

Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Education
July 19, 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 19, 2016, via teleconference from 12:00 P.M. to approximately 12:45 P.M.

Attendance:

Subcommittee Members Present for the Teleconference:

- Anadora Moss
- Michelle Brané

*Chair BethAnn Berliner was not able to join the call due to work commitments.

Others Present:

- John Amaya, Deputy Chief of Staff, ICE; Designated Federal Officer (DFO), ACFRC
- Andrea Washington, Special Assistant, ICE
- Angel Duff, Executive Assistant, The Moss Group

Opening Remarks:

Vice Chair Anadora Moss conducted a short roll call and noted that Angel Duff, her Executive Assistant, was also listening in on the teleconference.

General Meeting:

Vice Chair Moss began the meeting by stating that she wanted to talk through the potential basket of topics that need to be addressed under the umbrella of detention management. Prior to the start of the call, the Vice Chair shared a list she created of possible issues, which included the following topics:

- Initial resident orientation
- Sexual Safety and PREA compliance
- Clear understanding of accountability measures – Danya, ICE, vendor, etc. (related policy review)
- Operational recommendations i.e. rounds at night time, privacy panels in housing, food service, cross gender supervision practices
- Data
 - Length of stay
 - Staff break down – gender, race
- Investigative practice – mapping the process of a grievance or allegation of rule violations or abuse
- Communication of key parties – integration of management practice

- Review of resident movement practices
- What property is provided? Toiletries, clothes, commissary

The Vice Chair told Michelle Brané that the meeting would be a good opportunity for the two of them to decide what is missing or what needs to be added to this list. Vice Chair Moss said once there is agreement on what topics should be focused on, it should be easier to write recommendations on the issues.

Ms. Brané said that based on an initial look at the list, she thought the issue of who is at the family residential centers (FRCs) was still a missing piece, though it might fit just outside of the operational bucket. She said who is housed in the facilities (mothers vs. fathers), how it is decided that families should be in detention, and what differentiates the families in detention from the families that are not detained still need to be looked into and thought out.

Vice Chair Moss said that when thinking about recommendations that would benefit FRCs across the board, she still has not had a chance to see the orientation materials, which would be key to her. Ms. Brané said she did not recall seeing orientation materials in the batches of information provided by ICE, though she had not yet reviewed all of the information. Vice Chair Moss said she also had not had an opportunity to go through all the materials yet.

Revisiting a previous conversation about a potential in-person subcommittee meeting, Vice Chair Moss said she wondered if it would be possible for her and Ms. Brané to have an in-person meeting just for the two of them to focus on fleshing out the detention management recommendations; they are both located within close proximity in Washington, D.C. Ms. Brané said she thought that would be a good idea and added that she would be willing to have the meeting at ICE headquarters, if that would make it easier for the ICE staff that has to be in attendance. Vice Chair Moss stated that she would be willing to meet at ICE headquarters as well. Special Assistant Andrea Washington said when ICE raised the question of an in-person subcommittee meeting a few weeks ago, the response received from the Federal Advisory Committee staff at the Department of Homeland Security was that there would need to be strong evidence that the subcommittee's work just could not be done over the phone; the group would have to show why it absolutely needs to meet in-person. Ms. Brané pointed out that when the subcommittee initially brought up the idea, it included all of the group members, which would have meant flying Chair Berliner out from California. She asked if no cost was involved, would the same rules apply. Ms. Washington said she would pose the question up the chain and circle back with the subcommittee.

Pivoting back to the list of detention management topics, Vice Chair Moss said she still feels that women at the FRCs are very uninformed about what it means to be living in a facility, despite staff feeling that they are doing all they can to educate the women. She pointed to a conversation with a legal intern during the recent tour of the Berks Family Residential Center (Berks) and said she believed it was really lose in terms of women being able to access legal resources. The Vice Chair stated that the Subcommittee on Access to Counsel and Language Services will take up the issue as it relates to legal needs, but she thought this spoke to the level of communication the women receive when they are in detention. She said she was certainly interested in language access, in particular during orientation. Ms. Brané said language has been a consistent problem

at the FRCs. She acknowledged that it is a challenge, noting that interpretation is difficult in some of the languages spoken by families in the best of circumstances.

Vice Chair Moss then said she would take on the responsibility of combing through the ICE documents and reviewing anything that might be orientation material as well as any training material related to both residents and staff at the facilities.

Vice Chair Moss, shifting the conversation to calls that could be useful for the subcommittee, asked if she needed to provide the name of the ICE Prison Rape Elimination Act (PREA) coordinator she talked to at a recent auditor training in order for ICE staff to set up a call that would be specific to questions about PREA. Ms. Washington answered that Vice Chair Moss should email the staffer's name. The Vice Chair also mentioned that while touring Berks, the director of the residential center offered to organize a call with the school administrator, who was not on-site the day of the visit. Vice Chair Moss said she was not sure if Chair Berliner wanted to follow through on this offer. She added that both of these calls would likely need to be part of the standing weekly meeting to avoid having to schedule additional calls. Ms. Washington agreed that it would be easier to have these individuals participate in the regular meeting.

