

Hidden in Plain Sight

How did alleged abuse at a youth facility in West Texas evade detection for so long?

by Nate Blakeslee

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When Dwight Harris, executive director of the Texas Youth Commission (TYC), appeared before the Senate Finance Committee at the Capitol on February 1 to discuss his agency's fiscal needs for the next biennium, he came prepared for some tough questions. It has been a difficult year for the troubled agency, which oversees the system of correctional facilities for boys and young men known as state schools. Last summer, federal agents investigated allegations of abuse following a riot at the Evins Regional Juvenile Center in Edinburg. The findings of that investigation are still pending, as is a multimillion-dollar civil rights lawsuit filed by several students. Statewide, the agency suffered a 48 percent turnover rate among staff last year. The recidivism rate for inmates, Harris told the panel, is hovering around 50 percent. Yet Harris was clearly not prepared when Sen. Juan Hinojosa, a Democrat from McAllen, asked about an alleged case of sex abuse by staff members at the West Texas State School in the rural town of Pyote west of Odessa.

The incident was a particularly ugly one, though few people outside the Permian Basin have ever heard of it. Following an investigation by the Texas Rangers and the FBI in February and March 2005, two of the highest-ranking officials at the school—the assistant superintendent, Ray Brookins, and the principal, John Paul Hernandez—were accused of having sexual relations with several students over an extended period. Both men denied the allegations, but investigators collected dozens of statements from students and staff, conducted polygraph tests on students, and collected DNA samples from semen-stained carpet and furniture at the school, according to a TYC inspector who assisted with the investigation. Yet there has been virtually no mention of the case in the media since the two men resigned nearly two years ago, nor have there been any arrests. Harris told the Senate panel that the investigation was closed. He also asserted it was the agency that alerted the Texas Rangers to the case and that his staff had done everything in their power to address the problems at Pyote.

None of these assertions is strictly true. The investigation is not closed: In January the local district attorney formally requested assistance from the state attorney general's office in prosecuting the case. The Rangers were not summoned by TYC administrators, but by a volunteer math tutor frustrated by what he considered the agency's own unwillingness to investigate. And the agency's response to the problems at Pyote, records obtained by the *Observer* show, was anything but diligent. An internal agency review of the incident—which to date very few people have read—documents a string of missed opportunities to uncover the abuse at Pyote. The abuse was real: Internal agency documents describe in considerable detail numerous incidents of sexual misconduct that TYC administrators were able to confirm at the facility. The story of how the scandal in Pyote unfolded—or failed to unfold—raises a number of troubling questions, among them how these two men avoided prosecution and how the story has stayed under the radar for so long. Perhaps most confounding of all: How can it be that since last summer, John Paul Hernandez has been the principal of a charter school in Midland, where he supervises about 200 high school students the same age as his alleged victims at Pyote?

The trouble at Pyote (pronounced "Pie-oat") began in the fall of 2003, when Brookins was hired as head of security and Hernandez was brought on as principal. In an agency where careers can be made in both education and corrections, Brookins, 41, had always been a corrections man. After getting a master's degree in criminal justice from Tarleton State University, he served four years as a correctional officer at an adult prison in South

Texas, rising to the rank of captain before becoming head of security at TYC's San Saba unit in Central Texas. Hernandez, who is also 41 and has a master's in education, came to Pyote after a series of jobs as a teacher and administrator in public schools, most recently as an assistant principal at a junior high in Odessa. A report on the agency's internal review of the incident at Pyote, obtained through the state open records law, and other agency records point to missed warning signs about both men, along with what seems to be a marked trend of leniency—especially toward Brookins—from agency headquarters in Austin. When Brookins applied to become the head of security at Pyote, for example, he already had 10 disciplinary records in his personnel file, according to internal agency records. He was a notorious scofflaw, racking up and failing to pay so many traffic tickets that state troopers finally came to arrest him at work, TYC records show. In March 2001, agency records show, Brookins was placed on disciplinary probation by his supervisors when pornography was discovered on his work computer. (Brookins is something of a porn aficionado; investigators removed hundreds of pornographic videos from his home in Pyote, according to a TYC inspector who assisted with the Rangers' investigation.) The man who hired Brookins at Pyote, Superintendent Chip Harrison, told TYC investigators that nobody at San Saba informed him of Brookins' past disciplinary problems, though he also admitted he had not reviewed Brookins' personnel file before bringing him on board. Nor did he review the file when Brookins was promoted, seven months later, to assistant superintendent, the second-in-command of the facility.

