

## Summary of Conference Call

U.S. Immigration and Customs Enforcement  
Advisory Committee on Family Residential Centers  
Subcommittee on Education  
August 2, 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, August 2, 2016, via teleconference from 12:00 P.M. to approximately 1:15 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 every subcommittee member was accounted for, and she acknowledged ICE staff on the line.

### **General Meeting:**

Chair Berliner kicked off the meeting by briefing the group on highlights from the subcommittee Chairs call, mostly focusing on the tentative timeline for the remainder of the drafting schedule and for the next full Committee public meeting. She noted that the public meeting potentially be a two-day meeting.

Michelle Brané asked if the meeting location had been confirmed. Special Assistant Andrea Washington responded that the location is still to be determined, but it will most likely take place in Washington, D.C.

Chair Berliner said the Chairs did not get a chance to discuss the recent documents and additional responses received from ICE, but they were able to start a conversation about tone, citing, recommendation structure, reducing duplications, and the detention management piece; no concrete decisions were made on any of these issues.

Chair Berliner stated that Leslye Orloff, Chair of the Subcommittee on Medical and Mental Health, circulated a draft set of her subcommittee's recommendations so others would have a sense of what direction their group was going in. Chair Berliner said the set was totally different from what the Subcommittee on Education was doing, and she spoke up to make it clear that their group could not move forward in the same manner, particularly the level of problem

description and citing in the document. The Chair said she explained that their group was simply focusing on the aspects of education and making recommendations, and she offered to share a draft of their updated recommendations charts so the other subcommittees could see what they are planning to do.

Ms. Brané said she could understand why the medical group would write their recommendations in the format described; however, she agreed that the format being used by their subcommittee was more appropriate for their subject area. She added that it might be helpful in terms of cohesiveness for the group to write a paragraph or two at the beginning of the recommendations that lay the groundwork for why members crafted the recommendations they did.

On the topic of citations, Chair Berliner expressed concern about how much citing it seemed the other subcommittees thought needed to be done. She reiterated that the Subcommittee on Education was in a different place and might not need such heavy citing. As an example, she said a recommendation like full-day school does not need to be cited, though a recommendation about using a specific assessment tool would be an item to cite.

Vice Chair Anadora Moss suggested that someone with less background in education or detention management could have more questions and additional context and citing could be useful in making recommendations easier to understand. Chair Berliner said the group could go back and add in more detail as needed.

The Chair said a bigger problem facing the subcommittee is making sense of all the information the group received a month before the draft deadline. She said there is incomplete information, contradictory information, and information that varies at the three family residential centers (FRCs), and there is no real evidence that what was provided on paper is what is really taking place at the FRCs. The Chair stated that one of the group's main charges now is undertaking the process of reworking a bunch of their previously drafted recommendations, if members opt to take the new information at face value.

Vice Chair Moss asked if the group received anything in the materials from ICE related to staff development and training, noting that she did not see anything, but maybe she missed it in the documents; Ms. Brané said she did not remember coming across anything in the material. Vice Chair Moss said this information was a really important piece for her. She said the degree to which staff understands the population it is working with is key, and in order for her to put together recommendations around the issue, she needs a fuller picture. She stated that a disconnect for her was the difference between stories from long-term advocates and those critiquing FRCs and what ICE provided in the documents. Using the low numbers of grievances as an example, she said after reviewing all of the FRC handbooks, she could see why that is the case because the handbooks are not easy to follow. Another leg in that stool, the Vice Chair continued, was the level of staff training there is to work with the population in FRCs.

Chair Berliner said it was her understanding that the subcommittee had received everything—documents and responses to questions—but she asked Ms. Washington if she could clarify the status of any additional documents. Ms. Washington confirmed that the subcommittee had received all the material it should expect to get.

Ms. Brané, circling back to the grievance issue, said there are very few grievances filed directly by residents, but there are quite a few collections of grievances filed by advocates to the Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL).

Vice Chair Moss then walked the subcommittee through the number of rules and processes outlined in the different FRC handbooks, commenting that she imagines it is hard for residents to fully comprehend all the contents. She said the handbooks are good as resource documents, but they should be improved upon to be less overwhelming.

Ms. Brané said she thought the Vice Chair outlined some good suggestions in her email summary about the handbooks, particularly her idea about looking into different formats for sharing information. She said over the years, advocates have talked to ICE about videos and other formats, so she thinks it is a doable item. Ms. Brané said she also liked the ideas about creating a comic book for kids and posting more information on posters/signs in the FRCs, which ensured a multifaceted approach to providing information. Vice Chair Moss agreed that it should be a multilayered approach, remarking that none of these ideas by themselves would be a silver bullet.

The Vice Chair continued that she did not think the recommendations the group has been discussing are things that have not been suggested before. She expressed concern about putting forward recommendations that ICE career staff would look at and say they have already been tried or they are already being done. She said it would be nice along the way for ICE career staff to respond to some of what the subcommittee has been working on. Ms. Brané concurred, adding that it is possible there have been legitimate reasons for some recommendations not being implemented in the past. She said it would be good to know what some of those reasons have been so the group could work around them. Ms. Brané asked if review from ICE career staff is something that has been worked into the schedule. This kind of review would allow members to take that feedback and adjust recommendations accordingly, she said.

Ms. Washington said it was not currently in the schedule to have ICE career staff review draft recommendations, but she would run the question up the chain and come back to the group with an answer.

