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1 hear constantly is that the good guys who work in  
2 the prison industry, who don't condone this, and  
3 want to report it are deterred from doing so because  
4 of the fear of retribution.

5 Will the potential, if there was federal  
6 legislation, of individual liability on the part of  
7 individuals who did that have any impact?

8 MR. BRYAN LONEGAN: I think it would have  
9 immediate impact.

10 I just want to be clear about one thing  
11 with your question.

12 Are you talking about the good guys within  
13 the corrections offices?

14 CHAIRMAN WALTON: Yes. Or anybody who  
15 works in the prison industry who --

16 MS. ANNE WIDEMAN: I would add medical  
17 staff.

18 CHAIRMAN WALTON: Right.

19 MR. BRYAN LONEGAN: I can tell you that at  
20 the Hudson County jail where I do a lot of work  
21 there are rogue officers and there are great  
22 officers.

23 I have been told by detainees that there  
24 are some that they want to give human rights awards  
25 to because they're so kind. They actually solicit

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1 if there's any problem.

2 But the reality is, is that the rogue  
3 officers have instilled such fear that the good  
4 officers don't know about it. You'll have a shift  
5 where there will be a shift change between, say, a  
6 rogue officer who is --

7 By the way, by rogue activity, I can tell  
8 you what they're doing is they're assisting in  
9 smuggling of contraband into the immigration  
10 facility, the detainee wing. And in exchange for  
11 that, what they do is they -- one detainee was  
12 explaining this to me. He was just released last  
13 week from 16 months in Hudson -- that for any  
14 detainee who's going to go complain, what the rogue  
15 officer will do is bribe another detainee with extra  
16 food, perhaps extra recreation time, maybe the  
17 opportunity to go to the law library or to do  
18 something, to then make a false complaint.

19 And so I have had detainees who are in the  
20 same cell with one of the detainees who's  
21 cooperating with, say, the smuggling and who's been  
22 terrified. Because when the good officer comes and  
23 they do the inspections, he's going to be -- he's  
24 going to be put in the box, he's going to be  
25 punished for whatever his cellmate is doing,

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1 whatever his cellmate is smuggling.

2 And I'm not talking about -- we're talking  
3 cell phones. We're talking Cheese Nips. We're not  
4 necessarily talking smuggling of the dangerous  
5 contraband.

6 So there is -- there are officers who will  
7 resist doing illegal conduct, but I think that they  
8 try to ignore the fact that it's their colleagues  
9 that are engaged in illegal activity, and, instead,  
10 they take it all out on the detainees.

11 I'm not quite sure I answered your  
12 question.

13 CHAIRMAN WALTON: I think you did.

14 Commissioner Kaneb.

15 COMMISSIONER KANEB: First of all, if any  
16 of you would want to comment on something that has  
17 been missing here, in my view -- I'm sorry.

18 Would anyone want to comment on whether or  
19 not there is a source or do you have a source that  
20 would help inform us about the prevalence of  
21 male-on-male prisoner rape in detention facilities?

22 Rather than talking about it across these  
23 tables, I think the Commission would like to know --  
24 and I could ask of people in the audience or people  
25 from Vera, people from SPR, whoever -- you know,

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1 there is data, and the lady next to me is a scholar  
2 in the area on sexual -- male-on-male sexual  
3 violence in prison systems.

4 But I'm asking the question to the room.

5 What about detention centers?

6 CHAIRMAN WALTON: Immigration detention  
7 centers, you mean?

8 COMMISSIONER KANEB: Yeah, immigration  
9 detention centers.

10 MR. BRYAN LONEGAN: I think the problem is  
11 even greater in obtaining that information in  
12 immigration facilities. By the nature in which they  
13 are run and the nature in which they are neglected  
14 prevents anyone from giving you that information.

15 COMMISSIONER KANEB: Well, I was afraid  
16 that might be the answer. What I'm asking, is there  
17 any- -- can anybody give us any leads on is there  
18 any information and, if so, how to get it without  
19 taking the hearing time up?

