per week to your parent or guardian**. The calls will be approved by the JSO/ JSO III or Supervisor and will be facilitated at the discretion and convenience of the staff.

Staff has the authority to end your phone call if you are heard being rude, disrespectful, or you are using inappropriate language. Your call may be ended if it is causing you to become upset and agitated.

GRIEVANCE PROCEDURE:

The grievance system is a juvenile hall process for the purpose of maintaining humane and safe treatment of the youth held in the juvenile hall. If you think you have been denied any rights you are entitled to, you can appeal to higher authorities to investigate the matter. You should address your complaint to the on duty JSO III. You may appeal the decision to a Supervising Deputy Probation Officer or the Chief Deputy Probation Officer.

We will attempt to resolve the grievance at the lowest appropriate staff level. After your complaint has been investigated, you will receive a hearing, conducted by a neutral party, where you can present your side, and have a staff assist you during the hearing if you wish. You will receive a response in a reasonable time (usually 1-3 days), including the reasons for the decision. If your grievance is valid, we will take steps to correct the matter.

You have free access to a grievance procedure, which gives an opportunity for a fair hearing and resolution of complaints pertaining to care and treatment while you are here. If you need help writing your grievance, staff will assist you. You may not fill out a grievance during school or, during sleeping hours.

Hearings on your grievances shall be done promptly, within two days after the request is made.

The following are the steps in the grievance process.

1. If you choose not to attempt to resolve the issue with the staff involved, you will start the process by submitting the grievance form.
2. Grievance forms shall be placed in an open and accessible place on each living unit.
3. You may hand deliver a grievance to staff, or place the grievance in a locked box placed on all living units.
4. The on-duty JSO III shall remove any grievances from the lock box at the conclusion of each of their shifts.

You will not be punished in any way for submitting a grievance form. If you believe you have been punished, you are encouraged to discuss the grievance with your attorney.

PRIVILEGE SYSTEM

You will have a chance to earn special privileges and items for your room by being safe, responsible and considerate. Coupons can be earned daily by demonstrating positive behavior, helping staff with cleaning, laundry, etc. Coupons are used to “buy” special items from our Wednesday and Saturday “Commissary Cart,” like notepads, extra phone calls, healthy snacks, and bathroom supplies of nicer quality than those issued to you when you arrived. You can also qualify to be a Peer Leader, and participate in Saturday night Peer Leader Activities.

GENERAL RULES:

First Rule to Remember:
 Staff directions (written, verbal or implied) must be quickly and respectfully followed. Failure to do so will Result in loss of privileges, reflection time, or the use of force.

It is very important that you follow all staff instructions for your safety and the safety of others. You are expected to follow all directions the first time you are asked. Some rule violations may result in new charges being filed against you. **Not all the rules are in the handbook.** If you have any questions please discuss them with staff.

Expected behaviors are posted on the walls throughout the facility based on being SAFE, RESPONSIBLE, and CONSIDERATE. Each of these posters reflects the expected behavior in that designated area. The following pages are the expected behaviors of the juvenile hall.

Intake

| SAFE | RESPONSIBLE | CONSIDERATE |
|--|--|---|
| <ul style="list-style-type: none"> • Keep hands and feet to self • Disclose contraband | <ul style="list-style-type: none"> • Answer questions honestly • Communicate only to officer working with you • Ask questions if you don't understand | <ul style="list-style-type: none"> • Follow staff directions • Be patient • Use appropriate language and conversation • Use manners • Use indoor voice |

MOVEMENT:

Movement procedure occurs when:

- You are moving to and from your room
- Moving throughout the building including the yard, court, visiting, and the classrooms.

➤ **Any time staff places you into “Movement”**

While walking through the building in movement you must have your **hands behind your back, palms together, and fingers interlaced.**

While sitting in Movement you must have your hands on the table in front of you, palms together and fingers interlaced. If there is no table, use your lap.

When you cross throughout the building, you must say “**CROSSING**” each time you go through a doorway. When crossing between units you are in “movement procedure.” Hold all questions and comments until you are out of movement procedure.

Movement

| SAFE | RESPONSIBLE | CONSIDERATE |
|--|--|--|
| <ul style="list-style-type: none"> • Listen to instruction • Keep hands and feet to self • Remain still | <ul style="list-style-type: none"> • Remain quiet • Set a positive example | <ul style="list-style-type: none"> • Follow staff directions • Wait until out of movement to ask questions |

Room

| SAFE | RESPONSIBLE | CONSIDERATE |
|--|--|--|
| <ul style="list-style-type: none"> • Contraband-free • Free of extra items • Stay seated when staff enter | <ul style="list-style-type: none"> • Bed made • Trash free • Write/draw on chalkboard only • Personal items are organized • Keep room clean | <ul style="list-style-type: none"> • Follow staff directions • Knock politely to get staffs attention • Use appropriate language and tone • Quiet voices • Avoid distracting others |

| | | |
|------|-------------|-------------|
| SAFE | RESPONSIBLE | CONSIDERATE |
|------|-------------|-------------|

| | | |
|--|---|--|
| <ul style="list-style-type: none"> • Hands behind back with fingers interlaced • Eyes forward • Stay within lines • Remain silent unless saying "Crossing" | <ul style="list-style-type: none"> • Prepare yourself for movement • Walk directly to destination • Say "Crossing" appropriately when entering/exiting | <ul style="list-style-type: none"> • Follow staff directions • Keep personal space • Save questions until out of movement |
|--|---|--|

Hallways

Bathroom

| SAFE | RESPONSIBLE | CONSIDERATE |
|---|--|---|
| <ul style="list-style-type: none"> • Use for intended purpose • Always wash and dry hands • Report damage and unsafe conditions to staff • One person in bathroom at a time | <ul style="list-style-type: none"> • Use hygiene items appropriately • Wear shower shoes • Bring out clothing and hygiene items when done • Be aware of time • Let staff know when you exit | <ul style="list-style-type: none"> • Flush toilet after using • Clean up after yourself • Use toilet appropriately • Be mindful of those around you |

Unit

| SAFE | RESPONSIBLE | CONSIDERATE |
|---|--|---|
| <ul style="list-style-type: none"> • Dress appropriately | <ul style="list-style-type: none"> • Return all checked-out items | <ul style="list-style-type: none"> • Follow all staff directives |

| | | |
|---|--|---|
| <ul style="list-style-type: none"> • Ask permission before moving by raising your hand & being called on • Resolve conflicts constructively • Keep your hands and feet to yourself | <ul style="list-style-type: none"> • Keep track of all your items • Participate in activities • Prioritize your time (use wisely) | <ul style="list-style-type: none"> • Use appropriate language and conversations • Inside voices |
|---|--|---|

Health Services

| SAFE | RESPONSIBLE | CONSIDERATE |
|--|---|--|
| <ul style="list-style-type: none"> • Remain seated • Take shoes off in nurses station • Maintain personal boundaries • Notify staff when you don't feel safe | <ul style="list-style-type: none"> • Answer questions honestly • Follow your treatment plan • Positively participate in your healthcare • Be open to learning | <ul style="list-style-type: none"> • Follow staff directions • Use appropriate language • Listen • Be open to feedback |

School

| SAFE | RESPONSIBLE | CONSIDERATE |
|--|---|---|
| <ul style="list-style-type: none"> • Keep hands and feet to yourself • Ask permission to move • Remain seated • Maintain personal boundaries • Stay in front of all staff • Resolve conflicts constructively | <ul style="list-style-type: none"> • Keep track of assigned school supplies • Return school supplies to staff • Work attentively • Participate in your education • Ask for help • Do your own school work • Keep track of assigned school supplies | <ul style="list-style-type: none"> • Follow staff directions • Raise hand and wait to be called on • Listen when others are speaking • Use supplies appropriately • Avoid profanity • Stay focused and allow others to stay focus |

