

# OIR Use of Force Review

*UOF Review 11-3-22 JH Unit G*



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## Summary of Facts

On November 3, 2022, at approximately 4:36 p.m., Deputy Juvenile Correctional Officer (DJCO) 1 was supervising a group of youths during dinner in the day area in Unit G at Juvenile Hall.<sup>1</sup> Y1 was seated at the middle bench near the phone, and Y2 was seated at his desk on the carpet area on the opposite side of the room. DJCO 1 was positioned in the middle of the day area next to the picnic bench on the other side of where Y1 was seated and had her back towards Y2. DJCO 1 walked into the center of the room between the benches and carpet area and directed Y1 to return to his room for dinner clean up. Y1 stood up from the picnic table, and as he began to walk to his room, Y2 ran towards Y1, crossing in front of DJCO 1 and began to swing at Y1 with closed fists.<sup>2</sup> Y1 responded and struck Y2 in the head, knocking him to the ground. Y1 fell on top of Y2 and continued to punch Y2 while he was on top of him. DJCO 1 then removed her OC spray from her holster while she directed both youths to “stop” and to “get down.” However, both youths continued to exchange multiple closed-fist punches. A Code 2 was called over the radio.<sup>3</sup>

DJCO 1 then yelled, “OC clear,” and deployed a one-second burst of Oleoresin Capsicum (OC) spray targeted at each youths’ forehead from approximately three feet. Despite this, both youths continued to strike each other with closed fists while on the ground. Both youths then stood up and squared off facing each other. As Y2 moved towards Y1, DJCO 1 deployed another one-second burst from approximately three feet at both Y1 and Y2’s foreheads. Both youths then went into prone positions on the floor and stopped fighting. DJCO 1 directed Y2 to place his hands behind his back. Y2 complied and DJCO 1 secured him in handcuffs.

Additional staff responded to assist in securing the youths. DJCO 2 and DJCO 3 responded to assist, and DJCO 1 directed them to Y1. DJCO 2 and DJCO 3 assisted Y1 to his feet and placed him against the wall until the room was cleared. Responding staff directed all uninvolved youths to return to their rooms.

Supervising Juvenile Correctional Officer (SJCO) 1 arrived on scene and directed DJCO 2 and DJCO 3 to escort Y2 to the Unit G showers for decontamination. SJCO 1 directed DJCO 4 and DJCO 5 to escort Y2 to the Unit G patio hose for decontamination. Both youths began decontamination within five minutes of the OC deployment. They were provided with clean clothing, and their contaminated clothing was bagged and labeled accordingly.

## Lawful Requirements for Use of OC

In determining whether a particular use of force was appropriate, courts analyze the use of force “under the Fourth Amendment’s prohibition against unreasonable seizures using the framework articulated in *Graham v. Connor*.”<sup>4</sup> The reasonableness of a seizure turns on whether the use of force was “objectively

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

<sup>2</sup> Y1 admits to being from a criminal gang called Los Compadre. Y2 admits to being from the criminal gang, Townsend St. These are known gang rivals.

<sup>3</sup> A Code 2 indicates that there is a fight in progress.

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

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

Reasonableness is determined by balancing "the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake."<sup>6</sup>

There are three steps in conducting the balancing required by *Graham*. The first step is to assess the "the quantum of force used."<sup>7</sup> The second step is to measure "the governmental interests at stake by evaluating a range of factors."<sup>8</sup> Finally, the third step is to balance the quantum of force used on the individual against "the government's need for that intrusion to determine whether it was constitutionally reasonable."<sup>9</sup>

### Quantum of Force

Assessing the quantum of force used requires analyzing the nature and quality of the intrusion on the individual's Fourth Amendment interests, which, in turn, requires the fact finder to evaluate both the type of force inflicted, and the amount of force used.<sup>10</sup>