20 I think we would be interested -- I would  
21 be interested -- okay.

22 Then back to an observation you made. And  
23 it's obvious, but I hadn't thought about it. Rogue  
24 officers who prey upon inmates -- in our case we're  
25 interested in sexual violence -- really can feel

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1 awfully comfortable that they're not going to be  
2 ever -- really ever bothered by a complaint because  
3 people don't have access to the criminal courts,  
4 they don't have practical access to lawyers, and  
5 they're probably going to be deported.

6 So that is something I have noted, and we  
7 will, I'm sure, talk about it as we develop our  
8 report and as the standards are developed.

9 And we are going to develop standards for  
10 detention centers, immigration detention centers as  
11 you know.

12 In that respect, all I've heard about the  
13 standards for immigration detention centers this  
14 morning is they're inadequate and, even worse,  
15 they're ignored. And they may not even be well  
16 known to the people that are supposed to be living  
17 by them.

18 Is that an accurate characterization?

19 MR. BRYAN LONEGAN: I think so. But I  
20 think that the standards that the ABA has put  
21 together would be a tremendous step in the right  
22 direction. Even if we could comply with this  
23 minimum standard that's been established would be a  
24 vast improvement.

25 I wanted to add one other aspect to the

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1 problem of -- about trying to track the problem down  
2 in immigration facilities.

3           You have to understand that the Federal  
4 Government, ICE, has the authority to detain people  
5 anywhere they want in the country. It's not  
6 uncommon for me to find somebody who's gone through  
7 five or six different jails, five or six different  
8 facilities, spreading out throughout the country.

9           And if you have any kind of detainee who is  
10 deemed a troublemaker or who has lodged a  
11 complaint -- for example, I was just speaking to a  
12 man who had lodged a complaint of abuse that  
13 occurred to him in El Paso, Texas. He made the  
14 complaint, and the next thing you know he was sent  
15 over to New Mexico.

16           And then he was bounced back to Texas again  
17 and then back down into New Mexico. And during that  
18 time he was trying to maintain correspondence with  
19 somebody who would address his complaint. And every  
20 time he was transferred, he lost his legal papers,  
21 he lost his documents. He was never able to receive  
22 documents back. He had apparently tried to contact  
23 Washington.

24           So you have this ability to move the  
25 evidence even before it's deported, which prevents

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1 the tracking of complaints.

2 COMMISSIONER KANE: Thank you.

3 MS. ANNE WIDEMAN: One thing I would like  
4 to add, because I haven't heard it yet this morning,  
5 is addressing the idea that immigrants, children and  
6 adults, have often not committed any crime, and  
7 there's no evidence that they're anything other than  
8 settled in their communities that they came from.

9 And I would like to hear as part of the  
10 standards a look at least restrictive environments  
11 for the housing of immigrants who are awaiting their  
12 detention proceedings. You know, we're accepting as  
13 a given that these people need to be in detention,  
14 and I don't think that's a given.

15 MR. BRYAN LONEGAN: To add on to that, the  
16 problem here is the statute that's been developed by  
17 Congress. And from my point of view, Section 236(c)  
18 of the Immigration and Nationality Act is  
19 particularly troublesome.

20 If anyone is convicted of even the most  
21 minor crime after October of 1998, they're now  
22 subject to mandatory detention.

23 And what's happening is, then, this  
24 explosion in the immigration detention population.  
25 I mean immigration detention is the fastest growing

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1 segment of the detained population in America.

2 And it's in large part because of this  
3 statute. And I think that statute needs to be  
4 revisited.

5 There are a lot of people who are being  
6 detained who are not flight risks, who should not be  
7 in detention, and who have never spent a day -- even  
8 if they have a criminal conviction, have never spent  
9 a day in jail. An additional problem.

10 CHAIRMAN WALTON: Commissioner Aiken.

11 COMMISSIONER AIKEN: Thank you,  
12 Mr. Chairman.

13 I think the appropriate definition or the  
14 word for moving people around in the profession is  
15 called "bus therapy."

16 On the other hand, you have people that are  
17 incarcerated, and it does trouble me that they don't  
18 have the level of legal access. Which obviously you  
19 look at a history of even prison systems, that  
20 systemic change usually comes about through a  
21 judicial process. And that's cut off or very  
22 limited.

