

Maria Hinojosa Statement

Thank you very much for asking me to speak today at TK panel of the US Commission on Civil Rights. As someone who chose to become an American citizen and therefore takes my civic duty very seriously this is in a fact a highlight for me. I am deeply honored.

Today I will share with you what I saw and heard during the lead up to the production of the PBS Frontline Lost In Detention during a yearlong process in 2010-2011.

One of the first meetings we had to discuss the conditions of detention was with Dora Schriro, then NYC Commissioner of Corrections and formerly at DHS. While at DHS, she had taken on an internal review of the detention facilities now sprouting up in many states almost overnight. Her concern was with oversight specifically of the conditions of detention. She was intrigued and concerned by what she had seen when as the Commissioner of Corrections for the state of Arizona, she visited some detention centers in her state.

Commissioner Schriro told us that she noticed the men were cramped, they were outdoors in direct sunlight, they were wearing different colored jumpsuits and the population was all mixed. There were barbells on the grounds and no supervision. They were exposed to the heat outside and inside, she saw a population, she said, that looked depressed and desperate. They were gaunt and withdrawn.

I remember she said it appeared that because they were immigrants, they were different than regular prisoners. They were different but the guards and the people running the place were treating them like convicted felons. But they also understood that they *were* different than regular prisoners. They were not being held under the Bureau of Prisons. So whose purview were they being held under? Who had their jurisdiction under their purview? And if this was ICE, Schriro told me she worried because neither ICE nor DHS was set up to be running detention and therefore did not have the experience or infrastructure to run centers holding large numbers of people. As someone who has a doctorate in corrections, these core questions troubled her.

As a journalist, the most important tools I have at my disposal are my eyes and my ears. Today, I will tell you what I saw and what I heard with my own eyes and ears. I will also say that as a journalist who has been committed to telling untold stories often about invisible communities, reporting on people behind bars has been an issue of importance for me. The biggest hindrance to reporting on one of the fastest populations in our country has always been access. If we can't see or hear for ourselves, how can we as reporters do our job of telling these stories?

From the beginning, the issue of access to the detention centers became a point of contention.

In her research, Dora Schriro told me she had uncovered several troubling pieces of information. The detainees were very often being housed without any clear sense of requirements for their care. Many of the detention centers had troubling conditions but one in particular stood out. The Willacy Detention Facility in Raymondville, Texas.

We wanted to tell the story of Willacy but up until the very last minute it was unclear if we would be granted access. This was incredibly frustrating. If abuse was going on, wouldn't DHS want to know about it?

After her visit to Willacy, Schriro requested questionnaires from all detainees to understand how they saw the conditions of their detention. She also asked for all prisoners to have their weight checked. She was concerned because of how skinny the detainees appeared. If they were not feeding the detainees enough, then what else could be going on? (Later it was discovered that all detainees at Willacy had lost an average of ten pounds during their detention.)

We began to search out people who had been detained at Willacy. One young woman we met in Austin named Maria told us that at night she was sexually assaulted by a guard who touched her while she slept. She told us that after reporting the event because she was traumatized, she was deported to the Mexican border. But within hours she told us that ICE realized they had, in her words, deported her by mistake and so they picked her up and took her back to detention.

When I interviewed her after being released for over 6 months, she still appeared to be greatly affected by her experience. Maria said things that stood out. She said they knew that someone was visiting from the outside when they smelled something cooking. Otherwise, they were hungry most of the time. The food was cold or often spoiled. Baloney sandwiches over and over again. There was a strong degree of specificity in her complaints. The women might be given just one sanitary pad per day. This was just not enough she said. When they ran out of toilet paper, the women would have to soil their undergarments. She talked about detainees being humiliated by guards who would deny them pads or toilet paper. She said they weren't allowed access to a water fountain. They had to ask to drink water but the water tasted like sulfur so often they would go thirsty. She said depending on the guard or their mood they may or not be able to drink water.

Maria talked about the temperature. It was either freezing or too hot. There were no windows. The structure was like the inside of a large low ceiling circus tent. There was one window but there was a red line around it that kept you two feet away. If you stepped too close to the window to see outside you could get punished by the guards. She told me about the rats they used to watch from their bunks. We were so bored we gave them names and that is how we entertained ourselves she told me.

Maria talked about feeling very ashamed and so the stories of her assault, mistaken deportation, hunger, humiliation, and fear were ones that she kept to herself.

