

0075

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?

0076

1 MS. MAYRA SOTO: No.

2 CHAIRMAN WALTON: Okay.

3 Commissioner Struckman-Johnson?

4 COMMISSIONER STRUCKMAN-JOHNSON: Thank you,
5 all of you, for coming today and, Ms. Soto, the
6 tremendous courage and quick thinking and telling
7 your lawyer and just staying with -- just staying
8 courageous throughout and not giving up. Thank you
9 for that.

10 This is all very hard to hear, and it just
11 makes me -- this Commission was in Florida. It
12 makes me think we need to go back to Florida. We
13 were there and we probably walked around and we were
14 told that things were pretty -- you know, everybody
15 working on everything, and here we were right next
16 door to really awful things.

17 So anyway, thank you for coming forward.

18 So Ms. Little, you said you had no time to
19 give a recommendation, but for the purpose of
20 everybody here, could you do one or two for us of
21 what first things to do, at least in Florida.

22 MS. CHERYL LITTLE: Yes.

23 First of all, I was delighted to hear
24 Mr. Hutchinson's recommendations. I suspect his
25 recommendations might be taken more seriously than

0077

1 mine or my colleagues by people in Washington.

2 But I think in my testimony one of the
3 things that I kept repeating was how good officers
4 were punished rather than rewarded and how little
5 ability victims of abuse had to make their case and
6 how likely they were to be punished.

7 I do think that officers who work for
8 immigration should be properly trained. They should
9 be properly paid. They shouldn't be working
10 ridiculous hours. They shouldn't be working in
11 overcrowded conditions.

12 And I'm very concerned about the grievance
13 committee -- the grievance procedure that currently
14 exists within the immigration system.

15 I'm repeatedly told by clients, look, you
16 know, I'm afraid to complain because if I do, I'm
17 afraid I'll be punished.

18 And lots of them tell me, if I do complain,
19 my complaint is thrown in the garbage can. Nobody
20 is taking it seriously.

21 And that's why I think that oversight is so
22 important.

23 I also believe women in immigration custody
24 comprise a relatively small percentage of the total
25 ICE population, and they're especially vulnerable to

0078

1 abuse. And I think it is inappropriate to house
2 them in many of these facilities where male officers
3 have easy access to them.

4 And, you know, repeatedly, you know, we
5 have been told that deportation -- even deportation
6 officers have propositioned women whose cases
7 they're in control of and told them that if they
8 want to be released, then they need to comply with
9 their demands.

10 And detainees in immigration custody are
11 especially vulnerable because their jailers hold the
12 key. You know, whether or not they're detained,
13 where they're detained, whether or not they're
14 transferred, whether or not they're eventually
15 released -- it's all up to ICE officials.

16 And so I just think that oversight is
17 absolutely critical.

18 I have been very disappointed that the INS
19 standards that the ABA worked so hard to put in
20 place are, frankly, being ignored in so many of the
21 facilities in Florida.

22 I've given up trying to convince
23 immigration officials to properly implement
24 standards. And as I say -- you were also
25 concerned -- I am concerned about complaining these

0079

1 days because I'm concerned that things will get
2 worse for my clients.

3 And I can tell you that recently we had a
4 meeting scheduled with the administrator of the
5 Broward transitional center, which is in Pompano,
6 Florida, where a little over 500 detainees are being
7 held, many of them asylum-seekers. None have
8 criminal histories, to the best of my knowledge.

9 And the day before the meeting I got a call
10 from the administrator saying that an ICE official
11 had found out about the meeting and said that the
12 meeting could not go forward without their
13 permission despite many, many attempts by us to get
14 that meeting scheduled.

15 And it was a meeting that everybody -- I
16 mean, the administrator wanted it, we wanted. It
17 was to try to find out how we could better serve the
18 immigrant population there. It took us over three
19 months to get that meeting rescheduled.

20 So I am concerned that advocates are too
21 often viewed as the enemy.

22 I think that we have a lot in common with
23 ICE officials. I mean, if we're -- if we talk to
24 detainees and we can advise them about their basic
25 rights and perhaps they don't have a case, they may

0080

1 say, well, you know, I'm better off just being
2 deported and getting this over with.

3 So I hope that that whole culture changes
4 over time.

5 CHAIRMAN WALTON: Thank you.

6 We're supposed to be starting our next
7 panel in about two minutes. But if there are other
8 questions, we obviously welcome those.

9 Commissioner Kaneb.

10 COMMISSIONER KANEB: Very small question,
11 hopefully short answer.

12 Are detainees typically able to avail
13 themselves of the court system? I understand the
14 answer is no except in a civil proceeding; is that
15 correct?

16 MS. CHERYL LITTLE: Well, those in ICE
17 custody aren't entitled to an attorney. And the
18 statistic I last saw was roughly 80 percent of those
19 in immigration detention are without an attorney.

