



# STATE COALITION OF PROBATION ORGANIZATIONS

## STATE OFFICE

8950 CAL CENTER DRIVE, SUITE 108, SACRAMENTO, CA 95826  
(916) 368-1485 (TEL) • (916) 368-5820 (FAX)

April 12, 2023

### *Via Facsimile & U.S. Mail*

Kirk Haynes, Chief Probation Officer  
Fresno County Probation Department  
2212 N. Winery Avenue  
Fresno, CA 93703  
khaynes@co.fresno.ca.us

### **Re: Title 15 Pepper Spray Regulations**

Dear Chief Haynes:

On behalf of the State Coalition of Probation Organizations, we write to you in your capacity as chair of the BSCC Executive Steering Committee to voice our strong opposition to any changes to the current Title 15 regulations governing the use of pepper spray in County juvenile facilities.

The State Coalition of Probation Organizations (SCOPO) represents probation line staff officers from over 40 California counties. For the past decade, SCOPO has protected the safety of residents and staff in local institutions by demonstrating that proposed legislation banning pepper spray in juvenile facilities would create a far more dangerous environment for the youth under our care and the officers who provide rehabilitative services and supervision. State legislators have rejected a pepper spray ban three times in the last 10 years.

The same advocates whose misguided legislative efforts were unsuccessful are attempting now to circumvent the legislative process and ban pepper spray through regulation. We urge you and the members of your committee to reject their arguments for the following reasons:

#### **1. Pepper Spray is a Necessary Tool to Protect Staff and Youth from Injury**

Former Chief Probation Officers of California (CPOC) President Jim Salio said in 2018, "Having pepper spray not available, not available on the individual officers, would make it difficult to deter a violent attack, a violent attack that's taking place right in front of you."<sup>1</sup> We agree. The amount of damage a 17- or 24-year-old can inflict on someone in a short period of time is astounding. Anyone who has been in, seen or broken up a physical altercation can attest to this fact. Knowing such physical altercations will happen and proceeding to take away pepper spray, a tool that ends

<sup>1</sup> "California Weighs Limits to Pepper Spray in Juvenile Jails", <https://www.corrections1.com/juvenile-offenders/articles/calif-weighs-limits-to-pepper-spray-in-juvenile-jails-xTfHjY6aRkx1NzfZ/#:~:text=Thirty%2Dfive%20states%20no%20longer,the%20advocates%20and%20state%20of%20officials.>

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most physical altercations immediately and leaves physical force as the only option for officers is knowingly and willingly placing residents and staff at serious risk.

Chief Salio's comments are particularly important because over 50 percent of California's deputy probation officers are now female, by nature smaller in stature than the predominantly male residents in our care.<sup>2</sup> In a typical scenario, a five foot tall, 120 lb. female detention officer must be able to stop the assault on another youth or staff of a six foot, 250-pound male resident without causing injury to herself, the youth, or her coworkers. Pepper spray is the great equalizer in these scenarios. Without pepper spray, female officers are forced to try to restrain larger, stronger youth, often resulting in injury to the officer and the resident. Pepper spray ends such assaults by youth quickly and safely for everyone involved.

## **2. Comparison to Other States is Misleading**

Advocates of a pepper spray ban often assert California is in the minority of states that still allow the use of pepper spray in juvenile institutions. What those advocates fail to report are the options those states employ in lieu of pepper spray.

Many of the states that have prohibited the use of pepper spray have a staff to resident ratio far below California's 1:10 ratio during waking hours and 1:30 ratio during sleeping hours. Texas and Idaho, for example, have juvenile facility staffing ratios as low as 1:4; Maryland and Pennsylvania, 1:6. Staff to resident ratio levels that low give officers the ability to supervise more closely, build rapport faster, and provide more officers to respond to incidents in which they must physically stop an assault by a violent youth.

Many of the same states that have banned pepper spray allow room confinement in their facilities without the limitations adopted in California. In Alabama and Arizona, youth may be held in isolation for up to 24 hours; in Maryland and Michigan, for up to 72 hours; in a few states for five days or more. This practice keeps violent residents separated long-term from other youth to prevent repeated assaults altogether but likely causes more harm to the involved youth than a temporary deployment of pepper spray.