Visiting

| SAFE | RESPONSIBLE | CONSIDERATE |
|---|---|--|
| <ul style="list-style-type: none"> • Stay seated • Appropriate physical contact • Be visible to staff • Contraband free | <ul style="list-style-type: none"> • Dress appropriately • Communicate only with your visitor • Engage with your visitor | <ul style="list-style-type: none"> • Use appropriate language • Listen to your visitor • Use appropriate volume and tone of voice |

Yard and Gym

| SAFE | RESPONSIBLE | CONSIDERATE |
|---|--|---|
| <ul style="list-style-type: none"> • Keep hands and feet to self • Remain 3 feet from yard fence • Use equipment properly • Resolve conflicts constructively • Be in groups of 3 or less • Report injuries immediately to staff • Use inside voices in gym | <ul style="list-style-type: none"> • Participate in activities • Follow rules of assigned activity • Give your best effort • Wear clothing properly • Return all equipment to the proper place • Ask permission to get water | <ul style="list-style-type: none"> • Follow staff directions • Throw away trash • Refrain from spitting • Display good sportsmanship • Use appropriate language • Include peers in activities |

Counseling

| SAFE | RESPONSIBLE | CONSIDERATE |
|--|---|---|
| <ul style="list-style-type: none"> • Remain seated • Maintain personal boundaries • Notify staff when you don't feel safe | <ul style="list-style-type: none"> • Answer questions honestly • Participate in activities • Follow directions • Be open to learn | <ul style="list-style-type: none"> • Be respectful • Use appropriate language • Ask clarifying questions • Listen |

Courtroom

| SAFE | RESPONSIBLE | CONSIDERATE |
|---|---|--|
| <ul style="list-style-type: none"> • Sit in assigned chair • Stay seated • Sit up straight • Stay calm • Keep hands and feet to yourself | <ul style="list-style-type: none"> • Ask questions if you don't understand • Be honest • Accept consequences | <ul style="list-style-type: none"> • Follow staff directions • Refer to the Judge as "Your Honor" • Wait your turn to speak • Listen to others speak |

BEHAVIORAL MODIFICATIONS:

When you do not demonstrate the expected behaviors directly related to being SAFE, RESPONSIBLE, and/or CONSIDERATE, you may receive a consequence. This may range from a verbal directive by staff to being separated from the group. The goal is to have you understand the appropriate behavior, take responsibility for your actions, and get you back to the regular daily program. The following are some modifications or consequences you may receive for your behavior:

TIME OUT:

There may be times when you break a minor rule. When this happens, staff may choose to send you to your room for a "time out." During this time an officer will come talk to you and see how you can get back on track without further consequences.

REFLECTION TIME:

A "reflection time" is for not following the expected behaviors. You will be given an assignment to complete while seated alone during regular programming. Once you complete the assignment satisfactorily and agree to comply with the expected behaviors, you may re-engage in programming.

PRIVILEGE SUSPENSION:

A privilege suspension occurs when youth repeatedly do not comply with the expected behaviors. Privilege suspensions are for period of time to be determined. Privileges may include: programming (free time) with other youth, having the radio on in your room, watching TV, and the ability to participate in programs that day.

The following are some reasons you may earn a Privilege Suspension:

1. Youth refuses to participate in school.
2. Being removed from school for the day.

3. More than one RT during a shift/during the day.
4. Repeatedly not being SAFE, RESPONSIBLE, OR CONSIDERATE.
5. **ADMINISTRATIVE SEPARATION:**

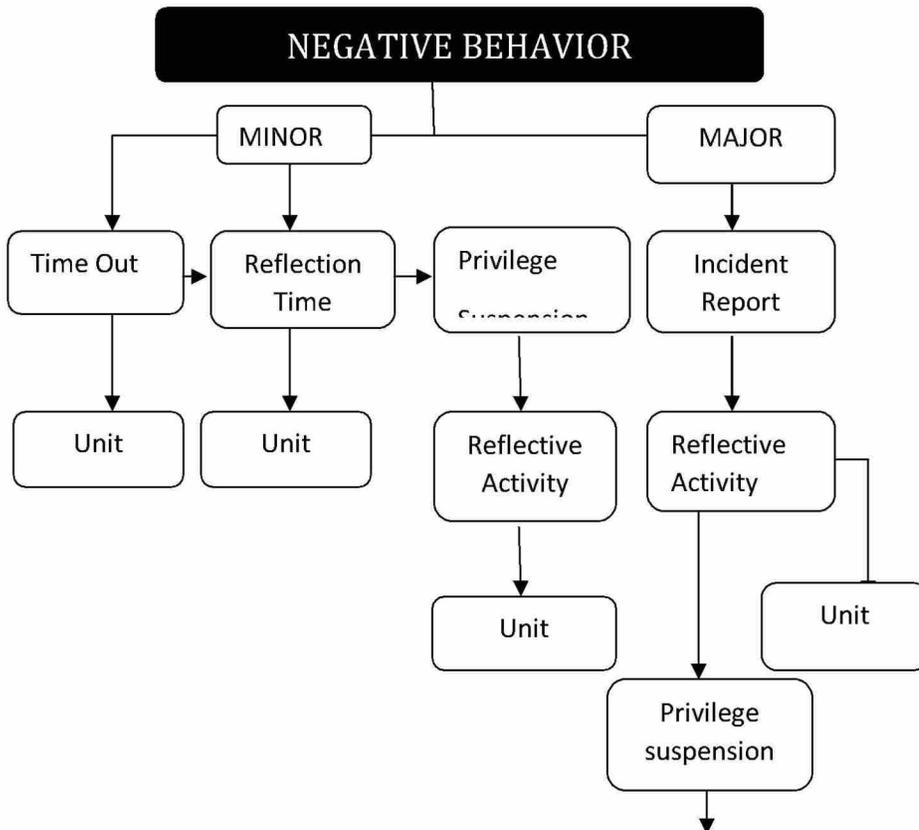
Administration Separation (ADSEP) is the temporary separation from the general population for a new booking and evaluation; suicide watch; nurses' orders due to illness; and an Incident Report awaiting a hearing.

INCIDENT REPORT:

Any Juvenile Services Officer may, at any time, recommend a youth be placed on Administrative Separation due to causing a safety and security risk to yourself, other youth, officers, staff or the facility. This will be seen as a major rule violation and your behavior and actions will be typed up on an Incident Report (IR). A copy of the IR will be placed in your file, given to your Probation Officer, and given to you.

A JSO III or SDPO will assess your behavior every four waking hours to determine if you are ready to program with the other youth. You will be required to complete a reflective activity to show staff you are willing to take responsibility for your behavior and be ready to reintegrate back into the population.

Youth on Ad Sep as a result of an Incident Report (IR) are prohibited from having a roommate. Lights will be turned out at 9:30pm, but may be earlier depending on a youth's behavior. Radios will not be turned on and ADSEP youth may not be allowed to participate in regular programming. Youth will be offered all of the following: bed and bedding, daily shower, access to bathroom facilities, personal hygiene items, clean clothing, full nutrition, contact with parent and attorney, 1 hour of large muscle activity, medical services and counseling, religious services, the right to send and receive mail, educational materials, and a combination of books and magazines that equal no more than five books.



