

with *bona fide* asylum claims and who are held at a family detention center for the purpose of deterring the future migration of others, regardless of their flight risk or danger to the public, and without an individualized custody determination (the “No-Release Policy”).

The No-Release Policy is unlawful agency action and should be set aside under the Administrative Procedure Act, the Immigration and Nationality Act and its implementing regulations, and the Fifth Amendment to the United States Constitution, as further explained in the accompanying Memorandum. A preliminary injunction is warranted to prevent severe and irreparable harm to Plaintiffs, and to many others similarly situated who are, or will soon be, subject to the illegal and harmful No-Release Policy.

In support of this Motion, Plaintiffs rely upon the accompanying Memorandum, declarations, and exhibits. A proposed order is attached for the Court’s convenience.

REQUEST FOR EXPEDITION PURSUANT TO LOCAL RULE 65.1(d)

Pursuant to Local Rule 65.1(d), Plaintiffs respectfully request that the Court schedule a hearing on this motion for a preliminary injunction within 21 days of the date of this filing. As further explained in the accompanying Memorandum, expedition is warranted because every day that Plaintiffs and others in their position spend in unnecessary detention adds to and compounds the irreparable harm they suffer, including the trauma experienced by young children.

STATEMENT PURSUANT TO LOCAL RULE 7(m)

Pursuant to Local Rule 7(m), Plaintiffs’ counsel conferred with Defendants’ counsel to determine if Defendants would consent to the relief requested in this motion. Defendants informed Plaintiffs that they do not consent.

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INTRODUCTION

Plaintiffs and other members of the class they seek to represent are mothers and their minor children who have fled violence and persecution in their home countries—predominantly, Honduras, Guatemala, and El Salvador—to seek asylum in the United States. Each has been found to have a “credible fear” of persecution, meaning there is a “significant possibility” she or he will be granted asylum.

In the past, individuals in this position were generally released while their asylum claims were processed. Plaintiffs, however, have instead been detained in prison-like conditions pursuant to an unprecedented “no-release” policy adopted by the Department of Homeland Security (“DHS”) in June 2014 (the “No-Release Policy”). Under this policy, DHS locks up mothers and their minor children and refuses to release them on bond, recognizance, or other conditions. It does so not because they individually pose a danger to the community or flight risk that requires their detention, but rather to deter other Central American migrants from coming to the United States.

The Government may not legally deprive *bona fide* asylum-seekers like Plaintiffs of their liberty simply to deter others. As the Supreme Court has recognized, the purpose of immigration detention is to ensure that individuals appear for removal proceedings and to protect the public from danger. “Deterrence” of others is not a legally permissible basis for civil confinement.

The No-Release Policy, however, provides for blanket detention of migrants for the purpose of deterrence, without an individualized custody determination and regardless of whether their detention is required by flight risk or danger to the community. As such, the policy is contrary to law and arbitrary and capricious, and thus constitutes illegal agency action under the Administrative Procedure Act (“APA”). Specifically, the policy violates the Immigration and Nationality Act (“INA”), applicable DHS regulations, and the Due Process Clause of the

Fifth Amendment to the United States Constitution, and even on its own terms is an arbitrary and irrational means of achieving deterrence. Every day the illegal No-Release Policy is maintained, it causes irreparable harm to the families subjected to it, including many children who are at risk of permanent psychological harm. The balance of hardships tips overwhelmingly in Plaintiffs' favor, and the public has no interest in allowing Defendants to continue violating the law. In these circumstances, the Court should preliminarily enjoin continued implementation of the No-Release Policy.

BACKGROUND

A. Statutory and Regulatory Framework.

Plaintiffs crossed the border and entered the United States without documentation, after which they were apprehended by U.S. Customs and Border Protection. Although initially subject to a streamlined removal process known as expedited removal,¹ they each went on to establish a credible fear of persecution before an asylum officer or immigration judge (“IJ”)—meaning there is a “significant possibility” that they are eligible for asylum. 8 U.S.C. § 1225(b)(1)(B)(v).² Upon establishing a credible fear, Plaintiffs were referred from the expedited removal system and placed into standard removal proceedings under 8 U.S.C. § 1229a. Under that system, an individual is entitled to a full asylum hearing before the immigration court and an administrative appeal to the Board of Immigration Appeals (“BIA”), both of which are administered by the Department of Justice’s Executive Office of Immigration Review, as well as to petition for review of any removal order entered against her in the court of appeals. *See* 8 C.F.R. § 208.30(f); 8 U.S.C. § 1225(b)(1)(B)(ii); 8 U.S.C. § 1252(a)-(b).

¹ *See* 8 U.S.C. § 1225(b)(1)(A)(i); 8 U.S.C. § 1225(b)(1)(A)(iii); 69 Fed. Reg. 48,877 (Aug. 11, 2004).

² *See* 8 U.S.C. § 1225(b)(1)(A) & (B); 8 C.F.R. § 208.30(d)-(g).

Upon passing a credible fear determination and being referred for regular removal proceedings, Plaintiffs were detained pursuant to the general immigration detention statute, INA § 236(a), 8 U.S.C. § 1226(a). Under this statute, they are eligible for discretionary release from detention. Section 1226(a) provides that, “pending a decision on whether the alien is to be removed from the United States[,]”

the Attorney General--

- (1) may continue to detain the arrested alien; and
- (2) may release the alien on—
 - (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
 - (B) conditional parole

*Id.*³

Pursuant to section 1226(a) and its implementing regulations, DHS makes a custody determination for each detained noncitizen, in which it considers her for release on bond, recognizance, or other conditions. The implementing regulations expressly delegate authority to individual ICE officers to decide whether to detain or release noncitizens, based on individualized considerations. Specifically, the reviewing ICE officer “may, in the officer’s discretion, release an alien . . . under the conditions at section 236(a)(2) and (3) of the Act; provided that the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.” 8 C.F.R. § 1236.1(c)(8).

If ICE denies release or sets a bond that the noncitizen cannot pay, the individual remains in custody. While the regulations do not provide for further review within DHS, the noncitizen

³ The Secretary of the DHS shares the Attorney General’s authority under § 1226(a) to detain or release noncitizens during removal proceedings. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, § 441, 116 Stat. 2135, 2192.

has the option of requesting a custody redetermination from an IJ, and appealing the IJ's decision to the BIA. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). This hearing is not automatic, but instead requires that the noncitizen affirmatively request redetermination. There also is no requirement that the hearing occur within any specific time period. If the IJ does not grant release on bond, recognizance, or other conditions, or if the noncitizen wishes to contest the bond set, she may appeal to the BIA. DHS may also appeal the IJ's custody decision and can automatically stay the IJ's decision (and thus the individual's release) pending the appeal. 8 C.F.R. §§ 1003.19(f), 1003.19(i)(2).

Historically, section 1226(a) and its predecessor statute were understood to authorize the detention of noncitizens based only on an individualized determination of flight risk or danger to the community. *See Matter of Patel*, 15 I. & N. Dec. 666, 666 (BIA 1976) (“An alien generally is not and should not be detained or required to post bond except on a finding that he is a threat to the national security . . . or that he is a poor bail risk.” (internal citation omitted) (construing former INA § 242(a)); *see also Matter of Adeniji*, 22 I. & N. Dec. 1102, 1112-13 (BIA 1999) (construing current INA § 236(a)). Accordingly, DHS has never before authorized the blanket detention of individuals like Plaintiffs under section 1226(a) based solely on generalized deterrence concerns.⁴

⁴ In *Matter of D-J-*, 23 I. & N. Dec. 572 (AG 2003), a case that involved Haitian and Dominican migrants apprehended “after the[ir] vessel sought to evade coastal interdiction by the United States Coast Guard,” the Attorney General construed section 1226(a) to authorize immigration officers to consider deterrence of these national security concerns as but one factor in determining whether to exercise individualized discretion to release individual detainees. *See id.* at 572-73, 579-80. As the opinion explained, “[t]he national security interests invoked in this opinion are directed at unlawful and dangerous mass migrations” *Id.* at 584. For the reasons set forth below, the underlying reasoning of *D-J-* is distinguishable from the facts here and otherwise incorrect. *See infra* nn. 13, 19.

B. Pre-June 2014: DHS's Policies Regarding Family Detention and the Detention of Asylum Seekers With a Credible Fear of Persecution.

Prior to June 2014, mothers who arrived in the United States with their minor children and were placed in removal proceedings were generally released on parole or on their own recognizance. DHS generally did not detain such migrant families except for a small number of families held at the 96-bed Berks County Residential Center (“Berks”) in Leesport, Pennsylvania. Declaration of Michelle Brané (“Brané Decl.”) ¶¶ 11, 14 (Dec. 15, 2014) (attached as Exhibit 1).⁵

Prior to June 2014, DHS also routinely released from detention asylum-seekers who were apprehended at a port of entry and were found to have a credible fear of persecution, pursuant to its parole authority under 8 U.S.C. § 1182(d)(5). *See* Brané Decl. ¶¶ 11-12.⁶ For example, in fiscal year 2012, 80% of asylum seekers who were found to have a credible fear were granted parole.⁷ Asylum seekers found to have a credible fear of persecution have long been deemed to be a “low priority” for detention.⁸

⁵ *See also* Lutheran Immigration & Refugee Serv. & Women’s Refugee Comm’n, *Locking Up Family Values, Again* 5 (Oct. 2014), available at <http://lirs.org/familyvalues/>. DHS also operated the T. Don Hutto Family Residential Facility in Taylor, Texas from 2006-2009, but discontinued the facility in the face of intense public scrutiny, media coverage, and litigation. Brané Decl. ¶ 11.

⁶ DHS’s historical treatment of “arriving aliens” at a port of entry is indicative of its traditional approach more broadly, and further evidence of the fundamental departure created by the No-Release Policy. Plaintiffs, however, fall within the detention and release provisions of section 1226(a), not section 1182(d)(5), because they have effected an entry into the United States and are not “arriving aliens.” *See supra* at 3.

⁷ U.S. Comm’n on Int’l Religious Freedom, *Assessing the U.S. Government’s Detention of Asylum Seekers: Further Attention Needed to Fully Implement Reforms* 9-10 (Apr. 2013), available at <http://www.uscirf.gov/reports-briefs/special-reports/assessing-the-us-governments-detention-asylum-seekers> (citing ICE data).

⁸ *See, e.g.*, ICE, Directive 11002.1, *Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture* § 6.2 (Dec. 8, 2009), available at (continued...)

Similarly, prior to June 2014, DHS generally did not detain families that (like Plaintiffs) were apprehended in the interior of the United States and found to have a credible fear of persecution. Instead, DHS released the majority of such families on bond or their own recognizance based upon an individualized assessment of their flight risk and danger to the community under section 1226(a) and its implementing regulations. *See* Brané Decl. ¶¶ 11-12; Declaration of Valerie Burch (“Burch Decl.”) ¶¶ 7-9 (Dec. 14, 2014) (attached as Exhibit 3).

C. Post-June 2014: DHS’s No-Release Policy for Central American Families with a Credible Fear of Persecution.

This all changed in June 2014. In response to an increase in Central American migrants crossing the border, DHS adopted a new, blanket No-Release Policy in order to deter further migration to the United States.⁹ *See* Brané Decl. ¶ 12; Declaration of Barbara Hines (“Hines Decl.”) ¶¶ 11-16 (Dec. 14, 2014) (attached as Exhibit 4); Declaration of Allegra McLeod

http://www.ice.gov/doclib/dro/pdf/11002.1-hd-parole_of_arriving_alien_found_credible_fear.pdf; Mem. for Reg’l Directors from Michael A. Pearson, Exec. Assoc. Comm’r, INS, Officer of Field Operations re: Detention Guidelines Effective October 9, 1998 (Oct. 7, 1998) (attached as Exhibit 2).

⁹ More broadly, DHS has also dramatically expanded family detention in response to the increase in migration from Central America. In June 2014, DHS opened a nearly 700-bed facility in Artesia, New Mexico (“Artesia”). In August 2014, DHS converted the Karnes County Residential Facility (“Karnes”) in Karnes County, Texas into a family detention center with a 532-bed capacity. Brané Decl. ¶ 14. Although the Artesia facility closed in December 2014, DHS recently opened a new family detention facility in Dilley, Texas, which is ultimately slated to hold 2,400 mothers and children. Families held at Artesia have been transferred to Karnes. Meanwhile, DHS has begun expanding the Berks facility, and plans to expand capacity at Karnes as well. Brané Decl. ¶ 14. DHS has repeatedly stated that these changes are needed to deter future migration from Central America. *See* DHS, *Fact Sheet: Artesia Temporary Facility for Adults With Children in Expedited Removal* (June 20, 2014), available at <http://www.dhs.gov/news/2014/06/20/fact-sheet-artesia-temporary-facility-adults-children-expedited-removal> (Artesia); DHS Press Statement, South Texas ICE Detention Facility to House Adults With Children (July 31, 2014), available at <http://www.dhs.gov/news/2014/07/31/south-texas-ice-detention-facility-house-adults-children> (Karnes); DHS Press Release, ICE to open additional facility in South Texas to house adults with children (Sept. 22, 2014), available at <https://www.ice.gov/news/releases/ice-open-additional-facility-south-texas-house-adults-children> (Dilley).

(“McLeod Decl.”) ¶¶ 6-7, 17 (Dec. 14, 2014) (attached as Exhibit 5). Under this policy, ICE officials are barred in virtually all cases from releasing these migrants. Brané Decl. ¶¶ 22-23; Hines Decl. ¶¶ 10-16; McLeod Decl. ¶¶ 6, 8-11.¹⁰

The No-Release Policy directs ICE officers categorically to deny release to mothers detained with their minor children—whether on bond, recognizance, or other conditions. Brané Decl. ¶¶ 12, 22-23; Hines Decl. ¶¶ 13-15. ICE officers have admitted that this policy exists, confirming that “[o]ur directive is no bonds on anyone. We are keeping them here through the entire process” Declaration of Virginia Marie Raymond (“Raymond Decl.”) ¶ 7 (Dec. 13, 2014) (attached as Exhibit 6) (emphasis omitted). The facts on the ground also attest to this sea-change. Prior to June 2014, migrants in exactly the same position as Plaintiffs and other proposed class members were almost uniformly released; now, virtually no one is released. Hines Decl. ¶¶ 8, 11, 14; Brané Decl. ¶¶ 11, 22.

This new policy is based on general deterrence concerns—*i.e.*, to send a “message” to future migrants that they will be detained—rather than on an individualized assessment of each migrant’s circumstances and whether they pose a public danger or flight risk that requires detention. Brané Decl. ¶¶ 12, 18; Hines Decl. ¶ 10; McLeod Decl. ¶¶ 18-19. Although DHS does not explain the basis for its custody determinations when it makes them, it does go on to uniformly defend them in immigration court on the ground that releasing Central American migrants like Plaintiffs would encourage mass illegal migration from Central America. As one IJ noted, “DHS attorneys are taking a blanket ‘no bond or high bond’ position” based on deterrence concerns. *In re Z-R & C-Z*, at 4 (DOJ, EOIR Oct. 7, 2014) (attached as Exhibit 7).

¹⁰ Indeed, for *99 percent* of families at Artesia represented by the pro bono attorneys from the American Immigration Lawyers’ Association (“AILA”), ICE denied release. McLeod Decl. ¶¶ 8-11.

In particular, in declarations filed in such cases, DHS states that a “‘no bond’ or ‘high bond’ policy” is necessary to “significantly reduce the unlawful mass migration of Guatemalans, Hondurans, and Salvadoran[s].” *See* Immigration Court Declaration of Philip T. Miller, ICE Assistant Director of Field Operations for Enforcement and Removal Operations (“Miller Decl.”) at 55 (Aug. 7, 2014) (attached at Exhibit A to the Hines Declaration [Exhibit 4]), *available at* <http://www.aila.org/content/default.aspx?docid=49910>. The similar declaration of Assistant Director Lembke contends that “[i]mplementing a ‘no bond’ or ‘high bond’ policy would help alleviate [the diversion of HSI’s resources from other investigative priorities] by deterring further mass migration.” *See* Immigration Court Declaration of Traci A. Lembke, ICE Assistant Director over Investigation Programs for HSI and ICE (“Lembke Decl.”) at 60 (Aug. 7, 2014) (attached at Exhibit A to the Hines Declaration [Exhibit 4]), *available at* <http://www.aila.org/content/default.aspx?docid=49910>.¹¹

Notwithstanding the professed need to communicate this message, DHS applies its No-Release Policy to a small minority of Central American migrants. The much larger group of adults held at ICE’s adult detention centers who are found to have a credible fear of persecution and who are eligible for release under section 1226(a) continue to receive an individualized assessment of whether their detention is warranted. Brané Decl. ¶¶ 24-25; Hines Decl. ¶ 16; McLeod Decl. ¶ 18.

The immigration courts are not bound by DHS’s No-Release Policy, and some asylum-seekers—particularly those fortunate enough to obtain legal representation—have been able to

¹¹ *See also* DHS Press Release, Statement by Secretary of Homeland Security Jeh Johnson Before the Senate Committee on Appropriations (July 10, 2014), *available at* <http://www.dhs.gov/news/2014/07/10/statement-secretary-homeland-security-jeh-johnson-senate-committee-appropriations> (“[T]here are adults who brought their children with them. Again, our message to this group is simple: we will send you back.”).

secure their release on bond, effectively confirming that there was no need to deprive them of liberty under traditional immigration detention standards. *See* Hines Decl. ¶ 21; McLeod Decl. ¶¶ 14-16, 22-23. Others, however, and in particular those who lack access to counsel, may not even know that this optional administrative appeal exists. *See* Brané Decl. ¶ 15; Declaration of Matthew Archambeault (“Archambeault Decl.”) ¶ 14 (Dec. 12, 2014) (attached as Exhibit 8). Moreover, families subject to the No-Release Policy have no immediate recourse—they typically wait at least a month, and in many cases more than three months—before even having an opportunity to request their freedom from an immigration judge. *See* Hines Decl. ¶ 21; McLeod Decl. ¶ 14. As Plaintiffs’ experiences illustrate, the No-Release Policy is inflicting significant and long-lasting wounds on those subjected to it, including young children, before DHS’s blanket denials of release can be questioned by a separate agency.

D. Application of the No-Release Policy to Plaintiffs.

Plaintiffs are all Central American women and their minor children who came to the United States to seek asylum from violence in their home countries. Each has received a positive credible fear assessment—meaning that an asylum officer has found that there is a “significant possibility” that they are eligible for asylum—and has been referred for a full hearing on the merits of their asylum claim. None has any criminal history and all have family members in the United States who are ready and able to provide shelter and support through their immigration court proceedings. Even though these families clearly satisfy the traditional criteria for release on bond or recognizance, all have been detained at Karnes pursuant to Defendants’ blanket No-Release Policy.

Plaintiff G.C.R. has been detained with her twelve-year old son, J.A.R., since they entered the United States on October 29, 2014. Declaration of G.C.R. (“G.C.R. Decl.”) ¶¶ 20-21 (Jan. 6, 2015) (attached as Exhibit 16). Plaintiffs G.C.R. and J.A.R. fled their native El Salvador

for the United States because G.C.R. was the victim of death threats and physical and sexual abuse, including numerous rapes and an attack with a machete, by her domestic partner, and both G.C.R. and J.A.R. were victims of gang violence in El Salvador. G.C.R. Decl. ¶¶ 2-18.

G.C.R.'s domestic partner, who is a member of the Mara 18 gang, forced G.C.R. to engage in sexual relations with him starting when she was still a teenager. G.C.R. Decl. ¶¶ 4-8. In addition, members of Mara 18's rival gang, MS, have targeted and beaten J.A.R. at school.

G.C.R. Decl. ¶¶ 14-16. After G.C.R. went to the police, who have been unable or unwilling to assist G.C.R. and J.A.R., MS members came to G.C.R. and J.A.R.'s home and threatened to kill them. G.C.R. Decl. ¶¶ 16-17. After G.C.R. and J.A.R. arrived in the United States, an asylum officer interviewed G.C.R. on November 19, 2014 and made a positive credible fear

determination the same day. G.C.R. Decl. ¶¶ 22-23. ICE, however, denied release, even though G.C.R. and her son have no criminal convictions and G.C.R.'s sister in Indiana is willing to sponsor them and make sure they appear at all appointments with immigration officials. G.C.R.

Decl. ¶¶ 24-26. J.A.R. has a heart condition that has been left unremedied in detention, has had nightmares, and has hardly eaten; G.C.R. is depressed and scared in the detention facility. G.C.R.

Decl. ¶¶ 31-33. Their detention is adding to the extreme trauma they already experienced in El Salvador.

Plaintiff R.I.L.R. was detained at Karnes after entering the United States with her two children, Plaintiffs J.L.S. and K.L.S., on October 30, 2014. Declaration of R.I.L.R. ("R.I.L.R. Decl.") ¶ 4 (Dec. 12, 2014) (attached as Exhibit 9).¹² J.L.S. is seven years old and K.L.S. is

¹² After filing their motion to proceed anonymously and lodging their original complaint in this Court, Plaintiffs R.I.L.R., J.L.S., K.L.S., Z.M.R., J.L.P.M., W.M.C., C.M.A.C., and G.A.P.C. received a redetermination of custody hearing before an IJ, and the IJ set bond for each of them. These facts do not negate the irreparable harm suffered by these asylum-seeking families for weeks or months before there was even a chance of recourse. Moreover, Plaintiffs G.C.R. and (continued...)

three years old. R.I.L.R. Decl. ¶ 3. The family fled its home in El Salvador to escape pervasive abuse by the children's father, a gang member who repeatedly beat R.I.L.R., cut her with a machete, and attempted to poison her. R.I.L.R. Decl. ¶¶ 5-9. R.I.L.R. went to the police, but they would not help her, even after her abuser kidnapped the children in retaliation for an initial escape attempt. R.I.L.R. Decl. ¶¶ 7-8. An asylum officer interviewed the family on November 5, 2014. R.I.L.R. Decl. ¶ 11. On November 10 or 11, 2014, ICE informed R.I.L.R. that she had established a credible fear of persecution and that she could therefore pursue her asylum claim before an immigration judge. R.I.L.R. Decl. ¶ 14. But ICE also informed her that she and her children would be denied release, even though R.I.L.R. has no criminal record and has a mother with lawful status in Houston, Texas who has agreed to provide housing and support during the asylum proceedings. R.I.L.R. Decl. ¶¶ 14-15, 17. R.I.L.R.'s two children lost their appetites in detention and her daughter woke up in the night, crying to go home. R.I.L.R. Decl. ¶ 18. R.I.L.R. worried that each day her children were kept in prison added to the trauma that they have already experienced. R.I.L.R. Decl. ¶ 20.

Plaintiff Z.M.R. was detained with her sixteen-year-old son, Plaintiff J.L.P.M., at Karnes after entering the United States on October 26, 2014. Declaration of Z.M.R. ("Z.M.R. Decl.") ¶¶ 13-14 (Dec. 12, 2014) (attached as Exhibit 10). The two came to the United States to flee violence they experienced at the hands of Z.M.R.'s ex-partner in Honduras, who raped and routinely beat Z.M.R. and abused her son. Z.M.R. Decl. ¶¶ 4-13. On November 6, 2014, she

J.A.R. and the many other present and future members of the proposed class continue to be detained as a result of the No-Release Policy, with no assurance of a successful bond redetermination before an IJ, and in any event subject to irreparable harms from DHS's actions unless and until a separate agency intervenes. As further explained in Plaintiffs' brief in support of class certification, the release of some or all of the named Plaintiffs does not prevent certification of a class and entry of class-wide relief to protect this inherently transitory class from the illegal No-Release Policy. *See* Pl. Mot. for Class Cert., at 4 n.1.

was found to have a credible fear of persecution, and subsequently referred to immigration court to pursue her asylum claim before an immigration judge. Z.M.R. Decl. ¶ 15. However, on November 12, 2014, ICE issued notice that she would be denied release, even though Z.M.R. has no criminal record and a sister in North Carolina with lawful status who is willing to provide her with housing and support during her asylum proceedings. Z.M.R. Decl. ¶¶ 16-17. While in detention, J.L.P.M. suffered from depression, dizziness, and physical weakness, and Z.M.R. was distraught. Z.M.R. Decl. ¶¶ 20-23; Declaration of J.L.P.M. (“J.L.P.M. Decl.”) ¶¶ 8-14 (Dec. 11, 2014) (attached as Exhibit 11).

Plaintiff W.M.C. was detained at Karnes with her two children, Plaintiffs C.M.A.C. and G.A.P.C., aged five years and eight months, after they entered the United States on October 2, 2014. Declaration of W.M.C. (“W.M.C. Decl.”) ¶¶ 3-4, 14 (Dec. 12, 2014) (attached as Exhibit 12). The family fled El Salvador because W.M.C.’s former partner, a gang member, brutally abused W.M.C., including while she was pregnant. W.M.C. Decl. ¶¶ 5-11, 13. It was impossible for the family to find refuge in El Salvador. W.M.C. Decl. ¶¶ 10-12. An asylum officer interviewed W.M.C. on October 24, 2014; she received a positive credible fear assessment on October 27, 2014. W.M.C. Decl. ¶¶ 15-16. That same day, ICE denied release, even though W.M.C. has no criminal history and an uncle in New York who is a U.S. citizen and who has offered to provide her and her children with housing and support during their asylum proceedings. W.M.C. Decl. ¶¶ 16, 18. Detention was difficult for W.M.C. and her daughter: as W.M.C. explained, “[i]t is hard to see my daughters locked up in a jail and to know that I brought them here. But I had no other choice: my partner was beating me, and I feared for our lives.” W.M.C. Decl. ¶ 20.

STANDARD OF REVIEW

In deciding whether to issue a preliminary injunction, a court must consider “whether (1) the plaintiff has a substantial likelihood of success on the merits; (2) the plaintiff would suffer irreparable injury were an injunction not granted; (3) an injunction would substantially injure other interested parties; and (4) the grant of an injunction would further the public interest.” *Sottera, Inc. v. FDA*, 627 F.3d 891, 893 (D.C. Cir. 2010) (internal quotation marks and citations omitted). Plaintiffs meet these requirements here.

ARGUMENT

I. Plaintiffs Are Substantially Likely to Succeed on the Merits.

A. The No-Release Policy Is Contrary to Law and Should Thus Be Set Aside and Enjoined Pursuant to the APA.

1. The No-Release Policy Violates the INA.

The No-Release Policy violates the INA and is thus contrary to law under the APA. *See* 5 U.S.C. § 706(2)(A). Plaintiffs, and others similarly situated, have been detained pursuant to 8 U.S.C. § 1226(a). The statute states only that DHS “may continue to detain the arrested alien,” or “may release the alien” on bond or parole. The No-Release Policy, however, precludes release in favor of a blanket policy of detaining arrested migrant families for general deterrence purposes, without regard to their individual circumstances. The statute contains no authorization for such a sweeping expansion of civil detention, and must be read to avoid the serious constitutional problems the No-Release Policy raises.

The Supreme Court has interpreted “may detain” language identical to that of section 1226(a) in another provision of the INA. The Court described such language as “ambiguous,” holding that it “does not necessarily suggest unlimited discretion.” *Zadvydas v. Davis*, 533 U.S. 687, 697 (2001). In such situations, the Court recognized, it must “read significant limitations

into . . . immigration statutes in order to avoid their constitutional invalidation.” *Id.* at 689; *see also Clark v. Martinez*, 543 U.S. 371, 381 (2005) (the avoidance canon “is a tool for choosing between competing plausible interpretations of a statutory text, resting on the reasonable presumption that Congress did not intend the alternative which raises serious constitutional doubts”). Thus, in *Zadvydas*, the Court interpreted “may detain” to contain a statutory “limitation” on indefinite detention of removable aliens who cannot be deported. 533 U.S. at 689. In reaching this result, the Court found that the traditional purposes of immigration detention did not justify the Government’s policy: “the flight risk justification evaporates,” and the policy “bears no relation to a detainee’s dangerousness.” *Id.* at 691-92.

Zadvydas compels the same result here. As in *Zadvydas*, DHS claims a limitless power to detain for any reason. As in *Zadvydas*, that expansive approach does not comport with the traditional purposes of immigration detention. And as in *Zadvydas*, the sweeping detention power DHS seeks to read into the statute presents serious constitutional problems. Accordingly, as in *Zadvydas*, section 1226(a) must be construed to limit DHS’s detention authority.

Specifically, the Due Process Clause of the Fifth Amendment provides that “[n]o person shall . . . be deprived of . . . liberty . . . without due process of law.” U.S. Const., amend. V. As the Supreme Court has explained in the immigration context, “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690. “[G]overnment detention violates th[e] [Due Process] Clause unless the detention is ordered in a *criminal* proceeding with adequate procedural protections, or, in certain special and ‘narrow’ nonpunitive ‘circumstances,’ where a special justification . . . outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* (internal citations omitted) (quoting *Foucha v. Louisiana*, 504 U.S. 71,

80 (1992), and *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). It is well established that these Due Process principles “appl[y] to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693.¹³

As the Supreme Court has recognized, the legitimate “special justifications” for immigration detention are “preventing flight” and “protecting the community” from danger. *Id.* at 690-91. General deterrence, on the other hand, is decidedly not a valid basis for immigration detention. To the contrary, the Supreme Court has repeatedly warned that civil detention may not “become a ‘mechanism for retribution or *general deterrence*’—functions properly those of criminal law, not civil commitment.” *Kansas v. Crane*, 534 U.S. 407, 412 (2002) (emphasis added) (quoting *Kansas v. Hendricks*, 521 U.S. 346, 372-74 (1997) (Kennedy, J., concurring)).¹⁴

The Court has never allowed individuals to be deprived of their liberty through civil detention simply to send a deterrence message to others. The Government has ample tools to deter unlawful migration, including the criminal laws, which allow it to prosecute aliens for unlawful entry. 8 U.S.C. § 1325. If the Government wishes to pursue the criminal law goal of

¹³ In *D-J-*, in which Attorney General Ashcroft determined that deterrence was a permissible factor to consider in making certain custody determinations under section 1226(a), *supra* n.4, the Attorney General disregarded this principle and stated that any alien not formally “admitted” lacks Due Process rights and so can be detained for any reason. *See D-J-*, 23 I. & N. Dec. at 583. As a result of this basic error, the Attorney General never applied the type of statutory analysis required by *Zadvydas*.

¹⁴ *See also, e.g., Hendricks*, 521 U.S. at 361-62 (upholding civil commitment statutes because it “does not implicate either of the two primary objectives of criminal punishment: retribution or deterrence”); *Foucha*, 504 U.S. at 78, 80 (although Louisiana could “of course imprison convicted criminals for the purposes of deterrence and retribution,” it had “no such punitive interest” in detention of individuals acquitted due to insanity; continued detention of such individuals required “determination in civil commitment proceedings of [their] current mental illness and dangerousness”); *Bell v. Wolfish*, 441 U.S. 520, 539 n.20 (1979) (“Retribution and deterrence are not legitimate nonpunitive governmental objectives” for pretrial detention (citing, *inter alia*, *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 168 (1963))).

deterrence, it can and must pursue that goal through “ordinary criminal processes”—not an unprecedented assertion of civil commitment power. *Foucha*, 504 U.S. at 82.

In addition to requiring “special justifications” for the deprivation of liberty—deterrence not among them—civil confinement requires “strong procedural protections” to ensure that detention is serving a legitimate goal. *Zadvydas*, 533 U.S. at 690-91. As a result, immigration detention generally requires an *individualized* determination of flight risk and danger to the community. *Id.*; *United States v. Salerno*, 481 U.S. 739, 751-52 (1987) (affirming Bail Reform Act in light of procedures for “determining the appropriateness of detention” based on individualized factors); *cf. Hamdi v. Rumsfeld*, 542 U.S. 507, 518, 533 (2004) (detention of combatants during wartime is “neither revenge, nor punishment, but solely protective custody . . . to prevent the prisoners of war from further participation in the war;” due process requires opportunity for citizen-detainee to “challenge his classification as an enemy combatant” before a neutral decisionmaker (internal quotation marks and citation omitted)).¹⁵

The No-Release Policy is flatly inconsistent with the principles of civil immigration detention rooted in the Due Process Clause and reflected in *Zadvydas* and other cases. Immigration detention cannot be justified solely to deter others, and an individualized assessment of whether flight risk and danger to the community warrant detention in an individual

¹⁵ While the Supreme Court upheld the constitutionality of mandatory detention in *Demore v. Kim*, 538 U.S. 510 (2003), that case involved a Congressional statute that singled out individuals who were removable based on certain criminal convictions, and for whom Congress had before it an extensive record demonstrating that they posed a greater risk of flight and recidivism. In light of this record, the Court held that a brief period of mandatory detention—as applied to an individual who conceded deportability on one of the specified criminal grounds—was reasonably related to the government’s interest in protecting against danger and flight risk, and thus satisfied due process. *See id.* at 531. Here, there is no evidence, much less an extensive record, showing that Plaintiffs and others similarly situated pose greater risks of flight risk or danger to the community.

case is required. Pursuant to the No-Release Policy, Plaintiffs and other putative class members received no such individualized determinations by DHS. No ICE officer considered, let alone determined, whether Plaintiffs present a flight risk or a danger to the community that requires their detention. Rather, Plaintiffs and many others like them have been deprived of their liberty *en masse* as a general deterrent to others.

Section 1226(a) does not say that detention is authorized for this sweeping, unconstitutional general deterrent purpose. Since it is “fairly possible” to read section 1226(a) not to authorize unconstitutional detention, the statute must be construed in that manner. *Zadvydas*, 533 U.S. at 678. Accordingly, the No-Release Policy violates the INA and is “contrary to law” under the APA.¹⁶

2. The No-Release Policy Violates the Due Process Clause.

For similar reasons, the No-Release Policy is contrary to law because it violates the Due Process Clause. As set forth above, the Due Process Clause protects Plaintiffs and other putative class members from detention that is not reasonably related to the legitimate purposes of preventing flight or protecting the community. *Zadvydas*, 533 U.S. at 690; *see also Demore*, 538

¹⁶ This construction of the statute is also confirmed by another venerable canon of statutory construction: courts must avoid interpreting the statute to conflict with the United States’ international law and treaty obligations “if any other possible construction remains.” *Murray v. Schooner Charming Betsy*, 6 U.S. (2 Cranch) 64, 118 (1804); *see also United States v. Ali*, 718 F.3d 929, 936 (D.C. Cir. 2013). Consistent with the U.S. Constitution, international law prohibits the detention of asylum seekers—such as Plaintiffs—based on general deterrence and without an individualized determination that detention is justified by danger or flight risk. *See* UNHCR, *Guideline on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, Guideline No. 4.1.4 (2012), available at <http://www.refworld.org/docid/503489533b8.html> (“Detention that is imposed in order to deter future asylum-seekers, or to dissuade those who have commenced their claims from pursuing them, is inconsistent with international norms.”). This international law requirement is reflected in specific treaty commitments binding on the United States. United Nations Convention Relating to the Status of Refugees, July 28, 1951, 19 U. S. T. 6259, arts. 26 & 31 (protecting “freedom of movement” for asylum-seekers); International Covenant on Civil and Political Rights, Dec. 19, 1996, 1916 U.S.T. 521, art. 9 (prohibiting arbitrary deprivations of liberty).

U.S. at 527-28. Deterrence is not a permissible basis for civil detention. *See Crane*, 534 U.S. at 412; *Hendricks*, 521 U.S. at 361-62; *Foucha*, 504 U.S. at 80; *Bell*, 441 U.S. at 539 n.20. By detaining Plaintiffs on the basis of general deterrence rather than an individualized determination that detention is warranted due to of flight risk or danger to the community, the No-Release Policy violates the Fifth Amendment.

Even assuming that general deterrence were a permissible purpose for detention in some circumstances, moreover, the No-Release Policy still violates Plaintiffs' due process rights. At a minimum, due process would require that such detention be reasonably related to Defendants' goals of deterring an influx of future migrants. *See Zadvydas*, 533 U.S. at 690. However, for the reasons set forth in section I.A.4, *infra*, the detention of a very small subset of *bona fide* asylum seekers, such as Plaintiffs, is not reasonably related to that objective. For this additional reason, the No-Release Policy is unconstitutional.¹⁷

3. The No-Release Policy Violates DHS's Own Regulations.

The No-Release Policy also violates DHS's own regulations. "It is axiomatic . . . that an agency is bound by its own regulations. . . . Thus, an agency action may be set aside as arbitrary and capricious if the agency fails to 'comply with its own regulations.'" *Nat'l Env'tl. Dev. Ass'n's Clean Air Project v. EPA*, 752 F.3d 999, 1009 (D.C. Cir. 2014) (internal quotation marks and citations omitted). Here, a DHS regulation expressly authorizes discretionary release determinations. DHS has violated this regulation by adopting a blanket No-Release Policy that *prohibits* such determinations. The policy should be set aside on this basis.

¹⁷ Plaintiffs raise their due process claim both under the APA and as a freestanding claim under the Due Process Clause. *See Trudeau v. FTC*, 456 F.3d 178, 190 (D.C. Cir. 2006) (independent cause of action exists to remedy constitution violations); *Hubbard v. EPA*, 809 F.2d 1, 11 n. 15 (D.C. Cir. 1986) ("[T]he court's power to enjoin unconstitutional acts by the government . . . is inherent in the Constitution itself . . .").

8 C.F.R. § 1236.1(c)(8) provides that “[a]ny officer authorized to issue a warrant of arrest may, in the officer’s discretion, release an alien not described in section 236(c)(1) of the Act, under the conditions at section 236(a)(2) and (3) of the Act.” It goes on to say that, for an officer to exercise such discretion, “the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.” *Id.*

The plain text of the regulation thus dictates that the ICE officers who make custody-or-release determinations for individual migrants who have received a positive credible fear determination have “discretion” to release an alien on bond if the alien demonstrates that she or he does not present a danger to the community or a flight risk.¹⁸ As the Supreme Court has repeatedly confirmed in the immigration context, this sort of “discretion” inherently requires some form of individualized determination.

For example, in *Reno v. Flores*, 507 U.S. 292 (1993), the Court was asked to interpret the Attorney General’s “broad discretion” to release or detain aliens pending a final determination of deportability. *Id.* at 295-96 & n.1. Although the Court held that certain presumptions guiding the exercise of discretion may be appropriate, it also recognized that an “exercise of discretion . . . requires ‘some level of individualized determination.’” *Id.* at 313 (quoting *INS v. Nat’l Ctr. for Immigrants’ Rights, Inc.* (“*NCIR*”), 502 U.S. 183, 194 (1991)) (emphasis added).

The Court applied similar reasoning in *NCIR*, in which it interpreted a statute that conferred discretion on the Attorney General to impose conditions on the release of excludable aliens. *NCIR*, 502 U.S. at 184-85. Again, the Court held that “the lawful exercise of the

¹⁸ The individual ICE officers who make these determinations are within the enumerated list of officers “authorized to issue a warrant of arrest.” See 8 C.F.R. § 287.5(e)(2).

Attorney General’s discretion . . . requires some level of individualized determination,” because “in the absence of such judgments, *the legitimate exercise of discretion is impossible* in this context.” *Id.* at 194-95 (emphasis added). More broadly, the Supreme Court has held that “if the word ‘discretion’ means anything in a statutory or administrative grant of power, it means that the recipient must exercise his authority *according to his own understanding and conscience.*” *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266-67 (1954) (emphasis added).

To be sure, general guidelines about how to *apply* discretion to particular, individualized facts are appropriate. *See Flores*, 507 U.S. at 313 (approving “presumption” that certain types of individuals are unsuitable custodians for a released alien, because it requires immigration authorities to make “determinations that are specific to the individual”). But *guiding* discretion cannot mean *eliminating* it—the precise effect of the No-Release Policy. The policy ties the hands of immigration officers and forecloses the exercise of “discretion” based on “some level of individualized determination.” *See* Raymond Decl. ¶ 7 (ICE officer admitted that “[o]ur directive is no bonds to anyone” (emphasis omitted)).

In short, the No-Release Policy nullifies the regulation: the regulation says an officer “may, in the officer’s discretion, release an alien.” But the policy directs that an officer “may *not*, in the officer’s discretion, release an alien.”

This plain-text reading, supported by on-point Supreme Court precedent, is confirmed by the broader context of the regulation. *Cf. FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000) (“words . . . must be read in their context” (internal quotation marks and citation omitted)). The regulation contemplates a case-by-case custody determination in which an alien attempts to “demonstrate to the satisfaction *of the officer*” that she “would not pose a danger” or be a flight risk. 8 C.F.R. § 1236.1(c)(8) (emphasis added). Although the regulation

does not promise any particular result, it does speak in terms of an in-person determination, by an officer on the ground, and based on individualized factors (danger to the community and flight risk). All of this would be wholly irrelevant if a uniform No-Release Policy, based on a generalized interest in deterrence, could be mandated by DHS.

Defendants may offer some contrary interpretation of DHS's regulation, and then suggest that it be accorded deference under *Auer v. Robbins*, 519 U.S. 452 (1997). Any such argument should be rejected. As an initial matter, *Auer* deference is "unwarranted" where "the agency's interpretation conflicts with a prior interpretation, or when it appears that the interpretation is nothing more than a convenient litigating position." *Christopher v. SmithKline Beecham Corp.*, 132 S. Ct. 2156, 2166 (2012) (internal quotation marks and citations omitted). In determining whether a theory offered in litigation warrants deference, the Court should assess whether it is "consistent with [the agency's] past statements *and actions*." *Drake v. FAA*, 291 F.3d 59, 69 (D.C. Cir. 2002) (emphasis added).

No deference is warranted here under this test. Far from ever interpreting the regulation to allow a blanket No-Release Policy that ignores individualized factors, DHS traditionally has applied the regulation exactly as one would expect from its text: it has looked to its officers on the ground to make individualized determinations. *Auer* deference cannot rescue DHS's manifest reversal of position.¹⁹

¹⁹ Plaintiffs are aware of the Attorney General's interpretation of the relevant regulation in *Matter of D-J-*, in which it concluded, among other things, that the regulation "does not establish any right to release on bond." *D-J-*, 23 I. & N. Dec. at 576. Plaintiffs, however, do not assert any such "right"; rather, they argue that when the regulation grants "discretion," actual, individualized "discretion" must be exercised, not prohibited. Moreover, as explained in note 4 above, *D-J-* does not endorse the elimination of discretion and the effective elimination of individual custody determinations. It held only (albeit incorrectly) that the government's (continued...)

Moreover, *Auer* deference is defeated where, as here, “the agency’s interpretation is plainly erroneous or inconsistent with the regulation.” *Christopher*, 132 S. Ct. at 2166 (internal quotation marks and citations omitted). DHS may not rely on “deference” to subvert a regulation that says an officer *may* exercise discretion based on individualized factors with a policy providing that an officer *may not* exercise discretion based on such factors.

