then occurred, particularly right after that, when the
knowledge of the incidents that happened in our west
Texas facility, which has really been the major thing
that has caused the entire chain that we've had here.

Now, I will tell you that I had
legislation filed before any of that became known in
the general press that would have dealt with the
Inspector Generals and would have given us a Special
Prosecutors Unit and would have done a lot of the
other changes that Mr. Kimbrough is talking about.
But this has -- obviously, has highlighted the -- not
only the need for it, but especially the things that
we have to change. So we're still at the forefront of
a lot of those changes. A lot of the activities going
on, we're -- a lot of information that we might have,
I hope we can be of help to the Committee in anything
that we've got. So thank you all.

CHAIRMAN WALTON: Thank you very much
for your testimony and your good works.

Let me just ask. I know you're just --
you are not finished with your investigation of the
issue, but what are the things that you think were the
major breakdowns in the process that permitted this to
occur?

MR. JAY KIMBROUGH: I have often used
this phrase, "span of control." This is a big state, 260,000 square miles. And we have a headquarters in Austin that was relatively isolated, units that were five and 600 miles away that functioned as sole and independent units, and there was no back and forth. There was no check and balance. There was inadequate staffing. But, frankly, had there been adequate staffing and adequate technological survey equipment, I'm not at all sure that the checks and balances and the culture was as it should be.

But, clearly, for example, when the youth sentences are extended, those papers and those documents are all maintained out at that separate facility, 13 lockups, nine halfway houses. They don't all have the same policies and procedures and rules. Headquarters did not have that -- and, in fact, I'm seeking it right now and it's taken me a few days to get it, here in Austin. So if you wanted to say three or four or five, span of control is clearly a part of it. But that is the nature of the system here in this state because of the geography but, clearly, the staffing issues and electronic surveillance equipment, the investigative piece that Mr. -- Chairman Madden has referred to, those things are key components asking for a crash, and it did.
REPRESENTATIVE JERRY MADDEN: It was obvious to me in looking at things back in June or July of last year that this was a system, it was just a matter of when it was going to happen unless we made the changes we were looking at doing in legislation. It was going to happen. It was a matter of when, not if.

And the problems we saw -- and I think Jay hit up on it. Not only was the geography there, but there was also a compartmentalization within the system, both -- both within the organization, there was some very -- very much some vertical blockings that were there. Blocks that were set up and not communicated across each section. When I had staff into my office, I will tell you, I thought that nobody wanted to say anything because they were afraid of going across the line and stepping on somebody else's toes. So when that kind of system was in place, that's a real danger.

Second of all, there appeared to be compartmentalization at each individual location, in that the location seemed to be its own little fiefdom in many cases. They were totally different, and in some cases they had to be. I mean, we have a facility that's -- and it houses most of our intake youth. We
have another facility that has a lot of the mental
health issues that are there, so some of that is
clearly necessary. But some of the things were
just -- you know, why were there different procedures
on handling -- on handling any kind of -- oh, incident
reports, or handling any kind of guard problems, or
handling any kind of HR. I mean, the hiring was all
done locally. The procedures, in general, were all
written locally and each one was different. When you
have that -- you're bound to have a system that's
going to somewhere collapse on itself, and it did.

MR. JAY KIMBROUGH: It's almost like we
had 13 different TYCs, in many senses. And that was,
I'd say, part of the inevitability that the Chairman
has referred to.

COMMISSIONER AIKEN: Thank you so much
for appearing today. I just have two questions and
I'm going to be as quick as possible.

I don't know about the community, but
certainly in a confinement setting, perception is 98
percent of reality.

MR. JAY KIMBROUGH: Yes.

REPRESENTATIVE JERRY MADDEN:

Absolutely, sir.

COMMISSIONER AIKEN: And, you know, I
am looking at this from afar. And, Mr. Kimbrough, you stated, warning wrongdoers, if you are part of this gig, you need to move on, or we are going to find you and prosecute you. The perception that I got, and I need your response, is that if you are doing something wrong, go ahead and resign now. But if you stay on board, if you stay on board, we're going to catch you. Are we sending this message, perception out to staff and inmates that their way out is to resign before we put you in jail?