Unit

DISCIPLINARY HEARING PROCEDURE:

You may request a disciplinary hearing with JSOIII or a Supervisor if you do not agree with your IR. Hearings will be conducted by an independent JSO III or Supervisor not involved in the incident. You will be placed on ADSEP status pending the disciplinary hearing. During the hearing, you may request the Hearing Officer appoint a JSO to assist you. You will be allowed to make a statement regarding the incident that will be documented. If you do not agree with the decision, you may appeal the decision to a higher authority. Who will promptly meet with you and discuss the situation. You will be advised that the decision can be appealed. The supervisor will seek input from all staff involved in the incident you are grieving.

If you wish to appeal the supervisor's decision, the hearing can be heard by the Chief Deputy of the Custody Division. The Chief Deputy will ask to meet with you personally in an attempt to resolve the situation. This is called an "appeal hearing."

The Chief Deputy will render a decision in writing within three working days after hearing the appeal. The Chief Deputy's decision will be final.

While on ADSEP status, a JSOIII or Supervisor will assess your behavior at least every 4 waking hours to determine if you need to remain on ADSEP or can join the other youth for programming. This decision will be based on several things, including the seriousness of the incident which resulted in your placement on ADSEP, and your behavior following then incident.

USE OF FORCE:

Juvenile Service Officers are authorized to use physical force for the following:

- To affect an arrest
- To prevent a youth from self-harm or harming others
- To stop the commission of crimes, riots, assault, escape, hostage taking, etc.
- To enforce the Juvenile Hall rules and regulations
- To prevent or stop the destruction of county property

Juvenile Services Officers may use a chemical agent called OC spray, commonly called pepper spray, when someone becomes a risk to staff, self, the facility, or other youths. This chemical agent causes pain and discomfort until the area is decontaminated. Staff will decontaminate a youth after he or she complies with staff directives. Each unit has a warning sign posted explaining that OC may be used and describing its effects.

Juvenile Service Officers may use the WRAP Restraint System, a tool that immobilizes your legs and hands if you become combative or engage in self-harm or out of control behavior.

EMERGENCY PROCEDURES:

In the event of an emergency you must follow the directions of the staff quickly and without question. Stay calm and quiet. You will be directed by staff to move to a safe location, inside or outside of the building, depending upon the specifics of the emergency.

When an officer calls a **CODE 2 or CODE 3** you must get on the ground, face down, with your hands behind your back with palms together and fingers interlaced, and feet crossed at the ankles

Pharmaceutical Management and Psychotropic Medications Pursuant to Section 1438 and 1439

- A. In accordance with the Performance and Quality Improvement Work Plan, Section 4070 of the Welfare and Institutions Code and CCR Title 22 Div. 5, Chapter 9, Article 4, Section 77083, San Luis Obispo County Behavioral Health Services has a medication monitoring system to assess and monitor prescribing practices.
 - 1. It is the policy of the Health Agency to assure a legal, safe, and accurate method of dispensing and administering medication. That all medications delivered to youths shall be the right medication, in the correct dosage, and delivered to the correct youth.
 - 2. Verbal orders shall be signed within 72 hours.
 - 3. Youth will be identified by the name and picture on their identification wristband.
 - 4. Medication shall be kept in a securely locked cabinet.
 - 5. Upon release, youth will be sent with a prescription, or 30 day supply of medication.
 - 6. Quarterly inspections shall be conducted by a licensed pharmacist
- B. Medically licensed persons may administer psychotropic medications to youth detained at the Juvenile Hall in a safe, proper and uniform manner.
- C. Medically licensed persons for the purposes of this policy include Physicians, RNs, NPs, LVN's, LPTs with a valid California license.
 - 1. RNs, LVNs and LPTs may accept and implement telephone, verbal or written medication orders from a physician.
 - 2. The medically license person on each shift will review the physician's orders for any psychotropic medications that youth are scheduled to receive.
 - 3. If a mental status exam by a medically licensed staff person indicates that a youth needs psychotropic medication, the medically licensed staff person contacts the psychiatrist on duty at 781-4700 for orders.
- D. General Principles

1. The medically licensed person must know the classification, action, and potential side effects of each medication. He/she will review this information prior to administering any medication unfamiliar to him/her.
2. The medically licensed person is responsible for obtaining a written consent to administer psychotropic medications from the youth's parent(s), legal guardian(s), responsible relative or the Juvenile Court. This consent contains information on the medication's class, action, effect and potential side effects.
3. Medications are checked against the physician's orders for:
 - Correct person
 - Correct medication
 - Correct time
 - Correct dosage
 - Correct route
4. The youth's allergies are reviewed to verify the medication is not contraindicated.
5. Verify identification of youth by:
 - a. Checking the photo ID on the youths wrist band
 - b. Verification by the custody officer in attendance

E. Refusal to take psychotropic medication

A youth in custody may refuse to take a psychotropic medication. If the youth refuses, and they continue to threaten imminent harm to self or others, the SLO Mobile Crisis team shall be summoned by calling 781-4700. They will evaluate the youth for possible 5185 admission to the acute hospital.

F. Administration of medication

1. Administer medication. Stay with youth to verify it has been ingested (PO), or properly absorbed (IM).
2. The medically licensed person takes and records the youth's vital signs (BP/P/R) at least once within a 2 hour period after the medication is administered.
3. Any significant change in the youth's vital signs is promptly reported in person or by phone to the physician on duty for further instructions.
4. Medication is never left unattended.

G. Documentation

1. The medication is charted in the youth's record after administration.
2. The documentation should include the name of the medication, the dose, the route and what symptoms it was intended to reduce.
3. Within an hour, a second entry should indicate if the medication was effective, and any side effects noted.

From: Robert Reyes [rreyes@co.slo.ca.us]
Sent: Thursday, May 10, 2018 3:53 PM
To: Ian Kysel
Subject: PRA Requested Materials Room Confinement-San Luis Obispo County Probation Department
Attachments: Outlook-CoSLO-Grou.png; Selected Policies from 2016-2017 Juvenile Hall Policy Manual.docx; Selected Policies from 2018 Juvenile Hall Policy and Procedures Manual.docx; PBIS 101 IMPLEMENTAION POWER POINT.pptx; POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS PART II.pptx; INSTRUCTIONAL STRATEGY FOR TEACHING THE MATRIX.doc; MODULE 5 CORRECTING YOUTHS BEHAVIOR.doc; MODULE 5. STAGES OF CHANGE.doc; MODULE 5. THE 2-MINUTE RULE.doc; PHASE 3 TRAINING.docx; Positive Behavior Interventions and Supports Introduction.doc

Dear Mr. Kysel

Attached are the requested the materials related to your public records act request, dated April 2, 2018 on room confinement. A couple of things I wanted to point out related to this request:

- The Probation Department does not have specific policies related to room confinement and use of force or force options. I have attached the Juvenile Hall's general use of force policy
- Below is the only aggregate data available regarding total number of disciplinary and other categorical incidents of room confinement

From Aug./Sept. 2017 - Dec. 2017

- Total number of incidents of disciplinary room confinement exceeding 22 hours in a 24-hour period **0 incidents**
- Total number of incidents of any other category of room confinement exceeding 22 hours in a 24-hour period **0 incidents**

From January 2018 - April 2018

- Total number of incidents of disciplinary room confinement exceeding 22 hours in a 24-hour period **0 incidents**
- Total number of incidents of any other category of room confinement exceeding 22 hours in a 24-hour period **0 incidents**
- Positive Behavioral Intervention and Support training materials included
- All Juvenile Hall policies included for requests indicated in the letter as "a i-xiii and b i-xiv"

If you have any questions, please contact me.

