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GRITS FOR BREAKFAST

WELCOME TO TEXAS JUSTICE: YOU MIGHT BEAT THE RAP, BUT YOU WON'T BEAT THE RIDE.

FRIDAY, SEPTEMBER 28, 2007

Lawsuit Settled! TYC Pepper Spray Policy Rescinded!

Two pieces of news, I just confirmed with Advocacy Inc. attorney Richard LaVallo.

First, as predicted (not to brag, but [I called it](#) a "slam dunk"), the Texas Youth Commission has settled (read: lost) the lawsuit by Advocacy Inc. and Texas Appleseed and rescinded the Aug. 2nd directive allowing more prolific use of pepper spray. I've uploaded a [copy of the agreed judgment](#).

The prior TYC policy has been reinstated until the agency can go through a formal rule making process to legally change the administrative code.

LaVallo said Advocacy and Appleseed would like to assist the agency with drafting rules that are compliant with the Morales v. Turman settlement, which originally required the current, more restrictive language. At a minimum Advocacy will submit comments encouraging them to follow the Blue Ribbon Report's recommendations on pepper spray. If the agency doesn't create a policy that complies with Morales v. Turman, he said, they'll make a decision about whether to head back to court.

In other legal news, LaVallo said there's a hearing October 25 for a client of his who TYC wants to transfer directly to TDCJ. He said the case will ask a court to resolve whether TYC should follow SB 103 and [its own rules for 19-20 year olds](#), or make a different decision based on "public safety." LaVallo knew of other individual cases, too, that were likely to head to court on the topic, he said, and expected a case of first impression to crop up soon.

Having predicted TYC court losses on both these issues (one down, one to

CHUCK ROSENTHAL HAIKU
OF THE WEEK

Blood flows south from
brain
Organ sounds humectant
note
Dark bile rules supreme

Submit your Chuck
Rosenthal Haiku [here!](#)

ABOUT ME



GRITSFORBR
EAKFAST
AUSTIN,
TEXAS

Grits for

Breakfast looks at the Texas criminal justice system, with a little politics and whatever else suits the author's fancy thrown in. All opinions are my own. The facts belong to everybody. [About Me](#).

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go), I'll make a further prediction: TYC will see quite a few more legal losses before it sees many victories. First in juvie criminal courts, then in civil litigation. Their leaders have embarked on a legally troublesome path, ignoring expert advice to model their policies based on their experience in adult corrections.

In the wake of today's setback, the agency has an opportunity to learn some important lessons. Administrators should make claims of "transparency" actually mean something, and work with their critics instead of forcing them into court. Pushback from trying to ram through new use of force policies outside the legal process should teach agency leaders they have to play by the rules. If they would, they'd start to save themselves a lot of trouble.

UPDATE: See [Dallas New coverage](#).

POSTED BY GRITSFORBREAKFAST AT 3:03 PM 

LABELS: [TYC](#)

70 COMMENTS:

Anonymous said...

TYC better get used to the word "settlement" they are going to hear it quite a bit in the future, from all of their wrongful termination of TYC employees to the youth they allowed to be abused. This agency has created a legal mess that will take years to clean up from.

I believe we heard it here first people. Grits called it...

[9/28/2007 04:13:00 PM](#)

Anonymous said...

DaPope.....DO YOU GET IT NOW???

Just because your lawyer says you can doesn't mean you can.....

[9/28/2007 05:09:00 PM](#)

Anonymous said...

I think Kimbrough predicted it first when he was quoted, "let the lawyers



[What Texas counties must know to survive the TYC meltdown,' a Grits for Breakfast special research project.](#)

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work it out." He really meant that.

It is nice to know that the use of power and control mechanisms (pepper spray) are not the best first choice methods to intervene with behavior problems.

Power and Control were and are the root of all problems at TYC. They have come to everybody's attention via a sex scandal at WTSS and now with Pepper Spray. And predictably with lawsuits to come.

Hopefully no more youth will be harmed with simplistic solutions to complex problems.

Now if we can just get these so called leaders to apply fairness, justice, liberty, and respect to all other areas of their demeanor and so called management practices, maybe TYC will get back on track with the road to success.

I will have to see this in their Success Plan to believe it. (never mind, Resocialization is out so it is really not cool to talk about Success Plans).

Hopefully I will get a job or be able to basically keep the job I have now after I reapply. With a red bulls eye target I am wearing for voicing discontent with the pepper spray as well as other things,

Target Department Store might be more inclined to hire me on the spot. I believe I do have a spot on me. I even saw tattooed on my back in the mirror when I was not wearing a blouse.

At least at Target, I will fit in immediately and be around a peer group that would be more accepting and be like myself. Management would probably like me also, even without my TARGET.

Frys would be a good second choice since I feel a like I am Fry "ied" anyway.

It takes dialogue and discussion, and understanding and other management techniques besides just an open hallway door to executive and

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lawsuits to have real Transparency.

Many of us also predicted today's outcome as well.

I predict we may get a new conservator since the other one sort of ran away or faded away. Maybe the new one will be better. Release documents, send out announcements before the DMNs or Grits gets it.

Now that would show respect for the employees who really want to be a part of the solution, not pawns on the other side of the chess board. We are on the same side or team aren't we?

Wonder if it is feasible to have a bunch of Target T shirts made to wear on Jeans Friday?

We should be able to voice our opinions respectfully without fear. It is harder to pick and to hit a whole bunch of moving targets than just 1 or 2. And last point, if we had strong management practices, we really would not have any targets.

Now that is a Success Plan!

9/28/2007 05:42:00 PM

Anonymous said...

Richard did good work.

I doubt that the TYC administration has learned anything from this experience. Their Office of General Counsel's leadership is still third rate, if that good, and will not listen to the experienced TYC lawyers still there who know the law. I would expect a continuation of TYC's administrators ignoring the law and doing what they want until such time as a court takes over the agency.

