

SEPTEMBER 3, 2021
ICE JUVENILE
COORDINATOR REPORT

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JENNY LISETTE FLORES, <i>et. al.</i> ,)	Case No.: CV 85-4544-DMG
)	
Plaintiffs,)	
)	
v.)	
)	
MERRICK GARLAND,)	
Attorney General of the United States, <i>et al.</i> ,)	
)	
)	
Defendants.)	
)	

**SEPTEMBER 2021 INTERIM REPORT
OF JUVENILE COORDINATOR DEANE DOUGHERTY
SUBMITTED BY IMMIGRATION AND CUSTOMS ENFORCEMENT**

As required by the Court in its order issued on August 6, 2021, U.S. Immigration and Customs Enforcement (ICE) Juvenile Coordinator Deane Dougherty is submitting the following interim report. Due to the constantly evolving nature of the COVID-19 crisis, and the frequency of custody and discharge determinations, the information in this report is current and accurate as of the time of signature, or for the reported data, as of the date or time noted in conjunction with the information provided.

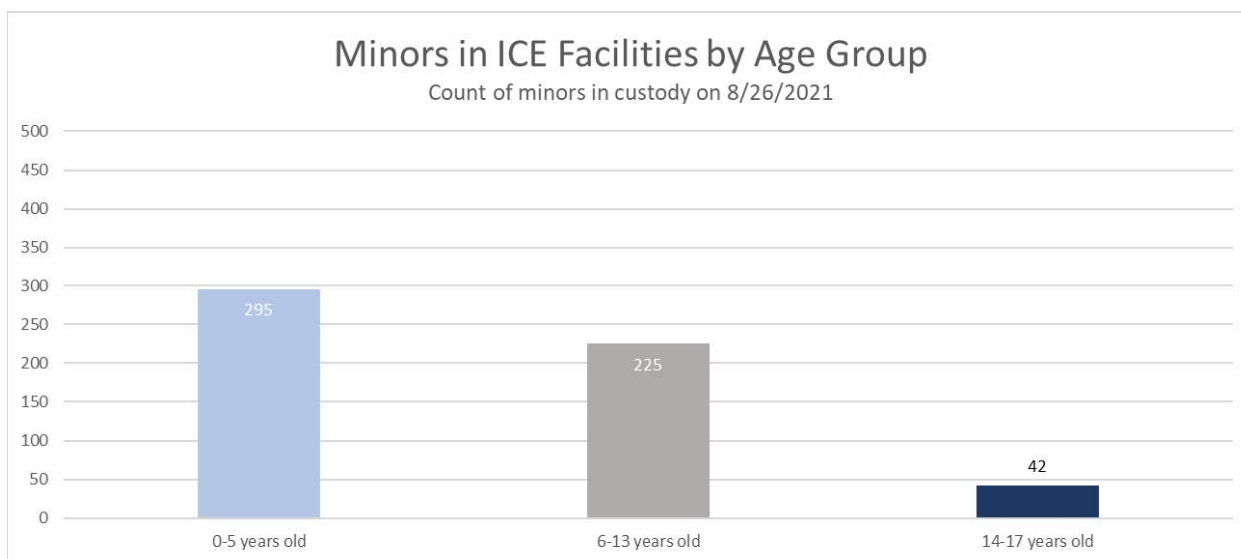
I. Census of Minors at ICE Facilities¹ (§§ 2(i)-(ii) and 2(b)(i) of the Court’s August 6 Order)

As stated in my last interim report, ICE is revising its current family detention posture to allow for a broader repurposing of the physical facilities to better meet operational needs. As of February 26, 2021, all families had been released from Berks and there have been no families

