

MONICA MONTGOMERY STEPPE VICE-CHAIR

SUPERVISOR, FOURTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: August 26, 2025 26

TO: Board of Supervisors

SUBJECT

IMPROVING YOUTH SAFETY IN JUVENILE DETENTION FACILITIES (DISTRICTS: ALL)

OVERVIEW

On April 25, 2017 (4), the Board of Supervisors (Board) authorized the Director, Department of Purchasing and Contracting, to negotiate with the Council of Juvenile Justice Administrators, Inc. (CJJA) for the procurement of a contract for Youth in Custody Practice Model (YICPM) Training and Technical Assistance services to be provided to the County of San Diego's Probation Department (Probation) for a period of 18 months. Under this authority, on August 9, 2017, the County of San Diego (County) awarded Contract 556648 to CJJA (then known as Council of Juvenile Correctional Administrators, Inc.), to expire on February 28, 2019. The County has since continued renewing its contract, currently under Contract Number 568295, to receive technical assistance and training from CJJA on policies, procedures, and operating practices specific to the Youth Transition Campus (YTC), the East Mesa Juvenile Detention Facility (EMJDF), A.B. and Jessie Polinsky Children's Center, and the SB 823 Youth Development Academy Program. Technical assistance includes site visits, virtual meetings with identified staff, and review of all related records, including incident reports and videos related to incidents of violence, use of restraints/force, use of confinement, and facility design.

The YICPM is designed to assist state and county juvenile correctional agencies and facility providers in implementing a comprehensive and effective service delivery approach. Utilizing the YICPM as a roadmap, CJJA, the Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy, and a team of consultants provided participating agencies with technical assistance and training to align core, research-based principles with everyday practice, and achieve more positive outcomes for youth, families, staff, and communities by reducing the number of youth entering the juvenile justice system.

On May 13, 2025, California Attorney General Rob Bonta announced the opening of a civil rights investigation to determine whether the County has engaged in a pattern or practice of unlawful treatment of youth at EMJDF and YTC. The announcement did not outline any specific incidents

or allegations that may have prompted the investigation; however, recent reporting by several oversight organizations highlight concerns with excessive use of force in youth detention facilities, including the use of Oleoresin Capsicum (OC) spray, and the failure of Probation officers to utilize de-escalation techniques. Moreover, while Probation has contracted with CJJA since 2017, the Board is rarely apprised of complaints filed against Probation or of CJJA's findings due to the contract directing CJJA to provide their Training and Technical Assistance solely to Probation.

This is a request to establish an Ad Hoc Subcommittee on Juvenile Justice, renew the County's contract with CJJA with a provision requiring CJJA to provide the Subcommittee with its reports, and direct the Chief Probation Officer to report back to the Board within 60 days with a plan for (1) the phased elimination of the use of OC spray, and (2) the promotion of de-escalation techniques as opposed to excessive use of force and room confinement. The Chief Probation Officer's plan must include mandatory Mandt training for all Probation officers working in the County's youth detention facilities and proposed policy changes.

RECOMMENDATION(S)

VICE-CHAIR MONICA MONTGOMERY STEPPE

- 1. Establish an ad hoc subcommittee of this Board of Supervisors, entitled the Ad Hoc Subcommittee on Juvenile Justice (Subcommittee), and appoint Supervisor Monica Montgomery Steppe and Supervisor Paloma Aguirre, for the purpose of analyzing, planning and proactively addressing concerns, recommendations, and opportunities for improvement in youth detention facilities.
 - a. To advance the purposes described above, the activities of the Subcommittee will include, but will not be limited to, the following: (i) working with Council of Juvenile Justice Administrators, Inc. (CJJA), Probation, County staff, and, if relevant, other stakeholders, to track concerns and recommendations regarding the County of San Diego's youth detention facilities; (ii) identifying and analyzing opportunities to improve Probation operations through changes in policy, training and practices; and (iii) working with the Chief Probation Officer, Chief Administrative Officer and others on developing and implementing steps for any recommendations presented to and approved by the Board.
 - b. The Subcommittee will report back by memo to the Board quarterly on the activities of the Subcommittee, and in closed session as needed and authorized by statute.
 - c. The Subcommittee will bring forth recommendations for approval by the Board as needed.
 - d. Once the purposes outlined above have been achieved, the Subcommittee will conclude its work.
- 2. In accordance, with Board Policy A-87, Competitive Procurement, direct, approve, and authorize the Director, Department of Purchasing and Contracting, to enter into negotiations with CJJA and, subject to successful negotiations and a determination of a fair and reasonable price, amend Contract Number 568295 with CJJA to extend its contract terms through December 31, 2026, subject to the availability of funds, and to add a provision that requires CJJA to provide the Board with a copy of CJJA's reports, including its Training and Technical Assistance services.

