America in Nashville, Tennessee.

COMMISSIONER AIKEN:  I'm James Aiken, former Correctional Administrator and President of James E. Aiken & Associates.

CHAIRMAN WALTON:  Again, good morning to the four of you.  We appreciate, obviously, very much your presence here today.  We will take the testimony of two survivors, Ms. Cyryna Pasion and Chino Hardin.  Okay.  We'll hear from Ms. Pasion first.  Thank you for your presence.  I'm sorry, I have to place you under oath.  I never have to do this at the courthouse; somebody does it for me, so, I always forget it.  Would you please stand and raise your right hand?  Both of you, please; we'll do it collectively.

(Panel Sworn)

CHAIRMAN WALTON:  Thank you.  You may proceed.

MS. PASION:  I would like to thank the members of the Commission for hearing my testimony today; I believe your work is very important for protecting youth held in correctional facilities.  My name is Cyryna Pasion, and I am an 18-year-old transgender girl who was sexually harassed and assaulted, and continuously threatened with rape by other wards while incarcerated at the Hawaii Youth Correctional Facility.  The youth corrections officers, or YCO's, and others were aware that this abuse was occurring, and even contributed to it by calling me derogatory names,
but did nothing to protect me.

I am glad to know that federal legislation exists addressing sexual violence in detention, but the experiences I describe here happened in 2004 and 2005, after the passage of the Prison Rape Elimination Act. I just hope that this law starts to make a difference for other young people in detention.

We all have a right to be free from sexual violence and extreme sexual harassment. We are supposedly in these youth facilities to help rehabilitate us so we can be law-abiding adults. It should not matter what particular characteristics we have, whether small in stature, with brown or black skin, or with a different gender identity or sexual orientation. I accept that my gender identity is different than that of the majority, but I affirm my humanity by being here and my right to have the YCO's responsible for protecting me do their jobs, rather than severely abusing me themselves and refusing to stop other wards' abuse.

I experienced the most damaging and emotionally devastating treatment of my life thus far when I was in a youth correctional facility and witnessed horrible treatment of other kids too that violated their right to be free from sexual violence and sexual harassment. While I was not raped, I was sexually assaulted both physically and
emotionally. I survived threats of violence, unwanted sexual touching and verbal abuse that were very severe beyond belief.

I had begun dressing as a girl, wearing my hair long, taking weekly hormone shots and identifying in public as transgender in May of 2003, and I had begun to develop breasts. Later that year, after being arrested on minor charges and a couple of stays in a detention center I began to have trouble at home and would often stay out late, avoiding issues with my family. On February 5th, 2004, I was reported as a runaway by my mother and when I got home that night the police were waiting to take me to the police station.

During my first seven months at HYCF, I was housed with the girls. However, the YCO's immediately began to threaten to send me "over to the boys" as a disciplinary measure, and told me that life would be much worse there. I lived in constant fear of being moved because I knew I would be harassed and likely sexually assaulted if I were housed with the boys. The YCO's also must have known that I would be a target because I identify as female and had visible breasts. During this time, both some YCO's and wards called me derogatory names such as "mahu" and "faggot."

In September of 2004, all of the other girls at the facility were transferred temporarily to a youth
detention center in Utah, but I wasn't allowed to go with them. Instead, the YCO's moved me to the boys' side of the facility. I was terrified. A number of the medical staff and counselors advised against my being placed with the boys, but the director of the facility ignored these warnings. It was very clear I would be targeted for abuse. The director even ordered the staff not to allow me to interact with the male wards for this reason. I was told not to sit close to them or even look at them. I had to sit one or two chairs away from the nearest boy even during free time and meals, which was very isolating and it felt like I was segregated. I had my own cell, whereas the boys slept together in a dormitory-style unit. However, this did not protect me from daily sexual harassment and abuse. The boys began to sexually harass me immediately. They would say things like, "I want to feel your ass," "I wanna fuck you," "show me your tits," "be my bitch," "suck my dick," and "give me head."

I endured this verbal harassment nearly every day. When we were in the common area watching television, the boys would touch and rub my legs without my permission. At times, they pulled their erect penises out of their pants and showed me. They would say things like, "why don't you touch this?" and threateningly say "I am going to touch you." On several occasions, they even masturbated in front
of me. Other times they would come up from behind, grab my
waist and rub up against my buttocks. YCO's were always
present when these things were happening, but usually
ignored it or failed to pay attention. I recall that in
some instances YCO's heard what was being said and laughed
or encouraged the boys' conduct in some other way. When I
told one of the guards I trusted how tired I was of putting
up with abuse, he told me to just ignore it. I eventually
tried to talk to several other staff members about what was
happening but the sexual harassment, unwanted touching,
taunting, and threats of violence continued. I felt
tortured and alone. The boys threatened to beat me up if I
wrote a complaint, and because the YCO's never did anything
to help, I didn't file an official grievance regarding the
sexual abuse because I was scared.

