I would like to extend my sincere thanks and appreciation to the members of our first panel for their willingness to take the time out of their busy lives to share with us their stories.

We would like to begin with Ms. Little.

MS. CHERYL LITTLE: Good morning. On behalf of Florida Immigrant Advocacy Center, FIAC, thank you for the opportunity to testify today. I also wish to submit my full written testimony for the record.

While working at the Haitian Refugee Center, HRC, and more recently at FIAC, I've interviewed countless persons who complained they were victims of sexual abuse while in immigration custody.

In early April 1991 a front-page "Miami Herald" article contained detailed statements from both former Krome detainees and employees, painting a picture of rampant and horrific abuse of asylum-seekers at the hands of U.S. Government officials.

INS' reaction to the public hearing of allegations of abuse was less than encouraging. Two teachers and a nurse who spoke to reporters were dismissed.
One of the teachers who had worked at Krome for six and a half years said, and I'm quoting:

"Anybody who wore a uniform had free access to the women."

In May 1990 the FBI initiated an investigation of criminal misconduct at Krome. When the Miami INS district director was asked in late April 1991 what, if anything, he had done in response to the allegations of abuse, he said he was constrained from doing anything until the investigation was complete.

The district director did acknowledge that Krome was understaffed, guards overworked and that nearly half of them were temporary employees who would receive no formal training. He said that the guards' pay was so low it was nearly impossible to attract the right type of quality person.

Despite the glare of publicity and an ongoing FBI investigation, abuses of detainees continued.

In early 1991 a female detainee said she was raped by a Krome guard in the health clinic. Although immigration officials claimed the guard in question had been removed from working inside Krome, the victim said she had seen him five times since
Concerns were also raised that Krome doctors took blood and urine samples two days after the alleged attack but did not conduct a gynecological exam.

Advocates raised concerns as well about the quality of the broader investigation that began in the spring of 1990. One investigator, for example, had referred to the alleged victims as "the sex ladies" before being removed from the investigation.

In 1991 HRC attorneys were advised that this investigation was completed, but the Justice Department could take up to five years before issuing its report.

The official report has never been made public, and it appears no disciplinary actions were taken or criminal charges brought.

In August 1998 detention enforcement officers wrote a memo of complaint about the treatment of women and children at Krome. They complained, among other things, that criminal aliens and male detainees shared the same restroom with minors, that women and children ate meals in the floor, and that there were only six beds for 39 women to sleep or sit on.
They said that these and many more rights and detention policies set forth by the U.S. Immigration Service were continuously violated at Krome, and they emphasized their hope that by speaking the truth, they wouldn't be criticized or punished.

It has been known, they wrote, that when officers address issues of concern, past practice is to label the officers as troublemakers or whiners. When widespread reports of sexual abuse at Krome again surfaced in May 2000, several of the same guards implicated in the scandal a decade earlier were subjects of investigation. Women told FIAC that sexual misconduct at the detention facility ranged from rape to molestation to trading sex for favors, including release from detention.

The reports of abuse appeared pervasive, involving at least 20 separate allegations against at least 15 INS officers and one public health service officer. The allegations became the subject of four Department of Justice agencies.

The Women's Commission for Refugee Women and Children conducted its own investigation into the allegations of abuse and concluded there was
widespread sexual, physical, verbal, and emotional abuse of Krome detainees, especially women.

Several of the detainees wrote Attorney General Janet Reno telling her, and I'm quoting:

"We are afraid that each time one of us is interviewed by investigating officers, the detention officers are aware of our every move. In addition, some of the women who have given statements have either been transferred or deported to their countries.

Because of these circumstances, some women are afraid to step forward and provide important information."

Detainees who were viewed by guards as "ringleaders" behind the allegations of abuse felt particularly victimized. Two such detainees were transferred by INS to the Federal Detention Center, a maximum security facility in downtown Miami.

As they were booked in, a Krome officer, who three days earlier was arrested and charged with the rape of a Krome detainee, was being released
from FDC on a $50,000 bond. He approached the
detainees, asking what they were doing there.

One of these women remained in isolation at
FDC for 12 days and the other for 13.

During this time they could not call their
attorneys or families, were frequently denied family
visits, had no access to recreation, and were denied
both shampoo and combs. When they appeared before
the Grand Jury, their hair had not been combed in
ten days.

The investigation yielded few results. One
officer was indicted on four charges of sexual
assault on a detainee and faced up to 42 years in
prison but plea-bargained down to just two
misdemeanor charges and was sentenced to eight
months in prison and a year's probation.

A second officer pled guilty to engaging in
a consensual sexual act and was sentenced to three
years' probation. At his sentencing hearing it was
revealed that after he lost his job at Krome, he was
hired at a Florida facility for juvenile sex
offenders.

The company that hired this officer said
that a Krome supervisor had given him a very good
rating and never mentioned the sexual allegations
against him. The judge at the sentencing hearing directed the officer to immediately resign from his new job.