Chair Berliner cautioned that she did not believe it was the subcommittee's charge to get into the weeds of how recommendations are operationalized. She said the group could stand by some of the recommendations on the grounds of morality, ethics, and dignity. Ms. Brané agreed, but said she thinks that if things are impractical for some reason, it would be good to know that in advance so that it can be worked around.

Shifting the conversation to the subcommittee's reformatted recommendations document, Chair Berliner pointed out the discrepancy in the availability of infant/toddler childcare at the FRCs. She said the Berks County Residential Center (Berks) does not provide childcare, while the South Texas Family Residential Center (Dilley) and the Karnes County Residential Center (Karnes) do provide childcare. Ms. Brané stated that she would look into it and confirm, but she believes some of the difference lies in under what circumstances childcare is provided at Berks.

She thought childcare at Berks was only provided for approved reasons, such as when a mother is having a legal proceeding.

Chair Berliner asked if the group believed that infant/toddler childcare should be provided at all of the facilities upon request from a parent, whether a parent needs to attend a legal meeting or wants respite from a child. The Chair said she thought it was a justifiable recommendation, but she wanted to see how members felt. Ms. Brané said she thought the group should check into what the current state of childcare is at Berks before making a recommendation. Vice Chair Moss stated that during the tour of Berks, staff talked about giving mothers breaks by doing activities with the children and taking kids on trips. She said she thought Berks staff would feel that informally, they are doing some form of childcare, but she figured the Chair was talking about a recommendation that is much more formal. Chair Berliner said she was suggesting something formal, noting that at Dilley and Karnes members saw designated facilities for children 4-years-old and younger that had childcare providers.

Ms. Brané said she thought the conversation led to two separate questions, and that might be why the issue was confusing. She stated that one question is whether there are traditional, licensed or qualified childcare centers available at all, which she was not sure about at Berks; everyone saw the facilities at Dilley and Karnes, she said. She added that the issue could be license compliance, which could explain why things are slightly different. Ms. Brané said the second question is how accessible childcare facilities are for mothers and whether mothers are restricted in how they can use the facilities, e.g., only for official legal meetings. She continued that she knows there are restrictions to a mother asking another mother to watch her child so she can take a nap due to liability issues.

Chair Berliner came back to her question about if the group agreed that there should be infant/toddler childcare provided at every FRC upon request from a parent, not solely restricted for official meetings. Both Vice Chair Moss and Ms. Brané agreed.

Ms. Brané then said the discussion made her think of the broader issue of how the subcommittee should approach the differences in policies and procedures—both written and unwritten. She asked if there should be language at the beginning of the recommendations that note they are at various stages of being implemented or not implemented.

Vice Chair Moss said she thought it was an interesting question in terms of what ICE's expectations are around core practices that are non-negotiable that every vendor needs to consistently provide. She added that there are also baskets of things that are vendor-specific.

Chair Berliner said in the absence of good, complete, verifiable information, she thought the group should make recommendations that members can stand by as just good best practices for all FRCs and call out where there are discrepancies.

Vice Chair Moss said there is danger in making the process too hard. She said the subcommittee cannot cover everything, and a different approach could be to focus on the top issues in education and detention management. The Vice Chair stated that given the lack of information, it is unlikely that the group could get into the weeds, but it could still craft substantive

recommendations. She questioned if members could see a recommendation that would state that in the core areas of practice, it is important for there to be consistency across the FRCs.

Chair Berliner said what she was hearing was that there was agreement that there should be some introductory language and a set of caveats that make it clear to readers that members did not have enough good, current information to determine how well the recommendations are or are not currently carried out. She said she would mention it to the other Chairs to get their feedback.

The subcommittee then discussed combining two of its topic areas to create one topic on parent information and education.

Coming back to the issue of the handbooks, Chair Berliner said she thinks there needs to be a recommendation about making revisions and updates to the handbooks, noting that there is very little information about education included in them. She said she was not sure if that recommendation would fit under the header of detention management or be a separate box on its own. Ms. Brané said she thought the recommendation fell into the detention management category, but she did not think it would be a bad idea to cross-reference it in other sections where it applied.

The Chair informed the group that she reworked some of the text in the document to avoid watering down the intent, particularly in some of the instances where training is discussed.

Members then talked about including a recommendation that training protocols are put into place and outlining the results that should come from them. Vice Chair Moss noted that it is hard to fully formulate training recommendations without having seen what is actually being done in this area. She said she was waiting on more material to flesh out the training section, but given where things are now, she will just move forward with what she has and her expertise to beef up that portion of the group's set of recommendations.

Chair Berliner moved the conversation to the issue of accountability for contractors to ensure they address infractions and are public about where the weaknesses are so they can get the appropriate assistance. The Chair said she did not feel the group went far enough in that section of the recommendations. Ms. Brané agreed, and she added that the group should call for monitoring that goes further than just checking off boxes; the monitoring should also include a focus on whether or not best practices are being followed.

Wrapping up the call, Chair Berliner thanked everyone for their feedback. She said she would clean up the group's recommendations chart and send it around, noting that she would also share it with the other Chairs to jumpstart the process of getting everyone on the same page as far as format.

With no other items to discuss, the Chair adjourned the meeting.

**Adjournment:**

The subcommittee adjourned at approximately 1:15 P.M.