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1 very much, as with all the panels, for your
2 presentation. It's very helpful and will
3 contribute, I think, significantly to our effort to
4 address this problem.

5 We'll recess until a quarter to 1:00.

6 Thank you.

7 (Recess taken from 12:02 p.m. to
8 12:51 p.m.)

9 CHAIRMAN WALTON: Okay. We're ready to
10 resume. The other commissioners are on their way.
11 But to try and stay on schedule, we will get
12 started.

13 Our next panel will address strategies for
14 preventing and responding to sexual violence in
15 immigration detention facilities.

16 Would you please stand and take the oath.

17 Do each of you solemnly swear or affirm
18 that the testimony you will provide to this
19 Commission will be the truth, the whole truth, and
20 nothing but the truth, so help you God?

21 MS. REBEKAH TOSADO: I do.

22 MS. CHRISTINA DE CONCINI: I do.

23 MS. ILIANA HOLGUIN: I do.

24 CHAIRMAN WALTON: Thank you.

25 I would like to welcome our next three

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1 witnesses: Ms. Rebekah Tosado, Ms. Christina
2 DeConcini, and Ms. Iliana Holguin, who will discuss
3 strategies for preventing and responding to sexual
4 violence in immigration detention facilities.

5 Currently, the Department of Homeland
6 Security has standards that govern all immigration
7 detention facilities and review immigration and
8 detention enforcement facilities for compliance.

9 In addition, both the Department of
10 Homeland Security, their Office of Inspector
11 General, and Office of Civil Rights and Civil
12 Liberties reviews complaints of abuse in detention
13 facilities.

14 The experts on the panel will discuss the
15 existing mechanisms for ensuring safety and
16 accountability in immigration detention facilities
17 and help the Commission to understand how its
18 standards can build on these efforts.

19 In addition, the panel will discuss the
20 importance of providing access to advocates on the
21 outside and will describe the legal orientation
22 program run through the executive office for
23 immigration review.

24 Ms. Tosado is the director for review and
25 compliance in the Office for Civil Rights and Civil

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1 Liberties in the United States Department of
2 Homeland Security.

3 She has responsibility for overseeing the
4 resolution of all complaints filed with the office
5 alleging abuses of civil rights, civil liberties,
6 and profiling based on race, ethnicity, or religion
7 by employees and officials of the Department of
8 Homeland Security.

9 Ms. DeConcini is director of policy at the
10 National Immigration Forum and former director of
11 Public Education and Advocacy at the Catholic Legal
12 Immigration Network, who has a long history of
13 advocating for the legal rights of immigrants and
14 refugees, including negotiating with the INS and the
15 Department of Justice about the need for detention
16 standards.

17 Ms. Holguin is the executive director of
18 Diocesan Migrant and Refugee Services Incorporated
19 in El Paso, Texas, which represents the legal
20 orientation program to immigrants detained at the
21 El Paso Service Processing Center and at the two
22 contract facilities in New Mexico.

23 Please join me in welcoming and thanking
24 each of these panelists for the time that they've
25 taken to be with us here and to provide assistance

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1 to the Commission as we address this very important
2 issue.

3 At this time we will first hear the
4 testimony of Ms. Tosado.

5 MS. REBEKAH TOSADO: Mr. Chairman and
6 Members of the Commission, I'm Rebecca Tosado. I'm
7 director for review and compliance for the Office
8 for Civil Rights and Liberties in the Department of
9 Homeland Security.

10 I would like to thank the Commission for
11 the invitation to speak with you today on this
12 important topic. I'll be providing a summary of my
13 written testimony.

14 I would like to state at the outset that
15 I'm here to provide information as well as to listen
16 and learn. And I've already learned a great deal,
17 and I'll be taking back a lot of this information to
18 my colleagues at DHS.

19 The Homeland Security Act established the
20 position of officer for civil rights and liberties
21 within the Department of Homeland Security. The
22 mission of the office is to assist the dedicated men
23 and women of the department to secure the nation
24 while preserving our freedoms and our way of life.