MR. JAY KIMBROUGH: No, sir. Nobody is going to accuse me of being soft on crime. You can look at my resume.

COMMISSIONER AIKEN: And I'm not --

MR. JAY KIMBROUGH: But here is the -- here is the message that I'm trying to send. This is a big state and it's going to take a while to complete these investigations. I, frankly, am terrified with the prospect that before I could get over a hundred peace officers out over the state, which took me 72 hours, that before that we could commence and launch 1,099 investigations, which we now have, that somebody out there in the dark around one of those corners has been one of those actors. And so what I tried to send a very clear message of to the majority of those
hardworking TYC employees, hang on. That was the rest
of my -- that was the first part of that quote there.
Hang on. Help is on the way.
And pardon my colloquialism in Texas,
but if you're a wrongdoer, if you're evil, get out,
because, sir, I do not want to have on my conscience
that they waited for us to find them. Because we're
going to find them anyway, and I would much rather
have them outside of that perimeter and catch them
there, than to leave them there, for fear that in 24
or 48 hours, they might harm another child. And if
that was an error in judgment, sir, that was at least
my strategy, thinking about the safety of the
children. Because I am confident in the inevitability
of successful identification of wrongdoers.
COMMISSIONER AIKEN: Could I make one
brief comment and with a -- with a brief follow-up
question.
In looking at your institutions and the
comment that was made that each facility seems like a
separate Department of Corrections, don't be surprised
when you find that the first shift is a separate
culture.
MR. JAY KIMBROUGH: Yes, sir.
COMMISSIONER AIKEN: The second shift
is a separate culture. Certain cellblocks have a
certain culture. And what the question I'm asking is,
I'm assuming, based on what I've read and your
testimony, that you are in a critical and unstable
condition right now. And what are those things that
you are checking every hour, every day? What are
those measurements that you are taking to ensure that
you are on the right track and that you are making
progress, or at least know if progress is not made?
What are empirical measurements that are you taking on
a daily basis to check the blood pressure and vital
signs of this situation?

MR. JAY KIMBROUGH: If I may, sir.

Stages. The very first stage was as I alluded to in
the 72 hours. The first thing I wanted to do was send
that signal, and, in fact, when I first met with
officers, they were going to go to three facilities.
And I said, "why three?" Well, that was the only
place they had had any reports. I said, "no, we want
to go to all 22 because we don't know what we don't
know."

So the first very thing that I wanted
to do was send across the state at the same hour, at
every location, these peace officers to begin asking
questions. And we've continued that presence
throughout, because we wanted to signal to the culture
of perhaps wrongdoers out there, we are going to be
absolutely engaged.

One of the other things that I had done
and other agencies in the past where there were
cultures of either fear of retaliation or slow to
respond was to institute a program that I called The
Agency Integrity Program -- it was actually borne of
Medicare fraud many, many years ago -- that placed
responsibility on people to move information forward,
assured them of their secured status in doing so, and
gave them multiple outlets in which to report,
including anonymous. I had every agency person sign
that document so that they would be fully aware, which
again sends them the signal that we are fully engaged
with these kind of things. We continue to have peace
officer presence at each one of these locations and,
as you can see by the volume of cases that have come
to us, that what we wanted was that culture of
communication so that we could determine what is going
on out there. And I believe the evidence, empirical
evidence is that 1,099 cases have now been opened,
which shows us that -- which shows potential
wrongdoers, we're out there, and we are here to stay.

COMMISSIONER AIKEN: Okay. Well, just
one quick follow-up.

This issue -- and I'm not saying Texas has the corner on this market. Okay? But this issue with you being here, with you being -- taking decisive steps, is a direct relationship to what was in the newspaper. When or what do you have planned so that these type of issues are prevented and resolved and it doesn't have to be chronic to the extent that we wait until public media interest forces people to do things?

MR. JAY KIMBROUGH: Exactly one of the points that I have talked to staff about. Absent check and balances, absent transparencies, absent multiple and lateral reporting mechanisms, there is no way to assure that. So we are creating and have already created some of that. But I can assure you that I understand that those checks and balances and transparencies, and a breaking down of these silos is a key part of this thing.