By this time, I had become extremely depressed as
a result of the sexual abuse and being so isolated. I felt
miserable. I couldn't sleep, couldn't eat, and felt anxious
and sick most of the time.

In December 2004 I was put on parole and spent
several months going from one foster family to another.
Things were extremely difficult in the foster care system
and in August of 2005 I ended up back at HYCF. I asked that
I be placed in a different program but was told by YCO's
that because of my gender identity I had no other option but
to be returned to the boys' unit.

This time around I was placed in solitary confinement for the entire six days of my confinement. There, I was locked up and under video surveillance for 23 hours a day with nothing but a blanket and pillow in my cell. I had absolutely no privacy, and a camera watched as I used the bathroom, undressed, and washed my face. It was extremely intrusive. I was given one hour to wash, eat, and engage in recreation. Even during my time in confinement I was subjected to sexual harassment and taunting from the YCO's and other wards. As I was escorted through the facility for my solitary recreation time, the boys would yell and bang on the windows trying to get my attention to demand that I give them "head" or show them my "tits." YCO's threatened to cut my hair and told me that I was a boy, no matter what I said. I felt degraded, dehumanized and violated. Everything that had occurred during my first period of incarceration at HYCF was happening again, and still no one would help me.

I fear for anybody who ends up at HYCF because I know that other boys and girls went through the same things as I did. When I was on the girls' side there was a girl who was constantly being harassed by the corrections officers. Several times I heard them try to humiliate her by calling her and other wards butchie. Vulgar and
inappropriate sexual comments like this were very common. Because she was a lesbian, the corrections officers thought they could say whatever they wanted to her and often used her sexuality to tease and ridicule her. This girl always seemed anxious and depressed. Sometimes she would cut herself and carve into her skin because of the things she went through. She seemed to live in a constant state of harassment and fear that triggered a desire to hurt herself.

When I was on the boys' side, I noticed that every two to three weeks a new boy would be brought to the facility, and the other boys at HYCF would single him out if he were small in size or did not seem like he would fight back. I would hear others refer to such boys sexually as fresh meat or threaten to make them their slaves. While we were sitting in the day room watching television, I would sometimes hear a ward telling a newly admitted boy to touch their dick. One day, a female corrections officer asked me if a boy had forced me to allow him to put his penis in my mouth the night before in the dorm area where all the boys slept. I told her that that did not happen to me. It turned out that this incident had happened to another boy, but that the corrections officer mistakenly thought I was the victim because I had been targeted so many times before.

There was also a boy who was perceived to be gay and who went through many of the same things as I did. I
became aware of what this boy endured by hearing about it while I was incarcerated, and also because this boy and I later became plaintiffs in a lawsuit against the Hawaii Youth Correctional Facility. On one of his nights at HYCF this boy's roommate told him to give him head and got upset when the boy refused. Later that night while he slept, the roommate got on top of the boy and tried to attack him. The boy was so scared that he started sleeping sitting up on the toilet. Rumors started to spread about this boy and I heard that a lot of the other wards threatened to assault him. He was verbally and sexually harassed, physically assaulted, tortured and abused all the time. As far as I know, none of the YCO's ever did anything to help. When this boy showered, sometimes other boys would walk in naked and rub up against him and touch his penis and buttocks. One ward often exposed himself to the boy and one time went as far as to place his testicles in the boy's hand. He also put pubic hairs on the boy's head and body a number of times. Another ward once rubbed semen on the boy's face. These are just some of the things that he went through. On a lot of days somebody would grab his genitals or buttocks and demand a sexual act of him. Like me, he was also too scared to file an official grievance. When he finally did, he was put into complete isolation. He had a lot of trouble sleeping, and after a while seemed totally numb.
The whole time I was in the boys' side at HYCF I was threatened with violence and rape, touched sexually on various parts of my body, and experienced constant sexual harassment. Except for isolating me, which made my pain and loneliness worse, nobody helped me. I have tried to move on with my life, and I'm currently attending Remington College in Hawaii, where I am working on an Associate's Degree in International Business, but it is quite painful having to relive memories of what happened at HYCF. Please help make youth detention centers safer because the sexual abuse and threats I endured truly made my time there a living hell.

CHAIRMAN WALTON: Thank you very much for your testimony. We appreciate the difficulty in making a public statement of that nature, but I'm sure we'll find it very helpful in our deliberations as we fulfill our obligations to Congress and the President. Thank you. We'll hear the next testimony before we ask any questions.

MS. HARDIN: Good morning. My name is Chino Hardin; I'm a Youth Organizer at Prison Moratorium Project which is based in New York City, as well as the point person for the Justice for Youth Coalition. I've been in this role for about four years and have traveled throughout the country to raise awareness about the terrible conditions, including sexual abuse, that young people face while locked up.