



Terri McDonald  
 Los Angeles County Chief Probation Officer  
 9150 East Imperial Highway  
 Downey, CA 90242  
 Terri.Mcdonald@probation.lacounty.gov

March 15, 2019

**RE: Use of Force** (*Sent by Email Only*)

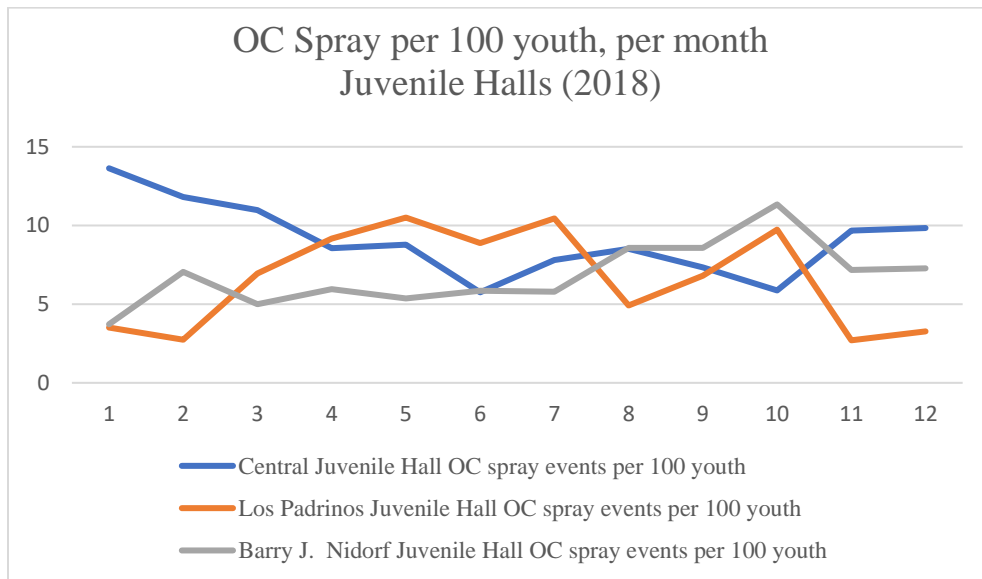
Dear Chief McDonald,

We, members of the L.A. Youth Uprising coalition, write to follow up on a coalition letter of February 1, 2019 (attached) calling on you to support a ban on the use of chemical agents in detention facilities for youth under the care and in the custody of the Los Angeles County Probation Department (“Department”). We applaud the February 19, 2019 action by the Los Angeles County Board of Supervisors to ban the use of OC Spray (aerosolized oleoresin capsicum) in all Department detention facilities within the year. We also appreciate the Department’s recent release of data on the use of force, including use of force involving OC spray, against youth in your care in the last quarter of 2018.

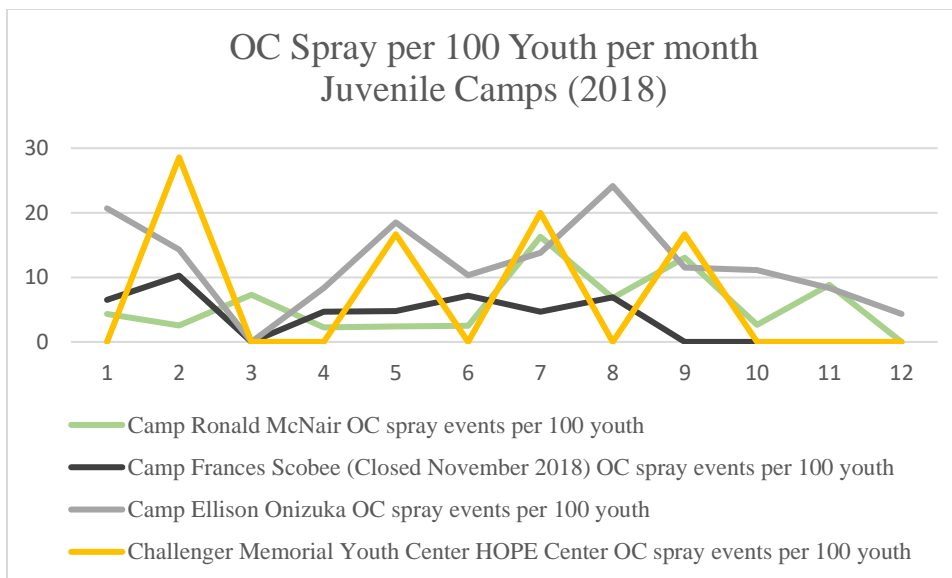
Use of OC spray is a symptom of a broken culture. Implementing a ban on OC spray in Department facilities will only be effective alongside a transformation of the system and detailed facility-by-facility plans that have radical reformation of this culture as their goal. We look forward to reviewing and commenting on the Department’s plans for change and the changed – safe – environment for youth that will result.