I worry about jurisdiction, for example, to prosecute cases. I've been a prosecutor. I've been a county attorney and a county judge. So if there is a case out in far west Texas where a local prosecutor either doesn't have the resources or, at the worse, the interest to engage in a case, one of
the issues that we worked on is concurrent
jurisdiction for the Special Prosecution Unit of TDCJ
and/or the Attorney General of Texas to step in there
right quick and react. So those are the kinds of
checks and balances -- because I don't rely on one
check and balance. My theory is, generally, what can
go wrong probably will unless we build in those
multiple lateral checks and balances. Prosecution,
autonomy, and concurrent jurisdiction is one of those
elements, along with the independent investigatory
capability, along with -- for example, y'all might not
know. We have wardens or superintendents, if you
will, that have been at the same facility for over a
decade. That creates cultures and fiefdoms and shifts
differentials that you describe, and I understand that
process.

So one of the things that we'll
implementing is, four or five years rotating, just
like TDCJ does, for example. So I know that is a long
answer, perhaps too long, and I would certainly be
glad to have follow-up detailed conversation with you
or any member.

REPRESENTATIVE JERRY MADDEN: And if
it's proper, Commissioner, may I'll give a couple of
things on the legislative side, too, because there is
things we have to do on the laws of the State of Texas
to make some of the changes that we have. And we're
doing some of those things and we're moving very
rapidly on some of the others.

We identified in my committee about
five or six items. First of all, we are obviously in
the midst of a huge appropriations bill right now. In
fact, we'll be debating on the floor of our House on
Thursday. But we are putting emergency appropriations
money into the bill, or trying our best to, to get
additional funding for things like cameras, like
additional software, like additional overtime, that he
needs to do some of the immediate things that he has
to do.

Second of all, we're looking at
legislative changes that changes, for example, the
prosecutorial status that are there, so that we have
this Special Prosecutors Unit that is specifically
available not just to Texas Department of Criminal
Justice, but also to the Texas Youth Commission, that
can be used by the local prosecutors as funded by the
State, so that it helps those smaller particular rural
areas get additional funding that they may need in
case there is some difficulty with the prosecutor in
thinking he doesn't have funds in moving to prosecute
We talked about some in here of the various allegations we've had of rape in our TDCJ, and while they don't all get successfully prosecuted, at least there is a mechanism there to do those things, which at TYC we didn't have. That was a critical failure in the west Texas situation, because we had an attorney -- a district attorney who had a case back in -- as early as June of 2005, and it went to the grand jury when we got the attorney generals in it last week. So it's been way too long to prosecute a case like that.

We also have several other things that we're looking at for concurrent jurisdiction, possibly either for our Attorney General or for one of our other prosecutors to do things there. We're looking at ombudsmen, we're looking at victims advocacy groups and having them more in the system, we're looking at major changes in the staffing ratios and the overtime policies, and the ages of the youth. We have youth in there from ages 10 to 20, because 21 is our cut-off limit. We're looking at restrictions on that. We have misdemeanants in our Texas Youth Commission along with felony convictions. And we're looking at, can we, you know, take out the misdemeanants. Can we take
out the older kids. How do we segregate them and put them in the proper location so that they're safe within the facilities. Those are types of things legislatively that, I will tell you, my committee is working at and working very hard on to get some legislation out.

As you know, the legislative process is not quite as rapid as we would like some of the other things to do, but it's intended to be. I mean, it's intended to be a much more deliberative body and we're trying to move all with deliberate haste to make major changes in the legislation as far as backing or supporting the things at the Texas Youth Commission, and the TDCJ, by the way, too.

COMMISSIONER AIKEN: Just in closing, and then I will give it up. Perception is 98 percent of reality. Please be careful what you say, because it creates a value.

And, number two, don't make the mistake of shooting, aiming, and then get ready. Don't shoot first, aim later, and then get ready later than that, because what you do is just pour resource -- pour things on it and we've still got a problem.

CHAIRMAN WALTON: Commissioner Smith.

