Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Medical and Mental Health
August 23, 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, August 23, 2016, via teleconference from 1:30 P.M. to approximately 2:45 P.M.

Attendance:

Subcommittee Members Present for the Teleconference:

- Leslye Orloff
- Judith Dolins
- Dr. William Arroyo

*Dr. Andres Pumariega was unable to participate in the call due to work travel.

Others Present:

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

Opening Remarks:

Chair Leslye Orloff did a short roll call of the subcommittee members, and she noted the ICE staff on the teleconference.

General Meeting:

Chair Orloff outlined the main issues she wanted to cover during the call, which included:

- The October full Committee public meeting;
- Additional meeting time; and
- The process forward for synthesizing the group's draft recommendations.

Vice Chair Judith Dolins and Dr. Bill Arroyo both added that they wanted to discuss holes in the subcommittee's recommendations.

The Chair asked Special Assistant Andrea Washington to give members an update on the meeting planned for October. Ms. Washington informed subcommittee members that they should block out October 6 and October 7 as the most likely dates for the public meeting, though they should keep the rest of the month as open as possible to provide room for alternative dates. She said the dates were not finalized yet, but ICE staff was hopeful that they would be able to confirm by the end of the week.

Chair Orloff followed up by saying that the subcommittee Chairs talked about the purpose of the public meeting, noting that it would be an opportunity for Committee members to discuss the recommendations more broadly with each other and to do some editing as needed. She added that she thought a one-day meeting would be fine, given the amount of work that will likely be accomplished prior to the meeting. She asked Ms. Washington where things stood as far as a one-day versus a two-day meeting. Ms. Washington responded that the exact timeframe for the meeting was still to be determined, but there appeared to be some consensus that members believe only a day will be needed for the meeting to finalize the Committee report.

Chair Orloff then shifted the conversation to the structure and content of the group's set of draft recommendations. Dr. Arroyo had questions about the titles used in some of the headers and the purpose of explanatory sentences. The Chair answered that the titles were created in an effort to force some structure into the document based on what was currently written, but she was not wedded to the headers; there is flexibility to change them.

Vice Chair Dolins asked about the recommendations that were related to legal rights, questioning if those were or were not being covered by the Subcommittee on Access to Counsel and Language Services. Chair Orloff said she was not sure to what extent the legal group was making recommendations connected to the Violence Against Women Act and U and T visas, which she believes is closely tied to trauma. She stated that she wanted to be sure the issues were covered, and those recommendations could be blended into the legal subcommittee's work later, if it was agreed that placement there made more sense. Chair Orloff asked Ms. Washington if the ICE staff had any thoughts on how to handle this kind of overlap. Ms. Washington said it was up to members how they wanted to handle overlapping recommendations, noting that if they want to move recommendations between subcommittees that would be fine. She said the Chairs could decide on their call.

Vice Chair Dolins then brought up the previously discussed idea of recommending an ombudsman. She said it seemed that the idea fell away, and she wanted to know if it was no longer going to be a recommendation from the group. Chair Orloff said this was one of the topics that she had put into the gaps category because it was part of the inspections-related recommendations, which still need to be fleshed out. The Chair and Vice Chair then had a brief conversation about the importance of ensuring that inspections and monitoring are done by external entities. Chair Orloff said everyone should think about what they want to see in terms of review and that could become the completed inspections recommendation section.

Vice Chair Dolins asked Chair Orloff about a comment she put in the recommendations document regarding what healthcare children should receive. The Vice Chair said ICE follows the Bright Futures guidelines, which is what she would recommend. However, she expressed concern about language in the Detention and Removal Operations (DRO) guidelines, particularly in regards to parents potentially having to wait a full day to have a request to see a medical staffer fulfilled. She asked Dr. Arroyo if a 24-hour wait made sense for children. Dr. Arroyo responded that this type of waiting period would not make sense in extreme cases, pointing out that if a mother described symptoms that suggested meningitis, that child would need to be seen immediately. He said there should be some provision for urgent requests. Vice Chair Dolins said she believed that parents could contact any staffer if emergency medical attention was

needed, but she was trying to figure out how to summarize a recommendation that says sick children should not have to wait until the next day to be seen by medical personnel. Dr. Arroyo said parents in the family residential centers (FRCs) should have the option to access care immediately, the same as parents who are not in a detention facility. He said it should be a parental decision about when their child sees a medical staffer. Subcommittee members then talked through how to word this recommendation.