25 Our office is able to accomplish this in

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1 part by providing proactive legal and policy advice
2 to the departmental components on a wide range of
3 issues as well as investigating and resolving
4 complaints that are filed by members of the public.

5 In -- a given day in ICE detention -- ICE,
6 as you know, is Immigration and Customs Enforcement,
7 the component of DHS that is charged with the
8 detention of immigration detainees.

9 There are approximately 26,000 individuals
10 in detention. Individuals are housed at ICE service
11 processing centers which are owned and operated by
12 ICE, contract detention facilities and
13 intergovernmental service agreement locations
14 throughout the U.S.

15 The department is aware that sexual
16 assaults may occur within any detention environment
17 and is committed to preventing and responding to
18 rape and sexual assault within immigration
19 detention.

20 We understand that there must be a
21 framework of protections in place.

22 My office, in particular, plays an
23 important role in DHS's response to rape and sexual
24 assault in immigration detention, particularly
25 because of the complaint mechanisms that we offer.

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1 ICE detention centers are also subject to
2 investigations by the OIG, which is the Office of
3 Inspector General, and the general accounting
4 office.

5 ICE facilities are also open to the UN High
6 Commissioner For Refugees, also known as UNHCR, and
7 the American Bar Association. These organizations
8 enjoy collaborative relationship with ICE and report
9 concerns to ICE.

10 ICE has also taken a number of proactive
11 steps and has policies in place to address the
12 serious issue of sexual assault of detainees.

13 In October 2006 ICE issued a directive to
14 all offices -- all field offices that information
15 regarding sexual assault awareness be available and
16 posted to detainees on all of the facilities.

17 The information which is contained in a
18 poster and also in pamphlet describes what sexual
19 assault is, that it is not to be tolerated, and what
20 a victim can do to seek protection care. And what
21 actions ICE needs to take in response, or the local
22 facilities staff.

23 This information must be prominently
24 displayed at all times in common areas of the
25 facility and is to be available in both housing

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1 units and in libraries.

2 I provided Members of the Commission a copy
3 of the pamphlet with my written testimony.

4 ICE also has plans to translate the
5 pamphlet into other languages, and my office will be
6 assisting in that effort.

7 ICE, as you know, has a number of detention
8 standards in place that are part of the framework to
9 prevent assault and sexual assault in detention
10 environment.

11 Significantly the classifications standard
12 limits detainees -- limits their exposure to persons
13 that have a history of violate offenses. The
14 classification standard is one that must be
15 enforced.

16 There are a number of other standards that
17 are important -- important to point out. And
18 suffice it to say that our office is involved in
19 making sure that the oversight and implementation of
20 the detention standards is in place. And that is
21 quite a task. As you've heard, there are 26,000 ICE
22 detainees in custody right now.

23 I would also like to note that if an ICE
24 employee is involved in any incidence or allegation
25 of sexual assault or rape, the employee can be

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1 immediately placed on administrative leave and
2 terminated upon a proper finding of misconduct.

3 My office believes there should be
4 continued oversight and monitoring. In addition,
5 there must be continued -- there must be efforts to
6 provide prevention in immigration detention
7 facilities, such as through the classification of
8 detainees. There must be mechanisms to complain and
9 to follow up with such complaints, such as
10 investigations, and there must be an appropriate
11 response from the government officials.

12 As -- in concluding the summary of my
13 testimony, the issue of sexual assault and detention
14 of any kind is a serious and complex issue, as you
15 well know, and I'm beginning to learn more about
16 today.

17 Department and -- continues to take steps
18 to prevent sexual assault in immigration detention.

19 The department and my office continue to be
20 available to respond to this issue with the goal of
21 ending rape and sexual assault in any immigration
22 detention facility.

23 Thank you.

24 CHAIRMAN WALTON: Thank you very much.

25 Ms. DeConcini?