Just before we finished the interview I asked Maria if there was anything else she wanted to share. She paused. She told me about how she had nightmares about one event that reminded her of a movie she had seen. Inside her unit they had uncovered bedbugs. She said they told the women to strip their beds of everything and put everything in the middle of the floor. Then they were told to strip naked and told to stand against the wall for the showers that provided no privacy.

Maria looked at me and asked if I had seen a movie called Schindler's List? She said, I felt like I was in it. A long line of silent, scared, naked women, taunted by guards and waiting in lines...

We also spoke to Andre who was a victim of another sort of abuse that our producer had heard from other former detainees. The concern was over medication of detainees. We had heard that one way to combat the desperation of detainess

Andre had been inside close to two years and suffered from bipolar episodes and inside, also became depressive. Andre who was from Jamaica and NYC told us about witnessing guards beating up detainees on several occasions. He said they took them between the circus tent pods where there were no cameras at night and beat detainees. He said one time they rounded them all up into a larger room and corralled them like cattle. He said they were insulted by the guards and told they had no right to expect to be treated any better because in the end they were "illegals". He told me they were constantly being verbally insulted by the guards and threatened with immediate deportation if they complained.

Andre was also hungry. Because he had been there so long he had found a way to get money wired. But Andre too spoke about the rats. They would get into the drawers under the beds and steal their food from the commissary. Andre told me about once seeing a detainee fighting with a rat over his food.

Andre ended up getting over medicated for his mental illness. He was given pills and he was asleep for 36 hours. At some point during that time Andre fell off of his top bunk and fell on his head on the concrete floor. He broke his eye socket bone and his testicle ruptured. He filed complaints and was finally released. Andre said many of the guards were Hispanic and that he grew to hate them.

But we heard how even getting letters out was being manipulated. We were told that letters routinely were held and not sent out.

Another woman who had now been deported back to Canada (but leaving her children behind in Florida) told us that she had been assaulted by a guard in an empty room in Willacy. He touched her breasts and genitals and threatened her that if she spoke out she would receive retaliation. When she asked another guard what she should do, the guard told her the *safest* thing would be to keep quiet. This woman was traumatized and filled with shame. She only spoke to us without showing her face because she was embarrassed and full of

shame. She signed for her own immediate deportation because she was afraid of the guard. She would never be able to come to the US to see her children again by signing the order. She cried throughout the interview.

We also spoke to a former guard who said she had witnessed a guard and a supervisor beating a detainee who had answered back to an insulting guard. She was told to take the badly injured man and put him on the first plane back to be deported Guatemala. She quit soon afterwards because of an unsafe work environment.

Again, to remind everyone...we believe that in the US there is due process and minimal legally binding standards for holding criminals. But these do not exist for immigrants in detention. So the detainees I spoke to have no access to lawyers, most were unclear why they were being held, many did not have a phone call in a timely matter. There is no way to Mirandize an immigrant detainee.

They exist in a separate legal system. If the pilgrims arrived now, this is the system that would process them. Not the Immigration and Naturalization Service. Instead, Immigration and Customs Enforcement.

Before we were allowed to see Willacy, we were taken to the Orange County jail where several blocks were being used to house detainees. DHS and ICE explained that this less restrictive detention style was being piloted. These were large pods that opened up into green areas and where the men could play ball and at least see the sun and smell fresh air. This was in total contrast to what we had heard about but not yet seen in Willacy. The men here were anxious to tell us their stories. Here I began to hear from people who were being held even though they had green cards. The men were from everywhere, not just Latin America. Here they complained about the lack of privacy and the over crowding but not of hunger. This may have been because they were being housed with a jail population and the guards had more experience and also because it was county run and not privately administered.

We went on a ride along with the LA sector of ICE as they executed two orders of detention. I was concerned that all of their clothing said POLICE in large block letters but ICE was smaller in comparison. I understand that it is illegal to impersonate a police officer in our country. These are immigration agents

and not police. Also, they do not have warrants to enter people's homes but once they do, they have the right to ask anyone for their papers.

We had been told by the agents that these apprehensions could be very dangerous and violent. They said these men might have gang affiliations. But in the end both men were middle aged day laborers. They were detained without incident. I witnessed how they coerced a person to let them inside the door to their home.

At the Krome facility in Miami, the population was more agitated and we heard more complaints of bad treatment. Whenever detainees came to speak to me the PIO looked at their wrists and then looked up their case. As they complained about being mistreated by guards the PIO would say, "But didn't you sell drugs 5 years ago?" as if to imply that their crime made their complaints invalid.

On a ride along we saw how detainees getting ready to be flown back to the DR were shackled hand to foot to waist and were led onto the plane by machine gunned escorts. The lines of heavy shackles laid near the nose of the plane.