- 3. Direct the Chief Probation Officer, in collaboration with CJJA, to report back to the Board within 60 days with a plan for the phased elimination of the use of chemical agents, including OC spray, in all San Diego County youth detention facilities within two years. The Chief Probation Officer and CJJA are to work with the County of San Diego's Health and Human Services Agency, County Counsel, the Public Defender, the Alternate Public Defender, the San Diego County Office of Education, and employee associations, consistent with the meet and confer labor obligations, and community advocates in creating the plan, as deemed appropriate. The plan must also implement pilot programs at all of the youth detention facilities currently using chemical agents, including OC spray, which restricts access to chemical agents while it is being phased out.
- 4. Direct the Chief Probation Officer, in collaboration with CJJA, to report back to the Board within 60 days with a plan that considers best practices, both short- and long-term, to reduce and de-emphasize the use of force and room confinement. The plan must include, but not be limited to, mandatory Mandt training for all Probation officers working in youth detention facilities, a timeline of implementation of alternate forms of supervision and behavior management, and related amendments to Probation's policies and procedures. The Chief Probation Officer and CJJA are to work with the County of San Diego's Health and Human Services Agency, County Counsel, the Public Defender, the Alternate Public Defender, the San Diego County Office of Education, and employee associations, consistent with meet and confer obligations, and community advocates in creating the plan, as deemed appropriate.

EQUITY IMPACT STATEMENT

Encouraging effective government oversight of juvenile detention and updating use of force policies demonstrate a commitment to promoting equity, justice, and inclusivity.

SUSTAINABILITY IMPACT STATEMENT

Encouraging effective government oversight of juvenile detention and updating use of force policies will further the County of San Diego's commitment to promoting justice for all San Diegans.

FISCAL IMPACT

Funds for the actions requested are included in the Fiscal Year 2025-26 Operational Plan based on existing staff time in the identified departments based on various funding sources. There will be no change in net General Fund cost and no additional staff years resulting from these recommendations. There may be fiscal impacts associated with future related recommendations which staff would return to the Board of Supervisors for consideration and approval.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

SUBJECT: IMPROVING YOUTH SAFETY IN JUVENILE DETENTION FACILITIES

(DISTRICTS: ALL)

BACKGROUND

On April 25, 2017 (4), the Board of Supervisors (Board) authorized the Director, Department of Purchasing and Contracting, to negotiate with the Council of Juvenile Justice Administrators, Inc. (CJJA) for the procurement of a contract for Youth in Custody Practice Model (YICPM) Training and Technical Assistance services to be provided to the County of San Diego's Probation Department (Probation) for a period of 18 months. Under this authority, on August 9, 2017, the County of San Diego (County) awarded Contract Number 556648 to CJJA (then known as Council of Juvenile Correctional Administrators, Inc.), to expire on February 28, 2019. The County has since continued renewing its contract, currently under Contract Number 568295, to receive technical assistance and training from CJJA on policies, procedures, and operating practices specific to the Youth Transition Campus (YTC), the East Mesa Juvenile Detention Facility (EMJDF), the A.B. and Jessie Polinsky Children's Center, and the SB 823 Youth Development Academy Program. Technical assistance includes site visits, virtual meetings with identified staff, and review of all related records, including incident reports and videos related to incidents of violence, use of restraints/force, use of confinement, and facility design.

