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1 I would like to extend my sincere thanks  
2 and appreciation to the members of our first panel  
3 for their willingness to take the time out of their  
4 busy lives to share with us their stories.

5 We would like to begin with Ms. Little.

6 MS. CHERYL LITTLE: Good morning. On  
7 behalf of Florida Immigrant Advocacy Center, FIAC,  
8 thank you for the opportunity to testify today.

9 I also wish to submit my full written  
10 testimony for the record.

11 While working at the Haitian Refugee  
12 Center, HRC, and more recently at FIAC, I've  
13 interviewed countless persons who complained they  
14 were victims of sexual abuse while in immigration  
15 custody.

16 In early April 1991 a front-page "Miami  
17 Herald" article contained detailed statements from  
18 both former Krome detainees and employees, painting  
19 a picture of rampant and horrific abuse of  
20 asylum-seekers at the hands of U.S. Government  
21 officials.

22 INS' reaction to the public hearing of  
23 allegations of abuse was less than encouraging. Two  
24 teachers and a nurse who spoke to reporters were  
25 dismissed.

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1           One of the teachers who had worked at Krome  
2 for six and a half years said, and I'm quoting:

3                   "Anybody who wore a uniform  
4           had free access to the women."

5           In May 1990 the FBI initiated an  
6 investigation of criminal misconduct at Krome. When  
7 the Miami INS district director was asked in late  
8 April 1991 what, if anything, he had done in  
9 response to the allegations of abuse, he said he was  
10 constrained from doing anything until the  
11 investigation was complete.

12           The district director did acknowledge that  
13 Krome was understaffed, guards overworked and that  
14 nearly half of them were temporary employees who  
15 would receive no formal training. He said that the  
16 guards' pay was so low it was nearly impossible to  
17 attract the right type of quality person.

18           Despite the glare of publicity and an  
19 ongoing FBI investigation, abuses of detainees  
20 continued.

21           In early 1991 a female detainee said she  
22 was raped by a Krome guard in the health clinic.  
23 Although immigration officials claimed the guard in  
24 question had been removed from working inside Krome,  
25 the victim said she had seen him five times since

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1 being raped.

2           Concerns were also raised that Krome  
3 doctors took blood and urine samples two days after  
4 the alleged attack but did not conduct a  
5 gynecological exam.

6           Advocates raised concerns as well about the  
7 quality of the broader investigation that began in  
8 the spring of 1990. One investigator, for example,  
9 had referred to the alleged victims as "the sex  
10 ladies" before being removed from the investigation.

11           In 1991 HRC attorneys were advised that  
12 this investigation was completed, but the Justice  
13 Department could take up to five years before  
14 issuing its report.

15           The official report has never been made  
16 public, and it appears no disciplinary actions were  
17 taken or criminal charges brought.

18           In August 1998 detention enforcement  
19 officers wrote a memo of complaint about the  
20 treatment of women and children at Krome. They  
21 complained, among other things, that criminal aliens  
22 and male detainees shared the same restroom with  
23 minors, that women and children ate meals in the  
24 floor, and that there were only six beds for 39  
25 women to sleep or sit on.

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1           They said that these and many more rights  
2 and detention policies set forth by the U.S.  
3 Immigration Service were continuously violated at  
4 Krome, and they emphasized their hope that by  
5 speaking the truth, they wouldn't be criticized or  
6 punished.

7           It has been known, they wrote, that when  
8 officers address issues of concern, past practice is  
9 to label the officers as troublemakers or whiners.

10           When widespread reports of sexual abuse at  
11 Krome again surfaced in May 2000, several of the  
12 same guards implicated in the scandal a decade  
13 earlier were subjects of investigation.

14           Women told FIAC that sexual misconduct at  
15 the detention facility ranged from rape to  
16 molestation to trading sex for favors, including  
17 release from detention.

18           The reports of abuse appeared pervasive,  
19 involving at least 20 separate allegations against  
20 at least 15 INS officers and one public health  
21 service officer. The allegations became the subject  
22 of four Department of Justice agencies.