Thank you

Robert Reyes
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May 31, 2018

SENT VIA EMAIL

Ian Kysel, Staff Attorney
American Civil Liberties Union Foundation
1851 E. First Street, Suite 450
Santa Ana, California 92705
Email: ikysel@ACLUSoCal.org

Re: Public Records Act Request, Dated May 9, 2018, for records related to the
Use of Chemical Agents by the San Luis Obispo County Probation
Department

Dear Mr. Kysel:

Pursuant to Penal Code section 6253, subdivision (c), and our previous notification to you that we would be taking an additional 14 days to respond to the above referenced Public Records Act (PRA) request, we now provide this response to your request on behalf of the San Luis Obispo County Probation Department ("the Department").

Your request seeks 30 separate categories of records primarily related to the use of chemical agents. At the outset, we note that the request as a whole is overly broad and burdensome. In this regard, although the request is broken down into three main types of records, the request as a whole seeks 30 separate categories of information. In addition, the request asks for the creation of records that do not presently exist. The majority of the requests made in regard to "data" cannot be responded to because the Department does not track the specific information you seek and, under the PRA, has no duty to "create" a record that doesn't already exist. Nevertheless, the Department has conducted a diligent search of its records and provides the specific responses below.

Ian Kysel/ American Civil Liberties Union Foundation

Re: Public Records Act Request, Dated May 9, 2018, for records related to the Use of
Chemical Agents by the San Luis Obispo County Probation Department

May 31, 2018

Response to Request No. 1 -- Policies and Procedures. With respect to all of the separate categories of records listed under this request, many of the records responsive to the subcategories of the various policies and procedures you seek have already been provided in response to your previous request for information, dated April 2, 2018, which asked for records related to room confinement of juveniles. Therefore, we refer you to these records.

The Department does not have policies or procedures related to the notification of parents or guardians when youth are exposed to chemical agents. (See e.g., Request No. 1, x.) Similarly, the Department does not have any records governing the discipline of staff for violations of policies governing the use of force (i.e., policies governing the use of discipline of staff for violation of policies (specifically referring to Request No. 1, xv.). In addition to the records previously provided, we will provide an Employee Conduct and Responsibility Policy, which may relate to many of the subcategories of records you seek in this Request No 1. In sum, other than the Employee Conduct policy and the policies previously provided in response to your PRA request dated April 2, 2018, we have no further records responsive to this request.

Response to Request No. 2 -- Training materials. The only records we have responsive to the various subcategories of training materials you seek are: (1) a power point document and related materials used for the purpose of certifying officers in the use of pepper spray and the use of force; and (2) Board of Community Corrections training certification outline. Specifically, in regards to subcategory ix (referencing Pen. Code, § 22820), the Department does not use tear gas, and therefore has no records responsive to this request.

Response to Request No. 3 -- Data. This request seeks an extensive amount of data relating to the use of chemical agents for the period January 1, 2015 through March 31, 2018. To the extent the Department has tracked some information in aggregate form for statistical purposes only, which does not identify any of the juveniles or other information that may only be obtained by resort to a juvenile case file, the information will be provided in electronic format. However, any information

Ian Kysel/ American Civil Liberties Union Foundation

Re: Public Records Act Request, Dated May 9, 2018, for records related to the Use of
Chemical Agents by the San Luis Obispo County Probation Department

May 31, 2018

you seek that may only be obtained by resorting to a juvenile case file will not be disclosed absent a court order obtained via a petition filed pursuant to Welfare and Institutions Code section 827. In this regard, in the published opinion *Wescott v. Yuba County* (1980) 104 Cal.App.3d 103, 106, the Court of Appeal specifically held that section 827 of the Welfare and Institutions Code trumps the Public Records Act to the extent of any conflict. In addition, Welfare and Institutions Code section 827, subdivision (e), provides: “[f]or purposes of this section a ‘juvenile case file’ means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.”

Specific responses to each subcategory of records requested in this Request No. 3, are as follows:

i. The Department tracks the use of chemical agents on a monthly basis and will provide these records.

ii Department can provide the incident dates when chemical agents were used, and the reasons therefore. However, the Department does not track demographic information on the youth or officers involved.

iii. This information will not be provided as it may only be disclosed pursuant to a petition filed with the juvenile court pursuant to Welfare and Institutions Code section 827.

iv. The Department does not have any record of specific notices to parents or guardians of the use of chemical agents.

v. The information you seek is not subject to disclosure pursuant to a PRA request, but may only be disclosed pursuant to Welfare and Institutions Code section 827; and Evidence Code section 1043 et seq.

Ian Kysel/ American Civil Liberties Union Foundation

Re: Public Records Act Request, Dated May 9, 2018, for records related to the Use of
Chemical Agents by the San Luis Obispo County Probation Department

May 31, 2018

vi. The information you seek is not subject to disclosure pursuant to a PRA request, but may only be disclosed pursuant to Welfare and Institutions Code section 827.

vii. The Department has no records responsive to this request.

viii. The information you seek is not subject to disclosure pursuant to Government Code section 6254, subdivision (c), section 6254, subdivision (k), and Evidence Code section 1043 et seq.

ix. The Department has records responsive to this request in the form of aggregate data which does not identify the youth or officer involved (as noted similarly in our response to subcategory ii., above). We will provide these records.

x. The Department has records responsive to this request in the form of an inventory list.

xi. The Department has not yet located any records responsive to this request, but may be able to provide purchase orders. If so, these records will be provided by the date indicated below.

xii. The Department has no records responsive to this request.

xiii. The Department has no records responsive to this request.

xiv. The Department has no records responsive to this request.

xv. The information you seek is not subject to disclosure pursuant to Government Code section 6254, subdivision (a) (preliminary drafts, notes, or interagency or intra-agency memorandum not retained in the ordinary course of business), Government Code section 6254, subdivision (k), and the deliberative process privilege (Gov. Code, § 6255) and Evidence Code section 1040. (The deliberative process privilege protects government officials and administrators from

Ian Kysel/ American Civil Liberties Union Foundation

Re: Public Records Act Request, Dated May 9, 2018, for records related to the Use of
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May 31, 2018

disclosure of material that may reflect the mental processes by which a government decision was reached. The privilege extends to the substance of conversations, communications, debates, deliberations and similar material reflecting advice, opinions, and recommendations by which policy is processed and formulated.)

xvi. The Department has no records responsive to this request.

The records identified above that will be produced by the Department, will be sent to you electronically on or before June 15, 2018.

Very truly yours,

RITA L. NEAL
County Counsel



By: ANN DUGGAN
Deputy County Counsel

AD:ck

cc: Robert Reyes, Assistant Chief Probation Officer

20181664

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From: Ian Kysel
Sent: Monday, June 11, 2018 5:00 PM
To: Michelle Ochoa Castañeda
Subject: Fwd: Public Records Act Request Use of Pepper Spray Materials
Attachments: Outlook-CoSLO-Grou.png; ATT00001.htm; Signed Employee Conduct and Responsibility Policy 3.2.2011.pdf; ATT00002.htm; STC Re-Cert OC Course.docx; ATT00003.htm; OC Presentation.ppt; ATT00004.htm; Use of Force OC Pepper Spray Tracker JH.xlsx; ATT00005.htm; Copy of Chemical Agents 2018-1.xlsx; ATT00006.htm

Chemical agents.

Ian Kysel, Staff Attorney
ACLU Foundation of Southern California

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Begin forwarded message:

From: Robert Reyes <rreyes@co.slo.ca.us>
Date: June 5, 2018 at 15:01:07 PDT
To: "ikysel@ACLUSoCal.org" <ikysel@ACLUSoCal.org>
Subject: Public Records Act Request Use of Pepper Spray Materials

Mr. Kysel

Attached are the available materials from the San Luis Obispo County Probation Department in response to the PRA request dated May 9, 2018. The following are included:

- Employee Conduct and Responsibility Policy
- Training materials including power point presentation and Standards and Training Certification lesson plan outline
- Use of OC pepper spray incidents from the Juvenile Hall from 2015-2018 in an excel file
- An inventory list of OC pepper spray canisters for the Juvenile Hall in an excel file (purge dates are not available)

We were unable to retrieve purchase orders of pepper spray ordered.

