



TEXAS YOUTH COMMISSION

ED OWENS
Conservator

DIMITRIA D. POPE
Acting Executive Director

November 27, 2007

To: All TYC Staff

From: Dimitria D. Pope, Acting Executive Director
Steve Foster, General Counsel

Re: TYC Rule 97.23 (Use of Force)

This memo serves as an addendum to an earlier memorandum this date to all TYC staff regarding "TYC Rule 97.23 (Use of Force)." The purpose of this memorandum is to respond to requests for clarification from staff.

Please provide a copy of this addendum within the next 24 hours to all TYC staff who are authorized and trained to use OC spray, and obtain their signatures on a form acknowledging receipt of the document.

Question No. 1: Definition of "On Duty Supervisor." In the past for this agency, that role has been defined as the assigned JCO V or VI who is in charge of the campus for a particular shift. Is this the current interpretation, or is it more broadly interpreted to mean any supervisor on duty on a given campus? (pg. 2, paragraph 1).

Response: On Duty Supervisor is the assigned JCO V or VI who is in charge of the campus for a particular shift.

Question No. 2: Permitted use, not in security. Will small numerals (v) and (vi) be imminent enough and create a situation impracticable for restraint to allow staff to deploy chemical agents when a youth refuses to comply with routine transportation to security or to submit to mechanical restraint application? (pg. 2, Roman Numeral II).

Response: Imminent harm requires non-verbal aggressive behavior. In the absence of non-verbal aggressive behavior, manual restraint should be attempted prior to the use of pepper spray. Resistance to, or non-compliance with attempted manual restraint, when other less restrictive means of control have failed, creates a situation of imminent harm where pepper spray may be used.

Question No. 3: Security Unit. Control of food slots is imperative to safe observation of youth in the security unit and to ensure safety of staff providing that observation / supervision (prevent chunking etc.). If interventions (documented on video and in writing) are provided can OC be deployed at some point, if so when? (pg. 4 C)

Response: When a youth has physical control of the food slot, non-verbal aggressive behavior is required prior to the use of pepper spray, (i.e. throwing urine or feces, or grabbing staff).

Question No. 4: CCF-352 reports. Previously we were required to submit CCF-352's to the office of the executive director for all uses of force. Upon clarification, this was deemed necessary only when chemical agent was deployed, and then subsequently altered slightly to include injuries to youth or staff during chemical agent usage or physical restraint. Today's memorandum reverts back to the original directive for 352's on all uses of force. Is this the case? (Pg.4, IV).

Response: Yes, ALL uses of force need to be reported.