For these reasons, the No-Release Policy violates DHS’s own regulations. It is thus arbitrary and capricious and constitutes illegal agency action under the APA.

4. The No-Release Policy Is an Arbitrary and Capricious Means of Deterring Mass Migration.

The No-Release Policy also is an arbitrary and capricious means of deterring mass migration. Even if the statute and regulations permitted blanket detention on deterrence grounds, the selective detention of mothers and children seeking asylum is an arbitrary and irrational response to an increase in Central American migrants crossing the southwestern border. DHS has provided no rational connection between its No-Release Policy, as it applies to Plaintiffs and those similarly situated, and its desire to deter a mass influx of migrants to the United States. Instead, the policy arbitrarily selects only the most vulnerable for blanket detention.

“The scope of review under the ‘arbitrary and capricious’ standard is narrow and a court is not to substitute its judgment for that of the agency. Nevertheless, the agency must examine the relevant data and articulate a satisfactory explanation for its action including a ‘rational connection between the facts found and the choice made.’” *Nat’l Ass’n of Home Builders v. EPA*, 682 F.3d 1032, 1036 (D.C. Cir. 2012) (quoting *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). Where “high stakes” are involved, as is the case in

generalized deterrence and national security concerns were factors to be considered in an officer’s exercise of discretion.

deportation proceedings and detention decisions, courts will scrutinize an agency policy to ensure it bears a reasonable relationship with a legitimate policy goal. *Judulang v. Holder*, 132 S. Ct. 476, 487 (2011) (finding BIA policy “arbitrary and capricious” where rules bore “no connection to the goals of the deportation process or the rational operation of the immigration laws”).

DHS has articulated no “rational connection” between the selective detention of mothers and children pursuing *bona fide* asylum claims and the general deterrence of migration from Central America. In fact, no reasonable decisionmaker could find DHS’s harsh policy remotely suited to its own stated goals. Although rising levels of violence in Central America appear to have contributed to an increase in emigration, the Government’s own statistics attest that the vast majority of these migrants have been adults traveling without children. *See* Lembke Decl. ¶ 9 (“over 278,000 of the approximately 381,000 aliens CBP encountered in FY14 through June 2014 were neither unaccompanied children nor family units”). Yet DHS is *not* applying its No-Release Policy to this population. *See* Hines Decl. ¶ 16 (noting that adults who are detained without children and who pass a credible fear screening are routinely considered for release on bond, recognizance, or other conditions); Brané Decl. ¶ 25 (same). DHS also is not applying the policy to children traveling alone—the most publicized group of migrants—whom the Government has agreed to release to responsible adult family members or guardians. *See* Brané Decl. ¶ 26. DHS has chosen to apply its No-Release Policy only to one small subset of individuals that are part of the purported migration “surge”: mothers who are detained with their minor children and who have established a credible fear of persecution in their home countries.

There is no evidence that a detention policy of any kind would achieve any real deterrent effect. The scholar whose work forms the basis of DHS’s theory has explained that the

Government’s argument is “not empirically supported.” Declaration of Jonathan Hiskey (“Hiskey Decl.”) ¶ 20 (Dec. 12, 2014) (attached as Exhibit 13); *see also* Declaration of Nestor Rodriguez (“Rodriguez Decl.”) ¶ 14 (Dec. 12, 2014) (attached as Exhibit 14) (“[R]umors regarding lenient immigration detention policies in the United States are not a significant factor motivating current Central American immigration[.]”). But at a minimum, the Government cannot plausibly claim that a policy limited to a very small subset of Central American migrants—mothers and children with a *bona fide* claim to be fleeing violence and persecution—could have any effect at all on migration patterns. DHS’s decision to subject only this most vulnerable population of migrants to blanket detention is thus arbitrary and capricious.

B. All of the Other Requirements for APA Relief Are Satisfied.

For all of the reasons set forth above, the No-Release Policy is contrary to law and arbitrary and capricious. Pursuant to the APA, this Court may set aside and enjoin such unlawful agency action that is (1) “final agency action,” and (2) “for which there is no other adequate remedy in a court,” so long as (3) there are no “statutes [that] preclude judicial review” or “agency action is committed to agency discretion by law.” 5 U.S.C. §§ 701(a), 704. None of these criteria poses an obstacle to setting aside the illegal No-Release Policy.

1. *Final Agency Action.* An agency action is final where two conditions are satisfied: (1) “the action must mark the consummation of the agency’s decisionmaking process,” and (2) “the action must be one by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997) (internal quotation marks and citations omitted); *Holistic Candles & Consumers Ass’n v. FDA*, 664 F.3d 940, 943 (D.C. Cir. 2012). The No-Release Policy meets this standard.

First, the policy “mark[s] the ‘consummation’ of the agency’s decisionmaking process.” *Bennett*, 520 U.S. at 178. It has immediate and binding effect within the agency by directing

ICE officers to apply a specific approach to custody determinations (make the determination based on generalized deterrence concerns) and to reach a particular result (do not release). ICE officers are applying the policy every day. As a consequence, many asylum-seekers who would otherwise receive an individualized determination of danger and flight risk, and potentially secure their liberty, are instead imprisoned. The D.C. Circuit has held that the APA finality requirement is satisfied where, as here, an agency has announced broad, categorical rules about how it will make particular kinds of determinations. *See CropLife Am. v. EPA*, 329 F.3d 876, 881 (D.C. Cir. 2003) (EPA decision that it will “not consider or rely on any [third-party] human studies in its regulatory decisionmaking” was final agency action); *Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1022 (D.C. Cir. 2000) (agency’s “settled position” which “officials in the field are bound to apply” was final agency action).

Second, the No-Release Policy both determines “rights or obligations,” and is an action from which “legal consequences will flow.” *Bennett*, 520 U.S. at 178 (internal quotation marks and citation omitted). Only one of these standards need be met in order to demonstrate the existence of a final agency action. *Id.* The obligations of ICE officers are determined by the No-Release Policy, which gives ICE officers “marching orders” to generally deny release on the basis of deterrence, instead of making individualized determinations based on danger to the community and flight risk. *Appalachian Power Co.*, 208 F.3d at 1023 (final agency action where those responsible for enforcement are given “marching orders” that they are expected to follow, even if those orders may not be followed with complete uniformity). Additionally, the No-Release Policy has profound and immediate consequences for asylum-seekers in family detention, who, but for DHS’s action, would have received individualized assessments based on danger to the community and flight risk. *See Brané Decl.* ¶¶ 20-21; *Hines Decl.* ¶¶ 21, 23-28;

McLeod Decl. ¶ 18. In light of past agency practice, there is a significant likelihood that class members would have been released based on individualized determinations. Instead, as an immediate consequence of the No-Release Policy, they are detained unless and until they can secure release from an immigration court.

2. *No Other Adequate Remedy.* The Supreme Court has long interpreted the “other adequate remedy” limitation on APA review narrowly, stressing that it “should not be construed to defeat the central purpose of providing a broad spectrum of judicial review of agency action.” *Bowen v. Massachusetts*, 487 U.S. 879, 903 (1988); *see also El Rio Santa Cruz Neighborhood Health Ctr. v. U.S. Dep’t of Health & Human Servs.*, 396 F.3d 1265, 1270 (D.C. Cir. 2005) (“The Supreme Court has long instructed that the ‘generous review provisions’ of the APA must be given ‘a hospitable interpretation’ such that ‘only upon a showing of ‘clear and convincing evidence’ of a contrary legislative intent should the courts restrict access to judicial review.’” (quoting *Abbott Labs. v. Gardner*, 387 U.S. 136, 141 (1967))). Instead, “Congress intended by that provision simply to avoid duplicating previously established special statutory procedures for review of agency actions.” *Darby v. Cisneros*, 509 U.S. 137, 146 (1993).

There is “no other adequate remedy” available to Plaintiffs and similarly situated individuals here. First, Defendants cannot viably contend that class members have an adequate remedy through the immigration courts. Immigration courts were created by regulation and so cannot be considered the sort of “special *statutory* procedure” to which the “other adequate remedy” restriction is addressed. Additionally, no statute or regulation requires individuals detained *by DHS* to seek review through *a different agency’s* procedures before they can challenge a final DHS agency action. *See Darby*, 509 U.S. at 147 (“[I]t would be inconsistent

with the plain language of [the APA] for courts to require litigants to exhaust optional [administrative] appeals.”).

More fundamentally, any relief available through the immigration system is not “adequate.” At a minimum, class members are suffering an unlawful period of detention for weeks or months before an immigration judge reviews their custody. Some asylum-seekers, particularly those without counsel, may not even know this recourse exists. *See* Brané Decl. ¶ 15; Archambeault Decl. ¶ 14. And every day a family is subject to continued detention on account of the No-Release Policy compounds its injuries. Such detention will continue to cause irreparable harm to asylum seekers subject to the illegal policy—especially children for whom detention may cause particular trauma. *See* Hines Decl. ¶¶ 23-28; Declaration of Luis H. Zayas (“Zayas Decl.”) ¶¶ 10-11 (Dec. 10, 2014) (attached as Exhibit 15); R.I.L.R. Decl. ¶¶ 18, 20; Z.M.R. Decl. ¶ 21; *see also Bois v. Marsh*, 801 F.2d 462, 468 (D.C. Cir. 1986) (“exhaustion might not be required if [the plaintiff] were challenging her incarceration . . . or the ongoing deprivation of some other liberty interest”).²⁰

Second, there is no basis for DHS to contend that Plaintiffs’ only remedy is through a habeas petition. Binding Supreme Court precedent is squarely on point: adverse immigration actions that may be challenged in habeas can *also* be challenged under the APA. *Shaughnessy v. Pedreiro*, 349 U.S. 48, 52 (1955); *Brownell v. Tom We Shung*, 352 U.S. 180, 181 (1956).²¹

²⁰ Any relief that might be available to individual plaintiffs through the immigration system also would not be adequate because other members of the proposed class still would be subject to detention based on the illegal No-Release Policy. *See Cohen v. United States*, 650 F.3d 717, 732 (D.C. Cir. 2011) (en banc) (administrative remedy not adequate where “the relief would be individualized, not class wide as [Plaintiffs] seek,” and where an APA challenge focuses on illegal agency *procedures* rather than the agency’s substantive decision).

²¹ Congress has abrogated the specific result in *Pedreiro* (allowing APA review of deportation orders), *see Kolkevich v. Att’y Gen. of the United States*, 501 F.3d 323, 327 (3d Cir. 2007), but its broader holding remains good law. In fact *Bowen*, the seminal modern case on adequacy of (continued...)

More recently, the Supreme Court has recognized that the function of the “other adequate remedy” rule is to ensure that Plaintiffs do not bypass “special statutory procedures” in favor of a general APA remedy.

Habeas, far from being a “special statutory procedure” tailored to a particular agency, is a general statute on par with the APA. Congress has never manifested an intent to require those challenging an unlawful, nationwide immigration policy concerning how the agency will make custody determinations to choose a general habeas remedy instead of a general APA remedy. *Cf. Davis v. U.S. Sentencing Comm’n*, 716 F.3d 660, 666 (D.C. Cir. 2013). Finally, requiring the nationwide No-Release Policy to be challenged through the habeas process would raise myriad undue complications; for example, the Government might abruptly move detainees across state lines (as it has done recently, *see Brané Decl.* ¶ 14) and potentially argue that class-wide habeas relief is not available across jurisdictions.

3. *No Statutory Bar To Review or Commitment To Agency Discretion.* Congress has done nothing to override “the strong presumption that Congress intends judicial review of administrative action.” *Bowen v. Michigan Academy of Family Physicians*, 476 U.S. 667, 670, 671 (1986) (“clear and convincing” evidence required to “restrict access to judicial review” (internal quotation marks and citation omitted)); *see also INS v. St. Cyr*, 533 U.S. 289, 298 (2001). Although section 8 U.S.C. § 1226(e) restricts review of “[t]he Attorney General’s *discretionary judgment* regarding the application of this section,” and prevents a court from setting aside an action “regarding the detention or release of any alien,” Plaintiffs do not challenge a “discretionary judgment” by DHS. *Id.* (emphasis added). Rather, they challenge

remedies, recognizes that *Pedreiro* is good law by quoting it to stress the narrowness of the restrictions on APA review. *Bowen*, 487 U.S. at 904.

DHS's adoption of a policy that is *beyond* the agency's discretion. *Demore*, 538 U.S. at 516-17. As four courts of appeals have held, section 1226(e) does not demonstrate "clear and convincing" evidence that Congress intended to allow DHS to violate the Constitution, the INA, and its own regulations while evading review.²²

Nor does this case present the "rare circumstances where the relevant statute" includes "no meaningful standard against which to judge the agency's exercise of discretion." *Lincoln v. Vigil*, 508 U.S. 182, 191 (1993) (internal quotation marks and citation omitted). Again, the case is not about any particular discretionary decision; it is about agency action that exceeds the bounds of its discretion under the INA, applicable regulations, and the Fifth Amendment.

II. Asylum-Seeking Families Subject to the No-Release Policy Will Suffer Irreparable Harm Absent Injunctive Relief.

A party seeking a preliminary injunction must demonstrate irreparable harm by showing that the injury is "of such *imminence* that there is a 'clear and present' need for equitable relief to prevent irreparable harm." *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006) (quoting *Wisconsin Gas Co. v. Fed. Energy Regulatory Comm'n*, 758 F.2d 669, 674 (D.C. Cir. 1985) (per curiam)). The injury must also be "both certain and great; it must be

²² See, e.g., *Castaneda v. Souza*, 769 F.3d 32, 41 (1st Cir. 2014) ("[S]ubsection (e) does not bar our review of this case because [petitioners] . . . challenge the statutory basis for their detention."); *Sylvain v. Att'y Gen. of United States*, 714 F.3d 150, 156 (3rd Cir. 2013) ("Nothing in 8 U.S.C. § 1226(e) prevents us from deciding whether the immigration officials had statutory authority to impose mandatory detention"); *Singh v. Holder*, 638 F.3d 1196, 1200–03 (9th Cir. 2011) ("Although § 1226(e) restricts jurisdiction in the federal courts in some respects, it does not limit habeas jurisdiction over constitutional claims or questions of law . . . including application of law to undisputed facts, sometimes referred to as mixed questions of law and fact" (internal quotation marks and citation omitted)); *Al-Siddiqi v. Achim*, 531 F.3d 490, 494 (7th Cir. 2008) ("[T]his section [§ 1226(e)] strips us of our jurisdiction to review judgments designated as discretionary but does not deprive us of our authority to review statutory and constitutional challenges.").

actual and not theoretical.” *Id.* (quoting *Wisconsin Gas*, 758 F.2d at 674). Finally, the injury must be “beyond remediation.” *Id.*

Asylum-seeking families subject to the illegal No-Release Policy will suffer irreparable harm without injunctive relief. First, their injury is imminent and certain. They are currently being detained in ICE facilities pursuant to DHS’s No-Release Policy. To be sure, Plaintiffs do not seek orders of release for proposed class members, and no member of the proposed class will *inevitably* secure it if the No-Release Policy is set aside. But past DHS practice shows that most class members would be released upon an individualized determination, but for the illegal policy. *See Brané Decl.* ¶¶ 11, 22, 25; *Hines Decl.* ¶¶ 8, 21; *McLeod Decl.* ¶ 18.

Detention irreparably harms putative class members in myriad ways, *see supra* Background Part D, and as mental health experts have testified, it is particularly harmful to minor children. *See Zayas Decl.* ¶¶ 10-11. Moreover, all class members already experienced trauma before fleeing their home countries, and are thus particularly sensitive to the harm inflicted by continued detention. These harms grow worse with each day of continued detention.

Plaintiffs and those similarly situated have already experienced these harms as a result of the No-Release Policy. *R.I.L.R. Decl.* ¶¶ 18, 20; *Z.M.R. Decl.* ¶¶ 19-23; *W.M.C. Decl.* ¶ 20; *G.C.R. Decl.* ¶¶ 28-30. There is no indication that DHS intends to discontinue the No-Release Policy; to the contrary, DHS is expanding its family detention capacity. *See Brané Decl.* ¶ 14. Accordingly, members of the proposed class who are detained by ICE in the future will also be subjected to these harms. *Wisconsin Gas*, 758 F.2d at 674. The injuries caused by the No-Release Policy are thus “of such imminence that there is a ‘clear and present’ need for equitable relief to prevent irreparable harm.” *Chaplaincy*, 454 F.3d at 297 (internal quotation marks and citation omitted); *In re Navy Chaplaincy*, 697 F.3d 1171, 1176-77 (D.C. Cir. 2012) (“The

prospect of future injury becomes significantly less speculative where, as here, plaintiffs have identified concrete and consistently-implemented policies claimed to produce such injury.”), *aff’d*, 738 F.3d 425 (D.C. Cir. 2013), *cert. denied*, *Chaplaincy of Full Gospel Churches v. Dep’t of Navy*, 135 S. Ct. 86 (2014).

Finally, the injuries here are “beyond remediation.” Members of the proposed class do not seek monetary compensation for their injuries. Rather, they seek injunctive and declaratory relief invalidating and setting aside the illegal No-Release Policy. Unlike economic harm, the harm from detention pursuant to an unlawful policy cannot be remediated after the fact. *Cf. Davis v. Pension Benefit Guar. Corp.*, 571 F.3d 1288, 1295 (D.C. Cir. 2009) (economic losses are not irreparable in the absence of special circumstances because compensation can be awarded after a merits determination).

III. The Balance of Harms and the Public Interest Both Favor Injunctive Relief.

Plaintiffs ask this Court to enjoin an unlawful and unconstitutional policy to prevent irreparable harm to numerous mothers and their frightened children, who ask for nothing more than an opportunity to show that there is no individualized need to detain them. Neither the Government nor the public at large has any legitimate interest in violating the law to deny Plaintiffs this modest relief.

In a recent case involving immigration detention without an individualized bond determination, the Ninth Circuit concluded that “the major hardship posed by needless prolonged detention” outweighed any countervailing consideration. *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). The Government “cannot suffer harm from an injunction that merely ends an unlawful practice or reads a statute as required to avoid constitutional concerns.” *Id.* “[T]he public interest also benefits from a preliminary injunction that ensures that federal statutes are construed and implemented in a manner that avoids serious constitutional questions.” *Id.* at 1146.

Courts in this District have likewise been unwilling to license violations of the law as being in the public interest. *See, e.g., Klayman v. Obama*, 957 F. Supp. 2d 1, 43 (D.D.C. 2013) (“Of course, the public has no interest in saving the Government from the burdens of complying with the Constitution!”); *Am. Freedom Def. Initiative v. Wash. Metro. Area Transit Auth.*, 898 F. Supp. 2d 73, 84 (D.D.C. 2012) (recognizing “compelling concern for the safety of . . . passengers and . . . system, from individual disputes with calamitous consequences to a terrorist attack,” but concluding that, when constitutional rights are at stake, “the thumb of the [c]ourt [should] be on the [constitutional] side of the scales”); *N. Mariana Islands v. United States*, 686 F. Supp. 2d 7, 21 (D.D.C. 2009) (“The public interest is served when administrative agencies comply with their obligations under the APA.”).

The Court thus does not need to look any further than the illegality of the No-Release Policy and the traumatic harm to class members to conclude that the balance of harms and the public interest favor an injunction. But even if the Court were to consider the broader context of the No-Release Policy, the result would be the same. The Government has an array of tools at its disposal to confront the challenges of Central American migration, and it is using them. There is no credible evidence that the No-Release Policy could have any bearing on migration patterns. *See, e.g., Hiskey Decl.* ¶ 17; *Rodriguez Decl.* ¶ 14. Even if a deterrence theory were viable in the abstract, it is simply irrational to think that the No-Release Policy as implemented could have any such effect, given DHS’s arbitrary decision to target a small subset of Central American migrants. *See supra* Part I.A.4.

The bottom line is that the Government has access to many tools to combat any perceived crisis on the border, but the Constitution, the INA, the APA, and DHS’s own regulations prohibit DHS from subjecting asylum-seekers to detention simply to send a deterrence message to others.

Far from undermining the public interest, treating asylum-seekers with basic fairness and dignity is among our nation's best traditions. *See, e.g.*, Refugee Act of 1980, Pub. L. No. 96-212, § 101(a), 94 Stat. 102 (“[I]t is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including . . . admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States.”).

The judicial power is most in need when the Government departs from the law and our nation's core values in the interest of expediency. This Court should not hesitate to exercise such power here. The balance of harms and the public interest decisively favor enjoining DHS to follow the law and to decide whether to release asylum-seekers on a case-by-case basis—and not to deprive mothers and children of liberty just to send a message.

CONCLUSION

For the foregoing reasons, this Court should preliminarily enjoin Defendants' continued implementation of the No-Release Policy and order Defendants to provide each member of the proposed class with an individualized assessment of whether her or his detention is warranted based on flight risk or danger to the community.

Dated: January 8, 2015

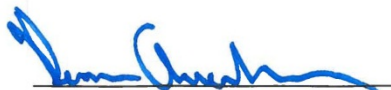
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

R.I.L.R., <i>et al.</i> , on behalf of themselves and others similarly situated,)	
)	
<i>Plaintiffs,</i>)	
)	
<i>v.</i>)	Civil Action No. 1:15-cv-00011 (JEB)
)	
Jeh JOHNSON, Secretary of the Department of Homeland Security, in his official capacity, <i>et al.</i>)	
)	
<i>Defendants.</i>)	
)	
)	

**[PROPOSED] ORDER GRANTING PLAINTIFFS' AMENDED MOTION FOR A
PRELIMINARY INJUNCTION**

The Court has considered the parties' briefing, evidence, and arguments as well as the authorities cited in support of their positions. Upon due consideration, the Court hereby GRANTS Plaintiffs' Amended Motion for a Preliminary Injunction. Defendants and their agents, employees, assigns, and all those acting in concert with them are enjoined as follows:

1. Defendants shall provide all current and future class members with an individualized custody determination in which an appropriate officer assesses whether the class member poses a flight risk or danger that requires his or her detention, or whether the class member can be released on recognizance, bond, or other conditions of supervision. Defendants may not detain class members for the purpose of deterring

future migrants from traveling to the United States or consider deterrence of such migration as a factor in the custody determination.

2. Defendants shall provide class members detained as of the date of this Order (hereinafter, “current class members”) with a new custody determination that meets the requirements set forth in ¶ 1 within fourteen (14) days of this Order. Defendants will also provide current class members with a notice summarizing the requirements of this Order and serve that notice on class counsel. Defendants will issue this notice as promptly as practicable, and in any event no later than seven (7) days after this Order. The new custody determination is without prejudice to the availability of any further administrative reviews.

3. All custody determinations provided pursuant to this Order will be memorialized on a Form I-286, Notice of Custody Determination and provided to each class member. Defendants shall provide class counsel with a copy of the custody determination upon request.

4. Prior to providing the custody determinations required by this Order, Defendants will issue instructions to all U.S. Immigration and Customs Enforcement (“ICE”) officers conducting such determinations that inform them of the requirements of this Order. Defendants will issue these instructions as promptly as practicable, and in any event no later than seven (7) days of this Order. Defendants will serve a copy of these instructions to class counsel at the same time that it provides them to the relevant ICE officers.

5. Within thirty (30) days of this Order, Defendants shall submit under seal (and serve on class counsel) a status report describing the steps taken to timely identify all current and future class members and ensure that they receive custody determination as

required by this Order. In that report, Defendants shall submit a list containing each current class member's name, alien number, nationality, date of birth, detention facility, the date of his or her custody determination, and the outcome of his or her custody determination, including the amount of any bond set or any conditions of supervision imposed.

6. Defendants shall provide a supplemental report every sixty (60) days thereafter, updated to include the same information for all class members in detention as of the date of the prior report.

7. Finally, if, notwithstanding the terms of this Order, Defendants determine that an individual is not a class member even though that individual (a) is detained in an ICE family detention facility; (b) has been determined to have a credible fear of persecution in his or her home country, *see* 8 U.S.C. § 1225(B)(v), § 1158; 8 C.F.R. § 208.13; (c) is eligible for release on bond, recognizance, or other conditions, pursuant to 8 U.S.C. § 1226(a)(2) and 8 C.F.R. § 1236.1(8), but (d) has been denied such release pursuant to DHS's blanket policy of denying release to detained families without conducting an individualized determination of flight risk or danger to the community, Defendants shall notify class counsel of that individual's circumstances and the reason they believe that individual is not a class member.

United States District Court Judge

Date:

DECLARATION OF MICHELLE BRANÉ

I, Michelle Brané, make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

Qualifications

1. I am the Director of the Migrant Rights and Justice program at the Women’s Refugee Commission Inc. (“WRC”), a position I have held since 2006. In this capacity, I advocate for the critical protection needs of immigrant women, children and other vulnerable migrant populations in the United States. In addition to frequently writing on key issues concerning immigration detention and reform, I authored or co-authored WRC and Lutheran Immigration and Refugee Service’s (“LIRS”) landmark report on family detention, *Locking Up Family Values* (2007), available at <http://womensrefugeecommission.org/resources/document/150-locking-up-family-values-the-detention-of-immigrant-families>; WRC’s report on unaccompanied migrant children, *Halfway Home: Unaccompanied Children in Immigration Custody* (2009), available at <http://www.womensrefugeecommission.org/programs/migrant-rights/unaccompanied-children>; and WRC and LIRS’ recent report on the renewed practice of family detention in the United States, *Locking Up Family Values, Again* (2014), available at <http://womensrefugeecommission.org/resources/document/1085-locking-up-family-values-again>. I am also the senior editor of WRC’s Migrant Rights and Justice Program’s reports. A complete list of my publications for the last ten years is included in my CV, which is attached as Exhibit A to this Declaration.

2. I have testified before Congress and the Inter-American Human Rights Commission, appear frequently in national and local print and broadcast outlets, and present regularly as an expert at various conferences, briefings, and professional trainings, including presentations

before the Human Rights Council and the United Nations High Commission for Refugees in Geneva.

3. More broadly, I have more than 25 years of experience working on immigration and human rights issues. From 1995-1998, I served as an attorney advisor with the Department of Justice's Board of Immigration Appeals ("BIA"), where I specialized in asylum cases and assisted in developing relevant regulations and training programs for new staff. In 2001, I served as a labor negotiator at the National Treasury Employees Union, where I represented Customs and Border Protection agents among my clients. While at LIRS from 2004-2006, I developed and coordinated the Detained Torture Survivor Legal Support Network and the Legal Orientation Program, and was the Director of the Access to Justice Unit. I also worked internationally with human rights organizations in India and as a Human Rights Officer with the Organization for Security and Co-operation in Europe in Bosnia from 1998-2000 (in addition to several secondments of shorter periods in 1996 and 1997), where I also served as the Head of the Sarajevo Field Office.

4. In 2012, I was awarded the eleventh annual Daniel Levy Memorial Award for Outstanding Achievement in Immigration Law from the American Immigration Lawyers Association. In 2011, I was named as one of Women's eNews' "21 Leaders for the 21st Century."

5. I hold a B.A from the University of Michigan, a J.D. from Georgetown University and was admitted to the New York bar.

6. I am making this declaration to provide my considered opinions concerning the history of U.S. Department of Homeland Security ("DHS") and former Immigration and Naturalization Service ("INS") policies regarding the detention of migrant families and the detention of asylum

seekers found to have a credible fear of persecution in their home countries, and the shift in those policies in June 2014 in response to the increase in migrants from Central America seeking asylum in the United States.

7. As a basis for my opinions, I rely on information gathered on WRC and LIRS's fact-finding visits to the Artesia and Karnes family detention centers in Artesia, New Mexico and Karnes City, Texas, in July, September, and October 2014, which formed the basis for WRC and LIRS' 2014 report, *Locking Up Family Values, Again*. The information contained in our report was drawn from direct observations, conversations with facility staff members, and ICE officials, and interviews with detained families in both facilities. Additionally, some of the information in our report came from follow-up interviews and correspondence with government officials, attorneys, and representatives of organizations serving detained families at Karnes and Artesia, and other advocates who toured the facilities.

8. I also rely on WRC and LIRS' research in preparing our 2007 report on family detention, *Locking Up Family Values*, which assessed the conditions of detention at the Berks Family Shelter Care Facility in Leesport, Pennsylvania, and the T. Don Hutto Residential Center in Taylor, Texas. WRC and LIRS carried out the research for this report between October 2006 and February 2007. Research consisted of tours of the facilities and interviews of individuals who were currently and formerly detained. In addition, we engaged in formal and informal conversations with facility staff; local and national DHS staff; staff of Williamson County, Texas, and Berks County, Pennsylvania; and attorneys representing detainees at Hutto and Berks.

9. I also rely on information gathered as part of routine WRC monitoring of adult detention facilities, unaccompanied children's facilities, communications with legal service providers, and

interviews conducted with asylum seekers in adult detention centers. The WRC routinely obtains access to ICE detention facilities and conducts monitoring that includes interviews with facility staff, ICE personnel, detainees, and legal service providers. .

Opinions

10. There are two key ways in which DHS' current family detention practices depart from past policies.

11. *First*, since June 2014, DHS has drastically expanded its family detention system—moving from fewer than 100 beds to more than 3,000 beds when its new facility in Dilley, Texas is fully operational—as part of its effort to deter further migration from Central America.

Historically, DHS and its predecessor, INS, have not relied on the mass detention of migrant families as a tool of immigration enforcement. Rather, families apprehended by the immigration authorities and placed in removal proceedings were often released, through various release policies. These policies included bond and orders of supervision under 8 U.S.C. § 1226(a) for families who had entered the United States, and parole pursuant to 8 U.S.C. § 1182(d)(5) for families apprehended at ports of entry. These families were often released with instructions to report to immigration court for their removal hearings. In 2001, the INS began to detain a small number of migrant families at the Berks Family Shelter Care Facility (“Berks”) in Leesport, Pennsylvania, a former nursing home. However, with the exception of DHS' use of the T. Don Hutto Residential Center as a family detention center from May 2006 to August 2009—which DHS discontinued after intense public scrutiny, media exposure, and litigation over conditions at the facility, the majority of families apprehended were released pending removal proceedings before an Immigration Judge (“IJ”). Except for this brief period, the government has not routinely detained large numbers of migrant families together as family units.

12. *Second*, and contrary to past practice, since June 2014, DHS has appears to have imposed a blanket “no release” policy for detained families who are found to have a credible fear of persecution and— because they were apprehended after entering the United States—are eligible for release on recognizance, bond, or other conditions under the immigration statute and regulations. As far as I am aware, even at Hutto, DHS did not impose any blanket policy against the release of such families. The No-Release policy seems only to apply to families in family detention: in other contexts, DHS has generally, with variations either regionally or with respect to particular Field Office Directors, continued to adhere to its longstanding practice of conducting individualized release assessments for individuals who have passed a credible fear screening. Thus, Central American adults who are identically situated to the mothers in family detention—but are detained without children—generally are to my knowledge in many cases being considered by DHS for release. Moreover, as made clear by its submissions in immigration court and public statements, DHS has adopted this blanket No-Release policy for detained families not because it believes these mothers and children pose a special danger or flight risk, but rather to deter the future migration of others from Central America.

DHS’ Expansion of Family Detention and Blanket No-Release Policy

13. Since June 2014, DHS has undertaken a massive expansion of the family detention system. Indeed, the government has begun detaining families at unprecedented levels, increasing capacity for family detention beds from fewer than 100 to more than 3,000 beds when its new facility in Dilley, Texas becomes fully operational, and plans the additional expansion of other facilities.

14. In June 2014, ICE rushed to open a nearly 700-bed facility in Artesia, New Mexico, to detain families and send a message of deterrence. A second family detention facility with a 532-

bed capacity opened in Karnes County, Texas, in early August 2014. These facilities are part of a larger plan to detain newly arriving families. In July 2014, the president submitted a \$3.7 billion emergency supplemental appropriations request to Congress to address the refugee crisis, which included \$879 million for DHS to develop approximately 6,300 new detention beds for families. Although Congress ultimately never appropriated additional funds, the Administration continued with its conversion of the Karnes facility and with contract plans to construct a new family detention facility with a capacity of 2,400 detainees approximately one-and-a-half hours outside of San Antonio in Dilley, Texas. The Dilley facility is scheduled to open in December 2014 with a small number of beds that will be increased over time, and will replace the facility in Artesia. , DHS has stated that the families currently detained at Artesia and who are not released or deported will be transferred to Karnes, Artesia, or Berks. DHS also has begun expanding the Berks facility and intends to double its capacity from 96 to almost 200 beds. The Karnes facility is scheduled for expansion as well. This will result, at minimum, in the daily detention of roughly 38 times as many families than in May 2014.

15. The overwhelming majority of detained families are from El Salvador, Honduras, and Guatemala. Virtually all of them, to my knowledge have limited or no English language proficiency, little or no financial resources, and little or no familiarity with the American legal system.

16. ICE has detained only female heads of households and their children under 18 at Artesia and Karnes, and plans to do the same at Dilley. Fathers have not been detained at Artesia or Karnes, even when apprehended by immigration agents with the mother and their children. Fathers may be detained with their children at Berks or released with their children, but the

overwhelming majority of detained fathers who come with a partner and children are held separately in one of ICE's adult detention centers.

17. More than 50% of the 1,050 children who were booked into family detention in FY 2014 were aged six years or younger. Numerous infants and toddlers have been detained at Artesia, Karnes, and Berks.

18. This expansion of family detention is part of the government's campaign to "stem the flow" of migrants and send a clear message of deterrence through expedited detention and removal. The government justifies its new deterrence policy as necessary to respond to a "surge" of migrants, which it claims has created a "migration crisis" which threatens to undermine the security of the border and pose a more general threat to national security. *See generally*, Declaration Phillip T. Miller, ICE Assistant Director of Field Operations for Enforcement and Removal Operations, *available at* <http://www.aila.org/content/default.aspx?docid=49910>; Declaration of Traci A. Lembke, ICE Assistant Director over Investigative Programs for Homeland Security Investigations, *available at* <http://www.aila.org/content/default.aspx?docid=49910>.

19. But despite the current rhetoric, there is no migration crisis. In fact, overall unauthorized migration to the United States remains at near-record lows for the past three years. *See* Alicia A. Caldwell, *Despite Crush of children, Illegal Immigration Low*, Associated Press, July 22, 2014, *available at* <http://bigstory.ap.org/article/despite-crush-children-illegal-immigration-low> (summarizing recent government statistics). Furthermore, in one of its own declarations that DHS submits in bond hearings to support denial of bond or high bonds for detained mothers and children, ICE official Traci Lembke admits that the majority of migrants along the Southwest border are "by far adults without children." *See* Lembke Decl. ¶ 9 (noting that over 278,000 of

the approximately 381,000 individuals encountered by CBP in 2014, were neither unaccompanied children nor family units). *Id.*

20. The majority of the families currently in detention are apprehended by Customs and Border Patrol (“CBP”) officers along the border between official ports of entry, such as official entrance points on the border, and initially placed in expedited removal proceedings. Individuals who express a fear of returning to their home countries are by law supposed to be referred for a credible fear interview by an asylum officer. If they receive a positive credible fear determination, or receive a negative determination initially but are found to have a credible fear by an IJ upon review, they are then placed into regular removal proceedings and are detained under the statute that generally governs the detention of noncitizens in removal proceedings, INA § 236(a), 8 U.S.C. § 1226(a). At this point, an ICE officer makes a custody determination. A detainee can ask an IJ to reconsider that determination, but it can take weeks or even months for a redetermination hearing to take place. Moreover, detainees who lack legal representation may not even know that they have the ability to seek a custody hearing before an IJ.

21. Many migrants in these new family detention facilities have established a credible fear of removal and are eligible for release under § 1226(a). In these cases, ICE should individually assess whether the migrant should be released on recognizance, bond, or other conditions, or whether she poses a danger or flight risk that requires her detention, as the statute and regulations require.

22. However, by the summer of 2014, it became clear based on case examples in detention facilities, that ICE was implementing a blanket No-Release policy precluding the release of families from detention. Overwhelmingly families remained in detention post-credible fear findings, even though the overwhelming majority of such families pose no danger to the

community as they have no criminal records; pose no flight risk that warrants their detention as they have family members or other sponsors with whom they can reside in the community; and have every incentive to appear for their asylum hearings as they have already established a credible fear of persecution. In fact, family detention centers are designated as low risk facilities and can only be used for persons found to be a low security risk. Furthermore, in cases where a flight risk may be found, Alternatives to Detention could be used to mitigate those risks.

However, ICE does currently assess families at Artesia, Karnes, or Berks for eligibility or appropriate use of Alternatives to Detention to mitigate any identified flight risk.

23. Thus, despite clear authority to release families from detention after a credible fear has been established, ICE has released only a handful of families, generally on medical or other humanitarian grounds, and that was only after ICE initially denied them release and after subsequent occurrences, like serious illness.

24. Moreover, where a detainee seeks review from the IJ, ICE has in the cases I am aware of, uniformly opposed any bond or requested very high bond, relying on the Attorney General's decision in *Matter of D-J*, 23 I. & N. Dec. 572 (A.G. 2003), and asserting that the detention of these mothers and children is necessary to deter the future migration of other Central Americans. In cases where an IJ does grant release on bond, throughout the summer of 2014, DHS to my knowledge, appealed nearly all grants of bond to the Board of Immigration Appeals ("BIA"), likewise arguing that they should be overturned in light of the need to detain families on deterrence grounds.

25. This blanket No-Release policy represents a departure from past practice at family detention centers. This policy also departs from ICE's continuing policy for adult migrants with no children who have shown a credible fear and are eligible for release under § 1226(a). When

an adult is not accompanied by a child, ICE officers to my knowledge, generally make an individualized custody determination pursuant to which eligible individuals may be released on recognizance, bond, or other conditions.

26. In addition, the majority of unaccompanied migrant children, who are placed in custody of the Office of Refugee Resettlement, continue to be released to responsible adult family members or guardians as required by law.

Compensation

27. I am not being compensated for my services on behalf of the Plaintiffs in this case.

Prior Testimony

28. I have not testified as an expert in prior litigation.

29. I reserve the right to amend or supplement this report as appropriate upon receipt of additional information or documents.

30. I declare under penalty of perjury under the laws of the United States and the District of Columbia that the foregoing is my true and correct declaration.



Executed this 15th day of December 2014, at
1730 M Street
Washington, DC 20036

Michelle Brané
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University Park, MD 20782
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Profile

Skilled senior manager and policy and advocacy expert with more than 20 years of experience in immigration law and policy and international human rights advocacy, administration, program and policy development, strategic and crisis communications, media relations, and financial budget management.

Professional Employment:

2006 - present

Women's Refugee Commission
Director, Migrant Rights and Justice

Direct and manage Migrant Rights and Justice program at the Women's Refugee Commission. Manage budget of \$650,000 - \$2 Million/yr. Responsible for all fundraising and budget management for program, workplan and objectives development. Responsible for hiring, overseeing, evaluating and managing all MRJ program staff, interns, consultants and pro bono projects. Conduct and coordinate research, monitoring, development of policy recommendations and advocacy. Write and edit reports, comments to regulations and government policy, professional articles, testimony, blogs and press releases; and supervise and edit all reports and written program materials. Participate in public engagement including presentations, testimony before Congress, engagements before UNHCR, the Human Rights Counsel, and the Inter-American Commission of Human Rights, television, radio and press appearances and interviews. Liase with Government agencies including Department of Homeland Security, Department of Justice, Department of State and Department of Health and Human Services and the White House. Recipient of eleventh annual Daniel Levy Memorial Award for Outstanding Achievement in Immigration Law, selected as one of Women's eNews' "21 Leaders for the 21st Century." Managed, guided and implemented relationships with government agencies and partners leading to the receipt of the first annual Public Advocate Award for Community Partnership. Built program from a one staff project to a 6 member program raising funds for and expanding the budget by 300 percent.

2002 - 2006

Lutheran Immigration and Refugee Service
Director, Access to Justice

Directed Access to Justice unit in LIRS's Service Programs department. Coordinated and managed unit's budget, staff, workplans and objectives. Managed LIRS's EOIR Legal Orientation Program. Coordinated and managed all aspects of a \$440,000/yr grant funded by the Office of Refugee Resettlement, under the Torture Victims Relief Act. Distributed and managed sub-grants to partner organizations; advised and acted as consultant to local and pro-bono attorneys regarding provision of immigration legal and social services to detainees held in immigration detention; engaged in administrative advocacy

with Department of Homeland Security and Department of Justice officials; worked with local and national partners towards creating systemic improvements in U.S. immigration enforcement, including dissemination of information, Legal Orientation Presentations, and developing, organizing and implementing trainings for detention center staff. Supervised and advised staff attorney in provision of technical legal assistance to affiliate legal service providers, writing comments to proposed regulations, and provision of basic legal immigration services. Provided general legal immigration advice and information to agency staff.

2001

National Treasury Employees Union
National Negotiator, Assistant Council

Negotiated contracts for federal employees; researched and wrote opinion letters involving actual and potential contract issues and labor disputes between the federal government and union members.

1998-2000

Organization for Security and Cooperation in Europe, Mission to Bosnia and Herzegovina
Head of Field Office Sarajevo, Human Rights Officer

Seconded by the U.S. Department of State. As Human Rights Officer, monitored the actions of Bosnian Government officials particularly with respect to the implementation of the Dayton Agreement. Developed policy recommendations for the Head Office, managed a Property Clinic, supervised and advised Legal Assistants. As Head of Field Office Sarajevo, represented OSCE at events and in meetings with regional officials and other international organizations, managed a staff of 32 persons including departments of Elections, Democratization and Human Rights.

1995 - 1998

U.S. Department of Justice, Board of Immigration Appeals
Attorney - Advisor

Researched and drafted Board decisions concerning all aspects of immigration law, including asylum, visa petitions, waivers of deportation, and exclusion; prepared memoranda and summary of new law affecting immigration issues; assisted in writing implementation regulations for new Immigration and Nationality Act. Recipient of Special Act Award for participation in training Board attorneys on 1996 Immigration Law.

1996 and 1997

Organization for Security and Cooperation in Europe, Mission to Bosnia and Herzegovina
Polling Station Supervisor/ Electoral Supervisor; Zepce, Tuzla and Brcko, Bosnia and Herzegovina

Supervised the implementation of election procedures in conjunction with the Local Election Commission and the Polling Station Committee; ensured that the established rules and regulations of the election were followed; provided technical, advisory, and problem-solving assistance; coordinated the deployment and security of election materials and ballot papers; and supervised and coordinated counting and disposition of ballot papers; extensive interaction with local election officials.