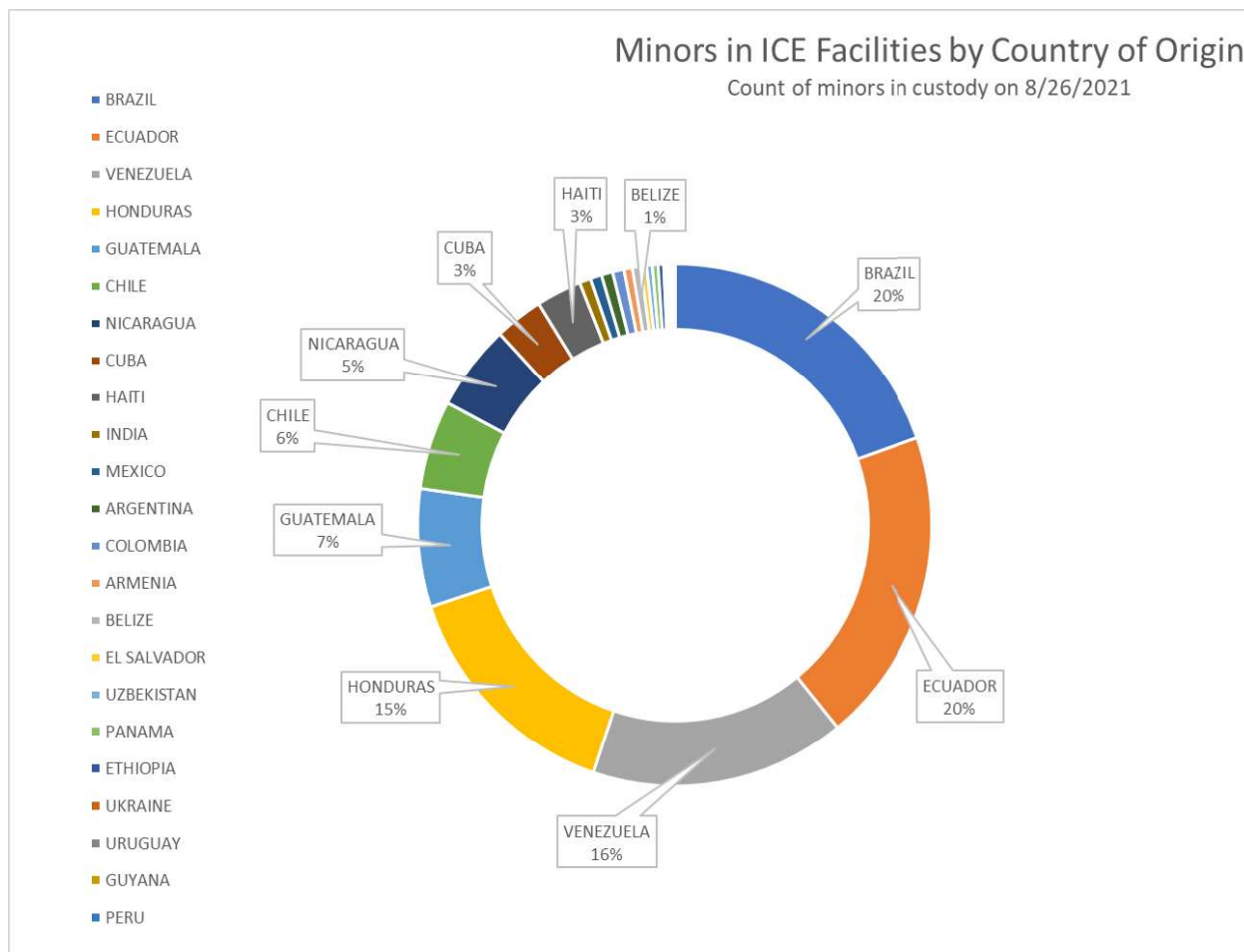
¹ There are three types of ICE facilities that house minors: Family Staging Centers, hotels, and secure juvenile detention facilities.

housed there since. Currently, the South Texas Family Staging Center and Karnes County Family² Staging Center are being used as short-term residential/staging centers for family units, with the goal of releasing families within 72 hours. Additionally, ICE has secured the use of hotels to temporarily house, and process for release, Class Members and families within the same 72-hour period as in the Family Staging Centers (FSCs), which were described in my last report. Release within the 72-hour window, however, is contingent upon securing timely travel arrangements with the family's sponsor. COVID-19 positive cases also impact ICE's ability to process and release a family within 72 hours. Families who test positive for COVID-19 are generally held for the requisite 10-day quarantine period. ICE Enforcement and Removal Operations (ERO) Pandemic Response Requirements (PRR), March 16, 2021, page 20.

