

1 America in Nashville, Tennessee.

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

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

14 (Panel Sworn)

15 CHAIRMAN WALTON: Thank you. You may proceed.

16 MS. PASION: I would like to thank the members of
17 the Commission for hearing my testimony today; I believe
18 your work is very important for protecting youth held in
19 correctional facilities. My name is Cyryna Pasion, and I am
20 an 18-year-old transgender girl who was sexually harassed
21 and assaulted, and continuously threatened with rape by
22 other wards while incarcerated at the Hawaii Youth
23 Correctional Facility. The youth corrections officers, or
24 YCO's, and others were aware that this abuse was occurring,
25 and even contributed to it by calling me derogatory names,

1 but did nothing to protect me.

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

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

20 I experienced the most damaging and emotionally
21 devastating treatment of my life thus far when I was in a
22 youth correctional facility and witnessed horrible treatment
23 of other kids too that violated their right to be free from
24 sexual violence and sexual harassment. While I was not
25 raped, I was sexually assaulted both physically and

1 emotionally. I survived threats of violence, unwanted
2 sexual touching and verbal abuse that were very severe
3 beyond belief.

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

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

24 In September of 2004, all of the other girls at
25 the facility were transferred temporarily to a youth

1 detention center in Utah, but I wasn't allowed to go with
2 them. Instead, the YCO's moved me to the boys' side of the
3 facility. I was terrified. A number of the medical staff
4 and counselors advised against my being placed with the
5 boys, but the director of the facility ignored these
6 warnings. It was very clear I would be targeted for abuse.

7 The director even ordered the staff not to allow me to
8 interact with the male wards for this reason. I was told
9 not to sit close to them or even look at them. I had to sit
10 one or two chairs away from the nearest boy even during free
11 time and meals, which was very isolating and it felt like I
12 was segregated. I had my own cell, whereas the boys slept
13 together in a dormitory-style unit. However, this did not
14 protect me from daily sexual harassment and abuse. The boys
15 began to sexually harass me immediately. They would say
16 things like, "I want to feel your ass," "I wanna fuck you,"
17 "show me your tits," "be my bitch," "suck my dick," and
18 "give me head."

19 I endured this verbal harassment nearly every day.

20 When we were in the common area watching television, the
21 boys would touch and rub my legs without my permission. At
22 times, they pulled their erect penises out of their pants
23 and showed me. They would say things like, "why don't you
24 touch this?" and threateningly say "I am going to touch
25 you." On several occasions, they even masturbated in front

1 of me. Other times they would come up from behind, grab my
2 waist and rub up against my buttocks. YCO's were always
3 present when these things were happening, but usually
4 ignored it or failed to pay attention. I recall that in
5 some instances YCO's heard what was being said and laughed
6 or encouraged the boys' conduct in some other way. When I
7 told one of the guards I trusted how tired I was of putting
8 up with abuse, he told me to just ignore it. I eventually
9 tried to talk to several other staff members about what was
10 happening but the sexual harassment, unwanted touching,
11 taunting, and threats of violence continued. I felt
12 tortured and alone. The boys threatened to beat me up if I
13 wrote a complaint, and because the YCO's never did anything
14 to help, I didn't file an official grievance regarding the
15 sexual abuse because I was scared.

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

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

1 to be returned to the boys' unit.

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

20 I fear for anybody who ends up at HYCF because I
21 know that other boys and girls went through the same things
22 as I did. When I was on the girls' side there was a girl
23 who was constantly being harassed by the corrections
24 officers. Several times I heard them try to humiliate her
25 by calling her and other wards butchie. Vulgar and

1 inappropriate sexual comments like this were very common.
2 Because she was a lesbian, the corrections officers thought
3 they could say whatever they wanted to her and often used
4 her sexuality to tease and ridicule her. This girl always
5 seemed anxious and depressed. Sometimes she would cut
6 herself and carve into her skin because of the things she
7 went through. She seemed to live in a constant state of
8 harassment and fear that triggered a desire to hurt herself.

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

24 There was also a boy who was perceived to be gay
25 and who went through many of the same things as I did. I

1 became aware of what this boy endured by hearing about it
2 while I was incarcerated, and also because this boy and I
3 later became plaintiffs in a lawsuit against the Hawaii
4 Youth Correctional Facility. On one of his nights at HYCF
5 this boy's roommate told him to give him head and got upset
6 when the boy refused. Later that night while he slept, the
7 roommate got on top of the boy and tried to attack him. The
8 boy was so scared that he started sleeping sitting up on the
9 toilet. Rumors started to spread about this boy and I heard
10 that a lot of the other wards threatened to assault him. He
11 was verbally and sexually harassed, physically assaulted,
12 tortured and abused all the time. As far as I know, none of
13 the YCO's ever did anything to help. When this boy
14 showered, sometimes other boys would walk in naked and rub
15 up against him and touch his penis and buttocks. One ward
16 often exposed himself to the boy and one time went as far as
17 to place his testicles in the boy's hand. He also put pubic
18 hairs on the boy's head and body a number of times. Another
19 ward once rubbed semen on the boy's face. These are just
20 some of the things that he went through. On a lot of days
21 somebody would grab his genitals or buttocks and demand a
22 sexual act of him. Like me, he was also too scared to file
23 an official grievance. When he finally did, he was put into
24 complete isolation. He had a lot of trouble sleeping, and
25 after a while seemed totally numb.

1 The whole time I was in the boys' side at HYCF I
2 was threatened with violence and rape, touched sexually on
3 various parts of my body, and experienced constant sexual
4 harassment. Except for isolating me, which made my pain and
5 loneliness worse, nobody helped me. I have tried to move on
6 with my life, and I'm currently attending Remington College
7 in Hawaii, where I am working on an Associate's Degree in
8 International Business, but it is quite painful having to
9 relive memories of what happened at HYCF. Please help make
10 youth detention centers safer because the sexual abuse and
11 threats I endured truly made my time there a living hell.

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

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