- 1994 - 1995 U.S. Department of Justice, Office of the Chief Immigration Judge
Judicial Law Clerk
- Clerked for the Immigration Law Judges in Arlington, Virginia and one Judge in San Juan, Puerto Rico; researched legal issues, wrote legal opinions; hired and supervised law student interns.
- 1993 - 1994 Georgetown Street Law
Spanish Street Law Instructor
- Taught Latino inmates (in Spanish) at Lorton correctional facility basic legal concepts, including how the U.S. government and legal system function, how laws are made, Fourth Amendment rights, landlord-tenant law, family law, and immigration law.
- 1993 The Lawyers Committee for Human Rights, Washington, D.C.
Summer Legal Intern
- Prepared memoranda on suggested standards for proposed International War Crimes Tribunal for the former Yugoslavia, and other memoranda for Committee publications; monitored and evaluated proposed asylum bills before Congress; participated in planning stages of media campaign to build awareness of asylum and refugee issues; met with and advised Aristide Government of Haiti regarding status of Haitian refugees in the United States and plans for the restoration of democracy in Haiti; interviewed detained Chinese and Somali refugees, explained their rights and assessed the merits of their asylum claims; coordinated and advised volunteer attorneys; appeared in Immigration Court to assist refugees in deportation proceedings.
- 1992 The Lawyers Collective - Indira Jaising, Bombay, India
Summer Legal Intern
- Investigated human rights abuses in the state of Maharashtra, India; went on fact-finding missions, interviewed villagers, police personnel, tribal peoples, and others; researched case-law, statutes and social aspects of child rape in India; assisted in trial preparation for Supreme Court cases in New Delhi; organized initial plans for Conference on Indian Environmental Law held in Goa, India.
- 1990 - 1991 The Natural Resources Defense Council, Washington, D.C.
Program Assistant
- Provided administrative and research assistance; researched potential projects; assisted in the writing of proposals and papers.
- 1989 The Futures Group, SOMARC, Washington, D.C.
Research/Program Assistant
- Provided administrative and research assistance to the Latin American Department of SOMARC -- a Contraceptive Social Marketing program, and to the Democracy Project funded by US-AID; prepared contracts; briefed consultants on project issues; functioned as liaison between US-AID, country missions, project managers, contractors and the Washington Office;

translated documents and served as interpreter; organized and prepared materials for a family planning conference in Guatemala City, Guatemala.

1988

David Garfield, Esq. Law Offices, Washington, D.C.

Legal Assistant

Advised clients of legal rights and options; wrote and edited affidavits; translated documents (Spanish and French); served as interpreter at INS; researched information pertaining to clients' cases, particularly human rights abuses and conditions in Ethiopia, Iran and Central America; spoke to employers regarding clients' cases and rights; prepared political asylum applications and labor certifications; assisted clients in obtaining visas, resident status and work authorizations.

1987 - 1988

Manuel Rivera, Esq. Law Offices, Washington, D.C.

Administrative Assistant/Paralegal

Same as above; also trained and supervised office staff; interviewed and hired new employees; managed office and political asylum caseload.

1985 - 1987

Ann Arbor Emergency Shelter for the Homeless, Ann Arbor, Michigan

Intake Counselor

Evaluated and registered incoming clients; counseled clients as to shelter options and alternative housing; performed crisis intervention for suicidal and violent clients; and evaluated and made phone referrals for shelter client placement in compliance with County Shelter Regulations.

Language Skills:

Fluent in Spanish and French; working knowledge of German, Italian, Portuguese, Hungarian and Serbo-Croatian/Bosnian.

Education:

GEORGETOWN UNIVERSITY LAW CENTER, J.D., 1994

Juvenile Justice Public Service Award

Public Interest Law Scholar - 1 of 8 first years selected

Poverty Law Forum - Forum Focus Editor, 2nd year

Amnesty International - Co-Chair

National Lawyers Guild - Treasurer

Equal Justice Foundation - Board Member

Clinic Experience - Street Law, Corrections

Juvenile Justice, Delinquency, 1994

UNIVERSITY OF MICHIGAN, Ann Arbor, Michigan, Residential College,
B.A., International Studies, 1987

INSTITUT DES ETUDES POLITIQUES A PARIS (School of Political
Science), Certificat des Etudes, 1985

ANGLO-CHINESE SCHOOL, Ipoh, Malaysia, Foreign Exchange Program,
1980

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INS Memo with New Detention Guidelines

Cite as "AILA InfoNet Doc. No. 98100791 (posted Oct. 7, 1998)"

October 7, 1998

Memorandum for Regional Directors

From: Michael A. Pearson

Executive Associate Commissioner

Officer of Field Operations

Subject: Detention Guidelines Effective October 9, 1998

As you know, the Immigration and Naturalization Service (INS) supported a legislative proposal for extension of the Transition Period Custody Rules (TPCR). This extension will allow us to continue the exercise of discretion in custody determinations. However, we expect that it will be some time before this discretion is granted with the result that as of October 9, 1998, TPCR discretionary authority will no longer be in effect. Attached with this memorandum are the detention guidelines which will be in effect as of October 9.

I recognize that 100 percent compliance with these guidelines will be virtually impossible to achieve immediately. Furthermore, 100 percent adherence to the guidelines would have major impacts on other program operations which are critical to the overall INS mission. We have met with Congressional staff to advise them of the impact on our operations resulting from the expiration of TPCR. We have been advised that we may get future Congressional support for some type of discretionary relief from mandatory detention, but only if we can document and demonstrate that a maximum effort to comply with the detention mandates has been made. Shortly, we will provide you with guidance concerning additional data that we will need to collect and provide to Congress.

At this time, I am directing that, to the extent possible, you adhere to the detention scheme outlined in the attached and work toward utilizing 80 percent of your bedspace for mandatory detention cases. In the event that a District Direct, Chief Patrol Agent, or Officer-In-Charge makes a custody determination which is not in keeping with the guidelines (e.g., a Category 1 case is released to make detention space for a Category 2 or 3), the reasons of the decision must be clearly documented in writing and placed in the alien's file. At any time the mandatory detention occupancy falls below 80 percent of available bedspace, the responsible field manager must notify the Regional Director.

In the event that your District Directors have released someone prior to October 9, who is now subject to detention, nothing in this memorandum should be construed as requiring their rearrest/detention. However, if conditions have changed or circumstances warrant, nothing should preclude you from exercising your authority to rearrest and detain.

Additionally, each Regional Director is directed to prepare a written monthly summary of custody determinations made by field offices within your respective jurisdictions which are inconsistent with the attached detention guidelines. The monthly summaries will be used to justify our need for continued discretion in detention decisions in our ongoing discussions with the Department of Justice, the Administration, and the Congress. The first monthly summary will be for the month ending October 31. Regions should forward the summaries to this office not later than 1 week after the end of the month.

Attachment

October 7, 1998

INS DETENTION USE POLICY

October 9, 1998

I. Introduction

This policy governs the detention of aliens and supercedes, the Detention Use Policy issued July 14, 1997. The purpose of this policy is to revise the detention priorities of the Immigration and Naturalization Service (INS) in light of the expiration of the Transition Period Custody Rules (TPCR). § 236(c) of the Immigration and Nationality Act (INA) is now in full force and effect. With the expiration of the TPCR, certain portions of 8 C.F.R. § 3.19 and § 236.1, as noted in those sections, no longer apply.

Under this policy, the four categories of alien detention are: (1) required (with limited exceptions), (2) high priority, (3) medium priority, and (4) lower priority. Aliens in category 1 - required detention - must be detained, with a few exceptions. Aliens in categories 2, 3, and 4 may be detained depending on the availability of detention space and the facts of each case. Aliens in category 2 should be detained before aliens in categories 3 or 4, and aliens in category 3 should be detained before aliens in category 4. The District Director or Sector Chief retains the discretion, however, to do otherwise if the facts of a given case require.

These instructions do not apply to the detention and release of juveniles, which is covered in other INS policies.

II. Definitions

Required detention: Detention of certain classes of aliens required by the INS or applicable regulations. With few exceptions, aliens subject to required detention must be detained and are not eligible for release.

Discretionary detention: Detention of aliens authorized but not required by the INA or applicable regulations. All aliens in proceedings are subject to discretionary detention unless they fit into one of the categories covered by required detention. Aliens subject to discretionary detention are eligible to be considered individually for release.

Final Order of Removal: Final removal order issued by an immigration officer, an immigration judge (IJ), the Board of Immigration Appeals, or a Federal judge to an alien placed in proceedings on or after April 1, 1997. INS officers should consult District counsel on issues regarding the finality of removal orders.

Final Order of Deportation or Exclusion: Final deportation or exclusion order issued by an immigration officer, an immigration judge, the Board of Immigration Appeals, or a Federal judge to an alien placed in proceedings before April 1, 1997. INS officers should consult District counsel on issues regarding the finality of deportation or exclusion orders.

III. Detention Categories

A. Arriving Aliens: Expedited Removal under INA § 235.

Category 1: Required detention (with exceptions)

Aliens in Expedited Removal. Arriving aliens at Ports-of-Entry who are inadmissible under INA § 212(a)(6)(C) or 212(a)(7) are subject to expedited removal proceedings pursuant to INA § 235(b)(1). Any alien placed into expedited removal must be detained until removed from the United States and may not be released from detention unless (1) parole is required to meet a medical emergency or legitimate law enforcement objective, or (2) the alien is referred for a full removal proceeding under § 240 (for example, upon a finding of "credible fear of persecution"). Although parole is discretionary in all cases where it is available, it is INS policy to favor release of aliens found to have credible fear of persecution, provided that they do not pose a risk of flight or danger to the community. See INS § 235(b)(1), 8 C.F.R. § 235.3.

Aliens who are ordered removed under expedited removal and who make an unverified claim to United States citizenship, or to lawful permanent resident, refugee, or asylee status, are referred to an IJ for a status review under 8 C.F.R. § 235.3(b)(5)(iv). Such aliens must be detained pending this review, unless parole is required to meet a medical emergency or legitimate law enforcement objective.

If there is insufficient detention space to detain an alien in expedited removal who arrived at a land border Port-of-Entry and claims a fear of persecution unrelated to Canada or Mexico, that alien may be required to wait in Canada or Mexico pending a final determination of his or her asylum claim. If an alien expresses a fear of persecution related to Canada or Mexico, the alien must be detained for proceedings and may not be required to wait in that country for a determination of the claim.

Aliens subject to expedited removal who arrive at a land border Port-of-Entry, but do not claim lawful status in the United States or a fear of persecution, should be processed immediately and detained until removed. These aliens should not be required to wait in Mexico or Canada pending the issuance of an expedited removal order.

The INS may permit an alien in expedited removal to withdraw his or her application for admission.

Note that the INS maintains approximately 1,100 User Fee beds, which are funded by the User Fee Account. The INS can only use these beds for aliens arrested in support of airport operations.

B. Aliens in Proceedings: INA § 240 (Removal), § 238 (Expedited Removal of Criminal Aliens), Former INA § 236 (Exclusion), and Former INA § 242 (Deportation).

1. Category 1: Required detention (with exceptions)

Aliens subject to required detention in removal and deportation proceedings. Pursuant to INA § 236(c), the INS must take into custody all aliens who are chargeable as terrorists, and virtually all aliens who are chargeable as criminals, upon their release from criminal incarceration or custody. § 236(c) does not apply to the following groups of aliens who are removable as criminals-(a) aliens who are removable under § 237 for a single crime involving moral turpitude, if they were sentenced to less than a year; (b) aliens who are removable under § 237 for a conviction for high-speed flight from an immigration checkpoint (18 U.S.C. § 758); and (c) aliens who are removable under § 237 for crimes relating to domestic violence, stalking, and the abuse or neglect of children.

§ 236(c) applies to aliens in both removal proceedings under § 240 and deportation proceedings under former § 242. Therefore, under § 236(c) the INS must continue to detain aliens who are described in that section (by their § 237 equivalents) if (a) they were previously taken into custody while in deportation proceedings (i.e., charged under § 241 in proceedings commenced prior to April 1, 1997) and (b) they are still in custody upon the expiration of the TPCR. Note that current § 236(c) does not apply to aliens in exclusion proceedings under former § 236.

Once in INS custody, the alien may be released during proceedings only if the Attorney General determines that it is necessary to protect a witness, a person cooperating with an investigation, or a family member of such a person. To be considered for release in the exercise of discretion, the alien must also demonstrate that release would not pose a danger to persons or property and that the alien does not pose a flight risk. See the requirements set forth at INA § 236(c)(2).

Aliens with aggravated felony convictions in exclusion proceedings. The INS must detain any alien in exclusion proceedings under former § 236 (i.e., charged under § 212 in proceedings commenced prior to April 1, 1997) who has been convicted of an aggravated felony, as currently defined under INA § 101(a)(43). The INS may not parole such an alien during exclusion proceedings. Note that the expiration of the TPCR has no effect on these aliens since the TPCR did not apply to them.

2. Category 2: High Priority

Aliens removable on security and related grounds, if not subject to required detention.

Other criminal aliens not subject to required detention.

Aliens who are a danger to the community or a flight risk, if not subject to required detention.

Aliens whose detention is essential for border enforcement but are not subject to required detention.

Aliens engaged in alien smuggling, if not subject to required detention.

3. Category 3: Medium Priority

Inadmissible, non-criminal arriving aliens who are not in expedited removal proceedings and are not subject to required detention.

Aliens who have committed fraud before the INS, if not subject to required detention.

Aliens apprehended at the worksite who have committed fraud in obtaining employment, if not subject to required detention.

4. Category 4: Low Priority

Other removal aliens, if not subject to required detention.

Aliens originally placed in expedited removal who have been referred for a full removal proceeding under § 240 upon a finding of a "credible fear of persecution." See the discussion at section A.1 above regarding the INS policy favoring release.

C. Aliens with Final Orders of Removal, Deportation, or Exclusion.

1. Category 1: Required detention (with exceptions)

All aliens who have final orders of removal and all aliens who have final orders of deportation and are subject to required detention. This category includes all aliens ordered removed under revised § 240, whether or not they are terrorists or criminals, and all criminal aliens ordered removed under revised § 238. It also includes all terrorist and criminal aliens ordered deported under former §242 if subject to required detention under § 236(c).

Revised INA § 241(a) requires the INS to remove within 90 days any of the aliens in this category. The alien may not be released during this 90-day period. See INA § 241(a)(2)

Aliens whom INS is unable to remove within 90 days should be released under an order of supervision. See INA § 241(a)(3). However, the INS may continue to detain certain aliens, including, among others, those who are inadmissible on any ground; deportable or removable on criminal or security grounds, dangerous; or flight risks. See INA § 241(a)(6).

Aliens with final orders under expedited removal. The INS must detain aliens who have been issued final orders under expedited removal (revised § 235(b)(1)) on grounds of being inadmissible under INA § 212(a)(6)(C) or § 212(a)(7). Pending immediate removal, the INS must detain such an alien. However, the INS may stay the removal of such an alien if removal is

not practicable or proper, or if the alien is needed to testify in a criminal prosecution. See INA § 241(c)(2).

Aliens convicted of aggravated felonies with final orders of exclusion. The INS must continue to detain until removal any alien with a final order of exclusion (i.e., charged under section 212 in proceedings commenced prior to April 1, 1997) who has been convicted of an aggravated felony, as currently defined under INA § 101(a)(43). The INS may not parole such an alien unless the alien is determined to be unreasonable pursuant to old INA § 236(e)(2) and the alien meets the criteria for release under that provision. See former INA § 236(e) (as designated prior to April 1, 1997) and the Mariel Cuban parole regulations at 8 C.F.R. §§ 212.12 and 212.13.

2. Category 2: High Priority

Aliens with final orders of deportation (if not terrorists or criminals subject to inrequired detention under § 236(c) and § 241(a)) or exclusion (if not aggravated felons). Aliens placed into proceedings prior to April 1, 1997, who were or are ordered deported or excluded, are only subject to required detention if terrorists or convicted of certain crimes. See part C.1 above. Otherwise, they are subject to discretionary detention and, once they have a final order of deportation or exclusion, their detention should ordinarily be a high priority.

Please note that the 6-month rule of former INA § 242(c) and (d), which regards detention and release, continues to apply to these non-terrorist and non-criminal aliens with final orders of deportation. Non-aggravated felon aliens with final orders of exclusion may be paroled from custody in the discretion of the INS.

IV. General Directions

A. Category 1

Aliens subject to required detention shall have first priority for all available ¹ INS detention space.

With the exceptions noted above, category 1 aliens shall be detained.

Each Region should ensure that it maintains sufficient non-criminal detention space to provide basic support for its full spectrum of law enforcement objectives. However, with the exception of this basic level of non-criminal detention space, each Region, District, and sector must seek to comply with the detention priorities outlined above.

If a category 1 alien comes into INS custody but no detention space is available locally, the responsible office should pursue the following options in rank order:

- 1) acquire additional detention space locally, securing funds from the Region if necessary;
- 2) transfer the alien to another INS District or Region where space or funding is available;

3) release an alien in local INS custody who is not subject to required detention (i.e., an alien in category 2, 3, or 4) to make space for the category 1 alien; or

4) release an alien in INS custody in another District who is not subject to required detention (i.e., an alien in category 2, 3, or 4) to make space for the category 1 alien.

If a category 1 alien comes into INS custody when all INS criminal beds nationwide (i.e., beds not reserved for juveniles, User Fee operations, or non-criminal detention) are occupied by other category 1 aliens and there are no additional detention funds available, the responsible office should contact its Regional Director to arrange for the release of a lower priority category 1 alien in order to permit the detention of a higher-priority category 1 alien.

INA § 236(c) does not require the INS to arrest any alien who is described in that § but was released from criminal incarceration or custody previously. However, if the INS later encounters such an alien in a non-custodial setting and elects to initiate immigration proceedings, the alien is subject to required detention.

INA § 236(c) does not require the INS to re-arrest any alien who is described in that § but was released from INS custody under the TPCR.

However, the INS may re-arrest such an alien under INA § 236(b) if conditions have changed or if circumstances otherwise warrant.

B. Categories 2, 3, and 4

Aliens in categories 2, 3, or 4 should generally be detained according to rank, higher priorities before lower priorities. Exceptions to this general rule may be made as follows:

1) The District Director or Section Chief may make an exception in individual cases if local circumstances require.

2) The Regional Director, with the concurrence of the Executive Associate Commissioner for Field Operations, may make an exception to accommodate special regional enforcement initiatives.

3) The Executive Associate Commissioner for Field Operations may make an exception to accommodate special national enforcement initiatives or to address an emergency.

C. Juvenile Aliens

This Detention Use Policy does not apply to juvenile aliens or juvenile detention space. Please refer to the instructions for the detentio

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Declaration of Valerie Burch

I, Valerie Burch, hereby declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:
2. I have been a licensed attorney in Pennsylvania since 2004. I am currently an attorney at The Shagin Law Group LLC, a firm located in Harrisburg, Pennsylvania, that has specialized in immigration law for eighteen years. I have held this position since 2012. Since joining the firm, I have represented clients detained at the Berks Family Residential Center (“Berks”)¹ in Leesport, Pennsylvania between November 2012 and January 2014.
3. For approximately three years (August 2004-June 2007), I was the managing attorney of the Pennsylvania Immigration Resource Center (“PIRC”). PIRC is a small nonprofit law office founded in 1996 that has been the main legal service provider for noncitizens detained at Berks and at the York County Prison in York, Pennsylvania. During my tenure at PIRC, the organization ranged in size from two to six staff members.
4. While at PIRC, I primarily learned of families detained at Berks in one or more of these three ways: 1) A family member contacted PIRC, usually by phone, to request assistance; 2) A York Immigration Court judge contacted PIRC by filling out a short referral form indicating the need for *pro bono* assistance; and/or 3) PIRC received from court staff copies of notices for the family members to appear in the court and/or the upcoming hearing schedule, on which the family members' names appeared.
5. Through these methods, I believe that I learned of practically all families detained at Berks for more than two weeks following the family's receipt of the results of their credible fear interview. I believe this because: 1) Nearly all families detained at Berks wished to seek asylum; 2) Upon receiving notice of the results of a family's credible fear interview, the York Immigration Court would promptly schedule the family for a hearing; and 3) PIRC received copies of all upcoming hearing schedules, which listed the name and detention location of all individuals appearing before the court.

¹ The facility was named the "Berks County Family Shelter" when I began my work in 2004; the name has since been changed to “Berks Family Residential Center.”

6. Upon receiving notice of a Berks family that could be in need of legal assistance, I or another PIRC staffer, whom I supervised, met with the family to explain the legal process and screen them for representation by either PIRC or cooperating *pro bono* counsel. We would only fail to conduct this meeting if we learned that the family already had counsel. As the vast majority of the detained families could not afford private counsel, I believe that I or my supervisees met with nearly all of the Berks population detained for more than two weeks following receipt of the results of a credible fear interview. Indeed, because I worked under a grant aimed at providing free legal services to all detained survivors of torture appearing in the York Immigration Court without private counsel, PIRC's screening of the Berks population was designed to ensure that no unrepresented Berks family that wished to seek asylum appeared in the court without having been interviewed by a PIRC staffer.
7. Between August 2004 and June 2007, the only families detained at Berks for more than two weeks after receiving the results of their credible fear interview were those who had failed their interview. The rare exception to this rule was families who did not have a sponsor to provide them with housing and support through the course of their proceedings. Of the countless cases of which I was aware, I never encountered a case in which a family who received a positive credible fear determination was denied release by DHS.
8. In the period I represented Berks detainees at the Shagin Law Group (between November 2012 and January 2014), I represented one family from Central America (a father and child) fleeing gang violence. The family was released by DHS after being found to have a credible fear of persecution.
9. I understand that DHS is now refusing to release bond-eligible Central American families who have passed their credible fear interviews. That is a 180-degree turnaround from what I experienced when counseling families held at Berks during the August 2004 through June 2007 and the November 2012 through January 2014 time period.

Executed this 14th day of December, 2014, at Harrisburg, PA.

A handwritten signature in black ink, appearing to read 'Valerie Burch', is written over a horizontal line.

Valerie Burch

Declaration of Barbara Hines

I, Barbara Hines, hereby declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:

Background and Experience

2. I have been a licensed attorney in Texas since 1975. I am a clinical professor of law and co-director of the immigration clinic at the University of Texas School of Law. I have held this position since January 1999. I have practiced immigration law for 39 years. I have been Board Certified in Immigration and Nationality Law by the State Bar of Texas since 1981. I have won numerous awards for my work in the field of immigration law including the 1992 American Immigration Lawyers Association (AILA) Jack Wasserman Award for Excellence in Litigation; the 1993 AILA Texas Chapter Litigation Award; the 2002 Texas Law Fellowships Excellence in Public Interest Award; the 2007 AILA Elmer Fried Excellence in Teaching Award; the 2009 MALDEF Excellence in Legal Services Award; the 2010 National Lawyers Guild Carol King Award and the 2014 Massey Teaching Excellence Award.
3. I have represented countless non-citizens in removal, bond and asylum proceedings in my 39 years of practice. The immigration clinic represents immigrants in removal proceedings and thus I have supervised and taught many students handling bond and asylum cases over the last 16 years. In addition, I have taught a law school seminar on the Immigration Consequences of Crime, including classes on detention and bond. I have spoken at numerous continuing legal education seminars on issues relating to bond, detention and asylum. I mentor other attorneys in these areas of immigration practice.
4. I am one of the founders and coordinating committee members of the Karnes pro bono project. The Karnes pro bono project is a joint effort of the law firm of Akin Gump, the University of Texas School of Law immigration clinic, the Refugee and Immigrant Center for Education and Legal Services (RAICES), Tahirih Justice Center, and volunteer attorneys. The project works to provide legal representation to women and children detained at the immigration detention center in Karnes City, Texas. Our project holds

weekly calls to discuss legal strategy, court procedures, intakes, case distribution and administration of the project. I mentor volunteer lawyers, discuss their individual cases, and provide samples and templates for use by our group. I also coordinate with and participate in discussions and meetings with the American Immigration Lawyers Association pro bono project at the Artesia, New Mexico detention facility, as well as with local and national immigration organizations focusing on family detention.

5. Since August 2014, under my direction, the immigration clinic at the University of Texas School of Law has represented eight women in custody redetermination proceedings, each of whom had one child in detention as well. Clinic students and faculty have also conducted dozens of intake screenings for potential representation through the Karnes pro bono project. Our students have served as interpreters for other pro bono lawyers working at the Karnes facility as well. Our clinic monitors detention conditions at Karnes, and we have interviewed many women regarding conditions at the facility. I receive information regarding the detention situation of families held at Karnes directly from women detained at the facility, as well as from my students in the immigration clinic and from volunteer lawyers who participate in the Karnes pro bono project.
6. All of the families that we have represented, interviewed, counseled or interpreted for are from El Salvador, Guatemala and Honduras. All are women detained with one or more children. All are asylum seekers.
7. Based on the above experiences, I am very familiar with the policies and practices of U.S. Department of Homeland Security (“DHS”) with regard to the detention of mothers and children, particularly at the Karnes detention center.

DHS’s past policy and practice with respect to detention of families

8. Through my experience practicing immigration law in Texas and my interactions with national immigration organizations and immigration attorneys practicing throughout the United States, I also have knowledge of the government’s past policies and practices with respect to immigration detention of families. Prior to the summer of 2014, families apprehended near the border without immigration documents were generally briefly detained by U.S. Customs and Border Protection and then released. DHS did not generally take custody of families.

9. Although DHS did detain families at the T. Don Hutto immigration detention center in Taylor, Texas, from May 2006 to September 2009, family detention at Hutto was widely condemned and ultimately discontinued in response to intense media and other scrutiny, as well as litigation over conditions at the facility. In discontinuing family detention at Hutto, DHS reaffirmed its longstanding policy of releasing families on bond, parole or conditions of release, as well as making bond decisions based on individualized factors. Further, as far as I know, DHS never had a blanket policy of denying release to families detained at the Hutto facility who established a credible fear of persecution and who were eligible for release on bond, recognizance or other conditions.

DHS's Recent Expansion of Family Detention and Adoption of "No-Release" Policy for Detained Families

10. In June 2014, DHS changed its policies and began detaining families who were apprehended after crossing the border. Many of these families were placed in a streamlined removal process known as expedited removal and were sent to DHS family detention facilities to await the outcome of the proceedings.
11. DHS first sent families to a newly opened detention center in Artesia, New Mexico. Beginning in August 2014, DHS began sending families to the detention center in Karnes City, Texas.
12. Since DHS began detaining families at the Karnes City facility, DHS has insisted on categorical detention of all of the families who are brought to the facility.
13. DHS has applied this policy and practice of categorical detention even to Central American families who have been found to have a credible fear of persecution in their home countries and are eligible for release. For families who are eligible for release on their own recognizance, bond or other conditions under 8 U.S.C. 1226(a), and 8 C.F.R. 236.1(c)(8), ICE issues a custody determination notice shortly after a favorable credible fear determination and issuance of a Notice to Appear. In each such case at Karnes, the custody determination notice orders continued detention without opportunity for release on recognizance, bond or other conditions. Each of the eight client families represented by the immigration clinic received a custody determination notice denying release. Based on my conversations with other attorneys in the Karnes pro bono network and outside of the network, as well as my observation of hearings in multiple Karnes cases before the

immigration court, I am aware of no family detained at Karnes who was eligible for release under 8 U.S.C. § 1226(a), and who received an DHS custody determination allowing for release after a favorable credible fear finding. Out of all such families detained at Karnes, I know of only two cases in which DHS reached a decision to release the family, but those decisions were based on serious medical considerations. Moreover, in those two cases, DHS initially issued a custody determination denying release.

14. DHS requires the detention of the families at Karnes regardless of whether they pose an individualized risk of flight or danger to the community. During the asylum interview, the USCIS asylum officer requests and records information regarding where the family will reside. DHS ignores this information, although it is readily available to them and included in the families' immigration files. Based on the information provided to the clinic by families detained at Karnes that we have represented, DHS does not conduct subsequent interviews with the families to obtain information regarding flight risk or danger to the community before issuing the custody determination notices. DHS provides no explanation to families when denying them release, whether on the Form I-286 Notice of Custody Determination or otherwise.
15. When families have sought a custody redetermination before an immigration judge, DHS counsel has opposed release and has argued before the immigration court that families must be held in detention in order to deter other Central American migrants from coming to the United States. In each of the eight bond redetermination proceedings handled by the immigration clinic, DHS counsel has submitted the same evidentiary packet containing, among other things, a declaration from Philip T. Miller, Immigration and Customs Enforcement ("ICE") Assistant Director of Field Operations for Enforcement and Removal Operations, stating that "implementing a 'no bond' or 'high bond' policy would significantly reduce the unlawful mass migration of Guatemalans, Hondurans, and Salvadoran." Decl. of Philip T. Miller ¶ 10. In support of DHS's position, the evidentiary packet also includes a copy of *Matter of D-J-*, I. & N. Dec. 572 (A.G. 2003), an Attorney General decision holding that certain migrants can be detained for purposes of generalized deterrence and national security. *See id.* at 581. The packet also includes a declaration from Traci A. Lembke, ICE Assistant Director over Investigation Programs. True and

correct copies of the Miller declaration and the Lembke declaration are attached as Exhibit A.

16. Furthermore, to my knowledge, mothers and their children detained together by DHS, who are predominantly Central American, are the only class of detainees eligible for release on bond, recognizance or other conditions, for whom DHS has adopted a blanket “no-release” policy. In contrast to its blanket “no-release” policy for mothers detained with their children, DHS routinely authorizes release for adults detained without children who pass a credible fear screening and who are eligible for release on bond, recognizance or other conditions. For example, the “no-release” policy is not being applied to the women without children who are being detained at the T. Don Hutto facility. I have regularly represented women without children who have been held at the facility since 2009. At Hutto, DHS authorizes release on bond, recognizance or other conditions for detained women who have passed their credible fear interviews, including many from Central America with similar claims as the mothers detained at Karnes. In addition, to my knowledge, DHS generally does not have a policy of detaining fathers and children apprehended together.

Summary of Karnes Pro Bono Project Case Files

17. Through the Karnes pro bono project, the University of Texas School of Law immigration clinic has tracked the proceedings of families who are eligible for release pending their immigration court proceedings, usually after passing a credible fear screening, and have been represented by volunteer attorneys in immigration court custody redetermination hearings. We have developed a tracking database on an Excel spreadsheet, which is housed at the immigration clinic. We ask volunteer attorneys from the Karnes pro bono project to report to us information regarding custody redetermination proceedings in which they have been involved. The data that we request from the volunteer attorneys includes information about: 1) a family’s date of entry into the United States and apprehension; 2) date of immigration judge custody redetermination hearing; 3) name of the immigration judge conducting the custody redetermination hearing; 4) decision of the immigration judge regarding custody and any bond amount set; and 5) decision by either party to appeal the immigration judge’s custody determination. In addition, we request additional information regarding the credible fear interview and the basic facts of the

asylum claim, as well as information about family members or other sponsors who will house the family upon release from detention. All of this information is entered into the database as a regular part of the work of the Karnes pro bono project, in order to enable us to better advocate on behalf of the clients who are represented by volunteer attorneys through the project. For example, we use the information to coordinate briefing efforts on appeals of custody redetermination decisions filed with the Board of Immigration Appeals.

18. Our custody redetermination proceedings database currently includes 64 entries relating to 64 families detained at the Karnes detention center who were denied release by DHS despite being eligible for release under the statute, and who were represented by volunteer lawyers during subsequent custody redetermination hearings before an immigration judge. There is one entry per family, under the name of the mother, and each family includes one or more children as well as the mother. We do not have complete information on every data point for each entry, because the volunteer attorneys have not always provided the full information requested.
19. For each entry in the database, the family has been placed into removal proceedings and is statutorily eligible for release on bond, recognizance, or other conditions under INA 236(a). Almost all families have passed a credible fear screening interview. In a very small number of cases, the families were placed directly into removal proceedings to pursue their asylum claims without passing a credible fear interview, usually because of difficulties in conducting the credible fear interviews for speakers of indigenous languages. In almost all cases, it is the mother who has passed the credible fear interview, and the children are treated as derivatives on the mother's asylum claim. In each case, DHS has served a Notice to Appear on each family member to initiate removal proceedings, where the asylum claims will be heard.
20. Also, in each case, upon issuance of the Notice to Appear, DHS has issued a custody determination for each member of the family, ordering continued detention. Every family in the database had a custody redetermination hearing before an immigration judge. Because they were part of the Karnes pro bono project, they had legal representation in these hearings.

21. The database tracks 64 custody redetermination hearings conducted by immigration judges. Two immigration judges at the San Antonio Immigration Court have heard almost all of the cases. In all 64 cases, the immigration judge has ordered release of the child(ren) on recognizance and has ordered release of the mother on her own recognizance or on payment of a bond. This strongly suggests that were it not for DHS's blanket No-Release policy, most of these families would have been released and spared the additional weeks, sometimes months, of detention that they are now forced to endure while they wait for bond hearings to take place. Based on my review of the Karnes pro bono database, the data indicates that generally between three to eight weeks lapsed between a mother's positive credible fear determination and her custody redetermination hearing before an immigration judge.
22. In 18 cases for which volunteer attorneys have provided appeal information, including two cases handled by the immigration clinic, DHS appealed custody redetermination decisions to the Board of Immigration Appeals. In its appeals, DHS argued that the Immigration Judge abused his discretion in granting release by failing to give sufficient deference to the government's concerns about needing to deter mass migration, as articulated in *Matter of D-J-*, 23 I&N Dec. 572 (A.G. 2003). DHS recently filed its opening brief to the BIA in one appeal of a case originating out of Artesia where it makes this same argument.

Harm Caused by Detention

23. The University of Texas School of Law immigration clinic and others have documented the appalling conditions to which immigration detainees are subject. On September 25, 2014, the University of Texas Immigration Clinic, the University of Texas Civil Rights Clinic, MALDEF, and the Law Offices of Javier Maldonado sent a complaint letter to the San Antonio ICE officials, notifying them of concerns at Karnes, including inadequate food, problems with telephone access, lack of toys and developmental programs for children under four, prohibition of crawling by infants, threats of separation of women from their children as a disciplinary measure, separate living quarters for teenagers apart from their mothers, inadequate medical and mental health services, lack of licensed child care providers and the high number of male staff at the facility. A true and correct copy of that letter is attached here as Exhibit B.

24. Being detained at Karnes makes it more difficult for women to obtain counsel and makes it challenging to offer adequate representation to those who are represented. For the immigration clinic, for example, each visit to Karnes involves a four and a half hour round trip drive from Austin, making it impossible to take on as many cases as would be possible without the time spent on travel. Attorney-client communications are also difficult by telephone. Women and children detained at Karnes have difficulty making free outgoing phone calls to their attorneys, and the facility does not give phone messages to clients from their attorneys in a timely manner.
25. As I know well through my decades of experience, it is very difficult for attorneys to prepare clients' asylum cases if they remain in detention throughout their proceedings. Preparing for a merits asylum hearing, including factual investigation of the basis of the asylum claim, requires a level of participation by the client that is difficult to achieve when a client is detained.
26. In addition, in my experience preparing cases for custody redetermination hearings before the immigration court, detention of mothers with their children poses additional challenges for the provision of adequate legal representation. Our clients must meet us with their children who are too young to attend school. If meetings occur during non-school hours, clients meet with us with their school-age children as well, since there is no day care at Karnes. Furthermore, many of the children are very young and neither the children nor the mothers want to be separated. Mothers do not want to leave their children with other detained women nor with the untrained GEO staff who run the only childcare program. Thus, students and I have been forced to prepare our clients for custody redetermination hearings, in which DHS routinely cross-examines them regarding their asylum claims, in the presence of their children. The children can hear their mothers describe horrific domestic violence, gang violence and other harm. It is also difficult and much more time consuming for my students and me to develop the facts of a case and prepare a client for court, when a mother must try to distract, entertain or comfort her crying child during the attorney interviews. In several cases, I have found myself in the position of caring for and occupying a child, for example with drawing materials, while simultaneously trying to interview a tearful client.


27. We have also had difficulty obtaining access to Karnes for other members of our legal teams, impeding effective representation of detained families. For example, volunteer attorneys often must use an interpreter to communicate with their clients. The interpreters must be pre-cleared before they can enter the facility. Even once cleared, interpreters have been asked to obtain clearance again for a second visit. This process can be time-consuming and inefficient, making it difficult for attorneys to meet with their clients. Similarly, the process for gaining access for psychological experts to conduct evaluations of clients at Karnes can be very cumbersome, and it is also difficult for psychological experts to travel long distances to visit families in detention. Such experts may be critical in asylum and custody redetermination hearings, but securing psychological evaluations in many cases is more difficult because of the detention setting.
28. The difficulty women face in obtaining counsel can contribute to the time spent detained pursuant to the no-release policy. The Karnes pro bono project is not provided with the identities of women who are scheduled for CFIs or who have passed their CFIs. In many cases, therefore, project attorneys have learned about and interviewed women weeks after a credible fear finding and an ICE custody determination. Before a woman can receive a meaningful custody determination hearing in immigration court, it is first necessary for the project to match volunteer counsel to the client. When an attorney is found and enters an appearance at this late point in the proceedings, the attorney must request a continuance so as to prepare adequately for the bond proceedings. While appointment of counsel and adequate preparation are necessary due to ICE's policy of opposing all bond redetermination requests, these steps can cause delay and extend the time a family spends in detention.
29. Even though the immigration clinic and the Karnes pro bono project have represented women and children in custody redetermination proceedings, there are many other women and children at Karnes who do not have legal representation. More than 500 individuals are detained at Karnes at any time, involving approximately 200 families, and the Karnes pro bono project has only represented 64 families. Based on my past experience observing unrepresented detainees before the immigration court, I have witnessed the greater difficulties they face in presenting their cases. In the current context, unrepresented women face a particularly difficult challenge in arguing for release at a custody

redetermination hearing since, as set forth above, DHS is submitting a standard evidentiary packet in all cases claiming that the women and children must be detained to deter future asylum-seekers. In my experience, unrepresented detainees generally do not know how to frame their asylum claims, and yet judges often ask them to explain the legal basis of their claims and DHS cross-examines them about their asylum cases. What is more, almost all of the detainees do not speak or read English, which severely hinders their ability to represent themselves. Their inability to read English prevents them from understanding documents, such as DHS's standard evidentiary packet, that are presented to them in English. Any documents that they wish to submit in immigration court must be translated into English for the court.

30. Although I do not have access to data on the outcomes of custody redetermination hearings for unrepresented families at Karnes, I would expect that unrepresented families receive higher bonds than families who are represented as part of the Karnes pro bono project. For example, the Karnes pro bono project took over and represented one family who had appeared pro se for their bond hearing. In that case, the immigration judge had set a significantly higher bond amount for the family when they were unrepresented than the judge was typically setting for represented families. This means that unrepresented families are more likely to remain detained for a longer time, since it can be difficult to post the high bonds that are set. Moreover, even though many of my clients have been able to secure release at a custody redetermination hearing before an immigration judge, DHS's "no release" policy has unnecessarily prolonged their detention in all cases.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of Dec., 2014, at Austin, Texas



Barbara Hines

DECLARATION OF PHILIP T. MILLER

I, Philip T. Miller, hereby declare that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Philip T. Miller. I am a member of the Senior Executive Service serving as the Assistant Director of Field Operations for Enforcement and Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE) in Washington, D.C. I have held this position since May 2013. My current work address is: 500 12th Street Southwest, Washington, DC. I hold a B.A. and an M.A. in Political Science.
2. I began federal service in 1996 with the former Immigration and Naturalization Service (INS) as an Immigration Inspector in New Orleans, Louisiana, where I worked at both air and sea ports of entry. In 1998, I was promoted to a Deportation Officer, and served as Juvenile Coordinator, National Crime Information Center Fugitive Officer, and managed a long-term detention and rehabilitation program. In 2001, I became an ICE Special Agent, conducting administrative and criminal investigations, including investigations of alien smuggling, critical infrastructure protection, and counterfeit document vending.
3. In July of 2007, I became an Assistant Field Office Director within the New Orleans Field Office of Detention and Removal Operations (DRO). In this capacity I was responsible for managing all mission support functions and fugitive operations, and I served as the Field Office's Public Affairs Officer and Congressional Liaison Officer. In April of 2008, I was promoted to Deputy Field Office Director for DRO. In September of 2009, I was promoted to Field Office Director of the New Orleans Field Office.
4. My experience as an immigration officer includes planning, directing, managing, and coordinating operational functions relating to the apprehension, transportation, and detention of aliens ordered removed; the execution of final orders of deportation; and liaison with Departmental, interagency, and community partners regarding ERO matters.
5. In my current position as Assistant Director of ERO Field Operations, I oversee, direct, and coordinate operational activities throughout the nation's ERO field offices and sub-offices, ensuring such activities further agency goals and comply with agency policies. My duties include the oversight of operations concerning the detention of adults with children and unaccompanied children.
6. Last fiscal year, CBP apprehended 414,397 illegal migrants at the Southwest border, an increase of 16 percent compared to FY 2012 (356,873). Through July of this fiscal year, Southwest Border apprehensions reached 421,957, compared to 348,798 during the same time period in FY 2013..
7. The number of credible fear cases that U.S. Citizenship and Immigration Services (USCIS) completed for nationals of all countries grew rapidly over a one-year period, going from 13,607 in FY12 to 36,454 in FY13, with the majority of this increase due to claims originating from nationals of El Salvador, Guatemala, and Honduras. USCIS

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received a total of 8,475 credible fear cases for these three countries in FY12, with this number nearly tripling to 23,329 in FY13.

<http://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/2013/Asylum-CredibleFear-ReasonableFear-FY13.pdf>

8. On May 12, 2014, Secretary Johnson declared a Level IV condition of readiness within the Department of Homeland Security (DHS), which is a determination that the capacity of CBP and ICE to deal with the situation is full and we need to draw upon additional resources across all of DHS. He appointed Deputy Chief Vitiello to coordinate this effort within DHS. See Written Testimony of DHS Secretary Jeh Johnson, at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>.
9. According to debriefings of Guatemalan, Honduran, and Salvadoran detainees, the high probability of a prompt release, coupled with the likelihood of low or no bond, is among the reasons they are coming to the United States. I have concluded that implementation of a "no bond" or "high bond" policy would significantly reduce the unlawful mass migration of Guatemalans, Hondurans, and Salvadoran.
10. The responsibilities of DHS include "[s]ecuring the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States...." 6 U.S.C. § 202(2) (codification of the Homeland Security Act of 2002). The DHS describes its core missions as, inter alia, "[p]revent[ing] terrorism and enhancing security" and secur[ing] and manag[ing] our borders." <http://www.dhs.gov/our-mission>. Security of the borders includes a focus on the goal of "[d]isrupt[ing] and dismantl[ing] transnational criminal and terrorist organizations." <http://www.dhs.gov/secure-and-manage-borders>.
11. Detention is especially crucial in instances of mass migration. Annual surveys of people in Central American countries show that one key factor that influences the decision whether to migrate is the existence of an "active migration network," i.e. friends or family who previously migrated and are living in the United States. See *Americas Barometer Insights: 2014, Violence and Migration in Central America*, Latin American Public Opinion Project, Vanderbilt University, No. 101 (2014) [hereinafter *Americas Barometer Insights*].¹ Illegal migrants to the United States who are released on a minimal bond become part of such active migration networks.
12. Allowing detainees to bond out would have indirect yet significant adverse national security consequences as it undermines the integrity of our borders. As stated, the current detainees already are motivated, inter alia, by the belief that they would receive release from detention. Validating this belief further encourages mass migration, which only

¹ The work of the Latin American Public Opinion Project (LAPOP) is made possible through partnership with U.S. Agency for International Development. See <http://www.vanderbilt.edu/lapop/sustaining-donors.php>. LAPOP describes itself as "the premier academic institution carrying out surveys of public opinion in the Americas, with over thirty years of experience." See <http://www.vanderbilt.edu/lapop/>.

increases the already tremendous strain on our law enforcement and national security agencies.