COMMISSIONER SMITH: I actually have --
I actually have several questions, and I want to ask them because I have to leave at 2:00, and I understand you have to leave as well.

MR. JAY KIMBROUGH: Yes, ma'am.

COMMISSIONER SMITH: Okay. At 1:50.

One is, there has been a huge amount of attention on this issue. And one of the things that I am interested in -- I have two questions and I'll limit it to this.

One is, what is being done with youth and staff in those facilities to debrief about this and to bring in appropriate services? Because this is something that has gone on. There has been a fair amount of denial. There have been lack of both medical services and mental health services, and so it's important that there is debriefing and also that there is long term -- there is long-term care for not only the kids to report, but for other people who witnessed and who were in that system, so --

MR. JAY KIMBROUGH: On that -- on that very piece, Friday I met with friends and colleagues from the ACLU, the Texas NAACP, and LULAC, as well as others, and one of the things that you'll hear more about this week -- it's a little premature, but I did talk about it a little bit Friday -- is the very point
that you're raising. Every youth who is in the system now or who is on parole, we're going to offer them the opportunity, from an independent source, not TYC staff but from an independent source, to come forward. We'll go to them. They don't have to come to Austin. You know, we'll have counselors available for them, those who might have traumatized by anything that's occurred in that system, the very counseling service that you're describing is one of those things that, in collaboration with these other groups, that we've come forward with and that will be rolling out details this week as we speak, in fact. So that is a very important piece that we recognize and we're going to fulfill that responsibility.

This, again, is one of those things that we don't know what we don't know. So throughout this state, we want to make those services available because some youth may come forward that might not otherwise have come forward but for us making that affirmative outreach and making it available to them. For fear that they may have some concern about it related to a TYC staff even, we will have an independent party who can help them in that regard.

COMMISSIONER SMITH: And I guess the -- okay.
COMMISSIONER FELLNER: The question is, are you making those services available to kids? Not just those that are there now, but what if a kid was there last year and was raped or witnessed a rape?

MR. JAY KIMBROUGH: The very first thing that we're doing is -- in the order of triage, if you will, the first thing is, youths that are in the system now. Second, youths are presently on parole. Then we will continue to move forward as resources and identification allows. But it's a very good point. It's one that keeps me up late at night, that they might have been off parole six months, but they still may be traumatized.

REPRESENTATIVE JERRY MADDEN: We've got them even searching the system right now for people at our adult facilities that may have been at these locations.

COMMISSIONER SMITH: And we know that often people do not report --

REPRESENTATIVE JERRY MADDEN: Absolutely.

COMMISSIONER SMITH: -- these incidents until much longer --

MR. JAY KIMBROUGH: And that's why we want to seek out. It's a point that we're very
conscious of --

REPRESENTATIVE JERRY MADDEN: We have looked for them all.

CHAIRMAN WALTON: One other question.

COMMISSIONER SMITH: The other question that I want to ask -- and most of these are follow-ups, actually, from our panel earlier, before lunch.

Mr. Kimbrough, I understand that there has been some question -- and it's great that the Representative is here as well -- about your authority. I mean, so what is your long-term authority and your authority to make change and to have it followed? I mean, what commitments have been made to you and what commitments do you need to have?

MR. JAY KIMBROUGH: One of the things about change that follows, let me tell you, having been an agency head myself, I understand that so many of the things that we're talking about here could be done administratively, without legislation. I have not advocated that. I have advocated to the chairman and to Senator Hinojosa, for example, who has a big omnibus bill with relation to these things, that so many of these things that we sit around and talk about will be implemented administratively; codify it, so
that it is the law and the expression of the legislature. And then there is clear accountability back to the legislature. So when people that are in transition, such as me and others that -- as we move out of the picture, the legislature has codified these new changes even -- albeit it they could have been done before, don't rely on that. Codify them and so there will be continuing accountability.

REPRESENTATIVE JERRY MADDEN: And we actually very much concur with what Jay has just said. That we are doing our best to codify any of these changes coming along, because there is no permanency, obviously, in any of us. Although, as chairman of the committee, what we -- what we will do is put it into the laws of the State of Texas, and once it's there, then at least until the next legislature meets in two years, it will be the law of the State of Texas. And we expect it to be implemented.