### Type of Force Used

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

The Ninth Circuit has clearly held that pepper spray is a form of "force capable of inflicting significant pain and causing serious injury."<sup>11</sup> "Pepper spray 'is *designed* to cause intense pain,' and inflicts 'a burning sensation that causes mucus to come out of the nose, an involuntary closing of the eyes, a gagging reflex, and temporary paralysis of the larynx,' as well as 'disorientation, anxiety, and panic.'"<sup>12</sup> As such, pepper spray is regarded as "intermediate force" that, "while less severe than deadly force, nonetheless present[s] a significant intrusion upon an individual's liberty interests."<sup>13</sup>

### Recommendation

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

### Amount of Force Used

The amount of "intermediate force" (OC) used in this case was minimal. There were two deployments of OC, that struck both youths. The deployments were one-second each in duration and the video shows the OC was deployed from approximately three feet. The reports, and video, reflect that the deployments of OC occurred while Y1 and Y2 were mutually assaulting each other with closed fist strikes to the head and torso.

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

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

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

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

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

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

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

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

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

Some courts have also held that the failure to act by not properly decontaminating a person exposed to OC can rise to the level of a constitutional violation.<sup>14</sup> Such is not the case here. Staff ensured that the length of time that the youths felt the effects of the OC was limited. As soon as the youths were secured, they were escorted to the showers to decontaminate. Y1 was escorted to the Unit G showers and Y2 was escorted to the Unit G Patio to decontaminate with patio hose. Both youths began decontamination within five minutes of the OC deployment.

### Governmental Interest

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

### Severity of the Crime at Issue

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

Here, the video, and reports show that Y1 and Y2 were exchanging closed-fists punches to each other's heads and torsos when DJCO 1 deployed a one second spray of OC. Following the first deployment of OC, the youths continued to fight, and DJCO 1 deployed a second burst of OC for one second. Considering that Y1 and Y2 were throwing continuous punches at each other's heads and upper bodies, which could result in serious injury, the assaults by Y1 and Y2 should be considered severe.

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

Courts have said that the most important element of the *Graham* factors is whether the suspect poses an immediate threat to the safety of the officers or others.<sup>22</sup> Here, the reports make clear that Y1 and Y2 posed an immediate threat to each other. At the time that DJCO 1 deployed OC spray, Y1 and Y2 were punching each other continuously in each other's heads and torsos. DJCO 1 directed the youths to

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

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

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

<sup>17</sup> Pen. Code, §§ 240, 242, 243(a).

<sup>18</sup> Pen. Code, §§ 242, 243(d), 245(a).

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

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

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

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

“stop” and to “get down,” but they disregarded her commands and continued to fight. Thus, the first time the OC was deployed, the youths clearly posed an immediate threat to each other.

Even after OC was deployed the first time, both Y1 and Y2 continued to swing at each other, requiring DJCO 1 to deploy a second round of OC spray. As soon as the second burst of OC was deployed, both youths got down onto the ground. These facts establish that but-for DJCO 1’s intervention, the mutual assault would have continued. As a result, at the time of both OC deployments, the youths posed an immediate and ongoing threat to each other.

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

While the youths were not attempting to evade DJCO 1, both youths were clearly refusing to comply with her commands and initial attempts to get them to submit to her authority. When the youths began to fight, DJCO 1 directed both youths to “stop” and “get down.” Neither youth complied with DJCO 1’s directives and instead, they continued their mutual assault. After the first deployment of OC spray, the youths also continued to resist DJCO 1’s attempt to get them to submit to her authority and continued to fight. As a result, DJCO 1 deployed a second burst of OC spray, after which the youths submitted to DJCO 1’s authority and laid down on the ground.

#### Balancing the Force Used Against the Need for Such Force

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

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

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

The youths involved in the fight were under the custody and care of the Probation Department. As such, the Probation Department had an obligation to protect them from harm. Prior to the deployment of OC, Y1 and Y2 posed an immediate threat to each other. Additionally, the harm that could have occurred to either youth from closed fist strikes to the head justified the deployment of OC when the youths continued to fight after being directed to stop and get down. Thus, the two, one-second bursts of OC were justified when considering each of the above factors.