13. Significant resources have had to be diverted to the Southwest Border, not only to handle the additional caseload, but also as part of a strengthened effort to investigate, prosecute, and dismantle criminal smuggling organizations. Such a diversion of resources disrupts our ability to deal with other threats to public safety, including national security threats. Specifically, DHS, together with the Department of Justice, has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley Sector. ICE is surging 60 additional criminal investigators and support personnel to San Antonio and Houston offices for this purpose. See *Written Testimony of DHS Secretary Jeh Johnson*, available at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>. Implementing a "no bond" or "high bond" policy would help ameliorate these disruptions.
14. Implementing a "no bond" or "high bond" policy would provide additional time to further screen the detainees and have a better chance of identifying any that present threats to our public safety and national security. In many instances illegal migrants arrive without any reliable identification documents, or present a fraudulent identity. In FY 2013 CBP encountered approximately 17,366 fraudulent documents at our Ports of Entry
15. Criminal enterprises and cartels are facilitating the networks of human smuggling and criminal activity along the Southwest Border. According to debriefings of Guatemalan, Honduran, and Salvadoran detainees, a majority of them paid funds to criminal elements, including the Zeta or Gulf cartels, to be smuggled across the Southwest Border. The average amount per alien paid was \$3,800. The money paid to these cartels is used to fund additional illicit and dangerous activities in the United States and Mexico. By deterring smuggling activities, ICE can prevent further funding of these illegal organizations known for their intricate trafficking networks and murders.
16. By reducing the current influx of nationals, including adults with children, from Guatemala, El Salvador, and Honduras, DHS and other law enforcement agencies will be able to cease redirecting resources away from other priorities, such as removing criminal aliens and other individuals who pose a danger to the community.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

August 7, 2014.
Date


Philip T. Miller
Assistant Director, ERO Field Operations
Department of Homeland Security
U.S. Immigration and Customs Enforcement

DECLARATION OF TRACI A. LEMBKE

I, Traci A. Lembke, hereby declare that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Traci A. Lembke. I am a member of the Senior Executive Service serving as the Assistant Director over Investigative Programs for Homeland Security Investigations (HSI), U.S. Immigration and Customs Enforcement (ICE), in Washington DC. I have held this position since September of 2013. My current work address is: 500 12th Street, SW, Washington, DC. I hold a B.A. degree from the University of Northern Colorado.
2. I began my federal law enforcement career in 1987 as a Special Agent with the former U.S. Customs Service (USCS) in Denver, Colorado. In 1991, I transferred to the USCS Office in Nogales, Arizona, where I investigated criminal organizations involved with illicit movement of narcotics, prohibited merchandise, firearms and currency into and out of the United States. In 1997, I was transferred to the Tucson, Arizona USCS Office of Internal Affairs (OIA), where I was promoted to the Resident Agent in Charge. In 2001, I was transferred by the USCS to Washington, DC, to join the Headquarters OIA staff, where I became the Director of the Internal Investigations Division.
3. In 2003, I was named the Unit Chief over Internal Investigations for the newly created ICE Office of Professional Responsibility (OPR). In 2006, I joined the Senior Executive Service and was promoted to Director for ICE OPR. In this capacity, I oversaw all criminal and administrative investigations involving employees of ICE, U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS).
4. In 2008, I was transferred to ICE's HSI, where I served as the Deputy Assistant Director (DAD) for the Investigative Services Division. I remained in this position until September 2013, when I was promoted to the Assistant Director for all of HSI's Investigative Programs.
5. My experience as a USCS and HSI Special Agent included planning, directing, managing and coordinating all aspects of complex criminal investigations, to include conducting surveillance, collecting/seizing evidence, interviewing witnesses and suspects, writing reports of investigation, and presenting my cases for federal criminal prosecution.
6. In my current position as the Assistant Director of HSI's Investigative Programs, I oversee, direct and coordinate over 100 investigative programs within four separate divisions, including the Transnational Crime and Public Safety Division. Within the Transnational Crime and Public Safety Division is the Human Smuggling and Trafficking Unit, which oversees programs designed to identify and disrupt criminal smuggling and trafficking organizations. This unit also assists with prioritizing these investigations according to the degree of risk posed to national security and public safety, and coordinating field office investigations to target human smuggling and trafficking organizations with the goal of eliminating their ability to function.

7. Congress has charged the Department of Homeland Security (DHS), ICE with securing the borders of the United States. Homeland Security Act of 2002, § 402(2), 116 Stat. 2135, 6 U.S.C. § 202(2) (2014). "Homeland security depends on security along our borders and at ports of entry. At our borders and ports of entry, we must deny entry to terrorists, drug traffickers, human traffickers, transnational criminal organizations, and other threats to national security and public safety while continuing to facilitate legal travel and trade." *Written Testimony of DHS Secretary Jeh Johnson for a Senate Committee on the Judiciary hearing titled "Oversight of the Department of Homeland Security"*, 113th Cong., 2d session (2014) available at <http://www.dhs.gov/news/2014/06/11/written-testimony-dhs-secretary-jeh-johnson-senate-committee-judiciary-hearing>.
8. ICE defines human smuggling as the "importation of people into the United States involving deliberate evasion of immigration laws." ICE Office of Investigations Memorandum, "Definitions of 'Human Smuggling' and 'Human Trafficking'" (Dec. 13, 2004). Human smuggling is traditionally motivated by a variety of reasons, including profit and family interest. The statutes governing this offense are contained within Title 8 U.S.C. Section 1324.
9. Although recent media reports emphasize the significant increases in unaccompanied children and family units encountered by immigration authorities along the Southwest border, the category of individual most frequently encountered illegally crossing the border is by far adults without children. *See Customs and Border Protection, Southwest Border Unaccompanied Alien Children, available at http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children* (reflecting that over 278,000 of the approximately 381,000 aliens CBP encountered in FY14 through June 2014 were neither unaccompanied children nor family units). In addition, the number of adults without children who illegally entered the United States increased from the last fiscal year. In FY13, CBP encountered approximately 278,000 adults without children at the Southwest border. In FY14 through June 2014, CBP already had encountered over 278,000 adults without children.
10. On May 12, 2014, Secretary Johnson declared a Level IV condition of readiness within DHS, a determination that CBP's and ICE's ability to deal with the situation was at full capacity and that drawing upon additional resources across all of DHS was needed. He appointed Ronald Vitiello, Deputy Chief of the U.S. Border Patrol, to coordinate this effort within DHS. *See Dangerous Passage: The Growing Problem of Unaccompanied Children Crossing the Border: Hearing Before the H. Comm. on Homeland Security*, 113th Cong., 2d session (2014) (testimony of Jeh Johnson, Secretary of DHS) available at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>.
11. As the lead U.S. government agency for the investigation of human smuggling, ICE HSI initiates over 2,500 human smuggling and trafficking investigations annually. These criminal investigations have disclosed that human smuggling organizations (HSO) operating primarily in foreign countries and utilizing international confederates unlawfully

move individuals across international borders, regardless of whether these individuals pose potential national security or public safety threats. HSI's human smuggling initiative is focused on identifying, disrupting and dismantling human smuggling and the criminal infrastructure that supports it, as well as associated criminal organizations. HSI is uniquely positioned, through its investigative capabilities, to affect this issue by disrupting the criminal organizations.

12. Human smuggling poses a serious threat to our nation's security. HSOs usually attempt to turn a quick and significant profit and continue moving undocumented aliens across our borders. In severe cases, HSOs hold their human cargo hostage and demand more money from family members as a means to extort higher fees. HSOs arrange for their human cargo to be taken to drop-houses often under unsafe conditions with no way to communicate with relatives or to notify authorities if there is an emergency. Some smuggled aliens have been beaten or raped. For example, in a federal prosecution last month in Texas, "the conspirators seized the smuggled aliens' clothes, shoes, phones and other possessions. The conspirators used guns, paddles, tasers and other equipment to control and prevent the illegal aliens from escaping the stash house. They guarded the aliens with guns displayed in plain view and threatened to kill them by shooting them in the back of the head if they tried to escape." See *3 Mexican Nationals Sentenced to More Than 9 Years in Federal for Their Roles Involving 115 Smuggled Aliens Discovered in Houston Stash House*, ICE News Release, Jul. 30, 2014, available at [http://www.ice.dhs.gov/newsroom/2014/07/30/ice-releases-3-mexican-national-sentenced-to-more-than-9-years-in-federal-prison-for-their-roles-involving-115-smuggled-aliens-discovered-in-houston-stash-house](#).
13. HSOs often transport their human cargo — men, women and children — through desolate terrain, without food or water. They may also be placed into trucks or trailers without any ventilation. In Texas, 19 people, including a seven-year-old boy, died inside an airless trailer truck that was used to smuggle them from Mexico, El Salvador and Guatemala. See *Another Defendant Involved in May 2003 Smuggling Tragedy in Victoria, Texas, Sentenced to Prison*, USAO, SD TX Press Release, Nov. 9, 2009, available at <http://www.justice.gov/usao/txs/1News/Archives/Archived%20Releases/2009%20November/110909Flores.htm>.
14. Unauthorized mass migrations may be triggered by a multitude of factors, including violence in the country of origin. *Department of Homeland Security's 2014 Quadrennial Homeland Security Review*, p.26 (Jun. 18, 2014) (hereinafter DHS Quadrennial Review). Annual surveys of people in Central American countries show that one key factor that influences the decision whether to migrate is the existence of an "active migration network," i.e. friends or family who previously migrated and are living in the United States. See *Americas Barometer Insights: 2014, Violence and Migration in Central America*, Latin American Public Opinion Project, Vanderbilt University, No. 101 (2014) [hereinafter *Americas Barometer Insights*].¹

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15. "Violent extremists and criminals can hide within this larger flow of migrants who intend no harm." DHS Quadrennial Review, p.26. For example, a man wanted in El Salvador for kidnapping was arrested by CBP in October 2013 while illegally entering the United States near Penitas, TX, in the Rio Grande Valley. See ICE Deports Salvadoran Man Suspected of Kidnapping in His Home Country, ICE News Release, Apr. 9, 2014, available at <http://www.ice.gov/news/releases/1404/140409sanantonio.htm>.
16. Transnational criminal organizations are expanding in strength and scope and may often engage in human smuggling in conjunction with other criminal activities. See DHS Quadrennial Review, p.26. For example, on July 17, 2014, HSI Del Rio special agents arrested a previously convicted cocaine smuggler and the leader of an illegal immigrant smuggling organization known for smuggling more than 400 undocumented immigrants into the United States since January 2013. See Secretary Johnson Announces 192 Criminal Arrests in Ongoing ICE Operation to Crack Down on Human Smuggling to the Rio Grande Valley, ICE News Release, Jul. 30, 2014, available at <http://www.ice.gov/news/releases/1407/140703rio.htm>.
17. Based on the DHS Immigration Statistics Yearbook for 2012, DHS apprehended individuals from over 160 different countries. On the Southwest border the majority have come from Mexico and Central America.
18. In many instances, illegal migrants arrive without any reliable identification documents or they present a fraudulent identity. In FY 2013 CBP encountered approximately 17,366 fraudulent documents at our Ports of Entry.
19. According to debriefings of detainees who have been part of the ongoing mass migration at the Southwest border, the high probability of a prompt release, coupled with the likelihood of low bond, is among the reasons they are coming to the United States. Illegal migrants to the United States who are released on a minimal bond become part of "active migration networks," see Americas Barometer Insights, which in turn likely encourages further illegal migration into the United States.
20. Combatting illegal migration and human smuggling requires significant HSI resources which necessarily must be diverted from other investigative priorities. Such a diversion of resources disrupts our ability to deal with other threats to public safety, including criminal activity related to illicit trade, travel and finance. Implementing a "no bond" or "high bond" policy would help alleviate these disruptions by deterring further mass migration.

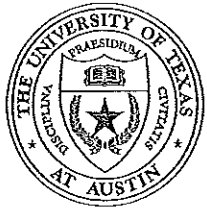
I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Aug 7th 2014
Date

Traci A. Lembke

Traci A. Lembke
Assistant Director Investigative Programs
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
Department of Homeland Security

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SCHOOL OF LAW
THE UNIVERSITY OF TEXAS AT AUSTIN

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September 25, 2014

Via Email and Regular Mail

Enrique Lucero, Field Office Director
Sylvester Ortega, Assistant Field Office Director
San Antonio Field Office
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1777 NE Loop 410, Suite 1500
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Kevin Landy
Assistant Director
Office of Detention Policy and Planning
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington D.C. 20536

Re: Complaints Regarding Conditions at Karnes County Residential Center

Dear Mr. Lucero and Mr. Landy:

We are writing on behalf of women and children who are currently detained at ICE's Karnes County Residential Center in Karnes City, Texas whom we represent or with whom we have consulted. Through our legal work and consultations at Karnes, we have received many complaints regarding the conditions at the Karnes facility, the most serious of which we have listed below. We urge you to take immediate steps to correct these issues, since the health and well-being of mothers and young children are at stake.

1. Inadequate Access to Food. Detainees have complained that the two refrigerators with snacks are not regularly restocked, or that their children do not have access to a variety of nutritious snacks during non-meal hours. Several families reported that the refrigerators are only fully stocked during facility tours or visits, and that families are not allowed to take food from the refrigerators on those days to ensure that the refrigerators remain visibly full. Finally, mothers are not allowed to warm milk at night for their children. Adequate and nourishing food is imperative to ensure the growth, development, and well-being of the children at Karnes. Children commonly eat more food, and at irregular times,

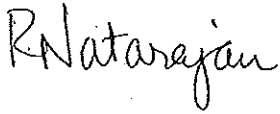
during growth spurts, whether as toddlers or adolescents. In addition, nursing mothers are held at Karnes; they also require access to healthy foods at irregular times and calories beyond those required by other adults.

2. **Problems with Telephone Calls and Messages.** Several women have complained that the cost of outgoing phone calls, including domestic calls within the United States, is exorbitantly high. One client reported that her domestic call cost her approximately five dollars for two minutes. Women at Karnes cannot afford these prices. In addition, women have stated that they have difficulties making free calls to pro bono legal services providers. Outgoing phone calls are essential in order for detained women to communicate with their attorneys, their consulates, and their family members. In addition, messages from attorneys and family members are not given to women in a timely manner. Because attorneys and family members cannot call women directly, it is essential that a messaging system function properly to ensure effective communication between women and their attorneys and family members.
3. **Toys and Playthings Not Allowed in Living Quarters.** Women have complained that their children are not allowed to keep a set of toys or playthings, even paper and crayons, in their living quarters. Children of all ages require such items to promote their cognitive and psychosocial development, engage in imaginative play, and develop executive function. Moreover, many of these children have endured trauma in their home countries or on their journeys, and need additional care and attention.
4. **Developmental and Educational Aids for Children under the Age of Four.** Women have stated that children age three and under do not attend school or receive any educational or developmental programming. Because these are formative years for crucial cognitive and emotional development, children must have opportunities for social interaction, play, and education, including in a structured setting with licensed child-care providers.
5. **Unduly Restrictive Treatment of Infants.** Women have stated that guards have required mothers to carry their infants at all times, and that infants are not allowed to crawl and move about freely. Infants must be able to crawl and move freely to develop their balance and mobility, and aid in their cognitive development.
6. **Gender of Guards.** Karnes has a high number of male guards who interact with the women and children. Given that this is a facility that detains only women and children, in which many women have suffered gender-based violence in their home countries, and where DHS has an obligation to prevent sexual abuse of any kind, the presence of male guards is intimidating and potentially harmful.

7. Inappropriate Child Care Arrangements During the Mother's Absence. Women report that when they appear via televideo for their court hearings, facility guards are caring for their children in an open area. It is our understanding that the guards are not licensed child care providers, and they are not required to have coursework or certification in child development. Women have told us that guards are not able to properly attend to the large number of young children left in their care and do not make efforts to calm children who are crying or uncomfortable. This is particularly problematic because many of the children are suffering deteriorating mental health because of trauma in the home country and from the deleterious effects of detention. They may face emotional crises when separated from their mothers. Women also have complained that guards do not help young children to use the restroom, thereby increasing the risk of infection, and that guards do not timely feed children, so that children are ravenous when their mothers return.
8. Threats and Punishment against Detained Mothers and their Children. Women have reported that guards have told them that they will get "written up" if they have a messy room, if their child is being too loud, if the child wanders away out of line in the cafeteria, or if the child is separated from the mother too long. Guards have also told them that if they keep getting written up, the mothers will be separated from their children. Other guards have threatened to report disciplinary issues to the immigration judge hearing the families' asylum case.
9. Separation of Children from their Mothers. Some children over the age of thirteen have been separated from their mothers and are in separate living/ sleeping quarters, presumably in order to accommodate the maximum number of detainees. This family separation is harmful to children and their mothers, resulting in psychological harm that could be severe and long-lasting.
10. Inadequate Medical and Mental Health Services. Women have reported that although they are able to see the facility nurse, there is no doctor on staff to handle larger medical issues, such as persistent coughs, possible respiratory infections, and chronic ailments. Likewise, some women and children have reported feeling depressed or having nightmares, and they have not been able to see the therapist on staff, either because of scheduling issues or because they have not been informed of the mental health resources.

We urge you to take immediate measures to correct these conditions, and we trust that there will be no retaliation against any of the women and children at Karnes for sharing this information with us. We look forward to your prompt response. Please contact me at 512-232-7222 if you would like to discuss these issues further.

Sincerely yours,



Ranjana Natarajan
Director, Civil Rights Clinic
The University of Texas School of Law

Along with:

Barbara Hines, Co-Director, Immigration Clinic, The University of Texas School of Law
Denise Gilman, Co-Director, Immigration Clinic, The University of Texas School of Law
Javier Maldonado, Law Office of Javier N. Maldonado, P.C.
Marisa Bono, Staff Attorney, MALDEF (Mexican American Legal Defense and Education Fund)

Cc: DHS Office of Civil Liberties and Civil Rights (via email:
CRCLCompliance@hq.dhs.gov)

DECLARATION OF ALLEGRA M. MCLEOD

I, Allegra M. McLeod, make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

Qualifications

1. I am an Associate Professor of Law at Georgetown University Law Center in Washington, D.C. My scholarship, teaching, and practice focus on immigration law, among other areas. I hold a Ph.D. from Stanford University and a J.D. from Yale Law School. I have worked on immigration-related matters as a scholar and legal advocate for more than ten years. My publications appear in the *Georgetown Law Journal*, *Yale Law & Policy Review*, *California Law Review*, *Harvard Unbound*, *American Criminal Law Review*, and *UCLA Law Review*, among other books and journals. Before joining the faculty at Georgetown Law, I practiced immigration law with the American Bar Association's Immigration Justice Project and with the immigration clinic at Stanford Law School. I have also worked on immigration matters during my tenure at Georgetown, with the Yale Law School Complex Federal Litigation Clinic, and as a law clerk for the Honorable M. Margaret McKeown of the U.S. Court of Appeals for the Ninth Circuit.

2. I am making this declaration to provide my considered opinions on the U.S. Department of Homeland Security's (DHS) policies regarding the detention of families seeking asylum at the family detention facility in Artesia, New Mexico (hereinafter, "Artesia").

3. In my research, I have studied closely the work of the Artesia Pro Bono Project of the American Immigration Lawyers Association (AILA), a national association of attorneys and law professors who practice and teach immigration law. In the summer of

2014, AILA established the project in response to the lack of legal representation available to Central American mothers and children detained at the newly-opened facility in Artesia.

4. To manage the cases, the project relies on an electronic client management system that collects basic information on the chronology of each case, including information on the following events: the circumstances of the family's apprehension; credible fear determinations by the Asylum Office or the Immigration Judge (IJ); custody determinations by U.S. Immigration and Customs Enforcement (ICE); and requests for a custody redetermination by the IJ and the outcomes of such redeterminations. Because the database itself contains a range of privileged, confidential, and sensitive information, legal support staff at the American Civil Liberties Union recorded the data on these events in a spreadsheet created in Microsoft Excel for purposes of my review. I rely on that spreadsheet for the opinions set forth in this declaration.

5. I also rely on background knowledge and expertise obtained from closely following the ongoing proceedings at Artesia and in immigration courts around the United States, including through attending and observing hearings for individuals detained in Artesia and presided over by tele-video by immigration judges sitting in Arlington Immigration Court in Arlington, Virginia. I have also studied extensively and am familiar with the processes associated with immigration detention and bond determinations, including as applied to individuals who have arrived during the course of the last year from Central America.

Summary of Opinions

6. The data I reviewed show ICE denied release to 658 of the 664 detained family members—or in **99 percent of cases**—who were found by a reviewing immigration

officer to have a credible fear of persecution, to be eligible for a hearing for release on bond, recognizance, or other conditions, and who were represented by the Artesia Pro Bono Project, when the individual was placed in removal proceedings. Because the Artesia Pro Bono Project provided legal services to a large number of detainees at Artesia, these cases represent a significant portion of the facility's population during the time period at issue (i.e., roughly August 2014 to the beginning of December 2014).

7. ICE's nearly uniform refusal to grant release to the families at Artesia is a stark departure from past agency practice outside Artesia, where ICE routinely releases such individuals based on individualized determinations of flight risk and danger. When such individuals seek a custody redetermination from the IJ, DHS defends its decision to detain as necessary to deter the future migration of others from Central America. This strongly indicates that DHS has adopted a "no release" policy for Central Americans at its family detention facilities where those families pass the credible fear screening and become eligible for release on bond, recognizance, and other conditions under the Immigration and Nationality Act § 236(a), 8 U.S.C. § 1226(a).

Key Data

8. As of December 4, 2014, the database contained information on **774 unique individuals** who were part of families from El Salvador, Guatemala, or Honduras (hereinafter "Central Americans") and who were detained at Artesia at some point since August 3, 2014 and represented by pro bono AILA attorneys at some juncture in their removal proceedings.

9. These individuals represented a significant portion of the individuals detained at Artesia during this period. The Artesia Pro Bono Project offered pro bono representation

to every mother and child detained in the facility throughout the credible fear process up to and including an IJ bond hearing. In many cases, the project continued to represent a detained mother and child through the merits stage. The project did not represent any mother who retained private counsel or did not desire representation. Because of Artesia's isolation from all other legal service providers, a very sizable number of Central American mothers and children detained at Artesia were represented by the project.

10. Of the 774 Central Americans who received representation by the AILA Artesia project, **664 unique individuals** were found to have a credible fear of persecution, were placed into removal proceedings, and were eligible for release under 8 U.S.C. § 1226(a).

11. Of those, **658 unique individuals**—or **99 percent**—were denied release by ICE upon being placed in removal proceedings.

12. Only six individuals were granted release by ICE upon being placed in removal proceedings. Two of these six individuals immediately had their release order revoked—i.e., within a few days after ICE's initial custody determination.

13. ICE also subsequently granted release on recognizance or a bond to 22 of the 658 individuals whom it initially refused to release. 14 of those individuals were members of families whose children had a serious disability or medical problem. Two of those individuals were released on bond due to the closure of the Artesia detention center.

14. In **649** of the 658 cases where ICE denied release, individuals requested a custody redetermination by the IJ. For the individuals denied release by ICE upon being placed in removal proceedings, the average time between the ICE custody determination and bond hearing before the IJ was **five weeks**. In several cases, the time between the ICE custody determination and bond hearing before the IJ was **more than three months**.

15. In 119 cases where the individual requested a custody redetermination by an IJ, the database did not contain information about the outcome of the IJ bond hearing as of the cut-off date for this summary, December 4, 2014. In five cases, the individual was granted asylum and released before receiving a custody hearing. In 14 cases, ICE granted release before the custody hearing occurred. In two cases, the individual was transferred to another facility, and the database contains no information about their bond hearing. Thus, in a total of **140 cases**, the database does not contain information about the outcome of the IJ bond hearing.

16. The database contains information on the outcome of the IJ's custody redetermination in **509 cases**. The IJ ordered release on bond or recognizance in **507 cases, or more than 99 percent**. In only **two cases** did the IJ affirm ICE's decision not to order release.

Opinions

17. As noted above, ICE ordered detention for 99 percent of the families found to have a credible fear of persecution and eligible for release under § 1226(a) upon placing them in removal proceedings. This is a remarkable departure from the agency's past policy and practice.

18. Outside of the current family detention context, ICE regularly releases noncitizens found to have a credible fear of persecution on bond, recognizance, or other conditions, based upon a review of their flight risk and danger to the community. ICE's blanket detention of nearly the entire population at Artesia is exceptional and suggests that ICE is detaining individuals without an individualized consideration of flight risk or danger.

19. Moreover, DHS has made the rationale for its policy clear in custody redetermination proceedings before the IJ. When families seek a custody redetermination by the IJ, DHS counsel opposes release and argues that families must be held in detention to deter other Central Americans from coming to the United States. ICE counsel submits the same evidentiary packet containing, among other items, a declaration from Phillip T. Miller, ICE Assistant Director of Field Operations for Enforcement and Removal Operations, stating that “implementing a ‘no bond’ or ‘high bond’ policy would significantly reduce the unlawful mass migration of Guatemalans, Hondurans, and Salvadorans.” Decl. of Phillip T. Miller ¶ 10, *available at* <http://www.aila.org/content/default.aspx?docid=49910>.

20. The evidentiary packet also includes a copy of *Matter of D-J*, I. & N. Dec. 572 (A.G. 2003), where then-Attorney General Ashcroft determined that the Executive Branch’s interest in deterring mass migration, along with any national security implications potentially triggered by a mass migration, were appropriately considered in determining whether individual migrants should be released from detention. *See id.* at 581.

21. When the IJ has granted release to Artesia detainees, ICE generally appealed those grants throughout the summer of 2014. In its appeals, ICE argues that the IJ abused his discretion in granting release by failing to give sufficient deference to the government’s concerns about deterring mass migration, as articulated in *Matter of D-J*.

22. Importantly, all of the individuals reflected in the AILA database were represented by pro bono counsel at their custody redetermination hearings before the IJ. For this reason, it is likely they won release at higher rates than persons who did not have

representation. In general, pro se detainees are substantially less likely to prevail in immigration court than those represented by counsel. *See, e.g.*, Hon. M. Margaret McKeown & Allegra M. McLeod, *The Counsel Conundrum: Effective Representation in Immigration Proceedings*, in Andrew I. Schoenholtz, Philip G. Schrag & Jaya Ramji-Nogales, *REFUGEE ROULETTE: DISPARITIES IN ASYLUM ADJUDICATION AND PROPOSALS FOR REFORM* 286-306 (2009).

23. The fact that IJs are granting release in virtually all cases in which ICE has denied release demonstrates that ICE is detaining people even though they do not pose a flight risk or danger that warrants their detention. *See Matter of Guerra*, 24 I&N Dec. 37, 38 (BIA 2006); *Matter of Patel*, 15 I&N Dec. 666, 667 (BIA 1979) (“An alien generally is not and should not be detained or required to post bond except on a finding that he is a threat to the national security . . . or that he is a poor bail risk.”) (internal citation omitted) (construing former INA § 242(a).

Compensation

24. I am not being compensated for my services on behalf of the Plaintiffs in this case.

Prior Testimony

25. I have not testified as an expert in prior litigation.

26. I reserve the right to amend or supplement this report as appropriate upon receipt of additional information or documents.

I declare under penalty of perjury under the laws of the United States and the District of Columbia that the foregoing is my true and correct declaration.

Executed this 14th day of December 2014, at Georgetown University Law Center in Washington, D.C.

A handwritten signature in black ink, appearing to read 'Allegra M. McLeod', with a stylized, cursive script.

Allegra M. McLeod, J.D., Ph.D.
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ALLEGRA M. MCLEOD

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CURRENT POSITION

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC

Associate Professor of Law, 2012-present

Areas of Expertise: Immigration, Criminal Law, Constitutional Criminal Procedure, Legal & Political Theory

EDUCATION

YALE LAW SCHOOL, New Haven, CT

J.D., 2006

STANFORD UNIVERSITY, Stanford, CA

Ph.D., 2009

SCRIPPS COLLEGE OF THE CLAREMONT CONSORTIUM, Claremont, CA

B.A., Phi Beta Kappa, *magna cum laude*, 2000

CLERKSHIP

HON. M. MARGARET MCKEOWN, U.S. COURT OF APPEALS, NINTH CIRCUIT, 2006-2007

PUBLICATIONS

The Counsel Conundrum: Effective Representation in Immigration Proceedings, in Andrew I. Schoenholtz, Philip G. Schrag & Jaya Ramji-Nogales, REFUGEE ROULETTE: DISPARITIES IN ASYLUM ADJUDICATION AND PROPOSALS FOR REFORM 286 (co-authored with Hon. M. Margaret McKeown) (New York: New York University Press 2009).

Exporting U.S. Criminal Justice, 29 YALE LAW & POLICY REVIEW 83 (2010-2011).

The U.S. Criminal-Immigration Convergence and Its Possible Undoing, 49 AMERICAN CRIMINAL LAW REVIEW 105 (2012).

Decarceration Courts: Possibilities and Perils of a Shifting Criminal Law, 100 GEORGETOWN LAW JOURNAL 1587 (2012).

Could Specialized Criminal Courts Reduce the Crises of Over-Incarceration and Over-Criminalization?, LEGAL WORKSHOP, September 5, 2012.

Confronting Criminal Law's Violence: The Possibilities of Unfinished Alternatives, 8 HARVARD UNBOUND 109 (2013).

Regulating Sexual Harm: Strangers, Intimates, and Social Institutional Reform, 102 CALIFORNIA LAW REVIEW (2014).

Prison Abolition and Preventive Justice, UCLA LAW REVIEW (forthcoming 2015)

LEGAL & PROFESSIONAL EXPERIENCE

ABA IMMIGRATION JUSTICE PROJECT, San Diego, California, 2008-2012

Co-Founder and Arthur Liman Public Interest Fellow and Staff Attorney (2008-2009), Consulting Attorney (2009-2012):

Represented indigent individuals in immigration and criminal proceedings in immigration court, U.S. District Court, and state court, at trial and on appeal; Designed and conducted "Know Your Rights" program and provided *pro se* assistance; Supervised and advised *pro bono* attorneys (*pro bono* advising was primary work as consulting attorney).

GEORGETOWN UNIVERSITY, Institute for the Study of International Migration, 2008-2010

Research Consultant:

Conducted research in ongoing evaluation of impact of work of the ABA Immigration Justice Project.

GEORGETOWN UNIVERSITY LAW CENTER, Washington D.C., 2010-2012

Law Research Fellow

STANFORD CRIMINAL DEFENSE AND IMMIGRANTS' RIGHTS CLINICS, Stanford, California, 2009-10

Consulting Attorney

STANFORD UNIVERSITY, Political Science and Program on Global Justice, 2009-2010

Postdoctoral Scholar and Instructor

YALE LAW SCHOOL, 2005-2006

Coker Teaching Fellow

COLUMBIA UNIVERSITY, Jobs, Education, Empowerment Project, Summer 2006

Instructor

JEROME N. FRANK LEGAL SERVICES CLINIC OF YALE LAW SCHOOL, New Haven, Connecticut, 2005-2006

Student Attorney

JENNER & BLOCK, Chicago, Illinois, Summer 2005

Summer Associate

BRENNAN CENTER FOR JUSTICE AT NEW YORK UNIVERSITY, New York, New York, Summer 2004

Law Clerk

STANFORD UNIVERSITY, Political Philosophy and Institute for International Studies, 2001-2003

Instructor

Research Fellow, Institute for International Studies

THOMAS J. WATSON FOUNDATION (Tokyo, London, Mexico, Paris), 2000-2001

International Research Fellow

SELECTED HONORS AND AWARDS

Georgetown University Law Center Law Research Fellowship, 2010-2012

Law and Society Association Emerging Scholars Fellowship, 2011

Stanford University Political Theory and Global Justice Postdoctoral Fellowship, 2009-2010

Arthur Liman Public Interest Fellowship, Yale Law School, 2008-2009

Stanford University Dean's Dissertation Grant, 2007-2008

Coker Fellowship, Yale Law School, 2005-2006

Stanford University, Center on Democracy, Development, and the Rule of Law, Research Fellowship, 2002-2003

Thomas J. Watson Foundation Fellowship, 2000-2001

LANGUAGES

English, French, Spanish

SELECTED PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

California Bar Association (Bar # 257368)

Law and Society Association

American Bar Association

Declaration of Virginia Marie Raymond

I, Virginia Marie Raymond, hereby declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:
2. I became licensed to practice law in Texas in 1985. I opened my own law practice in Austin, Texas, in January 2013. Eighty percent of my work is in the arena of immigration law, and I have appeared before immigration courts in San Antonio, Houston, and Harlingen, Texas. The most time-consuming part of my practice has involved representation of people detained and in removal proceedings.
3. Since August of this year, I have represented twenty-four people making up nine families (nine mothers and fifteen children) who have been detained at the detention center in Karnes City, Karnes County, Texas. The facility I refer to is the one at 409 FM 1144, currently described as the “Karnes City Residential Facility” but until this summer known as the “Karnes County Civil Detention Center.” Of the families detained at the Karnes facility, whom I have met since August, most are Central American women and children.
4. Six of the nine Karnes families who I have represented since August were eligible for release on recognizance or bond.¹ In five of the six families who qualified for release on recognizance or bond, the families had entered the United States without authorization and then the mothers had expressed fear of returning to their home countries and had passed a credible fear interview. At this point, the Department of Homeland Security issued Notices to Appear against each of the family members in these five families, beginning the removal proceedings. The families were then eligible for release on their own recognizance or on bond or other conditions. The sixth family had also entered the United States without authorization, and the mother expressed a fear of returning to her home

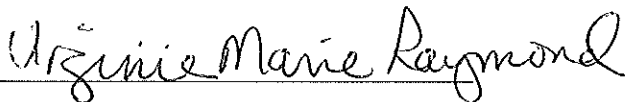
¹ Of the other three families, one mother did not pass the threshold screening interview, the negative fear finding was upheld by a judge, and the family shortly thereafter removed. A second mother was deemed not to have a reasonable fear and she is still detained at Karnes with her children; I am seeking a credible fear interview for each of her three minor daughters. The mother in the third of these families did pass a credible fear interview, but the government has alleged that she and her sons are “arriving” aliens who qualify only for ICE parole.

country. However, the Asylum Office determined that there would be too great a delay before it could obtain an interpreter in the woman's primary language, an indigenous one, in order to conduct a credible fear interview. Instead, the Department of Homeland Security issued a Notice to Appear placing the family into removal proceedings without an interview. Once placed in removal proceedings, this family was also eligible for release on recognizance or bond or other conditions.

5. For each of these six families, Immigration and Customs Enforcement ("ICE") refused to authorize release of my clients on recognizance or bond in its custody determination. In each case, I had to seek a custody redetermination hearing before an immigration judge to obtain an order allowing for release of the families on bond, even though none of these mothers or children had any criminal history and all had sponsors who could house them upon release and support them as they pursue their claims for asylum, withholding of removal, and protection under the Convention Against Torture.
6. Moreover, I am not aware of any Karnes families for whom ICE has authorized release in the ICE custody determination decision reached when placing families into removal proceedings. ICE has insisted on detention even where families have passed credible fear interviews and were eligible for release on recognizance or bond, and in most cases had close family or other sponsors who were ready to house them and provide support for appearances at hearings.
7. On August 27, 2014, I spoke with Officer Bud Ratliff, an ICE deportation officer who works at Karnes. I was at the Karnes facility for a reasonable fear interview for one of my clients and had the opportunity to speak with Officer Ratliff in the lobby of the facility. I believed that he would have information about the detention policies at Karnes. I told Officer Ratliff that I had heard that ICE was not releasing any of the families detained at Karnes, and I asked him if what I heard was true. He confirmed the report, telling me in these words or words very close to these: *Our directive is no bonds on anyone. We are keeping them here through the entire process, unless an immigration judge orders otherwise.*
8. The blanket "no bond" policy is further apparent in the hearings to redetermine custody status that take place in front of the immigration judges. In each of these hearings, the attorney for the Department of Homeland Security has opposed bond and has filed a set of

documents in support of its allegation that it is necessary to detain the women and children at Karnes in order to deter future migrants. The documents filed in all cases are identical, and in the cases that I have handled, none of the documents proffered by DHS specifically referred to any of my clients.

Executed this 13 day of December, 2014, at Austin, Texas.



Virginia Marie Raymond, JD, PhD
State Bar of Texas 16617300
1006 East César Chávez Street
Austin, Texas 78702

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ARTESIA, NEW MEXICO

IN THE MATTER OF:

IN BOND PROCEEDINGS

Z [REDACTED]-R [REDACTED], [REDACTED] (LEAD), and
C [REDACTED]-Z [REDACTED], [REDACTED] (MINOR),

File Nos.: A206-783-472
A206-783-473

Respondents.

MOTION: Motion for Bond and Custody Redetermination

ON BEHALF OF THE RESPONDENT:

Olsi Vrapı and Elizabeth Ferrell, Esqs.
Noble & Vrapı, P.A.
4253 Montgomery Blvd., Suite 240
Albuquerque, NM 87109

ON BEHALF OF DHS:

Karen Donoso Stevens, Senior Attorney
U.S. Department of Homeland Security
1901 South Bell Street, Suite 900
Arlington, VA 22202

DECISION & ORDERS OF THE IMMIGRATION JUDGE

I. BACKGROUND AND PROCEDURAL HISTORY

J [REDACTED] Z [REDACTED]-R [REDACTED] ("Lead Respondent") and her minor child, K [REDACTED] C [REDACTED]-Z [REDACTED] ("Minor Respondent"), are natives and citizens of El Salvador. Following a determination that Respondents' fear of persecution or torture in El Salvador was credible pursuant to INA § 235(b)(1)(B), the U.S. Department of Homeland Security ("DHS") served them with Notices to Appear (Form I-862, "NTA") on July 9, 2014. Exh. 1. The NTAs charged Respondents with removability under INA § 212(a)(7)(A)(i) as immigrants not in possession of valid unexpired immigrant visas or other entry documents. Respondents accepted the factual allegations and conceded their removability as charged. Respondents further indicated that they planned to file applications for asylum, withholding of removal, and protection under the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT").

On July 16, 2014, DHS denied the Respondents' request for release on bond. Respondents reserved an appeal of this determination. On August 4, 2014, Respondents presented their case for bond and custody redetermination to this Court in Artesia, New Mexico, via video teleconference pursuant to INA § 240(b)(2)(A)(iii).

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Z [REDACTED]-R [REDACTED]

C [REDACTED]

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At the bond hearing, DHS maintained its position that Respondents were flight risks whose release would threaten national security. Respondents advocated for discretionary release based on their pending asylum claims and ties to the community. The Court denied bond, and now sets forth in writing the reasons for that decision.

II. EVIDENCE

A. Documentary Evidence

The Bond Proceedings record contains the following evidence:

Exhibit 1: NTA, dated July 9, 2014;

Group Exhibit 2: Respondents' Memorandum and Documentary Evidence in support of their Motion for Bond, including:

- Tab A** Letter of Determination / Credible Fear Worksheet;
- Tab B** Letter from Lead Respondent's U.S. Citizen Cousin, R [REDACTED] A [REDACTED] A [REDACTED], Stating That Upon Release Ms. Z [REDACTED]-R [REDACTED] May Reside With Him;
- Tab C** Copy of R [REDACTED] A [REDACTED] Alvares' California ID;
- Tab D** Copy of Electricity Bill for the Address Where Respondents Will Reside Upon Release;
- Tab E** Respondents' U.S. Citizen and LPR Family Members;
- Tab F** Letter from E [REDACTED] G [REDACTED], Lead Respondent's LPR Aunt J [REDACTED] A [REDACTED] Employer Stating that Ms. Aguilar is Dependable and Trustworthy, Demonstrating that Respondents Come From A Humble, Respectful, and Caring Family; and
- Tab G** Letters from Respondents' Family Members;

Group Exhibit 3: DHS' Submission of Documentary Evidence, including:

- Tab A** Declaration of Philip T. Miller, Assistant Director of Enforcement and Removal Operations ("ERO") and U.S. Immigration and Customs Enforcement ("ICE") Field Operations, dated July 15, 2014;
- Tab B** Declaration of Traci A. Lembke, Assistant Director of Investigative Programs for Homeland Security Investigations ("HSI") and ICE, dated July 17, 2014;
- Tab C** Written Testimony of DHS Secretary Jeh Johnson, for the House Committee on Homeland Security Hearing titled "Dangerous Passage: The Growing Problem of Unaccompanied Children Crossing the Border," dated June 24, 2014;
- Tab D** "U.S. Moves to Stop Surge in Illegal Immigration," *New York Times*, June 20, 2014;

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- Tab E** "New U.S. Effort to Aid Unaccompanied Child Migrants," *New York Times*, June 2, 2014;
- Tab F** "Obama asks for \$3.7 Billion to Aid Border," *N.Y. Times*, July 8, 2014;
- Tab G** "A 12-Year-Old's Trek of Despair Ends in a Noose at the Border," *New York Times*, April 19, 2014;
- Tab H** "Snakes and Thorny Brush, and Children at the Border Alone," *New York Times*, June 25, 2014;
- Tab I** "Guatemalan Boy Sought Care for Family in the U.S. and Died Crossing Border Desert," *The Guardian*, July 2, 2014;
- Tab J** "72 Bodies Found in Mexico were Immigrants, Officials Say," *CNN Wire*, August 25, 2010; and
- Tab K** *Matter of D-J-*, 23 I&N Dec. 572 (AG 2003).

B. Testimonial Evidence

In addition to the evidence listed above, Lead Respondent was questioned in these proceedings. That testimony will be summarized here to the extent it is relevant to the Court's decision.

