

TYC board says complaints of abuse are off base



John Moore: Official says he didn't hear complaints.

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The Texas Youth Commission's top officials Friday blasted as misleading and untrue allegations by four leading advocacy groups who have called for a federal investigation into evidence of continuing assaults and lack of care in the state's juvenile corrections system.

Even though an internal agency investigation into the complaints has just begun, the agency's board apparently felt sure enough in the outcome to unanimously approve a vote of confidence in the job that Executive Director Cherie Townsend and agency officials are doing.

"I assure you we take the complaints seriously and will thoroughly investigate, but the advocates' letter to the Department of Justice contains overly broad and inflammatory accusations that ignore and dismiss out-of-hand the vast improvements we have made over the past two years with safeguards and programming that match best practices nationwide," the Rev. Scott Fisher, chairman of the seven-member board, said in a statement he read at a board meeting in Austin.

"This board has never, and will never, tolerate abuse of children in our custody and the agency will continue to take swift and firm corrective action any time there is a documented case. We strongly disagree, however, with the characterizations portrayed in the (advocates') letter."

In 2007, the agency was racked by a sex-abuse and cover-up scandal that brought sweeping reforms that included strict new policies to curb abuse and fix chronic security and operational flaws.

With some legislative leaders questioning whether the agency has been fixed, the Youth Commission board approved a two-year budget request that would force the closure of two additional lockups and 230 layoffs to further reduce spending, if a 10 percent reduction is mandated.

Although Youth Commission officials earlier had denied there were extensive new problems, Friday's pronouncements intensified their efforts to put to rest a growing controversy at an agency that Gov. Rick Perry has proclaimed a reform success.

Perry, a Republican, faces Democrat Bill White in the November general election.

On Monday, the four groups filed a formal complaint with the U.S. Department of Justice charging that incarcerated teenagers are still routinely being assaulted at some lockups, that others are plagued by lack of school programs and lack of proper mental health care and that continuing security issues have left offenders living in fear at other lockups.

The groups — Advocacy Inc., Texas Appleseed, the Center for Public Representation and the National Center for Youth Law — said they took the step only after Townsend and other Youth Commission officials did not follow up on their concerns.

They said they had alerted agency officials about their concern for the safety of teenage offenders several times since February, both in meetings and in letters.

"All of these issues have been raised with TYC before we sent the letter to the Justice Department," said Deborah Fowler, legal director of Texas Appleseed. As proof, she cited letters sent to Townsend and Grant Goodwin, a Youth Commission litigation attorney, in February, July and August detailing the issues.

"I don't know how they can say they didn't know. ... Their own records reflect that there are problems."

During the meeting, Townsend labeled the advocates' complaints as "inaccuracies" and stressed that the agency has made "many significant positive changes" that are now being ignored.

She said that youths are not being sexually assaulted on a daily basis, that schooling is not being scuttled continually by security concerns and scheduling miscues, and that some offenders are not being continually denied proper mental health services.

"Nothing could be farther from the truth," she said of the health complaints, insisting that any continuing issues at the agency are "occasional and isolated" and are quickly addressed.

"To suggest otherwise is not based on fact. ... TYC in 2010 is not TYC three years ago, and it won't be the same as TYC 2011."

Even so, internal agency reports made public Friday show there have been problems with schooling. School days for offenders at the Al Price State Juvenile Correctional Facility in Beaumont have repeatedly been shortened or canceled altogether since June 2009 for lack of staff, because teachers were in training seminars and because of "campus unrest," among other reasons, the documents show.

"Campus on lockdown. Youth on roof," reads the reason for limited or no classes on May 5. The next day: "Campus under 'Code Blue' due to unrest."

As recently as Aug. 13, this notation was shown: "Gang activity & fights caused movement to lunch to be delayed. 4th period extended into 5th period. Youth kept in dorms remainder of afternoon for safety."

In the past three years, security issues have continued to plague the Beaumont center.

On Friday, the agency's two independent monitors who are tasked with investigating complaints of abuse and lax security — Inspector General Cris Love and Independent Ombudsman John Moore — insisted they had not been alerted to the advocates' complaints.

"I am somewhat disturbed by what was described as systemic problems. I have not seen them," said Moore, 59, who has resigned effective Sept. 1 to, as he explained it, "pursue some other interests."

"No youth has said they feel threatened or that they feel abused or unsafe," he said, noting that his investigators ask that as a last question to every youth they interview.

In his six months on the job, Moore, who lives in Denison, said he has spent most of his time establishing an administrative structure "to allow the ombudsman's office to operate. There was not one when I got here."

He said his job has mostly involved "hiring a staff, getting computers, writing a policies and procedures manual, getting an operations system in place. ... Now that that's accomplished, I think I can move on."

Moore acknowledged that he has visited only three Youth Commission locations — lockups in Giddings and Gainesville, and a parole office in Dallas — during his time as ombudsman. At the same time, his staff has logged 282 contacts with youths and visited sites 19 times, he said.