23           The Women's Commission for Refugee Women  
24 and Children conducted its own investigation into  
25 the allegations of abuse and concluded there was

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1 widespread sexual, physical, verbal, and an  
2 emotional abuse of Krome detainees, especially  
3 women.

4           Several of the detainees wrote Attorney  
5 General Janet Reno telling her, and I'm quoting:

6                        "We are afraid that each time  
7           one of us is interviewed by  
8           investigating officers, the  
9           detention officers are aware of our  
10          every move. In addition, some of  
11          the women who have given statements  
12          have either been transferred or  
13          deported to their countries.  
14          Because of these circumstances,  
15          some women are afraid to step  
16          forward and provide important  
17          information."

18          Detainees who were viewed by guards as  
19 "ringleaders" behind the allegations of abuse felt  
20 particularly victimized. Two such detainees were  
21 transferred by INS to the Federal Detention Center,  
22 a maximum security facility in downtown Miami.

23                As they were booked in, a Krome officer,  
24 who three days earlier was arrested and charged with  
25 the rape of a Krome detainee, was being released

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1 from FDC on a \$50,000 bond. He approached the  
2 detainees, asking what they were doing there.

3 One of these women remained in isolation at  
4 FDC for 12 days and the other for 13.

5 During this time they could not call their  
6 attorneys or families, were frequently denied family  
7 visits, had no access to recreation, and were denied  
8 both shampoo and combs. When they appeared before  
9 the Grand Jury, their hair had not been combed in  
10 ten days.

11 The investigation yielded few results. One  
12 officer was indicted on four charges of sexual  
13 assault on a detainee and faced up to 42 years in  
14 prison but plea-bargained down to just two  
15 misdemeanor charges and was sentenced to eight  
16 months in prison and a year's probation.

17 A second officer pled guilty to engaging in  
18 a consensual sexual act and was sentenced to three  
19 years' probation. At his sentencing hearing it was  
20 revealed that after he lost his job at Krome, he was  
21 hired at a Florida facility for juvenile sex  
22 offenders.

23 The company that hired this officer said  
24 that a Krome supervisor had given him a very good  
25 rating and never mentioned the sexual allegations

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1 against him. The judge at the sentencing hearing  
2 directed the officer to immediately resign from his  
3 new job.

4 To add insult to injury, after promising to  
5 remove the women detained at Krome to a place with  
6 safe, secure, and humane conditions, in December  
7 2000, INS moved the women to a maximum security  
8 county jail, the Turner Guilford Knight Correctional  
9 Center in downtown Miami.

10 INS officials admitted that some harsher  
11 conditions than Krome were acceptable there because  
12 of the jail security reasons.

13 Upon learning of the transfer, several of  
14 the women broke down and cried. One of the  
15 detainees wrote FIAC:

16 "We were told that the  
17 movement was for our own good. To  
18 be honest, the reason we were moved  
19 was because the INS male officers  
20 could not control their manhood  
21 when it came to the women... Why  
22 are we being punished again for  
23 someone else's sins because that is  
24 how it felt about this move."

25 Ironically, just days after the arrival at

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1 TGK it was reported that some of the women were  
2 sexually harassed by male trustees, prisoners who  
3 were part of the work crew.

4 As a result, the women were placed in  
5 lockdown whenever a male was in their cell unit.

6 In announcing the women's move from Krome  
7 to TGK, the INS district director said that Krome  
8 was never designed for detention. It was a  
9 processing center. Just as troubling.

10 After INS publicly claimed that all but one  
11 of the 36 INS standards of detention put in place to  
12 better protect detainees' basic rights were being  
13 met at TGK, a government review of TGK conditions  
14 for those in immigration custody assigned a final  
15 rating of at risk.

16 In September 2004 the women were moved from  
17 TGK to the Monroe County jail in Key West, Florida,  
18 and further isolated from their attorneys and  
19 families.

20 Attempts by FIAC to improve conditions at  
21 TGK were repeatedly thwarted by immigration  
22 officials who directed TGK staff not to meet with  
23 FIAC without their permission.

24 Although women are no longer detained at  
25 Krome, conditions there remain a concern. Krome has

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1 been terribly overpopulated in recent months, nearly  
2 doubling its maximum capacity of 580 this past  
3 Thanksgiving.

