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FOR IMMEDIATE RELEASE

TYC YOUTH HARMED BY PEPPER SPRAY – DECLARATORY JUDGMENT SOUGHT

AUSTIN, TX. –**Texas Appleseed** and **Advocacy Inc.** filed a petition today in a Travis County district court seeking to set aside an internal directive that illegally expands the use of pepper spray in Texas Youth Commission (TYC) facilities.

Jim George, Board Chair of Texas Appleseed and lead counsel in the case, said TYC Acting Executive Director Dimitria Pope circumvented rule-making requirements under the Administrative Procedures Act when she issued an executive directive Aug. 1st instructing TYC employees to use pepper spray as a first response to restrain young people in TYC facilities.

“We are asking the court to step in and issue a declaratory judgment to ensure that no more young people are physically or psychologically harmed by misuse or threatened use of pepper spray in TYC facilities,” George said.

Richard LaVallo, senior attorney for Advocacy Inc., said the petition seeks injunctive relief on behalf of three teens with mental illness or severe emotional disabilities who are currently confined either in TYC’s Corsicana Residential Treatment Center or Gainesville State School. Two were pepper sprayed and a third plaintiff was threatened with pepper spray by TYC staff.

“A 15-year-old boy suffered burns to the skin after being pepper sprayed three different times to prevent him from harming himself. The system is broken when pepper spray is used as a first response to restore control in violation of TYC’s own ‘use of force’ rule,” LaVallo said.

Deborah Fowler, Texas Appleseed’s legal director, said TYC’s rule on use of force clarifies that “TYC staff are *only* to use pepper spray when less restrictive interventions, including physical restraints, have failed or are determined ‘impracticable’—and *never* in situations involving incarcerated youth with mental and emotional disabilities.

“The agency’s leadership circumvented the legally required rule-making process to change a sound policy of using pepper spray only as a last resort,” she said.

LaVallo questioned why the TYC took this action without seeking input from its own Blue Ribbon Task Force of experts, enlisted earlier this year to recommend reforms and sound treatment options for incarcerated youth. Their report is expected soon, but already one prominent Task Force member—Barry Krisberg, president of the National Council on Crime and Delinquency—has publicly denounced the practice of employing pepper spray in juvenile facilities as “creating more problems than it solves.”

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Maureen Adair MD, certified child and adolescent psychiatrist and a past president of the Texas Society of Child and Adolescent Psychiatrists, is available for questions on how pepper spray impacts adolescents with mental illness and emotional disabilities.

To view a copy of the petition, visit the Texas Appleseed website at www.texasappleseed.net.