The YICPM is designed to assist state and county juvenile correctional agencies and facility providers in implementing a comprehensive and effective service delivery approach. Utilizing the YICPM as a roadmap, CJJA, the Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy, and a team of consultants provided participating agencies with technical assistance and training to align core, research-based principles with everyday practice, and achieve more positive outcomes for youth, families, staff, and communities by reducing the number of youth entering the juvenile justice system.

On May 13, 2025, California Attorney General Rob Bonta announced the opening of a civil rights investigation to determine whether the County has engaged in a pattern or practice of unlawful treatment of youth at EMJDF and YTC.¹ The announcement did not outline any specific incidents or allegations that may have prompted the investigation; however, recent reporting by several oversight organizations highlight concerns with the overuse of force in youth detention facilities, including the use of Oleoresin Capsicum (OC) spray, and the failure of Probation officers to utilize de-escalation techniques. Moreover, while Probation has contracted with CJJA since 2017, the Board is rarely apprised of CJJA's findings and Probation's responses due to the contract directing CJJA to provide their Training and Technical Assistance solely to Probation.

CJJA Contract

Probation has been working with CJJA since 2017 to develop and implement YICPM and national best practices in the County's juvenile detention facilities. CJJA provides unique knowledge not available from other providers, as well as vital continuity supporting the timely improvement in use of force and de-escalation practices. National experts have played a critical role in helping Probation make a shift from a correctional, compliance-based model of juvenile detention to a positive youth development approach. These technical assistance services are in the County's best interest.

¹ This investigation will also examine the educational services provided to incarcerated youth by the San Diego County Office of Education. *Attorney General Bonta Launches Civil Rights Investigation into Conditions at San Diego Juvenile Halls*, OFFICE OF THE ATTORNEY GENERAL (May 13, 2025), https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-conditions-san-diego.

Pursuant to the County's current contract with CJJA, Contract Number 568295, CJJA's scope of work as it relates to Probation is to provide YICPM Training and Technical Assistance solely to Probation staff. Due to this contract language, CJJA has been unable to report its findings and recommendations directly to the Board, which has historically prevented the Board from understanding the full scope of the issues underlying certain Probation policies and practices. Moreover, several concerns remain regarding Probation's use of force policies and practices and de-escalation training. First, not all Probation officers in juvenile detention facilities have received Mandt de-escalation training. Second, Probation continues to utilize chemical agents—primarily OC spray—in its juvenile facilities, despite oversight organizations finding that officers oftentimes use OC spray as a first means of addressing conflict with youth, rather than de-escalation techniques. Third, Probation's policy broadly allows use of force without attempting de-escalation efforts in the first instance, which is likely to harm youth unnecessarily.

This board letter includes a request to create an Ad Hoc Subcommittee (Subcommittee) on Juvenile Justice to recommend opportunities for improvement to Probation, and to renew the CJJA contract, which expires December 31, 2025, with provisions to include the Subcommittee as a recipient of CJJA's reports, including its Training and Technical Assistance services. This will help the County address past deficiencies and make CJJA an effective advisory council.

Mandt Training

The Mandt System, as recommended by CJJA, is a de-escalation training that "teaches practical techniques and concepts to prevent further escalation, all while maintaining dignity and respect." Mandt training educates departments on how to establish relationships, control emotions, de-escalate incidents, and manage behavior. Importantly, Mandt training is also trauma-informed, as many detained youths have extensive histories of trauma.

While Mandt training is now a part of the CORE training received by all new, incoming Probation officers, stronger efforts must be made to ensure existing officers are trained. Due to concerns regarding the heavy reliance on force and OC spray by Probation officers, as described further below, this board letter includes a request to amend Probation's policy to prioritize de-escalation training and techniques, and to require that Mandt training be provided to all Probation officers.

Use of OC Spray

The use of OC spray, more commonly known as "pepper spray," has been declining across the country as a means of discipline for youth detainees. In fact, a survey by CJJA found that, as of March 2025, two-thirds of states have banned the use of OC spray on youth detainees. Moreover, California is 1 of only 6 states that allow probation officers to carry OC cans on their persons at all times. In the past several years, methods of disciplining detained youth have pivoted from physical discipline and forced isolation toward a more comprehensive and holistic approach. At

² *De-Escalation Training*, MANDT SYSTEM, https://www.mandtsystem.com/programs-pricing/deescalation-training/ (last visited July 8, 2025).