Howard A. Hickman

9/28/2007 05:56:00 PM

Anonymous said...

It should be Duh Pope. Eddie threw up the duece today and bailed. He told

"a helluva blog"

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"probably the finest coverage of the state's criminal justice system"

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"annoyingly thoughtful and courteous"

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"probably the finest coverage of the state's criminal justice system"

- *Houston Press*

"Grits for Breakfast ... has been hitting home runs on [Harris County Bail & Jail issues](#)."

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- *Capitol Annex*

"too sensible to make much headway"

- *Corrections Sentencing*

everyone left that the cronies don't care a thing about TYC employees. Good goin Eddie, glad to see another one get to leave under of their own accord, but sad on another note that another true Juvenile professional (one of many) was lost to the agency.

9/28/2007 06:13:00 PM

Anonymous said...

Chuck Jeffords also retired today and will take a month off and then start a new job with the LBB.

9/28/2007 06:54:00 PM

Anonymous said...

You know this is just great... Today a kid had his arm broken in a restraint that had to take place on concrete in the gym. Staff tried and tried to settle the kid, and de-escalate him by talking him down --using verbal judo, but to no avail. So, let's see...the pain from the pepper spray would have lasted about what say 10 minutes? But now the kid has a 4-6 week healing time of a broken arm. (Things break when you hit concrete even in clean restraints!) A good staff is under investigation so he had to leave until he is cleared--and we are already suffering shortages. Lose-lose situation and this mess just gets better and better by the day,don't you think? All the people/groups who are so quick to judge and who are making these wonderful decisions that do not ACTUALLY WORK in the facilities in "real time", maybe you could just drop by next time when it goes down and see how well you are able to handle the situation. Ideology and "realology" are not always the same. UGH!

9/28/2007 08:09:00 PM

Anonymous said...

A commentor stated that we had lost sight of our youth in our quest to the slam the agency or words to that effect. I wonder how he/she feels now? I really think those are the words of former corrupt administrator, but oh well, just my opinion!

We are fighting for our youth in spite of the current leadership's inability to protect our youth and their blatant disrespect of the law. They have managed to run off most employees with juvenile corrections expertise and

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- *OLDnFEEBLE*

"dude really has a pragmatic approach to crime fighting, almost like he's some kind of statistics

two more were lost today. What a shame! Guess daPope and Elmer will be toasting it up to the good job she's doing once more!! Although he's the only one to constantly pat her on the back but one can't expect too much from Elmer anyway!

The pattern is emerging and the lege needs to start looking at the people being promoted by this new string of the systemic disease that they support! They are devouring employees and youth alike. Next thing we know, they will be wanting to pepper spray employees in an effort to make us all "compliant yes people." In your dreams, daPope and company, our integrity is a cut above and solid! We stand together!

9/28/2007 08:18:00 PM

Anonymous said...

They Should go After the one that started all of this mess Little Chuey Hijinosa,, He is to blame for starters they chose all of these outstanding people to run TYC... You know our offer to little chuey is to work 40 hours in a TYC Unit then you can call yourself a man !!!!!!!

9/28/2007 08:33:00 PM

Anonymous said...

You can do away with the OC but as long as TYC continues to have this type of leadership their doomed.

9/28/2007 09:23:00 PM

TJDO said...

This post has been removed by the author.

9/28/2007 09:36:00 PM

Gritsforbreakfast said...

@8:09 - Two things. First, if that incident happened today it happened before the policy change was transmitted to the field. In other words, you're complaining about the just-reversed policy, not the pre-8/2 one.

Second, if you're unhappy the policy was overturned, there's only one place to place your blame: TYC admin for not following posting rules or making

superhero"

- *Dirty Third Streets*

"unrestrained and uneducated"

John Bradley,
Williamson County DA

"Scott Henson ... writes his terrific blog Grits for Breakfast from an outhouse in Texas."

- *To the People*



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changes properly through the Texas Register, etc. They brought this on themselves, and they were warned, to boot.

[9/28/2007 10:07:00 PM](#)

Anonymous said...

Anon at 8:09.....

The solution is adequate staffing. The solution is following rules established by rule of law.

These youth are in TYC because they did not obey the law. I am sorry a child's arm was broken.

The solutions are not easy or cheap. I truly hope everyone involved is beginning to understand that fact.

[9/28/2007 10:14:00 PM](#)

Anonymous said...

I agree with staffing but where are staff gonna come from when you have leadership that refuses to follow the rules/law? We are suppose to role model behavior for these youth, is our leadership doing this?

[9/28/2007 10:52:00 PM](#)

Anonymous said...

I agree with staffing but where are staff gonna come from when you have leadership that refuses to follow the rules/law? We are suppose to role model behavior for these youth, is our leadership doing this?

[9/28/2007 10:52:00 PM](#)

Anonymous said...

Off the pepper spray subject here, but wondering.

I keep hearing about this Jeans Friday, dress down day. I have heard that a new dress code is coming out from CO. Does anyone know more on this subject? How can you dress down if your wearing state uniforms? Just seems strange to me. Explain if you know.

"Editors Choice Award"

*Well, I don't wear a Stetson
But I'm willing to bet, son,
That I'm as big a Texan
As you are.*

© Terry Allen, 1979

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I say good for the spray, the law is the law and what ever it is we should abide by STATE LAW not Someone's version of what they want. This is going to be a hell of ride at TYC before it is even back to what ever is normal.

[9/29/2007 12:07:00 AM](#)

Anonymous said...