Respondents, through counsel, prefaced the proceedings with a summary of factors weighing in favor of release on bond. Specifically, counsel indicated that Respondents have a positive credible fear determination, a U.S. citizen cousin and lawful permanent resident ("LPR") aunt who have demonstrated their willingness to provide housing and other care upon the Respondents' release, and no criminal history or prior entries to the United States. Lead Respondent's mother and sister live in Illinois, but Lead Respondent is unsure as to their immigration status. Counsel emphasized that Respondents present no danger to the community and little to no risk of flight given the likelihood of relief and the cousin's assistance. Counsel further noted that Lead Respondent's partner, who is also Minor Respondent's father, was turned back by unknown parties at the U.S. border and that Lead Respondent has yet to locate him.

Counsel for DHS then questioned the Lead Respondent. Lead Respondent testified that she and her partner first received threats from members of MS-13 in El Salvador in December 2013. Over the next six months, these threats escalated into beatings and stalking. Her partner sought a loan so they could flee the country, and the family finally left El Salvador in June 2014. The family paid a smuggler only to help them cross into the U.S.; Lead Respondent's partner arranged this in Reynosa, Mexico. Lead Respondent does not believe any relatives in the U.S. have filed immigration petitions on her behalf. Years ago, she applied for a U.S. visa in El Salvador, but her application was rejected. Lead Respondent's grandmother and father remain in El Salvador, but she rarely communicates with her father. Her mother and one sister live in Illinois; Lead Respondent does not have a good relationship with her mother, and she does not know her mother's or her sister's immigration status. Lead Respondent has her U.S. citizen cousin's address in California, but has not memorized it. She did not tell him or her LPR aunt that she was coming to the U.S. until she arrived, because she left El Salvador very quickly. Neither Lead Respondent nor Minor Respondent have ever entered the U.S. previously.

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Z [REDACTED] -R [REDACTED]

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III. GOVERNMENT'S POSITION

DHS attorneys are taking a blanket "no bond or high bond" position in custody proceedings for aliens apprehended and detained at the southwestern border as part of the summer 2014 influx of undocumented Central American immigrants. DHS is maintaining this position vis-à-vis adults and accompanied and unaccompanied minors alike in light of the issues raised by the influx. DHS has submitted two affidavits, various news articles, and a copy of *Matter of D-J-*, 23 I&N Dec. 572 (AG 2003), in support of its position.


The first affidavit, provided by Mr. Philip Miller (acting Assistant Director of Field Operations for ICE/ERO), advocates for the "no bond, high bond" policy in light of national security concerns arising from the current influx. Gr. Exh. 3, Tab A, at *2 ¶ 11. Mr. Miller explains that detention is crucial during instances of mass migration because annual surveys of Central Americans show that one key instigating factor is the existence of an "active migration network," which includes immigrants released on bond. *Id.* The second affidavit, provided by Ms. Traci Lembke (acting Assistant Director of Investigative Programs for ICE/HSI), relays many of the same concerns and also emphasizes the "serious threat" that human trafficking poses to both immigrants and U.S. national security. Gr. Exh. 3, Tab B, at *6.

These affidavits are critical to the DHS position as they show that national security concerns justify the "no bond, high bond" policy as in *Matter of D-J-*, 23 I&N Dec. 572 (AG 2003). In *Matter of D-J-*, the Attorney General held that in situations of mass migration, Immigration Judges ("IJs") must consider both national security and evidence of national security concerns presented by Government entities with relevant expertise. 23 I&N Dec. at 581. The Attorney General also held that sound immigration policy and important national security interests are a "reasonable foundation" for the denial of bond as a matter of discretion. *Id.* at 579. DHS maintains that the current situation is analogous to that in *Matter of D-J-*, and that the "no bond, high bond" policy must be implemented.

With respect to Respondents' individual request for bond, DHS urges that Respondents have not shown that they warrant relief under *Matter of Guerra*, 24 I&N Dec. 37, 38 (BIA 2006), or *Matter of Patel*, 15 I&N Dec. 666 (BIA 1976). Respondents have no other means of obtaining lawful status in the U.S., Lead Respondent's mother does not have such status, Lead Respondent did not tell her cousin she was coming, Respondents have no other ties to the U.S., and the family paid a smuggler to help them evade immigration officials. Combined with the significant national security concerns presented by the mass influx of Central American immigrants of which they are a part, DHS argues that Respondents have not carried their burden of proof and should remain detained without bond.

IV. RESPONDENTS' POSITION

Respondents ask that the Court release them from custody under the standard traditionally prescribed by the Board of Immigration Appeals ("BIA" or "the Board"). *See Matter of Patel*, 15 I&N Dec. 666 (BIA 1976). More specifically, Respondents argue that because they have strong claims for asylum, some community ties, willing and lawfully present sponsors, no criminal


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history, and no history of evading immigration law or officials, they do not present a risk of flight or a threat to national security.

Respondents further urge that the Government's reliance on *Matter of D-J*, 23 I&N Dec. 572 (BIA 2003), is misplaced. The situation addressed in *D-J* is materially distinguishable from their own, because while the Haitian immigrants in *D-J* were blatantly attempting to evade U.S. authorities, going so far as to run their ship aground and flee on foot, the Respondents here turned themselves in to immigration officials as soon as they encountered the same. Moreover, Government entities have not asserted concerns about terrorist infiltration and smuggling in the midst of the current influx from Central America like they did in the *D-J* context. Further, the Government resources invested in addressing the current influx are far less significant than those diverted to respond to the influx in *D-J*. The seagoing migrants in *D-J* drew the attention of both the U.S. Coast Guard and the U.S. Navy in addition to that of immigration officials, while in the current situation, only DHS has responded. Finally, Respondents note that the blanket application of the "no bond, high bond" policy runs counter to the individualized custody determination required by section 235 of the Act and *Matter of Patel*.

V. LAW, FINDINGS, AND ANALYSIS

IJs are authorized to conduct custody redeterminations and set bond for aliens detained within the United States. INA § 236(a); 8 C.F.R. §§ 1003.19, 1236.1(d); see *Matter of D-J*, 23 I&N Dec. 572, 574 n3 (AG 2003). Section 236 of the Act does not, however, afford a detained alien a right to release on bond; rather, the IJ exercises broad discretion and may release a detained alien if such action is warranted. *Carlson v. Landon*, 342 U.S. 542, 534 (1952).

Aliens seeking release on bond must establish to the satisfaction of the IJ that they do not present a danger to persons or property, a threat to national security, or a flight risk. *Matter of Guerra*, 24 I&N Dec. 37, 38 (BIA 2006); see also *Matter of Patel*, 15 I&N Dec. 666 (BIA 1976). Although these traditional factors should be considered, the IJ retains extremely broad discretion in matters of custody, and the IJ is not limited to these three factors. *Guerra*, 24 I&N Dec. at 39. Other factors that the BIA has considered include: (1) whether the alien has a fixed U.S. address; (2) the alien's length of residency in the U.S.; (3) the alien's family ties to the U.S. as well as whether those ties may result in relief for the alien; (4) employment history; (5) the alien's record of appearance in court; (6) the alien's criminal history, including its recency, extensiveness, and seriousness; (7) the alien's history of immigration violations; (8) any attempts by the alien to flee prosecution or authorities; and (9) the alien's manner of entry into the United States. *Guerra*, 24 I&N Dec. at 40 (citations omitted). Also, those respondents with a greater likelihood of obtaining relief are understood to have a greater motivation to appear for their removal hearings. *Matter of Andrade*, 19 I&N Dec. 488, 490 (BIA 1987).

Here, the Court finds that Lead Respondent was not forthcoming with regard to the presence of her mother and sister in Illinois, nor did she admit that they do not have lawful status until she was specifically questioned on this point. The Court finds that this reticence indicates, at minimum, a lack of strong ties between Lead Respondent and her immediate family in the U.S., and that Lead Respondent is not likely to obtain relief through these ties.

A# 206-783-472/473

Z [REDACTED]-R [REDACTED]

C [REDACTED]-Z [REDACTED]

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In addition, Lead Respondent did not know her U.S. citizen cousin's address in California, and she did not contact him before her arrival. This demonstrates her lack of a fixed address in the United States. Neither Respondent has worked or resided in, or even visited, the U.S. previously.

In Respondents' favor, a DHS Asylum Officer determined that Lead Respondent's fear of return to El Salvador was credible. However, the likelihood of relief that this determination implies is undercut by the Respondents' lack of any other possible means of obtaining lawful status.

Furthermore, although the Respondents have no criminal history in the U.S., and although they presented themselves to immigration authorities upon their arrival, they paid a smuggler to assist them in illegally crossing into the U.S. and evading detection in the process. This evinces a disregard for the law that is at the heart of the problems posed by the current influx of Central American immigrants.

In *Matter of D-J*, the Attorney General specifically held that "in all future bond proceedings involving aliens seeking to enter the United States illegally, where the Government offers evidence from sources in the Executive Branch with relevant expertise establishing that significant national security interests are implicated, IJs and the BIA shall consider such interests." 23 I&N Dec. 572, 581 (AG 2003). In *D-J*, the Government urged that the "threat of future mass migration" presented significant national security concerns. Similarly, DHS has now presented evidence from senior DHS officials indicating that the current mass migration from Central America is a crisis that would be encouraged by the release of any immigrant detained at the border. These officials also stated that the focus on the influx at the border has taken attention and funds from DHS' efforts to dismantle human smuggling rings and to properly handle background and other security checks.

The Court disagrees with Respondents' narrow interpretation of *Matter of D-J*. The decision clearly states that concerns raised by mass migrations, when supported by the proper evidence, can give rise to broad denials of bond in an exercise of the discretionary authority of the Attorney General. Further, the Court understands the *D-J* opinion to require that both IJs and the BIA consider such evidence when presented. Thus, the Court must consider the evidence presented by DHS, and cannot simply dismiss *Matter of D-J* for its distinguishable facts. The Court must seriously consider the DHS evidence.

Having seriously considered the record here, the Court finds that Respondents' situation presents similar national security concerns to those noted in *Matter of D-J*. The influx of Central American immigrants of which they are a part may encourage future mass migration, has diverted resources from other priorities, and is impeding the Government's ability to properly conduct background investigations and ensure the safety of the community. Accordingly, the Court finds that important concerns of national security are at stake in Respondents' case, and that bond must therefore be denied.

A# 206-783-472/473

Z [REDACTED]-R [REDACTED]
C [REDACTED]

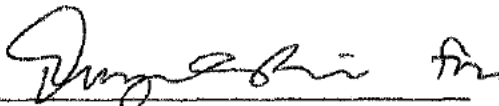
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VII. CONCLUSION

In sum, the Court finds that Respondents' release on bond would endanger national security, and that Respondents have not satisfactorily countered these concerns. Thus, the Court enters the following orders:

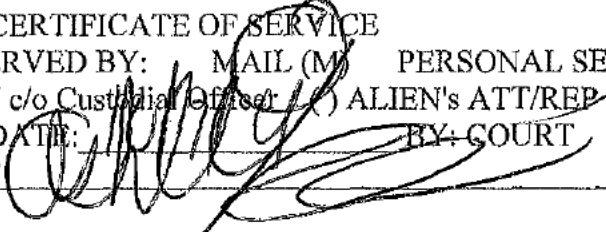
It Is Hereby Ordered That: the Motion for Bond and Custody Redetermination for Lead and Minor Respondents be **DENIED**.

October 7, 2014
Date



Roxanne C. Hladylowycz
United States Immigration Judge

APPEAL RIGHTS: Both parties have the right to appeal the decision in this case. Any appeal is due at the Board of Immigration Appeals on or before thirty (30) calendar days from the date of service of this decision.

CERTIFICATE OF SERVICE
THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: () ALIEN () ALIEN c/o Custodial Officer () ALIEN's ATT/REP () DHS
DATE: _____ BY: COURT
STAFF 

Attachment(s): () EOIR-33 () EOIR-28 () Legal Services List () Other

Declaration of Matthew Archambeault

I, Matthew Archambeault, hereby declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:
2. I have been a licensed attorney in Pennsylvania since 2002. I am a partner at Corpuz & Archambeault, a firm in Philadelphia, Pennsylvania that specializes in immigration law. I have held this position since August of 2011. I am also Of Counsel to Pozo Goldstein & Gomez, LLP, a position which I have held since 2006. I have practiced immigration law for ten years. From 2008 through 2011, I was a partner at Montano-Miranda & Archambeault, where I specialized in immigration law. From 2006 through 2007, I worked exclusively on immigration matters as an attorney with Schoener & Kascavage, which was a firm that focused on immigration law. Prior to that, I worked from 2004 through 2005 at the Law Office of Eduardo Soto, PA, where I focused on immigration law.
3. I have represented clients in immigration courts throughout the nation, before the Board of Immigration Appeals, in federal district court, and in federal courts of appeals.
4. I have represented countless non-citizens, both detained and non-detained, in removal, bond and asylum proceedings in my ten years of practicing immigration law.
5. In September of 2014, I began representing clients at the Berks County Family Shelter (“Berks”).
6. I began representing clients at Berks in response to a call for help from Carol Anne Donohoe, one of my colleagues in the American Immigration Lawyers Association (“AILA”). Attorney Donohoe represents families detained at Berks. At the AILA meeting, she informed the group that, since DHS had suddenly started refusing to release families on bond or parole, there was an urgent need for legal representation that exceeded the capacity of the existing community of lawyers serving Berks.
7. I have taken on ten individual clients detained at Berks—five mothers and five children—all from Central America. Four of those individuals (two families) had received positive credible fear determinations and were eligible for release on recognizance or bond.

8. Passing a credible fear interview means that a noncitizen demonstrates a credible fear of persecution in their home countries. My Berks clients who received positive credible fear determinations faced life-threatening violence in their home countries, where the police would not protect them. Additionally, they had family members in the United States who offered to serve as sponsors and ensure that they attended all future court dates. None had criminal histories. All presented strong claims for asylum.
9. Notwithstanding their strong showing on the traditional bond factors, DHS refused to release them on recognizance or any amount of bond.
10. It was my experience, prior to the summer of this year, that DHS either did not detain Central American families or released them on bond or recognizance. The decision to detain and continue to detain my clients at Berks without bond was a unique departure in from DHS's past behavior, as I had seen it in my years of practice.
11. An average of five or six weeks elapsed between my clients' positive credible fear finding and the time that the individual has a bond hearing before an immigration judge.
12. I was able to get immigration judges ("IJs") to redetermine (and ultimately set) bond for my clients. That the IJs disagreed with DHS's custody decision suggests to me that the DHS custody decisions were not based on an individualized determination of flight risk or danger to the community.
13. Litigating their bond cases took a significant amount of time, for which my clients paid me a reasonable fee. Being forced to litigate bond cases before an immigration court decreases my clients' available funds for paying bond and litigating their case in chief—the asylum claim.
14. Assistance from an attorney, however, was necessary for my clients to present their bond cases. One mother had not even entered a request for an IJ bond redetermination because she didn't understand how to do so.
15. In the period of time DHS has detained my clients without bond, the small community of immigration attorneys that serves clients at Berks is strained in terms of resources. Other attorneys and I have to expend significant resources in trying to get DHS to release our clients on bond or recognizance. We have been attempting to find pro bono attorneys for other detained families, but there are few pro bono or low-fee options in the area.

16. Central American families continue to be detained in Berks and additional families are being brought to the facility.

17. My experience leads me to believe that even a short detention at Berks can be damaging to families who are fleeing persecution. For example, one of my clients was coerced into having sex with a guard repeatedly over a two-week period at various spots in the facility. The guard pursued my client, who came to the United States because she is fleeing sexual violence and is especially vulnerable. He preyed on that vulnerability. In a fit of possessiveness, he called her “a slut.” She and the other detainees were afraid that they would get deported if they reported the guard’s misconduct. An eight-year old girl who was detained at the facility saw the guard having sex with my client, which triggered the trauma of the sexual abuse that had caused the girl to flee her home country. This incident simply highlights the fragile psychological state of my client who, like many of my clients, is fleeing persecution and shows the way that detention can impact asylum-seekers like her, who are seeking safety and stability.

Executed this 12 day of December, 2014, at Philadelphia, PA.

A handwritten signature in black ink, appearing to read "Matthew Archambeault", is written above a solid horizontal line.

Matthew Archambeault

Declaration of R. I. L.-R.

I, R. I. L.-R., declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:
2. I was born on [REDACTED] in [REDACTED], El Salvador. Before fleeing within El Salvador and then to the United States, I lived in [REDACTED], El Salvador with my abusive domestic partner, [REDACTED], and my two children.
3. My children are: J. L. S., who is seven years-old; and K. L. S., who is three years-old. [REDACTED] is the father of both children.
4. I arrived in the United States on October 30, 2014 with my two children, seeking protection. My children and I have been detained at Karnes County Residential Center in Texas for six weeks.
5. I had to leave El Salvador, because [REDACTED] abused me, and I was afraid for my life and the lives of my children. [REDACTED] is a gang member for the Mara Salvatrucha (MS or MS-13). He joined the gang when I was about six months pregnant with my first child. The MS is a very dangerous gang in El Salvador, and its members kill many people. For example, the gangs killed one of my cousins. The gang has its own laws, and even the police do not tell them what they can do.
6. [REDACTED] physically, verbally and emotionally abused me and threatened to kill my children. [REDACTED] abuse began in 2007, when I was pregnant with my first child, and continued for almost seven years until I fled for the United States. He beat me even during my

pregnancies and insisted that I work to earn money for him even when I was feeling unwell with the pregnancies. [REDACTED] kicked, slapped, and beat me in private, in front of my children and in front of his friends. He tried to poison me once and hit me with a machete several times. On one occasion when I tried to leave him, when my daughter was still just a baby, [REDACTED] hit me with a machete underneath my chin leaving a gash and then ran off with my daughter.

7. I tried seeking help from the police several times in [REDACTED]. One time was after [REDACTED] tried to poison me and another time was on the occasion that he cut me with a machete. The police never helped me. The police told me they did not get involved in domestic problems.
8. In 2013, I sought police assistance again when [REDACTED] took both children and hid them away from me with [REDACTED]. I had tried to escape from [REDACTED] with my children to live with my grandmother, but [REDACTED] found us and took the children. The children were with him and his mother for almost three months. I told the police that [REDACTED] had my children and that he was involved in a gang, but they did not want to help. Since the police did not help, I asked [REDACTED], for assistance. [REDACTED] assisted me in getting my children back from [REDACTED]. In [REDACTED], when I got my children back, the police detained [REDACTED] but only for three days. He was then released and was never brought to trial.
9. Once I was reunited with my children, my children and I hid with family members [REDACTED] hours away from the house I had with [REDACTED]. But [REDACTED] threatened me on the telephone and sent friends from the M-S gang to follow me around and harass me. Then, on [REDACTED]

██████████, ██████████ sent me a ██████████ threatening to kill my children. That's when I decided to leave. I had no other options. I left El Salvador the next day.

10. My children and I were arrested near Hidalgo, Texas on October 30, 2014 by immigration authorities. About two days later, immigration officials took my children and me to Karnes County Residential Center, and we have been here since.
11. An asylum officer interviewed me on November 5, 2014. I explained to her that I had come to the United States because there was no other way to escape my partner.
12. The officer also interviewed my son, who is seven years old. My son told the officer that he was scared and sad, because his father had threatened to kill him, as well as my daughter (his sister) and me.
13. The asylum officer, in my interview, asked me if I had a family contact in the United States. I told her that I was in contact with my mother who lives in Houston, Texas, and explained that my mother has ██████████ in the United States.
14. On November 10 or 11, 2014, an ICE officer gave me a form saying that I had passed the interview and that I would be scheduled for a regular hearing in immigration court to pursue my asylum claim. On that same day, the ICE officer gave me another form, which said that ICE would not release my children or me. The immigration officer did not ask me if I had a place to go if I was released from detention; no other officials at Karnes have asked me questions about what I would do if released. When I received the form ordering my continued detention, I signed a place on the form where I could ask for a hearing with the immigration judge regarding my detention situation. I saw an immigration judge for the first time on December 1, 2014 and will have a hearing to

request release from custody on December 22, 2014. I will have an attorney representing me at that hearing.

15. We could be living with my mother in Houston, Texas. She has [REDACTED] [REDACTED] and has agreed to house and support me and my children. She works at [REDACTED] [REDACTED], where she has worked for [REDACTED] years. She can provide for food and a home and can cover any expenses we have while we are in immigration proceedings. She will make sure we attend every court date and appointment with immigration officials. My mother came to visit me at Karnes so she knows that it would be better for me and her grandchildren to live with her.
16. It is important to my whole family that my children and I go to all of our immigration court hearings and do what the immigration officials ask us to do. We came here to ask to be granted asylum and we know that we can only have the safe life we seek if the immigration judge grants us the right to stay here. Because of this, my children and I will follow any orders given by the immigration judge or officials.
17. The immigration officers keep us in this jail even though neither my children nor I have any criminal records—we came here to escape criminals and violence and to be safe. No immigration officer has ever told me that my children or I seem dangerous or are unlikely to follow orders to appear for any hearings.
18. It is very hard for my children and me to be in detention. My children cry because they want to leave. It is especially difficult for my three-year old daughter. She wakes up in the middle of the night crying out, “No quiero estar aqui” (“I don’t want to be here”). Neither of my children is eating well; the food is not good and they are too sad to eat much. Sometimes the fruit they provide here is rotten.

19. It feels like a prison here at Karnes. We have to report for headcounts three times a day. The first time is at 7:30 am, and I must take my children to the count even if they are sleeping and I have to wake them up. I am required to have my three-year old daughter with me at all times, so I have to take her with me even to go to the bathroom. I have seen guards reprimand mothers who leave their children outside the door while they go to the bathroom. The guards treat us very disrespectfully. I heard a guard say recently, "If it was up to me, I would have deported all of you already."
20. I worry that every day my family is kept in prison it adds to the trauma that my children feel. They saw so much violence in El Salvador, and now they are locked up here where they cannot feel safe and get better. I hope that we can be released soon so that I can help them recover from everything they have experienced

I declare under penalty of perjury of the laws of Texas and the United States that the foregoing is true and correct. Executed this 12th day of December, 2014 in

Karnes City, Texas



~~R. I. L. R.~~

I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration is true and correct. This affidavit has been read to me in Spanish, the language that I best understand, and I understood it and agreed to its truth and correctness before signing.

12/12/14

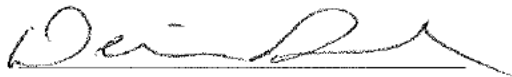
Date

A black rectangular box redacting the signature of the declarant.

Name

CERTIFICATE OF TRANSLATION

I, Denise Gilman hereby certify that I translated and read the above affidavit in Spanish to [REDACTED] before she signed the document, and that I am competent in both English and Spanish to render said translation.



Denise Gilman
University of Texas School of Law
Immigration Clinic
727 E. Dean Keeton St.
Austin, TX 78705

Declaration of Z. M. R.

I, Z. M. R., declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:
2. I was born in [REDACTED] in [REDACTED], Honduras. I have four children: [REDACTED] [REDACTED] [REDACTED] and J. L. P. M., who is 16 years old. Before fleeing to the United States, I was living in [REDACTED] [REDACTED], Honduras with my youngest son, J.L., and with my abusive partner, [REDACTED] [REDACTED].
3. My youngest son, J. L., and I have been detained at Karnes County Residential Center in Texas for almost six weeks.
4. I came to the United States with J. L. to escape physical violence—and rape—at the hands of [REDACTED]. [REDACTED] is my youngest son's father, with whom I lived for [REDACTED] years.
5. I became pregnant with my youngest son, [REDACTED] [REDACTED]. At first, [REDACTED] was nice to me and we were in love. But, about three years after I gave birth to our son J.L., things began to change. [REDACTED] began to get angry with me over little things, and it seemed like he was angry all of the time. I found out that he had been with another woman and I confronted him about it, which infuriated him even more.
6. At first, [REDACTED] would yell at me a lot and hit me occasionally. As years went by, his abuse became constant, and the beatings became worse. He controlled my life and would not let me leave the house without his permission.

7. Relationships like this one are common in Honduras and most people just accept that life is this way. But, as [REDACTED] beatings became worse, I wanted to leave him.
8. I went with my youngest son J. L. to my aunt's house, but [REDACTED] came to find me. He threatened to hurt me if I did not come with him and threatened to hurt my aunt.
9. [REDACTED] also hit our son. The worst time that I remember was when our son was about [REDACTED] years old. J. L. tried to stop [REDACTED] from hurting me, and [REDACTED] threw him to the ground and punched him in the face.
10. Eventually, I could not even sleep in the same bed with [REDACTED]. One night, when [REDACTED] came home and I went to my son's room to sleep there, [REDACTED] became furious and stormed into my son's room in a rage. Then, he raped me.
11. I could not take it anymore. With the help and some money from members of my church, I made plans to leave [REDACTED] and Honduras. I told my son J. L. that I had to leave. My son wanted to come with me. He hated being hit by his own father, and he hated seeing his father hit me.
12. On October 17, 2014, my son J. L. and I got on a bus to leave Honduras. I did not want to leave my other children, but leaving was the only way to finally escape Jorge Alberto.
13. On October 26, 2014, we entered the United States and were arrested by immigration officials. They put us in a very cold jail that everyone calls the "ice box" ("hielera") and we had to stay there for a few days.
14. A few days later, immigration officials took my son and me to Karnes County Residential Center, and we have been here since.
15. My son and I were interviewed by an asylum officer on November 4th and 5th, 2014. During the interviews we explained that we had come to the United States because there

was no other way to get away from [REDACTED]. Following the interviews, on November 6, 2014, the asylum office decided that my son and I were telling the truth and that what happened to me may be the basis for granting me and my son asylum.

16. On November 12, 2014, an immigration official at Karnes told me that I would be scheduled for a regular hearing in immigration court. That same day, I received notice that the immigration authorities had decided not to release my son or me from detention. I found out later that a box was checked for me on the form ordering my continued detention, which asks for an immigration judge to reconsider the detention decision. I did not know that I had the option to go before the immigration judge and did not know that this box had been checked. Once I learned that I would be going before the immigration judge, I still had no idea what I should tell the judge.
17. The immigration officials refused to release us even though I have a sister in North Carolina who has lawful status [REDACTED] who would provide housing and support for my son and me while we are going through the asylum hearing process. My sister knows how important it is for us to get our papers to be here and would make sure we attend every court date and appointment with immigration officials.
18. My son and I also know how important the immigration court proceedings are, and we would follow any orders given by the immigration judge or officials. But the immigration officers will not let us go to my sister's house. They keep us in this jail even though neither my son nor I have any criminal record.
19. I feel terrible that my son has to be here. I could not save us from his father in Honduras and now there is nothing that I can do to get us out of this jail.

20. It is horrible to see the effect that being in detention this long has had on my son. I don't know if it is because he has been feeling sick to his stomach or because of the terrible food, but he barely eats. He went to the medical facility, but the staff there say that nothing is wrong with him even though something is clearly wrong. I feel so helpless that I am not able to take care of my son.

21. My son just wants to get out of here. I worry that he is depressed. He is constantly dizzy and weak. He is nervous all the time and afraid to be separated from me. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] they yell at anyone who breaks their rules.

22. At this point, we do not even bother telling the guards about some things—like that the water filled with chlorine tastes horrible—because they just get angry.

23. Sometimes I get depressed and I cry. In those times, my son tries to be the strong one and tells me not to cry. I try not to cry because seeing me sad makes him feel even sadder. I feel horrible about this situation—both the one here and the one we left in Honduras.

24. I did not have an attorney until December 2, 2014, when a group of lawyers who have been helping some of the families here found me an attorney. I went before the immigration judge on December 3, 2014. My attorney had to ask for more time to prepare my case. I will go before the immigration judge again on December 17, 2014. At that point, we will have been here for more than seven weeks. I hope that the judge lets us stay with my sister in North Carolina while we are proceeding with our case.

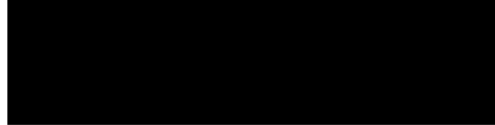
I declare under penalty of perjury of the laws of Texas and the United States that the foregoing is true and correct. Executed this 12th day of December, 2014 in Karnes City, Texas



Z. M. R.

I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration is true and correct. This affidavit has been read to me in Spanish, the language that I best understand, and I understood it and agreed to its truth and correctness before signing.

12/12/14

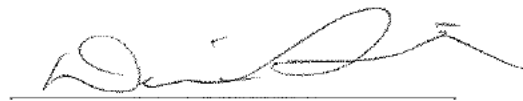


Date

Name

CERTIFICATE OF TRANSLATION

I, Denise Gilman, hereby certify that I translated and read the above affidavit in Spanish to [REDACTED] before she signed the document, and that I am competent in both English and Spanish to render said translation.



Denise Gilman
University of Texas School of Law
Immigration Clinic
727 E. Dean Keeton St.
Austin, TX 78705

Declaration of J. L. P. M.

I, J. L. P. M., declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:
2. I was born in [REDACTED] in Honduras.
3. I had to leave Honduras to get away from my father. Since I was little, he would hit me and my mother and it had gotten worse and worse for us.
4. It seemed like he was always in a bad mood and the littlest thing would make him furious. He did not trust my mother or I and he would punish us if we disagreed with him. He wanted me to work in the fields instead of going to school. When he found out that I still went to class sometimes, he would hit me because he didn't want me to go to school. I can't remember the first time that he hit me or exactly how many times he hit me, but I can tell you that it was many, many times.
5. My mom would see him hitting me, but no one else knew because my other brothers and sister did not live with us. I never told anyone because I was too scared that he was going to hurt me even more.
6. My mom and I tried to go to my aunt's house, but my dad came to make us go back to our house.
7. I didn't want to live a life where I was constantly afraid and getting beaten for little things, so I wanted to come with my mom to the United States.
8. But we have been in detention for more than 7 weeks and it is horrible here too. It is just horrible in a different way than living with my dad.

9. I feel trapped here and very depressed.
10. I can't ever sleep at night. I don't know why, but I just can't.
11. I am almost always hungry here. I try to eat, but the food here doesn't fill me up and I don't like it. I have had a stomachache for more than 5 days, but I don't even think that it is worth it to go to the doctor because they don't do anything unless someone has a really, really bad problem.
12. The guards don't treat us well. I have been yelled at for things like playing and, if we touch something, like a ball for example, without giving the guard our identification card. Whenever we want to get anything, we have to ask permission or they yell at us.
13. We have never hurt anyone, but we are locked up like criminals. It is unjust.
14. I just feel hopeless. I have family living in the United States, including my grandmother and my aunt, but my mom and I are stuck in here. I have no idea when I will get to see anyone else in my family again.
15. It is hard to think clearly about what I will do if I ever get out. When I try to imagine, I just want to do something simple. I would love to drink a cold Coca Cola. I want to be with my grandmother and my aunt for Christmas. I would tell them that I love them and how much I have missed them.

I declare under penalty of perjury of the laws of Texas and the United States that the foregoing is true and correct. Executed this 11 day of December 2014 in Karnes County

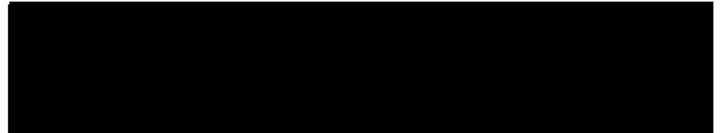


Jorge Luis Pineda Maldonado

I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration is true and correct. This affidavit has been read to me in Spanish, the language that I best understand, and I understood it and agreed to its truth and correctness before signing.

December 11, 2014


Date



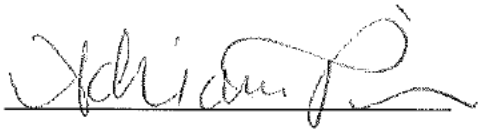
Name

CERTIFICATE OF TRANSLATION

I, Adriana Piñon, hereby certify that I translated and read the above affidavit in Spanish to

 before she signed the document, and that I am competent in both

English and Spanish to render said translation.



Adriana Piñon
Senior Staff Attorney
ACLU of Texas
P.O. Box 8306
Houston, TX, 77288

Declaration of W. M. C.

I, W. M. C., declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:
2. I was born in [REDACTED] in [REDACTED] El Salvador.
3. I have two children: C. M. A.-C., who is five years old, and G. A. P.-C., who is eight months old.
4. My children and I have been detained at Karnes County Residential Center in Texas for almost 10 weeks.
5. I fled El Salvador, because my partner, [REDACTED], physically and verbally abused me. [REDACTED] is the father of my baby daughter G. A. P.-C. but is not the father of my daughter C. M. A.-C.
6. I have known [REDACTED] for many years, but I began an intimate relationship with him about three years ago. At first, [REDACTED] was nice to me. But about a year ago, he began mistreating me on a weekly basis. He started getting involved with a gang in El Salvador. When he would arrive home from being out, he would hit me with his hands or beat me with fists. Sometimes he kicked me.
7. While he beat me, [REDACTED] called me a prostitute and trash and told me that I meant little to him. He did not stop hurting me even when I was visibly pregnant with my younger daughter. When I was six months pregnant, he bent my arm and hit me so violently that I almost miscarried.
8. [REDACTED] also abused me in front of my older daughter. She even told me "What are we going to do with this man?" ("¿Que hacer con este hombre?")

9. On a few occasions, [REDACTED] also tried to hit my older daughter. He would get upset with her for some small reason, then he would grab her arm forcibly and would speak to her loudly as though he was about to hit her. I would place myself between him and my older daughter or grab her away from him. My actions just made [REDACTED] even angrier.
10. [REDACTED] also did not let me leave the house without his permission. Even when he let me leave, it was only for one to two hours. I was not free. I was a prisoner.
11. [REDACTED] also threatened to track me down and harm me if I left him. He knew all of my family so he could easily find me. He said he would beat my older daughter and me or even take my older daughter away from me if I left.
12. Nor did I have anyone to turn to. The police refuse to help domestic violence victims in my home county. I could not turn to my family. I do not know where my father is and my mother left with another man when I was younger. [REDACTED]
[REDACTED] During that time, my grandfather's wife hit me and sometimes placed [REDACTED] to punish me. I have an aunt, but I cannot stay with her, because her husband does not want me and my daughters in his house.
13. I decided to leave El Salvador and come to the United States because I feared for my safety and needed protection from the abuse for me and my daughters. I have an uncle in New York who said he can help my girls and me.
14. My children and I entered the United States on October 2, 2014 and were arrested that same day close to Hidalgo, Texas. About two days later, immigration officials took my children and me to Karnes County Residential Center, and we have been here since.

15. An asylum officer interviewed me on October 24, 2014. I explained to her that I suffered abuse in El Salvador and that I came to the United States because there was no other way to escape my husband. She also asked me whether I had any family in the United States, and I gave her information about my uncle who lives in New York, including his phone number. On October 27, 2014, the asylum office decided I was telling the truth and might be able to obtain asylum in the United States.
16. On October 28, 2014, an ICE officer at Karnes gave me a form saying that I had passed the interview and that I would be scheduled for a regular hearing in immigration court to pursue my asylum claim. On that same day, the ICE officer gave me another form, which said that ICE would not release my children or me. The ICE officer did not ask me anything about the information I had provided in the asylum office interview about my uncle who lives in New York. The immigration officers decided to keep us here at Karnes rather than release us even though my children and I have no criminal history or criminal records. No immigration officer has ever told me that my children or I seem dangerous or unlikely to follow orders to appear for any hearings.
17. On the same day that I got the notice about remaining in detention, I signed a form asking for a hearing before the immigration judge regarding my detention. I have found an attorney to represent me for my hearing before the immigration judge to determine whether my children and I can be released from detention, which will take place on December 17, 2014.
18. If I am released from detention with my children, I will go to live with my uncle in New York. My uncle is a naturalized United States citizen. He has generously agreed to

sponsor my children and me while we are in immigration proceedings. He offered to let us live with him and to take care of us during this time.

19. I know it is important that my children and I go to all of our immigration court hearings and do what the immigration officials ask us to do. My safety and the future of my daughters depend on me obtaining the right to remain in the U.S. so we will follow all orders given by the immigration judge or immigration officials.

20. It is hard to see my daughters locked up in a jail and to know that I brought them here. But I had no other choice: my partner was beating me, and I feared for our lives.

I declare under penalty of perjury of the laws of Texas and the United States that the foregoing is true and correct. Executed this 12th day of December, 2014 in Karnes City.


W. M. C.

I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration is true and correct. This affidavit has been read to me in Spanish, the language that I best understand, and I understood it and agreed to its truth and correctness before signing.

12 Dicembre 2014



Date

Name

CERTIFICATE OF TRANSLATION

I, Adriana Piñon, hereby certify that I translated and read the above affidavit in Spanish to [REDACTED] before she signed the document, and that I am competent in both English and Spanish to render said translation.

A handwritten signature in cursive script, appearing to read "Adriana Piñon", written over a horizontal line.

Adriana Piñon
Senior Staff Attorney
ACLU of Texas
P.O. Box 8306
Houston, TX, 77288

DECLARATION OF JONATHAN HISKEY

I, Jonathan Hiskey, hereby declare as follows:

I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

I. Qualifications

1. I am currently an Associate Professor of Political Science at Vanderbilt University. I also serve as Associate Chair of the department and Director of Graduate Studies for the Political Science graduate program. In addition, I have a courtesy appointment as Associate Professor in the Department of Sociology at Vanderbilt University.
2. I received my Ph.D. from the University of Pittsburgh in 1999, winning the 2001 American Political Science Association's Gabriel A. Almond award for best dissertation in comparative politics. After spending six years on the faculty of the political science department the University of California-Riverside, I joined Vanderbilt University in 2005.
3. My research interests center on migration and local development in Latin America. I have engaged in extensive research and published a number of articles in leading academic journals on these topics. I was a contributor and co-editor of a special volume of the *Annals of the American Academy of Political and Social Science* entitled "Continental Divides: International Migration in the Americas" (July 2010) as well as co-author of a 2014 article in *Studies in Comparative International Development* entitled "Democracy, Governance, and Emigration Intentions in Latin American and the Caribbean." I am also a co-author of a recent Report entitled "America's Barometer Insights: Violence and Migration in Central America" ("2014 Report," "2014 Americas Barometer Report," or "Report"), available at <http://www.vanderbilt.edu/lapop/insights/IO901en.pdf>, which is attached to this declaration as Exhibit A.

4. Attached to this declaration as Exhibit B is a copy of my CV, which includes a list of my publications from the last ten years.

5. I am making this declaration to provide my considered opinions on the reliance of the Department of Homeland Security on my 2014 Report in defending its custody determinations for Central American mothers and children detained at its family detention facilities; the effect or lack thereof of detaining Central American mothers and children fleeing violence on the formation of “active migration networks” supporting migration to the United States; and whether such mothers and children fit the theoretical or empirical profile of contributors to “active migration networks.”

6. I have carefully reviewed the declarations by Philip T. Miller and Traci A. Lembke (“Declarations”), who are officials at U.S. Immigration and Customs Enforcement (“ICE”), which were submitted to the immigration court in support of DHS’ custody determinations. They are attached to this declaration as Exhibit C.

7. As a basis for this opinion, I rely upon my authorship of the 2014 Report; on the research and analysis my co-authors and I conducted and engaged in for that Report; and on over fifteen years of research experience on issues of local development, migration, and political attitudes and behavior of citizens across many Latin American countries—including work on the development of a recent survey administered to individuals living in high violence municipalities in Honduras in July 2014.

II. Opinions

8. In my opinion, the declarations of Mr. Miller and Ms. Lembke cite the 2014 Americas Barometer Report for contentions that are not supported by my Report and its underlying research.

9. As mentioned above, I am a co-author of that Report, which I co-wrote for a 2014 publication of Americas Barometer Insights. The Americas Barometer Insights series, for which I was chief editor during 2013-2014, represents an effort by Vanderbilt University's Latin American Public Opinion Project (LAPOP) to offer condensed, "user-friendly" analyses of public opinion and behavior trends in Latin America that allow us to reach a broader audience of policymakers, media, and the general public than our more in-depth, lengthy scholarly analyses typically allow.

10. With this objective in mind, the Report on the links between violence and migration intentions in Central America represents a condensed version of a more extensive analysis of the larger question of the determinants of migration intentions across Latin America and the Caribbean that can be found in the journal *Studies in Comparative International Development*.¹ In both reports, the most significant finding that contributes in novel ways to extant research on this question is that individuals who report being victimized by crime and/or corruption are significantly more likely to express intentions to emigrate than non-victims, once controlling for an assortment of other factors. In the more extensive analysis, we also find that the probability that a crime victim will seek to leave her country increases when that individual

¹ Hiskey, Jonathan, Daniel Montalvo, Diana Orces. 2014. "Democracy, Governance, and Emigration Intentions in Latin America and the Caribbean." *Studies in Comparative International Development*, 49(1): 89-111.

resides in a country with a flawed political system that has proven incapable of addressing crime.²

11. I am aware that DHS has cited the 2014 Americas Barometer Report to justify its current detention practices with respect to women and children who have recently arrived from Central America and are seeking asylum in the U.S. Specifically, I understand that DHS cites my Report in two declarations submitted in bond proceedings for detained Central American women and children seeking asylum, for whom DHS opposes release. In my opinion, DHS's reliance on the Report is erroneous and misplaced, demonstrating a failure to grasp the empirical findings and theoretical underpinnings of that Report.

12. The Declarations cite my Report with regard to "active migration networks" (also known as the "friends and family effect"), a phenomenon that they contend justifies the detention of Central American women and children seeking asylum. However, the discussion of "active migration networks" in my Report *does not* in fact support DHS' conclusion that detaining these mothers and their children during the course of removal proceedings will deter illegal migration to the United States.

13. The references to the Report represent a superficial and selective understanding of its main findings. Both Declarations choose to focus only on one of the control variables in the

² Our 2014 reports did not engage in analysis of crime victimization specific to the nature of crime, identity of perpetrator, or motivation of perpetrator. Analysis of related Americas Barometer fieldwork data suggests a clear correlation between violence and crime victimization—particularly in the countries of Guatemala, El Salvador, and Honduras, where the majority (56.8%) of women respondents who reported being a victim of a crime indicated that the crime involved violence. However, figures reflected in the Americas Barometer data are not necessarily representative of women seekers from Central America who are currently in immigration detention in the United States, who may well report higher levels of crime and/or violence victimization. I have not surveyed this population, and express no opinion on these women's decision calculus with respect to migration or their basis for seeking asylum, either individually or as a group.

model, and ignore the report's central finding, namely, the critical role that crime victimization in Central America plays in causing citizens of these countries to consider emigration as a viable, albeit extremely dangerous, life choice.

14. Both Declarations fail to mention that the Report finds females are significantly less likely to consider emigration than males, suggesting that the Central American women that do decide to leave are atypical, generally confronted by an unusual set of circumstances that led them to take such a decision.

