

Editorial: Forced confessions at TYC

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You almost expect one day to find out that at some remote location someone had taken out the waterboarding manual to deal with an unruly inmate at the Texas Youth Commission.

Revelations keep piling up in a year of horrors about the TYC. The agency came under the Legislature's thumb this session after reports of abuse and malfeasance.

Just this week TYC was acknowledging the overuse of pepper spray to subdue children. Certainly, pepper spray should be an option when dealing with dangerous young people. That goes without saying. But . . .

The re-examination comes after the matter went to court and after the Texas Criminal Justice Coalition released a report saying that pepper spray posed health dangers to youths with respiratory problems or mental health disorders.

The fact is that as many as 40 percent of youngsters detained in TYC have mental illness. More troubling than the pepper spray issue is the matter of forced confessions. No, not abusive interrogation techniques. It's a requirement that an inmate confess his or her crime as a means of earning release.

This is a contravention of due process and of the constitutional protection against self-incrimination.

The confessions are part of the TYC's "correctional therapy program" now under review. Indeed, the agency was scheduled to present a set of reforms today at its Beaumont unit.

Parents of a juvenile at the Mart unit sued to stop the TYC from requiring a confession from him, though his conviction is on appeal. If he confesses he would torpedo his appeal. Truly, a Catch-22 situation.

The requirement is a part of a system of steps, called phases, that inmates must meet toward release, in contrast to adult inmates with determinant sentencing. Failure to meet a required step can result in longer incarceration.

Civil liberties groups say the system puts too much power in the hands of individual TYC employees regarding an inmate's release, and that it lends itself to retaliation and favoritism.

When the issue is someone's long-term incarceration, too-arbitrary criteria and Catch-22 clauses must be avoided.

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1