Summary of Conference Call

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

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC), Subcommittee on Medical and Mental Health convened for its weekly meeting on Tuesday, July 5, 2016, via teleconference from 1:30 P.M. to 2:30 P.M.

Attendance:

Subcommittee Members Present for the Teleconference:

- Leslye Orloff
- Dr. William Arroyo
- Dr. Andres J. Pumariega

*Vice Chair Judith Dolins did not participate in the call because she is on vacation.

Others Present:

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

Opening Remarks:

Chair Leslye Orloff conducted a short a roll call, noting that Vice Chair Judith Dolins would not be on the teleconference because she is currently on vacation. She also recognized ICE staff on the call.

General Meeting:

Chair Orloff began the meeting by asking ACFRC DFO John Amaya to provide a status update on the delay in getting the requested additional information to the subcommittee. DFO Amaya stated that he would be meeting with staff from ICE components that were previously missed in the review and clearance process to go through the documents that will be sent to Committee members. He said following this meeting, he would be able to start his review process and hopefully get the documents to the Committee within the next 48 hours.

DFO Amaya apologized for the delay and said that ICE is open to changing the deadline for draft recommendations, given the two week snag in supplying members with the additional materials. Chair Orloff responded that the subcommittee could definitely use more time to thoroughly go through the documents once received, but she expressed concern about pushing the timeline so far out that it jeopardizes implementation of the Committee's recommendations during the current administration. She asked if there was discussion within ICE about how changing the timeline could affect implementation. DFO Amaya said that conversation had not taken place, but said he would defer to the subcommittees on how much time they would need to sufficiently read through the materials.

Moving the discussion along, Chair Orloff said she was eager to hear Dr. William Arroyo's report about his visit to the Berks Family Residential Center (Berks) and to potentially start working through Dr. Andres Pumariega's draft recommendations. Dr. Pumariega reminded the group that his preference is to receive feedback in a written format rather than over the phone.

Dr. Arroyo started his readout, noting that he did not think there was enough time to fully assess the facility. However, he said there were a few items he was able to observe and thought were worth flagging for the subcommittee.

Dr. Arroyo said during the introductory session of the tour, he inquired about the licensure status for Berks and was told by both ICE field staff and staff with Berks County, which manages the facility, that they could not discuss the matter because of the ongoing appellate case. Dr. Arroyo said he did some digging on his own and learned that the family residential center (FRC) lost its license earlier this year, but the decision was appealed.

Following the initial session with staff, Dr. Arroyo said Committee members were walked through the classroom section of the FRC. He stated that the group visited two classrooms, one for younger students and one for older students. In both classes, children appeared to be copying statements from what looked to be workbooks that were in both English and Spanish. He commented that there was not a school administrator on-site during the visit and substitute teachers were leading the summer school sessions, not the regular educators from the county. Dr. Arroyo said the substitutes primarily spoke to the children in English, and he was able to talk with a couple of the kids who had a very good sense of basic English. There was also a library available that many of the children used after school.

Dr. Arroyo said the group then viewed indoor recreational spaces, which included an exercise room, a large room for social gatherings, and a crafts room that was predominantly used by the children.

During lunch, members observed the dining hall and spoke with some of the families at Berks, Dr. Arroyo said. He talked to five families that had been at the FRC anywhere from two months to eight months, and most of them said they had spent some time at one of the FRCs in Texas. He stated that the mothers expressed concern about the food provided to the families and said they were worried about their children's diets. Dr. Arroyo noted that he mentioned these complaints to the director of the FRC during the debrief at the end of the tour and was told that staff participate in monthly "food groups" with the mothers where they have an opportunity to share their opinions and concerns. The director said where possible, changes have been made to the food, but she added that there are challenges when certain foods are not readily available in the general area and that there are a lot of other things that need to be considered, such as the breadth of cultural backgrounds of the families at Berks. ICE field staff and Berks County staff also pointed out that it was not evident based on the weight of children at the facility that kids were not progressing normally. Dr. Arroyo said he offered his opinion that it might not be so much about the weight of children, but about the psychological element to one's diet, especially if the diet is very different from what is being offered at the FRC.

Chair Orloff asked Dr. Arroyo if he found out more information about bed checks. He responded that bed checks still happen every 15 minutes, but the method used is different from the FRCs in Texas. Dr. Arroyo said the director explained that staffers have small flashlights, which they shine on the floor and the ceiling, not on the families.

Chair Orloff asked about security cameras, and Dr. Arroyo answered that there is an elaborate camera system set up throughout the center.

