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?
MS. MAYRA SOTO: No.

CHAIRMAN WALTON: Okay.

Commissioner Struckman-Johnson?

COMMISSIONER STRUCKMAN-JOHNSON: Thank you, all of you, for coming today and, Ms. Soto, the tremendous courage and quick thinking and telling your lawyer and just staying with -- just staying courageous throughout and not giving up. Thank you for that.

This is all very hard to hear, and it just makes me -- this Commission was in Florida. It makes me think we need to go back to Florida. We were there and we probably walked around and we were told that things were pretty -- you know, everybody working on everything, and here we were right next door to really awful things.

So anyway, thank you for coming forward.

So Ms. Little, you said you had no time to give a recommendation, but for the purpose of everybody here, could you do one or two for us of what first things to do, at least in Florida.

MS. CHERYL LITTLE: Yes.

First of all, I was delighted to hear Mr. Hutchinson's recommendations. I suspect his recommendations might be taken more seriously than
mine or my colleagues by people in Washington. But I think in my testimony one of the things that I kept repeating was how good officers were punished rather than rewarded and how little ability victims of abuse had to make their case and how likely they were to be punished.

I do think that officers who work for immigration should be properly trained. They should be properly paid. They shouldn't be working ridiculous hours. They shouldn't be working in overcrowded conditions.

And I'm very concerned about the grievance committee -- the grievance procedure that currently exists within the immigration system.

I'm repeatedly told by clients, look, you know, I'm afraid to complain because if I do, I'm afraid I'll be punished.

And lots of them tell me, if I do complain, my complaint is thrown in the garbage can. Nobody is taking it seriously.

And that's why I think that oversight is so important.

I also believe women in immigration custody comprise a relatively small percentage of the total ICE population, and they're especially vulnerable to
abuse. And I think it is inappropriate to house them in many of these facilities where male officers have easy access to them.

And, you know, repeatedly, you know, we have been told that deportation -- even deportation officers have propositioned women whose cases they're in control of and told them that if they want to be released, then they need to comply with their demands.

And detainees in immigration custody are especially vulnerable because their jailers hold the key. You know, whether or not they're detained, where they're detained, whether or not they're transferred, whether or not they're eventually released -- it's all up to ICE officials.

And so I just think that oversight is absolutely critical.

I have been very disappointed that the INS standards that the ABA worked so hard to put in place are, frankly, being ignored in so many of the facilities in Florida.

I've given up trying to convince immigration officials to properly implement standards. And as I say -- you were also concerned -- I am concerned about complaining these
days because I'm concerned that things will get
worse for my clients.

And I can tell you that recently we had a
meeting scheduled with the administrator of the
Broward transitional center, which is in Pompano,
Florida, where a little over 500 detainees are being
held, many of them asylum-seekers. None have
criminal histories, to the best of my knowledge.

And the day before the meeting I got a call
from the administrator saying that an ICE official
had found out about the meeting and said that the
meeting could not go forward without their
permission despite many, many attempts by us to get
that meeting scheduled.

And it was a meeting that everybody -- I
mean, the administrator wanted it, we wanted. It
was to try to find out how we could better serve the
immigrant population there. It took us over three
months to get that meeting rescheduled.

So I am concerned that advocates are too
often viewed as the enemy.

I think that we have a lot in common with
ICE officials. I mean, if we're -- if we talk to
detainees and we can advise them about their basic
rights and perhaps they don't have a case, they may
say, well, you know, I'm better off just being deported and getting this over with.

So I hope that that whole culture changes over time.

CHAIRMAN WALTON: Thank you.

We're supposed to be starting our next panel in about two minutes. But if there are other questions, we obviously welcome those.

Commissioner Kaneb.

COMMISSIONER KANEB: Very small question, hopefully short answer.

Are detainees typically able to avail themselves of the court system? I understand the answer is no except in a civil proceeding; is that correct?

MS. CHERYL LITTLE: Well, those in ICE custody aren't entitled to an attorney. And the statistic I last saw was roughly 80 percent of those in immigration detention are without an attorney.

If you have an attorney, you're far more likely to get asylum, for example.

Was that your question?

COMMISSIONER KANEB: I guess it's -- I'm trying to keep it short. Maybe we could talk at a recess. I just want to understand the question of
is an ICE detainee typically allowed to be represented by a lawyer and is --

MS. CHERYL LITTLE: No. They have no right to a free attorney.