Get informed. Ask this, prior to the August 02 administrative directive, how many physical restraints occurred in TYC institutions, and of that number, how many kids got hurt (and that doesn't account for the emotional damage)? In addition, ask how many staff injuries occurred during that same time period? Then ask the hot question. How much money has this state paid for workers compensation claims and injuries to kids as a result of youth aggression? How much did this state pay out for overtime as a result of staff shortages due to workers injuries associated with physical restraints? That number will shock you. But then, let's compare that figure to the post Aug. 02 memorandum. Now let's talk.

For the sake of those young offenders and corrections officers, revise the policy first thing Monday morning and post it on the register. Let the people banter. But for the record, the kids chilled when the hot stuff came out, making it much more easy to reason with them and keep them from screwing up more. In the mean time, while we are reverting back to old policy and the young men are getting violent again, expect them to stay longer, or even worse, get arrested and charged as adults. As odd as it sounds, pepper spray chilled them.

[9/29/2007 08:33:00 AM](#)

[Gritsforbreakfast](#) said...

@8:33 - We're all well informed. Ms. Pope's statistics you're citing have been published widely. The problem is, they're implementing pepper spray but really doing nothing else constructive.

I don't know offhand the stats, but lets say for the sake of argument OC worked so well injuries reduced to 1/3 the June rate. That would still be higher than the injury rate 5 years ago, when OC spray wasn't used. OC is a quick fix that creates its own set of concerns, and masks underlying problems that will blow up sooner or later down the line

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PROBLEMS THAT WILL BLOW UP SOONER OR LATER DOWN THE LINE.

Finally, if Advocacy Inc. is right that the Morales v. Turman settlement forbids using OC as widely as TYC admin wants to (and a lot of lawyers who don't work for Steve Foster seem to think that's true) your argument may simply be moot. Bottom line: One way or another, TYC has to find ways to control kids besides only punishment and intimidation.

[9/29/2007 08:52:00 AM](#)

Anonymous said...

Grits,

Punishment and Intimidation seems to be the norm for all places our children are today, not just TYC.

Public schools are just as bad and they (the people in charge) are more untouchable than these people over TYC.

[9/29/2007 10:13:00 AM](#)

Anonymous said...

Just a friendly response:

"The problem is, they're implementing pepper spray but really doing nothing else constructive."

I agree 100% with this statement. But wouldn't you agree you have to have staff to do anything else constructive? I mean, some of these facilities are operating at 40% of their budgeted FTE's and two primary reasons are staff out due to injuries as a result of youth aggression and quit frankly, no one wants to be employed where violence is so widespread. I agree that pepper spray is not in the best interest of anyone in the future, but man we are in a crisis now and we have to (1) keep these JCO's coming to work to keep the institutions safe and stop hurting kids in these physical restraints, and (2) stabilize the culture by means of stopping the violence. And I agree, we need a treatment program.

BTW, we have been using pepper spray since 1995, and under the current policy as it is now (physical restraint before pepper spray), workers compensation claims rose about every year. We are talking many, many

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millions of dollars paid out due to youth aggression claims.

So the question comes down to this: Is it better to physically restrain a violent and aggressive juvenile offender or use the spray? The right answer, IMO, is neither because if we were fully staffed, we could intercept that before it got to that point. But the reality is we are so damn short of staff that it's almost impossible to stop the "brewing." IMO, the use of pepper spray is more humane than physically man handling kids. Nonetheless, the bottom line is no one wins in either scenario and we suck right now.

[9/29/2007 10:14:00 AM](#)

Anonymous said...

This was one of the reasons I chose to leave TYC. Being a lifelong allergy sufferer I understand that with spray comes other irritations. The person being sprayed is not the only victim. The person spraying could have problems as well.

I'm glad it's gone. I wish Da Pope was gone, too, but it won't happen until someone without TYC or TDCJ ties takes over as Conservator

[9/29/2007 10:39:00 AM](#)

Anonymous said...

Most people with TYC ties would get rid of her in a second. It's the people with TDCJ ties that are keeping her.

[9/29/2007 11:40:00 AM](#)

Anonymous said...

I agree that there will be SEVERAL policies and lawsuits settled that will not be for TYC. The reformation has not occurred as was promised--it has taken another path of not following mandates and professional recommendations.

There is no standard assessment to monitor a youths' progress or regress in the program. Most facilities are still using Resocialization guidelines to assess youth. How can you use a program to assess youth that is no longer part of the agency? I'm waiting for one smart family and their smart lawyer to buck this one.

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[9/29/2007 12:25:00 PM](#)

Anonymous said...

Once again in Corsicana a former TYC "child" whom all these people want to say TYC is abusing need to read the newspaper this morning.

This person (I am not forsure I should state his name, so I will let you go to the Corsicana Daily Sun and read) has been charged in the murder of a SIX year old child and rape of that child.

She was raped and Hung in a barn for the family to find. So where was her rights?

This type of crime committed by one of TYC kids certanily makes you wonder if we are not tuff enough in the juvie jails and why are we trying to make the stay in TYC better? Better for what to get out and do this? Maybe our good ole boys in Austin(legs) can come up with a good answer on this one.

[9/29/2007 12:31:00 PM](#)

Anonymous said...

In this whole TYC scandal blunder (from the scandal to the recovery) it screams political BS. Not to get on a political soap box, but the majority of the TYC programs that worked and produced outstanding results were introduced and subsidized when Ann Richards (RIP) was governor. The agency was staffed with people who knew anything and everything about juveniles. Then came Bush and Perry and along with them budget cuts and program cuts. Amazing how TYC began to crumble when Bush came into office. The 'good ole boy' bend-over buddy system was rampant. So much for his "care and concern" about Texas youth. What ever happened to that boy he posed for picutes with during his campaign for governor?

[9/29/2007 12:35:00 PM](#)

OLD FAITHFUL said...

I have seven words of wisdom for current TYC employess hoping to keep their jobs along with their sanity:

One day at a time, sweet Jesus!

