

OIR Use of Force Review

UOF Review 12-1-22 YLA



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Summary of Facts

On December 1, 2022, at approximately 9:57 a.m., Deputy Juvenile Correctional Officer (DJCO) 1 was positioned behind the staff desk supervising a group of youths preparing to go to school at the Youth Leadership Academy (YLA).¹ DJCO 2 was positioned in the middle of the day room in front of a line of youths. Y1 was lining up with the other youths from the left side group (Rooms 16-30). Y2 was seated on the couch in the middle of the day room facing the other direction, playing a video game. As the line began to move forward, Y1 suddenly left the line and ran towards the couch where Y2 was seated. Y2 turned around to see Y1 charging towards him and stood up. Both youths began to simultaneously exchange closed-fist punches to each other's heads.

DJCO 2 unholstered her Oleoresin Capsicum (OC) spray, yelled "stop fighting; OC clear," and deployed a one-second burst at both youths. Due to the youths' movement, DJCO 2 was unable to get a clear shot. The physical altercation continued, and DJCO 2 yelled a second time "OC Clear" and discharged a one second burst again.

DJCO 1 responded from behind the staff desk to assist, bumped into a table, and fell to the floor. After getting back up, DJCO 1 yelled out, "stop, get down." He then unholstered his OC canister as he ran towards the youths. DJCO 1 deployed a one-second burst of OC which contacted the left side of Y2's head and face. Both youths continued to fight. Y2 fell to the floor while running towards the front of the room and began to kick up at Y1 to prevent Y1 from trying to lunge at him. DJCO 1 then deployed a one second burst of OC spray a second time, striking Y1 on his right eye/right side of the head. Y1 went down to the floor and into a prone position. DJCO 3 responded and secured Y1 in handcuffs. DJCO 1 secured Y2 in handcuffs.

Additional staff responded and assisted in escorting Y1 and Y2 for decontamination at the direction of Supervising Juvenile Correctional Officer (SJCO) 1 and SJCO 2. Y1 was escorted to the right side of the YLA showers and Y2 was escorted to the left side of the YLA showers. Both youths began decontamination within 11 minutes following the first OC deployment. Both youths 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 force "under the Fourth Amendment's prohibition against unreasonable seizures using the framework articulated in *Graham v. Connor*."² The reasonableness of a seizure turns on whether the use of force was "objectively reasonable in light of the facts and circumstances confronting [the user of force], without regard to their underlying intent or motivation."³

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

² *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

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

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."⁴

There are three steps in conducting the balancing required by *Graham*. The first step is to assess the "the quantum of force used."⁵ The second step is to measure "the governmental interests at stake by evaluating a range of factors."⁶ 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."⁷

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.⁸

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."⁹ "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.'"¹⁰ 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."¹¹

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 moderate. There was a total of four one-second deployments of OC. However, it is difficult to determine from the reports how many times the youths were contacted by the OC spray.

DJCO 2 indicated in her narrative report that she deployed her OC spray at both youths, but "was unable to get a clear shot" during her first discharge. However, it is difficult to tell based on DJCO 2's report as to whether her first deployment actually contacted Y1 or Y2. Similarly, DJCO 2 reported that she "discharged with a one second burst again," however, she did not indicate whether she made contact with either or both youths.

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

⁵ *Davis v. City of Las Vegas* (9th Cir. 2007) 478 F.3d 1048, 1054.

⁶ *Davis v. City of Las Vegas* (9th Cir. 2007) 478 F.3d 1048, 1054.

⁷ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

⁸ *Miller v. Clark County* (9th Cir. 2003) 340 F.3d 959, 964.

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

¹⁰ *Young v. County of Los Angeles* (9th Cir. 2011) 655 F.3d 1156.

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

DJCO 1 also made two deployments of OC. The first deployment contacted the left side of Y2's head and face. The second deployment contacted Y1's right eye/right side of the head. Both deployments were one second in duration and deployed from between five and six feet.

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.¹² Such is not the case here. Staff ensured that the length of time 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 right side of the YLA showers and Y2 was escorted to the left side of the YLA showers. Both youths began decontamination within 11 minutes of the first OC deployment.

