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EDITORIAL

Harsh Treatment for Youthful Offenders

The Justice Department has the authority to sue juvenile detention systems that allow detainees to be abused or that fail to provide safe conditions. The department, which has invoked this authority many times in the past, should take a hard look at Texas's notoriously troubled juvenile justice system.

The Texas Youth Commission attracted the national spotlight earlier this year, when allegations of brutality, neglect and sexual abuse by detention center staff members made headlines. The state cleaned house and passed an ambitious reform package.

In a worrying sign that the right lessons have not been learned, the commission's new leadership is proposing a rule change so it can make more frequent use of pepper spray against unruly detainees. Juvenile justice experts, the federal courts and the Justice Department have all condemned excessive use of pepper spray.

Pepper spray is a caustic substance that produces burning and respiratory distress and can also cause nerve damage. In addition to being inhumane, the policy is counterproductive. It undermines institutional discipline, further angering and alienating young detainees.

The agency claims that the new policy is necessary to help understaffed institutions maintain control. It also insists that the spray will be judiciously used. In a lawsuit filed earlier this year, however, Texas child welfare advocates charged that the system was using pepper spray excessively, including on mentally ill detainees who were supposed to be exempted. Among the cases cited in court documents was that of a mentally ill 15-year-old who was said to have been sprayed three times while attempting to harm himself.

These accounts are reminiscent of the heart-wrenching cases in Los Angeles County, Calif., where authorities were called to account for pepper-spraying pregnant girls, suicidal youth and detainees whom doctors had ordered exempted because of respiratory problems. Faced with the threat of a federal lawsuit, Los Angeles County reformed its disciplinary practices. According to a recent analysis by the Washington-based Center for Children's Law and Policy, the county achieved its improvements by retraining its staff, improving mental health services and embracing less violent systems of crisis management.

Texas needs to follow the same course. If it will not, the Justice Department should ensure that it does.

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