On August 26, 2021, there were 254 Class Members at the ICE FSCs, 307 in hotels, and one (1) in secure juvenile detention, for a total of 562 Class Members in ICE custody. The figures below breakdown these Class Members by age and country of origin.



² ICE notes that the Karnes Family Staging Center stopped intaking families on July 17, 2021. The facility is being converted into a low-level adult female detention facility.



ICE is making continuous efforts to release Class Members without unnecessary delay in accordance with paragraphs 14 and 18 of the *Flores* Settlement Agreement (FSA). The speed by which Class Members and their accompanying parent(s) or legal guardian(s) are being processed and released from ICE custody has increased significantly. On August 26, 2021, there were seven (7) Class Members who had been detained at an ICE facility twenty (20) days or more. Exhibit A. One (1) Class Member is being held in secure detention pursuant to paragraph 21A of the FSA. Six (6) Class Members were being held pursuant to the U.S. Centers for Disease Control (CDC) and Prevention's quarantine guidelines following a positive COVID test, and all were scheduled

for release on or before August 31, 2021. The chart below represents the number of Class Members in ICE facilities as of August 26, 2021, as well as the average length of stay (ALOS) for the facilities.³

Minors in ICE Custody on 8/26/2021			
Facilities	Census	Average Length of Stay (Days) Minors in Custody	Average Length of Stay (Days) Minors Released Between 7/17/21 - 8/25/21
Berks Family Staging Center	-	-	-
Karnes County Family Staging Center	68	5	5
South Texas Family Staging Center	186	7	10
Hotels	307	6	3
Secure Juvenile Detention Facilities	1	147	-
Total	562	6	5

II. Hotels

A. Update on the Number, Locations, and Safe and Sanitary Conditions at the Hotels (§ 2(b)(ii) of the Court's August 6 Order)

Due to an unprecedented increase in irregular migrant flows to the southwest border, including greater numbers of family units, existing infrastructure simply cannot hold this number of individuals in a way that fully complies with the FSA and other requirements. It is because of these exigent circumstances that the Government secured the use of hotels to meet the critical mission requirements of housing, feeding, testing, transporting, and providing medical attention to these thousands of families in the most humane, sanitary and comfortable manner possible. These hotel facilities are located along or near the southwest border. In addition to the need for hotel

³ ALOS (calculated in days) for minors in custody is determined by a subtraction between the date the minor is in custody and their book-in date to the ICE facility. ALOS (calculated in days) for minors released between July 17, 2021, and August 25, 2021, is determined by subtracting the released minor's final book-out date from ICE custody and their book-in date to the ICE facility.

facilities to manage the influx, expanded capacity is necessary to properly implement COVID-19 mitigation measures, including reductions in housing capacity and onsite personnel to process cases, which must be implemented in a way to promote social distancing.

[illegible]

B. Personnel and Capacity to Provide Detailed Monitoring of New and/or Expanded Facilities (§ 2(iv) of the Court's August 6 Order)

There are no new facts or procedures to report since the last Juvenile Coordinator Report.

The information in the last Report accurately reflects current practices.

C. Case Management Services at Each Facility (§ 2(v) of the Court's August 6 Order)

To augment its oversight capability, ICE ERO created a surge team of case and custody management subject matter experts to ensure that these facilities comply with existing detention standards, ICE policy and the ensure appropriate case management coverage for noncitizens detained at the above locations.

ICE ERO has taken the numerous actions to significantly increase support of U.S. Customs and Border Protection (CBP) at the Southwest border. For one, ERO developed a Family Unit Process Plan that embeds ERO officers with Border Patrol agents during the intake and screening process of family units, administrative processing, and release and/or transportation. In support of this effort, ERO is taking on additional responsibilities that traditionally have belonged to CBP to speed up processing times. ERO has deployed 240 officers and supervisors to support CBP and is staging transportation resources to assist with increased transportation. Additionally, ERO Information Technology (IT) staff are engaging with CBP IT in Border Patrol stations to ensure ERO can utilize technological resources at the border.