³ Chemical Agents in Juvenile Facilities, COUNCIL OF JUVENILE JUSTICE ADMINISTRATORS (Mar. 2025), https://cjja.net/wp-content/uploads/2025/04/Chemical-Agents-in-Juvenile-Justice-Facilities-March-2025.pdf.

⁴ Report by Legislative Counsel David Billingsley presented to the Assembly Committee on Public Safety for hearing held April 17, 2018, page 4.

the heart of this departure from a culture of punishment and control to one of support and rehabilitation is the growing awareness concerning the effects and treatment of trauma and what is effective in addressing and healing it. The fact that so many of the young people in our facilities have extensive trauma histories must be taken into account when considering how best to evaluate their needs and determine the kinds of practices staff employ when working with them. Trauma-informed techniques—including verbal de-escalation, cognitive behavioral therapy, multidisciplinary team involvement, and other alternatives—enable youth to respond more positively and develop healthy coping strategies that can have lasting effects on their behavior and, ultimately, their outcomes.

Many counties, including Santa Clara, San Francisco, Solano, Sonoma, Santa Cruz, Marin, and Sacramento have banned the use of OC spray in all their juvenile facilities. It is time for the use of this spray in our juvenile facilities to be entirely eliminated, in a deliberate and progressive manner, and replaced with alternate forms of behavior management, increased staff training, evidence-based programming, and independent oversight.

Currently, Probation's policies broadly permit the use of OC spray "when such force reasonably appears justified and necessary." It forbids its use on youth who are pregnant but makes no mention of youth taking psychotropic medications, suffering from asthma or other respiratory conditions, or with a history of seizures, despite research indicating youth suffering from any of these conditions have a higher chance of complications related to being dosed with OC spray. Perhaps most significantly, rather than being the last resort in a continuum of actions, the use of OC spray (and the use of force, as discussed further below) is often looked to as the default or intermediary force option. Indeed, a 2024 inspection report by the San Diego County Juvenile Justice Commission stated that at EMJDF, OC spray was used primarily to stop fights but that the reports required to be submitted by Probation officers after using OC spray failed to state whether officers had made any efforts to prevent or de-escalate the fight in the first place.

While the abusive and unjustified uses of OC spray raise the greatest alarm, even when used in a manner authorized by Probation policy, OC spray is now viewed by many juvenile justice experts as counter-productive, needlessly punitive, and potentially both medically and psychologically harmful. Additionally, several investigative reports have opined that the use of OC spray degrades the relationship between youth and staff, and that "youth distrust of facility staff and conflict with them can undermine program efforts to alter delinquent career paths and elevate discipline, control, and safety issues."

OC spray is measured in "Scoville" units. One Scoville is equivalent to the heat of a single jalapeño pepper. The heat of law enforcement-issued OC spray is over a thousand times more powerful than

⁵ Chemical Agents Training Policy § 305.2, *Juvenile Detention Manual*, SAN DIEGO CNTY. PROB. DEP'T (Aug. 19, 2019).

⁶ Id. § 305.3.

⁷East Mesa Juvenile Detention Facility 2024, San Diego County Juvenile Justice Commission at 11 (2024), https://www.sdcourt.ca.gov/sites/default/files/SDCOURT/JUVENILE3/JUVENILEJUSTICECOMMISSION/JJCR EPORTS/2024_inspection_report_-_east_mesa_juvenile_detention_facility_emjdf.pdf.

