

Summary of Conference Call

U.S. Immigration and Customs Enforcement
Advisory Committee on Family Residential Centers
Subcommittee on Education
June 14, 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, June 14, 2016, via teleconference from 12:00 P.M. to approximately 1:00 P.M. The purpose of the meeting was for members to continue the discussion about possible recommendations and the upcoming tour of the Berks Family Residential Center.

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 recognized each of the subcommittee members as they joined the teleconference, confirming that everyone was accounted for. She also acknowledged the ICE staff on the call.

General Meeting:

Chair Berliner began the meeting by providing a summary of the subcommittee Chairs call. She said there was a lot of discussion about processes, noting that the other subcommittees had opted for a different approach to crafting and reviewing potential recommendations than their group. She said the other subcommittees divided up the issues and each member is working on recommendations for different strands. The subcommittees are then coming together to discuss individuals' recommendations. Chair Berliner stated she really liked this method because she thought it was allowing the other subcommittees to have richer conversations. She said she is hopeful that once the group receives additional information from ICE and members fine-tune their drafts, they will go chunk by chunk through the recommendations to make sure everything is clear and everyone is in agreement with what is being recommended.

Chair Berliner added that there was some conversation about citations, stating that the other groups are following the legal citation format. The Chair said she did not have much familiarity with legal citing and flagged that at some point in the future, members will have to go back and backfill their recommendations with legal citing to ensure their formatting is consistent with the other subcommittees. Subcommittee member Michelle Brané said she understood why the legal

subcommittee would need to incorporate legal citations because a lot of their recommendations will likely focus on what is required by law. However, she said, that kind of citing might only be relevant for a few of their group's recommendations. Vice Chair Anadora Moss agreed, commenting that a hybrid approach might be better for their subcommittee.

Chair Berliner said she believes a bigger issue is the granularity and framing of the recommendations. She stated that there is still no across the board agreement amongst the subcommittee Chairs. She said she liked the Subcommittee on Medical and Mental Health's structure of writing a problem statement, referencing the current standard, writing a best practice from the medical world, and then crafting a recommendation from that. The Chair acknowledged, though, that the education group was at a disadvantage because members were working with less information and documented standards.

Ms. Brané said these comments brought up a long-standing concern she has had about family detention, which is that the standards are entirely inappropriate from her perspective. She said she was happy when standards were finally instituted for the family residential centers (FRCs), but from the beginning she has felt that they were based heavily on criminal custody. Ms. Brané stated that family detention is not criminal detention, so people should think outside the box in how standards are developed. She said one of the subcommittee's recommendations should be that the standards are revisited.

Chair Berliner asked members if they were able to review the detention standards breakdown chart, which was compiled by Dora Schriro, Vice Chair of the Subcommittee on Access to Counsel and Language Services. The chart outlines what topics are addressed in the four different standards that have been published by ICE, and the Chair pointed out that education only appears in the Family Residential Standards (FRS). She added that the FRS is already dated and that the other standards seemed completely empty on the topic of educating children and adults in residential centers. Ms. Brané concurred.

Ms. Brané followed up by stating that the group was not limited to what the standards say about education, and members have an opportunity to think bigger. She said members could make the overarching recommendation that ICE and the Department of Homeland Security (DHS) need to create a better set of standards around education. Vice Chair Moss agreed, remarking that the lack of specificity around education gives the subcommittee room to create new standards based on best practices. However, the Vice Chair said she did not think the group had the time to do the depth of work that would need to be done.

Chair Berliner said she was hearing that there is strong agreement that the current education standards are totally inaccurate for the current context and that the group now wants to recommend a complete re-evaluation and revision of those standards. Vice Chair Moss asked the Chair if there were parallel standards to draw from in the education field. She said she was sure any direction that could be provided in the recommendation would be useful to ICE and DHS. The Chair responded that her gut was telling her that to complete the type of full-scale evaluation the group was suggesting, there would need to be another committee in place. On that committee, she stated, there would need to be experts in several areas of education, including early education, secondary education, vulnerable populations, and adult education. Vice Chair

Moss said she thought this should be included in the recommendation because it gives guidance in terms of what the makeup should be for a potential education committee. Ms. Brané agreed and added that this type of committee would be a helpful reference as standards in education continue to evolve and impact family detention. The Chair said she would add this recommendation to the group's matrix.

Staying on the subject of the subcommittee's matrix, Chair Berliner said assuming members receive new information from ICE by the end of the week, she wants everyone to take the next two weeks to seriously review the information and think through what is useful in strengthening the current recommendation drafts. She added that if members have ideas circulating in their thoughts, they should get them into the document so the group can talk through them together.

Chair Berliner said she was observing that throughout the conversation, particularly the riffing on building a better set of education standards, there was a synergy that happened organically. She said she was wondering if maybe the group should skip having a call one week to focus on shoring up recommendations and then come together for a few hours in an in-person meeting. Ms. Brané and Vice Chair Moss said this was a good idea.

The Chair, noting that ICE staff would have to be on hand for the meeting, asked how that would work. She suggested the timeframe of a potential meeting would be 8:30 A.M. to 12:30 P.M.