Moving to the issue of PREA and grievances, Vice Chair Moss said she thought having a reporting culture is complicated in the FRC setting. She said it is not an indictment of staff at the FRCs; it is just a daunting environment for women to feel safe enough to report something. The Vice Chair said she found it remarkable when the director at Berks said there had not been a grievance filed in several years. Ms. Brané stated that lack of grievance filings is actually quite common in immigration detention. She said part of it is cultural and part of it is fear of retaliation, whether real or perceived. Ms. Brané said staffers at the facilities have often stated there is nothing they can do about the perception of retaliation, but she believes there are some things that could be done to alleviate situations that appear to be retaliation to residents. She said once people start perceiving things a certain way, it is hard to turn that perception around.

Vice Chair Moss said she was profoundly impacted by the cultural barriers to reporting she discovered a few years ago while conducting sexual safety assessments at non-family ICE detention centers. She said she understood that staff is trying to do the right thing and noted that it is important for staff to be trained on the pathways of the women in detention and what they have experienced. Ms. Brané added that with children included in the mix, the circumstances become that much more complicated. Vice Chair Moss said she believed the action item from this portion of the conversation was to hone in on the training initiative for staff and the resident orientation to really set the cultural norms around reporting.

The Vice Chair then stated that on the issue of accountability measures, ICE has gotten better. However, she expressed concern about the fact that there are a lot of different entities involved when an allegation or complaint is mapped out. Ms. Brané agreed that there has been some progress on how reports are handled, though she said she is not comfortable with the current practice, and she does not feel that Committee members have really had an opportunity to pin down the steps that are taken when an allegation is reported. She added that what is often on paper is very different in practice.

The Vice Chair, remarking on the investigative practice bullet point in her list, said a tool that has been used is mapping—showing where an allegation goes and the decision points when there is a complaint. She stated that it is not a complicated exercise, but it is a day where all of the right people are in the room to thoroughly walk through the process of how an allegation is handled. She said she has never done the exercise where a component in the process is not surprised by what another component does or does not do in the decision-making chain. The Vice Chair said the subcommittee likely does not have the time necessary to do the mapping itself, but it could make the recommendation and provide examples of how others have completed the project.

Ms. Brané said she thought the group should also make some kind of recommendation about monitoring or reviewing that includes a child welfare aspect. She said there are a lot of issues that stem from having adults and children mixed together. Vice Chair Moss said she would add this to the list of topics.

The Vice Chair asked ICE if there was a simple way to find out what property is provided to residents to ensure that they have the core items they need, like clothing and toiletries. Vice Chair Moss said she knows that at some correctional facilities it is up to faith-based community groups to supply these types of items. Ms. Washington confirmed that clothing is provided to families, but said she would follow up with the group regarding toiletry items. She said faith-based groups and other non-governmental organizations have brought clothing to families in detention. Ms. Brané said there are restrictions on what faith-based groups can bring in, and it would be good for the subcommittee to look into that issue as well. Vice Chair Moss added that another issue with faith-based groups is that if volunteers do not show up to a facility for whatever reason, then residents end up going without those items until someone can make it.

The Vice Chair informed Ms. Brané that while at Berks, she did ask a question regarding the clothing policy and its relation to a sexual assault case that occurred at the FRC. She was told that the policy was already in the works prior to the case.

Vice Chair Moss asked Ms. Brané if she could look through the list and see what else she might want to add. Ms. Brané said a potential addition to the operational recommendations could be a revision of the Family Residential Standards. Vice Chair Moss said she has also been thinking about the standards, but she does not believe the subcommittee has the capacity and time to study them enough. Ms. Brané agreed that there is not enough time to make concrete recommendations, but said the group could note that it believes there needs to be revision to address some of the broad themes in family detention.

The Vice Chair asked Ms. Brané if she knew where the subcommittee could find a list of the different entities that are in and out of the FRCs when it comes to accountability measures. She said she would feel good if the group had this list, and it defined the role of each entity. Ms. Brané answered that she did not believe this list existed. The Vice Chair said it would be good to know the full universe of entities that are looking into the centers, including what roles the different contractors and Berks County play in monitoring. Ms. Brané added that she would like to know how Child Protective Services is or is not involved with not only monitoring, but also the investigative process. The Vice Chair said it would be interesting to see a graphic with FRCs

in the middle and all the accountability stakeholders around it along with the communication plan behind it.

Vice Chair Moss then asked ICE staff if there was an easy way to get data on staff demographics and length of stay for families in the FRCs. DFO Amaya said the agency is way below the timeframe imposed by Judge Dolly Gee, but exact stats on length of stay change every week and the issue is part of ongoing litigation; he doubted that information would be shared. Ms. Brané asked if it would be possible to provide information on the minimum and maximum length of stay, noting that she would be interested in knowing not just the average length of the stay, but also the span of it. She said she would take even a snapshot from a certain day to see the range. DFO Amaya said he would see what he could do in terms of getting a snapshot.

In discussing next steps, Ms. Brané stated that she would look through the list of detention management topics and add a few things. She said she could take on some of the items and start writing out recommendations related to them. Ms. Brané added that it might be a good idea to share the list with a few members of the other subcommittees to see if there is overlap with what is being worked on outside of their group, commenting that at a certain point it makes sense for subcommittees to be more aware of what the other groups are covering.

Vice Chair Moss asked if there was a specific process for sharing information across subcommittees. Ms. Washington answered that there was no set process, though information has typically been shared between subcommittee Chairs who then share it with their individual groups. Vice Chair Moss said she and Ms. Brané would clean up the list of topics and then check in with Chair Berliner to see if she would like to share the list with the other subcommittee Chairs.

Vice Chair Moss said she had no additional items to discuss, and Ms. Brané also had no further issues.

Adjournment:

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