



## Investigative Report for Analysis of Administrative Violations

**Case Number:** 05-0064

**Facility Name and Address:** West Texas State School  
Interstate 20 P.O. Box 415  
Pyote, Texas 79777

**Investigator Name:** Lewis Witherpsoon

### Introduction

The following report describes the findings of the Texas Youth Commission's (TYC) investigation into the below allegation:

Allegation One – \_\_ Youth made an allegation in a telephone call to his mother, he did not appreciate assistant superintendent Ray Brookins "feeling all over him". The conversation was overheard by youth caseworker, Bill Hollis.

### Required Notifications

#### Law enforcement:

On September 15, 2004 administrative assistant Genese Shorten notified the Ward County Sheriff's Office concerning this allegation

#### Parent/guardian:

On September 27, 2004 administrative assistant Genese Shorten notified the Ward County Sheriff's Office concerning this allegation.

### Scope of Investigation

1. The alleged act or failure to act occurred.
2. The act or failure to act caused emotional harm or physical injury.
3. The person who took the action or who failed to act did so intentionally, knowingly, or recklessly.

### Persons Interviewed

Ray Brookins, Assistant Superintendent  
Bill Hollis, Caseworker, dorm 2  
Jerome Dewberry, JCO Security  
Alejandro Barrera, JCO dorm 2





they left and went to the A-side of the dorm to [redacted] is where youth and youth [redacted] were located. Mr. Dewberry, said nothing unusual happened such as Mr. Brookins placing his crotch in [redacted] face, while he was in the room, or he would have told Brookins to quit and reported him to his supervisor. Mr. Dewberry said Mr. Brookins might have touched [redacted] in a friendly manner but there was nothing unusual about the exchange between the two.

Youth [redacted] stated on August 18,2004 Mr. Brookins and Mr. Dewberry entered his room while he was looking at a letter he just received. [redacted] was sitting at his desk when Mr. Brookins approached him and placed his foot on the desk, while his crotch was in [redacted] face. Mr. Brookins put his hand on [redacted] neck and started rubbing. This was witnessed by youth [redacted] who was [redacted] roommate. Alejandro Barrera, JCO dorm 2 was working on the A-side hallway and he witnessed the incident. Barrera also documented the incident and reported it to Roy Gray, JCO 6 dorm 2 supervisor.

Mr. Barrera described the incident as youth [redacted] trying to get away from Mr. Brookins but Brookins would not take his hands off of [redacted] shoulder. Barrera also described Mr. Brookins as having his leg up pretty high and close to [redacted] face. Mr. Barrera described the incident as lasting from 3 to 5 minutes. During this time frame Mr. Brookins never took his hand off [redacted] despite the youth trying to get away from him.

Youth [redacted] was instructed by Mr. Barrera to report the incident to Mr. Gray. Mr. Gray said he talked to [redacted] about the incident. [redacted] chose to write a grievance about the incident because he said it made him feel uncomfortable. Mr. Gray corroborated the information he was given by [redacted] and Barrera. Mr. Gray reported the information to his supervisor, Ayo Omoniyi, the Program Administrator for dorm 2.

Mr. Omoniyi stated he was given the information about the incident by Bill Hollis, caseworker dorm 2 and Mr. Gray. The information was filed as an alleged mistreatment on September 14, 2004. Mr. Hollis stated in an e-mail dated 9/14/04 he overheard a conversation between [redacted] and his mother about the incident on 9/04/04. The incident happened on 8/18/04 as written in the dorm logs. The grievances about the incident were turned in by [redacted] but were never entered in the TYCS ( Texas Youth Commission Complaint System). A copy of two complaints numbered 040218 and 040030 were dated 9/22/04.

