regulatory form and giving more weight to those standards and a greater capability in tracking.

Number 5, I hope that you'll consider increasing the -- recommending increased funding for personnel of detention and removal so they can provide greater oversight, including training and enforcement of detention standards at contract facilities.

As I mention, the greatest problem is just not knowing what is out there. And I think more emphasis upon a tracking system will give this type of oversight that is necessary for safety and security.

Thank you for your work. And I'm delighted to appear before you today.

CHAIRMAN WALTON: Well, Mr. Secretary, thank you for your testimony. I just have one question.

Is there any type of international tracking system that exists whereby individuals who have criminal histories in other countries or in the United States or who are wanted for criminal activity is available for dissemination internationally?

MR. ASA HUTCHINSON: There is only a
limited amount on an informal law enforcement relationship.

I believe that's the direction that we will go, both in terms of protecting our country from terrorists but also in criminal activity.

And so as we have this biometric capability to monitor people who come to our country, other countries are developing the same capacity. And it's a ready-made system that we can use biometrics to identify those on terrorist watch lists but also those with criminal histories.

Now, there is some resistance to that because we want to cooperate internationally in protecting against terrorists, but the international standards on criminal offenses and how those are handled are much in dispute.

So it's handled more on a country-by-country basis.

CHAIRMAN WALTON: Commissioner Fellner, any questions?

COMMISSIONER FELLNER: Yes.

Thank you for your testimony.

I wondered if you could talk a bit more about the problem that you have -- you've talked about the very different population of the detainees
compared to people outside of -- I still call it INS. I'm sorry. I've had a hard time adjusting. But among the characteristics that make them different is not just language, but also cultural backgrounds that make them perhaps not aware of their rights or even more resistance to reporting than may be in the culture in U.S. jails, or different reasons for maybe not having access to lawyers, and they're here a relatively short time, many of them.

So all of these factors make it harder to become aware of staff abuse as well as detainee-on-detainee abuse.

So I wondered what recommendations you have. We're going to be hearing later from a number of people talking about abuses they have experienced and problems in immigration detention facilities.

But what specifically can you say based on your experience for what systems or policies can be put into place to make sure that staff treat the detainees appropriately, and if they do not, that they are promptly removed from positions in which they can continue abusing?

MR. ASA HUTCHINSON: The checks and balances are essential to accomplish that.
I think one aspect of it is the access of the counselors -- consular general's office to detainees that would be from their country.

So as I toured facilities along the border, if you had someone that was coming across the border from Costa Rica, they could not be immediately repatriated across the border. They would be held. And so the consular general's office from Costa Rica would have access to them.

And I think that's important. One, the department encourages it because their cooperation's necessary to get them back to their country.

But that cooperation, the access of the consular general's office is very important. It's a good check and balance because obviously there could be language problems, not necessarily there, but if they're coming from Czechoslovakia, if they're coming from China, there could be language barriers. And the access of the consular general's office is essential to that type of check and balance.

The other aspect of it is simply training. Again, I believe that the Office of Civil Rights and Liberties within the department needs to have the resources so they can go to the facilities. They can make sure that the training is in place, that
the complaints against staff is properly reviewed and that the system is working. So their resources are critical.

COMMISSIONER FELLNER: Thank you.

CHAIRMAN WALTON: Okay. We need to try and get back on time, but if there are other questions...

Commissioner Struckman-Johnson?

COMMISSIONER STRUCKMAN-JOHNSON: Just a quick question.

You said family units right now are typically -- they're separated. What happens, in your opinion, that could set up the possibility of sexual abuse?

MR. ASA HUTCHINSON: Well -- and it varies. There's some facilities that have separate units for family units, but a lot of them are contract facilities, and they all do not have the same capability. So I think that is important because you keep the family unit together, there's obviously a more safe environment.

But if -- if -- you know, in other environments they're simply separated by gender, and then you have just your other protections that are in place.
CHAIRMAN WALTON: Commissioner Kaneb, some questions?

COMMISSIONER KANEB: No questions.

CHAIRMAN WALTON: Commissioner?

COMMISSIONER AIKEN: Just one question.

Thank you, Mr. Secretary, for appearing today.

The first question and only one is the Death in Custody Act.

Are there provisions in the act -- and I can review it if you don't have the answer readily -- that catch the circumstances and the nuances as well as empirical findings surrounding the death in the act? Is that included in the act, such as autopsy reports, et cetera?

MR. ASA HUTCHINSON: There is a -- and in the interest of full disclosure, I was the lead sponsor on that bill, so I do have an interest in it and a background with it.

The requirement is that there has to be some reporting requirement on the circumstances of the death. It is probably that broad. It could be narrowed.

But right now, without that requirement, one, the deaths do not have to be reported and
there's no requirement of the circumstances surrounding that to be reported. It's not specific about an autopsy, but just the general circumstances so that more follow-up can be carried out.

COMMISSIONER AIKEN: Very good. Thank you, sir.

CHAIRMAN WALTON: Mr. Secretary, thank you very much for your presence and your testimony. It will be very helpful to the Commission in our deliberations.

As with all of the witnesses, your written testimony will be made part of the record. And, again some of the commissioners may have follow-up questions. If they do and submit them in writing, I would hope you would respond.

MR. ASA HUTCHINSON: Thank you very much.

CHAIRMAN WALTON: Thank you. Good seeing you again.

Okay. We're going to skip our break that we were scheduled to take now so we can try and catch up on some of the lost time, and we'll proceed with our first panel.

We can have Ms. Little, Mr. Plummer, and Ms. Soto.

Will the three of you please stand and take
the oath.

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

MS. CHERYL LITTLE: I do.

MR. TOM PLUMMER: Yes.

MS. MAYRA SOTO: I do.

CHAIRMAN WALTON: Thank you.

As an introduction, I will note the following:

Our first panel of this hearing will offer one personal account and two accounts of sexual abuse delivered secondhand through the victims' attorneys.

One of the themes that will emerge in this hearing is the isolation of the population of immigration detention and the silencing of their voices as so many detainees are deported following their period of detention.

On behalf of the National Prison Rape Elimination Commission, I am pleased to introduce the three witnesses who will testify during this panel: Ms. Cheryl Little, Mr. Tom Plummer, and Ms. Mayra Soto.
These three witnesses have graciously agreed to share their stories and the stories of their clients with the Commission.

Ms. Cheryl Little is the executive director of the Florida Immigration Advocacy Center and investigated and reported the sexual abuse of female detainees by Immigration and Naturalization Service officers at the Krome Detention Center in Miami, Florida, in 1996 and the year 2000.

Mr. Tom Plummer is a Skadden Fellow and staff attorney for the Legal Services for Children in San Francisco, California, who represented a Honduran boy who was sexually assaulted at an Office of Refugee Settlement shelter.

And Ms. Mayra Soto is a Mexican national and transgender woman who entered the United States in 1989. She was arrested and taken to the San Pedro, California, Immigration and Customs Enforcement detention center in December 2003, where she was sexually assaulted by a corrections officer within days of her arrival.

These accounts will set the stage for the panels which will follow later today, giving context to a number of the issues we hope to address at this hearing.