To add insult to injury, after promising to remove the women detained at Krome to a place with safe, secure, and humane conditions, in December 2000, INS moved the women to a maximum security county jail, the Turner Guilford Knight Correctional Center in downtown Miami.

INS officials admitted that some harsher conditions than Krome were acceptable there because of the jail security reasons.

Upon learning of the transfer, several of the women broke down and cried. One of the detainees wrote FIAC:

"We were told that the movement was for our own good. To be honest, the reason we were moved was because the INS male officers could not control their manhood when it came to the women... Why are we being punished again for someone else's sins because that is how it felt about this move."

Ironically, just days after the arrival at
TGK it was reported that some of the women were
sexually harassed by male trustees, prisoners who
were part of the work crew.

As a result, the women were placed in
lockdown whenever a male was in their cell unit.

In announcing the women's move from Krome
to TGK, the INS district director said that Krome
was never designed for detention. It was a
processing center. Just as troubling.

After INS publicly claimed that all but one
of the 36 INS standards of detention put in place to
better protect detainees' basic rights were being
met at TGK, a government review of TGK conditions
for those in immigration custody assigned a final
rating of at risk.

In September 2004 the women were moved from
TGK to the Monroe County jail in Key West, Florida,
and further isolated from their attorneys and
families.

Attempts by FIAC to improve conditions at
TGK were repeatedly thwarted by immigration
officials who directed TGK staff not to meet with
FIAC without their permission.

Although women are no longer detained at
Krome, conditions there remain a concern. Krome has
been terribly overpopulated in recent months, nearly
doubling its maximum capacity of 580 this past
Thanksgiving.

Overcrowding is a chronic problem and
affects virtually every aspect of detainees' lives.

The director of detention operations now
reports to the field office director, who in June
1991 was Krome's deputy administrator. In that
position when he was asked about abusive conditions
by a reporter, he said of Krome's detainees, "This
is not the creme de la creme. You have got scum
buckets here."

This past year FIAC spoke with a Krome
detainee, a transgender, who said that she was
sexually assaulted twice by other detainees while in
the shower at Krome.

She also claims that when temporarily moved
from Krome to facilities in Texas and Arizona
following Hurricane Wilma, she was sexually harassed
by officers there.

Given the climate of fear and intimidation
detainees in Florida have had to endure over the
years, it is remarkable that so many have come
forward to complain. Yet the results are terribly
disappointing.
Detainees have paid a heavy price for sexual misconduct by their jailers and the message to victims is clear: Complain and you are transferred to a remote facility far removed from your lawyer and loved ones or, worse, you risk deportation.

The message to guards, teachers, or others who work within the system is clear: You, too, could risk losing your job and being labeled a troublemaker.

The message to NGOs such as FIAC is clear: Complain and your clients could end up in a jail like TGK, where conditions are far harsher, or in a remote facility where they will have little access to family, friends, and pro bono attorneys.

The message to abusive guards is likewise clear: No matter the seriousness of the abuse, you are not likely to be punished or held accountable for your acts.

FIAC is the only agency that attempts to provide free legal services to detainees throughout Florida in ICE custody.

It has been extremely difficult to document detainee abuses the past few years in large part because detainees have been moved further away from
FIAC's office in Miami.

Moreover, many detainees are deathly afraid
to report abuse, so the accusations in record are,
therefore, likely only a small fraction of the
actual abuses.

FIAC makes its recommendations with a sense
of outrage at the mistreatment of immigration
detainees over the years and frustration with the
lack of government action to remedy the situation.

Yet it also does so in the hope that
official oversight provided by groups such as this
Commission will move the government beyond its
current defensive posture to dialogue with
detainees, detainee advocates, and other concerned
members of the community in order to develop good
faith safeguards that protect the basic rights of
those in U.S. Immigration detention.

Time does not permit me to list our
recommendations at this time, but they are attached
to my written testimony.

I want to thank you so very much for your
interest in this important issue. Independent
scrutiny of conditions in facilities like Krome is
essential to ensure that true conditions are made
public and the cycle of abuse and neglect is broken.
CHAIRMAN WALTON: Thank you very much for your testimony, Ms. Little. I'm sure we'll have some follow-up questions.

MS. CHERYL LITTLE: Thank you.

CHAIRMAN WALTON: Our next witness will be Ms. Mayra Soto.

Ms. Soto, we truly appreciate your willingness to appear before us and your courage in telling us your situation. Thank you.

MS. MAYRA SOTO: Good morning. I would like to take this time to thank you for inviting me to speak.

It is an honor and a privilege to appear before you.

I sincerely hope that my story will help other men and women behind bars who are confronted with sexual abuse.

I came to the United States at the end of 2002 because my sexual orientation and gender identity had made me a target of persecution in my home country.

While in Mexico, I was raped by a fellow inmate while incarcerated in a jail in the state of Guerrero. Tired of fighting intolerance and fear for my life, I left the country.