

OCTOBER 29, 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.	)	
_____	)	

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

As required by the Court in its order issued on September 17, 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 Facilities<sup>1</sup> (§§ 2(i)-(ii) and 2(b)(i) of the Court's September 17 Order)**

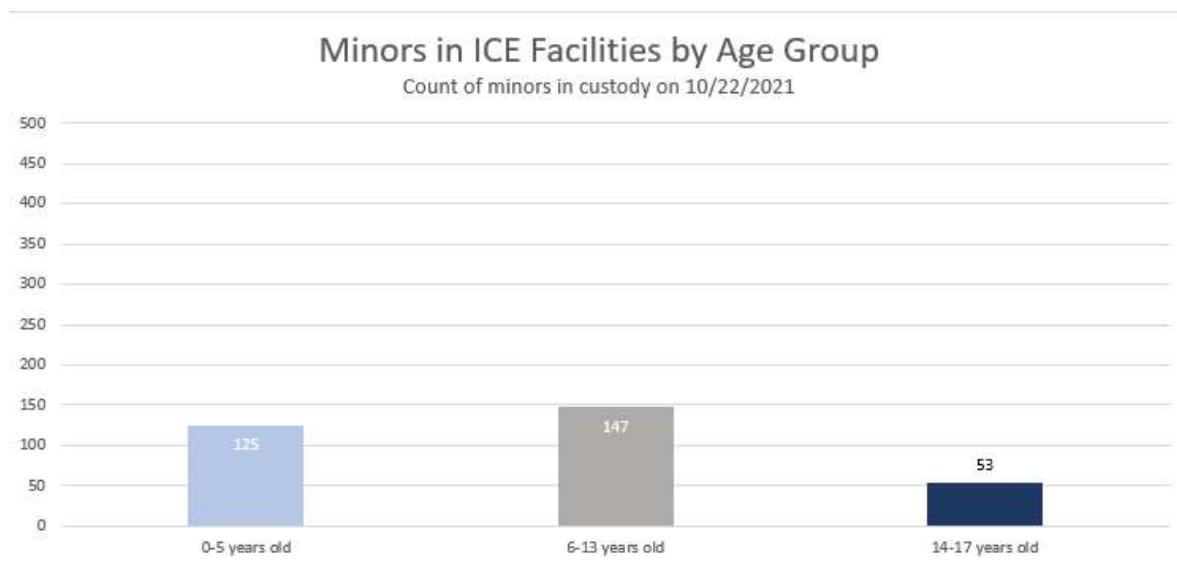
As stated in the prior Juvenile Coordinator Reports, ICE revised its family detention posture to allow for a broader repurposing of the physical facilities to better meet operational needs. As of February 26, 2021, all families had been released from Berks and there have been no