23 The second aspect of it, which I want to  
24 ask all of you, and especially Dr. Wideman, what are  
25 some of the behaviors, adverse behaviors that can

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1 serve as key indicators of sexual abuse of being  
2 traumatized while in confinement in an immigration  
3 setting? What are some of the complaints? What are  
4 some of the issues that come to you as behaviors  
5 that may be a key indicator that there's some  
6 pathology?

7 MS. ANNE WIDEMAN: There are several things  
8 that may come up. And a lot of it depends on the  
9 particular response that individual has had to their  
10 assault.

11 Some people become overly aggressive.  
12 They -- or they attempt to create space around them  
13 by either appearing very bizarre in their behavior  
14 or very aggressive. So that's one way. If  
15 someone's behavior suddenly changes, that's an  
16 indication.

17 A second indication is a withdrawal.  
18 People start giving away their belongings. They  
19 withdraw from their correspondence. They are not  
20 participating in their jobs anymore. They're not  
21 going out for rec. They're not going for religious  
22 services.

23 A lot of times there are very subtle  
24 physical cues that don't get picked up by medical  
25 staff. A frequent sign is abdominal complaints,

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1 psychosomatic pains, headaches. Many immigrants  
2 come from cultures where emotional distress is  
3 expressed somatically. And it's often the somatic  
4 complaints where you start to find that there's been  
5 an abuse.

6           Something as simple as complaining of  
7 hemorrhoids and anal fissures, which will get  
8 treated with creams, instead of anyone ever asking  
9 the question, has someone been harming you or  
10 hurting you?

11           So -- I mean, just very basic things.

12           MS. SHIU-MING CHEER: And I would also add  
13 that very often the people who have been victims of  
14 sexual abuse also engage in sexually aggressive  
15 behavior towards others. So that could be also an  
16 indicator. Because that's what they've learned,  
17 that's what they've grown up with.

18           So when they're in a detention center, say,  
19 for example, a 17-year-old boy may then start  
20 becoming sexually aggressive towards younger boys.

21           And I think a common problem that we've all  
22 pointed out is that it's very difficult to have  
23 enough contact with detainees and build up enough  
24 trust and enough rapport with them that they would  
25 be able to disclose these facts or even enough trust

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1 and rapport that the attorneys or the paralegals or  
2 the doctors would pick up on these sort of  
3 psychosomatic symptoms.

4 MR. BRYAN LONEGAN: I just wanted to add  
5 one thing to what Dr. Wideman said.

6 The medical staff, I don't know if it's  
7 necessarily that they're poorly trained, but  
8 institutionally there's a lot of pressure on them  
9 not to pursue medical complaints.

10 When you look at the contract that ICE has  
11 with the jails that I go to, for example, the jail  
12 has to eat the cost of any medical attention. And  
13 it's chronically been a problem that they really  
14 reduce medical care to its -- to an absurd level.

15 I had a client who had anal fissures  
16 because he had AIDS, and for that he was given  
17 Motrin.

18 The pressure on the medical staff is to  
19 limit the cost of medical care inside the facility.  
20 And with that, people look the other way.

21 COMMISSIONER FELLNER: I would like to  
22 follow up, Dr. Wideman, on something that you  
23 mentioned in response to Commissioner Aiken's  
24 question.

25 You said that anal fissures and hemorrhoids

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1 can be signs of abuse.

2 MS. ANNE WIDEMAN: Uh-huh.

3 COMMISSIONER FELLNER: Have you been  
4 hearing -- and this sort of comes back to what  
5 Commissioner Kaneb was asking. Even if there are no  
6 statistics or sort of survey studies of prevalence  
7 of inmate-on-inmate abuse, in your own  
8 experiences -- actually, this is a question for all  
9 of you -- representing or working with detainees,  
10 are you hearing, have you heard of stories that  
11 indicate this is happening? Or are you simply not  
12 hearing at all?

13 MS. ANNE WIDEMAN: I'm aware of those  
14 studies from -- I mean, of those stories from  
15 working in the prison system where I would have  
16 long-term relationships with inmates where over  
17 time, you know, they would get a sense of you as  
18 someone who is not going to be reporting things or  
19 making things difficult for them.