According to the agency's internal review, as early as December 2003, only two months into Brookins' tenure, low-ranking Pyote staff members were already complaining that he was taking youths from the dorms late at night and bringing them into the administration building. Brookins was alone with the students for hours, sometimes into the early morning. The visits were ostensibly for cleaning, though other students were already assigned to clean the building during the day. "We all thought it was a little strange for someone in his position to be doing that because supervising a cleaning detail was beneath him," one former officer, who asked that her name not be used, told the *Observer*. Hernandez was also known for spending time alone with students, often behind locked doors in the education building, according to the internal review.

From May through August of 2004, three school administrators, including the head of human resources, reported their concerns about Brookins or Hernandez being alone with students to Chip Harrison, the superintendent. Harrison responded to these reports by admonishing both men to avoid such situations, and by telling Brookins not to have students in the administration building past 5 p.m. Shortly thereafter, the assistant principal told Harrison he had caught Hernandez alone with a student in the education building, behind a locked door. Harrison counseled Hernandez a second time, but the behavior didn't end. Brookins began showing up unannounced at the student dorms for late-night contraband searches and was spotted lurking around outside the dorms at night and peering through windows, according to the agency report. In his new position as assistant superintendent, Brookins also began aggressively inserting himself into the school's assessment of students, overruling phase decisions and release recommendations made by caseworkers. (Students have to work their way through various phases to be eligible for release; lost phases are the equivalent of more time locked up.) Brookins had a confrontational manner, according to former Pyote staff. Senior staff complained that he "attempted to control every aspect of facility operations," according to the internal review. Hernandez was different. He had a gentle and professional manner, and he seemed to care about the kids. Yet rumors were flying about both men, and staff became increasingly frustrated with the ineffectiveness of Harrison's response, according to the agency's internal report.

In an interview last week, Adam Cooper, a former inmate at Pyote, told the *Observer* it was widely known among students in the unit that both Brookins and Hernandez had "favorites" with whom they spent an unusual amount of time, and to whom they granted favors and special treatment. "They picked feminine boys they thought they could trust not to say anything," Cooper said. Life at a youth prison was difficult for inmates who were not seen as "manly," and these young men were both grateful for the attention and ashamed and resentful of it at the same time, Cooper said. On two occasions, Brookins propositioned Cooper, then 17, for sex, the second time offering to restore the young man's phase status after he had been disciplined for a rules violation, Cooper said. He was scared and disgusted. "I told him, I'll take the phase reduction," Cooper said, adding that he tried to report Brookins and Hernandez several times to school staff, but his allegations were never taken

seriously. He eventually gave up his efforts out of fear of Brookins, who was known for shouting at students and dealing out discipline harshly. “You didn’t want to mess with Ray Brookins if you were a student,” Cooper said.

On August 27, 2004, a caseworker named Billy Hollis decided to bypass the normal chain of command and write directly to TYC Executive Director Harris in Austin. Among other allegations, Hollis complained that Brookins was taking students after hours to the administration building, that he was inappropriately denying students their phases, and that grievances filed by students were not being answered. According to TYC’s internal review, each of these allegations was eventually confirmed in the wake of the Rangers’ investigation: Security logs at the dorms documented that students were in fact being summoned by Brookins after hours; school records showed that a number of students had been held at the facility longer than necessary; and the office secretary reported that Brookins had bullied her into giving him the key to the student grievance box, to which he was not entitled to have access. Yet when Harris sent Lydia Barnard, a high-ranking director of juvenile corrections in Austin, to the facility to investigate Hollis’ complaints, she reported that each of them was unfounded. A former superintendent at San Saba, Barnard had once supervised Brookins and knew him well. In her official response to Hollis’ complaint, she chastised Hollis to do his job better and to be more supportive of Brookins.

Shortly after this complaint was declared resolved, Pyote Superintendent Harrison took an extended medical leave, and the agency named Brookins acting superintendent of the school. He was now in charge of the entire facility. As Brookins’ power grew, staff morale deteriorated, according to the internal review. Key personnel began leaving, including the assistant principal and the director of clinical services, two of the highest-ranking administrators who had complained about Brookins and Hernandez. The number of student grievance letters addressed directly to Executive Director Harris in Austin increased dramatically. Staff in Austin began to suspect something was in fact wrong with the grievance system at Pyote, as student complaint forms were arriving in Austin out of sequence or not at all. On November 3, Kristin Pottenger, the head of human resources at Pyote, wrote an e-mail to the inspector general’s office in Austin complaining once again about Brookins’ late-night cleaning sessions. The internal review reflects that Lydia Barnard was made aware of this complaint. Pottenger declined to file a formal complaint against Brookins, however, for fear of retaliation, according to the internal review.

