

1 the current system not responding well and is not
2 protecting inmates like my fiancée from serious harm.

3 It is very difficult for me to discuss
4 what my fiancée has been through, but I would like to
5 once again express my appreciation to the Commission
6 for taking the time to listen, and I hope that
7 appearing here today will make some small difference,
8 both for her and many other inmates who have been
9 through something similar.

10 Thank you.

11 CHAIRMAN WALTON: Thank you, sir.

12 Ms. Galloway.

13 MS. GENGER GALLOWAY: Good afternoon.

14 I would like to express my sincere gratitude to the
15 National Prison Rape Elimination Committee --
16 Commission for hearing my testimony today.

17 I am here seeking justice for the young
18 people being sexually victimized in Texas Youth
19 Commission facilities. My son Joseph, now 19 years
20 old, is currently being held at the Crockett State
21 School and is one of those victims.

22 My son should have never been placed in
23 a juvenile detention facility, but a number of
24 unfortunate circumstances led to it. As a young boy,
25 Joseph suffered from attention deficit hyperactive

1 disorder and was diagnosed as possibly bipolar. He
2 received extensive treatment for these conditions,
3 including a brief hospitalization in a pediatric
4 psychiatric facility hospital.

5 When Joseph was 15, I discovered that
6 he had inappropriately touched his twin siblings, and
7 I had to make one of the most difficult decisions of
8 my life. Trying to do the right thing for all of my
9 children, I reported his conduct to the authorities.
10 He had never been in trouble with the law before, and
11 I just wanted him to receive the proper mental health
12 treatment to ensure that he would not abuse his
13 siblings again. Only then did I learn, however, that
14 when he was eight, a friend's 18 year-old brother had
15 raped him. I was devastated, but sadly, the decision
16 of what to do for my son was already out of my
17 husband's and my hands. Instead of receiving the help
18 he needed, Joseph was taken into custody and placed in
19 a juvenile detention center in another county far from
20 home. He was forced to sleep on a cold concrete bench
21 in a filthy facility for a month.

22 Things only got worse for Joseph after
23 that. In March of 2003, he was put on trial, and the
24 judge released him into my husband's and my care with
25 a sentence of probation. On that very same day,

1 however, Child Protective Services threatened to
2 remove our younger children from our home if Joseph
3 was living there. Frantic, we returned to the judge
4 seeking help. Instead of being able to take our son
5 home, we were told that the county had no money to
6 place him in a treatment facility and that he would be
7 placed in the custody of TYC. We were assured,
8 though, that he would be detained for no more than
9 nine months, by which time funds would be secured to
10 place him in an appropriate treatment facility.

11 Four years later, my son continues to
12 be incarcerated in a TYC facility, and the lives of my
13 entire family have been turned upside down in the
14 process.

15 Joseph was initially held at the Marlin
16 Orientation and Assessment Unit. This facility boasts
17 that juveniles housed there will be treated with
18 respect and provided a safe and secure environment.
19 Unfortunately, this was not my son's experience.
20 Shortly after he arrived at Marlin, a staff person
21 beat him and broke his nose without provocation.

22 In 2003, when he was 15, Joseph was
23 transferred to the Giddings State School, a TYC
24 facility. To my utter disbelief, staff at this
25 high-security facility, which offers specialized

1 treatment for violent youth and sex offenders,
2 sexually violated my son. First, in 2003, in a
3 kitchen washroom that was out of sight of cameras, a
4 female staff person forced herself upon my son and
5 performed oral sex on him. My son did not report this
6 incident at the time because he thought no one would
7 believe him. Another youth who walked in as it was
8 happening did not report it, and no one else was
9 around when it happened.

10 Not long after this first incident, my
11 son was raped by another inmate. He had a
12 disciplinary violation and was sent to a security
13 housing area. Because this area was made up of
14 punitive housing for disciplinary violations, each
15 cell was supposed to hold only one juvenile. However,
16 all the cells were full that day, and an 18 year-old
17 juvenile, who was much larger than Joseph, yelled out
18 to the staff person and charged with housing him, "put
19 him in with me. I want to F him. I want some white
20 ass."

21 This officer must have had it in for my
22 son, because he opened the door to that 18 year-old's
23 cell, and he pushed my son inside and locked the door.
24 The officer then remained outside the cell, only feet
25 away, while the older juvenile beat him and then raped

1 him. And my son screamed for his life. No one
2 intervened.

3 And when the attack was over, my son
4 laid there bruised and bleeding from his rectum. The
5 officer involved in the assault committed suicide two
6 weeks later. Joseph received no medical treatment or
7 other assistance afterward. And to our knowledge, no
8 immediate action was taken against the officer or the
9 inmate.

10 Sometime later, when he continued to
11 bleed with each bowel movement, my son sought help at
12 the facility's infirmary. Afraid to report the rape,
13 he told the medical staff he was suffering from
14 hemorrhoids. An infirmary employee asked him if he
15 had been sexually assaulted. My son responded, no,
16 because he was ashamed and in fear of being labeled a
17 punk and targeted for further sexual violence.

18 Instead of alerting a senior facility
19 staff that she suspected that Joseph had been sexually
20 assaulted, this employee did nothing further. To this
21 day, nearly four years later, he still has rectal
22 bleeding when he goes to the bathroom.