20 And typically with the immigrants, you  
21 don't have that kind of relationship. You might see  
22 someone for three or four hours to do an evaluation.  
23 And in that time you're trying to get as much  
24 information as you can about their particular case.

25 And I don't know that they have the

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1 opportunity to develop any kind of those long-term  
2 relationships.

3           One thing The Florence Project had that was  
4 a very nice project was a social worker as part of  
5 the project. And she often was the person who was  
6 able to develop those long-term relationships and  
7 find out about abuse that other people weren't  
8 picking up on.

9           But I don't think many people have the  
10 resources to provide that kind of --

11           COMMISSIONER FELLNER: So in other words,  
12 in your work, you have not heard directly stories --  
13 okay.

14           MS. ANNE WIDEMAN: No.

15           MR. BRYAN LONEGAN: I would -- I mean, I  
16 have to say the same thing. I have not heard  
17 stories of sexual assault.

18           That being said, I can also tell you that  
19 when I meet with detainees, my -- sometimes I will  
20 have as much as a 15-minute conversation, and that's  
21 all, before the person's transferred to another  
22 facility.

23           COMMISSIONER FELLNER: Uh-huh.

24           MR. BRYAN LONEGAN: Sometimes I have  
25 ongoing relationships that last for a year.

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1           But our focus is to provide representation  
2 in their immigration case and not to pursue  
3 detention issues for two reasons -- for several  
4 reasons: Number one is we don't receive any funding  
5 for that. I know that might be a bit of a cop-out,  
6 but we just simply don't have the resources.

7           But, secondly, one of the things we're  
8 really afraid of is if we start pursuing detention  
9 issues, that we're going to be barred from doing the  
10 "know your rights" presentations that we do in these  
11 jails. We're concerned about our access being  
12 limited if we were to start to delve and pursue  
13 these things.

14           So from an institutional point of view,  
15 it's something that we very much want to deal with.  
16 We just don't have the resources or protection from  
17 the government to make sure that that happens.

18           MS. SHIU-MING CHEER: I've only heard one  
19 story of sexual assault in an immigration detention  
20 center. But I would echo what the others are saying  
21 in the sense that I think there's not enough  
22 training, also, given to legal service providers on  
23 how to detect sexual assault.

24           Before trafficking became a widespread  
25 issue, very often our intakes -- we never asked

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1 detainees how they came into the U.S., who brought  
2 them here, you know, was there any kind of  
3 indication they had to perform some kind of sexual  
4 favor in order to come to the U.S. But after we  
5 were trained on looking for trafficking, we then  
6 found many detainees who had been indeed trafficked.

7 So I think if legal service providers are  
8 also trained on how to detect sexual assaults and  
9 taught which type of questions to ask, then we would  
10 be able to see many more incidents of it.

11 COMMISSIONER FELLNER: Thank you.

12 CHAIRMAN WALTON: Thank you.

13 Commissioner Struckman-Johnson.

14 COMMISSIONER STRUCKMAN-JOHNSON: Just a  
15 question John asked me if I knew, and I'll ask Jamie  
16 if she knows, Richard Hoffman, Richard Tewksbury.

17 Is the BJS survey going to go into an  
18 immigration unit?

19 CHAIRMAN WALTON: We're being told no.

20 COMMISSIONER STRUCKMAN-JOHNSON: Okay.  
21 That's what I thought.

22 COMMISSIONER FELLNER: I had just written  
23 down that question to ask myself.

24 COMMISSIONER STRUCKMAN-JOHNSON: So is  
25 there any time to change? Time to add it? A few

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1 million here?

2 MR. RICHARD TEWKSBURY: BJS has indicated  
3 they're considering it for their second year. First  
4 year of data collection they will not be in ICE  
5 facilities.

6 COMMISSIONER STRUCKMAN-JOHNSON: But  
7 they're considering later?

8 MR. RICHARD TEWKSBURY: Yes, ma'am.

9 COMMISSIONER STRUCKMAN-JOHNSON: Okay.  
10 That seems like a really important thing to do.  
11 Because it sounds like nobody can say. It's just a  
12 big suspected -- okay.