[9/29/2007 02:59:00 PM](#)

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Anonymous said...

All that college and these advocates still dont get it. Yea you won and pepper spray will not be able to be used. But what favor have you really done for the youth? So now the state goes back to handle with care and when a staff gets hurt they file charges. Assault on a public servant carries at least a 3 year sentence. So now you have condemed them to prison instead. I read a lot of blogs on this site and I do not know where a lot of you work but I can guess its not in Evins, or Crockett, Giddings or Al Price. And now we get to hear from the youth ombudsman Will Harrell on pepper spray. Lets forget that this is the same person that had a dwi downgraded to reckless driving and still got to keep his job at a measley salarie of \$89,000 a year. And since many of you are tax payers the price of around 28 million dollars for new cameras and radios at all the facilities should not bother you either.

9/29/2007 06:25:00 PM

Gritsforbreakfast said...

Why would an old misdemeanor DUI invalidate Will Harrell's opinion on pepper spray? I'll bet you didn't disagree with him when he backed TYC's 8/2 memo at the Aug. 29 hearing!

9/29/2007 06:48:00 PM

Anonymous said...

Yeah,12:31- Let's not do any rehabilitation. Let's get more correctional with the kids because some of the kids who were released went out and did some unspeakable crimes. Where's the logic. We went from working at rehabilitation to warehousing youth under the funding given by our wonderful leaders in State Government, such as Bush, Perry, and mostly, Whitmire. We went to a super-correctional mode under the wonderful leadership of Chester Clay, Lydia Barnard, Don Freeman, et.al. and we produced some monsters as a result. Noto Bene - what might have happened with those youth who committed those horrible crimes if we had done a better job of trying to rehabilitate them? We'll never know, because we did not have the chance. Wake up people - these kids are going to get out sooner or later! We have a choice: try to rehabilitate them while we still have a chance, or treat them like adult criminals and then turn loose

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monsters into our society. No doubt, some of them will turn into monsters, no matter what we do, but those are the very few that are already lost. We need to do our best with the rest. Note this voters - IT CANNOT BE DONE ON THE CHEAP!!! Old Salty

9/29/2007 07:05:00 PM

Anonymous said...

I dont know grits seems to me that we lost a lot of TYC employees for a lot less and they were fired on the spot. Mr Harrell lied on his application and stated that he had no prior arrest. And when asked for his resignation by the board of Senator Whitimire and Hinojosa he refused to step down. And do you not find it interesting that while on the panel, that he created the post of ombudsman and then filled the vacancy.

9/29/2007 07:34:00 PM

Anonymous said...

And Grits since you seem to have somekind of inside track on the system. Why dont you find out how many youth are sentenced to prison every year for assault on a public servant. And how many staff have you seen beat within a inch of there lives because four or five youth ganged up on them?

9/29/2007 07:42:00 PM

Anonymous said...

The word settlement has come up a lot in this blog. People act like the money used to settle these law suits are comming out of TYC pocket. Its your money the taxpayers of the State of Texas. Between lawsuits from the youth and the fired employees the state has put back 220 million to settle these suits. And again this is your money.

9/29/2007 07:49:00 PM

Gritsforbreakfast said...

Yes, 7:49, it's the taxpayers money. So what? If TYC violates kids or employees' rights and violates state law and its own policies, what does that matter? The agency still must pay.

To 7:34, that still doesn't invalidate Harrell's position on pepper spray. You're iust trving to smear him with unrelated. anonvmous accusations.

[hearing... doodie aflyin'](#)
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Non-Bloggy Places I Go

[FairDefense.org \(TX\)](#)

[Federalist Society](#)

[Followthemoney.org](#)

[Justice Policy Institute](#)

[National Center for State Courts](#)

[National Rifle Association](#)

[Restorative Justice Community-TX](#)

To 10:14 - if that's how the OC spray policy was being portrayed, I might have a different view, or at least more sympathy. The only person I've ever heard say anything like that is Whitsfoe in blog comments. No TYC administrator has ever said OC policy is temporary or even admitted that understaffing still occurs.

Since TYC won't admit it has any problems, ignores expert advice and the law, and does not caveat the spray policy as a temporary measure to get things under control, it's hard to credibly expect us to take such attributed sentiments into account. If that's how TYC approached all this in the first place, admitting there are big problems and saying OC is a short term fix to get things under control, I'd at least appreciate the honesty. But if they just say all is well and OC spray is permanent, which has been the message so far, I'm just not on board with that.

9/29/2007 08:14:00 PM

Anonymous said...

Mr. Will Harrell went on a security call one night on our campus. We entered the dorm and youth was out of control. Youth was asked 3 times to turn around so that cuffs could be applied. We reached for the youth to turn them around at this time the youth pulled away and oc was applied. Youth started throwing up but there were no injuries to the staff or student. Mr. Harrell stated at this time that there should be a way to control the youth without having to restrain them or apply o/c. What do we do tell the youth to call us when they are ready to go to security. There are also close to 5000 people working for TYC and at this time I do not know of any staff that has been proven guilty in a court of law. Yet all it takes is for a youth to make a complaint and the staff is sent home. How many calls have come into the hot line and how many have been proven to be without merit? I think that any staff that is falsely accused need to press charges on the youth and start suing there familys as well. Slander is slander. And the youth must be held accountable

9/29/2007 08:54:00 PM

Anonymous said...