COMMISSIONER KANEB: Free attorney. Okay.

MS. CHERYL LITTLE: Right. Now, if they can --

COMMISSIONER KANEB: And so the idea of them getting into court is unlikely if they can't afford an attorney.

MS. CHERYL LITTLE: No. I mean, they -- many detainees go -- you know, attorneys do have their so-called day in court, but more often than not they're unrepresented. And the government has an attorney arguing that they should be deported. So in many ways the cards are really stacked against them.

COMMISSIONER KANEB: Okay. But there is, however flawed, access to the court system. Even if you don't have an attorney, you can go in yourself or something like that.

MS. CHERYL LITTLE: Yes.

CHAIRMAN WALTON: It's a tough row to hoe for a person to go into court pro bono. But I guess that always is a potential, but it's tough.
MR. TOM PLUMMER: And I would say particularly so when the person's 15 years old and doesn't speak English and has been the victim of trauma in their communities and in their families, in their country of origin.

And so I think if we were going to start with a humane approach to deportation proceedings, I think it would start with the most vulnerable immigrant population. And I think the Commission should consider that perhaps children might be amongst them.

MS. CHERYL LITTLE: I completely agree with that.

COMMISSIONER KANE: Ms. Little, Mr. Plummer, I did not mean to infer, because I do not believe that simply having some theoretical access to the court system -- if you have an attorney, if you don't have an attorney -- is adequate. I just want to understand.

Thank you.

CHAIRMAN WALTON: Commissioner Aiken.

COMMISSIONER AIKEN: Thank you, Mr. Chairman. Just a brief comment.

I just want to personally thank you for -- all of you for appearing today, as well as I do
acknowledge all of you and your courage to challenge
the process and bring it forth so that we can look
at some systemic as well as other processes for
necessary change and development. And I just want
to say personally thank you.

CHAIRMAN WALTON: Commissioner Fellner?

COMMISSIONER FELLNER: I also wanted to
thank you.

(In Spanish.)

I had two questions, which I don't think,
because of the pressure of time -- but one I wanted
to ask.

Cheryl Little, if you could say something
as to whether the standards -- granted, they're not
being implemented. But do the standards that the
ICE has now for detention have any specific
standards that address sexual abuse, responses,
complaint mechanisms, anything that address any of
this cluster of problems we've been talking about?

And if we don't have time here, we could
talk later. I would like to understand a little bit
more about that.

And, Tom, I wondered whether or not you
have a sense from your work whether abuse -- sexual
abuse of children in ICE facilities either by other
children or by staff is isolated instances or is it a more pervasive or systematic practice -- problem, whether your work has given you any insight into that.

MR. TOM PLUMMER: I think the speaker that started us out this morning saying that he couldn't get ahold of those statistics, I definitely don't have any information.

COMMISSIONER FELLNER: But just in a sense.

MR. TOM PLUMMER: I would say that knowing the background of the children in these facilities and knowing their experiences of sexual victimization, often many of the clients that are coming to the facilities -- who are coming to the United States are fleeing something. And often it's abuse and it's trauma.

And so any child that's had a traumatic childhood I think is more likely to have behaviors that make it difficult for them to be in a group detention facility, including -- so I think that there's probably a likelihood of minor detainees when they're housed together, that not being the best environment to protect them from pure harassment and assault.

I don't have any -- other than this
particular incident of a brave 17-year-old boy, I've never had another client come forward and share information like this.

COMMISSIONER FELLNER: Thank you.

CHAIRMAN WALTON: What was the basis for your client's detention?

MR. TOM PLUMMER: Coming here without permission.

COMMISSIONER FELLNER: And do you have anything to say about the ABA standards?

MS. CHERYL LITTLE: In the interest of time, perhaps I will meet with you.

COMMISSIONER FELLNER: Great. Thank you.

CHAIRMAN WALTON: Okay. As with the other witnesses, your written statements will be admitted into the record. I'm sure we have some follow-up questions. I know I do. And I would hope that when we submit those to you, you'll respond to them.

Thank you very much.

MS. CHERYL LITTLE: Thank you.

CHAIRMAN WALTON: We'll take a five-minute recess. Literally, a five minute recess.

(Off the record from 10:50 a.m. to 10:58 a.m.)

CHAIRMAN WALTON: Okay. If we can