And we are -- we do have one piece of legislation that we've got, which is new, which is going to set up a legislative oversight committee that is going to operate not just while we're in session, but for the other, basically, year and a half that we're not in session, which will be probably three members of the House and three members of the Senate.
Probably made up of the Senate Criminal Justice Committee chairman and probably the Senate Finance Committee and one other and probably, in the House, it'll be House Criminal Justice and House Corrections. So there will be three of us, probably, from each side that will be in an oversight role as part of the Sunset Bill that we're doing on the Texas Department of Criminal Justice. But it's broad enough that it includes all criminal justice agencies, so that would be the Youth Commission, we would have an actually sitting oversight -- legislative oversight committee to be looking at the whole situation, too.

MR. JAY KIMBROUGH: May I speak to my authority? That authority question you had?

COMMISSIONER SMITH: Yeah.

MR. JAY KIMBROUGH: I'm a member of the Executive Branch, and the Chief Executive has asked me to help deal with an Executive Branch agency. And he has asked other agencies for us to cooperate together and we're doing that. And I will tell you in all honesty what I consider myself to be. An advocate, an advocate for the youth that are in these facilities that may have been either treated wrongly, abused, or who now are being held for some arbitrary and capricious and unjustified manner. I'm an advocate,
I'm a spokesperson. I believe in the urgency and the need for this mission. Otherwise, I would be somewhere else in what my other duty assignment was.

So, frankly, I consider myself as spokesperson and an advocate, a facilitator, and a coordinator, and I think the evidence is that we have worked well together out in the field. And --

REPRESENTATIVE JERRY MADDEN: Even before that, Jay, it should be pointed out when -- even before the order had gone out, even before our Audit Committee had declared the emergency situation that it did, there were some of us that were working on it. We had -- my office had asked the Texas Department of Criminal Justice, made sure they had people available that if we needed people to go out on the site immediately, would they be available, that we would have the staffing and the support that we would need to do the kinds of things that we would have to do quickly. And I will tell you, we got the approval from those people even before the Governor got the okay to go ahead and start the process. And that we had organized a meeting, which Jay was at, which Mr. Ed Owens, our executive -- new Executive Director was at, and others were physically at within 48 hours of the original finding. And they were organizing to
be preparing to go start out and start doing the stuff
that we were doing very early that next week.

CHAIRMAN WALTON: Commissioner Fellner.

COMMISSIONER FELLNER: I appreciate
both of your being here. I had one very brief
question, which is, I assume everything you've said
you're doing for TYC includes also private facilities
with whom TYC has contracted? I just wanted --
MR. JAY KIMBROUGH: Yes, ma'am.

COMMISSIONER FELLNER: Okay. You
mentioned, Mr. Madden, a couple of times, you know,
before this situation broke or fell in or collapsed.

REPRESENTATIVE JERRY MADDEN: Right.

COMMISSIONER FELLNER: This is a
situation, as best I know, and I've been hearing about
sexual abuse in TYC since 1998. And it probably --
it's been around for a long time. Just as
Commissioner Aiken pointed out, it didn't get to the
press. So I'm particularly interested not just in
what steps you're taking now to respond to prior
wrongdoing, but the steps that are being put in place
to prevent future and to really change the culture.

So one of the questions I have has to
do specifically with training. It is my understanding
that many, many TYC employees did not have appropriate
training or background to be working with troubled
kids, so I wanted you to -- and I'll just tell you the
two things I would like you to address -- or three.

Second, use of force standards that not
only do you have rampant sexual abuse, it would seem,
but you have rampant abuse and violence, both inmate
on inmate and staff on inmate, whether or not it has a
sexual connotation. And that staff are using
excessive force, even if some force is permitted,
they're using excessively force. And our experience
is that when staff are using excessive force, you're
also going to find a lot of other problems that sort
of come with systems that are not being well managed.