Governmental Interest

Intermediate force is a "significant level of force that must be justified by the governmental interest involved."¹³ 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."¹⁴

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 typically misdemeanor offenses.¹⁵ 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.¹⁶ A felony battery charge focuses on the actual injury inflicted, while a 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."¹⁷ "It is enough that the force used is likely to cause serious bodily injury. No injury is necessary."¹⁸ Courts have said that punching is "capable of inflicting significant pain and causing serious injury."¹⁹

Here, the video and reports show that Y1 and Y2 were punching each other with closed fists when DJCO 2 deployed OC the first time. DJCO 2 "was unable to get a clear shot," and the physical altercation continued. DJCO 2 deployed an additional burst of OC, and DJCO 1 deployed two bursts of OC. After the additional deployments, the youths went to the ground, rolled onto their stomachs, and covered their faces. Considering that Y1 and Y2 were throwing continuous punches at each other's heads which could result in serious injury, the assaults by Y1 and Y2 should be considered severe.

¹² *Wilson v. Bucato* (E.D.Cal. Dec. 7, 2023, No. 1:23-cv-00023-HBK (PC)) 2023 U.S.Dist.LEXIS 218539.

¹³ *Bryan v. MacPherson* (9th Cir. 2010) 630 F. 3d 805, 826.

¹⁴ *Graham v. Connor* (1989) 490 U.S. 386 [109 S.Ct. 1865, 104 L.Ed.2d 443].

¹⁵ Pen. Code, §§ 240, 242, 243(a).

¹⁶ Pen. Code, §§ 242, 243(d), 245(a).

¹⁷ *People v. Hopkins* (1978) 78 Cal.App.3d 316 [142 Cal.Rptr. 572].

¹⁸ *People v. Hopkins* (1978) 78 Cal.App.3d 316 [142 Cal.Rptr. 572].

¹⁹ *Reaza v. County of Riverside* (C.D.Cal. Oct. 26, 2022, No. 5:20-cv-01188-MEMF (SPx)) 2022 U.S.Dist.LEXIS 198653.

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

Courts have said that the most important element of the *Graham* factors is whether the suspect poses an immediate threat to the safety of the officers or others.²⁰ Here, the reports make clear that Y1 and Y2 posed an immediate threat to each other. At the time that DJCO 2 deployed OC spray, Y1 and Y2 were continuously punching each other in the head. Despite DJCO 2's efforts to stop the fight by directing them to "stop" and to "get down," they continued to strike each other. Therefore, at the time the first burst of OC was deployed by DJCO 2, the youths clearly posed an immediate threat to each other.

Even after the first burst of OC was deployed by DJCO 2, both youths continued to swing and kick at each other. DJCO 2 deployed a second burst of OC, and DJCO 1 sprayed his first burst of OC, which was directed towards Y2. Y2 fell to the ground but continued kicking at Y1 and Y1 appeared to lunge towards Y2. DJCO 1 then sprayed a second burst of OC, directed towards Y1, and the fighting ceased. These facts establish that but-for DJCO 1 and DJCO 2's intervention, the mutual assault would have continued. Therefore, at the time of the four 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 the DJCOs, both youths were clearly refusing to comply with their commands and initial attempts to get them to submit to their authority. When the youths began to fight, DJCO 2 immediately directed both youths to stop fighting and to get down. They ignored her directives and continued to fight. Even after DJCO 2 yelled "OC clear" and deployed her first burst of OC spray, the youths continued their mutual assault. When DJCO 1 arrived to assist, he directed both youths to "stop" and "get down." Again, neither youth complied with directives, and both continued to fight. It was only after each youth was targeted with OC spray that they submitted to the DJCOs authority and laid down on the ground in the prone position.

Balancing the Force Used Against the Need for Such Force

Finally, to determine if force was excessive, courts "balance the gravity of the intrusion on the individual against the government's need for that intrusion."²¹ 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."²² That is not the situation that confronted DJCO 1 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 on the ground and continued to

²⁰ *Chew v. Gates* (9th Cir. 1994) 27 F.3d 1432.

²¹ *Espinosa v. City & County of San Francisco* (9th Cir. 2010) 598 F.3d 528.

²² *Silva v. Chung* (9th Cir. 2018) 740 F.App'x 883.

fight after initially being sprayed. The most important distinction, however, is the fact that by continuing to fight, the youths clearly posed a threat to the DJCOs as well as 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 even after being directed to stop and get down. Thus, the four one second deployments of OC were justified when considering each of the above factors.

Compliance with Department Procedure

State Law

The State of California has set forth the requirements that a facility, which authorizes the use of chemical agents as a force option, must have in their policies and procedures.²³ 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;²⁴ 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;²⁵ 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;²⁶ 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.²⁷

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.²⁸ 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.”²⁹ This verbiage is consistent with state law.

²³ Cal. Code Regs., tit. 15, § 1357 – Use of Force.

²⁴ Cal. Code Regs., tit. 15, § 1357(b)(2).

²⁵ Cal. Code Regs., tit. 15, § 1357(b)(3).

²⁶ Cal. Code Regs., tit. 15, § 1357(b)(4).