20 If you have an attorney, you're far more
21 likely to get asylum, for example.

22 Was that your question?

23 COMMISSIONER KANEB: I guess it's -- I'm
24 trying to keep it short. Maybe we could talk at a
25 recess. I just want to understand the question of

0081

1 is an ICE detainee typically allowed to be
2 represented by a lawyer and is --

3 MS. CHERYL LITTLE: No. They have no right
4 to a free attorney.

5 COMMISSIONER KANEB: Free attorney. Okay.

6 MS. CHERYL LITTLE: Right. Now, if they
7 can --

8 COMMISSIONER KANEB: And so the idea of
9 them getting into court is unlikely if they can't
10 afford an attorney.

11 MS. CHERYL LITTLE: No. I mean, they --
12 many detainees go -- you know, attorneys do have
13 their so-called day in court, but more often than
14 not they're unrepresented. And the government has
15 an attorney arguing that they should be deported.

16 So in many ways the cards are really
17 stacked against them.

18 COMMISSIONER KANEB: Okay. But there is,
19 however flawed, access to the court system. Even if
20 you don't have an attorney, you can go in yourself
21 or something like that.

22 MS. CHERYL LITTLE: Yes.

23 CHAIRMAN WALTON: It's a tough row to hoe
24 for a person to go into court pro bono. But I guess
25 that always is a potential, but it's tough.

0082

1 MR. TOM PLUMMER: And I would say
2 particularly so when the person's 15 years old and
3 doesn't speak English and has been the victim of
4 trauma in their communities and in their families,
5 in their country of origin.

6 And so I think if we were going to start
7 with a humane approach to deportation proceedings, I
8 think it would start with the most vulnerable
9 immigrant population. And I think the Commission
10 should consider that perhaps children might be
11 amongst them.

12 MS. CHERYL LITTLE: I completely agree with
13 that.

14 COMMISSIONER KANEB: Ms. Little,
15 Mr. Plummer, I did not mean to infer, because I do
16 not believe that simply having some theoretical
17 access to the court system -- if you have an
18 attorney, if you don't have an attorney -- is
19 adequate. I just want to understand.

20 Thank you.

21 CHAIRMAN WALTON: Commissioner Aiken.

22 COMMISSIONER AIKEN: Thank you,
23 Mr. Chairman. Just a brief comment.

24 I just want to personally thank you for --
25 all of you for appearing today, as well as I do

0083

1 acknowledge all of you and your courage to challenge
2 the process and bring it forth so that we can look
3 at some systemic as well as other processes for
4 necessary change and development. And I just want
5 to say personally thank you.

6 CHAIRMAN WALTON: Commissioner Fellner?

7 COMMISSIONER FELLNER: I also wanted to
8 thank you.

9 (In Spanish.)

10 I had two questions, which I don't think,
11 because of the pressure of time -- but one I wanted
12 to ask.

13 Cheryl Little, if you could say something
14 as to whether the standards -- granted, they're not
15 being implemented. But do the standards that the
16 ICE has now for detention have any specific
17 standards that address sexual abuse, responses,
18 complaint mechanisms, anything that address any of
19 this cluster of problems we've been talking about?

20 And if we don't have time here, we could
21 talk later. I would like to understand a little bit
22 more about that.

23 And, Tom, I wondered whether or not you
24 have a sense from your work whether abuse -- sexual
25 abuse of children in ICE facilities either by other

0084

1 children or by staff is isolated instances or is it
2 a more pervasive or systematic practice -- problem,
3 whether your work has given you any insight into
4 that.

5 MR. TOM PLUMMER: I think the speaker that
6 started us out this morning saying that he couldn't
7 get ahold of those statistics, I definitely don't
8 have any information.

9 COMMISSIONER FELLNER: But just in a sense.

10 MR. TOM PLUMMER: I would say that knowing
11 the background of the children in these facilities
12 and knowing their experiences of sexual
13 victimization, often many of the clients that are
14 coming to the facilities -- who are coming to the
15 United States are fleeing something. And often it's
16 abuse and it's trauma.

17 And so any child that's had a traumatic
18 childhood I think is more likely to have behaviors
19 that make it difficult for them to be in a group
20 detention facility, including -- so I think that
21 there's probably a likelihood of minor detainees
22 when they're housed together, that not being the
23 best environment to protect them from pure
24 harassment and assault.

25 I don't have any -- other than this

0085

1 particular incident of a brave 17-year-old boy, I've
2 never had another client come forward and share
3 information like this.

4 COMMISSIONER FELLNER: Thank you.

5 CHAIRMAN WALTON: What was the basis for
6 your client's detention?

7 MR. TOM PLUMMER: Coming here without
8 permission.

9 COMMISSIONER FELLNER: And do you have
10 anything to say about the ABA standards?

11 MS. CHERYL LITTLE: In the interest of
12 time, perhaps I will meet with you.

13 COMMISSIONER FELLNER: Great. Thank you.

14 CHAIRMAN WALTON: Okay. As with the other
15 witnesses, your written statements will be admitted
16 into the record. I'm sure we have some follow-up
17 questions. I know I do. And I would hope that when
18 we submit those to you, you'll respond to them.
19 Thank you very much.

20 MS. CHERYL LITTLE: Thank you.

21 CHAIRMAN WALTON: We'll take a five-minute
22 recess. Literally, a five minute recess.

23 (Off the record from 10:50 a.m. to
24 10:58 a.m.)

25 CHAIRMAN WALTON: Okay. If we can