So I wondered if you could address
training, what you're doing about use of force and
violence -- you know, violence by staff, excessive
violence and, finally, oversight. It's fine to have
congressional committees, but they have other jobs.
This is not full-time professional oversight. So I
wish if you could address what provisions you're going
to make for full, transparent, professional,
independent oversight that will have -- whether or not
it will have full-time access anytime, like you're
showing up at 6:00 a.m. or whatever, so that you have
a mechanism for prevention that is far going longer
MR. JAY KIMBROUGH: On that last question first. Senator Hinojosa's omnibus bill has many, many of those -- and it just would take too long to go through them all, but let me tell you that that's a -- that's a long list of things that I believe will provide transparency and as I have talked about these checks and balances. If I could --

REPRESENTATIVE JERRY MADDEN: And since Senator Hinojosa has been asked me to be the House sponsor on it, I think we'll --

MR. JAY KIMBROUGH: That looks good.

And as to training, for example, I myself -- again, based on my own background -- was surprised, there is no certification of juvenile correction officers. They just have this local training, if you will, that is these individual silos that we spoke about. The Commission on Jail Standards certifies correctional officers for county jails and for TDCJ. There must be a standard curriculum that is statewide, not one in west Texas and not one in east Texas. There must be a standard curriculum that must be certified by a state agency, which is, again -- yet, again, one of your other outside checks and balances. A peace officer, for example, may work for
DPS, but his or her commission is carried by another agency, the Texas Commission on Law Enforcement Officer Standards and Education, TCLEOSE. Okay? So that is yet again one of those checks and balances. But when you talk about the absence of that fundamental training, standard, and certification, by definition then you get the problems of consistency of use of force, et cetera, et cetera. And you are right on it, and that's exactly what we are right on.

REPRESENTATIVE JERRY MADDEN: That was one of the flags obviously we saw early, was they had about 40 hours of training when they went online. I got one report that they just did down at one of the facilities, down at the Evans facility, which indicated they met with their new -- basically, their Inspector General's people down there and they reported that, well, two people that were there, last time they were down they were gone. Both of these other people, though, have been employed since February of 2007 in the positions, and that they had had an additional eight hours of training beyond their 40. And we wonder why we aren't getting kind of consistency. And that's one of the things we are demanding of the process is that they're going to have
to expand greatly the amount of training hours.

Now, you know, as a legislator, I always get a little scared when I start saying, 200 hours of training or 300 hours of training. It's far better to have 120 hours of really quality training and then 200 hours of just fluff. So I want to make sure I've got good training in there. But one of the requirements we're looking at is specifics on the training. So there will be training time.

COMMISSIONER FELLNER: And my final -- I guess one of my final quick question, or maybe -- and you can maybe say more in writing to us.

You could see this -- what's been happening as not just a system in crisis, but it could trigger a whole rethinking of the system. Facilities like you operate, even with the best training, even with supervision, checks and balances, by their very nature, they lend themselves to abuse. It's just inherent in that nature.

Is Texas looking at, is it going to be looking at and considering seriously other models for responding to the needs of the youth that are currently being put in these facilities? Whether it be the Missouri model or --

REPRESENTATIVE JERRY MADDEN: We
have -- very seriously, we've had the Missouri people
down here looking at our things. The problem,
obviously, you have there is buy-in by your local
officials. I mean, that was part of the thing that
they had to have in the systems that they had in
Missouri. We've had, at my request, Mr. Tom Stickrath
is down here. He is the Ohio Youth Commission
Executive Director. He is down here as our consultant
right now because -- I met Tom on the Council of State
Governments, which I'm on also, and on their executive
committee dealing with criminal justice issues. And I
met had Tom there and brought him down and recommended
him to the Governor's Office. I said, get Tom down
here. He would be a great resource because he has
gone through a lot of things that we have. So we've
got a lot of information going on out there. We're
trying to gather as much as we can. So this is an
engineer. He is going to gather as much information
as he can and just keep piling it in, because we need
more.

MR. JAY KIMBROUGH: The very entry into
the system, absolutely. That has to be closely
reviewed --

COMMISSIONER FELLNER: I'm sorry.

What --
MR. JAY KIMBROUGH: Entry into the system in the first place, a very key element. Again, addressed by Senator Hinojosa and Chairman Madden's look here, that is a very key piece. That has changed somewhat over the last decade, and so I'm pleased that will be revisited.