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

<sup>24</sup> *Silva v. Chung* (9th Cir. 2018) 740 F.App’x 883.

## Compliance with Department Procedure

### State Law

The State of California has set forth requirements that a facility, which authorizes the use of chemical agents as a force option, must have in their policies and procedures.<sup>25</sup> Those requirements include that the policies mandate that chemical agents only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible;<sup>26</sup> that the policy outline the facility's approved methods and timelines for decontamination from chemical agents including that youth who have been exposed to chemical agents shall not be left unattended until that youth is fully decontaminated or is no longer suffering the effects of the chemical agent;<sup>27</sup> that the policy define the role, notification, and follow-up procedures required after a use of force incident involving chemical agents for medical, mental health staff and parents or legal guardians;<sup>28</sup> and that the policy provide for the documentation of each incident of use of chemical agents, including the reasons for which it was used, efforts to de-escalate prior to use, youth and staff involved, the date, time and location of use, decontamination procedures applied and identification of any injuries sustained as a result of such use.<sup>29</sup>

### Department Procedure

#### Imminent Threat and De-escalation

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

The reports regarding this incident make clear that Y1 and Y2 posed an imminent threat to each other. DJCO 1 attempted to verbally de-escalate the situation by first directing the youths to “stop” and to “get down.” Despite these commands, the youths continued their mutual assault. DJCO 1 also warned the youths that she would deploy OC spray by stating “OC Clear!” The youths again continued their mutual assault. DJCO 1 deployed a one second burst targeted at Y1 and Y2’s foreheads. Despite the commands and DJCO 1’s first deployment of OC, the youths continued to assault each other. DJCO 1 then sprayed a second burst of OC. The youths finally complied and stopped fighting. All of DJCO 1’s attempts to de-escalate prior to the deployment of OC spray were unsuccessful.

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<sup>25</sup> Cal. Code Regs., tit. 15, § 1357 – Use of Force.

<sup>26</sup> Cal. Code Regs., tit. 15, § 1357(b)(2).

<sup>27</sup> Cal. Code Regs., tit. 15, § 1357(b)(3).

<sup>28</sup> Cal. Code Regs., tit. 15, § 1357(b)(4).

<sup>29</sup> Cal. Code Regs., tit. 15, § 1357(b)(5).

<sup>30</sup> Procedure Manual Item 3-1-056 Oleoresin Capsicum (OC) Spray – Facilities;  
Procedure Manual Item 3-1-015 Use of Force – Facilities.

<sup>31</sup> Procedure Manual Item 3-1-056 I(C) General Information.

## Decontamination

The Probation Department's OC Procedure requires that "[f]or youth exposed to OC spray, through a direct spray or over spray, decontamination measures must be undertaken as soon as practical after a youth is subdued and restrained."<sup>32</sup> The OC Procedure further states that youth shall be placed, "fully clothed, into a shower, at a sink, or on the patio with the garden hose, allowing cold water to freely fall onto the youth until the youth no longer feels the effects of the OC spray."<sup>33</sup>

According to the reports, Y1 and Y2 came into direct contact with, and were affected by the OC spray. As soon as the youths were secured, Y1 was escorted to the Unit G showers, and Y2 to the Unit G Patio, to decontaminate. According to the reports, both youths began decontamination within five minutes of the first OC deployment. DJCO 2 and DJCO 6 supervised Y1's decontamination, which began at 4:41 p.m. and ended at 4:55 p.m. DJCO 4 and DJCO 5 supervised Y2's decontamination, which began at 4:40 p.m. and ended at 5:13 p.m.

The OC Procedure also states that the youth will then remove contaminated clothing and be issued clean clothing. The contaminated clothing shall be disposed of in a marked plastic bag.<sup>34</sup> The main SIR, written by DJCO 1, indicated that "[Y1] was given clean clothing and his contaminated clothing was placed in a water-soluble bag labeled 'pepper spray.'" DJCO 2 and DJCO 3 also reported that "[Y1] was given clean clothing and his contaminated clothing was placed in a water-soluble bag labeled 'pepper spray.'" DJCO 6's narrative also indicated that Y1's "clothes were properly bagged and [he] was given new set of clothes."

