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
been -- of incarcerated youth that have been splashed
across Texas newspapers over the last month have
involved primarily staff-on-youth abuse, and the lack
of timely action by local prosecutors. I'm sure that
many of you have seen these articles, but I'll briefly
summarize two of the most publicized incidents.

The specific sexual abuse case that has
captured the attention of the state occurred at TYC's
West Texas State School in Pyote, Texas. As reported
in The Texas Observer and The Dallas Morning News, a
Texas Ranger's investigation in February 2005,
substantiated accusations that two top supervisors,
the assistant superintendent and the principal, had
sexual relationships with youth in their custody. The
abuse allegedly took place after hours and in locked
offices, classrooms and closets. The alleged
perpetrators reportedly used a combination of bribes,
such as pornographic movies and birthday cake and
threats, such as an extending youth's length of stay,
to coerce youth into sexual activity. Both men later
resigned while the investigation was pending, but over
two years later, charges have still not been brought
in the case.

The Ward County -- the county in which
Pyote is located -- grand jury met last week to begin
its investigation into the allegations, but has not yet returned any indictments. The Travis County District Attorney's Office has also opened an investigation into allegations of tampering with official documents related to staff sexual misconduct in TYC's central administration office, in Austin, Texas.

The second highly publicized incident occurred at the Ron Jackson State School, in Brownwood, Texas, which houses the majority of girls in TYC custody. According to reports in The Dallas Morning News and The San Antonio News Express, concerns about sexual abuse of female inmates by a male juvenile corrections officer, or JCO, were raised by staff in early 2004. After a lengthy internal investigation, TYC's central office confirmed that the JCO in question had sex with at least three female inmates in exchange for the prescription medicine Xanax, candy, phone privileges, and extra food. The JCO was allowed to resign in lieu of termination and charges have yet to be brought in that case.

In both of those highly publicized cases, staff grossly abused their authority and the youth in their care by sexually abusing the young inmates. Even more tragic than the individual
incidents of abuse and the lack of accountability is the ongoing betrayal and victimization of the youths in TYC custody, many of whom have suffered from abuse and neglect prior to their commitment to TYC.

In the words of LaQuetta Day, the Brownwood JCO that blew the whistle on the abuse taking place at the Ron Jackson facility, "the Texas Youth Commission is a haven for child molesters. These kids have been raped their entire lives. Shouldn't this be the one place they're safe?"

Anecdotal reports from parents and formerly incarcerated youth indicate that TYC also suffers from problems with youth-on-youth sexual assaults. Recent external reviews of the agency have revealed very high rates of physical violence in TYC facilities, and an ineffective grievance process. Yet incidents of youth-on-youth sexual assault within TYC have received very little attention in those external reviews.

My group, TCAJJ, suspects that sexual assault is an often unmentioned aspect of the high rate of youth violence in TYC facilities.

A March 15th, 2007 findings letter from the Special Litigation Section of the Department of Justice's Civil Rights Division confirmed that
conditions in TYC's Evans Regional Juvenile Justice Center, in Edinburg, Texas, violate the civil rights of confined youths by failing to adequately protect them from harm. The letter cites an unacceptably high rate of youth violence, noting that the rate of assaults at Evans is approximately five times the national average. The report also notes that youths consistently reported that there are numerous incidents of youth-on-youth violence about which staff are unaware. The letter points to inadequate staffing, inadequate programming, inadequate classification, and a dysfunctional grievance system as the causes of the high violence rate. The letter concluded that, "in light of the high potential for undetected and unreported youth violence, the amount of violence is likely much higher than what the facility documents."

