

EXHIBIT D

The New York Times

Whistle-Blowers Say Detaining Migrant Families 'Poses High Risk of Harm'

By Miriam Jordan

July 18, 2018

LOS ANGELES — The Trump administration, faced with a public outcry over the separation of migrant families at the Southwest border, has said it is exploring a major expansion of family detention centers. But two of the government's own medical consultants said this week that they had identified a "high risk of harm" to migrant children housed at such facilities.

A series of 10 investigations over the past four years, conducted during both the Obama and Trump administrations, "frequently revealed serious compliance issues resulting in harm to children," the two physicians, Scott Allen and Pamela McPherson, said in a letter to the Senate's Whistleblower Protection Caucus.

The doctors said they had "watched in horror" as migrant children were separated from their families over the past several months in a bid to deter illegal border crossers. But they cautioned that the Trump administration's fallback position may not be much better.

"The likely alternative — detention of children with a parent — also poses high risk of harm to children and their families," said the doctors, who currently serve as "subject-matter experts" for the Department of Homeland Security's Office for Civil Rights and Civil Liberties. "In our professional opinion, there is no amount of programming that can ameliorate the harms created by the very act of confining children to detention centers."

The examinations described in their report uncovered problems including a child who lost a third of his body weight and an infant with bleeding of the brain that went undiagnosed for five days.

In a separate filing this week with a court in Los Angeles, lawyers who conducted more than 200 interviews with migrant parents and children said they had collected “shocking and atrocious” reports about conditions at various government-run detention centers, especially at the initial processing centers operated by Customs and Border Protection along the Southwest border.

**You have 4 free articles remaining.
Subscribe to The Times**

The interviews in that case were conducted over the past two months, although similar reports of unpleasant and even dangerous conditions in border processing facilities had emerged even before President Trump took office and imposed the current crackdown on the border.

In the latest interviews, migrants reported freezing conditions, filthy toilets, inadequate water and food that alternately was frozen or made them vomit. “The burritos were spoiled,” one wrote. “The ham looked green,” said another.

One woman, identified in the court filing as Lidia, said she and her 4-year-old son had to wait eight hours for water when they arrived at the processing center and were given only frozen sandwiches that could not be eaten. “My son was crying from hunger,” she said.

She arrived next at a family detention center in Dilley, Tex., with a kidney infection that had been exacerbated by the lack of drinkable water at the processing center, according to the filing. She said she was given only acetaminophen by a male nurse who, when she asked to see a doctor, told her to go to the mental health office “because I was imagining my pain.”

A 16-year-old girl named Keylin said the female guards at the border processing facility in McAllen, Tex., kicked her and other migrants with their boots to keep them awake. “The female guards made me and the other girls strip naked in front of them and leered at us before their showers,” she said in her declaration.

Spokespeople for the Department of Homeland Security did not respond to requests for comment on the physicians' whistle-blower letter. But in a response to the Los Angeles court filing, Justice Department spokesman Devin M. O'Malley cited a recent report to the judge from Henry A. Moak Jr., chief accountability officer for U.S. Customs and Border Protection, who interviewed 38 children and a number of parents during eight unannounced visits to detention facilities. Mr. Moak concluded in his report that the government remained in compliance with a 1997 consent decree, known as the Flores agreement, providing for the humane treatment of migrant children.

The letter from Dr. Allen, former chair of the department of internal medicine at the University of California at Riverside, and Dr. McPherson, a child and adolescent psychiatrist at the Shreveport Behavioral Health Center in Louisiana, urges Congress to block the Trump administration's proposal to possibly expand the population housed in these centers to 15,000 — a fivefold increase in the current population.

The Immigration and Customs Enforcement agency currently operates three such detention centers, two in Texas and one in Pennsylvania, with a combined capacity of 3,326. Under the terms of the 1997 consent decree, children at such centers cannot be confined for long periods, usually interpreted as 20 days.

Yet one woman from El Salvador, interviewed as part of the Los Angeles court case, reported that she and her 10-year-old son had been held at the family detention center in Dilley for 58 days. Another woman said she and her 6-year-old daughter had been at Dilley for 45 days. Government officials say families could be detained for longer periods if a parent elects to remain in custody with a child, rather than having the child released to a relative.

While conditions at the border processing centers appeared to be the worst, as reported in the court filings, numerous problems were documented at the family detention centers, as well. Dr. Allen and Dr. McPherson were aided with their letter describing shortcomings at those facilities by the Government Accountability Project, a nonprofit that works with government whistle-blowers.

During 10 investigations of family detention facilities between 2014 and 2017, the doctors reported, they uncovered serious failures to comply with standards, which could be expected to multiply under "hastily deployed expansion of family detention."

Among other problems, they discovered “significant weight loss” in children that went unnoticed, such as a 16-month-old baby who lost 31.8 percent of his body weight because of untreated diarrhea. In another case, they described a 27-day-old infant who was born during his mother’s journey but was not examined by a pediatrician until the child had a seizure, an outcome of undiagnosed bleeding of the brain.

At one site, the doctors reported, “numerous children” were accidentally inoculated with adult doses of a vaccine. Several children suffered “severe” injuries, including lacerations and fractures of their fingers, when their hands got caught in a spring-loaded closure of heavy steel doors at the family facility in Karnes City, Tex., which was formerly a medium-security prison.

Detaining children in secure facilities, the doctors concluded, also results in possible permanent psychological harm, placing them at risk over the course of their lifetimes of anxiety, depression and post-traumatic stress.

The Democratic vice chairman of the Senate’s whistle-blower caucus, Ron Wyden of Oregon, said in a statement that the doctors’ report “adds to the mountains of evidence that this administration’s cruel and ineffective approach to immigration enforcement is doing permanent harm to children.”

The cases cited by the physicians occurred between 2014 and 2017, beginning with the 2014 surge on the Southwest border, when Central American migrants fleeing violence and poverty began arriving by the tens of thousands.

In an attempt to stem the flow, the Obama administration began holding mothers with children at the 100-bed Berks County Residential Center in Pennsylvania and at two bigger facilities, Karnes City and Dilley, in Texas. A fourth facility, located in Artesia, N.M., closed in 2014 amid complaints about conditions there.

Facing widespread criticism, and constrained by the 1997 consent decree, the Obama administration began releasing families with their promises to appear in court to pursue their immigration claims.

Trump administration officials have said they are determined to detain families, to the degree possible, while their immigration cases are being considered — though the Justice Department recently lost its bid to amend the 1997 consent decree to permit

family detentions of longer than 20 days. The government is expected to appeal the ruling or ask Congress to pass a law to override the consent decree.

The number of migrants in families who were apprehended by Border Patrol hovered around 70,000 in 2015 and 2016 and plummeted to about 30,000 in President Trump's first year in office. But the number rose precipitously this year.

A version of this article appears in print on July 19, 2018, on Page A14 of the New York edition with the headline: Doctors Blow Whistle on Dangers Migrant Children Face in Detention