By the beginning of February, staff morale had become so low at the unit, according to the internal review, that Chip Harrison was hastily brought back from medical leave and reinstated as superintendent. In an agency-wide e-mail announcing Harrison’s return, Lydia Barnard praised the work Brookins had done in his stead. “Mr. Brookins did an excellent job in the performance of these duties,” she wrote. (In her original e-mail, obtained by the *Observer*, Barnard took the time to put “excellent job” in boldface.) A week later Barnard and other Austin staff visited Pyote for a regularly scheduled facility review. The official report of that review gives no hint of the turmoil that was underway at the school.

A few days after Harrison’s return, Marc Slattery, a volunteer math tutor from Midland, was approached by two students at the facility. “They asked me if they could talk to me about something ‘icky,’” he said later. “‘Icky’ is not a Pyote word. I knew it must have been something bad if they had no word for it.” One of the students confided to Slattery that he had been victimized by Brookins. The boys also named five other students they said might have been victimized. Later that week, as Slattery was leaving the facility, he noticed a group of students being escorted into the administration building. It was 8:30 p.m., a half-hour after students were required to be in their dorms. He watched from outside the building through open blinds as the young men were escorted to the conference room next to Brookins’ office. The next day Slattery called the Texas Rangers in Ft. Stockton and talked to Ranger Brian Burzynski, who drove up to Pyote the same afternoon.

Burzynski began questioning students about Brookins, but almost immediately the investigation expanded to include Hernandez. The two men were suspended, and the offices and homes of both suspects were searched. Within three weeks, TYC administrators in Austin had documented the following allegations, according to

internal agency records: that Brookins had performed oral sex on an 18-year-old student; that he had watched another student masturbate; that he had inappropriately touched at least two other students; and that he talked to students about sex toys, penis pumps, and masturbation. They also learned that Hernandez was alleged to have had numerous sexual encounters with at least four students, aged 17 to 20, and that he had allegedly performed oral sex on each of them. Hernandez allegedly pulled students from classrooms and from dorms on weekends for dalliances in storage closets and restrooms, and for late-night parties in his office, where he plied students with popcorn and movies, according to a list of episodes confirmed by agency investigators. It seemed that the abuse had been going on for quite some time. The boys apparently did not come forward sooner, agency investigators concluded, because of the control the two men had over their release date and access to privileges within the facility. By early April, the inspector general of the agency had determined to his satisfaction that each of the allegations against the men was true. Hernandez was informed that he was about to be terminated, and he resigned. (Brookins had resigned almost immediately after his suspension.)

Brookins and Hernandez were facing possible prison time, and the Youth Commission was confronted with a major scandal at the worst possible moment. Abuse allegations at the Evins facility in Edinburg had been in the papers for months. With the media circling around that story, the agency's directors in Austin were bracing for a second storm when the news about Pyote broke. Instead, the case disappeared. The two suspects were never arrested, and details of the investigation were never reported in the papers. Hernandez and Brookins quietly left town.

The criminal cases against Brookins and Hernandez were not stalled by a lack of evidence, according to Randy Reynolds, the district attorney for Ward County (which includes Pyote), as well as neighboring Loving and Reeves counties. (Ranger Burzynski would not comment on why the two suspects have never been arrested, citing the ongoing investigation.) Like many rural prosecutors, Reynolds also runs a law practice on the side. In an interview in early February at his law office in Pecos, Reynolds said there was nothing wrong with the cases and that the investigation was officially still open. The indictments were initially delayed, he said, by an abortive attempt to prosecute the case federally through the U.S. Attorney's office in San Antonio. After examining the case, federal prosecutors decided to pass, believing tougher charges were available in state court. Reynolds conceded that this decision was made some time ago; in fact, it has been at least 16 months since the cases landed back on his desk. "I don't like the fact that it's taken this long," he said. "Generally in our jurisdiction, we don't believe in waiting. We believe in going forward."