This Plan will permit ERO to manage family unit cases more efficiently at the border. ICE is making an adjustment to the information systems that will allow ERO officers to see intake information as Border Patrol is entering it during processing, enabling ERO officers to screen family units for appropriate custody determinations during intake. ERO intake embeds at the border will provide court dates and immigration court locations to Border Patrol agents in order to allow the agent to timely and accurately issue Notices to Appear to family units and ensure that these are processed correctly. ERO is also assisting the timely transfer/release of family units from custody by helping to complete required forms.

III. Status of ICE's Implementation of COVID-19 Guidances

A. Update on ICE Policies Regarding the Use of Hotels or FSCs, Including Policies and Procedures to Address COVID-19 (§ 2(b)(iii) of the Court's August 6 Order)

The FSCs and hotels that house Class Members take all reasonable measures to prevent and slow the spread of COVID-19 within the facilities to protect families, staff, and the public. These ICE facilities continue to follow the COVID-19 mitigation practices set forth in the ERO PRR for social distancing, shift staggering, sick leave policies, vaccination access, and other measures to ensure continuity of operations. The ERO PRR was last updated on March 16, 2021.⁴

There are no new facts or procedures to report since the last Juvenile Coordinator Report. The information in the last Report accurately reflects current practices.

B. Report of ICE Facilities Holding Minors and Number of COVID-19 Cases (§ 2(iii) of the Court's August 6 Order)

Pursuant to section 2(iii) of this Court's August 6, 2021, Order, and section 4(b)(iii) of this Court's April 24, 2020, Order, the following charts describe the number of positive COVID-19 cases at ICE facilities as of August 27, 2021.

Current COVID-19 Positive Cases of FAMU Individuals in ICE Facilities on 8/27/2021				
Facilities	Minor	Adult	Staff	Total
Berks Family Staging Center	-	-	-	-
Karnes County Family Staging Center	11	22	10	43
South Texas Family Staging Center	14	12	4	30
Hotels	1	1	-	2
Secure Juvenile Detention Facilities	-	-	-	-
Total	26	35	14	75

⁴ <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

Cumulative COVID-19 Positive Cases of FAMU Individuals in ICE Facilities as of 8/27/2021				
Facilities	Minor	Adult	Staff	Total
Berks Family Staging Center	-	-	-	-
Karnes County Family Staging Center	417	745	144	1,306
South Texas Family Staging Center	539	807	157	1,503
Hotels	626	877	15	1,518
Secure Juvenile Detention Facilities	-	-	-	-
Total	1,582	2,429	316	4,327

Cumulative COVID-19 Positive Cases of FAMU Individuals in ICE Facilities as of 8/27/2021			
Facilities	Prior to Intake	After Intake	Total
Berks Family Staging Center	-	-	-
Karnes County Family Staging Center	957	205	1,162
South Texas Family Staging Center	1,054	292	1,346
Hotels	1,220	283	1,503
Secure Juvenile Detention Facilities	-	-	-
Total	3,231	780	4,011

Cumulative COVID-19 Positive Cases of FAMU Individuals Hospitalized as of 8/27/2021	
Facilities	Hospitalized
Berks Family Staging Center	-
Karnes County Family Staging Center	2
South Texas Family Staging Center	13
Hotels	5
Secure Juvenile Detention Facilities	-
Total	20

Pursuant to section 4(b)(iv) of this Court's April 24, 2020 Order, the Class Members housed in a facility in which either a detainee or staff member have tested positive for COVID-19 have not been released or transferred to non-congregate settings because they are either in quarantine based on CDC guidance and ERO's PRR as a result of testing positive, or having an accompanying family member who tested positive, for COVID-19; or will be released as a family unit upon testing negative for COVID-19 and coordinating travel arrangements with their sponsor.

IV. Class Members' Access to Counsel at ICE Facilities (§ 2(vi) of the Court's August 6 Order)

ICE has no updates to report since the last Juvenile Coordinator Report. The information in the prior Report accurately reflects current practices. There is no information to report.