7:34, I don't recall any information that Harrell lied on his application. I

[Restorative Justice Ministries](#)
[South Texans Opposing Private Prisons](#)
[TX State Bar Appellate Section](#)
[Tarlton Law Library \(UT-Austin\)](#)
[Texas Association of Counties](#)
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[Texas Inmate Family Association](#)
[Texans for Medical Marijuana](#)
[Texas Defender Service](#)
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[Texas Equal Justice Center](#)
[Texas Civil Rights Project](#)
[Texas Task Force on Indigent Defense](#)
[Texas Criminal Justice Coalition](#)
[Texas CURE](#)
[The Texas Observer](#)
[Texas Board of Pardons and Parole](#)
[Texas Commission on Jail Standards](#)
[Current Texas Jail Population by County Connections \(TDCJ publication\)](#)
[Texas Court of Criminal Appeals](#)
[Texas Capitol Website](#)
[Texas Ethics Commission](#)
[The Texas Register](#)
[Texas Government Databases](#)
[Texas LBB Criminal Justice](#)
[Texas State Library](#)
[Texas Census Data by County](#)
[Texas County Name](#)

just recall that he was treated differently than other staff with records.

[9/29/2007 09:07:00 PM](#)

Anonymous said...

6:25, you said,

"...the price of around 28 million dollars for new cameras and radios at all the facilities should not bother you either."

So are you saying that the money (actually around \$9 million) being spent on better radios, DVRs, and new cameras won't benefit both youth and staff? How many incidents of assault happened because the kids, or a rogue JCO, knew where to go to get away with hitting someone? I can name quite a few. If you ever worked at Evins you should know how bad the cameras were there.

And by the way, the radio money came from the 79th legislative session, not the most recent one.

[9/29/2007 09:57:00 PM](#)

Anonymous said...

To anonymous 6:25 first lets get the money part straight. Each new camera runs in at around \$400.00 per camera. I work on a 6 acre facility and 2100 cameras will be installed there camera price alone comes to \$840,000 dollars not including hardware. I worked at the Nevada test site and we did not have that many cameras. Total price for our facility at the present time is 1.3 million dollars for the first phase. And there is a phase 2 to be done on all outside buildings. Each new radio cost is \$4,000 apiece. If you bought 100 radios for each facility the total cost would be around \$5,850,000 dollars. And yes I have been to Evins to many times in the last few years dealing with the problems. When family members are able to show up on your door steps and tell you to leave there youth alone, the problem lies with the fact that the youth are to close to there home. Not to mention that almost every youth there is from the valley.

[9/30/2007 05:32:00 AM](#)

Anonymous said...

[Etymologies](#)
[Texas maps](#)
[Texas Criminal History Search](#)
[Texas Prison Units](#)
[Texas Parole Policies](#)
[Texas Parole FAQ](#)
[Texas Prison Inmate Locator](#)
[TDCJ Death Row Info](#)
[Vera Institute on Sentencing](#)
[Western District Court Links](#)
[Wikipedia](#)
[Austin Lounge Lizards](#)

Other Bloggy Stuff

[Chuck Currie](#)
[Crooks and Liars](#)
[Ernie's 3D Pancakes](#)
[Facing South](#)
[Freedom Sight](#)
[Hominy Grits](#)
[Marginal Revolution](#)
[Mystery Pollster](#)
[Orcinus](#)
[Pandagon](#)
[RevGalBlogPals](#)
[Skippy the Bush Kangaroo](#)
[A Stitch in Haste](#)
[Street Prophets](#)
[To The People](#)
[Wampum](#)

Other stuff I've worked on

[Texas Statewide Racial Profiling Report, 2004 data](#)
[Texas Statewide Racial Profiling Report, 2003 data](#)

Hooray for the attorneys! At least someone is winning in this mess. It isn't the staff and students at the facilities. I don't give a damn about the pepper spray. All I know is that the media, new administration, and attorneys have decimated the place where I work. All the fired and quitters feel vindicated. Hooray for them too. In the end, I don't think there is much to cheer about.

9/30/2007 07:01:00 AM

Anonymous said...

Seems like someone on this blog has left wing ACLU ties. Could tell that you never worked in corrections. And wondered why you came to Mr. Harrells defence so quickly. ACLU until 2004

9/30/2007 07:54:00 AM

mp103 said...

I don't know Mr. Harrell very well, and I will not judge him on hearsay, but rather on personal interactions with him. I have met with him on various occasions to discuss concerns regarding youth abuses, including a blanket pepper spray directive, the current attempt to have policy to be changed allowing youth in mental health treatment facilities or youth with mental health issues to be sprayed, the blanket 'stop the violence' campaign to place youth in BMP or AMP if they have 'injured 2 or more people in the past 180 days' - some of those without due process, and staff who have had to work multiple 12-hour shifts without a day of rest. He has been receptive to my concerns and has made inroads. I feel for him - he is one man who is listening to all of our concerns and doing his best to resolve them. Whatever his shortcomings are, past or present, I haven't seen them applied or interfere with his current responsibilities.

9/30/2007 09:10:00 AM

Anonymous said...

To those who seem obsessed about radios and cameras, the radios were purchased last year involving a heated Board meeting between Motorola and MA/COM. As to cameras, many were also purchased last year so do not give much credit to the new appropriations or this past legislative session for those improvements. They were in the pipeline before the "scandal" began. Radio equipment and cameras require significant lead time and are not in sufficient supply that one can run down to the nearest electronics

Flawed Enforcement May 2004 report on drug task force hwy interdiction practices by Scott Henson

Too Far Off Task Dec. 2002 report on drug task force scandals and alternatives, by Scott Henson

Anachronisms: Polemicist, my alternative zine from college (the folks at UTWatch put them online)

N.b., I am not an attorney and regret that I cannot help you find one. Go [here](#) or [here](#) for a list of Texas lawyer referrals, and [here](#) to read ACLU of Texas' case selection criteria.



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megamart and pick them up. You can give some credit on those improvements to Dwight and the other old TYC administrators that some of you seem to complain a lot about.

Howard A. Hickman

9/30/2007 10:11:00 AM

Anonymous said...

