

JULY 1, 2022
ICE JUVENILE
COORDINATOR
ANNUAL REPORT

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

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

**ANNUAL REPORT OF JUVENILE COORDINATOR DEANE DOUGHERTY
SUBMITTED BY IMMIGRATION AND CUSTOMS ENFORCEMENT**

U.S. Immigration and Customs Enforcement (ICE) respectfully submits its annual Juvenile Coordinator report in accordance with Paragraph 28A of the *Flores* Settlement Agreement (FSA) and this Court’s Order dated May 2, 2022. In its May 2, 2022 Order, this Court directed the ICE Juvenile Coordinator to report on its “compliance with the *Flores* Settlement Agreement as to any minors detained by ICE during this period,” in addition to specific data points. This report covers my activities to monitor and report on ICE’s compliance, overall and to the data points identified in this Court’s May 2, 2022 Order, at ICE facilities¹ between January 1, 2021, and June 1, 2022.

I. Current State of Affairs

As was stated in my last interim report, filed April 8, 2022, ICE no longer maintains facilities that house Class Members. All three Family Staging Centers (FSCs)—Berks County

¹ ICE facilities that housed minors included Family Staging Centers (FSCs), hotels/Emergency Family Staging Centers (EFSCs), and secure detention facilities.

FSC, Karnes County FSC, and South Texas FSC—have been converted to house single adults. Additionally, the short-term hoteling programs with Endeavors and MVM, that temporarily housed Class Members and their accompanying parent(s) or legal guardian(s), have also ceased. Rather, ICE is continuing to focus its resources on alternative to detention programs for noncitizen family units recently encountered at or near the Southwest Border. While the hoteling programs have ceased, ICE may have occasion to rely on brief, *ad hoc* hotel stays for Class Members and their accompanying parents and legal guardians, subject to the terms set forth in this court’s September 4 and September 21, 2020 orders.

II. Notable Changes to ICE Family Detention

During the reporting period, January 1, 2021, through June 1, 2022, the Department of Homeland Security (DHS) experienced an increase in irregular migrant flows to the Southwest Border of the United States, including greater numbers of family units and unaccompanied children (UC). This increase, coupled with the coronavirus disease 2019 (COVID-19) social distancing requirements, required ICE to make nimble, operational changes at its facilities. The ICE Family Residential Centers (FRCs) were no exception.

In February 2021, ICE ceased its use of the Berks County FRC for migrant families. ICE’s Intergovernmental Service Agreement (IGSA) with the County of Berks was renegotiated to house only single adult females with a low-level custody classification. The following month, ICE converted the Karnes County and the South Texas Family FRCs from over-72-hour residential programs to under-72-hour staging programs called Family Staging Centers (FSCs). This conversion minimized the average length of stay of Class Members and their accompanying parent(s) or legal guardian(s) considerably as illustrated in the data contained in my interim reports and the data set forth in the next section of this report.

The transition to FSCs helped increase throughput. However, due to the design of the sites and COVID-19 restrictions, including operating at a reduced capacity, overall intakes were still limited. This reduced the FSCs' utility for border decompression. To better address the large influx of noncitizen families seeking entry in Fiscal Year 2021, ICE signed a contract to expand the number of family beds available at that time. This short-term contract was with the non-profit division of Endeavors in March 2021, and added more than 900 hotel rooms for family housing at what were called Emergency Family Staging Centers (EFSCs). These EFSCs, like the FSCs, provided thousands of noncitizen families recently encountered at or near the Southwest Border with housing, food, transportation, and medical attention while being processed for release pending immigration proceedings under the Immigration and Nationality Act. The contract was in effect from March 2021 to March 2022.

The EFSCs were monitored in a multitude of ways to promote the safe and efficient processing of migrant families. The Enforcement and Removal Operations (ERO) Juvenile and Family Management Unit (JFRMU) oversaw the contract with Endeavors. JFRMU assigned dedicated Compliance Standards Officers (similar to those deployed to the FSCs) onsite at each of the hotels, and JFRMU's independent inspections contractor inspected the facilities and provided compliance reviews on a monthly basis. Each Field Office on the Southwest Border activated Family Unit Processing Teams, consisting of Deportation Officers, ERO Assistants, and Supervisory Detention and Deportation Officers to manage the cases at the Endeavors' sites. The use of detailed staff from the interior offices was implemented, so as not to put further strain on the Southwest Border operations. Furthermore, ICE Health Service Corps (IHSC) provided oversight for medical standards at these sites. The Office of the Immigration Detention Ombudsman (OIDO) conducted site visits to the hotel facilities and provided feedback regarding

conditions of detention and compliance with the contract. ICE coordinated with the Office for Civil Rights & Civil Liberties (CRCL) for their assistance in providing informed recommendations on hoteling conditions and processes. ICE also took part in discussions with The United Nations High Commissioner for Refugees (UNHCR) for the monitoring work of the hotels.

The FSCs and EFSCs that housed Class Members took reasonable measures to prevent and slow the spread of COVID-19 within the facilities to protect families, staff, and the public. These ICE facilities followed the COVID-19 mitigation practices set forth in the ERO Pandemic Response Requirements (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 June 13, 2022.²

Also in March 2021, U.S. Customs and Border Protection (CBP) began to release noncitizen families directly from the Southwest Border with Notices to Report and instructions to report to an ICE field office upon reaching their intended destination.³ This resulted in unused beds as family units were released directly to the interior without being transferred into ICE's custody. By June 2021, family housing at the FSCs and EFSCs were at an all-time low. In response to this downward trend in referrals for housing, ICE opted to shift its resources to increase efficiencies in alternatives to detention enrollment for family units and worked to co-locate with CBP to assist with limiting any processing slowdowns.