As it relates to Y2, the main SIR narrative, written by DJCO 1, reported that Y2 "was given clean clothing and his contaminated clothing was placed in a water-soluble bag labeled 'pepper spray.'" DJCO 4 also reported that Y2 "was given clean clothing and his contaminated clothing was placed in a water-soluble bag labeled 'pepper spray.'" DJCO 5's narrative also indicated that Y2 "was given fresh clothing and his soiled clothing was placed in a water-soluble bag and properly labeled."

Both of DJCO 1's Use of Force reports for Y1 and Y2 also indicate "yes" to the statements "contaminants placed in a water-soluble bag," "bag labeled," and "new clothing/linen issued."

Staff are also required to be with "the youth throughout the entire decontamination process."<sup>35</sup> None of the reports specifically state that staff remained with the youths during the entire decontamination process. However, DJCO 1's main SIR indicates that "DJCO [2] and DJCO [6] supervised the decontamination process for [Y1]." DJCO 2's narrative also indicated that he "supervised the decontamination process for [Y1]." DJCO 6 also reported in his narrative that he "supervised [Y1] as he did his decontamination." The verbiage in all three reports implies, without specifically saying, that DJCO 2 and DJCO 6 were with Y1 throughout the entire decontamination process.

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

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

<sup>34</sup> Procedure Manual Item 3-1-056 II(F)(7) Decontamination/Aftercare Procedures.

<sup>35</sup> Procedure Manual Item 3-1-056 II(F)(10) Decontamination/Aftercare Procedures.



Similarly, DJCO 1's main SIR narrative indicates that "DJCO [4] and DJCO [5] supervised the decontamination process for [Y2]." DJCO 4 reported in his narrative that "DJCO [5] and I supervised the decontamination process for [Y2]." The verbiage in both reports implies, without specifically saying, that DJCO 4 and DJCO 5 were with Y2 throughout the entire decontamination process.

### *Recommendation*

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

### *Notification and Procedures Required After Use of Force Incidents*

The OC Procedure requires that a DJCO who discharges an OC canister notify his or her supervisor as soon as possible.<sup>36</sup> The OC Procedure also makes clear that "[t]he staff member who sprayed the individual is responsible for advising medical personnel or others of the decontamination procedures."<sup>37</sup> The responsibility for contacting the youth's parent or legal guardian is assigned to the SJCO/Duty Officer or designee.<sup>38</sup> Lastly, while the OC Procedure requires that the youth must be referred to Mental Health staff immediately following decontamination, it does not specifically identify whose responsibility it is to ensure that this section of the procedure is followed.<sup>39</sup>

The main SIR, as well as several supplemental reports, indicate that SJCO 1 was on scene and supervised the securing of the youths and directed the escorts for decontamination. The main SIR also indicates that SJCO 1 supervised Y2's decontamination.

The main SIR and Use of Force forms also indicate that staff notified the parents of Y1 and Y2.

The main SIR and Use of Force reports indicate that the medical unit was notified of the incident and that both youths were seen by medical staff within 32 minutes of the start of the incident. Both youths were cleared of any injuries during the visit.

Finally, the main SIR indicates that the Clinical Evaluation Guidance Unit (CEGU) was notified of the incident and that both youths were seen that same evening.

### *Documentation*

Department procedure related to use of force provides that any DJCO involved in, or a witness to, a use of force, which includes the use of Chemical - Oleoresin capsicum (OC) spray, shall write and submit a Special Incident Report (SIR).<sup>40</sup> Further, the procedure requires a SIR and Restraint Report must include a clear and factual justification for the use of OC, efforts to de-escalate prior to use or reasons why de-escalation was not reasonably possible, youths and staff involved, the date, time and location of use, a complete description of decontamination procedures, and identification of any injuries and medical treatment.<sup>41</sup>

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<sup>36</sup> Procedure Manual Item 3-1-056 II(E)(1) Notification and Documentation.