15. As noted above, the Report's inclusion of and reference to "active migration networks" in the analysis of an individual's consideration of emigration is not the central focus of the analysis but serves as a control in order to better and more confidently identify the impact that crime and corruption victimization have on the emigration decision.

16. The term "active migration networks"—also known as the "friend and family effect"—refers to a well-established finding in migration research that individuals who have family members living abroad and, most importantly for the Report, receive remittances from those family members, are more likely to consider emigration due to the lowering of the economic and informational costs of migration that migrant family members can provide to those left behind.³ Such an effect, then, is far more likely to manifest itself in situations where the migrant family member has a steady income that allows for remittances to be sent back home and has spent sufficient time in the host country to help a potential immigrant become more settled upon arrival.⁴

³ See for example Massey, Douglas S., Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor. 2005. *Worlds in Motion: Understanding International Migration at the End of the Millennium*. New York: Oxford University Press.

⁴ See, for example, *A New Perspective on Human Mobility in the South*, edited by Rudolf Anich, et al, New York: Springer Dordrecht.

17. In making the claim that the Central American women and children currently being detained on the border represent a risk for the United States because they will simply add to and “become a part of such active migration networks” and referencing the findings of the Report to support this claim, the Miller declaration ignores the theoretical logic behind the “friends and family effect” as well as the actual measure we use in the analysis to capture this effect. *See* Miller Dec. ¶ 11. Theoretically, it is a tremendous leap in logic to suggest that women and children fleeing violence in Central America will be able to establish themselves in the United States to a point where they can become facilitators for future migration. Given the precariousness of their situation, the role for current women and children migrants in an “active migration network” is marginal at best.

18. Empirically, the fact that the Report uses receipt of remittances as a proxy for a Central American’s involvement in a migration network also raises doubts about the plausibility of claims made in the Declarations. The idea that the women and children currently being detained at the border will, if released, begin sending remittances back to family members back home is highly unlikely given that the children will not be working and the women will be focused on simply feeding their own children and will be dependent on the income of sponsors or family members to which they are released.⁵ As economic remittances are a critical feature of this “active migration network” referenced by both Declarations, it is highly unlikely that the women and children now being detained will become part of such networks upon release.

Indeed, our report provides no basis whatsoever for the claims made in the Declarations about

⁵ See, for example, a recent chapter by Manuel Orozco and Caryn Ellis in which they contend that “the fact that women in general live more often with their families in their host countries may explain *why they send less money back home, as they experience more immediate family obligations*” (italics added). In *A New Perspective on Human Mobility in the South*, edited by Rudolf Anich, et al., p. 98. New York: Springer Dordrecht.

what women and children migrants *will do* upon arrival to the United States. Rather its explicit focus is on what motivates citizens *living in Central America* to consider emigration.

19. In a paragraph citing the Report, the Miller declaration additionally states that “[i]llegal migrants to the United States who are released on a minimal bond become part of such active migration networks” and that “[d]etention is especially crucial in instances of mass migration.” Miller Dec. ¶ 11. As stated above, this assertion is not substantiated by the Report’s analysis and represents a very superficial understanding of the actual operation of such migration networks and the individual migrant profiles that are most likely to participate in such networks. Such participation is far more likely among migrants that have secured stable employment and residences within the United States to the point where they are able to send remittances to family members back home and provide the type of information to potential migrants that would reduce the costs of a subsequent migration by one or more of those family members. With regards to individual migrants adding to existing and future migration networks, it is thus far more credible to focus on migrants who arrive to the U.S. from countries all around the world with full documentation through either student or temporary work visas rather than on women and children fleeing crime and violence in Central America. Women and children fleeing violence in Central America who are apprehended at or near the U.S.-Mexico border, clearly do not fit the theoretical or empirical profile of participants in a migration network.

20. The Report offers no empirical evidence, nor is any offered by the Declarations, that supports the claim that such mothers and their children will establish lives here, during the course of their immigration proceedings, that would enable them to become contributors to a migration network. A detention policy targeted toward women and children migrants fleeing

crime and violence for the purposes of diminishing “active migration networks” is not empirically supported.

21. Moreover, specifically targeting mothers who arrive with their children for *detention as a family unit*, while permitting release of adult women or men who arrive without dependent children, particularly lacks empirical support or theoretical coherence. If anything, family units including dependent children are among the *least likely* to contribute to an “active migration network” during the course of removal proceedings for the reasons previously explained—that any amassed resources of these family units will likely go toward supporting the basic needs of the family during that time, e.g., feeding dependent children, and not toward enabling the migration of others.

22. Further, there is no evidence in the Report that U.S. policy with respect to detention has any influence at all on the decisions women victimized by crime and violence and their children are making with respect to migration.

23. To conclude, based on my own research and my knowledge of the field of migration studies, the phenomenon of “migration networks” does not justify the blanket detention of Central American mothers and children arriving as a family unit and seeking asylum in the U.S.

III. Compensation

24. I am not being compensated for my services on behalf of the Plaintiffs in this case.

IV. Testimony

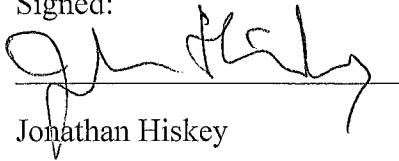
25. I have not testified in any cases as an expert since December of 2010, four years prior to the date of this report.

26. I reserve the right to amend or supplement this report as appropriate upon receipt of additional information or documents.

I declare under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed on 12-12-14 (DATE) in Nashville, TN (CITY, STATE).

Signed:


Jonathan Hiskey



AmericasBarometer *Insights*: 2014

Number 101

Violence and Migration in Central America

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Executive Summary. Over the past decade, much of Central America has been devastated by alarming increases in crime and violence. For most of this timeframe, migration from many of these same countries to the United States increased as well, at least until the 2008 financial crisis deflated migration numbers. In the following *Insights* report, we examine the possible relationship between high levels of violence and Central Americans' migration intentions. Though conventional views of the motivations behind migration tend to highlight economic and familial factors as the principal causes of migration, we find that crime victimization and perceptions of insecurity among Central Americans also play a significant role in determining the extent to which an individual considers migration as a viable strategy. Nonetheless, in the face of consistently high levels of crime and violence, perceptions of insecurity among Central Americans over the past ten years have been declining, suggesting perhaps a populace that has become accustomed to a high crime context and thus one less inclined to let crime influence future migration patterns.

The Insights Series is co-edited by Jonathan Hiskey, Mitchell A. Seligson and Elizabeth J. Zechmeister with administrative, technical, and intellectual support from the LAPOP group at Vanderbilt.

www.AmericasBarometer.org

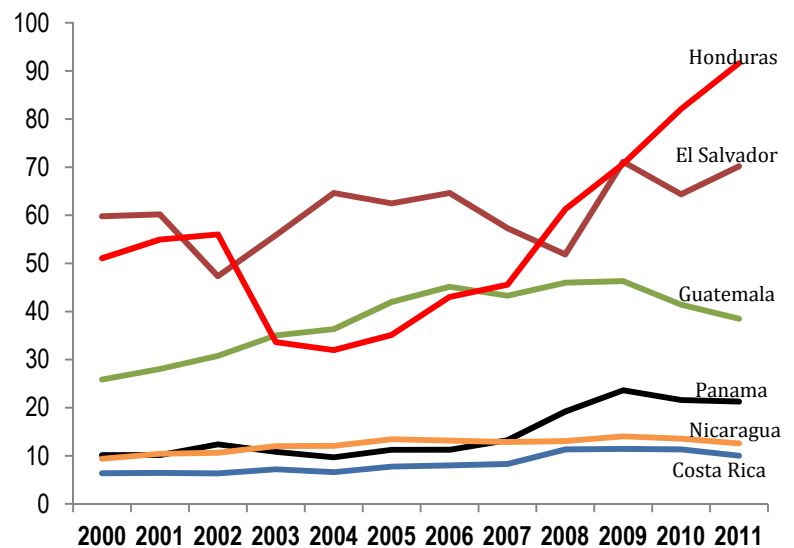
Homicide rates, and crime more generally, have been on a tragically steady rise across much of Central America over the past several years. With the increasing presence of drug trafficking organizations (DTOs) and the proliferation of street gangs, citizen security in countries like Honduras and El Salvador has evaporated.

In this *Insights* report we examine one potential consequence of these increased levels of crime and violence – migration.¹ Through analysis of the LAPOP AmericasBarometer survey data², we examine whether fear of crime and crime victimization seems to be driving some Central Americans to seek a better life in another country. Given the role of criminal organizations in fueling much of the violence, and the pervasive corruption that tends to accompany these criminal organizations, we also examine the linkages between perceptions of corruption, as well as personal experiences with corrupt officials, and intentions to migrate.

¹ Prior issues in the *Insights* Series can be found at <http://www.vanderbilt.edu/lapop/insights.php>. The data on which they are based can be found at <http://www.vanderbilt.edu/lapop/survey-data.php>

² Funding for the 2012 round mainly came from the United States Agency for International Development (USAID). Important sources of support were also the Inter-American Development Bank (IADB), the United Nations Development Program (UNDP), and Vanderbilt University. This *Insights* report is solely produced by LAPOP and the opinions expressed are those of the authors and do not necessarily reflect the point of view of the United States Agency for International Development, or any other supporting agency.

Figure 1. Intentional homicide rate per 100,000 population (2000-2011)



Source: United Nations Office on Drugs and Crime. "UNODC Homicide Statistics." <<http://www.unodc.org/unodc/en/data-and-analysis/homicide.html>>

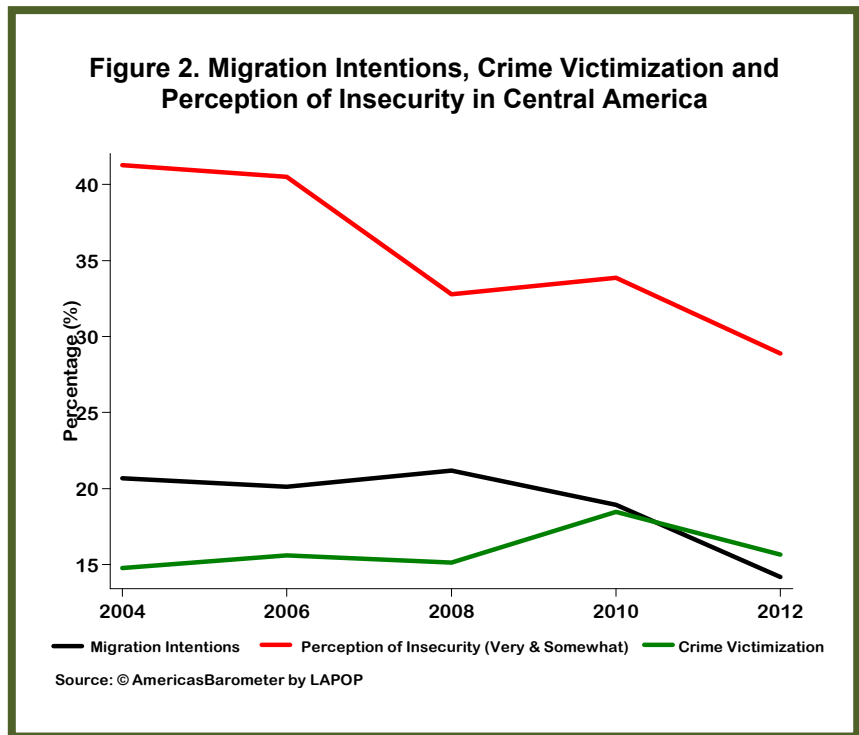
Crime, Violence and Migration in Central America

As evident in Figure 1, violent crime in Central America, and Honduras and El Salvador in particular, has reached unprecedented levels. At the same time, the past ten years has also witnessed an equally significant rise in migration rates for many of these same countries. In fact, the number of Central American migrants to the U.S. between 2000 and 2010 increased over 50 percent, faster than any other migrant-sending region in Latin America (Stoney and Batalova 2013). This overall increase occurred despite a drop in migration rates following the 2008 global financial crisis, which greatly diminished the level of demand for migrant labor in the U.S. market.

Many observers have posited a connection between Central America’s rising crime rates and the significant outflow of migrants from the region. A recent report in *The Guardian* claims that “[e]xtreme violence in Central America is sending a surge of refugees fleeing north to Mexico” and likens this “exodus” to that of citizens fleeing a civil war (Tuckman 2013). More rigorous work on this question also finds a significant effect for violence and political instability on migration in cases such as Nicaragua during the Contra war (Lundquist and Massey 2005) and Guatemala during the height of its civil war (Morrison and May 1994). Indeed, currently the leading migrant-sending countries in the region, El Salvador, Guatemala, and Honduras, are also those confronting the highest levels of crime and violence. All of these countries, however, also have pre-established migration networks, making unclear the precise connection between crime, violence, and the migration decision.

Through analysis of AmericasBarometer survey data from 2004 through 2012, we attempt to clarify the relationship between crime and migration after taking into account the more conventional predictors of migration such as age, gender, income, and one’s level of connectedness to a migration network.³

³ In addition to the extensive work on the causes of migration by such scholars as Massey, et al. (2005), Arnold,



Of particular interest for understanding the impact of crime on Central American migration rates is the degree to which being a victim of crime versus simply feeling unsafe in one’s neighborhood leads to migration. For while the number of those directly affected by crime in Central America is staggering, there are even greater numbers of Central Americans who feel unsafe in their neighborhoods even though they may not have been personally victimized by crime. Therefore, identifying the relative impact each factor has on migration becomes essential for a complete assessment of crime’s impact on regional migration patterns.

et al. (2011) explore this question in a previous issue of *Insights*.

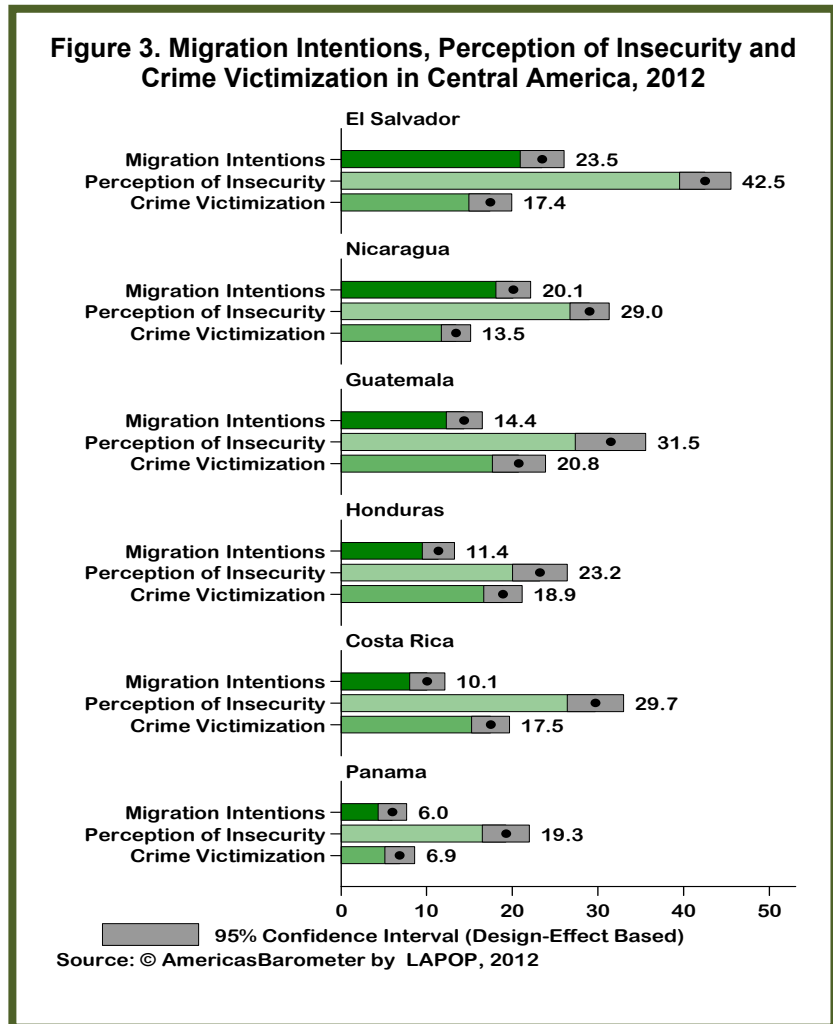
In order to explore these linkages, we analyze responses to the following AmericasBarometer item that has been asked in each survey since 2004:

Q14: Do you have any intention of going to live or work in another country in the next three years?

As Figure 2 illustrates, the percentage of Central Americans who reported such intentions was quite steady from 2004 through 2008, hovering around 22%. Migration intentions have declined steadily since 2008, however, falling to just under 15 percent in 2012. Such a drop is consistent with reports of widespread declines in migration rates across Mexico and Central America following the onset of the 2008-09 global financial crisis that greatly diminished the level of demand for migrant labor in the U.S. market.

Interestingly enough, Figure 2 also reveals an even sharper decline in feelings of insecurity among Central Americans in recent years, with a drop of close to 15 percentage points between 2004 and 2012 despite the rising levels of actual crime and violence during this time. Crime victimization, meanwhile, though dipping slightly between 2010 and 2012, remained several points higher than it was in 2004, mapping more closely to the homicide data revealed in Figure 1.

Delving deeper into these cross-time patterns we find that El Salvador is the



only country where fear of crime remained steady from 2004-2012, with roughly 42% of respondents stating that they felt insecure in their neighborhoods. In all the other countries, fear of crime declined over this time period, even in Honduras, the country that witnessed the sharpest increase in homicides.⁴ These contrasting trends of actual and perceived levels of insecurity suggest that Central Americans may have become increasingly desensitized to

⁴ In 2004, 36.6% of Honduran respondents reported feeling insecure in their neighborhoods, yet in 2012 this percentage had dropped to 23%.

high levels of crime, or made behavioral adjustments in their daily lives to avoid victimization, and thus are now less likely to feel unsafe in their neighborhoods.

The question these contrasting trends of violence and perceived insecurity raises for this report is the extent to which either, or both, help explain current and future migration patterns across Central America. As we see in Figure 3, in some countries there does appear to be a connection between levels of perceived insecurity and migration intentions. Respondents in El Salvador, for example, were most likely to report feeling unsafe in their neighborhood in 2012 and also the most likely to report having intentions to migrate. El Salvador, though, is a country with an extensive migration history so it is unclear whether this high level of insecurity is in fact causally related to the equally high level of migration intentions.

Conversely, notwithstanding the country's unprecedented levels of violence, individuals in Honduras were among the least likely of Central American respondents to report feeling unsafe in their neighborhood and also ranked very low in reported migration intentions.⁵ At this aggregate level, though, personal victimization is also strongly correlated with intentions to migrate, suggesting again that both of

these crime-related factors may be at work in pushing at least some percentage of Central Americans to consider leaving their native country. To further explore these patterns, though, we must turn to a multivariate analysis of the individual-level determinants of migration intentions among Central Americans.

Modeling Crime's Impact on Migration

In order to effectively identify the unique effects of crime victimization and perceptions of insecurity on Central Americans' migration intentions, we first must incorporate a series of control variables that should theoretically also be associated with one's migration intentions. An abundance of research on the determinants of actual migration has identified two groups of factors that most help distinguish those who migrate from those who do not (e.g., Massey, et al. 2005).

The first, and perhaps most intuitive, are socioeconomic and demographic identifiers of migrants. These include such factors as age, gender, income, and education levels, along with an individual's views of her personal and the national economic situation. We therefore include variables in the following model designed to capture these factors.⁶

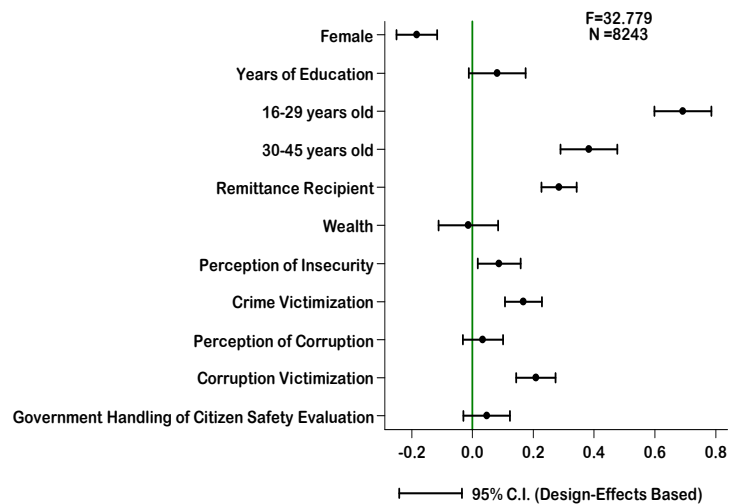
⁵ The Pearson's correlation between fear of crime and intentions to migrate is .103 (p< .001).

⁶ The model also includes country dummy variables. See appendix for the full results from the model.

A second group of predictors of migration concerns an individual's ties with an active migration network. Typically referred to as the "friends and family effect" (Massey, et al. 2005), those individuals who have migrant friends or relatives already living abroad, and particularly those who receive remittances from those friends or relatives, will be far more likely to migrate themselves because such ties reduce the costs of migration. This reduction in cost not only includes the financial help remittances may provide a potential migrant, but also the informational advantages she may get from knowing individuals that have already established themselves in the destination country. In order to model this "friends and family effect" then, we include an item that indicates whether or not a respondent receives remittances as a proxy for a high level of involvement in a migration network. Our expectations for these controls are in line with research that identifies those most likely to migrate as young males with relatively high levels of education and income, as well as those who have existing connections to a migration network.

Of central concern for this report, however, is the impact that high levels of crime have on an individual's migration decision. Here we include a series of variables designed to capture a range of possible effects crime may have on migration. First, we use an item that asked respondents whether they had been victimized by any type

Figure 4. Factors explaining migration intentions in Central America, 2012



Source: AmericasBarometer by LAPOP, 2012

of crime in the previous twelve months. The expectation here is clear – all else equal, a respondent who has been victimized will be more likely to consider leaving her country. Similarly, an individual who feels very unsafe when going about her daily life should also be more likely to consider migrating. In order to test this proposition, we include an item that asked respondents to assess how safe they feel in their neighborhood on a 1-4 scale. Finally, we included an item that asked respondents to evaluate their government's anti-crime efforts, expecting that those who do not have much confidence in their government's ability to address the country's crime problem will be more likely to consider migration as well.

Another facet of Central America's crime wave in recent years has been the

consequent increase in corruption, particularly in those countries where drug trafficking organizations have established a presence. Thus citizens may consider high levels of corruption to be at least in part a by-product of the high levels of crime, suggesting that we examine the impact of corruption on the migration decision as well.

To do this, we include an item similar to the “crime victimization” measure that asks respondents whether they had been asked for a bribe in the previous twelve months by a public official. Such concrete evidence of corruption should lead individuals to give greater consideration to migration as a viable life plan in the future. We also include respondents’ perceptions of corruption in government, again expecting higher levels of perceived corruption to make someone more likely to consider leaving the country altogether.

The results of our binary logistic regression model of migration intentions appear in Figure 4. Immediately evident is the significant impact that being a victim of crime and corruption has on the probability an individual will plan to migrate in the near future. The effects for both of these victimization items on migration

intentions significantly outweigh the impact the “perceptions” items have. Though higher feelings of insecurity do have a marginally significant effect on the migration decision, this impact is decidedly less than either of the “victimization” items. What these findings suggest, then, is that victims of the current crime wave, as well as those victimized by the pervasive corruption that has accompanied the crime wave, are increasingly likely to consider migration as a viable means of escape from their current situation.

Both crime and corruption victimization are significant predictors of migration intentions suggesting the crime wave in Central America will continue to contribute to

In comparing these individual-level results to the aggregate patterns displayed in Figure 3, we see that countries like El Salvador, Nicaragua, and Guatemala seem to support the central finding that crime and insecurity lead individuals to consider emigration. Conversely, when we look at countries like Honduras, with high levels of crime victimization but relatively low levels migration intentions; or Costa Rica where close to a third of respondents reported feelings of insecurity but only 10 percent had plans to migrate, other factors seem to be at play that are diluting the crime-migration relationship.

The individual-level results also find support in the behavior of the control variables included in the model. The powerful effect that receiving

remittances has on the probability of planning to migrate, along with the age and gender profile of the likely migrant, all suggest that our dependent variable, migration intentions, serves as an adequate proxy for migration itself, despite not measuring actual behavior.

Conclusion

In this brief report we have explored the possibility that Central America's recent crime wave has contributed to a growing number of emigrants from the region. More specifically, we investigate whether being victimized by crime or corruption, having strong feelings of insecurity, or both increase the probability an individual will seek to leave her country of origin.

We find that both actual victimization as well as fear of crime are significantly linked to intentions to migrate, although firsthand experience with crime is far more important. Likewise, personal experience with corruption significantly increases the probability that an individual will contemplate leaving his country, but overall perceptions of corruption levels in the country yielded no impact. These findings indicate that in addition to its other tragic consequences, the crime wave currently affecting much of Central America seems also to be contributing to a larger pool of people looking to exit the country.

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Appendix

Table 1. Migration Intentions

	<i>Coefficients</i>	<i>(t)</i>
Evaluations of Government Handling of Citizen Security	0.047	(1.21)
Corruption Victimization	0.209*	(6.36)
Perception of Corruption	0.034	(1.01)
Crime Victimization	0.167*	(5.36)
Perception of Insecurity	0.088*	(2.43)
Wealth	-0.014	(-0.29)
Remittance Recipient	0.285*	(9.73)
30-45 years old	0.383*	(8.04)
16-29 years old	0.692*	(14.54)
Years of Education	0.082	(1.72)
Female	-0.183*	(-5.40)
Perceptions of national economic situation	-0.144*	(-3.45)
Perceptions of personal economic situation	-0.109*	(-2.73)
Big city	-0.053	(-1.12)
Medium city	-0.049	(-0.95)
Small city	-0.049	(-1.15)
Rural Area	-0.113*	(-1.99)
Guatemala	0.070	(1.30)
El Salvador	0.240*	(4.00)
Honduras	-0.041	(-0.68)
Nicaragua	0.250*	(4.22)
Panama	-0.193*	(-2.69)
Constant	-2.092*	(-44.39)
F	32.78	
<i>Number of Obs.</i>	8243	

Note: Coefficients are statistically significant at * $p < 0.05$ two-tailed.

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Ph.D., Political Science (1999)

(Dissertation: *Does Democracy Matter? Electoral Competition and Local Development in Mexico*
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dissertation in comparative politics, 1999-2000)

M.A., Political Science (1995)

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ACADEMIC APPOINTMENTS

Associate Professor, Department of Political Science, Vanderbilt University (2005-present)

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Research Scholar Fellowship, "Migration, Democracy, and Those Left Behind in Latin America,"
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Robert H. Birkby Award for Teaching Excellence in Political Science, Vanderbilt University, 2010.

Warren Center for the Humanities 2009-2010 Faculty Fellow.

Center for the Americas Publication Colloquium award, "Migration in the Americas: Mexico and
Latin America in Comparative Perspective" (with Katharine Donato), 2009.

Research Scholar Fellowship, "Understanding Latin America's Subnational Transitions, 1980-2005,"
2007-2008 (declined).

Research Scholar Grant, "Subnational Transitions Project," 2007-2008.

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Gabriel A. Almond Award for best doctoral dissertation in comparative politics, 1999-2000. Awarded
by the American Political Science Association, August 30, 2001.

Academic Senate Research Award, "Going Local: The Municipal-Level Causes of National-Level
Democratization in Mexico," 2002-2003.

Academic Senate Research Award, "A Spatial Analysis of Local Political and Economic Development
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IGCC Research Grant, "The New International Antipoverty Paradigm and the Survival of the New
World Order," 2000-2001.

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Inter-American Foundation Dissertation Field Research Fellowship (1997-98)

Fulbright Doctoral Dissertation Field Research Fellowship (1997-98)

Heinz Latin America Social and Public Policy Fellowship (1997-98, declined)

Foreign Language and Area Studies Fellowship, US Dept. of Education (1995-97)

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PROFESSIONAL ACTIVITY

Recent Presentations:

“Context Matters: National Economic Development and Remittance Recipients’ Political Behavior.” Paper prepared for presentation at the American Political Science Association annual meeting, Washington, D.C. Aug. 28-31, 2014 (co-author with Abby Cordova).

“The Drug Wars and Democracy in Mexico: National Trends and Subnational Deviations.” Paper prepared for presentation at the 2014 Urban Affairs Association annual meeting, San Antonio, TX, March 20-22, 2014 (co-author with Mary Malone and Alejandro Diaz-Dominguez)

"Killing Democracy: Mexico's Drug Violence and Subnational Patterns of Regime Support." Paper prepared for presentation at the American Political Science Association annual meeting, Chicago, IL, Aug. 28-Sept. 1, 2013 (co-author with Mary Malone and Alejandro Diaz-Dominguez)

"Drogas y Democracia en Mexico." Paper prepared for presentation at the 7th Congress of Latin American Political Science Association, Bogota, Colombia, Sept. 25-27, 2013 (co-author with Mary Malone and Alejandro Diaz-Dominguez)

"Malditos Yanquis? Blame Attribution and the 2008 Economic Crisis in Latin America." Paper prepared for presentation at the 2012 Midwest Political Science Association meeting, Chicago, April 12-15, 2012 (co-author with Mason Moseley and Mariana Rodriguez)

"Latin American Remittance Recipients During Times of Crisis and Prosperity." Paper prepared for presentation at the Southern Political Science Association meeting, Jan. 12-14, 2012, New Orleans, LA. (co-author with Jorge Bravo and Diana Orces)

“Authoritarian Enclaves and Economic Development in a Neoliberal World.” Paper prepared for presentation at the Midwestern Political Science Association meeting, Chicago, IL, April 2-6, 2009. (co-author with Mason Moseley and Jed Goldberg)

“Business as Usual: Corruption Attitudes and Experiences in Mexico’s One-Party Political Environments.” Paper prepared for the 2009 Southern Political Science Association meeting, New Orleans, LA, January 8-11, 2009. (co-author with Brian Faughnan and Scott Revey)

“The Political Consequences of Social Remittances in Latin America.” Paper prepared for presentation at the American Political Science Association meeting, Boston, MA, Aug. 28-32, 2008. (co-author with Abby Codova)

“Transition Exits: Emigration Dynamics in Latin America’s Emerging Democracies.” Prepared for the Center for the Americas Publication Colloquium “Migration in the Americas: Mexico and Latin America in a Comparative Context” Vanderbilt University, May 4-6, 2008. (co-author with Diana Orces)

“Democratization, System Performance, and the Exit Option in Latin America.” Paper prepared for the Midwestern Political Science Association meeting, April 3-6, 2008, Chicago, IL. (co-author with Daniel Montalvo)

“System Failure: Political Motivations to Migrate in Latin America’s Emerging Democracies.” Paper prepared for the 2008 Western Political Science Association meeting, March 20-22, San Diego, CA. (co-author with Daniel Montalvo)

“Uneven Transitions in the Neoliberal Era.” Paper prepared for the 2007 Latin American Studies Association Meeting, September 4-8, Montreal, Canada.

“National and Subnational Political Development Divergence in Mexico.” Paper prepared for the 2007 Midwest Political Science Association meetings, April 11-14, Chicago, IL.

“Political Strategy in Uncertain Times: Mexico’s Chamber of Deputies, 2003-2006.” Paper prepared for the 2007 Western Political Science Association meeting, March 8-10, Las Vegas, NV. (co-author with Fernanda Boidi and Shaun Bowler)

“Principals and Agents, Decentralization and Development during Regime Transitions.” Paper prepared for the 2007 Southern Political Science Association meetings, Jan. 4-7, New Orleans, LA.

“The Participation Paradox of Local Autonomy: Voter Turnout in *Usos* Municipalities in Oaxaca, Mexico.” Paper prepared for the Latin American Studies Association meeting, March 15-18, 2006, San Juan, Puerto Rico. (Co-author with Gary Goodman)

“Exit Without Leaving: Political Disengagement in High Migration Municipalities in Mexico.” A paper prepared for the Western Political Science Association Meeting, March 17-20, 2005, Oakland, CA. (Co-author with Gary Goodman)

“Economic Recovery in an Uneven Regime.” Paper prepared for the Midwest Political Science Association Meeting, April 14-17, 2004, Chicago, IL.

“The Development Consequences of Uneven Regime Change: A Study of State-Level Recovery Rates from Mexico’s 1995 Crisis.” Paper prepared for presentation at the 2004 Southern Political Science Association Meeting, January 7-10, New Orleans, LA.

“Three Shocks and You’re Out? Economic Crises and Democratic Progress in Latin America.” Paper prepared for the 2003 Latin American Studies Association meeting, Dallas, TX, March 26-30, 2003

“Judicial Reform and Improved Performance in Latin America.” Paper prepared for the Southern Political Science Association meeting, Savannah, GA, November 7-9, 2002. (Co-author with Joseph Staats and Shaun Bowler)

Invited Participant/Lecture:

“Opening Remarks,” Vanderbilt University’s Model United Nations Conference, October 24-26, 2014.

“The Subnational Consequences of Mexico’s Drug War.” Prepared for the University College London’s Department of Political Science Seminar Series, April 30, 2014.

“Mexico’s Uneven Intersections: The Consequences of Subnational Variations in Crime and Democracy.” Prepared for Purdue University’s “Paper to Publication” Workshop, March 13, 2014.

“Mexico’s Drug War.” Prepared for the general assembly meeting of the Vanderbilt International Relations Association, Nov. 12, 2013.

“Does Democracy Matter? A Conversation on the Political Determinants of Development.” Prepared for the McTyeire Fireside Chat Series, Vanderbilt University, Nov. 14, 2013.

Panelist, “Migration Indicators.” LAPOP AmericasBarometer Questionnaire Design Workshop, April 4-5, 2013, Miami, FL.

Panelist for Vanderbilt Association of Hispanic Students “Current Events and Critical Conversations: The State of Puerto Rico,” March 14, 2013, Nashville.

“Mexico’s Drug Wars.” Presented at the University of New Hampshire as part of 2012-2013 Saul Sidore Memorial Lecture Series, November 1, 2012.

“Subnational Regime Transitions and Citizen Assessments of Corruption in Mexico.” (with Brian Faughnan) Invited presentation prepared for “Corruption in Mexico, Russia, and the United States” workshop at Vanderbilt University, October 13-14, 2011.

“Democracy, Governance, and Emigration in Latin America.” (with Diana Orces and Daniel Montalvo). Invited presentation prepared for “Politics and Migration in Out-Migration Countries” workshop at Centro de Investigacion y Docencia Economicas, Mexico City, Sept. 23, 2011.

“Cielos Economicos y Migracion en America Latina.” (with Diana Orcees and Jorge Bravo). Invited presentation prepared for “Democracia y Cultura Politica en America Latina” workshop at Universidad San Francisco, Quito , Ecuador, Feb. 10-11, 2011.

“When the Well Runs Dry: Remittance Recipients During Times of Crisis.” (with Jorge Bravo) Invited presentation prepared for “Challenges Facing Mexican Politics: Views from the AmericasBarometer” workshop at Centro de Investigaciones de Desarrollo y Economia, Mexico City, Jan. 28, 2011.

Invited Panelist, “Empowerment and Development” Interdisciplinary Discussion for the Vanderbilt Microfinance Club, September 21, 2010.

“Migration Connections and Democracy in Latin America.” Prepared for the UCLA Department of Sociology Workshop, “Immigrants and their Homelands: Engagements, Impacts, and Responses.” Los Angeles, April 30, 2010.

“Economic Crisis and Recovery in Uneven Regimes.” Presentation prepared for the Network of Regional European Political Science Scholars Conference: The Politics of Economic Crisis in Europe and Beyond.” Texas A&M, May 1-2, 2009.

“Migration and Democracy in Latin America.” Presentation prepared for the International Workshop on Migration and Remittances, Center for Economic Research and Teaching and Georgetown University, Mexico City, February 19 and 20, 2009

Presentation, “The Other Side of the Story: The Political Consequences of Migration for Sending Countries.” Vanderbilt University Media Fellowship Workshop, Nashville, TN, April 1-4, 2008.

Invited lecture, “The Uneven Connection: Developing Democracies and Poverty Alleviation.” Saul O. Sidore Memorial Lecture Series, 2007-2008, University of New Hampshire, March 27, 2008.

Discussant for “The Politics of Migration and Integration” panel at the Western Political Science Association meeting, March 20-22, 2008.

Chair and Discussant for “Subnational Politics and Public Policy” panel at the Latin American Studies Association meeting, September 4-8, 2007, Montreal, Canada.

Outside Evaluator, Kenyon College Dept. of Political Science Honors Thesis Program, May 4-7, 2007. (Stipend)

Discussant for “”Perspectives on Mexico’s Transition to Democracy” panel at the Midwestern Political Science Association meeting, April 12-15, 2007.

Invited lecture on “Latin American Political Economy in the 1990s” for LAS 201 course, Vanderbilt University, March 22, 2007.

Chair and Discussant for “Subnational Democratic Development in Latin America” panel at the Southern Political Science Association meeting, January 4-7, 2007 New Orleans, LA.

Invited Lecture on “U.S.-Latin American Relations in Post-WWII Era,” Father Ryan High School, Nashville, November 28, 2006.

Invited presentation on Mexican emigration for Trans-Atlantic Graduate Exchange Program: Ethnicity, Race and Migration Studies (REMS) conference, University of Coimbra, Portugal, February 9-11, 2006.

Chair and Discussant for “Electoral Politics and Political Participation in Latin America” panel at the Southern Political Science Association meeting, January 5-7, 2006, Atlanta Georgia.

Invited Lecture on “U.S.-Latin American Relations in 20th Century”, Father Ryan High School, Nashville, November 28, 2005.

Chair and Discussant for “Money and Politics in Federal Systems: Mexico and Comparative Perspectives” panel at UCSD Center for U.S.-Mexican Studies Conference “What Kind of Democracy Has Mexico? The Evolution of Presidentialism and Federalism,” March 4-5, 2005.

Chair and Discussant for “Transnational Migration in Comparative Perspective” panel at the Western Political Science Association Meeting, March 17-20, 2005, Oakland, CA.

“The Recovery Consequences of an Uneven Regime: A Subnational Analysis of Mexico’s 1995 Economic Crisis.” Invited presentation for the Political Economy and Development Seminar Series sponsored by the Department of Economics at the University of California, Riverside, March 12, 2004.

Discussant for “Institutional Rules and Political Outcomes in Developing Countries” panel at the Midwest Political Science Association Meeting, April 14-17, 2004, Chicago, IL.

Chair and discussant for “Institutional Innovations in New Democracies” panel at the American Political Science Association annual meeting, Philadelphia, August 28-31, 2003.

Discussant for “Assessing Political Change in Chile: The Effects of Democratization” panel at the Latin American Studies Association Meeting, Dallas, March 27-29, 2003.

“Demand-Based Development and Local Electoral Environments in Mexico.” Invited presentation at “Free Markets and Democracy in Mexico in the 21st Century” conference, Southern Methodist University, October 26, 2002.

“One Step Forward, Two Steps Back: The Political Economy of Crisis-Based Development in Mexico.” Invited lecture at Florida State University, March 27, 2002.

