the current system not responding well and is not protecting inmates like my fiancée from serious harm. It is very difficult for me to discuss what my fiancée has been through, but I would like to once again express my appreciation to the Commission for taking the time to listen, and I hope that appearing here today will make some small difference, both for her and many other inmates who have been through something similar.

Thank you.

CHAIRMAN WALTON: Thank you, sir.

Ms. Galloway.

MS. GENDER GALLOWAY: Good afternoon.

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

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

My son should have never been placed in a juvenile detention facility, but a number of unfortunate circumstances led to it. As a young boy, Joseph suffered from attention deficit hyperactive
disorder and was diagnosed as possibly bipolar. He received extensive treatment for these conditions, including a brief hospitalization in a pediatric psychiatric facility hospital.

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

Things only got worse for Joseph after that. In March of 2003, he was put on trial, and the judge released him into my husband's and my care with a sentence of probation. On that very same day,
however, Child Protective Services threatened to remove our younger children from our home if Joseph was living there. Frantic, we returned to the judge seeking help. Instead of being able to take our son home, we were told that the county had no money to place him in a treatment facility and that he would be placed in the custody of TYC. We were assured, though, that he would be detained for no more than nine months, by which time funds would be secured to place him in an appropriate treatment facility.

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

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

In 2003, when he was 15, Joseph was transferred to the Giddings State School, a TYC facility. To my utter disbelief, staff at this high-security facility, which offers specialized
treatment for violent youth and sex offenders, sexually violated my son. First, in 2003, in a kitchen washroom that was out of sight of cameras, a female staff person forced herself upon my son and performed oral sex on him. My son did not report this incident at the time because he thought no one would believe him. Another youth who walked in as it was happening did not report it, and no one else was around when it happened.

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

This officer must have had it in for my son, because he opened the door to that 18 year-old's cell, and he pushed my son inside and locked the door. The officer then remained outside the cell, only feet away, while the older juvenile beat him and then raped
him. And my son screamed for his life. No one intervened. And when the attack was over, my son laid there bruised and bleeding from his rectum. The officer involved in the assault committed suicide two weeks later. Joseph received no medical treatment or other assistance afterward. And to our knowledge, no immediate action was taken against the officer or the inmate.

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

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

When my son told me about these incidents of abuse just a few weeks ago, during a family visit, I immediately called a caseworker over
to our table and told her about it. She looked at my son and said, "yeah, right. You see, that's why you're still here."

When I insisted that she report this crime to law enforcement authorities, she refused, saying, "we'll handle this internally our own way."

And then announced, threateningly to my son, "we're going to talk about this in group session later."

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

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

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

I have long been an outspoken advocate for son's well-being, even before I knew of the sexual
abuse he had suffered in detention. He has received many disciplinary violations over the year, which I believe were unjustified and that have extended his time behind bars. I am convinced that TYC has issued these in order to retaliate against me for my outspokenness.

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

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

My son is hopeful these days. He seems relieved that he has finally been able to talk about what has happened to him, though he has received no mental counseling related to the sexual assaults he endured. And he hopes that by speaking out, he will
make a difference, both for himself and other kids in
the TYC system.

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

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

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

Next, the State must require regular
and ongoing training for TYC employees, particularly
those who come into contact with juvenile detainees.
The TYC must conduct mandatory background checks and
fingerprinting of all applicants and ensure that no
applicants who were terminated or resigned from prior
positions as a result of substantiated allegations of sexual abuse are hired.

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

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

Lastly, all juvenile offenders must be informed that they can report sexual abuse and how to
do so in a safe, confidential manner. Only by implementing these steps and others can we have confidence in the Texas juvenile justice system. I thank the Commission again for the opportunity to testify here today, and I would be happy to answer any questions you might have.

CHAIRMAN WALTON: Thank you, Ms. Galloway.

Ms. Gutierrez.

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

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

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