Circling back to Dr. Arroyo's question about explanatory sentences, Chair Orloff said she took two approaches to writing this text. One was using the explanatory section to lay out existing standards, and the other was using the section to outline and cite best practices in the field. The Chair said she thought the group could decide to use either method or a mix of both. She said she thought it was more appropriate to cite in the explanatory text instead of footnoting the recommendations.

Subcommittee members then moved on to discuss how to handle topics where there is no strong evidence or evidence at all that certain guidelines are being followed. Dr. Arroyo asked if the group should include a statement about lack of evidence or note this in the recommendations. The group discussed different approaches that could be taken, and then decided that this was a decision point that should be agreed upon across all of the subcommittees. Chair Orloff said she would reach out to the other subcommittee Chairs to get details on what their groups are doing. The Chair also noted that she wanted to make sure that where ICE is doing things right, the proper credit is acknowledged, whether the evidence was provided verbally or in written form.

On the issue of using "must" or "should" language, Chair Orloff told members that if they feel particular recommendations are not discretionary and absolutely need to be implemented, "must" is the better verb to use. If the recommendation is a discretionary best practice, then "should" could be used. Chair Orloff said if every recommendation is a "should," it would be difficult to tell the difference between the importance of recommendations, and it has been her experience that agencies will do the "musts" first. She added that she had already gone through her draft recommendations and made them more forceful, but said she would check with the other subcommittee Chairs to see how their groups are handling the issue. Dr. Arroyo and Vice Chair Dolins said they would go through their recommendations and rework the language accordingly, with the goal of sending updated drafts to Chair Orloff by Friday (August 26). The Chair said she would integrate the revised recommendations into a document and send the new document out to members prior to the next meeting.

Vice Chair Dolins, commenting on her recent tours of two Office of Refugee Resettlement (ORR) facilities, said there was a different feeling at the ORR sites in comparison to what members encountered at the ICE residential centers; the atmosphere was generally happier. She said the Administration on Children and Families, which runs the ORR facilities, provides more support resources and has a different philosophy in how it deals with migrant kids. Chair Orloff told the Vice Chair that if there are things she saw at the ORR facilities that could be beneficial for the families at the FRCs, she should put those items into recommendations.

The Chair continued that she is aware of some work done by ICE on a trauma-informed approach at the centers, including individual support groups and educational and trauma support.

She suggested that it would be good if some of the practices that work for ORR could be folded into ICE's trauma-informed care approach to children.

With the allotted time for the meeting running over, subcommittee members discussed the potential for extending their September meetings to ensure they have enough time to review and integrate edits from other members and finalize their subcommittee recommendations. Chair Orloff stated that the other subcommittees had requested two-hour meetings, and she asked Vice Chair Dolins and Dr. Arroyo if they thought adding an additional hour before or after the current standing meeting time would be feasible. Both answered that they thought the additional time would be needed, but it would be a matter of working out their schedules. The subcommittee decided that the most important dates for longer meetings would be September 13, 20, and 27. Ms. Washington flagged for the group that the availability of ICE staff needed to also be taken into account and pointed out a potential conflict with the timing of the standing call for the Subcommittee on Education. As subcommittee members continued to talk about schedules, Vice Chair Dolins reminded everyone that Dr. Andres Pumariega, who was not on the call, would also have to weigh in with his availability before a final decision could be made.

With no further issues to discuss, Chair Orloff thanked everyone for joining the call and adjourned the meeting.

Adjournment:
The subcommittee adjourned at approximately 2:45 P.M.