According to Isela Gutierrez, an advocate for juvenile justice reform at the Legislature, it is not uncommon for cases like these to languish in prosecutors' filing cabinets. Such delays are a function of the peculiar demographics of TYC, which takes kids from across the state, many from urban areas, and puts them in rural facilities like Pyote, she said. "The local prosecutors don't consider these kids to be their constituents," she said. "The victims' families often live very far away, and there are no political repercussions for failing to do their jobs." Reynolds, who said he was not aware that one of the suspects was working with students again, denied that the cases had been harmed by the delay. "We've always felt like we'll make these two cases sooner or later," he said. He suggested he was waiting to see how far up the TYC chain of command the investigation would lead before bringing in Hernandez and Brookins. But investigators have not worked on the case for at least a year, according to sources knowledgeable about the investigation.

"These kids have done bad things; these kids have had bad things done to them," said Marc Slattery's mother Dottie, who also volunteered at Pyote, "but these kids deserve the best that the state of Texas can do for them." Neither Dottie nor her husband Bill, another volunteer, have been back to the West Texas State School in the two years since their son first blew the whistle on Brookins. They are not welcome, Dottie said, because they know too much. Sen. Hinojosa, who questioned Harris at the Senate Finance hearing in early February, said he has grave concerns about how TYC handled the incident. "This kind of behavior is unacceptable, and this issue is not going away," he said. Hinojosa, along with Senate Finance Chair Steve Ogden, a Republican, and Democratic senators Royce West and John Whitmire, have vowed to make TYC reform a priority this session.

The conclusions of the agency's internal review are scathing. "In spite of the presence of indicators of risk of misconduct, a history of misconduct, widespread suspicion of misconduct, and reports of unusual behavior," it reads in part, "Mr. Brookins was placed in positions of great responsibility and authority at West Texas State School." The investigator interviewed witnesses who reported that even as far back as Brookins' tenure at San Saba, where he began his TYC career, he was known for taking kids from the dorms at odd hours, prompting rumors and suspicion. Harrison, the Pyote superintendent, comes in for the most blame in the report. Three of the report's nine official findings fault Harrison by name, and several others clearly imply that he was to blame. In his own defense, Harrison told agency investigators that it was Barnard, the TYC official in Austin, who supported Brookins' promotion to assistant superintendent at Pyote. Yet none of Harrison's superiors in Austin, including Barnard, was interviewed by the inspector who authored the report, and perhaps not surprisingly, those superiors are largely absolved by the review's conclusions.

In fact, certain sections of the review, written by a TYC inspector from North Texas, seemed crafted to deflect blame from administrators in Austin. One particularly dubious assertion stands out: "No report of Mr. Brookins frequent, private, visits with youth after hours was ever directly made [to Austin staff]." This statement seems to discount communications documented earlier in the report, such as caseworker Billy Hollis' August 2004 e-mail to Executive Director Harris, and human resource administrator Kristin Pottenger's November 2004 e-mail to Austin. Curiously, the review lacks an account of an interview conducted by the inspector that seems particularly damaging to Austin staff. According to a summary of the interview obtained by the *Observer*, security coordinator Melody Vidaurri, who accompanied Barnard on her visit to the facility in February 2005, told the inspector that "numerous students and staff reported concerns about Ray Brookins' conduct with students, including rumors of him engaging in sexual behavior with students." Vidaurri reported that she shared this information with Barnard as they were driving to the airport on their way back to Austin. "According to Ms. Vidaurri," the summary states, "Ms. Barnard informed her that these allegations had already been investigated and there was nothing to it."

Why was it so easy for Vidaurri to collect these reports, unsubstantiated though they may have been, on this visit in February 2005, when Barnard had been able to discover nothing during her trip the previous fall? And why was Vidaurri's claim to have informed Barnard of her concerns not included in the final report? Tim Savoy, the public information officer for TYC, said Vidaurri's comments were not included because there was no "independent substantiation" that the conversation with Barnard took place. Randy Chance, a retired, 21-year veteran of TYC and the former inspector general for the western region of the state, said the problem lies within the culture of the agency. "If you're part of their little club, they cover for you," he said. For his part, Harrison is unlikely to complain about bearing the brunt of the blame for the scandal at Pyote. He received only a mild sanction for his handling of the crisis. After the dust had settled, he was promoted to a director of corrections position in Austin, which he still holds. Barnard received no sanction of any kind. (Last month, however, she was demoted for an unrelated violation of agency rules, TYC records show.)

The internal review alludes to a culture of secrecy and retaliation at Pyote, in which staff and students did not have faith that their complaints would be dealt with seriously and in which they were reluctant to come forward without solid proof of their suspicions for fear of being targeted by their superiors. That culture of retaliation is hardly confined to one facility, according to Randy Chance, who was based at Pyote before his retirement in 2003. Chance said he was not surprised to hear that victims at Pyote brought their fears to a volunteer, someone outside the TYC circle who would not be afraid to speak out. "If you say something, you'll ruin your career," Chance said. "The way TYC thinks about things like this is: If nobody talks, it's not a problem."