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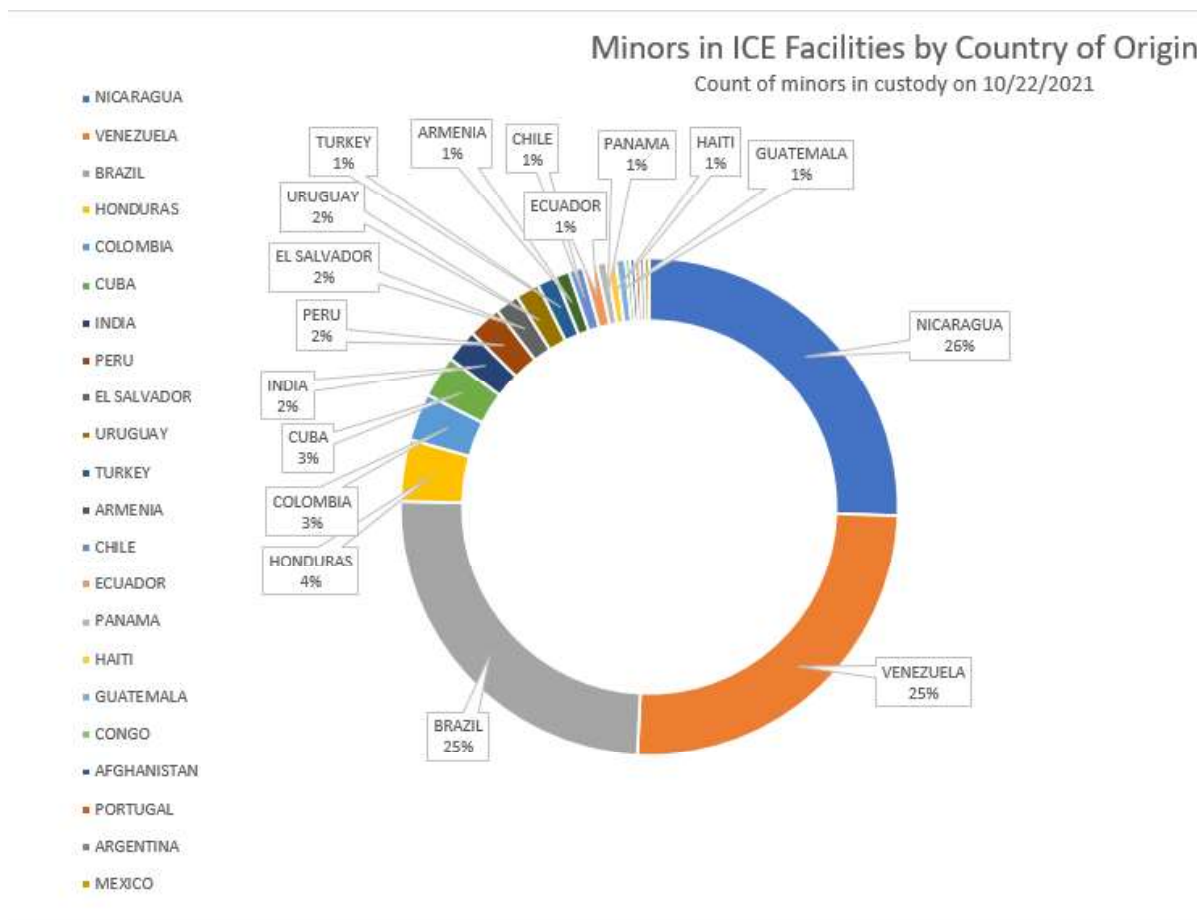
<sup>1</sup> There are three types of ICE facilities that house minors: Family Staging Centers, hotels, and secure juvenile detention facilities.

families housed there since. Currently, the South Texas Family Staging Center and Karnes County Family Staging Center are being used as short-term residential/staging centers for family units, with the goal of releasing families within 72 hours. ICE is using 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 prior reports. 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), October 19, 2021, page 20.<sup>2</sup>

On October 22, 2021, there were 126 Class Members at the ICE FSCs, 198 in hotels, and one (1) in secure juvenile detention, for a total of 325 Class Members in ICE custody. The figures below breakdown these Class Members by age and country of origin.



<sup>2</sup> <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>



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 October 22, 2021, there were no Class Members who had been detained at an ICE facility twenty (20) days or more. The chart below represents the number of Class Members in ICE facilities as of October 22, 2021, as well as the average length of stay (ALOS) for the facilities.<sup>3</sup>

<sup>3</sup> 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 August 26, 2021, and October 21, 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.

Minors in ICE Custody on 10/22/2021			
Facilities	Census	Average Length of Stay (Days) Minors in Custody	Average Length of Stay (Days) Minors Released Between 8/26/21 - 10/21/21
Berks Family Staging Center	-	-	-
Karnes County Family Staging Center	15	4	3
South Texas Family Staging Center	111	4	6
Hotels	198	3	3
Secure Juvenile Detention Facilities	1	3	152
<b>Total</b>	<b>325</b>	<b>3</b>	<b>3</b>

## **II. Hotels**

### **A. Update on the Number, Locations, and Safe and Sanitary Conditions at the Hotels (§ 2(b)(ii) of the Court's September 17 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 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.

Below is a list of hotels available to temporarily house and process families, including location and operating status:



### **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 September 17 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 October 19, 2021.

Other than the new PRR, there are no new facts or procedures to report since the last Juvenile Coordinator Report. The information in the last Juvenile Coordinator Report accurately reflects current practices.

#### **B. Report of ICE Facilities Holding Minors and Number of COVID-19 Cases (§ 2(iii) of the Court's September 17 Order)**

Pursuant to section 2(iii) of this Court's September 17, 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 October 22, 2021.

