

Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Education
July 5, 2016

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC), Subcommittee on Education convened for its weekly meeting on Tuesday, July 5, 2016, via teleconference from 12:00 P.M. to approximately 12:45 P.M.

Attendance:

Subcommittee Members Present for the Teleconference:

- BethAnn Berliner
- Anadora Moss
- Michelle Brané

Others Present:

- John Amaya, Deputy Chief of Staff, ICE; Designated Federal Officer (DFO), ACFRC
- Andrea Washington, Special Assistant, ICE

Opening Remarks:

Chair BethAnn Berliner confirmed that all members of the subcommittee were present for the teleconference, and she acknowledged ICE staff on the line.

General Meeting:

Beginning the discussion with a recap of the subcommittee Chairs call, Chair Berliner said the meeting primarily focused on the fact that Committee members are still awaiting the additional information requested from ICE. She said ICE staff is working hard behind the scenes to figure out where the snag is and to communicate that information to members. The Chair said she was hopeful that ACFRC DFO John Amaya would provide the group with more details on the holdup.

Chair Berliner said the delay has raised a number of concerns, key among them being that draft recommendations are currently still due August 1. She said all of the subcommittees are on a continuum as far as how deeply they have been able to dive into drafting recommendations and reviewing standards and best practices. The Chair stated that the Subcommittee on Access to Counsel and Language Services feels the most stalled in the process, and Chair Jennifer Nagda said the group is very reluctant and uncomfortable making recommendations without the additional information that has been requested. Chair Berliner said the Subcommittee on Access to Counsel and Language Services is considering writing a short letter to ICE stating that the group cannot move forward with proposing anything until they receive the materials that have been requested.

Michelle Brané said she could see where the legal subcommittee was coming from, commenting that she has strong thoughts about what issues need to be addressed in the detention management bucket and that those thoughts could be helped with further information. Ms. Brané added that she believes the education piece of the subcommittee's recommendations is strong, but she wondered if the group should craft its own letter in regards to more information on detention management. Chair Berliner said the group did not have to decide on writing a letter at this meeting; the subcommittee could wait to see what language the legal group puts together, and then decide if they want to craft their own or sign on to what is written. The Chair said she is very supportive of the Subcommittee on Access to Counsel and Language Services writing a letter, though she felt their group was on a different continuum.

Vice Chair Anadora Moss, weighing in on the issue and giving a partial readout of her visit to the Berks Family Residential Center (Berks), said she believes some of the subcommittee's recommendations are obvious good ideas, and there just needs to be enough evidence behind them. However, the Vice Chair said she is very uncomfortable with the lack of knowledge the subcommittee has in quite a few areas when it comes to detention management and even in education. She said the visit to Berks did not lend itself to an assessment, and she was disappointed that a teacher from the county education department was not available to talk about curriculum or answer more in-depth questions. The Vice Chair said in terms of the reports she has read, some of the biggest concerns are safety and trauma-informed systems, but the subcommittee has not had the exposure or information necessary to provide the level of analysis required to address those concerns. For example, she said, in order to make recommendations about orientation, members would need to see the orientation materials and know that those materials are actually used. She continued that from a detention management standpoint, she would not feel comfortable recommending some of the things she normally would after doing a full assessment because many of those recommendations would be based on assumptions. Vice Chair Moss said she would be okay making high-level recommendations, like recommending a real sexual assault safety assessment of the facility, but nothing more in the weeds. She stated that there are just more documents and interviews that need to be done to verify and strengthen the group's recommendations.

Chair Berliner agreed, saying that the subcommittee still does not have a real idea of what the classroom experience is like for children at the family residential centers (FRC) or what is being done to prepare them for transition to another learning environment. She added that she was saddened by the fact that there was not a teacher available to take questions at Berks.

Vice Chair Moss said the subcommittee needs to decide what level of recommendation can be made that everyone feels good about and that can lead to the next level of discovery and recommendation. She said it just depends on what meets the group's mandate within the information available. Chair Berliner said it would be a heartbreaking outcome for such a talented, committed group of professionals to come together and produce a report that just says better data is needed and does not include concrete recommendations. She stated that everyone on the Committee was asked to lend their expertise to come up with recommendations so that the families in detention until the laws change are getting better quality service and care, adding that she would feel professionally irresponsible to just say there needs to be more research. Vice Chair Moss said she understood what the Chair was saying and stated that all she was suggesting

was that the subcommittee might make recommendations that have next steps to strengthen them.

Chair Berliner said she thinks as a whole, all of the subcommittee Chairs are at a bit of a loss on how to move forward without the additional information and without understanding across the three groups how to create a whole cloth document. She stated that she has repeatedly brought up the issue of confirming agreement on granularity and format. At this point, she continued, it seems like the subcommittees could end up with recommendations that are so high-level that they are not helpful.

The Chair then transitioned the conversation to Vice Chair Moss's report on Berks. The Vice Chair told members she emailed an initial draft of her readout a few minutes into the teleconference, but she would highlight a few issues on the call.

Vice Chair Moss informed the group that bed checks still happened at Berks, and they occurred every 15 minutes; staff shine a flashlight on the floor or the ceiling. She noted that a ruling from the State of Pennsylvania on this practice is forthcoming.