Dwight Harris declined to be interviewed for this story, and he declined to make Lydia Barnard or Chip Harrison available for interviews. In a written response to questions from the *Observer*, Tim Savoy, the public information officer, said: "What the agency believes happened at the West Texas State School at the hands of then Assistant Superintendent Ray Brookins and Principal John Paul Hernandez is a tragedy. ... With the benefit of hindsight and an investigation into the matter, it is clear that the agency missed opportunities to intervene. For that, the agency takes full responsibility. We have learned from this situation and we have taken steps to

reduce the chances that something like this could happen again.” Savoy denied that any of the language in the agency’s internal review was meant to deflect blame from higher-level administrators in Austin. “As the head of TYC, Dwight Harris takes full responsibility for what happened, regardless of the language in a report,” Savoy wrote.

Savoy maintained that the agency did everything it was legally obligated to do to alert future employers about Brookins and Hernandez. Ray Brookins now works at a hotel in Austin; reached by phone, he denied the allegations against him and declined further comment. According to records provided by Savoy, the agency mailed the state Board for Educator Certification a detailed report of its findings against Hernandez about a week after he resigned. The board received that information over 19 months ago; at press time, however, the board’s Web site, which prospective employers can check to determine if Hernandez is a licensed educator, still shows Hernandez to have a valid license. A notation at the bottom of the screen reads, “This individual is currently under review by the SBEC professional discipline unit.” Dr. Norman Hall, who hired Hernandez to be principal at Milburn Academy in Midland, told the *Observer* that he called TYC for a reference and asked a human resource administrator named Deborah Nance about the pending investigation noted on the SBEC site. Nance would not tell him over the phone the nature of the investigation against Hernandez, but the next day she sent him an e-mail, agency records show, advising Hall that Hernandez resigned in lieu of termination, that he was not eligible for rehire, and that he had been investigated for “inappropriate sexual conduct with TYC youth.”

Hall told the *Observer* that he did not remember receiving the e-mail. He provided the *Observer* with a copy of a letter from the Justice Department that Hernandez had shown him. The letter, dated September 27, 2005, notified Hernandez that he was no longer the subject of a federal investigation. It does not mention that state authorities were still investigating the case against him, and Hernandez did not offer up that information, according to Hall. On February 1, the same day as Harris’ appearance before the Senate finance panel, TYC mailed a letter to Hall in which Dr. Linda Reyes, the deputy executive director, repeated the information sent to Hall in the e-mail. (Savoy said Reyes had been planning to send the letter for several weeks.) Hall told the *Observer* that he has since asked Hernandez to provide him with a written account of what happened at Pyote.

The Richard Milburn Academy in Midland is located next to a large discount clothing store in a modest strip mall on the north side of town. The school day is longer at Milburn than at traditional schools, and late in the afternoon on February 8, the parking lot was still full of cars. Like many charter schools, Millburn is attended largely by kids who have dropped out or been expelled from local high schools; places like Millburn are often the last stop before a student winds up an inmate in a state school like Pyote. In the bustling foyer of the school office, kids periodically poked their heads through the door, looking for Hernandez, whom they called “Mr. H.” A nervous boy outfitted in a long, black trench coat and wide-legged pants that completely covered his shoes came in to retrieve a vacuum cleaner, and slowly shuffled out without looking up from the floor. When the last class of the day had let out, Hernandez agreed to be interviewed in his office. He was wearing a navy blue sweater-vest over a blue checked shirt and a blue tie. He was handsome in a delicate way, with neatly trimmed black hair, wire-rimmed glasses, and a tall, lean frame. Hernandez seemed stunned to hear that the investigation against him was still officially open. When he never heard from prosecutors in Ward County, he said, he assumed he was in the clear. “My attorney said this isn’t something they’ll let sit,” he recalled.

He has not heard from any authorities in more than a year, he said, not since he got the letter from the Department of Justice. “I have absolutely nothing to hide,” he said. “As far as my performance and what I did at West Texas State School, I’m proud of it.” Asked why he didn’t fight to get his job back at Pyote, he said he didn’t want to have the reputation of somebody who sued the agency. “I wanted peace of mind,” he said. “To know that everything was done, and to move on.”

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