V. Title 42 Compliance

Pursuant to section 2(b) of the Court's June 29, 2021 Order, and section 6 of the Court's September 4, 2020 Order, ordering that the government maintain records and statistical information on minors held in Title 42 custody, including an update regarding the number of minors held in Title 42 custody, and to monitor compliance with the FSA with respect to minors held in Title 42 custody, I can confirm that ICE includes minors temporarily housed by ICE pursuant to Title 42 authorities over 72 hours pending expulsion in its monthly Paragraph 28A reporting shared with Plaintiffs' counsel. Between July 13, 2021, and August 23, 2021, ICE did not house any Class Members pending expulsion under Title 42 processes at an ICE facility or hotel.

Signed on this 3rd day of September 2021.

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Deane Dougherty
ICE Juvenile Coordinator

ATTACHMENT A
TO SEPTEMBER 3, 2021 ICE
JUVENILE COORDINATOR
REPORT

Det Location	A-Number	Subject ID	Last Name	First Name	Country of Citizenship	Book-In Date	Birth Date	Age	Age Group	Specific explanation for detention 20+ Days
NRJDCVA						4/1/2021		16	14 to 17	Minor was first encountered by CBP as part of a family unit at the Southwest border in January 2017 and was released with his mother. Accompanied minor was then arrested by the Upper Darby Police Department (PA) on 02/22/2018 for the criminal charges of terroristic threats, harassment, possession of an instrument of crime, unlawful possession of a weapon on school property and recklessly endangering another person. Charges were adjudicated delinquent. Minor was arrested by the Upper Darby Police Department (PA) on 10/01/2019 for the criminal charge of possession of a weapon on school property. Charge was adjudicated delinquent. Minor was arrested by the Upper Darby Police Department (PA) on 08/12/2020 pursuant to an active warrant for terroristic threats and harassment. Minor was convicted of the criminal offense of harassment and sentenced to six months' probation. Minor was taken into ICE custody and placed into secure detention on 09/03/2020. After multiple continuances, a bond hearing was held before an IJ on 02/19/2021. IJ denied release on bond on 02/19/2021, finding that the minor failed to meet his burden to demonstrate he does not pose a danger to the community, reasoning that the evidence suggests he has been and continues to be an active gang member (including numerous MS-13 tattoos, including highly visible tattoos on his face, neck, and knuckles); he has engaged in behavior that involves threats of harm or death to different individuals; he possessed weapons at school on two different occasions; pressured other juveniles to sell narcotics; and was arrested after completing juvenile probation following his first juvenile adjudication, suggesting he has not been rehabilitated and continues to pose a danger to the community, which cannot be mitigated by bond, or community/family ties. Minor appealed IJ bond decision to BIA, which is pending.
STFRCTX						8/5/2021		14	14 to 17	FAMU tested COVID positive on 08/16/2021. Pursuant the CDC's guidance, the FAMU will quarantine prior to travel. Currently scheduled for 08/31/21 release.
STFRCTX						8/5/2021		10	6 to 13	FAMU tested COVID positive on 08/16/2021. Pursuant the CDC's guidance, the FAMU will quarantine prior to travel. Currently scheduled for 08/31/21 release.
STFRCTX						8/5/2021		4	0 to 5	FAMU tested COVID positive on 08/12/2021. Pursuant the CDC's guidance, the FAMU was quarantined prior to travel. Released on 08/27/2021 after completing quarantine.
STFRCTX						8/6/2021		2	0 to 5	FAMU tested COVID positive on 08/12/2021. Pursuant the CDC's guidance, the FAMU was quarantined prior to travel. Released on 08/27/2021 after completing quarantine.
CSCQLTX						8/6/2021		7	6 to 13	FAMU tested COVID positive on 08/06/2021. Pursuant the CDC's guidance, the FAMU was quarantined prior to travel. Released on 08/26/2021 after completing quarantine.
STFRCTX						8/6/2021		10	6 to 13	FAMU tested COVID positive on 08/16/2021. Pursuant the CDC's guidance, the FAMU was quarantined prior to travel. Released on 08/28/2021 after completing quarantine.