be looked at when developing strategies and policies
to prevent rape in immigration detention centers.

CHAIRMAN WALTON: Thank you very much for
your testimony. I neglected to have this panel
sworn. So could you please stand?

Do you solemnly swear or affirm that the
testimony you have presented or will present during
this hearing will be the truth, the whole truth, and
nothing but the truth, so help you God?

MS. SHIU-MING CHEER: I do.
MR. BRYAN LONEGAN: I do.
MS. ANNE WIDEMAN: I do.

CHAIRMAN WALTON: Thank you.

Mr. Lonegan.

MR. BRYAN LONEGAN: Yes, Judge. Thank you.
I would like to thank the entire Commission
for not just inviting me here today, but for
actually investigating expanding the scope of your
investigation into immigration detention.

In the world of U.S. prison industrial
complex, I think immigration detention is akin to
the neglected child of an already dysfunctional
family.

I had a statement prepared, and I'm going
to forego that after the powerful testimony of the
CHAIRMAN WALTON: We'll make that a part of the record.

MR. BRYAN LONEGAN: All right.

But there were just a couple of things I wanted to discuss that were raised in previous panels.

First of all, I should tell you that I actually represent oftentimes the bad guys in what you're looking at. I represent criminal aliens. These are persons who are being faced with detention and deportation because of their criminal misconduct.

Now, as a criminal defense attorney, I thought I couldn't represent a more despised group until I started representing just immigration criminal aliens. Even within the immigration rights community, this is a group that people would prefer would just go away.

But notwithstanding the moniker "criminal alien," the problem is that that's such a broad category.

My clients can run the gamut between somebody who's been convicted of a violent rape to somebody who is being deported for jumping the
One turnstile of the New York City subway system. So in actuality, the most severe cases of -- the people who are the most violent are actually not coming through my intake process. They're actually being held in the prisons in Upstate New York and are being deported from those prisons as part of a program instituted by ICE. Most of the people I'm representing have really small or limited criminal convictions, usually petty larceny. Fifty percent of the times it's going to be because of a drug problem.

That being said, there are some who come through with -- who -- well, last week, for example, ICE rounded up 45 people as part of Operation Predator, which is a special program ICE has to look for people who have been convicted of sex crimes.

Now, the problem with Operation Predator is that it casts a very wide net, includes the person who may have jumped out of the bushes and attacked somebody. But it also includes people like the one client I had who eight years before had been convicted of sexual abuse of a minor. He was 18 and the girl was 15.

And he was picked up by Operation Predator, reporting to his probation officer, and he was
actually -- because of his offense, he was deemed an
aggravated felony, he was ordered deported. The
kicker here was that at the time of his hearing, the
victim was his wife and the mother of his two
children.

So the Operation Predator program can
sometimes be misleading.

That being said, when those people were
detained last week, they were all held in the same
jail with the people who were jumping the
turnstiles, people who were there for shoplifting or
drug offenses. And I interviewed some of them. And
some of them were clearly dangerous individuals and
some of them clearly not.

The point is, is that within the jails that
I work in northern New Jersey, there is no way to
distinguish potential violators from the people who
would be violated.

One thing I wanted to address was
Commissioner Kaneb's question about access to the
courts.

The immigration detainees, for the most
part, will at some point see an immigration judge.
But the immigration judges have absolutely no
jurisdiction over the conditions of their detention.
They can't -- they -- I can go to a judge and complain that somebody's being beaten. There's nothing the judge can do about it.

The only access to address complaints would be through a civil complaint, a prisoner complaint typically in federal court or sometimes state court. There's a law review article cited in my testimony, by Margaret Taylor, which discusses the problems behind that.

I mean, generally speaking, the bottom line is, is that it's even harder for an immigration detainee to seek redress in the court system for abuse complaints.

Additionally, I don't -- the facilities I work in, the three jails I work in in northern New Jersey are not particularly isolated. They're far away from where I work, but they're not isolated.

One of the problems, though, is that for the entire city of New York, I am the only free nongovernment attorney visiting these jails to discuss various issues with them; not just conditions, but mostly my job is to focus on providing them with advice and assistance in their immigration deportation case.
So the point being that there is very, very little external oversight over these jails that operate on government contracts.

I think one of the things that I found most hopeful today was to hear Secretary Hutchinson say that he endorsed the idea of making the detention standards into regs. I almost fell out of my chair. I was ready to get out and call home and alert the media.

I mean, this is just an amazing development that I would really hope this Commission would embrace because ICE is incredibly resistant to this, with this kind of perverse bureaucratic thinking that somehow it's going to make it harder for them to address conditions.

The standards are already inadequate, but they're a lot better than what exists, which is nothing.

And, just frankly, I've had detainees who went from the criminal portion of the jail to the immigration detention center of the jail, and they said it was night and day. They were less fearful when they were in criminal custody than in immigration custody.

Because the general feeling they felt was,
you're all going anyway. I mean, if ultimately you're going to get deported, then we don't have to worry about what we do to you because who are you going to complain to? There's no lawyers here, you can't get to court, and you're all going to get kicked out in the long run.

And there's some truth to that. And that's -- I think the major problem is that there's a certain sense of impunity. Finally -- I don't mean to beat up on ICE. I think that they have an incredibly hard job and they're not being given adequate resources. I think part of the problem is that Congress decides to pander, for a lack of better terms, to public attitudes and is constantly seeking to escalate enforcement without providing ICE with the necessary resources to do it properly.

But not -- beyond that, it's also -- in terms of the criminal deportation issue, the deportation of lawful permanent residence because of crimes, they completely have overreached and they've given ICE an almost impossible task.

And I think part of the problem is for Congress to get a little bit more realistic on what they expect to do in this realm.
But that being said, I am not -- ICE recently issued a statement saying that they were going to -- or they've implemented a new oversight body or they're beefing up their oversight of the detention facilities.

I'm not sanguine about that. Just -- and I'll conclude with this just brief story. But last week I went to the Bergen County jail.

And when I got there, the guard said, oh, are you the ICE inspector?

And I said, no. I put that to rest right away. But then the ICE inspector came.

So I thought to myself, great. Here's a great opportunity for me to introduce myself, open up a channel of communication. I stuck out my hand, introduced myself, he grunted and walked away.

During the three hours that we were both in the immigration wing of the jail, I saw him inspect the facility rather thoroughly, looking at the showers, the toilets, the cells. He was talking to the guards, reviewing paperwork. At no time did he ever speak to a detainee.

And, in fact, when I spoke to detainees at the jail, they said, oh, ICE comes here all the time, but they never come to speak to us.
So I'm not very hopeful about this new
program.
Rather than continue to jabber on, I think
I'll just pass the microphone. Thank you.

CHAIRMAN WALTON: We appreciate your
testimony, but what Congress does to ICE is what
they do to Article 3 courts also.

MR. BRYAN LONEGAN: Yeah. Exactly.

CHAIRMAN WALTON: Ms. Wideman.

MS. ANNE WIDEMAN: Hi. My name is Dr. Anne
Wideman. I'm a clinical psychologist. I live in
Arizona.

And for the past seven years I've worked as
a volunteer for Doctors of the World Human Rights
Clinic and The Florence Immigrant and Refugee Rights
Project. And in this capacity I've met with dozens
of both adult and child immigrants in various
detention settings.

Additionally, I've also spent a lot of my
career working in prison settings, including a
forensic state hospital. And I have a background --
I have been the clinical director of a rape crisis
center, working with sexual trauma victims.

And the thing that I know is that sexual
violence thrives in shadows. If you look at all the