Manuscript/Grant/Tenure/Promotion Reviews:

Cambridge University Press	<i>Political Behavior</i>	<i>Politica y Gobierno</i>
Lynn Reinner	<i>Review of International Political Economy</i>	CIDE (D.F., Mexico)
Congressional Quarterly Press	<i>Comparative Politics</i>	<i>Demography</i>
Notre Dame University Press	<i>International Criminal Justice Review</i>	<i>Amer. Pol. Science Review</i>
<i>Latin American Research Review</i>	<i>Governance</i>	<i>British Journal of Pol. Sci.</i>
<i>Comparative Political Studies</i>	<i>American Journal of Political Science</i>	<i>Political Studies</i>
<i>The Latin Americanist</i>	<i>Elections, Public Opinion, and Parties</i>	<i>Intl. Migration Review</i>
<i>Work and Occupation</i>	<i>Journal of Politics</i>	<i>Politique et Sociétés</i>
Soc. Sci. and Hum. Research Council of Canada Grant Review	Project Reviewer for Spanish Research Evaluation National Agency (ANEP)	Promotion Review for Scripps College

Consultancy/Editorial Work:

Peer reviewer for World Wide Web Index 2012 Project, Oxford Economics, 2011-2012
Country expert, Varieties of Democracy Project, 2011
Member of Peer Review Panel for The Center for Public Integrity’s *Global Integrity Report*. 2003-present
Instructor, U.S. Govt. Area Studies University Program, Washington, D.C., December 4-6, 2012
Instructor, U.S. Govt. Area Studies University Program, Washington, D.C., November 20, 2009
Instructor, U.S. Govt. Area Studies University Program, Washington, D.C., May 13-15, 2008
USAID Conceptual Framework for Democratic Local Governance Project, May-September 2006
World Bank consultancy work on decentralization in Bolivia completed April, 2000
Contributing Editor, *Handbook of Latin American Studies*, 2002-present
USAID consultant work on Central American and Mexico Democratic Indicators Monitor Survey, 2004.
Invited participant in Fitzgibbon Image of Political Democracy in Latin America survey project, 2005-2010

Professional Associations:

Urban Affairs Association
American Political Science Association
Latin American Studies Association
Southern Political Science Association

Section organizer for “Comparative Politics of Developing Nations” section of 2007 SPSA meeting
Southwestern Political Science Association
Midwest Political Science Association

Member, Executive Council (2007-2010)

RESEARCH GROUPS, UNIVERSITY, AND PUBLIC SERVICE

Vanderbilt University

Associate Chair, Department of Political Science, 2014-present
Director of Graduate Studies, Department of Political Science, 2014-present
Director of Job Placement, Department of Political Science, 2013-2014
Member, Comparative Search Committee, 2013-14
Member, Committee on Graduate Education, 2010-2011
Member of Center for Latin American Studies Steering Committee, 2011
Faculty Mentor, Vanderbilt University Undergraduate Summer Research Program, 2011
Faculty VUceptor, Vanderbilt Visions Program, 2011; 2013; 2014
Member of Arts and Science Graduate Fellowship Award Committee, 2009-2011
Chair, Graduate Education Committee, Department of Political Science, 2008-2011
Director of Graduate Studies, Department of Political Science, 2008-2011
Member Comparative Politics Search Committee, 2008
Faculty Mentor, Vanderbilt Summer Science Academy, 2008
Member of Provost’s Graduate Fellowship Nomination Committee, 2007-08
Faculty Mentor, Vanderbilt University Undergraduate Summer Research Program, 2007
Member of Faculty Senate Task Force on Freshman Commons, 2006-07
Co-Organizer of Latin American Politics Speaker Series, 2006-07 (funded by grant from Center for Latin American and Iberian Studies)
Chair, Political Science Speakers Committee, 2006-2007
Center for the Americas Fellow, Publication Colloquium Project, “Migration in the Americas: Mexico and Latin America in Comparative Perspective”, 2007-2008
Center for the Americas Fellow, *Latin American Public Opinion Project*, 2005-present
Center for the Americas Fellow, Working Group, “Transnational Literacies”, 2006-present
Center for the Americas Fellow, Incubator Research Group, “In the Wake of Katrina”, 2005-2006
Member Comparative Politics Comprehensive Exam Committee, 2006-present

UC-Riverside

Member, Graduate Education Committee, 2001-2004
Member, Department Search Committee, (Comparative Politics), 2003
Member, Department Search Committee (International Relations), 2001-02
Member, Department Search Committee (American Politics), 2001
Member, Department Undergraduate Awards Committee, 2001-2004
Chair, International Relations Program Faculty Committee, 2001-2004
Member, Business Administration Program Committee, 2001-2003
Member, Latin American Studies Faculty Committee, 2002-2005
Ph.D. Dissertation Committee chair for 2 students and committee member for 9 students, 2000-2005
Outside Member of PhD/Prospectus Examination Committee for 5 students, 2000-2005
Primary Advisor, Undergraduate Honors Thesis for 7 students, 2000-2005
Primary Advisor, University of California Washington D.C. Program for 7 students, 2000-2005

Courses Taught

The Politics of Poverty in a Globalized World (Vanderbilt undergraduate honors seminar)
Research in Comparative Politics – Immigration (Vanderbilt graduate)
Comparative Politics (Vanderbilt graduate)
Research in Latin American Politics (Vanderbilt graduate)
Humanities Special Topics – Immigration (Vanderbilt undergraduate)
Democracy and Political Development (Vanderbilt undergraduate)
Latin American Politics (Vanderbilt undergraduate)
Politics of Global Inequality (Vanderbilt undergraduate)
Politics of Mexico (Vanderbilt and UCR undergraduate)
Politics and Economic Policy (UCR undergraduate)

Globalization and Underdevelopment (UCR undergraduate)
Undergraduate Honors Thesis Seminar (UCR undergraduate)
Latin American Politics (University of Pittsburgh, undergraduate)
Comparative Political Economy (UCR graduate)
Comparative Politics Seminar (UCR graduate, team-taught)
Political Economy of Growth (UCR graduate)

Dissertation Committees

Mason Moseley Vanderbilt, University (Co-Chair, Completed August 2014)
Trevor Lyons, Vanderbilt University (Chair, in progress)
Fred Batista, Vanderbilt University (in progress)
Arturo Maldonado, Vanderbilt University (in progress)
Mollie Cohen, Vanderbilt University (in progress)
Matthew Layton, Vanderbilt University (in progress)
Aileen Teague, Vanderbilt University (Dept. of History, in progress)
Alejandro Diaz-Dominguez, Vanderbilt University (Chair, Completed May 2014)
Vivian Schwartz-Blum, Vanderbilt University (Completed May 2014)
Mariana Rodriguez, Vanderbilt University (Completed November 2013)
Brian Faughnan, Vanderbilt University (Completed May 2013)
Daniel Montalvo, Vanderbilt University (Co-Chair, Completed May 2011)
Diana Orces, Vanderbilt University (Chair, Completed May 2010)
Jose Miguel Cruz, Vanderbilt University (Completed July 2010)
Juan Carlos Donoso, Vanderbilt University (Completed February 2009)
Maria Fernanda Boidi, Vanderbilt University (Completed February 2009)
Abby Cordoba, Vanderbilt University (Completed January 2009)
Daniel Moreno, Vanderbilt University (Completed 2008)
Lee Franklin, University of California, Irvine (Completed June 2007)
Joel Carbonell, University of California, Riverside (Completed April 2007)
Jennifer Danley-Scott, University of California, Riverside (Completed June 2006)
Gary Goodman, University of California, Riverside (Completed June 2006)
Hasan el-Hasan, University of California, Riverside (Chair, completed June 2005)
Joseph Staats, University of California, Riverside (Chair, completed June 2005)
John Phippen, University of California, Riverside (Completed June 2004)
Anne Dos-Santos, University of California, Riverside (Completed June 2003)
Jamilya Ukudeeva, University of California, Riverside (Completed June 2003)
Brent Leserth, University of California, Riverside (Completed June 2002)
Joseph Green, University of California, Riverside (Department of History, completed June 2005)

Masters Theses

Hillary Voth, Vanderbilt University (Chair, MA thesis in Latin American Studies, completed May 2011)

Undergraduate Honors Theses

Honor's Thesis Chair, Andrea Clabough, 2010-2011
Honor's Thesis Chair, Jennifer Dennard (awarded high honors) 2009-2010
Honor's Thesis Chair, Robin Arnett (awarded high honors), 2008-2009
Honor's Thesis Chair, Jed Goldberg (Economics, awarded high honors) 2007-2008

DECLARATION OF PHILIP T. MILLER

I, Philip T. Miller, hereby declare that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Philip T. Miller. I am a member of the Senior Executive Service serving as the Assistant Director of Field Operations for Enforcement and Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE) in Washington, D.C. I have held this position since May 2013. My current work address is: 500 12th Street Southwest, Washington, DC. I hold a B.A. and an M.A. in Political Science.
2. I began federal service in 1996 with the former Immigration and Naturalization Service (INS) as an Immigration Inspector in New Orleans, Louisiana, where I worked at both air and sea ports of entry. In 1998, I was promoted to a Deportation Officer, and served as Juvenile Coordinator, National Crime Information Center Fugitive Officer, and managed a long-term detention and rehabilitation program. In 2001, I became an ICE Special Agent, conducting administrative and criminal investigations, including investigations of alien smuggling, critical infrastructure protection, and counterfeit document vending.
3. In July of 2007, I became an Assistant Field Office Director within the New Orleans Field Office of Detention and Removal Operations (DRO). In this capacity I was responsible for managing all mission support functions and fugitive operations, and I served as the Field Office's Public Affairs Officer and Congressional Liaison Officer. In April of 2008, I was promoted to Deputy Field Office Director for DRO. In September of 2009, I was promoted to Field Office Director of the New Orleans Field Office.
4. My experience as an immigration officer includes planning, directing, managing, and coordinating operational functions relating to the apprehension, transportation, and detention of aliens ordered removed; the execution of final orders of deportation; and liaison with Departmental, interagency, and community partners regarding ERO matters.
5. In my current position as Assistant Director of ERO Field Operations, I oversee, direct, and coordinate operational activities throughout the nation's ERO field offices and sub-offices, ensuring such activities further agency goals and comply with agency policies. My duties include the oversight of operations concerning the detention of adults with children and unaccompanied children.
6. Last fiscal year, CBP apprehended 414,397 illegal migrants at the Southwest border, an increase of 16 percent compared to FY 2012 (356,873). Through July of this fiscal year, Southwest Border apprehensions reached 421,957, compared to 348,798 during the same time period in FY 2013..
7. The number of credible fear cases that U.S. Citizenship and Immigration Services (USCIS) completed for nationals of all countries grew rapidly over a one-year period, going from 13,607 in FY12 to 36,454 in FY13, with the majority of this increase due to claims originating from nationals of El Salvador, Guatemala, and Honduras. USCIS

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received a total of 8,475 credible fear cases for these three countries in FY12, with this number nearly tripling to 23,329 in FY13.

<http://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/2013/Asylum-CredibleFear-ReasonableFear-FY13.pdf>

8. On May 12, 2014, Secretary Johnson declared a Level IV condition of readiness within the Department of Homeland Security (DHS), which is a determination that the capacity of CBP and ICE to deal with the situation is full and we need to draw upon additional resources across all of DHS. He appointed Deputy Chief Vitiello to coordinate this effort within DHS. See Written Testimony of DHS Secretary Jeh Johnson, at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>.
9. According to debriefings of Guatemalan, Honduran, and Salvadoran detainees, the high probability of a prompt release, coupled with the likelihood of low or no bond, is among the reasons they are coming to the United States. I have concluded that implementation of a "no bond" or "high bond" policy would significantly reduce the unlawful mass migration of Guatemalans, Hondurans, and Salvadoran.
10. The responsibilities of DHS include "[s]ecuring the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States...." 6 U.S.C. § 202(2) (codification of the Homeland Security Act of 2002). The DHS describes its core missions as, inter alia, "[p]revent[ing] terrorism and enhancing security" and secur[ing] and manag[ing] our borders." <http://www.dhs.gov/our-mission>. Security of the borders includes a focus on the goal of "[d]isrupt[ing] and dismantl[ing] transnational criminal and terrorist organizations." <http://www.dhs.gov/secure-and-manage-borders>.
11. Detention is especially crucial in instances of mass migration. Annual surveys of people in Central American countries show that one key factor that influences the decision whether to migrate is the existence of an "active migration network," i.e. friends or family who previously migrated and are living in the United States. See *Americas Barometer Insights: 2014, Violence and Migration in Central America*, Latin American Public Opinion Project, Vanderbilt University, No. 101 (2014) [hereinafter *Americas Barometer Insights*].¹ Illegal migrants to the United States who are released on a minimal bond become part of such active migration networks.
12. Allowing detainees to bond out would have indirect yet significant adverse national security consequences as it undermines the integrity of our borders. As stated, the current detainees already are motivated, inter alia, by the belief that they would receive release from detention. Validating this belief further encourages mass migration, which only

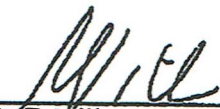
¹ The work of the Latin American Public Opinion Project (LAPOP) is made possible through partnership with U.S. Agency for International Development. See <http://www.vanderbilt.edu/lapop/sustaining-donors.php>. LAPOP describes itself as "the premier academic institution carrying out surveys of public opinion in the Americas, with over thirty years of experience." See <http://www.vanderbilt.edu/lapop/>.

increases the already tremendous strain on our law enforcement and national security agencies.

13. Significant resources have had to be diverted to the Southwest Border, not only to handle the additional caseload, but also as part of a strengthened effort to investigate, prosecute, and dismantle criminal smuggling organizations. Such a diversion of resources disrupts our ability to deal with other threats to public safety, including national security threats. Specifically, DHS, together with the Department of Justice, has added personnel and resources to the investigation, prosecution, and dismantling of the smuggling organizations that are facilitating border crossings into the Rio Grande Valley Sector. ICE is surging 60 additional criminal investigators and support personnel to San Antonio and Houston offices for this purpose. See *Written Testimony of DHS Secretary Jeh Johnson*, available at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>. Implementing a “no bond” or “high bond” policy would help ameliorate these disruptions.
14. Implementing a “no bond” or “high bond” policy would provide additional time to further screen the detainees and have a better chance of identifying any that present threats to our public safety and national security. In many instances illegal migrants arrive without any reliable identification documents, or present a fraudulent identity. In FY 2013 CBP encountered approximately 17,366 fraudulent documents at our Ports of Entry
15. Criminal enterprises and cartels are facilitating the networks of human smuggling and criminal activity along the Southwest Border. According to debriefings of Guatemalan, Honduran, and Salvadoran detainees, a majority of them paid funds to criminal elements, including the Zeta or Gulf cartels, to be smuggled across the Southwest Border. The average amount per alien paid was \$3,800. The money paid to these cartels is used to fund additional illicit and dangerous activities in the United States and Mexico. By deterring smuggling activities, ICE can prevent further funding of these illegal organizations known for their intricate trafficking networks and murders.
16. By reducing the current influx of nationals, including adults with children, from Guatemala, El Salvador, and Honduras, DHS and other law enforcement agencies will be able to cease redirecting resources away from other priorities, such as removing criminal aliens and other individuals who pose a danger to the community.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

August 7, 2014.
Date


Philip T. Miller
Assistant Director, ERO Field Operations
Department of Homeland Security
U.S. Immigration and Customs Enforcement

DECLARATION OF TRACI A. LEMBKE

I, Traci A. Lembke, hereby declare that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Traci A. Lembke. I am a member of the Senior Executive Service serving as the Assistant Director over Investigative Programs for Homeland Security Investigations (HSI), U.S. Immigration and Customs Enforcement (ICE), in Washington DC. I have held this position since September of 2013. My current work address is: 500 12th Street, SW, Washington, DC. I hold a B.A. degree from the University of Northern Colorado.
2. I began my federal law enforcement career in 1987 as a Special Agent with the former U.S. Customs Service (USCS) in Denver, Colorado. In 1991, I transferred to the USCS Office in Nogales, Arizona, where I investigated criminal organizations involved with illicit movement of narcotics, prohibited merchandise, firearms and currency into and out of the United States. In 1997, I was transferred to the Tucson, Arizona USCS Office of Internal Affairs (OIA), where I was promoted to the Resident Agent in Charge. In 2001, I was transferred by the USCS to Washington, DC, to join the Headquarters OIA staff, where I became the Director of the Internal Investigations Division.
3. In 2003, I was named the Unit Chief over Internal Investigations for the newly created ICE Office of Professional Responsibility (OPR). In 2006, I joined the Senior Executive Service and was promoted to Director for ICE OPR. In this capacity, I oversaw all criminal and administrative investigations involving employees of ICE, U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS).
4. In 2008, I was transferred to ICE's HSI, where I served as the Deputy Assistant Director (DAD) for the Investigative Services Division. I remained in this position until September 2013, when I was promoted to the Assistant Director for all of HSI's Investigative Programs.
5. My experience as a USCS and HSI Special Agent included planning, directing, managing and coordinating all aspects of complex criminal investigations, to include conducting surveillance, collecting/seizing evidence, interviewing witnesses and suspects, writing reports of investigation, and presenting my cases for federal criminal prosecution.
6. In my current position as the Assistant Director of HSI's Investigative Programs, I oversee, direct and coordinate over 100 investigative programs within four separate divisions, including the Transnational Crime and Public Safety Division. Within the Transnational Crime and Public Safety Division is the Human Smuggling and Trafficking Unit, which oversees programs designed to identify and disrupt criminal smuggling and trafficking organizations. This unit also assists with prioritizing these investigations according to the degree of risk posed to national security and public safety, and coordinating field office investigations to target human smuggling and trafficking organizations with the goal of eliminating their ability to function.

7. Congress has charged the Department of Homeland Security (DHS), ICE with securing the borders of the United States. Homeland Security Act of 2002, § 402(2), 116 Stat. 2135, 6 U.S.C. § 202(2) (2014). "Homeland security depends on security along our borders and at ports of entry. At our borders and ports of entry, we must deny entry to terrorists, drug traffickers, human traffickers, transnational criminal organizations, and other threats to national security and public safety while continuing to facilitate legal travel and trade." *Written Testimony of DHS Secretary Jeh Johnson for a Senate Committee on the Judiciary hearing titled "Oversight of the Department of Homeland Security"*, 113th Cong., 2d session (2014) available at <http://www.dhs.gov/news/2014/06/11/written-testimony-dhs-secretary-jeh-johnson-senate-committee-judiciary-hearing>.
8. ICE defines human smuggling as the "importation of people into the United States involving deliberate evasion of immigration laws." ICE Office of Investigations Memorandum, "Definitions of 'Human Smuggling' and 'Human Trafficking'" (Dec. 13, 2004). Human smuggling is traditionally motivated by a variety of reasons, including profit and family interest. The statutes governing this offense are contained within Title 8 U.S.C. Section 1324.
9. Although recent media reports emphasize the significant increases in unaccompanied children and family units encountered by immigration authorities along the Southwest border, the category of individual most frequently encountered illegally crossing the border is by far adults without children. *See Customs and Border Protection, Southwest Border Unaccompanied Alien Children, available at http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children* (reflecting that over 278,000 of the approximately 381,000 aliens CBP encountered in FY14 through June 2014 were neither unaccompanied children nor family units). In addition, the number of adults without children who illegally entered the United States increased from the last fiscal year. In FY13, CBP encountered approximately 278,000 adults without children at the Southwest border. In FY14 through June 2014, CBP already had encountered over 278,000 adults without children.
10. On May 12, 2014, Secretary Johnson declared a Level IV condition of readiness within DHS, a determination that CBP's and ICE's ability to deal with the situation was at full capacity and that drawing upon additional resources across all of DHS was needed. He appointed Ronald Vitiello, Deputy Chief of the U.S. Border Patrol, to coordinate this effort within DHS. *See Dangerous Passage: The Growing Problem of Unaccompanied Children Crossing the Border: Hearing Before the H. Comm. on Homeland Security*, 113th Cong., 2d session (2014) (testimony of Jeh Johnson, Secretary of DHS) available at <http://www.dhs.gov/news/2014/06/24/written-testimony-dhs-secretary-jeh-johnson-house-committee-homeland-security>.
11. As the lead U.S. government agency for the investigation of human smuggling, ICE HSI initiates over 2,500 human smuggling and trafficking investigations annually. These criminal investigations have disclosed that human smuggling organizations (HSO) operating primarily in foreign countries and utilizing international confederates unlawfully

move individuals across international borders, regardless of whether these individuals pose potential national security or public safety threats. HSI's human smuggling initiative is focused on identifying, disrupting and dismantling human smuggling and the criminal infrastructure that supports it, as well as associated criminal organizations. HSI is uniquely positioned, through its investigative capabilities, to affect this issue by disrupting the criminal organizations.

12. Human smuggling poses a serious threat to our nation's security. HSOs usually attempt to turn a quick and significant profit and continue moving undocumented aliens across our borders. In severe cases, HSOs hold their human cargo hostage and demand more money from family members as a means to extort higher fees. HSOs arrange for their human cargo to be taken to drop-houses often under unsafe conditions with no way to communicate with relatives or to notify authorities if there is an emergency. Some smuggled aliens have been beaten or raped. For example, in a federal prosecution last month in Texas, "the conspirators seized the smuggled aliens' clothes, shoes, phones and other possessions. The conspirators used guns, paddles, tasers and other equipment to control and prevent the illegal aliens from escaping the stash house. They guarded the aliens with guns displayed in plain view and threatened to kill them by shooting them in the back of the head if they tried to escape." See *3 Mexican Nationals Sentenced to More Than 9 Years in Federal for Their Roles Involving 115 Smuggled Aliens Discovered in Houston Stash House*, ICE News Release, Jul. 30, 2014, available at [http://www.ice.dhs.gov/newsroom/2014/07/30/3-mexican-national-sentenced-to-more-than-9-years-in-federal-for-their-roles-involving-115-smuggled-aliens-discovered-in-houston-stash-house](#).
13. HSOs often transport their human cargo — men, women and children — through desolate terrain, without food or water. They may also be placed into trucks or trailers without any ventilation. In Texas, 19 people, including a seven-year-old boy, died inside an airless trailer truck that was used to smuggle them from Mexico, El Salvador and Guatemala. See *Another Defendant Involved in May 2003 Smuggling Tragedy in Victoria, Texas, Sentenced to Prison*, USAO, SD TX Press Release, Nov. 9, 2009, available at <http://www.justice.gov/usao/txs/1News/Archives/Archived%20Releases/2009%20November/110909Flores.htm>.
14. Unauthorized mass migrations may be triggered by a multitude of factors, including violence in the country of origin. *Department of Homeland Security's 2014 Quadrennial Homeland Security Review*, p.26 (Jun. 18, 2014) (hereinafter DHS Quadrennial Review). Annual surveys of people in Central American countries show that one key factor that influences the decision whether to migrate is the existence of an "active migration network," i.e. friends or family who previously migrated and are living in the United States. See *Americas Barometer Insights: 2014, Violence and Migration in Central America*, Latin American Public Opinion Project, Vanderbilt University, No. 101 (2014) [hereinafter *Americas Barometer Insights*].¹

¹ The work of the Latin American Public Opinion Project (LAPOP) is made possible through partnership with U.S. Agency for International Development. See <http://www.vanderbilt.edu/lapop/sustaining-donors.php>. LAPOP describes itself as "the premier academic institution carrying out surveys of public opinion in the Americas, with over thirty years of experience." See <http://www.vanderbilt.edu/lapop/>.

15. "Violent extremists and criminals can hide within this larger flow of migrants who intend no harm." DHS Quadrennial Review, p.26. For example, a man wanted in El Salvador for kidnapping was arrested by CBP in October 2013 while illegally entering the United States near Penitas, TX, in the Rio Grande Valley. See ICE Deports Salvadoran Man Suspected of Kidnapping in His Home Country, ICE News Release, Apr. 9, 2014, available at <http://www.ice.gov/news/releases/1404/140409sanantonio.htm>.
16. Transnational criminal organizations are expanding in strength and scope and may often engage in human smuggling in conjunction with other criminal activities. See DHS Quadrennial Review, p.26. For example, on July 17, 2014, HSI Del Rio special agents arrested a previously convicted cocaine smuggler and the leader of an illegal immigrant smuggling organization known for smuggling more than 400 undocumented immigrants into the United States since January 2013. See Secretary Johnson Announces 192 Criminal Arrests in Ongoing ICE Operation to Crack Down on Human Smuggling to the Rio Grande Valley, ICE News Release, Jul. 30, 2014, available at <http://www.ice.gov/news/releases/1407/140730delrio.htm>.
17. Based on the DHS Immigration Statistics Yearbook for 2012, DHS apprehended individuals from over 160 different countries. On the Southwest border the majority have come from Mexico and Central America.
18. In many instances, illegal migrants arrive without any reliable identification documents or they present a fraudulent identity. In FY 2013 CBP encountered approximately 17,366 fraudulent documents at our Ports of Entry.
19. According to debriefings of detainees who have been part of the ongoing mass migration at the Southwest border, the high probability of a prompt release, coupled with the likelihood of low bond, is among the reasons they are coming to the United States. Illegal migrants to the United States who are released on a minimal bond become part of "active migration networks," see Americas Barometer Insights, which in turn likely encourages further illegal migration into the United States.
20. Combatting illegal migration and human smuggling requires significant HSI resources which necessarily must be diverted from other investigative priorities. Such a diversion of resources disrupts our ability to deal with other threats to public safety, including criminal activity related to illicit trade, travel and finance. Implementing a "no bond" or "high bond" policy would help alleviate these disruptions by deterring further mass migration.

I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Aug 7th 2014
Date

Traci A. Lembke

Traci A. Lembke
Assistant Director Investigative Programs
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
Department of Homeland Security

DECLARATION OF NESTOR RODRIGUEZ

I, Nestor Rodriguez, hereby declare as follows:

I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

I. Qualifications

1. I am currently a Professor in the Department of Sociology at The University of Texas at Austin in Austin, Texas. I have held this position since September 2008. My current office address is the following: The University of Texas at Austin, Department of Sociology, 305 E. 23rd Street, A1700, Austin, Texas, 78712-1086. I have a B.A. in Sociology and Political Science, and an M.A. and Ph.D. in Sociology. See Nestor Rodriguez faculty profile:

<http://www.utexas.edu/cola/depts/sociology/faculty/npr62>.

2. I have conducted research on Central American migration to the United States since the summer of 1985. I published the first-ever journal article on Central American immigration in the United States. The article, "Undocumented Central Americans in Houston: Diverse Populations," appeared in the peer-reviewed journal *International Migration Review*, volume 21, in 1987. I have published 89 research papers since completing my doctoral studies, of which 52 concern migration research and 21 concern Central American migration. I have a forthcoming coauthored book, *Guatemala-U.S. Migration: Transforming Regions*, which will be published by the University of Texas Press in January 2015. I have given congressional testimony before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs of the House of Representatives. Hearings on Consequences of U.S. Deportations of Immigrants to Latin American Countries. 110th Congress, first session, July 24, 2007 -

<http://archives.republicans.foreignaffairs.house.gov/110/36988.pdf>.

3. I am making this declaration to provide my considered opinions on the causes for the increased migration from Central America to the United States, including that of large numbers of women and children, and the effect or lack thereof of detaining migrants upon migration flows.

4. As a basis for this opinion, I rely upon over three decades of research and fieldwork in Central American countries, including El Salvador, Guatemala and Honduras, as well as interviews and studies of Central American migrant populations in the United States.

5. I have also reviewed two declarations submitted by Department of Homeland Security attorneys in bond proceedings for detained Central American women and children seeking asylum. The first declaration is by Philip T. Miller; the second, by Traci A. Lembke.

II. Opinions

6. Over three decades of research, I have amassed a large amount of data, insights and observations about the causes of Central American migration to the United States. Based on my years of research in Central America and studying Central American migration to the United States, it is my conclusion that increased violence in El Salvador, Guatemala and Honduras is the primary cause for the recent migration to the United States of large numbers of women and children from Central America. A substantially related factor causing the migration is the failure of local and national governments in Central America to offer sufficient protection to citizens. The region's population has experienced a fundamental loss of social trust in their governments' ability to protect them from violence or offer remedies to address the violence. As a result, many families have determined that flight from the region is necessary to seek safety.

7. These conclusions are based on my research and my experiences interviewing Central American immigrants in the United States as well as individuals in Central America. I began interviewing Central American immigrants in the United States regarding their migration

experiences in 1984 and made my first research trip to Guatemala in July 1988. I traveled to Guatemala for research almost annually between 1988 and 1998. In Guatemala, I interviewed residents regarding the conditions that caused town residents and nearby villagers to migrate to the United States, and regarding the ways migrants organized their migration.

8. In 1997, I began new research on Central Americans who had migrated to Texas. In 1998, this research was expanded to El Salvador when we hired Salvadoran interviewers to interview 159 deported migrants or their families in different regions of El Salvador. In 2002, I traveled to San Salvador, El Salvador to organize a random social survey of 300 deported Salvadoran migrants.

9. In the summers of 2010 and 2011, I returned to Guatemala to conduct research among 60 migrant families in the highland township of San Cristóbal Totonicapán. I studied changing social conditions in the highlands that affected Guatemalan migration to the United States. Also in 2010, I undertook new Central American migration research with another sociologist at The University of Texas, sending graduate students to El Salvador, Guatemala and Honduras, in addition to Mexico, to investigate the conditions faced by returning migrants, mostly deportees, to these countries.

10. Of particular relevance are my observations and conclusions based on my research conducted between 2002 and the present. My research shows dramatically increasing levels of gang violence and insecurity in Central America over this period. This violence is motivating forced migration to the United States because of its severity.

11. My research in El Salvador since 2002 has shown ever-increasing levels of youth gang violence in that country reported by community residents. Similarly, in my research trips to Guatemala in the summers of 2010 and 2011, I learned that criminal violence had emerged as a major danger.

12. Because of the rise in violence, the conditions that I encountered in the Guatemalan highlands in 2010 and 2011 were different from the conditions I had seen in my late 1980s and 1990s travel to the region. The forms of violence reported by residents in my research site of San Cristóbal Totonicapán included home invasions of domiciles owned by migrant families, threatening phone calls made by gang members to extort payments from migrant families that were thought to be receiving monthly remittances from the United States, kidnapping and killing of the daughter of a local hotel owner, a vicious attack and rape of a young women by transient youth in the nearby town of Momostenango, attacks of residents by assailants with knives demanding money, and the shooting of bus drivers, with at least one killed, for refusing to give a portion of their passenger fares to gangs. Also, in the highlands I learned of the killing of a political candidate by political rivals and the killing of a human rights worker by unknown assailants. It was clear to me that the changing social environment made residents extremely fearful for their safety.

13. The study I initiated with a colleague and graduate students in 2010, surveying migrants returning to El Salvador, Guatemala and Honduras, has not yet been completed. However, preliminary conversations with the field researcher in El Salvador indicate that violence is a principal driving factor in migration to the United States. When asked if high levels of violence against Central Americans on the Mexican passage would discourage the migration north, one Salvadoran respondent answered no, that violence was already an everyday lived reality in El Salvador. This response suggests that the dangers of remaining in the home country are motivating migration and that, in these circumstances, the risks relating to travel and reception in the United States become less significant considerations in making the migration decision.

14. My decades of research on Central American migration further allow me to conclude that rumors regarding lenient immigration detention policies in the United States are not a significant

factor motivating current Central American immigration to the United States.¹ Even if some very small percentage of Central Americans may be prompted to undertake migration as a result of information suggesting that they will be released from detention promptly after arrival in the United States, this small minority of migrants would be made up of individuals who are predisposed to migrate without authorization under any circumstances. These individuals would very likely undertake the journey at some point regardless of any policies on immigration detention in the United States.

15. My research observations in Central America indicate that the large majority of populations in Central America are not predisposed to emigrate. The 1,560,000 unauthorized migrants in the United States from El Salvador, Guatemala, and Honduras, estimated by the Department of Homeland Security, represent only 5.1 percent of the total populations of those countries. See http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011; http://www.prb.org/pdf14/2014-world-population-data-sheet_eng.pdf. Central Americans, like populations everywhere, except in closed totalitarian societies, have strong, inter-generational family and institutional attachments in their settings and are not predisposed to migrate *en masse* simply because they hear that someone bonded out, or was released, from detention. Given the predisposition of most Central Americans to remain in their home countries, the central factor that compels and motivates those residents is the danger of imminent violence, not the prospect of release from detention once in the United States.

¹ See Nestor Rodriguez, "Undocumented Central Americans in Houston: Diverse Populations," *International Migration Review*, Vol. 20, No. 4 (1987); Nestor Rodriguez, "Mexicans and Central Americans in the Present Wave of U.S. Immigration." in Jose Luis Falconi and Jose Antonio Mazzoti (eds.), *The Other Latinos: Central and South Americans in the United States* Cambridge, MA: Harvard University David Rockefeller Center for Latin American Studies, distributed by Harvard University Press (2007); Susanne Jonas and Nestor Rodriguez, *Guatemala—US Migration: Transforming Regions*, Austin: University of Texas Press, 2014.

16. Relatedly, based on what I have learned about the social organization of Central American migration in my research, it is very unlikely that the prompt release on bond, or without the requirement of bond, would stimulate a pattern of mass unauthorized migration of Salvadorans, Guatemalans, and Hondurans to the United States. Since its inception in the 1970s, Central American migration to the United States has demonstrated regularities of social organization based on transnational circulation of information among migrant families of what to expect during and after the migration process. As a result, potential migrants in Central America are very aware of the dangers involved in travelling to the United States as well as the economic and social costs. They do not risk unauthorized migration, unless forced to do so by factors such as extreme violence, and certainly would not emigrate simply because they heard that someone was detained and then released.

17. To conclude, based on my own research and my knowledge of the causes of migration from Central America, changes in the detention policy of asylum seeking women and children from Central America will have no effect on migration patterns.

III. Compensation

18. I am not being compensated for my services on behalf of the Plaintiffs in this case.

IV. Prior Testimony

19. I have not testified as an expert since December of 2010, four years prior to the date of this report.

20. I reserve the right to amend or supplement this report as appropriate upon receipt of additional information or documents.

21. I declare under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

December 12, 2014

Date

Nestor Rodriguez

Nestor Rodriguez

Professor

Department of Sociology

The University of Texas at Austin

Exhibit A (Attached): C.V. of Professor Nestor Rodriguez

CURRICULUM VITAE

NESTOR P. RODRIGUEZ

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EDUCATION

Ph.D., Sociology, 1984, The University of Texas at Austin, Austin, Texas
M.A., Sociology and Government, 1974, Texas A&I University, Kingsville,
Texas
B.A., Sociology and Government, 1973, Texas A&I University, Kingsville, Texas

HONORS AND AWARDS

Distinguished Career Award, Latino Section, American Sociological Association,
2013
Joseph S. Werlin Scholar of Latin American/Hispanic Studies in Sociology,
University of Houston, 2004-2006
Human Rights Award, presented by Coordinador 96 and the Houston Immigration
and Refugee Coalition, December 1996.
Distinguished Graduate Student Award, Texas A&I University, 1974
Summa Cum Laude Graduate, Texas A&I University, 1973
Governor's Public Service Internship Awardee, Austin, Texas, 1973

AREAS OF SPECIALIZATION

International Migration
Global Sociology
Historical/Comparative Sociology
Economic Sociology
Mexican American/Latin American Studies
Political Sociology
Race/Ethnic Relations
Urban Sociology

COURSES TAUGHT

Immigration in U.S. Society
International Migration
Introductory Sociology
Introductory Social Statistics
Introductory Social Research
Introduction to Sociological Theory
Introduction to Population Studies
Mexican American Subculture
Political Sociology
Racial and Ethnic Relations
Social Change
Globalization
Social Stratification
Sociology of Latin America
Urban Sociology

ACADEMIC EXPERIENCE:

Coordinator, The Mexican Center, Teresa Lozano Long Institute of Latin American Studies, The University of Texas at Austin, 2011-2013.

Professor, Department of Sociology, University of Texas at Austin, 2008-present.

Chair, Department of Sociology, University of Houston, 2003-2008.

Professor, Department of Sociology, University of Houston, 2004-2008.

Director, Center for Immigration Research, Colleges of Liberal Arts & Social Sciences, University of Houston, 1995-2007.

Associate Professor, Department of Sociology, University of Houston, 1991-2004.

Assistant Professor, Department of Sociology, University of Houston, 1984 to 1991.

Assistant Instructor, Department of Sociology, The University of Texas at Austin, 1982-1984.

Adjunct Instructor, Extension and Correspondence Studies, The University of Texas at Austin, 1980-1984.

Teaching Assistant, Department of Sociology, The University of Texas at Austin, 1979.

Adjunct Instructor, Department of Psychology/Sociology, Texas A&I University at Kingsville, 1978.

Instructor, Department of Psychology/Sociology, Texas A&I University at Kingsville, 1975-1976.

OTHER PROFESSIONAL EXPERIENCE

American Sociological Association. Elected Council Member, International Migration Section, 2012 – present.

Advisory Board. *Latino Studies Journal*. 2011 – present.

Advisory Board. Latina/o Sociology Book Series, New York University Press, 2013.

Advisory Board. *Latinidad* Book Series. Rutgers University Press, 2012 – present.

Advisory Board. *Travaux et Recherches dans les Amériques du Centre* (Centre d'Études Mexicaines et Centraméricaines, France/Mexico). 2012—present.

Member. Binational Group on Mexican Migration to the United States. Georgetown University-CIESAS Guadalajara. Mexico City/Washington, D.C. 2011-2013.

Research Consultant, African American-Latino Relations Project, Southern Educational Foundation, Atlanta, GA, 2006-2008.

Member, Advisory Committee, Mayor's Advisory Committee on Immigrant and Refugee Affairs, Houston, TX, 2001-2005

Member, Advisory Committee, Inter-racial, Inter-cultural Community Building, Democratic Renewal Institute, Claremont University, 1998-2001

Member, Planning Committee, Gulfton Area Neighborhood Organization for Immigrant Legal and Community Services, 1997-2000

Member, Advisory Committee on Criteria for Diversity, Texas Higher Education Coordinating Board, Austin, TX, 1996-1997.

Founding member, Houston Inter-Ethnic Forum Collaborative and Research, 1994-1997

Member, Inter-University Program for Latino Research Committee,

Social Science Research Council, 1993-1996

Member, Board of Directors, Tejano Center for Immigrant Legal Assistance,
Houston, TX, 1987-1989

RESEARCH FUNDERS AND GRANTS

Nestor Rodriguez. 2014. Research mentoring support, \$1,400. Inter-University Mentoring Program: University of Texas- Fatima Jinnah Women's University, Islamabad, Pakistan. Mentored graduate student on development of course curriculum on gender and migration for undergraduate instruction in Islamabad.

Nestor Rodriguez. 2011. Awarded \$10,000 by the Lozano Long Institute of Latin American Studies, The University of Texas at Austin. Seed money for a pilot study of impacts of U.S. deportations for migrant sending communities in Mexico and Honduras.

Nestor Rodriguez. 2011-2012. Awarded \$6,000. Foreign travel support funds awarded by the Lozano Long Institute of Latin American Studies, The University of Texas at Austin.

Nestor Rodriguez (with Rebecca Torres as Co-Principal Investigator). 2010-2013. Awarded \$208,650 by the National Science Foundation (NSF) for the three-year program Undergraduate Research Experience (REU) at the Population Research Center, The University of Texas at Austin.

Nestor Rodriguez. Awarded \$9,9088. 2010 US-Mexico Borderland/Indigenous Studies Research Award, given by UT-Austin College of Liberal Arts. Award for 2010-2011 research on the death patterns of unauthorized migrants at the U.S.-Mexico border.

Diversity Mentoring Grant. Applied for and was awarded a UT Austin Graduate School Diversity Mentoring Fellowship to support a minority graduate student in Sociology in the first year of enrollment. \$16,000+ of direct support for new graduate student for 2010-2011.

University of Houston. Awarded \$3,000 for exploratory research on unauthorized migration conditions at the Mexico-Guatemalan border, 2005.

Joseph S. Werlin Endowment, Latin American Scholar Award (University of Houston): \$6,000 for support on Latin American related research, 2004-2005.

Ford Foundation. Awarded \$3,500 for travel support to meet with migration researchers at Renmin University of China (People's University of China), Beijing, China, 2003.

Ford Foundation. Awarded \$170,000 for 2002-2004 for core support for Center for Immigration Research, University of Houston. Principal research focus: Effects of 1996 immigration law (IIRIRA) on communities in Texas, Mexico, and El Salvador; random survey in El Salvador of 300 Salvadoran deportees. Co-principal investigator: Jacqueline Hagan.

Ford Foundation. Awarded \$250,000 for 1998-2001 for core support for Center for Immigration Research, University of Houston. Principal research focus: effects of 1996 immigration law (IIRIRA) on local communities in Texas, and analysis of the death of unauthorized migrants at the U.S.-Mexico border. Co-principal investigator: Jacqueline Hagan.

Open Society. Awarded \$50,000 in 1998 to support center operations and projects of the Center for Immigration Research. The projects include settlement patterns of new Asian immigrants in the Houston area. Co-principal investigator: Jacqueline Hagan.

Carnegie Endowment for International Peace/Migration Policy Institute grant: Awarded \$20,000 for a field study of transborder community relations in the Laredo/Nuevo Laredo and El Paso/Juarez areas as part of a study along five international borders, 1997-2000.

Ford Foundation: "Impacts of Recent Immigration and Welfare Legislation in Texas and Mexican Communities." Awarded \$75,000 for a 1997-1998 study of how 1996 immigration and welfare laws affects low-income and immigrant communities in six Texas localities, and in adjacent Mexican border communities. Co-principal investigator: Jacqueline Hagan.

Hogg Foundation for Mental Health grant: "Family Separation, Mental Health, and International Migration." Awarded \$42,000 for a study of mental health conditions (anxiety, depression, stress) among immigrants separated from families by U.S. immigration laws restricting travel between the United States and communities of origin. The research sites are Houston, Austin, and San Antonio. Co-Principal Investigator: Antonio Ugalde.

University of Texas at Austin collaborative grant. "Small Business Activity, Migration, and Urban Poverty: The U.S.-Mexico Transborder Region." Collaborative grant in 1996 for \$10,000 from UT Austin (Bryan Roberts and Frank Bean) to investigate transnational economic linkages between immigrant households in Houston and communities of origin in Monterrey, Mexico. Jacqueline Hagan was a co-principal investigator in the Houston site.

Loyola University/HUD grant. "Creating and Sustaining Stable Diverse Urban Neighborhoods in the United States." Awarded \$7,000 for a 1995 study of intergroup relations in a mixed Houston neighborhood as part of a HUD-funded national study of relations in mixed neighborhoods.

American Friends Service Committee (AFSC) grant. "Migrant Death at the Texas-Mexican Border." Awarded \$14,000 by AFSC for a 1995 field study to estimate the number of deaths among undocumented migrants who attempt to cross into Texas from Mexico. Jacqueline Hagan was a co-principal investigator.

Ford Foundation grant. "Inter-Ethnic Forum of Houston (IEF)." Given \$150,000 by the Ford Foundation in three grants during 1994-1996 for the formation of a research and community organization to study intergroup relational patterns in Houston and promote positive intergroup relations. Grant proposals were co-written with IEF staff.

Urban Institute contract: "Latino Settlement Patterns in Houston." Given \$5,000 for a research paper on new Latino settlement zones in the Houston area. 1992.

Tomas Rivera Center grant: "Houston Evaluation of Hispanic Priorities." Given \$500,000 by the Ford Foundation, The Houston Endowment, and the Andrew Mellon Foundation to conduct a two-year study (1991-1993) of Anglo, African American and Hispanic-community needs and priorities in the Houston area. Professor Ricardo Romo (UT-Austin) was a co-principal investigator.

Institute on Multiculturalism and International Labor, SUNY Binghamton, contract: awarded \$8,000 for a study of labor market incorporation of undocumented Latin American migrant workers in Houston, 1991-1992.

University of Houston Institute for Higher Education, Law and Governance/UH Center for Public Policy funding: "Undocumented Students and Higher Education in Houston." Given \$15,200 for a study (June-December, 1991) of problems that undocumented immigrant students face when seeking admission to institutions of higher education in the Houston area.

University of Texas grant: "Political Ethnography in Houston: Electoral Mobilization in the Barrio of Magnolia." Awarded \$25,636 for a one-semester study (fall 1990) of electoral activities and political participation in a Latino district in Houston. The study was part of an ethnographic project at the University of Texas at Austin focusing on Latino electoral behavior in several U.S. cities.

Hogg Foundation grant: "Unaccompanied and Undocumented: A Mental-Health Study of Accompanied Central American Immigrant Children." Awarded \$25,720 for an eight-month (January-August, 1990) study of Central American children apprehended by the INS at the Texas-Mexico border. The study (1)

sampled 500 child detainee files to develop a socio-demographic profile of the apprehended children and (2) interviewed 133 youth to examine for the presence of Post-Traumatic Stress Disorder. Co-principal investigators were Ximena Urrutia-Rojas and Robert Roberts.

Bureau of the Census grant: "An Ethnographic Evaluation of Census Undercount in Houston." Awarded \$15,173 to investigate the extent and causes of census undercount among 132 immigrant households in Houston. Project started on June 1, 1990 and ended in spring 1991. Co-principal investigator: Jacqueline Hagan.

Field study in San Cristobal Totonicapan, a Guatemalan sending community of Mayan immigrant workers to the United States. Conducted family interviews and observations of highland Mayan residents and return migrants in the summers from 1988 to 1998.

Ford Foundation grant: "Changing Relations Between New Immigrants and Established Residents in the U.S.: Houston." Awarded \$150,000 for a two-year (1988-1989) field study of evolving relations between established residents (Anglos, African Americans, and Mexican Americans) and new immigrants (Mexican and Central Americans) in Houston. Awarded LGIA grant (\$800) by University of Houston to transcribe project interviews. Awarded an additional \$3,500 by the Changing Relations Project to organize a conference to disseminate findings of the Changing Relations Project.

Research Fellow, Institute for Latin American Studies, The University of Texas at Austin, 1987-1988. Member of the Central American Research Group.