⁸ Andrea J. Sedlak & Karla S. McPherson, *Conditions of Confinement: Findings from the Survey of Youth in Residential Placement* 8, U.S. DEP'T OF JUSTICE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (May 2010), https://www.ojp.gov/pdffiles1/ojjdp/227729.pdf.

the heat from a jalapeño pepper, and significantly more powerful than commercially available mace sprays, making the term "pepper spray" a quaint misnomer. An assault by OC spray will cause a person's eyes to immediately close, due to a "bubbling or boiling sensation," which is followed by temporary blindness and intense eye pain. The short- and long-term effects on adults include intense pain, wheezing, acute hypertension, deterioration of nerve tissue and permanent corneal damage, inability to breathe, blistering of the skin, and a heightened risk of asphyxiation when used on individuals with respiratory conditions such as asthma. 9 Apnea and respiratory arrest may also occur, as those with asthma have a higher chance of complications related to being dosed with OC spray. Research suggests that young adults and children are more likely to be injured by OC spray than adults, and that "children are more vulnerable to severe injuries from chemical toxicity' related to the use of chemical irritants like OC spray." The reaction to OC spray may be intensified if the person sprayed has medical or mental health diagnoses or takes certain medications.¹¹ Additionally, youth with and without disabilities have an increased likelihood of negative effects with repeated exposure.¹² It can reasonably be inferred that both the short- and long-term effects on youth may be even more severe, long-lasting, and traumatizing, and it is difficult to predict whether a youth may have a severe or deadly reaction to OC spray.¹³ There is research that suggests that the use of OC spray can actually increase violence, as well as create liability for local governments, due to its improper use. 14

Jurisdictions in California that no longer allow the use of OC spray in their juvenile facilities have turned to alternate methods that have—at their core—an overriding concern for both the youth and staff working and living there. All juvenile facilities in the County should follow suit. Options to consider should include comprehensive staff training and education regarding adolescent development, cognitive behavioral techniques, non-threatening verbal and non-verbal communication, and evidence-based programming such as a rewards system, and mandatory annual re-education. Review of use of force and reporting policies should expose the weak areas of enforcement that allowed the abuse to go on undetected for so long. For youth to be free from the threat of this dehumanizing and violent discipline method, it is necessary for staff to be thoroughly trained in appropriate alternative options, and for Probation to support necessary culture change.

This board letter includes a request for the Chief Probation Officer, in collaboration with CJJA, to report back within 60 days on a plan for the phased elimination of the use of OC spray in all San Diego County youth detention facilities within two years. The Chief Probation Officer and CJJA are to work with the County of San Diego's Health and Human Services Agency, County Counsel, the Public Defender, the Alternate Public Defender, the San Diego County Office of Education, and community advocates in creating the plan, as deemed appropriate. The plan must also

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⁹ Ian M. Kysel, *Toxic Treatment: The Abuse of Tear Gas Weapons in California Juvenile Detention*, ACLU, at 15 (May 22, 2019).

¹⁰ *Id.* at 14 (quoting Physicians for Human Rights & The International Network of Civil Liberties Organizations, Lethal in Disguise: The Health Consequences of Crowd-Control Weapons 44 (March 2016)).

¹¹ *Id.* at 18.

¹² Report on Inspection of the San Diego Juvenile Detention Facilities, DISABILITY RIGHTS CALIFORNIA (Sept. 24, 2015).

¹³ Leah Pinney, *Pepper Spray in the Texas Youth Commission: Research Review and Policy Recommendations*, Tex. Crim. Justice Coalition (Nov. 2007), at 5.

¹⁴ *Id*. at 6.

implement pilot programs at all youth detention facilities currently using OC spray, which restricts access to OC spray while it is being phased out.

Use of Force

Probation's policies also give officers broad discretion to use physical force against youth detainees, unlike other jurisdictions. Specifically, Probation's policy provides that "[o]fficers may use force as reasonably necessary in the performance of duties, but excessive force shall not be used." This policy significantly differs from other jurisdictions, which emphasize that officers should first utilize de-escalation techniques when reasonable to do so and discourage the use of force. For example, the San Francisco County Probation Department's policy states its department's "preferred method of resolving conflict and maintaining safety and security in the facility is through the application of de-escalation and crisis intervention techniques. . . . Sworn staff shall use the least amount of force necessary to gain compliance/control."

While there have been numerous allegations of abusive and unjustified uses of force, there is also concern that Probation officers utilize force in the first instance, rather than employing deescalation techniques when reasonable. Indeed, as described above, such use of force may degrade the relationship between youth and staff, resulting in youth distrust of facility staff that is counterproductive to program rehabilitation efforts.

