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1 regulatory form and giving more weight to those  
2 standards and a greater capability in tracking.

3           Number 5, I hope that you'll consider  
4 increasing the -- recommending increased funding for  
5 personnel of detention and removal so they can  
6 provide greater oversight, including training and  
7 enforcement of detention standards at contract  
8 facilities.

9           As I mention, the greatest problem is just  
10 not knowing what is out there. And I think more  
11 emphasis upon a tracking system will give this type  
12 of oversight that is necessary for safety and  
13 security.

14           Thank you for your work. And I'm delighted  
15 to appear before you today.

16           CHAIRMAN WALTON: Well, Mr. Secretary,  
17 thank you for your testimony. I just have one  
18 question.

19           Is there any type of international tracking  
20 system that exists whereby individuals who have  
21 criminal histories in other countries or in the  
22 United States or who are wanted for criminal  
23 activity is available for dissemination  
24 internationally?

25           MR. ASA HUTCHINSON: There is only a

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1 limited amount on an informal law enforcement  
2 relationship.

3 I believe that's the direction that we will  
4 go, both in terms of protecting our country from  
5 terrorists but also in criminal activity.

6 And so as we have this biometric capability  
7 to monitor people who come to our country, other  
8 countries are developing the same capacity. And  
9 it's a ready-made system that we can use biometrics  
10 to identify those on terrorist watch lists but also  
11 those with criminal histories.

12 Now, there is some resistance to that  
13 because we want to cooperate internationally in  
14 protecting against terrorists, but the international  
15 standards on criminal offenses and how those are  
16 handled are much in dispute.

17 So it's handled more on a  
18 country-by-country basis.

19 CHAIRMAN WALTON: Commissioner Fellner, any  
20 questions?

21 COMMISSIONER FELLNER: Yes.

22 Thank you for your testimony.

23 I wondered if you could talk a bit more  
24 about the problem that you have -- you've talked  
25 about the very different population of the detainees

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1 compared to people outside of -- I still call it  
2 INS. I'm sorry. I've had a hard time adjusting.

3 But among the characteristics that make  
4 them different is not just language, but also  
5 cultural backgrounds that make them perhaps not  
6 aware of their rights or even more resistance to  
7 reporting than may be in the culture in U.S. jails,  
8 or different reasons for maybe not having access to  
9 lawyers, and they're here a relatively short time,  
10 many of them.

11 So all of these factors make it harder to  
12 become aware of staff abuse as well as  
13 detainee-on-detainee abuse.

14 So I wondered what recommendations you  
15 have. We're going to be hearing later from a number  
16 of people talking about abuses they have experienced  
17 and problems in immigration detention facilities.

18 But what specifically can you say based on  
19 your experience for what systems or policies can be  
20 put into place to make sure that staff treat the  
21 detainees appropriately, and if they do not, that  
22 they are promptly removed from positions in which  
23 they can continue abusing?

24 MR. ASA HUTCHINSON: The checks and  
25 balances are essential to accomplish that.

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1           I think one aspect of it is the access of  
2 the counselors -- consular general's office to  
3 detainees that would be from their country.

4           So as I toured facilities along the border,  
5 if you had someone that was coming across the border  
6 from Costa Rica, they could not be immediately  
7 repatriated across the border. They would be held.  
8 And so the consular general's office from Costa Rica  
9 would have access to them.

10           And I think that's important. One, the  
11 department encourages it because their cooperation's  
12 necessary to get them back to their country.

13           But that cooperation, the access of the  
14 consular general's office is very important. It's a  
15 good check and balance because obviously there could  
16 be language problems, not necessarily there, but if  
17 they're coming from Czechoslovakia, if they're  
18 coming from China, there could be language barriers.  
19 And the access of the consular general's office is  
20 essential to that type of check and balance.

21           The other aspect of it is simply training.  
22 Again, I believe that the Office of Civil Rights and  
23 Liberties within the department needs to have the  
24 resources so they can go to the facilities. They  
25 can make sure that the training is in place, that

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1 the complaints against staff is properly reviewed  
2 and that the system is working. So their resources  
3 are critical.

4 COMMISSIONER FELLNER: Thank you.

5 CHAIRMAN WALTON: Okay. We need to try and  
6 get back on time, but if there are other  
7 questions...

8 Commissioner Struckman-Johnson?

9 COMMISSIONER STRUCKMAN-JOHNSON: Just a  
10 quick question.

11 You said family units right now are  
12 typically -- they're separated. What happens, in  
13 your opinion, that could set up the possibility of  
14 sexual abuse?