13 Thank you.

14 I just want to say thanks for the testimony  
15 here, just concise, detailed, you know, really  
16 important and from all three perspectives. It will  
17 be very, very helpful and certainly eye opening,  
18 kind of shocking revelations. So thank you for  
19 that.

20 CHAIRMAN WALTON: We have a little bit of  
21 time.

22 Let me just ask, Dr. Wideman, because I've  
23 had people say to me, well, if somebody has or makes  
24 a claim that they were sexually abused and then they  
25 are released and they engage in behavior that they

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1 know or should know will put them back in that same  
2 environment, how can their allegations about the  
3 sexual abuse be credited?

4 Because one would assume if it was a  
5 horrible experience, that they wouldn't engage in  
6 behavior that would cause them to end up or  
7 potentially end up back in that same environment.

8 As an expert who looks at human behavior  
9 from a psychological perspective, do you have any  
10 insight on that?

11 MS. ANNE WIDEMAN: The experience of sexual  
12 assault and sexual violence is very disintegrating  
13 to a person's emotional state.

14 And there's a lot of evidence and research  
15 that after a person has been a victim, many parts of  
16 their lives come apart. Having difficulty  
17 maintaining employment, having difficulty  
18 maintaining relationships, having difficulty  
19 maintaining a steady state of mood. All of those  
20 things, especially if the trauma is untreated, can  
21 happen.

22 And so what you have is people turning to  
23 drugs or alcohol, people turning to lifestyles that  
24 reflect their lack of care about themselves, that  
25 end them up in the very places where they were

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1     traumatized to begin with.

2             And it's really a vicious cycle.  So...

3             CHAIRMAN WALTON:  Any other questions?  We  
4     do have a little bit of time.

5             COMMISSIONER FELLNER:  I've sort of been  
6     puzzling with the whole -- the cultural barriers  
7     question.  You have such a confluence of factors,  
8     the cultural barriers, the short amount of time  
9     people may be in detention, and then the fact that  
10    they may be moved around, which makes it difficult  
11    to acquire the insights on a one-on-one basis by  
12    which you might really know what's going on.

13            And I'm trying to -- the cultural barriers  
14    are going to be hard to change.  I mean, that's sort  
15    of there.  The moving around we might be able to  
16    make recommendations about.

17            But I'm wondering if -- other than saying  
18    many of these people shouldn't be detained in the  
19    first place, which I happen to agree with -- I mean,  
20    I think this country tends to incarcerate far more  
21    than is necessary for any legitimate purposes and  
22    certainly in the immigration area.

23            But short of simply having people not be in  
24    facilities where they are at risk, do you have,  
25    also, more practical suggestions for how there can

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1 be better complaint -- self-protective or mechanisms  
2 or complaint mechanisms or oversight which can help  
3 deter abuse or -- let's start with deterrence.

4 Because some of what you've been saying  
5 sort of leads to a dead end. It's sort of, like,  
6 well, where -- what can we do?

7 So I'm wondering if we can focus on what  
8 some of the steps that might be -- you might suggest  
9 be taken, that we might incorporate it as standards  
10 that we insist upon for these facilities that would  
11 help deter or ensure that the impunity that  
12 currently exists doesn't continue to exist.

13 MR. BRYAN LONEGAN: You know, I don't mean  
14 to sound like I'm wisecracking, but it always seems  
15 to me that if you don't want people to be treated  
16 like they're in jail, don't put them in jails.

17 COMMISSIONER FELLNER: I agree.

18 MR. BRYAN LONEGAN: Well, what I'm getting  
19 at is not to just incarcerate them from the first  
20 place, but if -- I mean, one of the realities is  
21 most scholars in the field recognize that you're not  
22 going to have a credible immigration policy without  
23 the threat of detention.

24 But do we have to detain people in jails  
25 where guards are necessarily -- there's a culture of

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1 detention. And it's penological. And that's not  
2 what we're supposed to be doing with immigration  
3 detainees.

4 So maybe we just need to rethink how it is  
5 we detain people to begin with. Maybe they  
6 shouldn't be in the Bergen County jail, the Hudson  
7 County jail, the Passaic County jail. Maybe they  
8 need to be in a specialized facility.