Field study of undocumented Central American migrants in Houston, 1985-1987. The project has interviewed 260 migrants and is investigating several aspects of the migrants' community conditions. Awarded LGIA grant (\$800) by the University of Houston to pay for interview transcriptions.

Inter-University Program for Latino Research (IUP)/Social Science Research Council grant: "Hispanic Housing in the United States: Research for Public Policy." Awarded \$70,429 for a study of Hispanic rental housing conditions in the United States. The 1986-1987 research involved constructing a database of national housing data, a telephone survey of Houston renters, and fieldwork among Hispanic immigrant renters in Houston. The co-principal investigator was John I. Gilderbloom.

Awarded Research Initiation Grant (\$5,000) by the University of Houston for an exploratory study of undocumented Central Americans in Houston, June-August, 1985.

Dissertation: Labor Migration and the Development of the Capitalist World-System: A Theoretical and Socio-Historical Analysis of Selected Labor

Migration Patterns in the Dutch, British, and U. S. Periods of Hegemony.
Supervised by Professor Joe R. Feagin.

Field study coordinator and interviewer. "Work and Community Absorption of Undocumented Mexican Workers in Austin and San Antonio." Professor Harley L. Browning, Principal Investigator. Population Research Center, University of Texas at Austin, 1980-1983.

Field study coordinator and interviewer. "San Antonio Undocumented Mexican Labor Study." Professor Harley L. Browning, Principal Investigator. Population Research Center, The University of Texas at Austin, June-December, 1978.

Research Assistant, Department of Sociology, University of Texas at Austin, Summer, 1977. Helped to catalog Latin America censuses.

PROFESSIONAL MEMBERSHIP

American Sociological Association
Latin American Studies Association
Southern Demographic Association

PUBLICATIONS

Under Review:

Leal, David, and Nestor Rodriguez (eds.). *Migration in and Era of Restriction*. Springer Press.

Forthcoming:

Jacqueline Hagan, David Leal, and Nestor Rodriguez. "Deporting Social Capital: The Removal of Salvadoran Migrants from the United States." *Migration Studies*, forthcoming.

Susanne Jonas and Nestor Rodriguez. 2014. *Guatemala—US Migration: Transforming Regions*. Austin: University of Texas Press. In Press.

Saenz, Rogelio, David Embrick, and Nestor Rodriguez (eds.). *International Demography of Race and Ethnicity*. Springer Press. In Press.

In Print:

Berger Cardoso, Jodi, Erin Hamilton, Nestor Rodriguez, Karl Eschbach, and Jacqueline Hagan. "Deporting Fathers: Intent to Re-Migrate among Salvadoran Deportees." *International Migration Review*. Initial online publication: July 3, 2014.

Wheatley, Christine, and Nestor Rodriguez. 2014. 'With the Stroke of a Bureaucrat's Pen: American State "Reforms" to Manage its Undocumented Population, 1920-2012.' Pages 157-178 in Lois Lorentzen (ed.), *Hidden Lives and Human Rights in America: Understanding the Controversies and Tragedies of Undocumented Immigration*. Westport, CT: Praeger.

Nestor Rodriguez and Cristian Paredes. 2014. "Coercive Immigration Enforcement and Bureaucratic Ideology." Pages 63-83 in Cecilia Menjivar and Dan Kanstroom (eds.), *Constructing Immigrant "Illegality: Critiques, Experiences, and Responses*. Cambridge University Press.

Nestor Rodriguez. 2013. "Immigration Reform." *Contexts* 12 (2).
<http://contexts.org/articles/issues/spring-2013/>

Nestor Rodriguez. 2012. "Urban Redevelopment and Mexican American Barrios in the Socio-Spatial Order." Pp. 87-110 in *Barrio Urban Policy*, edited by David Diaz and Rodolfo Torres. New York: New York University Press.

Nestor Rodriguez. 2012. "New Southern Neighbors: Latino Immigration and Prospects for Intergroup Relations between African Americans and Latinos in the South." *Latino Studies* 10, No. 1-2 (Spring/Summer): 18-40.

Nestor Rodriguez. 2012. "Questions de droits humains et d'éthique sur une stratégie états-unienne." *Hommes & Migration*, No. 1296 (Mars-Avril): 54-63.

Jacqueline Hagan, Nestor Rodriguez, and Brianna Castro. 2011. "Social Effects of Mass Deportations by the United States Government: 2000-2010." *Ethnic and Racial Studies*, Vol. 34, No. 8 (August): 1374-1391.

Sarah Blanchard, Erin R. Hamilton, Nestor Rodríguez, and Hirotoshi Yoshioka. 2011. "Shifting Trends in Central American Migration: A Demographic Examination of Increasing Honduran-U.S. Immigration and Deportation." *The Latin Americanist* 55, No. 4 (December): 61-84.

Nestor Rodriguez and Tatcho Mindiola. 2011. "African Americans and Latinos in Houston: Intergroup Perceptions and Relations." In *Just Neighbors?: Research on African American and Latino Relations in the U.S.* Edited by Edward Telles, Gaspar Rivera-Salgado and Sylvia Zamora. New York: Russell Sage Foundation.

Arbona, Consuelo, Norma Olvera, Nestor Rodriguez, Jacqueline Hagan, Adriana Linares, and Margit Wiesner. 2010. "Predictors of Acculturative Stress among Documented and Undocumented Latino Immigrants." *Hispanic Journal of Behavioral Sciences*, vol. 32, no. 2, 362-384.

Jacqueline Hagan, Brianna Castro, and Nestor Rodriguez. 2010. "The Effects of Deportation on Families and Communities: Cross Border Perspectives." *North Carolina Law Review*. Vol. 88, No. 1 (June): 1799-1824.

Nestor Rodriguez and Cecilia Menjivar. 2009. "Central American Immigration in the "Post"- Civil Rights Era. In Jose Cobas, Jorge Duany, and Joe Feagin (eds.). *U.S. Racialization of Latinas/os: At Home and Abroad*. Kent, WA: Paradigm Press.

Nestor Rodriguez. 2008. "Manifest Functions." Pp. 552-553 in Vincent N. Parrillo (ed.), *Encyclopedia of Social Problems*, Volume 2. Thousand Oaks, CA: Sage Publications.

Nestor Rodriguez. 2008. "Latent Functions." Page 538 in Vincent N. Parrillo (ed.), *Encyclopedia of Social Problems*, Volume 2. Thousand Oaks, CA: Sage Publications.

Hagan, Jacqueline, Karl Eschbach, and Nestor Rodriguez. 2008. "U.S. Deportation Policy, Family Separation, and Circular Migration." *International Migration Review*, vol. 42, no. 1 (Spring): 64-88.

Nestor Rodriguez. 2008. "Theoretical and Methodological Issues of Latina/o Research." Pp. 3-15 in David Havidan, Rogelio Saenz and Cecilia Menjivar (eds.), *Latinas/os In the United States: A Research Source Book*. Berkeley: Springer Press.

Nestor Rodriguez. 2008. "Los Mexico Americanos: Quiénes Somos Y Quiénes Seremos." Pp. 63-70 in Victor Zúñiga (ed.), *Identidad y Diversidad*. Monterrey, Nuevo León: Fondo Editorial de Nuevo León.

Nestor Rodriguez. 2007. "Mexican and Central Americans in the Present Wave of U.S. Immigration." Pp. 81-100 in Jose Luis Falconi and Jose Antonio Mazzoti (eds.), *The Other Latinos: Central and South Americans in the United States*. Cambridge, MA: Harvard University David Rockefeller Center for Latin American Studies, distributed by Harvard University Press.

Philips, Scott, Jacqueline Hagan and Nestor Rodriguez. 2006. "Brutal Borders? Examining the Treatment of Deportees During Arrest and Detention." *Social Forces*, vol. 85, no. 1 (September):93-109.

Cecilia Menjivar and Nestor Rodriguez (eds.). 2005. *When the State Kills: Latin America, the U.S. and Technologies of Terror*. Austin: University of Texas Press.

Cecilia Menjivar and Nestor Rodriguez. 2005. "State Terror in the U.S.-Latin American Interstate Regime." Pp. 3-27 in Cecilia Menjivar and Nestor Rodriguez

(eds.), *When the State Kills: Latin America, the U.S. and Technologies of Terror*. Austin: University of Texas Press.

Cecilia Menjivar and Nestor Rodriguez. 2005. "New Responses to State Terror." Pp. 335-346 in Cecilia Menjivar and Nestor Rodriguez (eds.), *When the State Kills: Latin America, the U.S. and Technologies of Terror*. Austin: University of Texas Press.

Nestor Rodriguez and Jacqueline Hagan. 2004. "Fractured Families and Communities: Effects of Immigration Reform in Texas, Mexico, and El Salvador." *Latino Studies*, vol. 2, no. 3 (December): 328-351.

Nestor Rodriguez. 2004. "'Workers Wanted': Employer Recruitment of Immigrant Workers." *Journal of Work & Occupation*, vol. 31, no. 4 (November): 453-473.

Randy Capps, Jacqueline Hagan and Nestor Rodriguez. 2004. "Border Residents Manage the Immigration and Welfare Reforms." Pp. 229-249 in Philip Kretsedemas and Ana Aparicio (eds.), *Immigrants, Welfare Reform, and the Poverty of Policy*. Westport, Connecticut: Praeger Publishers.

Karl Eschbach, Jacqueline Hagan, and Nestor Rodriguez. 2003. "Deaths during Undocumented Migration: Policy Implications in the New Era of Homeland Security," in *In Defense of the Alien*, 26:37-52.

Scott Phillips, Nestor Rodriguez, Jacqueline Hagan. 2003. "Brutality at the Border?: Use of Force in the Arrest of Immigrants in the United States" *International Journal of Sociology of Law*, vol. 30, (2003): 285-306.

Jacqueline Hagan, Nestor Rodriguez, Randy Capps, and Nika Kabiri. 2003. "Effects of Immigration Reform on Immigrants' Access to Health Care." *International Migration Review*, vol. 37, no. 2 (Summer):444-463.

Tatcho Mindiola, Yolanda Niemann, and Nestor Rodriguez. 2002. *Black/Brown Relations and Stereotypes*. Austin: University of Texas Press.

Jacqueline Hagan and Nestor Rodriguez. 2002. "Resurrecting Exclusion: The Effects of 1996 Immigration Reform on Families and Communities in Texas, Mexico and El Salvador." Pp. 190-201 in Marcelo Suarez-Orozco and Mariela Paez (eds.) *Latinos: Remaking America*. Los Angeles, CA: University of California Press.

Jacqueline Hagan and Nestor Rodriguez. 2001. "Resurrecting Exclusion: The Impact of Legislative Reform in Texas and Mexico." *Research Perspectives on Migration*, vol. 3, no. 1: 15, 18-19.

Nestor Rodriguez and Jacqueline Hagan. 2001. "Transborder Community Relations at the U.S.-Mexico Border." In Demetrios Papademetriou and Deborah Meyers (eds.), *Caught in the Middle: Cross Border Communities in an Era of Globalization*. Washington, D.C.: Carnegie Endowment.

Nestor Rodriguez. 2001. "National Identity Outside the Nation-State: Notes from Japanese Immigrant Experiences." *Annual Review of Migration Studies*. Vol. 7: 69-84. (Japanese Association of Migration Studies)

Nestor Rodriguez and Jacqueline Hagan. 2000. "Maya Urban Villagers in Houston: The Formation of a Migrant Community from San Cristobál Totonicapán." In James Loucky and Marilyn Moors (eds.), *The Maya Diaspora: Guatemalan Roots, New American Lives*. Philadelphia: Temple University Press.

Rosa Davila and Nestor Rodriguez. 2000. "Successes and Challenges of Relations between African Americans and Latinos in the United States at the End of the Twentieth Century." Pp. 36-48 in Lynn Huntly (ed.), *Beyond Racism: Embracing an Interdependent Future*. Atlanta: Southern Education Foundation.

Nestor Rodriguez. 2000. "Hispanic and Asian Immigration Waves in Houston." In Helen Rose Ebaugh and Janet Saltzman Chafetz (eds.), *Religion and the New Immigrants: Continuities and Adaptations in Immigrant Congregations*. Walnut Creek, CA: Rowman and Littlefield.

Alejandra Rincon, Susanne Jonas, and Nestor Rodriguez. 1999. "La migración guatemalteca en los EE.UU., 1980-1996. Pp. 7-32 in Juan Alberto Fuentes K. (coordinator), *Población y Migración en el Area Rural*. Guatemala: Sistema de Naciones Unidas.

Nestor Rodriguez. 1999. "Black and Latino Relations at the End of the Twentieth Century." Pp. 423-432 in Charles Hirschman, Philip Kasinitz and Josh Dewind (eds.), *The Handbook of International Migration: The American Experience*. New York: Russell Sage.

Nestor Rodriguez. 1999. "Globalization, Autonomy, and Transnational Migration: Impacts on U. S. Intergroup Relations." *Research in Politics and Society*, vol. 6: 65-84.

Karl Eschbach, Jacqueline Hagan, Nestor Rodriguez, Ruben Hernandez Leon, and Stanley Bailey. 1999. "Death at the Border." *International Migration Review*, vol. 33 no. 3 (Summer): 430-454.

Nestor Rodriguez and Jacqueline Hagan. 1999. "Central Americans in the United States." Pp. 278-296 in A. Gary Dworkin and Rosalind Dworkin (eds.), *The Minority Report: An Introduction to Racial, Ethnic, and Gender Relations*, 3rd ed. Dallas, TX: Harcourt Brace Javanovich.

Karl Eschbach, Jacqueline Hagan, Nestor Rodriguez, and Anna Zakos. 1998. "The Houston Heights: Co-existing Communities?" *Cityscapes: A Journal of Policy Development and Research*, vol. 4, no. 2: 245-259.

Nestor Rodriguez. 1997. "Inmigración Latina y Acceso a Servicios de Salud en el Area Metropolitana de Houston." Pp. 125-128 in Olga Solas and Antonio Ugalde (eds.), *Inmigración, Salud y Politicas Sociales*. Granada, España: Andalusá School of Public Health and The European Commission.

Ximena Urrutia-Rojas and Nestor Rodriguez. 1997. "Unaccompanied Migrant Children from Central America: Sociodemographic Characteristics and Experiences with Potentially Traumatic Events." Pp. 151-166 in Antonio Ugalde and Gilberto Cardenas (eds.), *Health and Social Services among International Labor Migrants: A Comparative Perspective*. Austin: Center for Mexican American Studies, University of Texas Press.

Nestor Rodriguez. 1997. "The Social Construction of the U.S.-Mexico Border." Pp. 223-243 in Juan F. Perea (ed.), *Immigrants Out!: The New Nativism and the Anti-Immigrant Impulse in the United States*. New York: New York University Press.

Updated and reprinted:

Nestor Rodriguez, 2006, "Die soziale Konstruktion der US-mexikanischen Grenze," in Monika Eig Müller und Gorg Vobruba (Hrsg.), *Grenz-Soziologie: Die politische Strukturierung des Raumes*, Wiesbaden: VS Verlag.

Janis Hutchinson, Nestor Rodriguez, and Jacqueline Hagan. 1996. "Community Life: African Americans and Multiethnic Residential Areas." *Journal of Black Studies*, vol. 27, no. 2: 201-223 .

Nestor Rodriguez. 1996. "The Battle for the Border: Notes on Autonomous Migration, Transnational Communities and the State." *Social Justice*, vol. 23, no. 3: 21-37.

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Stanley Bailey, Karl Eschbach, Jacqueline Hagan, and Nestor Rodriguez. 1996. "The Human Costs of Border Enforcement: Migrant Deaths at the Texas-Mexico Border." *Migration World*, vol. 24, no. 4: 16-20.

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Nestor P. Rodriguez. 1995. "The Real 'New World Order.'" Pp. 211-225 in Michael Peter Smith and Joe R. Feagin (eds.). *The Bubbling Cauldron: Race, Ethnicity and the Urban Crisis*. Minneapolis: University of Minnesota Press.

Nestor Rodriguez. "Lessons on Survival from Central America." *Forum for Applied Research and Public Policy*, vol. 10, no. 3 (Fall 1995):90-93.

Nestor Rodriguez, Noelia Elizondo, David Mena, Frank Yeverino, Adolfo Vasquez and Ricardo Rojas. 1994. "Political Mobilization in Magnolia." Rodolfo de la Garza, Louise DeSipio and Marta Manchaca (eds.), *Barrio Ballots: Latino Politics in the 1990 Election*. Boulder, CO: Westview Press.

Nestor P. Rodriguez. 1993. "Economic Restructuring and Latino Growth in Houston." Pp. 101-127 in Joan Moore and Raquel Pinderhughes (eds.), *In The Barrios: Latinos and the Underclass Debate*. New York: Russell Sage.

Nestor P. Rodriguez and Jacqueline Hagan. 1992. "Apartment Restructuring and Immigrant Tenant Struggles: A Case Study of Human Agency." *Comparative Urban and Community Research*, vol. 4:164-180.

Jacqueline Hagan and Nestor Rodriguez. 1992. "Recent Economic Restructuring and Evolving Intergroup Relations in Houston." Pp. 145-171 in Louise Lamphere (ed.), *Structuring Diversity: Ethnographic Perspectives on New Immigrants in Six American Cities*. Chicago: University of Chicago Press.

Nestor P. Rodriguez and Ximena Urrutia-Rojas. 1990. "Impact of Recent Refugee Migration to Texas: A Comparison of Southeast Asian and Central American Newcomers." Pp. 263-278 in Wayne H. Holtzman and Thomas H. Bornemann (eds.), *Mental Health of Immigrants and Refugees*, Austin, TX: Hogg Foundation.

Rodolfo De La Garza, Nestor Rodriguez, and Harry Pachon. 1990. "The Domestic and Foreign Policy Consequences of Mexican and Central American Immigration: Mexican American Perspectives." Pp. 135-147 in George Vernez (ed.), *Immigration and Foreign Relations*. Washington, D.C.: The RAND Corporation.

Beth Ann Sheldon, Nestor P. Rodriguez, Joe R. Feagin, Robert D. Bullard and Robert D. Thomas. 1989. *Houston: A Study of Growth and Decline in a Sunbelt Boomtown*. Philadelphia: Temple University Press.

Joe R. Feagin, John Gilderbloom and Nestor Rodriguez. 1989. "The Houston Experience: Private-Public Partnership." Pp. 240-259 in Gregory Squires (ed.), *Unequal Partnerships: The Political Economy of Urban Redevelopment in Postwar America*. New Brunswick: Rutgers University Press.

Nestor Rodriguez and Jacqueline Hagan. 1989. "Undocumented Central American Migration to Houston in the 1980s." *Journal of La Raza Studies*, vol. 2, no. 1 (Summer/Fall)1-3.

Nestor P. Rodriguez. 1989. "Houston's Hispanic Growth," Pp. 48-52 in Dorothy F. Caram, Anthony Gary Dworkin, and Nestor Rodriguez (eds.), *Hispanics in Houston and Harris County: 1519-1986*. Houston: Houston Hispanic Forum.

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Nestor P. Rodriguez. 1988. "Participant Observation in the Undocumented Community." Pp. 38-39 in Beth B. Hess, Elizabeth W. Markson, and Peter J. Stein, *Sociology*. 3rd edition. New York: MacMillan.

Nestor Rodriguez. 1987. "Undocumented Central Americans in Houston: Diverse Populations." *International Migration Review*, vol. 21(Spring):4-25.

Nestor Rodriguez and Joe R. Feagin. 1986. "Urban Specialization in the World-System: An analysis of Historical Cases." *Urban Affairs Quarterly*, 22(December): 187-220.

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Nestor Rodriguez and Rogelio T. Nunez. 1986. "An Exploration of Factors that Contribute to Differentiation Between Chicanos and Indocumentados." Pp. 138-156 in *Mexican Immigrants and Mexican Americans: An Evolving Relation*. Edited by Harley L. Browning and Rodolfo de la Garza. Center for Mexican American Studies/University of Texas Press.

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Book Reviews:

Beyond Methodological Nationalism: Research Methodologies for Cross-Border Studies, edited by Anna Amelina, Devrimsel D. Nergiz, Thomas Faist, and Nina Glick Schiller. Review in *Contemporary Sociology*, 43 (1): 63-65, 2014.

The Xaripu Community Across Borders: Labor Migration, Community, and Family, by Manuel Barajas. Review in *Social Forces* 89, No. 2, December, 2010.

Generations of Exclusion: Mexican Americans, Assimilation, and Race, by Edward Telles and Vilma Ortiz. Review in *Journal of American Ethnic History*, fall 2009.

Latin American Social Movements: Globalization, Democratization, and Transnational Networks, edited by Hank Johnston and Paul Almeida. In *Contemporary Sociology*, Vol. 37, No. 5, September, 2008.

A Century of Chicano History: Empire, Nations, and Migration, by Gilbert G. Gonzalez and Raul Fernandez. In *International Migration Review*, vol. 39, no. 2, Summer, 2005.

Remaking the American Mainstream: Assimilation and Contemporary Immigration, by Richard Alba and Victor Nee. In *City and Community*, vol. 3, issue 4, December 2004.

Ellis Island to JFK: New York's Two Great Waves of Immigration, by Nancy Foner, in *American Journal of Sociology*, vol. 107, no. 1, July 2001.

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Arab and Jewish Immigrants in Latin America, by Ignacio Klich and Jeffrey Lesser (eds.). In *Patterns of Prejudice*, vol. 34, no. 3.

The Terror of the Machine: Technology, Work, Gender, & Ecology on the U.S.-Mexico Border, by Devon G. Peña. In *International Migration Review*.

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Inside Babylon: The Caribbean Diaspora in Britain, by Winston James and Clive Harris. In *Contemporary Sociology*, 24(1995):321-322.

Hispanics in the Labor Force: Issues and Policies, by Edwin Melendez, Clara Rodriguez, and Janis Barry Figueroa. In *Contemporary Sociology*, 22(July 1993), 540-542.

Ethnicity at Work: Divided Labor on a Central American Banana Plantation, by Philippe I. Bourgois. In *American Journal of Sociology*, 97(July, 1991):235-237.

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Dancing on a Volcano: The Latin American Drug Trade, by Scott B. MacDonald. In *Contemporary Sociology*, 18(November, 1989):929.

Puerto Rican Poverty and Migration, by Julio Morales. In *Contemporary Sociology*, 17(November, 1988):789-790.

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Birds of Passage: migrant labor and industrial societies, by Michael J. Piore. In *Contemporary Sociology* 10(March, 1981):298-299.

WORKS IN PROGRESS

Bryan Roberts and Nestor Rodriguez. Return Migration: Mexican and Central American Perspectives. Collecting chapters from field researchers for edited volume.

The World that Migrant Labor Made: Migration and the Rise of the World Economy. I am presently organizing my next book project.

CONGRESSIONAL TESTIMONY

Nestor Rodriguez. Testimony presented before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs. House of Representatives, Hearings on Consequences of U.S. Deportations of Immigrants to Latin American Countries. 110th Congress, first session, July 24, 2007.

Nestor Rodriguez. Testimony presented before the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs. House of Representatives, Hearings on Rehabilitation of Allen Parkway Village, Houston, Texas. 103rd Congress, first session. December 14, 1993.

PAPERS PRESENTED AND CONFERENCE ACTIVITIES

Nestor Rodriguez. "Unaccompanied Migration of Central American Youth to the United States: Recent Patterns." Presentation made at conference, "Central American Young Migrants and the Border Crisis: Causes and Responses." The University of Texas at San Antonio, August 26, 2014.

Nestor Rodriguez. Session Organizer, "Section on International Migration Paper Session: International Migration and Development." Annual Meeting of the American Sociological Association, August 16-19, San Francisco, California.

Nestor Rodriguez and Susanne Jonas. 2014. "A Phase-Specific Analysis of Guatemalan Migration to the United States." Paper presented at the "Migration and the State," Roundtable, Annual Meeting of the American Sociological Association, August 16-19, San Francisco, California.

Nestor Rodriguez. 2014. Presider. "Migration & Identity across the Americas." Paper panel, Institute of Latin American Studies Student Association (ILASSA) Conference, February 27—March 1, 2014, The University of Texas at Austin.

Nestor Rodriguez, David Leal, and Jacqueline Hagan. 2013. "Deportation Impacts on Community Social Capital." Paper presented the Annual Meeting of the American Sociological Association, New York City, NY. August 10-13.

Paris Pombo, Maria Dolores, and Nestor Rodriguez. 2013. "New Dangers and Risks for Deported Migrants in Deportation Environments." Paper presented at the Annual Meeting of the Latin American Studies Association, Washington, DC, May 29 – June 1.

Nestor Rodriguez. 2013. "Trends in Latino Studies." Workshop panelist at the Annual Meeting of the Latin American Studies Association, Washington, DC, May 29 – June 1.

Nestor Rodriguez. 2013. "Teaching about Race from the Perspective of Immigration Policy." Teaching Race in the Classroom Symposium, Kinder Institute for Urban Research, Rice University, April 5.

Nestor Rodriguez. 2013. "Comments on Marcela Turati's *Fuego Cruzado: Las victimas atrapadas en la guerra del narco* [*Cross Fire: The victims trapped in the narco war*]." Forum on the new Latin American Journalism: Dialogue between Academics and Journalists. Lozano Long Institute of Latin American Studies, The University of Texas at Austin, February 28.

Nestor Rodriguez. 2012. Chair, Student Panel 1, annual conference of the Southern Demographic Association, Williamsburg, Virginia, October 10-12.

Néstor Rodríguez. 2012. "Ambiente de miedo en contextos de control de inmigración." ("Environment of Fear in Contexts of Immigration Control") Presentation at El Colegio de la Frontera (COLEF) Norte, Commemorative Seminar of the 30th Anniversary of COLEF, August 23-24. Tijuana, Mexico.

Nestor Rodriguez and Cristian Paredes. 2012. "Coercive Bureaucracies, Ideology, and Immigration Control." Paper presented at the meetings of the American Sociological Association, August 17-20, Denver.

Nestor Rodriguez. 2012. "Migration in an Era of Restriction." Paper presented at the meetings of the Latin American Studies Association, May 23-26, San Francisco.

Nestor Rodriguez. 2012. "Issues and Trends in Latino/Latina Studies Today." Roundtable panelist, meetings of the Latin American Studies Association, May 23-26, San Francisco.

Nestor Rodriguez. 2011. "The Future of Central America: Challenges and Opportunities of Migration and Remittances." Brookings Institution. Panelist. September 29. Washington, D.C.

Nestor Rodriguez. 2011. "Border Control: Ethical and Human Rights Issues of a U.S. Enforcement Policy." Paper presented at conference Le Mexique dans les Migrations Internationales, Mises en Perspective Méditerranéennes. Marseilles, France, October 17-19.

Nestor Rodriguez. 2010. Poster Judge at 2010 International Conference Aging in the Americas, Austin, Texas, September 15-17.

Nestor Rodriguez . 2010. "Honduran Migration to the United States: An Overlooked Source of Central American Immigration," co-authored with Sarah Blanchard, Erin Hamilton, and Hirotooshi Yoshioka. Paper presented at the annual meetings of the American Sociological Association, Atlanta, Georgia, August 14-17.

Nestor Rodriguez. 2010. "Policy Contradictions of the "Liberal State."" Participant in Thematic Session: "International, Federal, and Local Government Policy Responses to Immigration." Invited presentation made at annual meetings of the American Sociological Association, Atlanta, Georgia, August 14-17.

Nestor Rodriguez. 2010. Participant in Author Meets Critics session (to discuss Timothy J. Dunn's book, *Blockading the Border and Human Rights*), meetings of the Southwestern Social Science Association, April 1, Houston, Texas.

Nestor Rodriguez. 2010. "New Southern Neighbors: Latino Immigration and Prospects for Inter-Group Relations between Latinos and African Americans in the South." Keynote address, Latinas and Latinos in the U.S. South Conference, University of Alabama, February 19.

Jacqueline Hagan, David Leal, Nestor Rodriguez. 2009. "Deporting Social Capital: The Removal of Salvadoran Migrants from the United States." Invited paper presented at the conference "Deportation and the Development of

Citizenship,” sponsored by the Department of International Development, Refugee Studies Centre, and Centre on Migration, Policy, and Society, University of Oxford. December 11-12.

Nestor Rodriguez. 2009. ‘El “Endgame”: Impactos de Deportaciones Masivas.’ Invited presentation made at the Seminario: "Tendencias y políticas migratorias ante la crisis económica y el momento político." El Colegio de Mexico, Mexico City, September 25.

Nestor Rodriguez and Susanne Jonas. 2009. “Guatemalan Migration to the United States: A Spatial and Regional Perspective.” Paper presented at the annual meetings of the American Sociological Association, San Francisco, August 8-11.

Tatcho Mindiola and Nestor Rodriguez. 2009. “Evolving Research on Black-Brown Relations.” Roundtable session at the annual meetings of the American Sociological Association, San Francisco, August 8-11.

Nestor Rodriguez and Jacqueline Hagan. 2009. “ U.S. Policy of Massive Migrant Removal: Impact on Salvadoran Migrants.” Paper presented at annual meetings of the Population Association of America, Detroit, Michigan, April 30.

Nestor Rodriguez. 2009. Discussant on paper panel “Determinants of Migration and Immigration.” Annual meetings of the Population Association of America, Detroit, Michigan, April 30-May 2.

Nestor Rodriguez. 2009. “‘Mistreated Guests’: Three Eras of U.S. Deportations to Mexico.’ Invited presentation at the conference “China and Latin America in the Global Age.” Conference organized by Peking University, the Teresa Lozano Long Institute of Latin American Studies at UT Austin, and the University of Vera Cruz, Mexico. Beijing, March 17-18.

Nestor Rodriguez. 2008. “Border Control: Ethical and Human Rights Issues.” Paper present at the American Sociological Association Meetings, Boston, July 3-August 4.

Nestor Rodriguez. 2008. Discussant in panel “Immigrants and Politics: Where Do Latinos Fit in the Discourse?” American Sociological Association Meetings, Boston, July 31-August 4.

Nestor Rodriguez. 2008. “Political Challenges of Relations between African Americans and Latinas/os in the South. Invited presentation at the conference “The State of Black and Brown Arkansas,” University of Arkansas, Fayetteville, April 24-25.

Nestor Rodriguez. 2008. "Immigration Enforcement Policy: Impacts on Mexican Migrants." Presentation at conference "Mexico-U.S. Migration: Rural Transformation and Development," Teresa Lozano Long Institute of Latin American Studies, UT Austin, April 8-10.

Nestor Rodriguez. 2008. "*Deportaciones*: Endgame Impacts on Mexican Migrants." Paper presented at the conference "North America and the Dilemma of Integration: Perspectives on the Future of the Region." Conference organized by CIDE, UNAM, ITAM, COLMEX, ITESM, and LLILAS (UT Austin), Mexico City, February 25-29.

Nestor Rodriguez. 2007. "México-Americanos: Quienes Somos y Quienes Seremos." Invited paper presented in the Diálogos Program of the UNICEF Foro Universal de las Culturas, Monterrey, Mexico, September-December.

Nestor Rodriguez. 2007. "Comparative Experiences and the Emerging Nexus of Asian and Latin American Immigration." Invited paper presented at "Asia in Latin America" Conference, University of Texas, Austin, TX, October 18-20.

Nestor Rodriguez. 2007. "Dangerous Journey: Unauthorized Central American Youth Migration to the United States." Paper presented at the meetings of the Latin American Studies Association, Montreal, Canada, September 5-9.

Phillips, Scott, Jacqueline Hagan, and Nestor Rodriguez. 2006. "Brutal borders? Examining the treatment of deportees during arrest and detention." American Sociological Association: Montreal, Canada.

Nestor Rodriguez. 2005. "Effects of 1996 Immigration Law on Central American Communities of Origin." Paper presented at brown-bag session on October 4, at the Latin American Studies Program, Princeton University.

Nestor Rodriguez. 2004. Co-organizer, co-president and discussant: State Terror in Latin America I and II (two panels), Latin American Studies Association, Las Vegas, NV, October 7-9.

Jacqueline Maria Hagan and Nestor Rodriguez. 2004. "The Church vs. the State: Religious Work to Help Undocumented Person Migrating to the United States." Paper presented at the annual meetings of the American Sociological Society, San Francisco, California, August 12-18.

Nestor Rodriguez. 2004. "Migration and Social Change in U.S. Society." Invited lecture given to graduate students in the Department of Sociology, People's University in Beijing (Renmin University), March 17.

Nestor Rodriguez. 2003. "Effect of 9/11 on U.S. Border Security." Presentation at the meetings of the Latin American Studies Association, Dallas, Texas, March

27-29.

Nestor Rodriguez. 2003. Mayan Immigrant Community Life: What changes and what stays the same?" Presentation at the meetings of the Latin American Studies Association, Dallas, Texas, March 27-29.

Nestor Rodriguez. 2002. "Can we Get Along?: Hispanic New Immigrants in White Middle-Class Neighborhoods." Presented at the annual meetings of the American Sociological Association, Anaheim, CA, August.

Nestor Rodriguez. 2002. "Crossing the Mexican Gauntlet: Trials and Challenges of Central American Migration to the United States." Presented at the Latin American Conference on "The Other Latinos" at Harvard University, April.

Scott Phillips, Jacqueline Hagan, and Nestor Rodriguez. 2002. "State Violence Against immigrants." Paper presented the Annual Meetings of the Southwest Sociological Association Meetings, New Orleans, March 28-30.

Jacqueline Hagan, Karl Eschbach and Nestor Rodriguez. 2002. "Death at the Border." Paper presented at the 6th Annual Traverse Ethics Conference, "States and Migrants: New Challenges, Changing Responsibilities." University of California, Berkley, April 26.

Jacqueline Hagan and Nestor Rodriguez. 2002. "Resurrecting Exclusion". Paper presented at conference, Latinos Remaking America: Academic and Journalistic Perspectives, David Rockefeller Center for Latin American Studies, Harvard University, May 2.

Nestor Rodriguez. 2001. "Work and Identity Transitions in the Global Labor Force: The Formation of a Mayan Workforce in Houston." Paper presented in the Special Session "Work and the Post-Industrial City." National meetings of the American Sociological Association, Anaheim, CA, August 18-21

Nestor Rodriguez. 2001. Participant in "Critics Meet the Author" session (on Joe R. Fagin's *Racist America*) of the annual, national meetings of the American Sociological Association, Anaheim, CA, August 18-21.

Nestor Rodriguez and Jacqueline Hagan. 2001. "Mayan Peasant Workers in a Post-Industrial Labor Force." Paper presented at the 2001 international Congress of the Latin American Studies Association, Washington, DC, September 5-8.

Karl Eschbach, Jacqueline Hagan, and Nestor Rodriguez. 2001. "Trends in Accidental Deaths of Foreign Transients at the Southwest Border of the United States, 1985-1998." Presented at the Annual Meetings of the American Public Health Association, Atlanta, GA, October.

Nestor Rodriguez. 2001. "Revisiting the Free-Enterprise City: Observations at the Beginning of the Twenty-First Century." Paper presented at the regional meetings of the Social Science Southwest Association, Fort Worth, TX, March 14-18.

Nestor Rodriguez. 2000. Session Organizer: "Poverty and the International Division of Labor." The annual meetings of the American Sociological Association, Washington, DC, August.

Nestor Rodriguez. 2000. "Undocumented Migrants in U.S. Cities." Paper presented to the Migration Working Group, Waseda University, Tokyo, Japan, July.

Jacqueline Hagan, Nestor Rodriguez and Randy Capps. 1999. "The Effects of the 1996 Immigration and Welfare Reform Acts on Texas-Mexico Border communities." Paper presented at Immigration Session, the annual meetings of the American Sociological Association, Chicago, August.

Nestor Rodriguez. 1999. "Migration and Development of the World Economy." Lecture given in the Sociology Department, People's University of China, Beijing, July.

Nestor Rodriguez. 1999. "Contemporary Latino Immigration in U.S. Society." Presentation made to the Working Group on Japanese Immigration, Waseda University, Tokyo, Japan. July.

Nestor Rodriguez, 1998. "Immigration into Texas." Presentation to faculty of College of Humanities, Universidad de Monterrey. Monterrey, Nuevo Leon. June.

Ruben Hernandez Leon, Nestor Rodriguez, and Jacqueline Hagan. 1997. "The Monterrey-Houston Connection: The Social Organization of Migration in a Binational Urban Industrial Region. Paper presented at the annual meetings of the American Sociological Association, Toronto, Canada, August.

Nestor Rodriguez. 1996. "The Social Construction of the U.S.-Mexico Border." Paper presented at the annual meetings of the American Sociological Association, New York City, August 16-20.

Nestor Rodriguez and Jacqueline Hagan. 1995. "From the Highlands of Guatemala to the Post Industrial Setting of Houston: A Case Study of Mayan Migration. Paper presented at the annual meetings of the American Sociological Association, Washington, DC, August.

Nestor Rodriguez. 1995. "Immigrants and Health Care in Houston." Paper presented at the conference "International Migration: Health and Social Policies." Andalusian School of Public Health, Granada, Spain, June.

Nestor Rodriguez and Jacqueline Hagan. "Beyond the Workplace: Immigrant Workers and Housing Struggles in Houston." Paper presented at the annual meetings of the American Sociological Association, Miami, August 11-16, 1993.

Jacqueline Hagan and Nestor Rodriguez. "Investigating Census Coverage among Latino Immigrant Tenants." Paper presented at the annual meetings of the American Sociological Association, Pittsburgh, August 19-24, 1992.

Nestor Rodriguez and Jacqueline Hagan, "Maya Migration to Houston: The Totonacapan Experience." Paper presented at the Latin American Studies Association meetings, April 4-6, 1991, Washington, DC.

Jacqueline Hagan and Nestor Rodriguez, "IRCA, Immigrant Households and Work." Paper presented at the annual meetings of the Southwest Social Science Association, March 27-30, 1991, San Antonio, Texas.

Nestor Rodriguez and Jacqueline Hagan, "The New Immigration and IRCA: Implications for Political Relations in Houston." Paper presented at the annual meetings of the American Sociological Association meetings, August 10-15, 1990, Washington, DC.

Nestor P. Rodriguez. "Intergroup Relations as a Strategy for the Social Well-Being of New Latino Immigrant Communities." Paper presented at the 1990 annual conference of the Inter-University Program for Latino Research. Cal Poly Pomona, May 25-27, 1990.

Nestor P. Rodriguez. "Integration or Interdependence?: Intergroup Relations Between New Latino Immigrants and Mexican Americans." Paper presented at the annual meetings of the Southwestern Social Science Association, March 28-31, 1990, Fort Worth, Texas.

Nestor P. Rodriguez and Ximena Urrutia-Rojas. "The Impact of Recent Refugee Migration to Texas: A Comparison of Southeast Asian and Central American Newcomers." Paper presented at the Conference On The Mental Health Of Immigrants And Refugees," March 22-25, 1990, Houston, Texas.

Nestor P. Rodriguez. "Funding Qualitative Research." Presentation at the First Annual Symposium on Qualitative Methods in Health Research, University of Texas School of Public Health, Houston, December 1, 1989.

Nestor Rodriguez. "A Comparison of Intergroup Impacts of Mexican and Central American Immigrants on Mexican Americans: Houston and the Lower Rio

Grande Valley." Presented at the MEXAMERICA Conference, The Center for Economic and Social Research, Universidad de Sonora, Hermosillo, Sonora, November 17-18, 1989.

Nestor Rodriguez. "Conducting Oral Histories among Central American Immigrants: A Research Experience." Paper presented at the annual meeting of the Oral History Association, Galveston, Texas, October 19-21, 1989.

Nestor Rodriguez. "Mayan Ethnogenesis in Houston." Paper presented at the annual meetings of the American Sociological Association, San Francisco, August, 1989.

Rodolfo O. de la Garza, Nestor Rodriguez, and Harry Pachon. "The Domestic and Foreign Policy Consequences of Mexican and Central American Immigration: Mexican American Perspectives." Presented at the RAND/Urban Institute conference "International Effects of IRCA." Guadalajara, Mexico, May 3-5, 1989.

Nestor Rodriguez. "Evolving Relations Between Established Residents and New Immigrants: An Emerging Paradigm." Presented at the Southwestern Social Science Association meetings, Little Rock, Arkansas, March 29-April 1, 1989.

Nestor Rodriguez. "Immigration in Houston's Mexican American Neighborhoods." Presented at the Southwestern Social Science Association meetings, Houston, March 23-26, 1988.

Nestor Rodriguez. Co-chair with Joe R. Feagin. "Global Cities: A Roundtable Discussion." American Sociological Association meetings, Chicago, August 28-31, 1987.

Nestor Rodriguez. Panel Chair. "Central American Immigration." Southwestern Social Science Association meetings, Dallas, March 18-21, 1987

Nestor Rodriguez. "Guatemalan Indigenas and Honduran Garifunas in Houston: A Comparison of Undocumented Minority Migration." Presented at the Southwestern Social Science Association meetings, Dallas, March 18-21, 1987.

Nestor Rodriguez. Moderator. Student Session: Unemployment in Texas. Southwestern Social Science Association meetings, Dallas, March 18-21, 1987.

Nestor Rodriguez. "Undocumented Central Americans in Houston: Diverse Populations." American Sociological Association meetings, New York, NY, August 29-September 6, 1986.

Nestor Rodriguez. "Labor Commitment in the Undocumented Labor Market: A Preliminary Report on Field Research on Undocumented Workers." Presented at

the Southwestern Social Science Association meetings, San Antonio, TX, March 19-22, 1986.

Joe R. Feagin and Nestor Rodriguez. "Urban Specialization in the World-Economy." Presented at the American Political Science Association meetings, August 29-September 1, 1985, New Orleans, Louisiana.

Nestor Rodriguez. "The Growth of Houston's Hispanic Population." Presented at the Southwestern Social Science Association meetings, March 20-23, 1985, Houston, TX.

Nestor Rodriguez. "Political Class Relations Between Core and Peripheral Workers." Presented at the Southwestern Social Science Association Meetings, March 20-23, 1985, Houston, Texas.

Nestor Rodriguez. "Struggles in the Workplace: Challenging the Myth of the Docile Illegal Alien." Presented at the Meetings of the American Sociological Association, August 25-31, 1984, San Antonio, Texas.

Nestor Rodriguez. "Dividing workers, controlling work: Work and labor segmentation in the early history of capitalist production." Presented at the Southwestern Social Science Association Meetings, March 21-24, 1984, Forth Worth, Texas.

Nestor Rodriguez. "Chicano-Indocumentado Relations in the Workplace." Presented at the Regional Conference of the National Association of Chicano Studies, March, 1983, Houston, Texas.

Rogelio Nunez and Nestor Rodriguez. "Exploring Chicano- Indocumentado Relations." Presented at the Southwestern Social Science Association Meetings, March, 1983. Houston, Texas.

Harley L. