

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.

1 If you could stand and please take the
2 oath.

3 (Witnesses sworn.)

4 CHAIRMAN WALTON: Thank you.

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

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

12 CHAIRMAN WALTON: Thank you.

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

18 CHAIRMAN WALTON: Thank you very much.

19 Mr. Kimbrough.

20 MR. JAY KIMBROUGH: Briefly, first let
21 me say, thank you very much for this opportunity to be
22 here with you today. We very much appreciate the
23 opportunity to be heard, but just as importantly, we
24 want to hear from others, and we expect that we will
25 be receiving information and feedback from others

1 around the country as a result of this. So we're
2 grateful for that.

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

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

23 And for me, it's very much of a
24 practical issue. The operative word here is
25 prevention. So, yes, there are cultural issues,

1 clearly, but it's already against the law to assault a
2 kid, so we already know that. But what happens is,
3 culture gets affected. But if we don't have the
4 proper basic prevention techniques, staff ratio,
5 electronic surveillance equipment, independent
6 investigative resources, outside checks and balances
7 to assure that wrongdoers are followed up quickly and
8 dealt with quickly, then we are creating the grounds
9 for such future acts to occur.

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

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