This board letter includes a request to create a plan that considers best practices for options regarding use of force, both short- and long-term, with a timeline of implementation of alternate forms of supervision and behavior management. Moreover, this action requests the Chief Probation Officer, in collaboration with CJJA, to amend Probation policies to de-emphasize use of force and instead promote de-escalation techniques. The Chief Probation Officer and CJJA are to work with the County of San Diego's Health and Human Services Agency, County Counsel, the Public Defender, the Alternate Public Defender, the San Diego County Office of Education, and community advocates in creating the plan, as deemed appropriate.

Use of Room Confinement

Probation policy defines "room confinement" as "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." Youth are also often placed under room confinement during staff breaks and shift changes. The use of room confinement by Probation officers has been a subject of investigation in recent years, and despite Probation's agreement to improve their practices, it does not appear there is much progress in this area.

¹⁵ Use of Force Policy § 514.3.

¹⁶ Juvenile Hall Policy and Procedures Manual § 10.17.III.C, SAN FRANCISCO JUVENILE PROB. DEP'T (Jan. 1, 2019), https://www.sf.gov/sites/default/files/2023-01/10.16_use_of_force.pdf.

¹⁷ Behavior Control Policy § 7.7.3.2, *Institutional Services Policies*, SAN DIEGO CNTY. PROB. DEP'T (June 25, 2018); Cal. WIC § 208.3(a)(3); 15 CCR § 1302.

¹⁸ While Probation Policy § 7.7.3.2 states "[r]oom confinement does not include confinement of a youth . . . for brief periods necessary for required institutional operations (such as shift change)," this Board Letter uses the term "room confinement" to include confinement used for institutional operations.

Numerous studies have shown the use of room confinement is harmful to incarcerated youths, does not reduce violence, and likely increases recidivism. Indeed, subjecting developing youths to isolation can cause permanent psychological damage, and multiple studies strongly suggest the use of isolation correlates with suicide. ¹⁹ These risks are increased for youths with disabilities or histories of trauma and abuse. ²⁰

In January 2022, the California Board of State and Community Corrections found Probation was out of compliance with California regulations²¹, which provides that "[r]oom 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 and security of any minor, ward, or staff."²² While Probation submitted its required corrective action plan in March 2022, there are still concerns regarding Probation's use of room confinement and accurate documentation thereof.

Thus, this board letter includes a request to create a plan that considers best practices for options for room confinement, both short- and long-term, with a timeline of implementation of alternate forms of supervision and behavior management. Moreover, this action requests the Chief Probation Officer, in collaboration with CJJA, to amend Probation policies to de-emphasize use of room confinement and instead promote de-escalation techniques. The Chief Probation Officer and CJJA are to work with the County of San Diego's Health and Human Services Agency, County Counsel, the Public Defender, the Alternate Public Defender, the San Diego County Office of Education, and community advocates in creating the plan, as deemed appropriate.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action aligns with the Justice and Equity Strategic Initiatives in the County of San Diego's 2025–2030 Strategic Plan by using evidence-based forms of supervision and management of youth that promotes the well-being and rehabilitation of this vulnerable population.

Respectfully submitted,

MONICA MONTGOMERY STEPPE Supervisor, Fourth District

ATTACHMENT(S) N/A

¹⁹ *Toolkit: Reducing the Use of Isolation*, COUNCIL OF JUVENILE CORR. ADM'RS 7 (March 2015), https://dcfs.nv.gov/uploadedFiles/dcfsnvgov/content/Programs/JJS/CJCA%20Toolkit%20Reducing%20the%20use%20of%20Isolation.pdf.

²⁰ *Id*.

²¹ San Diego Officers Violated State Regs, Locked Youth in Rooms for Hours Without Explanation, Inspectors Find, INEWSSOURCE (Apr. 20, 2022), https://inewsource.org/2022/04/20/san-diego-officers-confine-youth/
²² Cal. Welf. & Inst. Code § 208.3(b)(1).