


FILED
ORANGE COUNTY SUPERIOR COURT

MAY 16 2023

DAVID H. YAMASAKI, Clerk of the Court


R. BRACKEN, DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

SITTING AS THE JUVENILE COURT

MISCELLANEOUS ORDER – M-2020-2

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7 TITLE: AUTHORIZATION AND ORDER PERMITTING THE ORANGE COUNTY
8 PROBATION DEPARTMENT TO PROVIDE INFORMATION REGARDING USE
9 OF FORCE POLICIES, PROCEDURES, PRACTICES, AND INCIDENTS TO THE
10 ORANGE COUNTY OFFICE OF INDEPENDENT REVIEW

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12 TO: CHIEF PROBATION OFFICER DANIEL HERNANDEZ; ORANGE COUNTY
13 PROBATION DEPARTMENT; ROBERT FAIGIN, EXECUTIVE DIRECTOR,
14 ORANGE COUNTY OFFICE OF INDEPENDENT REVIEW:

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16 The Presiding Judge, having engaged in informal discussions with representatives of the Orange
17 County Probation Department, Office of County Counsel on behalf of the Probation Department,
18 Orange County District Attorney's Office, Orange County Public Defender's Office, and Orange
19 County Office of Independent Review ("OIR"), regarding the Probation Department's Use of Force
20 policies and practices and the OIR's oversight of incidents involving uses of force, finds that for the
21 efficient access and exchange of confidential information, documents, records, and videos, and the
22 saving of time and financial resources, **GOOD CAUSE EXISTS FOR THE FOLLOWING**

23 **ORDER:**

- 24 1. The Probation Department may provide copies of the following records, documents, videos,
25 and information, subject to redactions of any youth's name, address(es), date of birth, social
26 security number, gang name/affiliation/membership, and any medical and/or mental health
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information relating to a youth, as required by California Welfare and Institutions Code section 827 and any other applicable statute, rule, or regulation, to the OIR:

- a. Current Use of Force policies, including those governing both uses of force and incident reviews, of the Orange County Probation Department;
- b. Current Use of Force training materials, including those related to de-escalation, used by the Orange County Probation Department for initial and continuing education of its staff;
- c. Administrative files of the Orange County Probation Department related to and arising from incidents involving uses of force and force incident assessments, including:
 - i. Initial staff-generated reports of use of force incidents;
 - ii. Administrative documents arising from and related to review and assessment processes; and
 - iii. Administrative documents related to policy and training changes undertaken by the Orange County Probation Department following the review and assessment of use-of-force incidents;
- d. The internal master list number used by the Probation Department solely for purposes of unit designation so that the OIR may track non-individual populations in connection with use of force issues; and
- e. Facility videos related or corresponding to and visually depicting incidents involving uses of force.

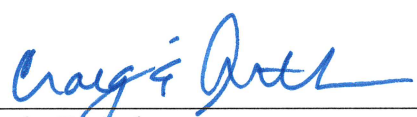
2. With respect to all documents, records, and videos provided, the OIR shall ensure compliance with all applicable statutes, rules, and regulations regarding the confidentiality of such records and the information contained therein, including, but not limited to Welfare and Institutions Code Sections 827.

3. Any documents, records, and videos accessed by or provided to the OIR shall be used exclusively in connection with and as a result of the OIR's stated purposes as set forth in Orange County Ordinance Section 1-2-225, namely:

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- a. Reviewing systemic issues involving the Orange County Sheriff-Coroner Department, Probation Department, Office of the District Attorney, Office of the Public Defender and the Social Services Agency and serving as an independent resource and counsel for the Board in order to ensure accountability with regard to the performance and operations of relevant County Departments;
 - b. Reviewing specific incidents occurring in relevant County Departments which may identify systemic issues with regard to the performance and operations of relevant County Departments; and
 - c. Providing a resource to ensure that high risk and potential liability issues are identified and addressed through corrective actions.
4. This authorization is contingent upon the need of the OIR as it pertains to the conduct of its official duties with respect to oversight of Use of Force policies, procedures, practices, and incidents and is to remain in effect until otherwise ordered by the Presiding Judge of the Juvenile Court.

Dated this 16th day of May, 2023.



Craig E. Arthur
Presiding Judge of the Juvenile Court