ACFRC DFO John Amaya responded that there would have to be some advance planning on the timing, but ICE staff could be available for a couple of hours. DFO Amaya flagged that he might not have a four-hour window available given other pressing issues, and he asked that once subcommittee members have a better sense of what exactly they are proposing, they forward the request to him in email. He said the sooner they could complete this, the better.

The Chair said it would not make sense for the subcommittee to get together until the additional requested information was provided by ICE, and she asked DFO Amaya if everything was still on track for Committee members to receive the information by the end of the week. The DFO answered that it was his understanding that things were moving along and the timeline for responding to the Committee was still in place. He said documents were currently being reviewed by ICE attorneys.

Ms. Brané said that while the group was discussing additional information from ICE, she wanted to know if the filings regarding the *Flores* litigation could be shared. She said there are a lot of testimonials and affidavits in the filings from both the government and advocates on the ground that she thought might be helpful in thinking about what issues need to be covered. DFO Amaya said he would talk to the attorneys, but cautioned that at this point there has been no resolution in the case and from ICE's perspective, what is in the filings are allegations. He said ICE is still waiting for a conclusion to determine what is an absolute finding. Ms. Brané said it was understood that there was no court decision yet, but she thinks people's testimonies are relevant to the work the group is doing.

Shifting the conversation to the upcoming Berks Family Residential Center (Berks) site visit, Chair Berliner said she thought members should spend some time talking about subjects and

questions they want to be sure are covered by Vice Chair Moss, who will be representing the subcommittee on the visit.

Vice Chair Moss said she had several questions in mind, including:

- What are educators' backgrounds and what is their specialized training?
- Where is the facility at in terms of Prison Rape Elimination Act (PREA) compliance?
- What is movement like at the facility?
 - How do people move in and out of housing?
 - How do people move in terms of recreation?
- Is recreation structured or not?
- How does staff communicate with each other and with residents?

The Vice Chair then asked if there was an agenda for the visit and would the tour be similar to the tours that took place at the FRCs in Texas. Special Assistant Andrea Washington responded that the agenda for the Berks tour was not yet set, but participants should expect it to match the tours that took place in Texas. Vice Chair Moss followed up by asking if she would be able to speak with individual staff and ask them specific questions, and DFO Amaya answered that speaking with staff should not be an issue.

Chair Berliner said one of the good things about the Berks tour is that school will be in session, so Committee members will be able to see teachers and students in action, which they did not get to see while touring the FRCs in Texas. The Chair said she had a number of questions that should be asked, including:

- How do teachers help transition students to their next school?
- How do educators interface with medical and mental health practitioners on the issue of trauma?
- How do teachers communicate with students on how well they are progressing?
- How do educators modify the curriculum and instructional program for students who have interruptions in their education, are only there for a very limited period of time, and are not speaking English?
- How are teachers preparing their students to enter an English-speaking classroom and school?
- How do teachers deal with behavioral management issues?

Vice Chair Moss said these questions were in line with her thinking about what needs to be covered while on site. Chair Berliner said it would also be good for the Vice Chair to take a look at the matrix headings and sub-headings to see if anything comes to mind from those topics.

Ms. Brané said she had a few concerns about Berks, mostly surrounding issues that at one point were improved, but she fears have regressed over the years. Those issues include:

- Punishment being imposed by facility staff instead of mothers
- Field trips to fairgrounds and carnivals or outings to stores or local farmer's market
- Group therapy sessions for mothers

- The availability of caseworkers for families
- The Legal Orientation Program (LOP)
- Language access

She also had broader questions about the families at Berks and the management of the residential center, including:

- Are the families at Berks those who have been transferred from Dilley and Karnes because they reached the 20-day mark?
- Are clothing restrictions still in place for women?
 - Ms. Brané said following a sexual assault case at Berks, a rule was established that prohibited women in the facility from wearing tight or revealing clothing.
- Has Berks received a waiver on bed checks/flashlights?
 - She said advocates have been told by the licensing commission that the facility received a waiver.
- What is the latest on the license for Berks?
- Did the need to comply with licensing requirements lead to changes that made the facility less “homey”?
 - For example, there used to be a family cooking night that residents enjoyed, but it was stopped because of health regulations in the license.

At the end of the discussion, Vice Chair Moss said the issues and concerns raised would normally be a three-day site visit with three consultants in her regular line of work. She said that based on the feedback from subcommittee members and information in the matrix, she is going to create a tool for her use on the visit. She said she will gather as much information as she can to bring back to the group. Vice Chair Moss added that she thought some of Ms. Brané’s questions and observations raised to the policy level, which made her a little nervous that the subcommittee has not requested all of the policies needed for review and assessment. Ms. Brané said she was sure the group would be missing some policy pieces, but stated there might be useful details in the information that ICE is planning to provide.

Vice Chair Moss then said she had to leave the call to prepare for a presentation. With the Vice Chair’s departure and no further items to discuss, Chair Berliner adjourned the meeting.

Adjournment:

The subcommittee adjourned at approximately 1:00 P.M.