Dr. Arroyo, remarking on movement and outdoor recreational spaces at Berks, said the FRC is an open center and the recreational area is not enclosed by any wired fences. Overall, he thought the recreational area was appropriate.

Near the end of the tour, Committee members had a chance to speak with medical staff, including nurse practitioners and a psychologist. Dr. Arroyo said he only had a few minutes to ask questions, including questions about systematic screening for sexual assault and trauma. He stated that based on the health screening document he received from the staff and the verbal answer he received in-person, it appears that women are asked broadly about sexual assault history; there is not a systematic check for sexual assault that happened in one's country of origin, en route to the United States, or in a detention center. He said that he received a similar response when it came to systematic screening for trauma; the psychologist told him there were currently no instruments that have been standardized for the population at the facility. Dr. Arroyo said he inquired about whether or not mental health staff had considered using tools provided by the National Center for Traumatic Stress Studies and was told that they had not.

Chair Orloff asked Dr. Arroyo if he specifically asked about domestic violence screening, and he stated that he did. He said the screening was superficial.

Dr. Arroyo said based on his conversation with the medical staff, he thinks it might be worth the subcommittee crafting a recommendation stating that there needs to be a systematic inquiry rather than a general inquiry when it comes to mental health and health screening. Dr. Pumariega expressed agreement, commenting that the screening forms do not include questions about symptoms and is non-diagnostic. He said the medical staff needs to take more of a clinician's approach. Dr. Arroyo agreed.

Continuing with his report, Dr. Arroyo said there are field trips for the children at Berks, which is something that was not evident at the FRCs in Texas. Dr. Pumariega asked if parents went on the field trips with their children. Dr. Arroyo responded that there were adults on the field trips, but it was not apparent that a mother for each child went on the trips.

On visas, Dr. Arroyo said residents at Berks have access to the Innovation Law Lab database, which can guide them through the different types of visas. He noted that ACFRC Chair Kurt Schwarz was not impressed with the system. Chair Orloff said she doubted that it covered the crime victim visas that are available to the families.

Dr. Arroyo said he was told that Pap smears and mammograms are performed if the resident has been at the facility for more than a year or has symptoms that suggest an ailment. STD testing is completed if there are symptoms of a condition.

Dr. Arroyo stated that there is a county case management unit that provides assistance to the families, but it is used exclusively for services while the families are in detention. There is not a system in place for post-release.

Chair Orloff said it sounded like families at Berks have longer lengths of stay than families at the Texas FRCs. Dr. Arroyo said he got the same sense during the tour, but he could not make heads or tails of that. Dr. Pumariega said it seemed to him that the families at the facility are there because they are being reviewed more or for whatever reason ICE does not feel comfortable releasing them quickly to the community.

Chair Orloff asked if families are being sent from the FRCs in Texas to Berks when they are not released or given an alternative to detention. Special Assistant Andrea Washington answered that there have been cases where families in Texas were sent to Berks. Dr. Pumariega said he wanted a straight answer on whether or not there were different admission criteria for the familes at Berks. DFO Amaya said there can be differences, pointing out the fact that adult males with children would not be housed at the South Texas Family Residential Center (Dilley), but they could be housed at Berks. Dr. Pumariega asked if families can also be sent to Berks based on length of stay or concern about being more of a security risk. DFO Amaya responded that pursuant to the *Flores* litigation, ICE makes every effort to comply with Judge Dolly Gee's order to release families within 20 days or less. Absent ICE's ability to do that, DFO Amaya continued, families have to go to what is deemed a licensed facility, which currently Berks is and that is why families are going to the facility.

Dr. Arroyo said it was his understanding that the State of Pennsylvania had terminated the license for the facility, and it was the Department of Homeland Security (DHS) that was appealing. DFO Amaya corrected that it was Berks County that was appealing the state's decision, not ICE or DHS. He said while the litigation is pending, the license essentially stands, and ICE and Berks County are able to operate as they have for the last 15 years.

Chair Orloff transitioned the conversation to subcommittee recommendations and next steps. She said she has been going through and adding page cites to Dr. Pumariega's draft recommendations, matching them with standards in the Performance-Based National Detention Standards 2011 and the Family Residential Standards, where possible. She asked Dr. Pumariega if she emailed her thoughts and questions to him before the next meeting, would it be fine to discuss them on the call; Dr. Pumariega said that would be okay.

With no further issues to cover and the allotted time up, Chair Orloff ended the meeting.

Adjournment:
The subcommittee adjourned at 2:30 P.M.