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# TYC rejects many of own task force's suggestions

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The Texas Youth Commission on Thursday rejected many of the findings of its own task force, which called for sweeping changes in the state's juvenile justice system.

TYC officials said the advisory group's report was out of step with the current political climate. Task force members said the agency was mired in a failed approach.

"We are concerned that TYC is stuck in the past," said panel member Paul Tracy, a University of Texas at Dallas professor. "TYC is out of touch with what most juvenile justice specialists are saying."

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It also recommended a number of measures designed to keep juveniles out of prison.

"We want to change the climate of TYC," Mr. Tracy said. "We're spending a huge amount of money to incarcerate a huge amount of kids very ineffectively, which leads to all the claims of abuse we've heard

about."

The report, "Transforming Juvenile Justice in Texas: A Framework for Action," was officially released by the chairman of the task force Thursday—after TYC refused to do so.

Chairman David Springer said he was informed Thursday that TYC management, including acting Executive Director Dimitria Pope, was not happy with the report's approach.

Agency officials complained that the report had been "hijacked by academics," Mr. Springer acknowledged.

No 'tough love'

The 21-member task force, composed of scholars, experts and advocates outside TYC, was formed in May by agency management after a series of scandals involving physical and sexual abuse rocked the juvenile prison system.

Among the report's recommendations: emphasize preventive measures such as education and training, focus on parental involvement, and fund programs to treat drug abuse and mental health problems.

The goal is to keep troubled juveniles close to home and out of TYC prisons, the task force said. "Too many youth are being referred to TYC and not being kept in the local systems where services are more effective and less costly," the report said.

The task force findings rejected the "tough love" attitude toward juvenile justice adopted in the mid-1990s, when TYC expanded greatly under Gov. George W. Bush.

"That didn't work," said Mr. Tracy, a professor of public policy at UTD. "We need them to update their thinking."

Many of the suggestions, such as better training for guards and limiting TYC incarceration to felons only, echo the changes recently passed by the Texas Legislature.

"I honestly think we're already doing a lot of those things," said Rep. Jerry Madden, R-Plano, a sponsor of TYC legislation.

Others recommendations – such as moving TYC inmates out of big, remote prisons to smaller, community-based settings – are not in TYC's immediate future. "Until we get buy-in from the juvenile judges around the state, that's a very hard thing to get done," Mr. Madden said.

TYC conservator Ed Owens originally conceived the task force as a way to gather outside advice on getting the crippled agency back on its feet. The members met for two days and decided to take a broad, theoretical approach.

Task force members seized the opportunity to "create the ideal juvenile justice system," said Mr. Springer, a professor of social work at the University of Texas at Austin.

"I actually feel quite good about the report itself," he added.

But Mr. Springer said TYC officials believe "the report was not as grounded as it could be in the current

politics and financial struggle in Texas ... not as pragmatic as maybe they wanted it to be."

TYC officials knew throughout what the task force was doing, "so this shouldn't have been a surprise," he said.

Mr. Springer said he and TYC officials discussed making the report more pragmatic, but such discussion became moot when copies began circulating publicly on Wednesday.

TYC spokesman Jim Hurley said the agency will not ignore the recommendations altogether. "Anything we can take from it and use, we will," he said. "But there is much in this report that is far beyond TYC's scope."

### Pepper spray criticized

The report's harshest language dealt with pepper spray. This summer, TYC began using the spray, in place of physical restraint, to control inmates. The agency said its goal was to reduce injuries to guards and youths.

"The ease with which pepper spray can be employed is exceptionally troubling," the report said. "This is especially true in an environment that has not yet seen a shift in culture away from punishment and towards a treatment approach."

Two Austin advocacy groups said Thursday that they had filed suit against TYC to reverse the agency's pepper-spray policy. Their suit is on behalf of two mentally ill inmates, who were sprayed, and a third who was threatened with the spray.

"This new policy promotes punishment and intimidation," said Richard LaVallo, a senior attorney with Advocacy Inc., which joined in the suit with Austin-based Texas Appleseed. "What we're trying to do is go into court and declare this policy invalid."

TYC has "not changed any policy," Mr. Hurley insisted, but merely switched the position of two last-resort options considered when the agency must use force. He declined to comment further, citing the pending litigation.

TYC officials say using pepper spray in place of physical restraints and takedowns is a way to prevent youths from serious injury, and to reduce the high number of workers' compensation claims at the agency. They say they are developing a "no-spray" list to ensure it isn't used on mentally ill or mentally retarded youths. And they argue it has no proven health risks and almost always leads to immediate compliance – unlike physical restraints.

Juvenile justice organizations have little faith in the agency's promises to protect mentally ill youths, and say they're sure the spray will be overused.

According to Mr. LaVallo, there have been 196 pepper-spray incidents at TYC in the last six weeks, compared with 193 incidents in all of 2006.