TCAJJ believes that the civil rights violations cited in the Department of Justice's findings letter are pervasive throughout the system. A March 16th, 2007, report by the Texas State Auditor's Office, in response to a request by the legislature, further underscores the profound lack of safety and likelihood that actual abuse rights are much higher than the reported rates. The SAO surveyed
3,279 youth in TYC. That's 68.4 percent of the general -- of the total population. Survey responses indicated that 50 percent of youths did not feel that TYC takes immediate action regarding their safety and welfare; 65 percent did not think that the grievance system worked; and 43 percent of youth indicated that they had firsthand knowledge of retaliation against youth who had -- other youth who had filed grievances related to physical and sexual abuse. Only 23 percent of youth indicated that they trusted their juvenile corrections officers.

One San Antonio mother, Mary Jane Martinez, who could not be here today, was told of youth-on-youth sexual assault by her son after his release from TYC's Victory Field Correctional Academy in Vernon, Texas.

He asked her, "do you know what it's like to lie there and hear other kids being raped right next to you? To hear their screams and to lie there trying not to move or even breathe?"

When he returned home, Ms. Martinez's son was unable to sleep at night and cringed at sudden movements and loud noises. Although he has not yet admitted it, Ms. Martinez believes that her son was a victim of sexual assault while at TYC. During her
son's incarceration at TYC, Ms. Martinez was well aware of the high levels of violence, the inadequate internal investigation system, and the culture of retaliation in the agency. Like Ms. Galloway, she utilized the TYC complaint system extensively, regularly appealing the agency's findings that instances of abuse or neglect were unconfirmed. Ms. Martinez's son told her as often as he could in phone calls, visit, and letters about the terrible and abusive conditions at Victory Field. However, the one thing that he chose not to tell his mother about while he was incarcerated was the sexual assault taking place in the facility.

Anecdotal reports indicate that when youth do speak out to staff about sexual assaults, they are often ignored. Debra Taylor, an associate psychologist at TYC's Evans Unit, testified to one example before the Criminal Justice Committee of the Texas State Senate, at an August 30th, 2006 interim hearing.

"I talked with the kid who was sexually assaulted and he said that there were staff that knew about it, but that was oral sex and they said he didn't have to participate. The kid told me that he was intimidated; that it was a bigger kid, and that he
felt he had to do it, and staff didn't want to believe him. And he was hysterical when he got to me. And the kid tried to kill himself later on. He drank some cleaning fluid because he was so upset. And this was one of the kids that had a mental illness, too, and he had already had bouts of depression. He had tried twice before to kill himself at home before he was incarcerated."

With so many red flags, the Texas State Legislature should learn from its previous inaction. Rather than relying on the anecdotal and inferential data we have before us today, a comprehensive review of sexual assault in TYC facilities should be conducted to determine the scope of the problem, and inform effective policy solutions.

TCAJJ supports and is actively working with the State Legislature to put into place many of the reforms Ms. Galloway noted in her testimony. For purposes of this testimony, I would like to say that increased public oversight of the safety and welfare of incarcerated youth through an independent youth ombudsman is one extremely critical piece of -- of a systemic meaningful reform that must be conducted in TYC's unsafe facilities.

I want to thank all of you, the
Commission staff who added this panel to the program on very short notice, and everyone attending today's hearing. Thank you very much.

CHAIRMAN WALTON: Thank you for your presence. We thank all of you for your testimony.

Any questions?

COMMISSIONER SMITH: Yes.

Let me ask -- I just want to ask a sort of a broad question. It sounds like there was a lot of knowledge -- I'm talking in the youth situation -- a lot of knowledge about -- from various sources. Does Texas have a mandatory reporting statute?

MS. ISELA GUTIERREZ: Yes, it does.

COMMISSIONER SMITH: So notwithstanding whether it was substantiated or not, staff had an independent responsibility to report -- could have reported out of the system, a complaint of child sexual abuse or maltreatment?

MS. ISELA GUTIERREZ: Yes. They could have reported it out, although it would have been investigated internally.

COMMISSIONER SMITH: Right. Are you aware if any of those staff reported it outside of the system?

MS. ISELA GUTIERREZ: None of the staff