1  to recess and we'll start back at 1:00.
2                      We do thank you for your testimony. As
3  Commissioner Nolan said, it is painful for us to hear
4  what you have to say about what is taking place in
5  America. It's not the America I love and serve.
6  Thank you.
7                      (LUNCH RECESS)
8                       CHAIRMAN WALTON: We will continue to
9  have testimony regarding the Texas Youth Commission.
10  I want to thank both Mr. Kimbrough and
11  Representative Madden for being here. We do consider
12  this issue as being very important to the work of the
13  Commission, not only because it involves allegations
14  of rape, but because it involves children and we
15  consider, obviously, the treatment of children very
16  seriously. And as I said before you all arrived, I
17  believe in the juvenile justice system because I know
18  it works, having worked in the system. And
19  unfortunately myself, having gone through the system
20  several times, I know that people can change and can
21  become productive members of the society, but
22  unfortunately, when they're mistreated when they're
23  detained, that probably will not be a reality. So we
24  appreciate your presence and we thank you for being
25  here to present your testimony.
If you could stand and please take the oath.

(Witnesses sworn.)

CHAIRMAN WALTON: Thank you.

If you could both identify yourselves, first, Mr. Kimbrough and Representative Madden, and then we will have -- will you present your testimony, with Mr. Kimbrough going first.

MR. JAY KIMBROUGH: Jay Kimbrough and designated as the Special Master by the Governor of Texas to work on this TYC issue.

CHAIRMAN WALTON: Thank you.

REPRESENTATIVE JERRY MADDEN: I'm Jerry Madden, State Representative, District 67. I'm the chairman of House Committee on Corrections and also Co-Chairman of the House and Senate joint committee that we have on the Texas Youth Commission.

CHAIRMAN WALTON: Thank you very much.

Mr. Kimbrough.

MR. JAY KIMBROUGH: Briefly, first let me say, thank you very much for this opportunity to be here with you today. We very much appreciate the opportunity to be heard, but just as importantly, we want to hear from others, and we expect that we will be receiving information and feedback from others
around the country as a result of this. So we're grateful for that.

As you know, I've been appointed on this since March 2nd -- I am counting -- and it has been a very intense proposition since then. A lot of what I've done is tried to get out on the ground as quickly as possible so that I could see for myself what are the conditions at these facilities that may create the possibility or the opportunity for such misconduct to occur. And I have seen some things, frankly, that troubled me very quickly.

I have been at facilities on surprise visits; I have been at facilities at 6:00 o'clock in the morning when there is no sun up. I have seen staff ratios of one to 14, 15, 16, 18, it just sort of depended on what was happening. I have walked the corners around buildings where there is no surveillance equipment of any type or kind. I have seen where youth-on-youth violence has occurred and where staff-on-youth violence has been alleged, because I've walked those spots where I could see that.

And for me, it's very much of a practical issue. The operative word here is prevention. So, yes, there are cultural issues,
clearly, but it's already against the law to assault a kid, so we already know that. But what happens is, culture gets affected. But if we don't have the proper basic prevention techniques, staff ratio, electronic surveillance equipment, independent investigative resources, outside checks and balances to assure that wrongdoers are followed up quickly and dealt with quickly, then we are creating the grounds for such future acts to occur.

So as for me, I very much wanted to see for myself what these facilities looked like so, number one, how could we deter. But, Heaven forbid, if something was going to happen, that we could have rapid response, we could have empirical evidence, video helps, and that we would have a proper technology and equipment so that we could gather scientific evidence to determine the wrongdoers and that -- and that sort of thing.

So those are the fundamentals that I have witnessed and observed myself, and we will continue to work on those. I want to tell you that the legislature and the Governor and the Lieutenant Governor and the Speaker, everybody has offered unqualified support and assistance, and we've had a great coordinated effort, and I thank you again for