Grits,

I am glad you mentioned employees rights. The use of pepper spray does violate employees right to a safe work environment.

Just ask any allergy sufferer.

9/30/2007 10:17:00 AM

Anonymous said...

7.05 Old Salty,

Now don't Knee-jerk every comment that is made about reform. You have some good thoughts on the subjects that come up but your not always the answer to the problems.

I did not say anything about not having a rehab program, did not say that we need to be mean to kids, did not say we needed to treat them like TDCJ. I said we needed to teach these kids that jail is not the place you want to spend your life!

If you let these uninformed kids think that jail is a piece of cake and so what if I commit another crime I can do the time attitude all the rehab in the world want work.

We can give them the tools to not ever come back to this side of crime and at the same time not sugar coat the stay. I hope you can now understand what I meant by getting tuff on kids.

I guess if you have not experience in your home town a child you seen playing in a yard and then to see her picture on TV and know that she was HUNG IN A BARN and RAPED at the age of 6 years old by a kid you had in the classroom, you might be kind of pissy about what TYC is doing or has done to rehab. these kids.

I do believe I did not read any comment from you about her little life lost

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[Logorrheic law profs on punishment law and policy](#)
[ACLU, guns and traveling](#)
[CJAC: Pork not probity for Texas crime labs](#)
[Gov. Perry's Criminal Justice Advisory Council fails to inspire reformers' enthusiasm](#)
[The End of Ideology on the War on Drugs or the beginning of consensus?](#)
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[Hyping fears of terrorists on the border](#)
[Grits' best practices to reduce jail overcrowding](#)
[Requiring corroboration for eyewitness testimony might have saved Ruben Cantu](#)
[Grits series on Travis County probation department, parts one, two and three](#)
[McLennan County snuffs Agriplex task force](#)
[Tell me immigration opponents, what's the big deal?](#)
[Perry vetoes leave prisons packed pending post-Rita patchup](#)

I DO BELIEVE I did not read any comment from you about her name the post only about how to deal with the ones in jail. She is not a YEAH or a so what it will happen!

She is the victim of our failure in TYC and she paid with her life at this young age. She will never get a highschool diploma or GED or anything else.

9/30/2007 01:12:00 PM

Anonymous said...

fyi: Bronco Billy has sent out a memo telling the Halfway Houses that they too can use OC spray. He's interpreting 37 Tex. Admin. code 97.23. How does that work? Seems like an increase of OC, instead of reduction.

9/30/2007 05:26:00 PM

Anonymous said...

1:12 I did not minimize the tragedy of what that monstrous former TYC youth did to that poor child. What I was emphasizing was that the "get tough" policies of our political bosses did nothing to contribute to rehabilitation of youth. That particular youth was a product of the "get tough" policies instituted by Chester Clay and his cabal. He was not one of the ones recently released. If your read my comments carefully you would have seen that I also noted that no matter what we do with some of these kids, they are and will continue to be monsters. The so-called "get tough" policies just ensured that fewer would be rehabilitated. The "old" TYC that released this particular monster was understaffed, over-populated and ruled by intimidation. Old Salty

9/30/2007 05:32:00 PM

Anonymous said...

Salty or others, since you've been in the field for awhile, I know our population's down, but how does the staffing and the administrative intimidation now compare to the old days?

9/30/2007 05:38:00 PM

Anonymous said...

Lets see everyone blogs anonymous, I don't know maybe if they placed their names by their blogs they would no longer be employed?

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[Bail blunders boost bulging Harris jail population](#)

[Extra bail conditions: When tough on crime means tough on taxpayers](#)

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[Harris County detains low-risk offenders for no reason](#)

[Homegrown Harris Jail Jam: Jailed probationers swell inmate numbers](#)

[Harris jail overcrowding worse than reported](#)

[Harris revokes probation most among big Texas counties](#)

[9/30/2007 06:51:00 PM](#)

Anonymous said...

I would much prefer talking two steps back to where we were two years ago rather than deal with the incompetence we currently have to deal with.

Whats says others at TYC?

[9/30/2007 08:24:00 PM](#)

Anonymous said...

8:24, Definitely.

[9/30/2007 08:51:00 PM](#)

Anonymous said...

I agree with the way we were 2 years ago, Bring back Chester Clay and Steve Robinson !!!!! You know Steve Robinson was never mentioned in any of the past stuff so maybe the Legislators are scared to mess with Him ???

Maybe due to im being once married to Bob Bullocks Daughter Hmm or maybe He is just tough ,,I know this Man and I think He is just tough He never played into any of this crap it was just when He stepped down that they chose to demolish the people who they knew they could ,,'

I bet little Chuey or Whitmore could not last 30 min. with these two guys... What a mess and whats even worse is that its coming from our tax money,damn for years TYC was underpaid and now they have the money to pay all of these Law suits ,, Thats sad, I understand that people are now sueing individuals such as Pope ?? Hope that is true maybe She wouldnt mine helping the State Pay for all of these lawsuits that She and the rest of these yahoo caused..

Share the blame!!You all know How to clean this up >??? When these people start running for re-election just start putting out stories that are posted in Grits the People need to read this ,,

[9/30/2007 08:51:00 PM](#)

Anonymous said...

Brand new color cameras sat on the shelf in the warehouse at Evins from 2005 until early this year. Installation of the really good new stuff did not start until after DOJ.

[9/30/2007 09:56:00 PM](#)

[TPPF: Counties must act to prevent overincarceration](#)

[Self-serving snitch at center of Dillinger capture](#)

[Making sure prisoners can find employment](#)

[Cameras wrong response to London bombings](#)

[Sun Tzu and the Art of Opposition Research, Parts One, Two, Three, Four, Five, and Six](#)

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[Judge: Perry probation veto risks public safety](#)

[Perry's 2005 criminal justice vetoes](#)

[Where can you be surveilled?](#)

[Task forces get more supervision instead of the axe](#)

[Where are the small government conservatives?](#)

[War on drugs just like beating your dog](#)

Anonymous said...

