



# STATE COALITION OF PROBATION ORGANIZATIONS

## STATE OFFICE

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

August 14, 2023

### *Via Electronic Mail Only*

Kirk Haynes, Chair  
Executive Steering Committee  
Board of State & Community Corrections  
2590 Venture Oaks Way, Suite 200  
Sacramento, CA 95833  
publiccomment@bscc.ca.gov

### **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

---

<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%20officials.>

Kirk Haynes, ESC Chair  
August 14, 2023  
Page 2

such physical altercations will happen and proceeding to take away pepper spray, a tool that ends 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. Use of Pepper Spray in Los Padrinos Juvenile Hall**

Probation chiefs and line staff throughout California know pepper spray is highly effective in reducing threats to staff and mitigating assaults by youth. Following the riot at Los Angeles County's Los Padrinos Juvenile Hall just a few weeks ago, Interim Chief Probation Officer Guillermo Viera Rosa announced the temporary issuance of pepper spray to all staff for the purpose of maintaining security in the facility. Chief Rosa is a former ex-officio member of the BSCC who is lauded for his commitment to juvenile probation reform, yet he recognizes that pepper spray remains necessary to the safety of staff and residents in juvenile facilities. A decision by the Executive Steering Committee to ban pepper spray would strip probation chiefs of this critical safety tool even in emergencies.

## **3. 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

---

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

Kirk Haynes, ESC Chair  
August 14, 2023  
Page 3

prevent repeated assaults altogether but likely causes more harm to the involved youth than a temporary deployment of pepper spray.

#### **4. 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 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.

#### **5. 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.

#### **6. 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. Individuals formerly housed by the state Division of Juvenile Justice have been returned to local facilities; the majority of them are adults. They are more sophisticated, more physically developed, and have committed more serious and violent offenses, and therefore pose a significantly greater risk to residents and officers. The ongoing transition statewide to adult supervision in local juvenile institutions is not a time when critical officer safety tools such as pepper spray should be removed.

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.

Kirk Haynes, ESC Chair

August 14, 2023

Page 4

Sincerely,



Jordan Richards, SCOPO President

President, San Joaquin County Probation Officers Association



Greg Stuber, SCOPO Legislative Vice President

President, Sacramento County Probation Association



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