If you have any questions, please let me know.

Thank you

Robert Reyes

Assistant Chief Probation Officer

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STC Course Certification Questionnaire

| | |
|---|--|
| Course Name: BasicChemical Agents (O.C.) Training | |
| Course Hours: 4 | Min Class Size: 5 Max Class Size: 16 |
| <p>Course Summary: (Brief description of the course) Students will learn legal aspects, proper use, deployment tactics and decontamination for the chemical agent Oleoresin Capsicum (OC) for field probation and juvenile custody environments. Emphasis will be placed on the proper and lawful deployment of OC by the officer. This course meets basic chemical agents training requirements for Probation Peace Officers per CA PC 12403.</p> | |
| <p>Performance Objectives: (What the trainees will be able to do at the conclusion of the course.) Understand the legal aspects of OC Know and recognize its physical and psychological effects Demonstrate proper deployment and retention Understand OC as an intermediate level of force and transitioning to alternative force options Identify and recognize various components and spray patterns of aerosol canisters Know how and why proper decontamination is critical</p> | |
| <p>Justification for Class Size Less than 16:Based on departmental need. Initial internal certification for field probation and custody officers to carry OC spray.</p> | |
| <p>If testing is required, check applicable tests. <input checked="" type="checkbox"/> Performance (Behavior Skills) <input checked="" type="checkbox"/> Multiple Choice (Job Knowledge)</p> | |
| <p>Lesson Plan:Best practices indicate detailed lesson plans enhance the development and delivery of training. Lesson plans help ensure quality training delivery by providing detailed information about the delivery of instructional objectives, instructional methodology, testing, and classroom activities. Furthermore, lesson plans provide written documentation of training. The lesson plan must be in such detail that a substitute instructor with requisite knowledge of the subject could teach from the lesson plan without contacting the instructor for clarification.</p> <ul style="list-style-type: none"> – Room Set-Up: <i>(Describe below how the classroom needs to be set up (e.g., classroom style, small group, theater, etc.).)</i> 2 venues required or 1 flexible venue Lecture set-up required with ability to show power point for initial 3 hours of course. Last hour require adequate physical space for students to move while deploying inert pepper spray on static targets of various distances. – Instructor Material(s)/Equipment Needed: <i>(Indicate below all material and equipment needed, including handouts and reference material for the class or module.)</i> Power Point Department UOF Policy Juvenile Hall OC Policy – Time for Each Section or Exercise/Activity: <i>(In the "Training Agenda" below, specify the beginning and end time or amount of time needed for each exercise/activity, section, or topic.)</i> – Trainer's Speaking Notes: (per section) <i>(Include below any notes to remind the trainer of anything pertinent in that section. This may include key concepts, targeted responses, activity instructions, etc. It is not necessary to capture everything the instructor will say, for example, stories drawn from the instructor's own experience to illustrate or underscore a key concept would not necessarily be included. This should be written to a level that a person that is familiar with the content and course could step in and complete the training.)</i> See Instructor Notes on power point slides | |

I. Introductions:

A. Instructor & Students Intros:

1. Instructor provides brief bio w/ career exp.
2. Have students introduce themselves: Name, rank, experience, work location/assignment, shift

B. Introduce Course

- Review Course Objectives and format for course
 - Understand the legal aspects of OC
 - Know and recognize its physical and psychological effects
 - Demonstrate proper deployment and retention
 - Understand OC as an intermediate level of force and transitioning to alternative force options
 - Identify and recognize various components and spray patterns of aerosol canisters
 - Know how and why proper decontamination is critical

II. Chemical Agents Laws

A. CA Penal Code 12403 legal uses of Chem agents

1. Riot and Crowd Control
2. Make Arrests
3. Overcome resistance
4. Prevent Escape

B. CA PC 22820

1. Peace officer required to complete this course prior to use in scope and course of duty

C. Civilian Restrictions

1. No statutory pre-requisites
2. limited to 2.5 ounce aerosol canisters

D. Who and where Chem agents may and may not be possessed

1. May not
 - Persons convicted of misuse
 - Convicted Felons
 - Convicted criminal assault
 - Narcotics addicts
 - Other related code sections
 - PC 22840- misd to bring into prison or jail
 - PC 22810- may be used for self-defense
 - PC 22810(g)(1)- Felony to use offensively

III. Peace Officer Authority and UOF review

A. PC 835a

1. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance.
2. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

B. Use of Force

1. Chemical agents are considered an intermediate level of force and require active resistance and a threat of harm prior to deployment

C. Levels of force

1. Non-Deadly
 - Professional Presence
 - Verbal Commands
 - Empty Hand Techniques

- Objectively reasonable; Defense of Self/others
- Effect arrest, Overcome resistance, prevent escape(PC 835a)

2. Deadly Force

DF= Force with substantial risk of serious bodily injury/death

Objectively reasonable: Defense self/others: PC 835a + active resistance + Threat SBI/Death

Also: Fleeing felon=PC to believe violent felony/imminent threat

IV. Oleoresin Capsicum

A. What is it?

1. CAPSICUM-Pepper Oil

OLERESIN-Oil or Resin of a plant

OLERESIN CAPSICUM- O.C. (Oil of Pepper)

Pungency-Intensity

Scoville Heat Units (SHU)-How Hot Is It?

- Green Bell Pepper=0
- Jalapeno=5,000 SHU

B. Delivery Systems

1. Ballistic Stream

- Concentrated Stream
- Less Likely to Contaminate others (Fellow Officers, Bystanders, others in-custody)
- Maximum Range 12 to 14 Feet
- Most Popular in Institutions and Field Conditions

2. Foam

- Sticks to Subject being Sprayed
- May contain Dyes
- Easily blown by A/C or Wind
- Maximum Range 5 feet

3. Gel

Deploys from canister as solid stream

Reduces collateral contamination

Turns to liquid upon contact

Increased distance & accuracy

- MK-4/MK-3

Most Popular

Easy to Use

Easy to Carry

3.0 OZ

22: .13 OZ One Second Bursts

- MK-9

Institutional Size

Excellent for cell, yard, unit deployment

Crowd Control/Riot

Eight: 4 OZ. One Second Bursts (Half of MK-4 can)

5. MK-6

- Easy to carry on belt or purse
- .68 OZ.
- Eight 0.08 OZ. 1 Second Bursts
- Range 8-10 Feet

C. Make Up

1. Defense Technology- First Defense Spray 10% solution

Carrier

- 50% Distilled Water
- 35% Ethyl Alcohol
- 5% Propylene Glycol

Active Ingredients

6% Distilled Water

4% Oleoresin Capsicum

D. Propellants

1. Defense Technology® OC aerosol canisters sold to Law Enforcement utilize three (3) distinct propellants:

- Nitrogen (naturally occurring gas) – used in the stream products;
- Dymel 134a (hydrofluorocarbon) – Non-ozone depleting liquefied propellant used in our Fogger and Foam products; and,
- Compressed Air (mixture of naturally occurring gases) - used only in our 360° products that utilize a bag system.