## **B. Summary/Findings (Address the elements of policy)**



- 1. The alleged act or failure to act occurred. Did assistant superintendent Ray Brookins touch youth \_\_\_\_\_ in an inappropriate manner by rubbing his neck , squeezing his shoulders, and placing his crotch in \_\_\_\_\_ face?**The alleged act of inappropriate touching did occur by assistant superintendent Ray Brookins. Three eyewitnesses ( Jerome Dewberry-JCO, Alejandro Barrera-JCO, and \_\_\_\_\_ -youth) saw Mr. Brookins touch youth \_\_\_\_\_. Two of the eyewitnesses ( \_\_\_\_\_ and Alejandro Barrera) saw the touching as inappropriate. They saw the same thing and were believable concerning their statements. Alejandro Barrera documented the incident on the daily dorm log dated 8/18/04. When questioned Barrera explained that he documented the incident because it was unusual and he didn't think it was right. The incident was not reported until 9/14/04. Youth \_\_\_\_\_ was lying on his bed when the incident happened. He saw the same thing Mr. Barrera saw during the incident. Mr. Brookins denied the incident happened. Mr. Dewberry said it was just friendly.
- 2. The act or failure to act caused emotional harm or physical injury. Did the act cause emotional harm or physical injury to youth \_\_\_\_\_?** The act did not cause emotional harm determined by a trained psychologist or mental health professional. The act did not cause physical injury. There was no way to determine the extent of emotional suffering sustained by the youth, as a result of the act of inappropriate touching and Mr. Brookins crotch being placed in \_\_\_\_\_ face. The touching was enough to cause the youth to feel uncomfortable and immediately complain to his dorm staff who also witnessed the incident. Dorm staff Alejandro Barrera noticed youth \_\_\_\_\_ was very upset about the incident. This showed there was some emotional harm, because \_\_\_\_\_ did not become upset about anything until this incident happened.
- 3. The person who took the action or who failed to act did so intentionally, knowingly, or recklessly.** The witnesses testimony suggest Mr. Brookins intentionally rubbed youth \_\_\_\_\_ neck. The witnesses stated Mr. Brookins knowingly touched youth \_\_\_\_\_ , placed his crotch in \_\_\_\_\_ face and would not release him. Mr. Brookins failed to document the incident as prescribed by GAP 97.23 use of force. There was no reason for the act to happen. Based on the findings a reasonable person would not want this to happen to them. Whether it was friendly touching, rubbing, or his crotch in the youth's face, it was intentional and unwanted. Clearly the act alarmed the youth because of the position Mr. Brookins placed his leg and crotch while conversing with Youth \_\_\_\_\_. The act is considered reckless because a reasonable person might have reacted violently, or they might have considered the touching and refusal to let go as an act of aggression. This may have been cause to respond in kind. Youth \_\_\_\_\_ was not in a position to address the situation properly because of Mr. Brookins title.



could very easily get additional time in TYC, placed on LOP (loss of privileges), or BMP (behavior management program) for responding as a reasonable person might have responded.

**Conclusion**

	Abuse	Assistant Superintendent		UnConf:
Allegation:	Policy Violation:	Ray Brookins	Conf. <input type="checkbox"/>	<input checked="" type="checkbox"/>
	Unprofessional Conduct	A/P: Ray Brookins	Conf. <input checked="" type="checkbox"/>	Unconf: <input type="checkbox"/>

**Synopsis (for confirmed cases only)**

On August 18, 2004 assistant superintendent Ray Brookins entered dorm 2 around 8:40pm. Mr. Brookins went to an unidentified youth's room and spoke to the youth. Mr. Brookins then proceeded to \_\_\_\_\_ room. He was accompanied by security JCO Jerome Dewberry. Mr. Dewberry and Mr. Brookins entered the room while \_\_\_\_\_ was sitting at the desk reading a letter he received from home. Mr. Brookins proceeded to place his foot on top of the desk and his crotch facing \_\_\_\_\_ face. Mr. Brookins proceeded to place his hands on the neck and shoulder of \_\_\_\_\_ in a rubbing squeezing motion while talking with \_\_\_\_\_. \_\_\_\_\_ attempted to pull away from Brookins who did not let go of the youth. This was witnessed by Alejandro Barrera who was supervising the hallway and by youth \_\_\_\_\_. Barrera said the incident lasted 3 to 5 minutes. Barrera documented the incident and \_\_\_\_\_ filed a grievance that went unanswered. The grievance was not entered in the Texas Youth Commission Complaint System. JCO Dewberry said Mr. Brookins might have touched \_\_\_\_\_ in a friendly manner, but anything else he would have reported. \_\_\_\_\_ complained to his mother during a telephone call to his home, concerning the incident. The conversation was overheard by caseworker Bill Hollis. Mr. Hollis reported the information to his Program Administrator Ayo Omoniyi. The findings in this case are true according to a preponderance of evidence. Unprofessional conduct is confirmed as a policy violation on assistant superintendent Ray Brookins who has a hire date of 8/01/99

**Attachments**

1. Law Enforcement Notification
  2. Parent Notification
  3. Staff Notification
- Witness Statements
4. Ray Brookins, Assistant Superintendent
  5. Bill Hollis, Caseworker, dorm 2



Texas Youth Commission  
Office of the General Counsel  
4900 North Lamar Blvd.  
Austin, Texas 78765

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6. Jerome Dewberry, JCO Security
7. Alejandro Barrera, JCO dorm 2
8. Roy Gray, JCO supervisor dorm 2
9. Larry Thomas, JCO dorm 2
10. \_\_\_\_\_, youth dorm 2
11. \_\_\_\_\_, youth dorm 2
12. Grievance from
13. E-mail notification from dorm caseworker Bill Hollis to the PA
14. E-mail from the PA to the Superintendent
15. Daily dorm log documenting the incident

*By my signature I certify that to the best of my knowledge there are no impairments to my independence or objectivity regarding my assignment to investigate these allegations of abuse, neglect, or exploitation against the employees, volunteers, or contractors of the Texas Youth Commission named in this report and that any potential impairments have been reported in writing to my supervisor.*

\_\_\_\_\_  
Investigator Signature

10/25/04  
Date