23 When my son told me about these
24 incidents of abuse just a few weeks ago, during a
25 family visit, I immediately called a caseworker over

1 to our table and told her about it. She looked at my
2 son and said, "yeah, right. You see, that's why
3 you're still here."

4 When I insisted that she report this
5 crime to law enforcement authorities, she refused,
6 saying, "we'll handle this internally our own way."
7 And then announced, threateningly to my son, "we're
8 going to talk about this in group session later."

9 When I protested the revolving manner
10 in which the caseworker responded, she reported me to
11 the staff in charge of the visiting area, who demanded
12 that I settle down.

13 There has been no investigation into
14 what happened to my son by TYC authorities at either
15 the current facility in Crockett or at Giddings, where
16 these took place, nor have they made any effort to
17 interview my son or perform a physical examination
18 that might detect the injuries he sustained during the
19 rape by the other inmate.

20 Fortunately, the Texas Office of the
21 Inspector General and the Texas Rangers each initiated
22 investigations earlier this year that are still
23 ongoing.

24 I have long been an outspoken advocate
25 for son's well-being, even before I knew of the sexual

1 abuse he had suffered in detention. He has received
2 many disciplinary violations over the year, which I
3 believe were unjustified and that have extended his
4 time behind bars. I am convinced that TYC has issued
5 these in order to retaliate against me for my
6 outspokenness.

7 Throughout these four years, I have
8 been calling for Joseph to be released and have
9 demanded that he be transferred when gang members have
10 threatened and physically assaulted him. Since I
11 learned of the sexual physical abuse my son endured, I
12 have redoubled these efforts, not only on behalf of my
13 son, but for all juveniles in the TYC system.

14 In recent weeks, I have done many media
15 interviews and have testified at a number of hearings
16 before State legislators on the current crisis in TYC.
17 Given the increased visibility that has now been cast
18 upon the situation, officials have assured me that my
19 son is to be released soon. This isn't the first time
20 I've heard this, but I can only pray that it's true.

21 My son is hopeful these days. He seems
22 relieved that he has finally been able to talk about
23 what has happened to him, though he has received no
24 mental counseling related to the sexual assaults he
25 endured. And he hopes that by speaking out, he will

1 make a difference, both for himself and other kids in
2 the TYC system.

3 Still, I worry about him. How he has
4 coped all these years, with what he has been through,
5 and how defeated he will be if he is not released
6 soon.

7 The current TYC system is an obvious
8 failure, and the senior administrators have largely
9 refused to take responsibility for the mess. But
10 there are some obvious steps to be taken toward making
11 TYC facilities safer. First, there must be put into
12 place an independent oversight agency with the ability
13 to monitor TYC facilities and investigate complaints
14 of abuse. At least until the public has regained
15 trust in the TYC, a system of regular unannounced
16 visits by an independent agency should be implemented.

17 In addition, instances of overcrowding
18 and understaffing must be dealt with and the
19 staff-to-offender ratio decreased.

20 Next, the State must require regular
21 and ongoing training for TYC employees, particularly
22 those who come into contact with juvenile detainees.
23 The TYC must conduct mandatory background checks and
24 fingerprinting of all applicants and ensure that no
25 applicants who were terminated or resigned from prior

1 positions as a result of substantiated allegations of
2 sexual abuse are hired.

3 TYC employees must be held accountable
4 for protecting the juveniles in their custody and
5 taking proactive steps to ensure that they are not at
6 risk of sexual violence, either by inmates or staff.
7 Employees must know that when they become aware that
8 sexual violence is occurring or that attempts or
9 threats of sexual abuse are made, that they have a
10 duty to report it.

11 I have many years of work experience
12 with TYC and the Texas Department of Criminal Justice,
13 as a nurse and an emergency medical technician, and I
14 have concerns about whether TYC staff is adequately
15 trained in responding to sexual abuse behind bars.
16 Staff must be trained in how to recognize a victim of
17 sexual abuse, and the proper steps must be in place to
18 treat these victims. If sexual assault examinations
19 are to be administered on site, rape kits must be
20 mandatory for TYC medical departments and medical
21 staff must be trained in using them. Procedures must
22 be in place to ensure that they are administered and
23 preserved appropriately.

24 Lastly, all juvenile offenders must be
25 informed that they can report sexual abuse and how to

1 do so in a safe, confidential manner. Only by
2 implementing these steps and others can we have
3 confidence in the Texas juvenile justice system.

4 I thank the Commission again for the
5 opportunity to testify here today, and I would be
6 happy to answer any questions you might have.

7 CHAIRMAN WALTON: Thank you,
8 Ms. Galloway.

9 Ms. Gutierrez.

10 MS. ISELA GUTIERREZ: Hello. My name
11 is Isela Gutierrez. I'm the Coordinator for the Texas
12 Coalition Advocating Justice for Juveniles. Thank you
13 very much for having me today.

14 The Texas Coalition Advocating Justice
15 for Juveniles, or TCAJJ, is a statewide juvenile
16 justice reform coalition of community-based
17 organizations, civil rights groups, youth advocates,
18 faith-based organizations, families, and the young
19 people working to rebuild the Texas juvenile justice
20 system into a humane, effective, rehabilitative system
21 for young people.

22 I am here today to speak about the
23 problem of sexual assault in the Texas Youth
24 Commission, TYC's, state juvenile correction
25 facilities. The incidents of sexual abuse that have