By the end of September 2021 and at the start of FY 2022, ICE began to transition all forms of family staging for border releases and direct enrollments into alternative to detention programs. Due to the new mission requirements, ICE stopped housing families at the Karnes County FSC on

² U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, *COVID-19 Pandemic Response Requirements* (June 13, 2022), available at <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

³ The use of Notices to Report by CBP has ceased.

November 5, 2021, and the South Texas FSC by December 10, 2021. The contract with Endeavors was specifically for the provision of emergency temporary shelter at eight hotels, and for processing families placed in ICE custody. Pursuant to the terms of the contract, six of the eight hotels were demobilized by December 31, 2021, and the last two were closed by March 30, 2022. ICE has not operated facilities dedicated to the housing of Class Members and their accompanying parent(s) or legal guardian(s) since March 2022.

While ICE continues to monitor and consider options to address the dynamic needs of the southwest border, the agency's goal is to continue assisting CBP with decompression. To this end, ICE is focusing its resources on increasing the use and effectiveness of alternative to detention programs for noncitizens. FSCs and EFSCs are obsolete, and ICE has chosen to shift its usage of all facilities to focus on single adults, consistent with the administration's goals of addressing irregular migration while supporting a system of border management that is orderly, safe, and humane. ICE will continue to adhere to all *Flores* Settlement Agreement (FSA) requirements and utilize existing processes to update the Court, Independent Monitor, and Class Counsel as appropriate.

III. Data

This Court ordered each Juvenile Coordinate to include in their annual report specific data points as follow “(i) the overall census of minors in the agency's facilities; (ii) the average length of stay for minors currently in the agency's facilities and for minors who have been released; and (iii) the number of minors currently testing positive for COVID-19.” May 2, 2022 Order, ¶3. In response, ICE reports the following data. On June 1, 2022, there were no minors in ICE facilities. Therefore, both the average length of stay for minors in ICE facilities and the number of minors currently testing positive for COVID-19 in ICE facilities on June 1, 2022, were zero. The average

length of stay for minors who have been released from ICE facilities between January 1, 2021, and June 1, 2022, was as follows:

ICE Family Staging Centers

Minors released from ICE facilities between 1/1/2021 and 6/1/2022:	ALOS
Family Residential (Staging) Centers	7

ALOS is an acronym for "average length of stay."

Data is as of 0200 hours on 6/1/2022 and queried from the ICE Integrated Decision Support (IIDS) database.

Minors released from ICE facilities between 1/1/2021 and 6/1/2022:	2021				ALOS
	Qtr1 ALOS	Qtr2 ALOS	Qtr3 ALOS	Qtr4 ALOS	ALOS
Family Residential (Staging) Centers	10	7	7	5	7

First quarter, Qtr1: 1 January – 31 March

Second quarter, Qtr2: 1 April – 30 June

Third quarter, Qtr3: 1 July – 30 September

Fourth quarter, Qtr4: 1 October – 31 December

Data is as of 0200 hours on 6/1/2022 and queried from the ICE Integrated Decision Support (IIDS) database.

Other ICE Temporary Staging Facilities (EFSCs/Hotels)

Minors released from ICE facilities between 1/1/2021 and 6/1/2022:	ALOS
Other Temporary Staging	3

ALOS is an acronym for "average length of stay."

Data is as of 0200 hours on 6/1/2022 and queried from the ICE Integrated Decision Support (IIDS) database.

Minors released from ICE facilities between 1/1/2021 and 6/1/2022:	2021				2022		ALOS
	Qtr1 ALOS	Qtr2 ALOS	Qtr3 ALOS	Qtr4 ALOS	Qtr1 ALOS	Qtr2 ALOS	ALOS
Other Temporary Staging	1	2	3	3	5	3	3

First quarter, Qtr1: 1 January – 31 March

Second quarter, Qtr2: 1 April – 30 June

Third quarter, Qtr3: 1 July – 30 September

Fourth quarter, Qtr4: 1 October – 31 December

Data is as of 0200 hours on 6/1/2022 and queried from the ICE Integrated Decision Support (IIDS) database.

Secure Juvenile Detention Facilities

Minors released from ICE facilities between 1/1/2021 and 6/1/2022:	ALOS
Secure Juvenile Detention Facilities	70

ALOS is an acronym for "average length of stay."

Data is as of 0200 hours on 6/1/2022 and queried from the ICE Integrated Decision Support (IIDS) database.

Minors released from ICE facilities between 1/1/2021 and 6/1/2022:	2021				2022		ALOS
	Qtr1 ALOS	Qtr2 ALOS	Qtr3 ALOS	Qtr4 ALOS	Qtr1 ALOS	Qtr2 ALOS	ALOS
Secure Juvenile Detention Facilities	-	-	362	9	-	22	70

First quarter, Qtr1: 1 January – 31 March

Second quarter, Qtr2: 1 April – 30 June

Third quarter, Qtr3: 1 July – 30 September

Fourth quarter, Qtr4: 1 October – 31 December

Data is as of 0200 hours on 6/1/2022 and queried from the ICE Integrated Decision Support (IIDS) database.

Respectfully submitted,

DEANE D DOUGHERTY

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DOUGHERTY
Date: 2022.06.29 14:52:20 -04'00'

Deane Dougherty
Juvenile Coordinator