2. It is important to know about the contents of an aerosol chemical agent product as some are known to be flammable

V. The Canister

A. Components

1. See diagrams power point slides 26 & 27

VI. Physical and Psychological Effects

A. Symptoms

1. Involuntary Closure of Eyes, Tearing of eyes, Inflammation of the respiratory system, Swelling of mucus membranes, Significant panic, disorientation, Fear

2. 0.005% of Population may have a Severe Allergic Reaction to Peppers, Anaphylaxis Shock may result

- Watch for Breathing Problems and Swelling of the Tongue and Throat
- Seek Emergency Medical

3. Minimum Distances from Subject:

- MK-3 3 Feet
- MK-4 3 Feet
- MK-9 6 Feet

- Prevents Hydraulic Needle Effect and Permanent Eye Damage!

VII. Safety Precautions

A. Effectiveness

1. Not 100% Effective on Everyone varies in each person, High Threshold of Pain lessens effectiveness, Drugs or alcohol on board, Mental Health Status WIC 5150/5585.5, Most failures due to poor application, **Always** have a plan B/ Transition to other force options

B. Deployment Considerations

1. Carrying

- Make it secure but available to either hand
- Deployment- secure grip, thumb on cap, full range of motion, combat stance
- Retention- Deploy & return, support hand up to protect face
- Transition as needed- control hold, restraints, other force options

2. Use the Element of Surprise

- Center line up to face
- Figure eight once on target

No show and spray, Do not hold canister out at suspect, Be prepared if ineffective or canister malfunctions

3. Volume of Spray

More is Not Better, 1-3 Second Burst is adequate, Reapply second burst, after a few moments to assess if

no reaction /inadequate reaction/ poor application

4. Deployment Formula

- 1. Spray
 - 2. Verbal Commands/Assess
 - 3. Restraints/Verbal commands
 - 4. Take down/Control/Restrain
- Footwork
 - Deploy then move, Drawing Canister- Access from primary & support side, Grip, Keep Defensive Hand Available, Hands Out of the Spray Stream, Thumb over cap, Stance, Combat Stance
 - Securing Subject
 - Verbal Commands, “DO IT NOW!”, “I can help you if you cooperate”, “I can make the pain go away”
 - Custody Handling, Restraints then Decontaminate

VIII. Decontamination

- First Aid and decontamination is the responsibility of the peace officer using the chemical agent
- There has been more civil liability resulting from officers who do not decontaminate properly or who leave suspects unattended after the arrest/incident than with the direct use of the agent itself
- Expose the suspect to fresh air or wind
- Flush the eyes and face with cool water
- Re-assure the person sprayed
- Monitor breathing and consciousness
- Seek medical help if symptoms persist
- Symptoms lasting more than 30 minutes or extreme difficulty breathing call for EMS
- Never leave suspect unattended

IX. Use of Force Reporting

- **Key Elements**
- Who- Officers, subjects, witnesses
- What- What was observed, going on, behavior, of subject, prior knowledge
- When- Time of day, scheduled activity,
- Where- exact location, unit, address, room, etc.
- Why- protect self, others, end fight, escalation or de-escalation of force
- How- How much= 1-3 second burst, x# bursts, effective application?

IX. Skill Building

- **Dry Practice**
- Have group practice drawing and presenting OC canister to target with proper grip, stance and movement off line of attack.
- **Inert OC Delivery**
- MK-4 Practice with movement off line of attack during draw, verbal commands, using midline of offender to ride stream into face between mouth and brow, figure eight technique, 1-3 second burst
- MK-9 Practice with movement off line of attack during draw, verbal commands, using midline of offender to ride stream into face between mouth and brow, figure eight technique, 1-3 second burst

III. Q/A & Evaluations

- **Handout/Classroom Materials:**

(The distribution of handouts and classroom materials should be noted in the section of the lesson plans where the distribution occurs.)

Printed copy of Powerpoint with photos, diagrams, and other info will be given to students.

Department Use of Force Policy

OC section from Juvenile Hall Policy & Procedure Manual for custody officers

Demonstration Materials- OC canisters of differing sizes, shapes, configurations

Multiple Choice Test

Multiple Choice Test Answer Key (instructor Only)

Students will each need duty belts with keepers and MK-4 pouch

MK-4 Inert canisters 1 for each student
 MK-9 Inert canisters with holster 1 for every 3 students
 Target stands
 Threat Targets

– **Testing Type and Description of BST/WST completion (if applicable):**

Multiple Choice (Job Knowledge)

All students will take and complete MCT to ensure they have acquired and retained the critical information related to OC and use of force involving OC. Each student must pass test with 80% or better score.

Performance (Behavior Skills)

All students must demonstrate proficiency in proper draw, index and application of MK-4 & MK-9 OC spray.

Training Agenda

| Time Begin | Time End | Subject or Topic | <i>Select one or more</i> Lecture Group /Discussion Demonstration Group Exercise Trainee Practice Evaluation | Instructor(s) |
|-------------------|-----------------|---|--|----------------------|
| 800 | 810 | <i>Instructor Introduction Student Introduction Introduction of Course, Objectives and Format</i> | | <i>Nancolas</i> |
| 810 | 825 | <i>Chemical Agents Laws</i> | <i>Lecture</i> | <i>Nancolas</i> |
| 825 | 845 | <i>Peace Officer Authority and UOF Review</i> | <i>Lecture, Discussion</i> | <i>Nancolas</i> |
| 845 | 900 | <i>Oleoresin Capsicum</i> | <i>Lecture</i> | <i>Nancolas</i> |
| 900 | 910 | <i>Canister: Components</i> | <i>Lecture</i> | <i>Nancolas</i> |
| 910 | 930 | <i>Physical & Psychological Effects</i> | <i>Lecture</i> | <i>Nancolas</i> |
| 930 | 945 | <i>Safety Precautions</i> | <i>Lecture</i> | <i>Nancolas</i> |
| 945 | 1000 | <i>Decontamination</i> | <i>Lecture</i> | <i>Nancolas</i> |
| 1000 | 1025 | <i>Use of Force Reporting</i> | <i>Lecture, Discussion</i> | <i>Nancolas</i> |
| 1025 | 1035 | <i>Break</i> | | |
| 1035 | 1145 | <i>Skill Building Dry Practice-Draw w/ Verbal Commands and movement Inert OC Deployment on threat target w/ MK-8 and MK-9 spray canisters</i> | <i>Trainee Practice & Evaluation</i> | <i>Nancolas</i> |
| 1145 | 1200 | <i>Question and answer Evaluations</i> | | <i>Nancolas</i> |

San Luis Obispo County Probation Department



OC Basic Course

Kyle Nancolas

Supervising Deputy Probation Officer

San Luis Obispo County

Probation Department

Course Objectives

- Legal Aspects of Chemical Agents
- Physical & Psychological Effects
- Deployment & Retention
- Demonstrate proper drawing, stance and grip
- Transitioning to other force options
- Various parts and operation of an aerosol canister and spray patterns
- Proper decontamination
- Exposure to chemical agent

Chemical Agents Law

- California Penal Code 12403
- Chemical Agents may be used to :
 - Riot and crowd control
 - Make arrest
 - Overcome resistance
 - Prevent escape

Law Cont.

- PC 22820- All peace officers complete course of instruction prior to purchasing, possessing, transporting, or using tear gas weapons
- Referred to as “Tear Gas” in penal code
- “Tear Gas” defined as all liquid, gaseous, or solid substances intended to produce temporary physical discomfort

Civilian Use of Chemical Agents

- Citizens are not required to complete a training course prior to possessing, transporting or using an approved tear gas weapon
- Citizens are authorized to carry aerosol canisters of chemical agents sprays with net weight of 2.5 ounces or less

Who cannot possess tear gas?

- Persons convicted of misusing tear gas
- Convicted Felons
- Persons convicted of criminal assault
- Narcotics addicts

Who may possess inside Jails & Prisons?