Who said our population was down? Remember, we closed two institutions. Most of the units, except Ron Jackson, are overcrowded right now. Mart II is way over. Crockett has had to open a dorm that had previously been closed because it was not suitable for housing youth. Intimidation of youth and line staff is way down, compared to where it was when Chester was running the institutions. However, and this is the really sad part, Linda Reyes had already gotten rid of Chester and was leading an orderly turn-around of the agency. Remember, she moved over from Rehab Services to Deputy Exec. just as the WTSS scandal was breaking. She had been fighting Chester for years, so she had to establish her case for his removal. That took time, because Dwight trusted Chester, who was busy stabbing Dwight in the back every chance he got.

Don't even mention Steve Robinson - he was the one who got us into the mess in the first place. Chester Clay was his protege.

There are a lot of folks around who came on after Chester was in control who are wanting him back. What they are seeing is the rebound effect on the part of the youths after years of control by intimidation. Intimidation only begets surface compliance. Now that the intimidation of the youths has been removed, there is a vacuum, and the kids are taking advantage of it. It will take a long time to get back to control through establishing trusting relationships. I'm not talking about being soft on these kids - I'm talking about establishing limits through firm, fair and consistent application of reasonable discipline. I've been there, done that, and it works. A very few of the people who modeled that for me are still around in the agency. Many of them have been demoted, but stayed around because they saw what they do with kids to be a calling, rather than a job. If we are going to bring back anybody, I say bring back Linda Reyes, Marie Murdoch, Don Brantley, Neil Nichols and our friend from this blog, Howard Hicks. Old Salty

9/30/2007 10:02:00 PM

Anonymous said...

I do not agree with you Old Salty about all of this intimidation by Chester Clay. Dr. Reyes had control issues and wanted the agency to slant way to far to the left without corrections. That is where the fight came in. We need

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[DoJ CRS Muffles Squeaky Wheels](#)

[ACLU: Limit special force proliferation](#)

BLOG ARCHIVE

balance and Reyes did not understand this and Dwight's biggest mistake was making her #2. She should have stayed in rehab and most of this mess never would have happened. And yes I have been with the agency for over 15 years.

I am not and do not like hearing how all the old guards were corrupt and intimidating, don't bring just your personal biases into this. I believe the post by 8:24 asked would we be better off with leadership from two years ago rather than what we have now?

9/30/2007 10:18:00 PM

whitsfoe said...

Wow, yeah I agree w/that 1039 statement. He/she must have been part of that UOF committee when this was discussed (re: short term) while we get out of this violence related cycle. That meeting brought back HWC. Turner's Chief of Staff, Allison Brock, and the Houston monitor were present. What's their take I wonder?

Sorry Henson I haven't been in touch. I'll try to stay up on this blog and comment when I can, but it's nice to see someone agreed and thought the same thing I did back then. I just heard about that settlement and I looked to see if you covered it, and sho' nuff, you did.

I like your little poll thing too. I had an alibi this weekend.

9/30/2007 10:20:00 PM

Anonymous said...

Whitsfoe where have you been cross dressing in the Houston district? Queen quit touring years ago, think the lead singer died or something so that could not be the reason. Whats up;]

9/30/2007 10:30:00 PM

whitsfoe said...

Cross dressing? LMAO! Newp, just trying to stay alive - like a John Travolta - I'm in the biggest disco of my life (think Bee Gees).

Bust it.... (think MC Hammer).

▼ 2008 (126)

▼ February (12)

I'm outta here: Grits to speak at SA panel on jail...

Pope tells Lege Will Harrell's solitary confinemen...

By the Numbers: LBB gives budget overview of TYC's...

Sheriff disingenuous to claim no cost for jailing ...

Youth Commission Roundup

Feds sue Youth Commission over Evins unit; Propose...

Posner gives conservative case for amnesty - it's ...

DA who failed to prosecute TYC sex abuse cases run...

Legislature's underinvestment in competency restor...

One more reason among many I don't live in Oklahom...

"Contradictory" claims can coexist if you understa...

LBB: Texas prison population growth "flat"

Now let me be as I explain what the "Big Bang Theory" is all about (that is, pre-TYC). :)

9/30/2007 10:40:00 PM

Anonymous said...

All the leaders from two years ago were at WTSS, except Dwight, when Brookins kept students up until 3:30 a.m. cleaning. They all knew, and all they did was tell him to stop it. Then they left. Good riddance to the whole bunch. And how does the head of the HR dept, Eric Young, get to keep his job when they promoted a man with 20 write-ups, 9 being reprimands, to Asst. Superintendent? He may not have known, but he should have.

10/01/2007 07:13:00 AM

Anonymous said...

20 write-ups to an Assistant Job? Who are we talking about and if this is true maybe someone should call the hot line.

10/01/2007 07:50:00 AM

MC said...

Richard LaVallo is an excellent attorney and a huge advocate for disadvantaged children and youth, many with criminal involvement or risk. TYC would have been smart to hire someone of his talent and experience who obviously has a desire to positively impact youth. He and other lawyers of his caliber might not touch that agency with a ten-foot pole, though. Think of the good they might be able to accomplish. Too bad for young Texans.

10/01/2007 08:38:00 AM

Anonymous said...

Any staff working for TYC has an obligation to report abuse, neglect, and exploitation. If a staff member employed by the State has knowledge of any of these three components and failed to report they are just as guilty as the person/persons committing the act.

The excuse that they were/are my supervisor does not preclude or justify anyones actions. It is a responsibility to ensure the rights of the youth

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incarcerated in TYC are always upheld regardless. If not then maybe it would be a good time to find another career. The Ray Brookins episode could have been prevented or at least curtailed if those that had knowledge of these late night clean-ups would have stepped up sooner.