9 Now, I know there are some, and they're  
10 rife with problems, I mean, down south. But I think  
11 we need to do a complete reevaluation as to what  
12 we're trying to achieve in detention and how it  
13 should be done.

14 And it seems awfully simplistic, but...

15 COMMISSIONER FELLNER: No. I think it's  
16 very important. Because, again, as you and others  
17 have pointed out, many of the people who are  
18 currently being placed in these facilities have  
19 committed no acts of violence, have given no  
20 indication that they are -- need to be incarcerated  
21 other than that supposedly they might be a flight  
22 risk.

23 So there are ways to prevent flight by  
24 having secure perimeters, but there's no need within  
25 those perimeters to have it operated as a criminal

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1 facility or facility for people who have --

2 MR. BRYAN LONEGAN: I have to say -- you  
3 know, when I heard Mr. Rodriguez this morning, I was  
4 thinking how I would love to see some of the  
5 policies he was talking about initiated. The  
6 cameras, for example, in the facility, the design of  
7 the facilities I think is part of it as well.

8 Right now the detainees in Bergen County  
9 jail were in a cellblock that was about as large as  
10 this room. It was about 75 detainees. It was  
11 shaped like a trapezoid. And from any part of the  
12 jail, you could see any other. There were no secret  
13 nooks and crannies and there were cameras and that  
14 was a great facility.

15 I mean, it was a -- you know, great as  
16 compared to what I was working in in other  
17 facilities.

18 And then, unfortunately, they moved them to  
19 an older section of the jail where it's filled with  
20 corners and black areas and dark areas and there is  
21 no camera and things just seemed to be going to hell  
22 in a handbasket. And now -- and what was once a  
23 jail that I used to praise I can no longer praise.

24 So I think that there are experts in  
25 prisons. I think they're on the right track and

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1 they might know how to do these things in practical  
2 ways.

3 One of the -- we haven't -- in legal aid we  
4 have a prisoners rights bureau, which,  
5 unfortunately, doesn't have the resources to work in  
6 immigration detention.

7 But when I was preparing to testify here,  
8 they said, ask them for cameras.

9 So I'll do that now.

10 CHAIRMAN WALTON: I think, Dr. Wideman,  
11 you've really kind of commented on what I'm going to  
12 ask now. But one of the hurdles I think any effort  
13 like this has is the attitude of indifference that a  
14 lot of society have about the problem of prison  
15 rape.

16 I think Secretary Hutchinson commented on  
17 that when he made his statement about someone  
18 saying, well, there are people who care about that,  
19 I guess.

20 And I think, unfortunately, that attitude  
21 of indifference is an impediment. And I think one  
22 of the things that we have to be able to do in order  
23 to ensure that what we recommend becomes a reality  
24 is to show that there is a benefit that the greater  
25 society acquires from making sure that this type of

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1 behavior doesn't take place.

2 And if the larger community understands  
3 that reality, I think they become more acceptive of  
4 bringing about change to deter these type of events  
5 taking place.

6 But do you know of any research that's been  
7 done regarding the issue of recidivism and the  
8 correlation between having been sexually abused in a  
9 prison setting and an increased rate of recidivism  
10 as a result of that?

11 MS. ANNE WIDEMAN: There actually are some  
12 studies. And, in fact, Human Rights Watch, in their  
13 survey of different studies done, did find a  
14 correlation between higher recidivism rates and  
15 assault in prison.

16 I can compile some of those for the  
17 Commission.

18 CHAIRMAN WALTON: That would be helpful.  
19 If you know of that, that would be helpful.

20 COMMISSIONER AIKEN: Mr. Chairman, I have  
21 one quick question.

22 CHAIRMAN WALTON: Okay. We have about five  
23 more minutes.

24 MS. ANNE WIDEMAN: I would say just in  
25 terms of setting up standards, from a psychological

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1 perspective, we always want to look at what we  
2 reinforce.

3           And I think that you spoke earlier about  
4 accountability, and where does accountability lie?  
5 And as a warden or a deputy warden or a captain on a  
6 yard or in a detention center, do -- am I  
7 accountable for people who get hurt on my watch, or  
8 is it always the line officer who ends up losing  
9 their job or getting transferred or moving around?