- PC 22840- makes it a misdemeanor to knowingly bring into a prison or jail
- PC 22810- tear gas weapons may be used for self-defense purposes
- PC- 22810(g)(1)- it is a felony to use a tear gas weapon offensively

Your Authority

- **Penal Code Section 835a.**
- Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.
- A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Use of Force

- Chemical agents are considered an intermediate level of force and require active resistance and a threat of harm prior to deployment

Levels of Force

- Non-Deadly (Low)
 - Professional Presence
 - Verbal Commands
 - Empty Hand Techniques
 - Objectively reasonable; Defense of Self/others
 - Effect arrest, Overcome resistance, prevent escape(PC 835a)

Levels of Force Cont.

- Non-Deadly Intermediate Force (Moderate)
- OC, CEW, Impact Weapon, K9, Carotid
- Objectively Reasonable: Defense self/others: PC 835a + Active Resistance + threat of harm

Levels of Force Cont.

- Deadly Force (High)
- DF= Force with substantial risk of serious bodily injury/death
- Objectively reasonable: Defense self/others:
PC 835a + active resistance + Threat
SBI/Death
- Also: Fleeing felon=PC to believe violent felony/imminent threat

WHAT IS IT????

Definitions

- CAPSICUM-Pepper Oil
- OLERESIN-Oil or Resin of a plant
- OLERESIN CAPSICUM- O.C. (Oil of Pepper)
- Pungency-Intensity
- Scoville Heat Units (SHU)-How Hot Is It?
 - Green Bell Pepper=0
 - Jalapeno=5,000 SHU

Delivery Systems

Fog

Cone/ Mist

Stream

Foam

Gel

Delivery Systems

- Fog-Very small fine particles
 - Impractical for Field Use/ Area saturation
- Cones/Mist-Wide Pattern
 - Wide Pattern
 - Easily Effected by Wind or A/C
 - Maximum Range 8 Feet

Delivery Systems

- Ballistic Stream
 - Concentrated Stream
 - Less Likely to Contaminate others (Fellow Officers, Bystanders, others in-custody)
 - Maximum Range 12 to 14 Feet
 - Most Popular in Institutions and Field Conditions

Delivery Systems

- Foam
 - Sticks to Subject being Sprayed
 - May contain Dyes
 - Easily blown by A/C or Wind
 - Maximum Range 5 feet

Delivery Systems

- Gel

- Deploys from canister as solid stream
- Reduces collateral contamination
- Turns to liquid upon contact
- Increased distance & accuracy

Delivery Systems

- MK-4/MK-3
 - Most Popular
 - Easy to Use
 - Easy to Carry
 - 3.0 OZ
 - 22: .13 OZ One Second Bursts

Delivery Systems

- MK-9
 - Institutional Size
 - Excellent for cell, yard, unit deployment
 - Crowd Control/Riot
 - Eight: 4 OZ. One Second Bursts (Half of MK-4 can)

Delivery Systems

- MK-6
 - Easy to carry on belt or purse
 - .68 OZ.
 - Eight 0.08 OZ. 1 Second Bursts
 - Range 8-10 Feet

Make-up

- Defense Technology- First Defense Spray
10% solution
- Carrier
 - 50% Distilled Water
 - 35% Ethyl Alcohol
 - 5% Propylene Glycol
- Active Ingredients
 - 6% Distilled Water
 - 4% Oleoresin Capsicum

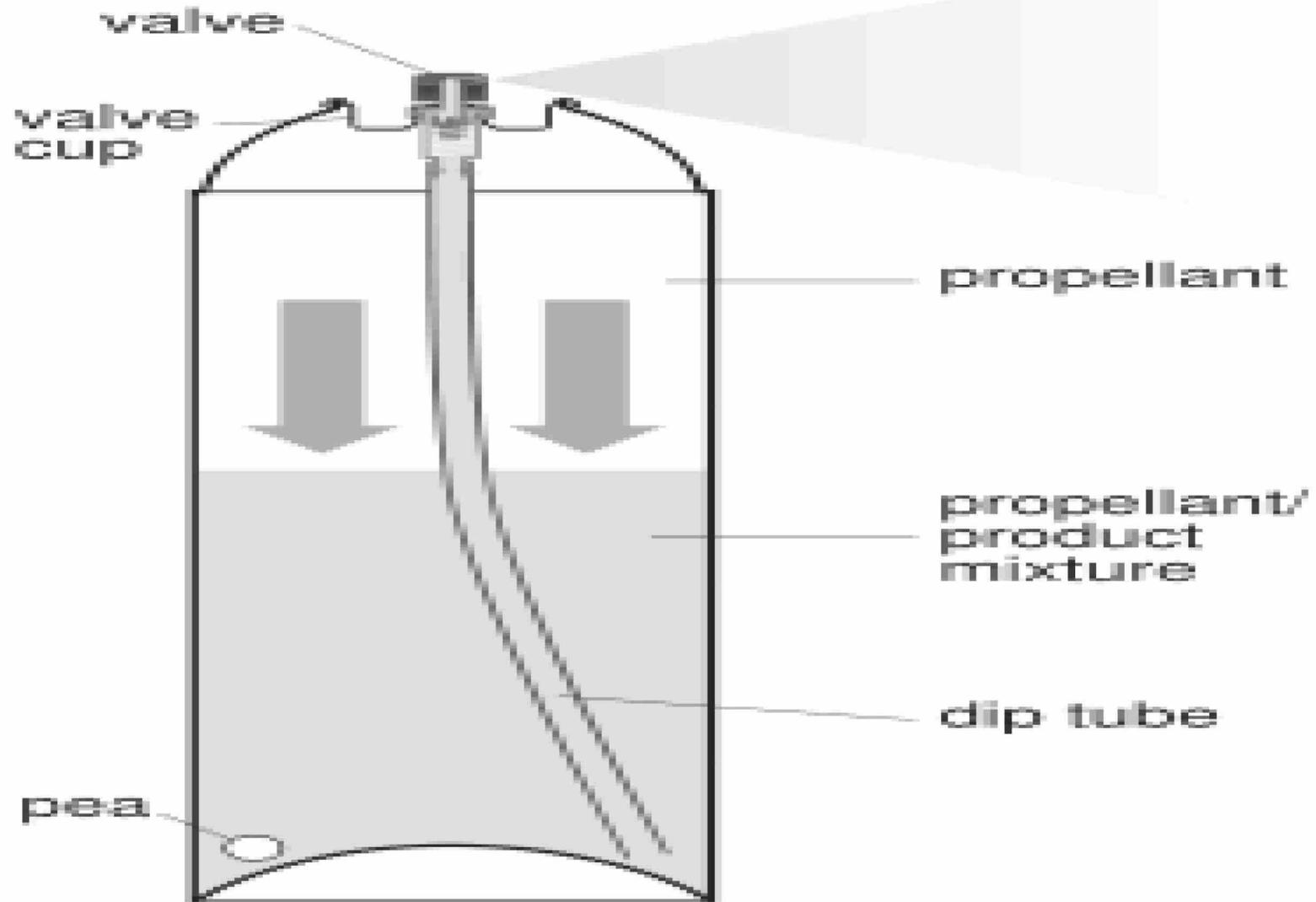
PROPELLANTS

- **Defense Technology® OC aerosol canisters sold to Law Enforcement utilize three (3) distinct propellants:**
- 1. Nitrogen (naturally occurring gas) – used in the stream products;
- 2. Dymel 134a (hydrofluorocarbon) – Non-ozone depleting liquefied propellant used in our Fogger and Foam products; and,
- 3. Compressed Air (mixture of naturally occurring gases) - used only in our 360° products that utilize a bag system.