<b>Current COVID-19 Positive Cases of FAMU Individuals in ICE Facilities on 10/22/2021</b>				
<b>Facilities</b>	<b>Minor</b>	<b>Adult</b>	<b>Staff</b>	<b>Total</b>
Berks Family Staging Center	-	-	-	-
Karnes County Family Staging Center	6	8	4	<b>18</b>
South Texas Family Staging Center	7	8	3	<b>18</b>
Hotels	1	-	-	<b>1</b>
Secure Juvenile Detention Facilities	-	-	-	-
<b>Total</b>	<b>14</b>	<b>16</b>	<b>7</b>	<b>37</b>

Cumulative COVID-19 Positive Cases of FAMU Individuals in ICE Facilities as of 10/22/2021				
Facilities	Minor	Adult	Staff	Total
Berks Family Staging Center	-	-	-	-
Karnes County Family Staging Center	547	944	163	1,654
South Texas Family Staging Center	610	889	172	1,671
Hotels	870	1,125	24	2,019
Secure Juvenile Detention Facilities	-	-	3	3
<b>Total</b>	<b>2,027</b>	<b>2,958</b>	<b>362</b>	<b>5,347</b>

Cumulative COVID-19 Positive Cases of FAMU Individuals in ICE Facilities as of 10/22/2021			
Facilities	Prior to Intake	After Intake	Total
Berks Family Staging Center	-	-	-
Karnes County Family Staging Center	1,234	257	1,491
South Texas Family Staging Center	1,172	327	1,499
Hotels	1,220	283	1,503
Secure Juvenile Detention Facilities	-	-	-
<b>Total</b>	<b>3,626</b>	<b>867</b>	<b>4,493</b>

Cumulative COVID-19 Positive Cases of FAMU Individuals Hospitalized as of 10/22/2021	
Facilities	Hospitalized
Berks Family Staging Center	-
Karnes County Family Staging Center	3
South Texas Family Staging Center	14
Hotels	9
Secure Juvenile Detention Facilities	-
<b>Total</b>	<b>26</b>

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 (1) 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; (2) will be released as a family unit upon testing negative for COVID-19 and coordinating travel arrangements with their sponsor; or (3) was pending placement with ORR and has since been transferred.



**IV. Class Members' Access to Counsel at ICE Facilities (§ 2(vi) of the Court's September 17 Order)**

Pursuant to section 2(vi) of the Court's September 17, 2021 Order, relating to Class Members' access to counsel, there are a few modifications to report for Karnes County FSC and Dilley FSC that are described below. The information in the prior Juvenile Coordinator Report accurately reflects current practices at the other ICE facilities.

Access to counsel at Karnes County FSC is summarized as follows. Residents are served with orientation packets that contain the Executive Office for Immigration Review (EOIR) Pro Bono Services flyer, a Know Your Rights flyer, and local pro bono organizations' flyers and sign-up sheets. These items are also posted throughout the housing complexes. Residents are also shown a Know Your Rights video and a local legal service provider orientation video during intake, and both are available to view again on television screens throughout the facility multiple times a day in English and Spanish. Facility orientation occurs daily at which residents are given an additional opportunity to ask questions and sign-up to meet with legal service providers. Sign-up sheets are also posted in the housing complexes for residents to communicate with legal service providers if so interested. Due to operational adjustments made during the COVID-19 pandemic, group presentations are conducted daily using video conferencing technology via the WebEx system. Legal service providers have been given the opportunity to conduct additional presentations to accommodate the various languages of residents within the facility. Other local legal service providers may request individual meetings by telephone/video or in-person in according to ICE's Family Residential Standards.

Access to counsel at Dilley FSC is summarized as follows. Residents are served with orientation packets that contain the EOIR Pro Bono Services flyer, a Know Your Rights flyer, and local pro bono organizations' flyers and sign-up sheets. These items are also posted throughout

the housing complexes. Residents are also shown a Know Your Rights video during intake and are available to view again on television screens throughout the facility multiple times a day in English, Spanish, and Quiche. Sign-up sheets are also posted in the housing complexes for residents to communicate with legal service providers if so interested. Dilley FSC currently accommodates two daily video-teleconference group legal services presentations during the week. There is a designated legal access area of the facility available to legal service providers for in-person presentations or meetings.

#### **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 August 24, 2021, and October 18, 2021, ICE did not house any Class Members pending expulsion under Title 42 processes at an ICE facility or hotel.

Signed on this 29th day of October 2021.

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Deane Dougherty  
ICE Juvenile Coordinator