

SAN DIEGO UNION TRIBUNE

By Mark Walker 5:14 p.m. July 28, 2014

PEPPER SPRAY, SEARCHES DRAW COMPLAINT

GROUPS CONTEND SAN DIEGO COUNTY VIOLATING INCARCERATED RIGHTS OF INCARCERATED YOUTHS



At the Juvenile Detention Facility in Kearny Mesa, kids when moving through the hallways must have their arms crossed across their chest. — *Nelvin C. Cepeda*

SAN DIEGO — A coalition alleging massive overuse of pepper spray on recalcitrant juveniles inside San Diego County detention facilities wants the U.S. Department of Justice to investigate.

The complaint filed Monday raises a hosts of other allegations, including strip searches of incarcerated youths by adult staffers of the opposite gender, routine use of solitary confinement and isolation, and inappropriate use of force and restraints.

“We want to send a clear message to the County of San Diego that we as community leaders do not want our young people to be treated this way,” said attorney Victor Torres from the San Diego-based advocacy organization El Grupo. “As far as I’m concerned, there is imminent danger to safety. These are juvenile facilities and that is not rehabilitation.”

Numerous instances of pepper spray used on youths in the county's five detention facility are outlined in the 34-page complaint, which contends the spray was been used nearly 800 times in 2011 and 2013.

The complaint filed with the Justice Department's Civil Rights Division says the practices are an unconstitutional condition of confinement under the 14th Amendment.

Much of the complaint stems from detention facility reporting by [San Diego CityBeat](#) starting in spring 2012.

County Supervisor Dianne Jacob, chairwoman of the Board of Supervisors, on Monday said past examinations by a county grand jury and its Juvenile Justice Commission on use of pepper spray found no fault. But she also said she would welcome a review.

"We must continue to make sure that the county's juvenile detention practices are reasonable and responsible, and that they are carried out in way that best protects the safety of staff and youth," she said.

County officials have spoken with people representing groups that filed the complaint and noted that no lawsuits have been filed arising out of the allegations.

Leading the list of groups behind the complaint is the San Francisco-based Youth Law Center, a national public interest law firm that works to protect the rights of minors in the justice system and foster care.

Youth Law Center attorney Sue Burrell said the county is out of touch in how it manages young offenders.

"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.

Groups joining the center in the complaint include Alliance San Diego, American Friends Service Committee in San Diego, Border Angels, Latinos Organizing for Action, and San Diego La Raza Lawyers Association.

The complaint cites numerous instances of pepper spray being used on youths at risk of suicide or harming themselves. In one case, it says a suicidal girl was directed to remove her clothing, undergo a strip search and don what is known as a "suicide smock," a single-piece garment that can't be twisted or torn and used to harm oneself.

The complaint alleges the girl refused to remove her regular clothing so she was pepper sprayed four times, had all her clothes cut off and was strip searched by four staffers, including a male.

The Justice Department didn't answer a request for comment on the complaint and how it determines whether to launch a probe.