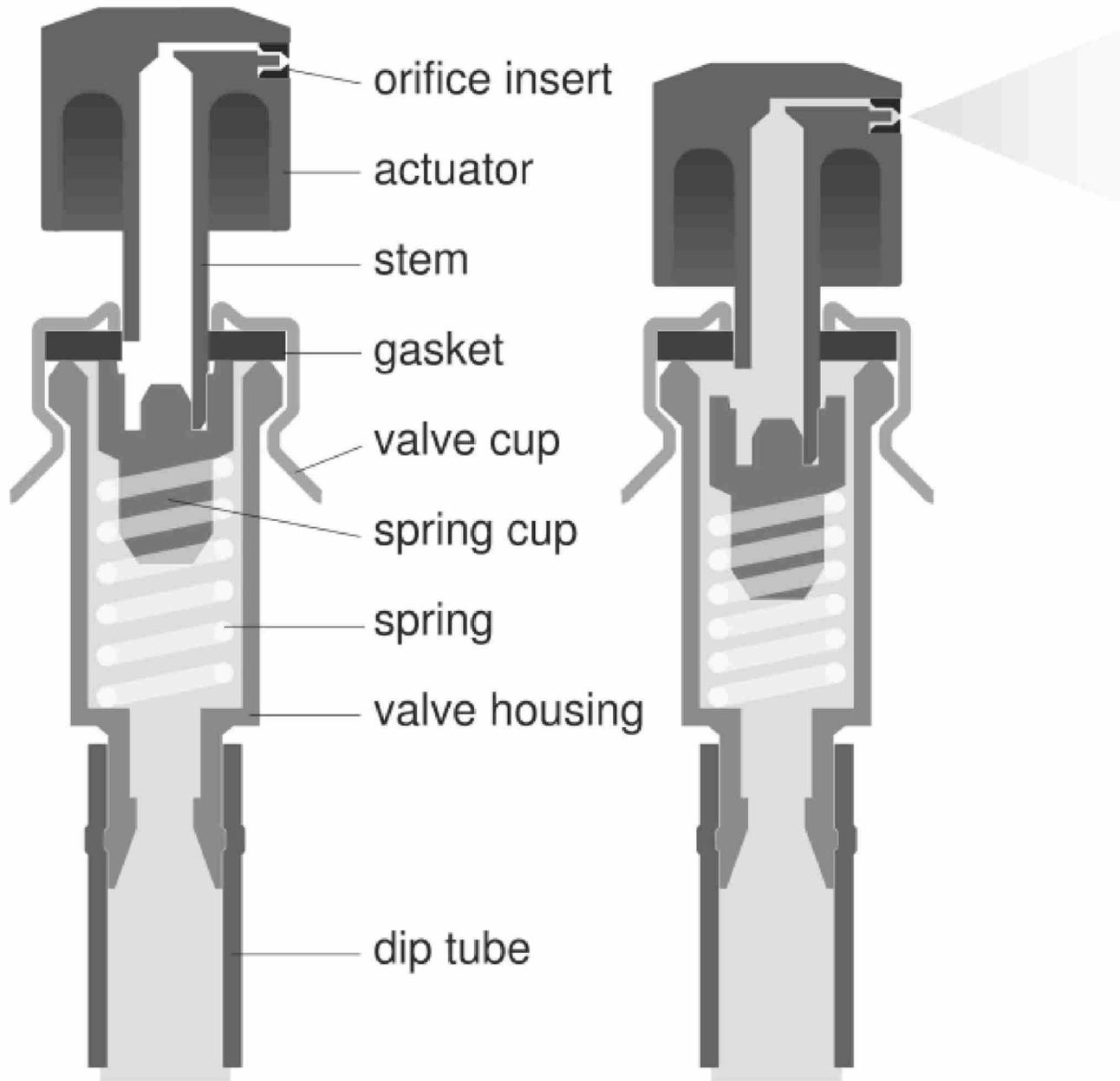
SAFETY TIP

- It is important to know about the contents of an aerosol chemical agent product as some are known to be flammable

The Spray Can



The Valve Assembly



OLEORESESESIN CAPSICUM

- **OC- Color coded orange**
- **Inflammatory agent**
- **Primary Target- Eyes/Brow**
- **Secondary Target- Nose, Mouth**
- **Time to take effect- Immediate**

Physical/Physiological Effects

- Involuntary Closure of Eyes
- Tearing of eyes
- Inflammation of the respiratory system
- Swelling of mucus membranes
- Significant panic, disorientation
- Fear

WARNING

- 0.005% of Population may have a Severe Allergic Reaction to Peppers
- Anaphylaxis Shock may result
 - Watch for Breathing Problems and Swelling of the Tongue and Throat
 - Seek Emergency Medical

Safety Precautions

- Minimum Distances from Subject:
 - MK-3 3 Feet
 - MK-4 3 Feet
 - MK-9 6 Feet

- Prevents Hydraulic Needle Effect and Permanent Eye Damage!

Effectiveness

- Not 100% Effective on Everyone varies in each person
- High Threshold of Pain lessens effectiveness
- Drugs or alcohol on board
- Mental Health Status WIC 5150/5585.5
- Most failures due to poor application
- *Always* have a plan B/ Transition to other force options

Deployment Considerations

- Carrying

- Make it secure but available to either hand
- Deployment- secure grip, thumb on cap, full range of motion, combat stance
- Retention- Deploy & return, support hand up to protect face
- Transition as needed- control hold, restraints, other force options

Awareness

- Use the Element of Surprise
 - Center line up to face
 - Figure eight once on target
- No show and spray
- Do not hold canister out at suspect
- Be prepared if ineffective or canister malfunctions

Deployment Considerations

- Volume of Spray
 - More is Not Better
 - 1-3 Second Burst is adequate
 - Reapply second burst, after a few moments to assess if no reaction /inadequate reaction/ poor application

Deployment Considerations

- Deployment Formula

- 1. Spray
- 2. Verbal Commands/Assess
- 3. Restraints/Verbal commands
- 4. Take down/Control/Restrain

Tactical Deployment Considerations

- Footwork
 - Deploy then move
 - Drawing Canister- Access from primary & support side
- Grip
 - Keep Defensive Hand Available
 - Hands Out of the Spray Stream
 - Thumb over cap
- Stance
 - Combat Stance

More Tactical

- Securing Subject
- Verbal Commands
 - “DO IT NOW!”
 - “I can help you if you cooperate”
 - “I can make the pain go away”
- Custody Handling
 - Restraints then Decontaminate

Storage

- Expiration

- Five (5) Years from date of Manufacture
MK-2, MK-3, MK-4, MK-6, MK-8, MK-9 canisters,

Do Not store in Cars

- 120 degrees + may burst canister
- Ensure orifice is free of debris
- Test Outdoors with ½ Second Burst

First Aid & Decontamination

- First Aid and decontamination is the responsibility of the *peace officer* using the chemical agent
- There has been more civil liability resulting from officers who do *not decontaminate* properly or who *leave suspects* unattended after the arrest/incident than with the direct use of the agent itself

Decontamination Procedures

- Expose the suspect to fresh air or wind
- Flush the eyes and face with cool water
- Re-assure the person sprayed
- Monitor breathing and consciousness
- Seek medical help if symptoms persist
- Symptoms lasting more than 30 minutes or extreme difficulty breathing call for EMS
- Never leave suspect unattended

USE OF FORCE REPORTING

- Key Elements

- Who- Officers, subject, witnesses
- What- Was going on, behavior of subject, officer observations, prior knowledge
- When- Time of day, scheduled activity
- Where- exact location, unit, address, etc.
- Why- protect self or others, end fight, other attempts failed
- How- How much=1-3 second burst, x # bursts, where applied, effective or not