CHAIRMAN WALTON: Commissioner Nolan.

COMMISSIONER NOLAN: In an interest of time, I'll just make three points and then let you respond.

First of all, by way of background. In my day job, I'm with Prison Fellowship and we try to meet the needs of inmates and their families and the communities to which they return.

My life prior to that, I was a member of the legislature in California. I was Republican leader of the State Assembly, the minority party for the 15 years I also in there. And I also went to prison for two years as part of an FBI sting on campaign contributions. So I've had a chance to see it from all sides.

The first is, to follow up on Commissioner Fellner's point, in revisioning the system, it's important that you set the goal right. And I'll just tell a little quick story. One of my
buddies in the legislature is a Democrat, and when he became Chairman of the Senate Judiciary Committee, he changed the name to the Committee on Public Safety. And I said, Johnny, that's typical liberal nonsense. You know, who cares what the name of the committee is. And he said, no, Pat. It's really important, because if we call it the Committee on Judiciary, we'll view it as our job to build strong judicial institutions. He said, that's good, but that's not why we have those institutions. We have to institutions to keep the public safe and we need to set everybody's eyes on public safety as the goal of these institutions. The institutions don't exist as an end in themselves.

And your purpose in restructuring things, this awful tragedy may be an incentive to get locals to say, we do need to change. One of the things to do is to get them to focus on, we don't need stronger institutions. That may be one of the things, but more important, we need institutions that result in the people that return healthy, able to lead contributing, law abiding lives. And if what happens inside further abuses them, the public is less safe, not more safe.

The second point is, it's not just the
system that's broken, people have been broken by this. And I really applaud your efforts to go after and prosecute those that have done these awful, awful crimes. And then, from what we can see, tried to cover it up. But also real care needs to be done to think about the individuals in the institutions, even those that have not been directly assaulted. I think a community meeting in which it was acknowledged that this is going to -- the Rohr inmate river mill is very -- it's always going. If you get ahead of the curve and have a community explain, this is what is going on, this is what we're doing, that will reassure them. And reassure them that their protection is your top priority, and that the whole state of Texas -- now, and it's obvious that it is -- the whole state of Texas is focused on protecting them. That will reassure them. It'll calm them down.

But the second thing is, that in the long term they need mental health, not just short visits, they need follow up. If they're going to be productive, contributing, healthy, law-abiding citizens, the scars that have been left by this, even just witnessing, even hearing somebody raped while you're in prison, you know, you -- you weren't physically assaulted. The scars that that leaves on
you are there with you forever.

Also, and I applaud you for looking at those that have been held so long and maybe considering releasing them. But for those that don't have a home, don't hold them longer, but let's put an individual plan together, how we can place them in an appropriate setting that is not locked, and that there be follow up.

And then the last thing is, at-risk people need relationships far more than programs. They need programs but they need healthy relationships. They're like overdrawn checkbooks, you have to make deposit after deposit after deposit before you see any positive balance. And I would hope that as part of your plan on helping these youngsters transition, that you would engage the faith community.

And there aren't enough employees in Texas, the TYC, and there is not enough money in the budget to hire people to help them. But there are people of good conscience in the faith -- and just in the community that care about these youngsters. Train them as mentors to help walk with them, to help through the rocky stage that -- this is not going to be over in a month, it's not going to be over in six months. The nightmares will continue. The fears will continue.
And so I would hope that, you know, you would engage the faith community in that.

And then, lastly, in thinking about prisons, one of the rubrics we use is that prisons are for people we're afraid of, but we've filled them with people we're mad at. And if you look at the youngsters under control at TYC, my hunch is, a lot of them, we're just mad at. And there are other ways than putting them in a secure facility, at risk of abuse, no matter what steps we take.

REPRESENTATIVE JERRY MADDEN: You would be shocked to hear how many of them, they said, the community just got -- had them over and over and over again and just probably couldn't do anything else.

COMMISSIONER NOLAN: Yeah. Those are my points.

CHAIRMAN WALTON: Commissioner Kaneb.

