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YOUTH COMMISSION

Court settlement reverses Youth Commission stance on pepper spray

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A settlement was reached Friday with two advocacy groups that had sued to stop a Texas Youth Commission directive that allowed the use of pepper spray to subdue unruly juvenile prisoners before other forms of restraint.

The settlement with Texas Appleseed and Advocacy Inc. reverses the directive, which was issued last month. Youth Commission officials had argued that using pepper spray would reduce injuries to staff members and inmates and lower workers compensation claims.

But critics said the use of pepper spray subsequently skyrocketed in commission lockups. They said the policy unfairly targeted youths with disabilities.

Previously, pepper spray could be used only as a last resort, after physical restraints, and could not be used on children with mental and emotional impairments or others with medical issues.

The lawsuit was originally filed on behalf of three 15-year-old incarcerated youths with mental disabilities, including one boy who had allegedly been sprayed three times for "self-injurious behavior" and received skin burns.

"We are pleased with the provisions outlined in the settlement agreement and applaud the agency for coming to the table to settle this suit," said Jim George, an Austin attorney who heads the Appleseed board, an activist group that promotes legal and social equality.

Youth Commission spokesman Jim Hurley said the agency will revert to its previous policy on pepper spray.

Under the settlement, the agency agreed to provide data about instances of pepper-spray use going back to Jan. 1, including the ages of those sprayed and information about why they were sprayed.

Hurley said that the agency has been working on a new use of force policy since June and that it will be published soon and will be followed by public hearings.

He said the settlement assured Advocacy Inc. and Appleeed that they will have input on the new policy.

The pepper spray directive "was really just a stopgap measure," he said.

The Youth Commission has been embroiled in scandal since mid-February, after The Dallas Morning News and The Texas Observer reported that officials ignored signs of sexual abuse of inmates at the West Texas State School in Pyote.

Since then, more than 5,500 reports of abuse or neglect have come in on the Youth Commission's complaint hot line, nearly 3,000 juvenile inmates have been released or relocated, and the agency has undergone a restructuring.

Additional material from American-Statesman staff.

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