She said each room holds two families, and she thinks the rooms are large enough where an inexpensive security wall or waist-level partition could be put in place to separate the families and provide a boundary and some sense of safety.

Ms. Brané asked if there were any fathers at the facility, and Vice Chair Moss confirmed there were only mothers with children at the FRC at the time of the visit. Chair Berliner said on the Chairs call, Subcommittee on Access to Counsel and Language Services Vice Chair Dora Schriro voiced her feeling that there has not been a definitive answer about fathers with children at Berks or their trajectory after release.

Vice Chair Moss said she was present when Vice Chair Schriro asked the question about fathers with children, and she thought the answer was unsatisfactory. She stated that the incident made her think more broadly about institutional knowledge at the facility, pointing out that in order for Committee members to receive responses, they had to ask the exact right question to the exact right person to get an answer. Vice Chair Moss said it would be her recommendation that facility administrators become more oriented about all the operations in their facility, and the management teams gain a working knowledge about how everything weaves together. She said she would suggest an executive-level orientation for the management teams so they are more engaged in operations.

Ms. Brané stated that she believes part of the problem is that the policies around family detention are always changing, and they can change on a whim. She said this makes it tricky in terms of framing recommendations and suggested that the subcommittee might have to use language that notes some recommendations are for the circumstances as they were presented at the time. Vice Chair Moss said other facilities struggle with changing policies as well and to her that means there needs to be a process in place for messaging changes to staff and understanding the circle of impact for those changes. Ms. Brané said this could be an item addressed in the detention

management section of the subcommittee's matrix. Chair Berliner said a recommendation that calls for some kind of integrated management team could be a fix.

The Chair then followed up by asking the Vice Chair if members were able to get a definitive answer on the length and range of stay at Berks. Vice Chair Moss answered that the one family she spoke to said they had been at the facility for eight months along with two months at one of the FRCs in Texas.

On the issue of food, the Vice Chair stated there were more concerns about the food than at the other facilities and shared a story about a young boy who said his family is concerned about his little brother only drinking chocolate milk. Vice Chair Moss said in the debrief after the tour, members of the management team explained that they have made accommodations in regards to the food and working with the different cultural needs. Ms. Brané stated that she was not surprised that families complained about the food. She said there are multiple studies showing that kids not eating or having issues with the food is directly linked to the fact that they are detained; it is a psychological issue.

Continuing her readout, Vice Chair Moss said overall she was not surprised by anything on the tour. She was pleased to see the recreational facilities, variety of religious services offered, the availability of field trips, and staff interaction with the families. The Vice Chair said she did not feel the security presence the way she did at the Texas FRCs. She added that she felt the psychologist at Berks really cared about the work he was doing with the families, though she was curious about his reporting that mothers do not respond to support groups as well as individual therapy. Vice Chair Moss wondered whether there were cultural differences that impacted mothers' responses to these kinds of groups. She also said she did not see much diversity in the staff at the facility, commenting that it would be good to get a gender and race breakdown of employees at all of the FRCs.

The Vice Chair concluded that she would be adding more to her Berks readout and seeing what additional thoughts are triggered.

Chair Berliner thanked Vice Chair Moss for giving the group a glimpse of the visit. She then asked Special Assistant Andrea Washington if DFO Amaya was available to provide the subcommittee with an update on the requested materials. Ms. Washington responded that the DFO had momentarily stepped away to speak with the legal subcommittee.

Chair Berliner, moving the conversation to the group's matrix, said it appeared Vice Chair Moss had added some thoughts and might have more to include around detention management following her visit to Berks, and Ms. Brané's additions would be coming in the next couple of days. Chair Berliner stated that the subcommittee still needs to have a discussion about what recommendations need to be reworked, taken out, or fleshed out more. She added that at some point she will also have to input citations, given that the other subcommittees are in strong agreement that everything should be cited.

The Chair then informed the group that she would not be able to participate on the July 19 call due to her work schedule. Vice Chair Moss asked Ms. Brané if the July 19 call could be detention management specific, and Ms. Brané said that was a good idea.

Circling back to the requested information, Chair Berliner said the delay in receiving the materials has left subcommittee Chairs of two minds. She stated there was a visceral reaction to want to postpone the deadline by a few weeks, but there was concern amongst the Chairs that pushing the deadline could hinder the likelihood of the recommendations being realized under the current administration.

DFO Amaya, having addressed the legal subcommittee, then gave the group a brief update on what was going on with the requested information. He informed members that there were some components in ICE that needed to review the materials, but were skipped in the initial review process. Because of this, items had to be kicked back down the review chain, causing a lag in getting the information to the subcommittees. Those components had now reviewed the documents, and DFO Amaya said he planned to complete his review and clearance in the next 48 hours.

Chair Berliner asked if the deadline for a complete set of draft recommendations was still August 1. DFO Amaya answered that ICE is open to modifying the deadline as necessary, given that members have not had the full time committed to them.

The Chair asked if there were any further questions, and there were none.

Adjournment:

The subcommittee adjourned at approximately 12:45 P.M.