Finally because it was clear to DHS that we were going forward with our story on Willacy we were finally granted access. The first thing we were told was that we were not allowed to speak to any detainee and that if we did speak to any detainee we would be immediately escorted off the premises. As a American journalist I felt muzzled.

Inside we saw a massive structure that seemed to go on for two long city blocks with many rooms to each side. Each room held about 50-80 men more or less. There were no windows at all. Though many of the population spoke Spanish we were taken to room filled with men from India, Pakistan, or Bangladesh. We could only guess since we weren't allowed to speak to anyone. The men seemed agitated. Desperate.

In the cafeteria I saw baloney sandwiches and some canned fruit and beans. There was a sense of keeping your head down and just following orders. I was told to walk in the lines of walkways for non-detainees. In the women's pod outside the massive concrete building, I saw the circus tent structures. There was the red line around the window to keep them from looking outside. There

was the guard with the cups for the water. There was a complaint box but it was nailed shut. There was no way to even file a complaint.

The atmosphere was similar to a maximum-security prison but this was only a detention center for immigrants.

The women clearly wanted to speak with me but again I was denied access. Some were lying on their beds sleeping. They were all on their beds. No one was speaking to each other. I remember seeing some were crying.

DHS allowed us to speak to two detainees they picked out for us-one male, one female. Both said they had been hungry, both said they had not been allowed outside, both said they had never been told why they were being held and when they might be released. Both were desperate to leave.

Dora Schriro focused on Willacy because a social worker who heard about several cases of sexual assault communicated this to her supervisor offsite and this became known to Schriro who flew down immediately when the rape cases came forward.

We heard the story a detainee who was raped and because she filed a complaint she was deported within days of the assault. But these were detainees were telling their stories to a social worker they had come to trust. There were accusations of a cover up and retaliation against detainees who were speaking to the social worker. Our whistleblower is Twana Cooks Allen. She was the one who told us about the constant complaints of detainees who were anxious, dejected and worst, lived in constant fear. She heard stories of guards pressing detainees for sexual favors for food. She heard of beatings and of reprisals. She had heard the complaints about food and couldn't believe her eyes when a detainee brought her a napkin with a scoop of food (oatmeal, rice, beans) and when she opened up the napkin it had squirming live maggots. And this is what detainees were expected to eat. She was the one who heard (in one day) from at least 8 women saying they had been sexually assaulted or raped by guards. That is when she got the information out to Commissioner Schriro.

In the end our Frontline uncovered a pattern of abuse inside the detention centers that spanned from withholding food and medical care to beatings and sexual assault.

As a journalist these have been the most disturbing stories I had heard about the conditions in which people are being held in our country and by our own government.

The role of the journalist in our country is to shine light where there is darkness. It is the role of society to take that information and act on it to remedy the harm.

I wish I could sit here and tell you that in the years since our Frontline and after our years of reporting these stories of abuse on LatinoUSA, that today things are better.

But on the celebration of Martin Luther Kings Birthday just this year my worries were yet again confirmed. Things may have slightly improved in a few of the immigrant detention centers but overall, the conditions have not gotten significantly better across the board. Unfortunately, those on the front lines of this issue are increasingly children and their mothers, many who were fleeing to the US just one year ago and ended up in detention.

Two weeks ago I met with 3 separate women from Honduras who came to the Bronx with their children and spoke to me about their fear and anguish as they were held in what they called La Hielera in detention centers in South Texas. La hielera means the ice box. They told me they were held wet and cold and with no real blankets. The guards joked with them to not ask for any more air conditioning, taunting them about the very cold conditions. They said they got three micro-waved burritos a day and that the water tasted like sulfur and was almost undrinkable.

They did not complain about sexual assault but they did say they were kept hungry, cold, unable to wash or to see the sun and without a clarity as to why they were being held and when and how they could get released. These are stories from just months ago.

A GAO audit subsequent to our film, and initiated, in part, in response to the film, found that ICE had received more than 200 allegations of sexual abuse between 2009 and 2013.

I believe some day in the future people will look back at this moment and how our government treated its own and we will wonder how it happened. There is so much shame tied to these experiences of being humiliated that as a journalist it is hard to get people to talk about this.

On the other side, a detention industry and with immigrants being the fastest growing group behind bars, we have a closed door policy. Government run centers are slow to open their doors. Privately run facilities can insist they don't have to open them to the press-ever.

With shame and access shut down we don't hear enough of these stories and we should.

They define this moment in the long history of our country and its complicated relationship with immigrants of every sort.

For this I thank you for listening and for asking.