Mr. Plummer, we don't want to deny you the opportunity to testify, but if you could summarize your testimony as quickly as possible so we'll have some time to ask questions.

MR. TOM PLUMMER: I would be happy to.

CHAIRMAN WALTON: Thank you.

MR. TOM PLUMMER: My name is Tom Plummer. I'm a staff attorney and Skadden Fellow with Legal Services for Children in San Francisco. It's a children's service office that provides social work to lawyers and minors.

In 2001 Legal Services for Children became the first children's law office to represent detained immigrant children.

I was asked to testify to the personal experience of an unaccompanied minor who disclosed allegations of sexual victimization that occurred while he was detained by the Department of Homeland Security.

At about this time last year, in December of 2005, a 17-year-old immigrant boy detained in the San Francisco Bay Area disclosed to our staff an ongoing pattern of inappropriate conduct by a staff person at his detention facility.

The alleged conduct included the staff
person visiting the boy's bedroom during evening bed
checks, sitting in the bed with the boy, touching
the boy on the face and neck, and kissing him.
The boy also reported that the staff member
expressed intimate affection for him and physical
attraction.

After the disclosure by the boy, we
discussed the attorney-client relationship and got
the permission of the boy to share the information
with our social work staff so that a Child
Protective Services report could be made.
Later that week I visited the facility to
follow up with the boy and the facility staff. And
the boy disclosed further details of how the
facility had responded to his allegations.
The boy reported repeated disclosures to
staff members at the facility as much as a month
prior to any action.
He reported telling one staff member a
month prior, another staff member a week prior, and
another staff member a day prior to any action by
the facility.
The 17-year-old boy saw that the facility
wasn't taking any action and felt forced to disclose
his victimization in a house meeting, which required
him to disclose that he had been victimized in front of all of his peers at the facility.

Following the disclosure by the minor, we immediately spoke with the facility and asked that the facility be placed -- that the facility make a Child Protective Services report as mandated by California law and speak with the licensing authority in California.

We also asked that the facility have the staff member, an alleged perpetrator, removed or at least placed in a position where she would no longer be in a position where she would be supervising children.

When Legal Services for Children staff discussed the incident with the facility, some of the doubts expressed in the veracity of the minor's allegations reflected a limited understanding of the experiences of child survivors of sexual abuse.

The responses also seemed to reflect a greater skepticism of allegations where the minor was male and the alleged perpetrator was female.

This young man returned to his home country in January of 2006. While we discussed with him the possibilities of immigration relief based upon his victimization, he decided to go home shortly after
the incident in large part to avoid further
detention.

I would say, just to summarize, my
recommendations on ways to address this, one, Legal
Services for Children doesn't believe that minors
should be held in detention facilities.

I think probably the best way to avoid
sexual assault and other victimization inside
detention facilities is not to detain minors.

We believe that minors should be released
to family whenever possible. And that when they
cannot, that they should be held in the most
family-like environment.

Legal Services for Children also believes
that it's very important that all minors who are in
deportation proceedings and particularly minors that
are in detention facilities have an impartial
advocate and legal counsel.

We think that the Department of Homeland
Security, the immigration courts, detention
facilities need to take into consideration the
particular vulnerability of children and treat them
like children.

They need more than a consular officer.

Many of these children are detained for upwards of
six, seven, eight months. It's only sometimes after
a long period of time that they disclose to us their
experiences of trauma back home.

And so I believe it's really important to
provide these children with a safe place to be. And
the safest place for them to be is with their family
when they have family.

Inside the facilities I think it's
important that there be further training of facility
staff, including staff in Immigration and Customs
Enforcement and the Office of Refugee Resettlement
about appropriate responses to children who disclose
victimization and the experiences of children who
have been the victims of sexual assault.

CHAIRMAN WALTON: Thank you very much.

Ms. Soto, the second time that you were
detained and you felt that you should not have been
placed in that type of facility at that level of
security, what was the nature of the offense that
you were charged with there that resulted in you
being detained in that facility?

THE INTERPRETER: She doesn't know the
charge.

CHAIRMAN WALTON: But it wasn't a violent
offense?