COMMISSIONER KANEB: Gentlemen, particular, Chairman Madden, this Commission and I in particular, I think, I have -- have hoped that Texas could be an example of how to move from a bad place to a really good place. And this blow up is terrible and there's a lot of blood spilled and you can't clean it all up and all that stuff, but you're going to -- you're going to, I'm sure, come out with a much better
Texas Youth Commission.

What I would like to focus on in my brief time is to tell you that we would like to work with you, your counterpart, Senator Whitmire, is it?

REPRESENTATIVE JERRY MADDEN: Yes.

that's correct.

COMMISSIONER KANE: And senior officers of the Texas Criminal Justice system. We -- Doug Dretke, I believe, testified for us in Miami; we had Gina DeBottis in Detroit. I understand Mr. Dretke's successor is testifying right after you.

REPRESENTATIVE JERRY MADDEN: I believe that's correct. Gina is here also, I know.

COMMISSIONER KANE: We -- we would benefit and we think the rest of the United States would benefit if you would work with us in developing our report and our standards that we have to come up with. You have the credibility, being a very large state, you have the credibility of having admitted that you weren't doing well. My belief is -- and I don't know this -- that some of the statistics showing vastly increased reports of prison sexual violence is because you're paying attention to it, not so much because it's -- things are really worse.

But there is a whole problem of
taking -- and I'm now talking about your adult system -- taking what -- to be what some of our Commissioners have said, what really looks good on paper and -- and you know this, you have got to make it work, and that's peeling away layers of indifference or bad behavior. We think you're very much on the right track. We --

MR. JAY KIMBROUGH: Thank you.

COMMISSIONER KANE: We hope we can work with you, and we would like to be in touch with you, as we move into our next phase. This may be the last hearing we're going to do of this type, sort of general public hearing on what is going on in a big state. We spent time in California, we spent time in Florida, and here we are in the Lone Star State of Texas. A state I love, by the way, even though I'm from Boston. And that's it. We would like to do.

REPRESENTATIVE JERRY MADDEN: John, I would be, first of all, honored to do that and work with y'all. Second of all, my up wife is from upstate New York, so she's not too far from up there, and I met her while I was up there at school.

COMMISSIONER KANE: But she might be a Yankee fan.

REPRESENTATIVE JERRY MADDEN: Well, I
was born in Iowa. Well, actually -- actually, she's just not a baseball fan at all. Okay? And I was born and raised in Iowa, so I'm somewhat of a Yankee transplant here too.

But I need to comment a little bit about what Pat was asking about, because, you know, I'm the conservative Republican my friend, Senator Whitmire is not a Republican. And -- and the really interesting part about doing all this stuff is, when I started working on the criminal justice stuff two years ago, I quickly realized that whether the people were coming in and were talking to me of liberal advocacy groups or conservative interest groups or conservative think tanks, that they were saying a lot of the same things. That they were -- were saying, we agree on an awful lot. And while there is a few things we may disagree on, that there is a vast majority of these things that, say, good public policy is smart public policy and good things to do it that are dealing with the system are also good things that are dealing with the individuals that are within that system.

And -- and so part of the interesting challenge when I had a failed piece of legislation that my Governor gave me one vote short of last
session on probation, that I learned, was to put those
groups together and to work on them in the interim.
And Pat has not heard my speech, but you certainly
sound like you were giving it there, of what I believe
in as far as the things that we can do to make a huge
difference in our community.

I've got four pieces of legislation
that I'm doing to start with, with nurses, with
mothers who are 26 weeks pregnant or less, as part of
the picture, how do we change the society, up to a
lady who does a prison entrepreneurship program, which
you may be aware of here in Texas, that takes people
coming out of prison to get them back to jobs and how
can we make a difference in our community throughout
all of it. So that whole ties that we have are
extremely important that we put those things together.
And I would be certainly, John, more than honored to
work with y'all.

COMMISSIONER KANE: Thank you.

CHAIRMAN WALTON: We appreciate you
being here. I know you have another commitment. But
the State of Texas is fortunate to have you serving.
Thank you.

REPRESENTATIVE JERRY MADDEN: Thank
you, Mr. Chairman.