4 Overcrowding is a chronic problem and  
5 affects virtually every aspect of detainees' lives.

6 The director of detention operations now  
7 reports to the field office director, who in June  
8 1991 was Krome's deputy administrator. In that  
9 position when he was asked about abusive conditions  
10 by a reporter, he said of Krome's detainees, "This  
11 is not the creme de la creme. You have got scum  
12 buckets here."

13 This past year FIAC spoke with a Krome  
14 detainee, a transgender, who said that she was  
15 sexually assaulted twice by other detainees while in  
16 the shower at Krome.

17 She also claims that when temporarily moved  
18 from Krome to facilities in Texas and Arizona  
19 following Hurricane Wilma, she was sexually harassed  
20 by officers there.

21 Given the climate of fear and intimidation  
22 detainees in Florida have had to endure over the  
23 years, it is remarkable that so many have come  
24 forward to complain. Yet the results are terribly  
25 disappointing.

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1            Detainees have paid a heavy price for  
2 sexual misconduct by their jailers and the message  
3 to victims is clear: Complain and you are  
4 transferred to a remote facility far removed from  
5 your lawyer and loved ones or, worse, you risk  
6 deportation.

7            The message to guards, teachers, or others  
8 who work within the system is clear: You, too,  
9 could risk losing your job and being labeled a  
10 troublemaker.

11           The message to NGOs such as FIAC is clear:  
12 Complain and your clients could end up in a jail  
13 like TKG, where conditions are far harsher, or in a  
14 remote facility where they will have little access  
15 to family, friends, and pro bono attorneys.

16           The message to abusive guards is likewise  
17 clear: No matter the seriousness of the abuse, you  
18 are not likely to be punished or held accountable  
19 for your acts.

20           FIAC is the only agency that attempts to  
21 provide free legal services to detainees throughout  
22 Florida in ICE custody.

23           It has been extremely difficult to document  
24 detainee abuses the past few years in large part  
25 because detainees have been moved further away from

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1 FIAC's office in Miami.

2           Moreover, many detainees are deathly afraid  
3 to report abuse, so the accusations in record are,  
4 therefore, likely only a small fraction of the  
5 actual abuses.

6           FIAC makes its recommendations with a sense  
7 of outrage at the mistreatment of immigration  
8 detainees over the years and frustration with the  
9 lack of government action to remedy the situation.

10           Yet it also does so in the hope that  
11 official oversight provided by groups such as this  
12 Commission will move the government beyond its  
13 current defensive posture to dialogue with  
14 detainees, detainee advocates, and other concerned  
15 members of the community in order to develop good  
16 faith safeguards that protect the basic rights of  
17 those in U.S. Immigration detention.

18           Time does not permit me to list our  
19 recommendations at this time, but they are attached  
20 to my written testimony.

21           I want to thank you so very much for your  
22 interest in this important issue. Independent  
23 scrutiny of conditions in facilities like Krome is  
24 essential to ensure that true conditions are made  
25 public and the cycle of abuse and neglect is broken.

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1           CHAIRMAN WALTON: Thank you very much for  
2 your testimony, Ms. Little. I'm sure we'll have  
3 some follow-up questions.

4           MS. CHERYL LITTLE: Thank you.

5           CHAIRMAN WALTON: Our next witness will be  
6 Ms. Mayra Soto.

7           Ms. Soto, we truly appreciate your  
8 willingness to appear before us and your courage in  
9 telling us your situation. Thank you.

10          MS. MAYRA SOTO: Good morning. I would  
11 like to take this time to thank you for inviting me  
12 to speak.

13          It is an honor and a privilege to appear  
14 before you.

15          I sincerely hope that my story will help  
16 other men and women behind bars who are confronted  
17 with sexual abuse.

18          I came to the United States at the end of  
19 2002 because my sexual orientation and gender  
20 identity had made me a target of persecution in my  
21 home country.

22          While in Mexico, I was raped by a fellow  
23 inmate while incarcerated in a jail in the state of  
24 Guerrero. Tired of fighting intolerance and fear  
25 for my life, I left the country.