



For more information:

Texas Appleseed
Deborah Fowler, Legal Director
(512) 473-2800 x 105

Advocacy Inc.
Richard LaVallo, Senior Attorney
(512) 454-4816

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Texas Appleseed and Advocacy, Inc. Settle Pepper Spray Suit Against the Texas Youth Commission

AUSTIN, TX. – **Texas Appleseed** and **Advocacy Inc.** settled their lawsuit today against the Texas Youth Commission (TYC) regarding the illegal use of pepper spray, which in recent weeks had caused serious injury to youth in TYC facilities.

Under the settlement agreement TYC has agreed to pull down the August 2, 2007 directive instructing employees to use pepper spray before other less restrictive interventions to restrain youth at TYC facilities and return to its previous policy of using pepper spray as a last resort to control a situation. TYC also agreed to follow the procedure set out in the Administrative Procedure Act before any other changes are made to the use of force policy.

Jim George, Board Chair of Texas Appleseed and lead counsel in the case, said “We are pleased with the provisions outlined in the settlement agreement and applaud the agency for coming to the table to settle this suit.”

“Most importantly, we are glad that no more young people will be physically or psychologically harmed by misuse or threatened use of pepper spray in TYC facilities,” George said.

The original petition sought 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.

Richard LaVallo, Senior Attorney with Advocacy, Inc., said "We hope this is an indication that TYC is following the recommendations of the Blue Ribbon Panel recognizing the egregious harm that using pepper spray as a first response causes to children."

The agreed order also requires TYC to provide plaintiffs' counsel with the following data regarding use of pepper spray in its facilities from January 1, 2007 to the date of the agreement: 1) the date of any use of pepper spray and the facility; 2) the age and sex of the youth involved in the incident; and 3) the youth behavior that led to the use of pepper spray and any prior attempts by TYC staff to diffuse the situation. TYC must supplement that data every two weeks until such time that the agency formally revises its use of force policy.

Texas Appleseed (www.texasappleseed.net) promotes justice for all Texans by using the volunteer skills of lawyers and other professionals to find practical solutions to broad-based problems. The organization was founded in 1996 and is one of 15 Appleseed Centers throughout the country. Texas Appleseed leverages the skills and resources of lawyers and firms across Texas to take on some of the state's most important legal and social issues.

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