²⁷ Cal. Code Regs., tit. 15, § 1357(b)(5).

²⁸ Procedure Manual Item 3-1-056 Oleoresin Capsicum (OC) Spray – Facilities;
Procedure Manual Item 3-1-015 Use of Force – Facilities.

²⁹ Procedure Manual Item 3-1-056 I(C) General Information.

The reports and video regarding this incident make clear that Y1 and Y2 posed an imminent threat to each other. DJCO 2 attempted to verbally de-escalate the situation by directing the youths to “stop fighting” and to “get down.” DJCO 2 also warned the youths that she would deploy OC spray by stating “OC Clear!” Similarly, DJCO 1 also attempted to verbally de-escalate the situation by ordering the youths to “Stop! Get down!” Despite these numerous commands, the youths continued their mutual assault. Both DJCO 1 and DJCO 2’s attempts to de-escalate prior to the deployments of OC spray were unsuccessful.

Decontamination

The Probation Department’s OC Procedure requires that “[f]or youth exposed to OC spray, through a direct spray or over spray, decontamination measures must be undertaken as soon as practical after a youth is subdued and restrained.”³⁰ 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.”³¹

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 right side of the YLA showers, and Y2 to the left side of the YLA showers to decontaminate. According to the reports, both youths began decontamination within 11 minutes of the first OC deployment. DJCO 3 and DJCO 4 supervised Y1’s decontamination, which began at 10:04 a.m. and ended at 10:11 a.m. DJCO 5 and DJCO 6 supervised Y2’s decontamination, which began at 10:07 a.m. and ended at 10:16 a.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.³² DJCO 3’s narrative indicated that Y1’s “clothes were then placed in a water-soluble bag and the youth was provided a clean shirt, boxers, shorts, and socks.” DJCO 4 also reported that Y1’s “soiled clothes were then placed in a water-soluble bag and was given clean clothes.”

As it relates to Y2, DJCO 5 indicated that “[Y2] was given clean clothing, and his contaminated clothing was placed in a water-soluble bag.”

Both DJCO 1 and DJCO 2’s Use of Force reports for Y1 and Y2 also indicate “yes” to the statements “contaminants placed in water-soluble bag,” “bag labeled,” and “new clothing/linen issued.”

Staff are also required to be with “the youth throughout the entire decontamination process.”³³ None of the reports specifically state that staff remained with the youths during the entire decontamination process. However, DJCO 5’s narrative indicates that “DJCO [6] and I supervised the decontamination process for [Y2].” This verbiage implies, without specifically saying, that DJCO 5 and DJCO 6 were with Y2 throughout the entire decontamination process.

³⁰ 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.)

³¹ Procedure Manual Item 3-1-056 II(F)(4) Decontamination/Aftercare Procedures.

³² Procedure Manual Item 3-1-056 II(F)(7) Decontamination/Aftercare Procedures.

³³ Procedure Manual Item 3-1-056 II(F)(10) Decontamination/Aftercare Procedures.

The DJCOs who escorted Y1 to the shower provided even less information in their narratives about whether staff were with Y1 throughout the entire decontamination process. DJCO 3's narrative indicates that once, "we reached the showers, I removed the handcuffs from his wrists. The youth then entered the shower." The report goes on to list that "At approximately, 10:11, [Y1] ended the decontamination by choice." DJCO 4 also simply reported that "[Y1] ended the decontamination by choice" at 10:11 a.m. While it is possible that this verbiage is meant to imply that DJCO 3 and DJCO 4 were with Y1 throughout the entire decontamination process, a straightforward statement would be more helpful to the reader of their reports.

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.³⁴ 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."³⁵ The responsibility for contacting the youth's parent or legal guardian is assigned to the SJCO/Duty Officer or designee.³⁶ 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.³⁷

Supplemental reports indicate that SJCO 1 and SJCO 2 were on scene and supervising the securing of the youths and directed the escorts for decontamination. DJCO 5's narrative indicates that SJCO 2 directed DJCO 5 and DJCO 6 to escort Y2 for decontamination. DJCO 6's narrative also states that SJCO 1 directed DJCO 6 to assist with Y2 for decontamination.

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

Finally, the main SIR and Use of Force reports indicate that the Clinical Evaluation Guidance Unit (CEGU) was notified of the incident and that both youths were evaluated that afternoon.

Medical

The OC Procedure makes clear that "[a]ll youths exposed to OC spray ... must be seen by the Medical Unit immediately."³⁸ According to the main SIR and the Use of Force reports, the decontamination procedure for Y1 began at 10:04 a.m. and concluded at 10:11 a.m., while the decontamination procedure for Y2 began at 10:07 a.m. and concluded at 10:16 a.m.

