very much, as with all the panels, for your
presentation. It's very helpful and will
contribute, I think, significantly to our effort to
address this problem.
We'll recess until a quarter to 1:00.
Thank you.

(Recess taken from 12:02 p.m. to
12:51 p.m.)
CHAIRMAN WALTON: Okay. We're ready to
resume. The other commissioners are on their way.
But to try and stay on schedule, we will get
started.

Our next panel will address strategies for
preventing and responding to sexual violence in
immigration detention facilities.
Would 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. REBEKAH TOSADO: I do.
MS. CHRISTINA DE CONCINI: I do.
MS. ILIANA HOLGUIN: I do.
CHAIRMAN WALTON: Thank you.
I would like to welcome our next three
witnesses: Ms. Rebekah Tosado, Ms. Christina DeConcini, and Ms. Iliana Holguin, who will discuss strategies for preventing and responding to sexual violence in immigration detention facilities.

Currently, the Department of Homeland Security has standards that govern all immigration detention facilities and review immigration and detention enforcement facilities for compliance. In addition, both the Department of Homeland Security, their Office of Inspector General, and Office of Civil Rights and Civil Liberties reviews complaints of abuse in detention facilities.

The experts on the panel will discuss the existing mechanisms for ensuring safety and accountability in immigration detention facilities and help the Commission to understand how its standards can build on these efforts.

In addition, the panel will discuss the importance of providing access to advocates on the outside and will describe the legal orientation program run through the executive office for immigration review.

Ms. Tosado is the director for review and compliance in the Office for Civil Rights and Civil

She has responsibility for overseeing the resolution of all complaints filed with the office alleging abuses of civil rights, civil liberties, and profiling based on race, ethnicity, or religion by employees and officials of the Department of Homeland Security.

Ms. DeConcini is director of policy at the National Immigration Forum and former director of Public Education and Advocacy at the Catholic Legal Immigration Network, who has a long history of advocating for the legal rights of immigrants and refugees, including negotiating with the INS and the Department of Justice about the need for detention standards.

Ms. Holguin is the executive director of Diocesan Migrant and Refugee Services Incorporated in El Paso, Texas, which represents the legal orientation program to immigrants detained at the El Paso Service Processing Center and at the two contract facilities in New Mexico.

Please join me in welcoming and thanking each of these panelists for the time that they've taken to be with us here and to provide assistance
to the Commission as we address this very important issue.

At this time we will first hear the testimony of Ms. Tosado.

MS. REBEKAH TOSADO: Mr. Chairman and Members of the Commission, I'm Rebecca Tosado. I'm director for review and compliance for the Office for Civil Rights and Liberties in the Department of Homeland Security.

I would like to thank the Commission for the invitation to speak with you today on this important topic. I'll be providing a summary of my written testimony.

I would like to state at the outset that I'm here to provide information as well as to listen and learn. And I've already learned a great deal, and I'll be taking back a lot of this information to my colleagues at DHS.

The Homeland Security Act established the position of officer for civil rights and liberties within the Department of Homeland Security. The mission of the office is to assist the dedicated men and women of the department to secure the nation while preserving our freedoms and our way of life.

Our office is able to accomplish this in
part by providing proactive legal and policy advice
to the departmental components on a wide range of
issues as well as investigating and resolving
complaints that are filed by members of the public.

In -- a given day in ICE detention -- ICE, as you know, is Immigration and Customs Enforcement, the component of DHS that is charged with the
detention of immigration detainees.

There are approximately 26,000 individuals
in detention. Individuals are housed at ICE service
processing centers which are owned and operated by
ICE, contract detention facilities and
intergovernmental service agreement locations
throughout the U.S.

The department is aware that sexual assaults may occur within any detention environment
and is committed to preventing and responding to
rape and sexual assault within immigration
detention.

We understand that there must be a
framework of protections in place.

My office, in particular, plays an
important role in DHS's response to rape and sexual assault in immigration detention, particularly
because of the complaint mechanisms that we offer.
ICE detention centers are also subject to investigations by the OIG, which is the Office of Inspector General, and the general accounting office.

ICE facilities are also open to the UN High Commissioner For Refugees, also known as UNHCR, and the American Bar Association. These organizations enjoy collaborative relationship with ICE and report concerns to ICE.

ICE has also taken a number of proactive steps and has policies in place to address the serious issue of sexual assault of detainees.

In October 2006 ICE issued a directive to all offices -- all field offices that information regarding sexual assault awareness be available and posted to detainees on all of the facilities.

The information which is contained in a poster and also in pamphlet describes what sexual assault is, that it is not to be tolerated, and what a victim can do to seek protection care. And what actions ICE needs to take in response, or the local facilities staff.

This information must be prominently displayed at all times in common areas of the facility and is to be available in both housing
units and in libraries.

I provided Members of the Commission a copy of the pamphlet with my written testimony.

ICE also has plans to translate the pamphlet into other languages, and my office will be assisting in that effort.

ICE, as you know, has a number of detention standards in place that are part of the framework to prevent assault and sexual assault in detention environment.

Significantly the classifications standard limits detainees -- limits their exposure to persons that have a history of violate offenses. The classification standard is one that must be enforced.

There are a number of other standards that are important -- important to point out. And suffice it to say that our office is involved in making sure that the oversight and implementation of the detention standards is in place. And that is quite a task. As you've heard, there are 26,000 ICE detainees in custody right now.

I would also like to note that if an ICE employee is involved in any incidence or allegation of sexual assault or rape, the employee can be
immediately placed on administrative leave and terminated upon a proper finding of misconduct. My office believes there should be continued oversight and monitoring. In addition, there must be continued efforts to provide prevention in immigration detention facilities, such as through the classification of detainees. There must be mechanisms to complain and to follow up with such complaints, such as investigations, and there must be an appropriate response from the government officials. As -- in concluding the summary of my testimony, the issue of sexual assault and detention of any kind is a serious and complex issue, as you well know, and I'm beginning to learn more about today. Department and -- continues to take steps to prevent sexual assault in immigration detention. The department and my office continue to be available to respond to this issue with the goal of ending rape and sexual assault in any immigration detention facility. Thank you.

CHAIRMAN WALTON: Thank you very much. Ms. DeConcini?