Among other things, data on the 650 uses of force involving OC spray in 2018 (558 in juvenile halls and 92 in juvenile camps) show high – but variable – rates of use of OC spray per 100 youth in detention. However, they do not show a clear downward trend over the course of 2018:

Hall	Use of OC Spray in 2018	Total	Q1	Q2	Q3	Q4
Central Juvenile Hall	OC Spray Use of Force Events	232	85	54	46	47
	OC Spray per 100 youth (quarterly average)		12.14	7.69	7.88	8.46
Los Padrinos Juvenile Hall	OC Spray Use of Force Events	165	29	63	44	29
	OC Spray per 100 youth (quarterly average)		4.44	9.52	7.39	5.24
Barry J Nidorf Juvenile Hall	OC Spray Use of Force Events	161	33	35	46	47
	OC Spray per 100 youth (quarterly average)		5.26	5.73	7.65	8.60



Camp	Use of OC Spray in 2018	Total	Q1	Q2	Q3	Q4
Camp Ronald McNair	OC Spray Use of Force Events	29	6	3	16	4
	OC Spray per 100 youth (quarterly average)		4.74	2.37	12.05	3.82
Cano Ellison Onizuka	OC Spray Use of Force Events	40	10	10	14	6
	OC Spray per 100 youth (quarterly average)		11.66	12.40	16.49	7.93
Camp Frances Scobee (closed in November 2018)	OC Spray Use of Force Events	18	7	7	4	0
	OC Spray per 100 youth (quarterly average)		5.59	5.52	3.85	0
Challenger Memorial Youth Center Hope Center	OC Spray Use of Force Events	5	2	1	2	0
	OC Spray per 100 youth (quarterly average)		9.52	5.56	12.22	16.67



We appreciate that the Department has indicated that OC Spray is not used in Camp Clinton B. Afflerbaugh, the Dorothy Kirby Center, Campus Vernon Kilpatrick, Camp Joseph Paige, Camp Glenn Rockey, or in Camp Joseph Scott. The data above do suggest, however, that while the use of force involving OC spray is much more prevalent in halls than in camps, the *rate* of use (calculated per 100 youth) is frequently higher at individual camps than it is at individual halls. We note that the data the Department has made available do not allow the analysis of the demographic characteristics of youth subjected to OC spray. Overall, then, the data released underscore that youth are at an ongoing risk of mistreatment even as the Department works to develop its ban implementation plan and put it into effect over the course of this year. This is unacceptable.

We therefore write to ask that you make the following pledges publicly and in person at the special hearing on use of force against youth tomorrow, March 16, 2019:

- Ban the use of ALL chemical agents in the Department’s detention facilities.** The Department must commit to banning not just OC spray, but all chemicals which could be used as part of a force response to individual or group behavior (there must be no chemical alternatives to OC spray), including 2-chlorobenzalmalonitrile gas (CS-gas or tear gas), and phenacyl chloride, phenylchloromethylketone (CN gas or Mace);
- Dramatically reduce the proportion of staff who are authorized to carry OC spray.** The Department must reduce the number of staff in juvenile facilities who are permitted to carry chemical weapons *with immediate effect* and commit to further monthly benchmarks to reduce this proportion to zero by the end of the year as part of your chemical agent ban implementation plan;
- Involve youth and the public in implementing the chemical agent ban.** As the Department develops the chemical agent ban implementation plan youth and the public – particularly those who are currently detained or have been harmed by the system – must be able to contribute their expertise at the outset (as required by the Board of Supervisors) and also do so over the course of the chemical agent ban implementation process (such as in town halls *within* juvenile halls and camps), in order to oversee the successful implementation of the chemical agent ban;

4. **Make more and better data available.** The Department must publicly release an Institutions Statistical Report each week, providing data for the preceding week, *starting immediately* and continuing throughout the course of the chemical agent ban implementation; and,
5. **Change the culture by changing the staff.** The Department must commit to replacing every Department staff member who leaves the Department for any reason and whose position is required to staff detention facilities (even as the Department dramatically downsizes to reflect the need for its services and to comply with the reform plan developed by the Probation Reform and Implementation Team) with candidates who do not have a law enforcement background but who have training in social work, education, intervention, the arts, etc., starting *today*, and guarantee such new staff will have an equal role in the custody and care of youth.

Neither youth nor the public should wait for 2020 – or the end of the chemical agent ban implementation plan for these actions. There are proven alternatives that will allow a transformed Department to care for young people without uses of force, like those involving OC spray, and which will end the toxic environment for young people and staff in detention facilities. Young people in Department custody, many of whom arrive with pre-existing traumas, deserve humane treatment, and to know that the Department is acting *immediately* to protect their welfare and to implement the Board of Supervisor’s chemical agent ban as quickly as possible.

Finally, we believe that the fact that the dramatic increase in the use of OC spray occurred during your tenure as Chief – and when there was strong support for reform by the Board of Supervisors and your leadership team – points to the need for a Probation Oversight Commission with strong powers, ample resources and meaningful community representation. A robust Probation Oversight Commission, with strong powers, will ensure meaningful and sustainable change, and transparency about reform, including reforms such as the ban of chemical agents, no matter who is at the helm of the Department, and will help transform Probation into a model Department. We urge you to take the actions above with this in mind.

You have the power to pledge these steps today.

Sincerely,  
American Civil Liberties Union Foundation of Southern California  
Anti-Recidivism Coalition  
Arts for Incarcerated Youth Network  
Children’s Defense Fund-California  
Public Counsel  
Urban Peace Institute  
Youth Justice Coalition

cc) Sheila Mitchell (*Sheila.Mitchell@probation.lacounty.gov*); Reaver Bingham (*Reaver.Bingham@probation.lacounty.gov*)  
Probation Reform and Implementation Team (*SSarabia@prt.lacounty.gov*)  
Board of Supervisors Districts 1-5 Justice Deputies (*EArcidiacono@bos.lacounty.gov*;  
*DGarcetti@bos.lacounty.gov*; *NAspaturian@bos.lacounty.gov*;  
*RKhanna@bos.lacounty.gov*; *AYoung@bos.lacounty.gov*; *MNewell@bos.lacounty.gov*;  
*CAhSan@bos.lacounty.gov*)