According to the OC procedure, "[t]he staff member who sprayed the individual is responsible for advising medical personnel or others of the decontamination procedures."³⁹ However, the main SIR and

³⁴ Procedure Manual Item 3-1-056 II(E)(1) Notification and Documentation.

³⁵ Procedure Manual Item 3-1-056 II(F)(13) Decontamination/Aftercare Procedures.

³⁶ Procedure Manual Item 3-1-056 II(F)(18) Decontamination/Aftercare Procedures.

³⁷ Procedure Manual Item 3-1-056 II(F)(17) Decontamination/Aftercare Procedures.

³⁸ Procedure Manual Item 3-1-056 II(F)(13) Decontamination/Aftercare Procedures.

³⁹ Procedure Manual Item 3-1-056 II(F)(13) Decontamination/Aftercare Procedures.

Use of Force reports indicate that the Medical Unit was not informed of the physical altercation and use of OC until 10:33 a.m. According to the main SIR, the nurse arrived to examine the youths at 10:43 a.m., almost 40 minutes after Y1 started the decontamination procedure and almost 30 minutes after Y2 completed the decontamination procedure.

The OC procedure does not define what is meant by the phrase that the youth “must be seen by the Medical Unit immediately.” While there can be situations which may delay the immediate examination by the Medical Unit, seeing youths 47 minutes after the initial deployment of OC is unlikely to comply with the Department’s expectation of “immediately.”

Recommendation

Update PMI 3-1-056 to require that notification to the medical unit regarding the exposure of OC should occur no later than the start of the decontamination process.

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).⁴⁰ 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.⁴¹

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 and DJCO 2 to attempt to de-escalate prior to the uses of force. The report also clearly lays out the activities that occurred after the uses of force except for whether staff members remained with the youths throughout the decontamination process.

DJCO 1 and DJCO 2 each prepared two Use of Force reports to document the intentional deployments of OC directed at Y1 and Y2. However, the narrative report prepared by DJCO 2 does not make clear whether the youths were struck by either of her deployments of OC. After her first deployment of OC, DJCO 2 indicates that she “was unable to get a clear shot,” but doesn’t mention if she actually struck either youth. After her second deployment, DJCO 2 doesn’t mention anything other than the fact that she “discharged a one second burst again.”

The OC procedure requires DJCOs to provide “[a] description of how OC spray was used, and the results obtained.” An accurate description of how OC spray is used should include, among other things, a description of where the OC spray was aimed, whether contact was made, and the reaction that the youth had to encountering the OC spray.

Recommendation

Provide additional training providing DJCOs with guidance on the necessary level of detail to accurately describe the use of force and the results obtained. At a minimum, use of force reports should provide a

⁴⁰ Procedure Manual Item 3-1-015 VIII(F) DJCO Responsibilities.

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

description of how and where the force was applied on the youth, whether the youth was contacted by the force, and the reaction that the youth had to encountering the force.

The OIR also had some confusion as it relates to DJCO 2's narrative and use of force report. According to DJCO 2's narrative she deployed her OC spray twice. DJCO 2's first discharge of OC spray was directed "at both youths." However, she indicated that "she was unable to get a clear shot." No description was given regarding the direction of her second burst. DJCO 2 also completed a use of force form for each youth. Each form states that the number of times spray was used was "1."

After a review of DJCO 2's narrative and use of force reports, the OIR was unable to determine whether DJCO 2 sprayed both youths at the same time on her first or second deployments, or sprayed each youth separately, one on each deployment.

Recommendation

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

Conclusion

A review of the SIRs and Use of Force reports established that the uses of force (OC spray) by DJCO 1 and DJCO 2 were within law and policy. The main SIR and video show that had the DJCOs not deployed force, Y1 and Y2 would have continued their mutual assault, likely resulting in potentially serious injuries. When Y1 and Y2 started their mutual assault, DJCO 1 and DJCO 2 used verbal commands to attempt to de-escalate the situation. DJCO 1 and DJCO 2 both deployed their OC spray only after their attempts to gain compliance 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. Update PMI 3-1-056 to require that notification to the medical unit regarding the exposure of OC should occur no later than the start of the decontamination process.
4. Provide additional training providing DJCOs with guidance on the necessary level of detail to accurately describe the use of force and the results obtained. At a minimum, use of force reports should provide a description of how and where the force was applied on the youth, whether the youth was contacted by the force, and the reaction that the youth had to encountering the force.
5. Provide additional training reminding DJCOs of the importance of making sure that their reports are accurate and complete.