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1 Mr. Plummer, we don't want to deny you the  
2 opportunity to testify, but if you could summarize  
3 your testimony as quickly as possible so we'll have  
4 some time to ask questions.

5 MR. TOM PLUMMER: I would be happy to.

6 CHAIRMAN WALTON: Thank you.

7 MR. TOM PLUMMER: My name is Tom Plummer.  
8 I'm a staff attorney and Skadden Fellow with Legal  
9 Services for Children in San Francisco. It's a  
10 children's service office that provides social work  
11 to lawyers and minors.

12 In 2001 Legal Services for Children became  
13 the first children's law office to represent  
14 detained immigrant children.

15 I was asked to testify to the personal  
16 experience of an unaccompanied minor who disclosed  
17 allegations of sexual victimization that occurred  
18 while he was detained by the Department of Homeland  
19 Security.

20 At about this time last year, in December  
21 of 2005, a 17-year-old immigrant boy detained in the  
22 San Francisco Bay Area disclosed to our staff an  
23 ongoing pattern of inappropriate conduct by a staff  
24 person at his detention facility.

25 The alleged conduct included the staff

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1 person visiting the boy's bedroom during evening bed  
2 checks, sitting in the bed with the boy, touching  
3 the boy on the face and neck, and kissing him.

4 The boy also reported that the staff member  
5 expressed intimate affection for him and physical  
6 attraction.

7 After the disclosure by the boy, we  
8 discussed the attorney-client relationship and got  
9 the permission of the boy to share the information  
10 with our social work staff so that a Child  
11 Protective Services report could be made.

12 Later that week I visited the facility to  
13 follow up with the boy and the facility staff. And  
14 the boy disclosed further details of how the  
15 facility had responded to his allegations.

16 The boy reported repeated disclosures to  
17 staff members at the facility as much as a month  
18 prior to any action.

19 He reported telling one staff member a  
20 month prior, another staff member a week prior, and  
21 another staff member a day prior to any action by  
22 the facility.

23 The 17-year-old boy saw that the facility  
24 wasn't taking any action and felt forced to disclose  
25 his victimization in a house meeting, which required

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1 him to disclose that he had been victimized in front  
2 of all of his peers at the facility.

3           Following the disclosure by the minor, we  
4 immediately spoke with the facility and asked that  
5 the facility be placed -- that the facility make a  
6 Child Protective Services report as mandated by  
7 California law and speak with the licensing  
8 authority in California.

9           We also asked that the facility have the  
10 staff member, an alleged perpetrator, removed or at  
11 least placed in a position where she would no longer  
12 be in a position where she would be supervising  
13 children.

14           When Legal Services for Children staff  
15 discussed the incident with the facility, some of  
16 the doubts expressed in the veracity of the minor's  
17 allegations reflected a limited understanding of the  
18 experiences of child survivors of sexual abuse.

19           The responses also seemed to reflect a  
20 greater skepticism of allegations where the minor  
21 was male and the alleged perpetrator was female.

22           This young man returned to his home country  
23 in January of 2006. While we discussed with him the  
24 possibilities of immigration relief based upon his  
25 victimization, he decided to go home shortly after

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1 the incident in large part to avoid further  
2 detention.

3 I would say, just to summarize, my  
4 recommendations on ways to address this, one, Legal  
5 Services for Children doesn't believe that minors  
6 should be held in detention facilities.

7 I think probably the best way to avoid  
8 sexual assault and other victimization inside  
9 detention facilities is not to detain minors.

10 We believe that minors should be released  
11 to family whenever possible. And that when they  
12 cannot, that they should be held in the most  
13 family-like environment.

14 Legal Services for Children also believes  
15 that it's very important that all minors who are in  
16 deportation proceedings and particularly minors that  
17 are in detention facilities have an impartial  
18 advocate and legal counsel.

19 We think that the Department of Homeland  
20 Security, the immigration courts, detention  
21 facilities need to take into consideration the  
22 particular vulnerability of children and treat them  
23 like children.

24 They need more than a consular officer.  
25 Many of these children are detained for upwards of

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1 six, seven, eight months. It's only sometimes after  
2 a long period of time that they disclose to us their  
3 experiences of trauma back home.

4 And so I believe it's really important to  
5 provide these children with a safe place to be. And  
6 the safest place for them to be is with their family  
7 when they have family.

8 Inside the facilities I think it's  
9 important that there be further training of facility  
10 staff, including staff in Immigration and Customs  
11 Enforcement and the Office of Refugee Resettlement  
12 about appropriate responses to children who disclose  
13 victimization and the experiences of children who  
14 have been the victims of sexual assault.

15 CHAIRMAN WALTON: Thank you very much.

16 Ms. Soto, the second time that you were  
17 detained and you felt that you should not have been  
18 placed in that type of facility at that level of  
19 security, what was the nature of the offense that  
20 you were charged with there that resulted in you  
21 being detained in that facility?

22 THE INTERPRETER: She doesn't know the  
23 charge.

24 CHAIRMAN WALTON: But it wasn't a violent  
25 offense?