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Youth Commission pepper spray policy questioned

Report also recommends smaller treatment centers over large lockups.

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A blue-ribbon panel commissioned in May to redesign Texas' troubled juvenile corrections system is harshly critical of state officials' recent decision to expand the use of pepper spray in state youth lockups. The criticism came as part of sweeping changes the panel is recommending on how Texas should best deal with its teenage offenders.

The panel, made up of nearly two dozen national juvenile justice experts, produced a 56-page report that calls for a shift to small, regional treatment centers as a better alternative to large state-run lockups and recommends an increased emphasis on treatment and rehabilitation programs instead of punishment.

Other recommendations include:

- Sentence more low-level offenders to county probation programs instead of state lockups and require that anyone age 14 to 19 who is convicted of a crime serves their time in a Youth Commission lockup rather than an adult prison.

Keep more youthful lawbreakers in community-based programs, where their chances of rehabilitation are better than behind bars.

Beef up preventative programs for youths who are most at risk of committing crimes.

Although many of the recommendations were expected — better training, improved programs, better management of violent and difficult offenders — the report's position about the controversial new pepper spray policy could spark the most debate.

Youth Commission officials in early August approved using pepper spray before physical restraints to subdue juveniles. At the time, and at a subsequent legislative hearing, officials insisted that unnamed national juvenile corrections experts were split on its expanded use.

The report indicates otherwise.

"This task force unequivocally expresses its concern about TYC's new policy allowing the use of chemical control agents such as pepper spray," the report states.

"We understand that the new policy regarding pepper spray was implemented in an effort to decrease injuries to staff and juveniles, however, the ease with which pepper spray can be employed is extremely troubling. This is especially true in an environment that has not yet seen a shift in culture away from punishment and towards a treatment approach."

Though pepper spray could be best in dealing with some crisis situations, the report states, "it is all too easy to employ this technique in dealing with recalcitrant youth who refuse to obey an order or in an effort to extract a juvenile from his or her cell."

The report suggests other options for curbing injuries. It notes that living units of 50 youths or fewer have proved successful in other states. Most of Texas' state-run lockups hold 200 youths or more in living areas larger than that.

In the weeks since the pepper spray policy took effect, Youth Commission officials have reported that injuries to staff and youths have decreased. But a series of pepper-spraying incidents has led to criticism from some lawmakers, advocacy groups and relatives.

In an August incident at the Corsicana Residential Treatment Center, a lockup that houses mentally troubled youths, at least one youth was hospitalized with what might have been an allergic reaction after being sprayed.

The use of Mace and other chemical agents except to contain riots was prohibited in the settlement two decades ago of a federal court lawsuit over conditions in Youth Commission lockups. Critics have said the new policy violates that order, an assertion repeatedly denied by current agency officials.

House Corrections Committee Chairman Jerry Madden, a Richardson Republican who co-chairs a special legislative committee overseeing reforms at the Youth Commission, said the recommendations make sense, although some, such as a shift to smaller, regional treatment centers, are politically impractical.

"That would be a major change that would require buy-in by the counties and judges and others that we don't have right now," he said. "On the pepper spray issue, I think the agency has taken a rational approach with what I know, but I understand that is not a view held by everyone."

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