## **3. Physical Force is a More Harmful Alternative to Pepper Spray**

Advocates often argue there is an adverse impact on the relationship between residents and officers when pepper spray is used. What they fail to note is how much greater is the adverse impact when an officer is forced to restrain a resident with physical force. The only way for an officer to stop an assault is by applying physical force to stop the resident who is committing the assault. This can and often does result in injuries to staff and residents.

Advocates also argue that "all an officer needs to do" is to build rapport with the residents and implement de-escalation techniques. These are worthwhile objectives, and we all appreciate the importance of de-escalation techniques to avoid the use of force. However, both advocates and

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<sup>2</sup> Chief Probation Officers of California (CPOC), "Women Empowering Women: Celebrating Women Probation Leaders", <https://www.cpo.org/post/womens-history-month-webinar>.

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line staff agree fights and assaults will happen in the institutional setting notwithstanding rapport-building and de-escalation because detained youth exhibit varying rates of brain maturity, impulse control, risk assessment and social development. Housing together impulsive youth who have experienced violent trauma and who come from different backgrounds, neighborhoods, cultures and, in many cases, gangs, creates a highly volatile environment in which fights and assaults will occur. Pepper spray is an essential tool in those situations.

#### **4. Adequate Training Prevents Misuse**

Probation peace officers are thoroughly trained in the proper use of pepper spray. The training includes officers being exposed to pepper spray themselves so that they will understand its effects. Every Probation Department in the state has specific policies and procedures governing the use of pepper spray and decontamination procedures. Pepper spray is used only when there is a physical altercation or assault.

#### **5. Officers Need Safety Tools to Manage the New SB 823 Population**

As you know, the recent implementation of Juvenile Justice Realignment means local County juvenile facilities must house every individual up to the age of 25 who is in the juvenile justice system. By June of this year, individuals formerly housed by the Division of Juvenile Justice will have been returned to local facilities. The majority of them will be adults. These individuals are more sophisticated, more physically developed, and have committed more serious and violent offenses, and therefore pose a greater risk to residents and officers. The midst of this transition statewide to adult supervision in local juvenile institutions is not the time to remove critical officer safety tools such as pepper spray.

We ask that your Executive Steering Committee continue to protect both the residents in our care and the officers who provide rehabilitative services and supervision and refrain from proposing any changes in the current Title 15 regulations relating to the use of pepper spray in local juvenile facilities. Thank you for your consideration.

Sincerely,



Jordan Richards, SCOPO President  
President, San Joaquin County Probation Officers Association




Greg Stuber, SCOPO Legislative Vice President  
President, Sacramento County Probation Association

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Francisco Ochoa, SCOPO Administrative Vice President  
Treasurer, Association of Orange County Deputy Sheriffs



Cesar Carranza, SCOPO Treasurer  
Board Member, Association of Orange County Deputy Sheriffs



Kris Acebo, SCOPO Secretary  
President, Ventura County Probation Peace Officers Association

/cwm

Cc: Katherine Lucero  
Director, Office of Youth and Community Restoration  
katherine.lucero@chhs.ca.gov

Brian Richart, Chief Probation Officer  
El Dorado County Probation  
brian.richart@edcgov.us

Kalisa Rochester, Chief Probation Officer  
Merced County Probation  
kalisa.rochester@countyofmerced.com

Danielle King, Senior Youth Policy Counsel  
National Center for Lesbian Rights  
dking@NCLRights.org

Esa Ehmen-Krause, Chief Probation Officer  
Contra Costa County Probation  
ProbationChief@prob.cccounty.us

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Amanda Yocham, Chief Mental Health Clinician  
San Joaquin Behavioral Health Services  
ayocham@sjgov.org

Jane Halladay, Director of System Services  
National Center for Child Traumatic Stress

Roberto Luca, Program Director  
Mass Liberation

Luis Venegas, Life Coach  
Ventura Training Facility, Anti-Recidivism Coalition  
luisvenegas@antirecidivism.org

Katherine Aaron, Assistant Superintendent  
San Luis Obispo County Office of Education  
kaaron@slocoe.org

Meredith Desautels, Esq., Staff Attorney  
Youth Law Center  
mdesautels@ylc.org

Heile Gantan, Program Associate  
Food in Prison Project, Impact Justice  
hgantan@impactjustice.org

Marguerite Harris, Deputy Chief Probation Officer  
San Luis Obispo County Probation Department  
mharris@co.slo.ca.us