15 MR. ASA HUTCHINSON: Well -- and it varies.  
16 There's some facilities that have separate units for  
17 family units, but a lot of them are contract  
18 facilities, and they all do not have the same  
19 capability. So I think that is important because  
20 you keep the family unit together, there's obviously  
21 a more safe environment.

22 But if -- if -- you know, in other  
23 environments they're simply separated by gender, and  
24 then you have just your other protections that are  
25 in place.

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1           CHAIRMAN WALTON:  Commissioner Kaneb, some  
2  questions?

3           COMMISSIONER KANEB:  No questions.

4           CHAIRMAN WALTON:  Commissioner?

5           COMMISSIONER AIKEN:  Just one question.

6           Thank you, Mr. Secretary, for appearing  
7  today.

8           The first question and only one is the  
9  Death in Custody Act.

10          Are there provisions in the act -- and I  
11  can review it if you don't have the answer  
12  readily -- that catch the circumstances and the  
13  nuances as well as empirical findings surrounding  
14  the death in the act?  Is that included in the act,  
15  such as autopsy reports, et cetera?

16          MR. ASA HUTCHINSON:  There is a -- and in  
17  the interest of full disclosure, I was the lead  
18  sponsor on that bill, so I do have an interest in it  
19  and a background with it.

20          The requirement is that there has to be  
21  some reporting requirement on the circumstances of  
22  the death.  It is probably that broad.  It could be  
23  narrowed.

24          But right now, without that requirement,  
25  one, the deaths do not have to be reported and

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1 there's no requirement of the circumstances  
2 surrounding that to be reported. It's not specific  
3 about an autopsy, but just the general circumstances  
4 so that more follow-up can be carried out.

5 COMMISSIONER AIKEN: Very good. Thank you,  
6 sir.

7 CHAIRMAN WALTON: Mr. Secretary, thank you  
8 very much for your presence and your testimony. It  
9 will be very helpful to the Commission in our  
10 deliberations.

11 As with all of the witnesses, your written  
12 testimony will be made part of the record. And,  
13 again some of the commissioners may have follow-up  
14 questions. If they do and submit them in writing, I  
15 would hope you would respond.

16 MR. ASA HUTCHINSON: Thank you very much.

17 CHAIRMAN WALTON: Thank you. Good seeing  
18 you again.

19 Okay. We're going to skip our break that  
20 we were scheduled to take now so we can try and  
21 catch up on some of the lost time, and we'll proceed  
22 with our first panel.

23 We can have Ms. Little, Mr. Plummer, and  
24 Ms. Soto.

25 Will the three of you please stand and take

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1 the oath.

2 Do each of you solemnly swear or affirm  
3 that the testimony you will provide to this  
4 Commission will be the truth, the whole truth, and  
5 nothing but the truth, so help you God?

6 MS. CHERYL LITTLE: I do.

7 MR. TOM PLUMMER: Yes.

8 MS. MAYRA SOTO: I do.

9 CHAIRMAN WALTON: Thank you.

10 As an introduction, I will note the  
11 following:

12 Our first panel of this hearing will offer  
13 one personal account and two accounts of sexual  
14 abuse delivered secondhand through the victims'  
15 attorneys.

16 One of the themes that will emerge in this  
17 hearing is the isolation of the population of  
18 immigration detention and the silencing of their  
19 voices as so many detainees are deported following  
20 their period of detention.

21 On behalf of the National Prison Rape  
22 Elimination Commission, I am pleased to introduce  
23 the three witnesses who will testify during this  
24 panel: Ms. Cheryl Little, Mr. Tom Plummer, and  
25 Ms. Mayra Soto.

1           These three witnesses have graciously  
2 agreed to share their stories and the stories of  
3 their clients with the Commission.

4           Ms. Cheryl Little is the executive director  
5 of the Florida Immigration Advocacy Center and  
6 investigated and reported the sexual abuse of female  
7 detainees by Immigration and Naturalization Service  
8 officers at the Krome Detention Center in Miami,  
9 Florida, in 1996 and the year 2000.

10          Mr. Tom Plummer is a Skadden Fellow and  
11 staff attorney for the Legal Services for Children  
12 in San Francisco, California, who represented a  
13 Honduran boy who was sexually assaulted at an Office  
14 of Refugee Settlement shelter.

15          And Ms. Mayra Soto is a Mexican national  
16 and transgender woman who entered the United States  
17 in 1989. She was arrested and taken to the  
18 San Pedro, California, Immigration and Customs  
19 Enforcement detention center in December 2003, where  
20 she was sexually assaulted by a corrections officer  
21 within days of her arrival.

22          These accounts will set the stage for the  
23 panels which will follow later today, giving context  
24 to a number of the issues we hope to address at this  
25 hearing.