

SAN DIEGO UNION TRIBUNE

GROUPS SEEK PROBE INTO PEPPER SPRAY USE

By JULIE WATSON Associated Press 1:02 p.m. July 28, 2014

SAN DIEGO (AP) — California civil rights organizations filed a complaint Monday with the Justice Department asking for a federal investigation into the use of pepper spray in San Diego County's juvenile detention facilities.

Pepper spray use is rampant against youth offenders, including those at risk of suicide or self-harm, according to the complaint jointly filed by San Francisco-based Youth Law Center, California Rural Legal Assistance Inc. and a San Diego-area coalition of community organizations, including the San Diego La Raza Lawyers Association.

Officials also have used pepper spray against youth who failed to follow verbal instructions and on minors with sensitive medical conditions, according to the complaint.

Justice Department and county officials could not be immediately reached for comment.

Youth Law Center attorney Sue Burrell said the complaint is needed because San Diego County Probation is out of touch with national standards.

"This is a county that professes to be interested in positive youth development and trauma-informed care, but they are spraying young people as though they were ants," she said in a statement.

Youth Law Center said incident reports for 2012 and 2013 showed pepper spray was being used routinely on suicide watch. The center's attorneys said they met last year with San Diego County Probation Department staff about their concerns and were told authorities were using pepper spray when necessary.

The attorneys said reports also show staff routinely imposes confinement of two or more days on youth who have been pepper sprayed.

The complaint alleges other questionable practices such as suicidal youth having their clothing physically cut off, and then being put in confinement; juveniles being restrained in wrist chains, handcuffs and leg irons and left alone in their rooms; and those in confinement receiving only minimal educational services in their cells.

It also alleges staffing ratios and other practices do not meet federal standards.

The use of pepper spray has come under scrutiny at the state level as well.

A federal judge in April ruled that treatment of mentally ill inmates by California's corrections department violates constitutional safeguards against cruel and unusual punishment through excessive use of pepper spray and isolation.

U.S. District Court Judge Lawrence Karlton in Sacramento did not ban it but instead offered a range of options on how officials could limit the use of pepper spray and isolation units when dealing with more than 33,000 mentally ill inmates who account for 28 percent of the 120,000 inmates in California's major prisons.

The ruling came after the public release of videotapes made by prison guards showing them throwing chemical grenades and pumping large amounts of pepper spray into the cells of mentally ill inmates, some of whom are heard screaming.