[10/01/2007 08:43:00 AM](#)

Anonymous said...

I couldn't agree more with the last comment.

But, in order to have prevented it, SOMEBODY has to listen to you!!! This is the frustration we have felt at McFadden for quite a while now...we can scream abuse, neglect and exploitation until we are blue in the face. Can we control our superintendent who continues to lie and cover-up this abuse to investigators. NO! We tried...if we succeeded remains to be seen.

[10/01/2007 09:59:00 AM](#)

Anonymous said...

on the mcfadden crap...the people involved haven't a clue on what they have done or what should have happened they give the impression now of, "oh, that's still being talked about?"

[10/01/2007 10:39:00 AM](#)

Anonymous said...

Many people told Chip Harrison and even Lydia Barnard, but they didn't believe it.

[10/01/2007 10:41:00 AM](#)

Anonymous said...

I don't know much about McFadden but if there is so many problems there, close it, it a halfway house isn't it?

Look at Evins on the other hand, we have the psycho incharge now who can't even make his own decisions, wife in HR assisting him, and an interm who only works 3 days out of week. 2 days for travel. (Interm in not important here anyway) When can we get somebody that will take a stand and make decisions? Eddie did and CO, or Bronco Billy didn't like him for that. Congrats on his retirement, he left on his terms. Who cares if the decisions being made are a mistake, we learn from them. Atleast an attempt was made. Look at the past, no one Assistant Superintendent has

ever made a decision on their own and are still here to talk about it. Psycho,heres your chance since you should know what Evins needs. You have worked here the longest? Don't be afraid, make decisions or be like everyone else and move on.

10/01/2007 11:01:00 AM

Anonymous said...

That's the name of the new game. The Crockett Supt is a big idiot, but the ones who told what was going on were accused of sabotage. They like the ones who don't challenge or ask questions. Say yes, yes man!!!!

10/02/2007 07:20:00 PM

Anonymous said...

9/30 10:18. Who said anything about "all the old guards being corrupt?" I said Chester Clay brought in an atmosphere of intimidation. I might add that the intimidation was not just towards the youth, but to staff as well. Old, Theory X form of management to the extreme. I also find it really interesting that you would classify Linda Reyes as a "lefty". She was very aware of the need for control in order to have treatment. Any reasonable person who worked at Corsicana when Chester was Superintendent there knows that Corsicana did not even come close to being a residential treatment center while he was in charge. Old Salty

10/03/2007 10:29:00 PM

Anonymous said...

Anonymous said...

Any staff working for TYC has an obligation to report abuse, neglect, and exploitation. If a staff member employed by the State has knowledge of any of these three components and failed to report they are just as guilty as the person/persons committing the act.

You're right and I have some to report. However, it wasn't abuse, neglect and exploitation of the children in the care of TYC, it's the abuse, neglect and exploitation of every staff I work with every day. These kids are bullet proof. I couldn't even describe what staff is having to put up with. The disrespect, cursing, etc. is rampant. What can one do??? Oh my, we can all run a "huddle-up" on them. That will get them straight. They will gladly

spew the words that they have no intention of following out of their mouths and the world will be a better place. There is NO accountability of these kids. They are going home and they know it. They can sit right there, do nothing but disrupt, disrespect in the most terrible ways you can think of and THEY ARE GOING HOME and they'll be sure to remind you. One only has to actually be a staff and then the world looks entirely different. These kids aren't stupid. They know who is watching and when to put on a show. I'm going to say this. The great state of Texas is going to lose this one all the way around. All those innocent people out there are going to get to experience what it's like for all these kids to return to the streets with no better idea of how they should act than when they entered the agency. The staff are going to quit by the hundreds. The pockets are going to get emptied by the law suits and nobody will ever want to work for this agency or one like it for a long, long time. Then what are you going to do with these kids? Why I hope you take a few of the sweet little helpless darlings in and raise them in your own home with your own children and spouse. It's impossible for staff to do anything with them to help them. It's impossible to try to educate them because the ones who actually want it, can't get it for the ones who are constant disruptions and all the "huddle-ups" being run. Do yourself a favor. Write each of the facilities and ask what their BMP policy is. Don't let them slide one by you. Ask what the steps are when a kid disrupts in a classroom or anywhere else. You won't believe the steps that have to be gone through. This whole thing is becoming one big joke but it will show up sooner or later, you can count on that. Is anyone listening? Sure, but they sure aren't doing anything to help. Ok, I feel better now. I'll try to get a good night's sleep so I can try again tomorrow. I'm beginning to think I'm the stupid one. I had no idea this idiocy would last this long but I just keep hanging in there because there are still a few worth trying to help. God help us all because nobody else is. There are going to be a lot of people hurt before this turns around. The people calling the shots have no idea what's going on and they don't want to. Have you ever seen any one of them go to a facility without all the fanfare and identifying badges, etc. and try to work one of the jobs where they actually have to deal with the youth for a week? They wouldn't last minutes. Good night Texas. Sleep tight.

10/04/2007 10:36:00 PM

Anonymous said...

Good one 10:36. All true, CO never comes to any facility. Thanks

[10/06/2007 08:55:00 AM](#)

Anonymous said...

Guess What! It doesn't matter! Still no word at the institutions about any change from recent directives! This whole mess in Coke County sure has taken attention away from this. Nothing has changed. It is all the same.

[10/06/2007 09:06:00 PM](#)

Anonymous said...

Checked the TYC website and saw the 08/02 directive was "rescinded." Still no communication with the field about how to proceed! As far as I know, we are still a spray first, decontaminate second, agency.

[10/07/2007 11:56:00 AM](#)

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