10           Where is the accountability for me as the  
11 executive of my business for people who get hurt on  
12 my watch? And I think that's an important piece of  
13 any standard.

14           COMMISSIONER FELLNER: Very good point.

15           COMMISSIONER AIKEN: All right. I do agree  
16 with you. However, also what usually happens in a  
17 bureaucratic process is when something is going  
18 wrong, we find somebody to get.

19           MS. ANNE WIDEMAN: Yes.

20           COMMISSIONER AIKEN: And oftentimes we  
21 don't look at the systems and relationships between  
22 various systems that are supposed to protect and  
23 ensure that things are done. So we pick people out  
24 instead of looking at big systems and how these  
25 systems interrelate to each other.

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1           My question is probably unfair to you, but  
2 I'll just pose it.

3           I term it as the 800-pound gorilla that  
4 sits in the room, and we don't talk about it. It's  
5 not necessarily the actual physical act of sexual  
6 abuse upon a person, but the impact, the impact of  
7 sexual aggression in confinement facilities.

8           And what's prompted me to say this -- and I  
9 stand corrected with the testimony.

10          We heard testimony this morning about a  
11 graphic act of violence of an officer upon a person,  
12 related to oral sex. And that was clearly stated.

13          But also in that same testimony, at least I  
14 heard that there was a confrontation, fight -- I  
15 think the word was "riot" after this person went  
16 back to that confinement facility and was assigned  
17 to a higher level of security and two inmates were  
18 fighting over who was going to control her. And  
19 that injuries resulted.

20          And I wonder, those acts of aggression -- I  
21 mean, I didn't hear anything about oral sex when  
22 that happened. I didn't hear indications about, you  
23 know, collecting the semen and all of that stuff.  
24 But here is, quote, unquote, riot. Here is injury.  
25 Here is people fighting over an individual that's

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1    been classified and put in this type of housing.

2                   Now, my question is, how big is this issue  
3    of aggression and other side effects of this issue  
4    of sex abuse within confinement facilities,  
5    especially in immigration? Is that farfetched or  
6    does it make any sense at all?

7                   MS. ANNE WIDEMAN: I would say that rape  
8    and sexual assault and sexual abuse are all acts of  
9    aggression and violence and are not sexual acts at  
10   all.

11                   And I would say that they're just part of  
12   the continuum of assault, stabbing, beating. And I  
13   think that we have kind of made an artificial  
14   distinction and view rape as a sexual act when, in  
15   fact, it's an assault. It's a violent physical  
16   assault, and the threat of it is a physical threat.

17                   CHAIRMAN WALTON: Okay.

18                   COMMISSIONER FELLNER: I just want to -- I  
19   think -- I had the feeling that what Jim was sort of  
20   asking more is it goes back to something we talked  
21   about earlier, that you can have violence that may  
22   not on its face look like sexual violence in the way  
23   that forced oral sex is clearly sexualized violence.  
24   But it is still violence, in this case the riot,  
25   that is triggered by or related to abusive sexuality

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1 or abusive sexual conduct in prisons. And I think  
2 that's what he was going -- yeah.

3 COMMISSIONER AIKEN: Yes. The big issue  
4 that I'm trying to determine here is not the actual  
5 act of penetration or whatever, but the intimidation  
6 and the fear and the reaction as a result of a  
7 person's sexuality, as a result of fear of something  
8 like that happening to an individual while in  
9 confinement status in an immigration situation.

10 MS. SHIU-MING CHEER: I would say that that  
11 is fairly widespread. And in the sense that when  
12 you look at people in a situation where they are  
13 powerless, such as people in immigration detention  
14 centers, they tend to want to exert power in some  
15 way against others that they see as even more  
16 powerless than themselves.

17 So often what happens is if a man is  
18 perceived to be sort of effeminate or even  
19 homosexual, then the other detainees will act  
20 towards him in a very aggressive way.

21 And it might not reach the level of sexual  
22 assaults, but very often it's derogatory actions,  
23 name-calling, a whole host of actions that create a  
24 very inhospitable atmosphere for this person.

25 CHAIRMAN WALTON: Okay. Well, thank you

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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