<sup>37</sup> Procedure Manual Item 3-1-056 II(F)(13) Decontamination/Aftercare Procedures.

<sup>38</sup> Procedure Manual Item 3-1-056 II(F)(18) Decontamination/Aftercare Procedures.

<sup>39</sup> Procedure Manual Item 3-1-056 II(F)(17) Decontamination/Aftercare Procedures.

<sup>40</sup> Procedure Manual Item 3-1-015 VIII(F) DJCO Responsibilities.

<sup>41</sup> Procedure Manual Item 3-1-056 II(E)(2) Notification and Documentation.

DJCO 1 completed the main SIR for this incident and five other DJCOs prepared supplemental incident reports. The main SIR identified the youths involved, as well as the actions taken by DJCO 1 to attempt to verbally de-escalate the situation prior to the use of force. The report also clearly sets forth the activities that occurred after the uses of force except for specifically stating whether staff members remained with the youths throughout the decontamination process. DJCO 1 also prepared a Use of Force report to document the intentional deployments of OC directed at Y1 and Y2.

The OIR also observed some inconsistencies between the DJCOs' reports. For example, DJCO 5's supplemental report states that Y2 finished his decontamination "by choice at 5:04 p.m.," however all other reports and narratives note that Y2 finished his decontamination "by choice at 5:13p.m." More confusing is the fact that the main SIR and the other supplemental reports, except DJCO 5's, noted that Y2 was seen by medical at 5:08 p.m., but finished his decontamination at 5:13 p.m. As a result, it cannot be determined from the reports whether Y2 was seen by medical at 5:08 p.m. or if his decontamination actually ended at 5:04 p.m.

Lastly, the OIR observed some inconsistencies as it relates to the documentation of notifying the parents or guardians in this incident. Specifically, the main SIR indicates that both guardians of Y1 and Y2 were notified by DJCO 7. However, DJCO 5's narrative and Use of Force report for Y2 indicates that Y2's mother was notified via voice message. As a result, it is not clear whether DJCO 7 actually spoke to Y2's parents or guardians or whether notification was made simply by leaving a voice message.

#### *Recommendation*

Provide additional training reminding supervisors of the importance of making sure that DJCOs' reports are accurate and complete. Supervisors should also be reminded of their role in making sure that inconsistencies in, or between, reports are addressed before reports are approved.

## Use of Force Review Board

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

The Board recommended that staff articulate not only the intended target of the OC spray, but also where the spray landed. The Board further recommended that staff fully articulate efforts to de-escalate the incident.

Similarly to the OIR, the Board also recommended that staff provide more specifics for the parent/guardian notifications, to include who was notified and by what means. (e.g., spoke to or left voicemail.)

Finally, the Board gave positive recognition for the "organization of all staff reports and the timeliness of the reports approval."

## Conclusion

A review of the SIRs and Use of Force reports establishes that the uses of force (OC spray) by DJCO 1 was within law and policy. The main SIR and video show that had DJCO 1 not deployed force, Y1 and Y2 would have continued their mutual assault, resulting in potentially serious injuries. When Y1 and Y2 started their mutual assault, DJCO 1 used verbal commands to attempt to de-escalate the situation. DJCO 1 deployed her OC spray only after her attempt to gain compliance from both youths failed.

## Recommendations

1. Update PMI 3-1-056 to specifically state that OC spray is classified as an intermediate level of force.
2. Update the portion of the Use of Force/Restraint SIR form relating to Pepper Spray and Decontamination to add an entry field that requires the report writer to specifically indicate which DJCO(s) stayed with each youth during the entire decontamination process.
3. Provide additional training reminding supervisors of the importance of making sure that DJCOs' reports are accurate and complete. Supervisors should also be reminded of their role in making sure that inconsistencies in, or between, reports are addressed before reports are approved.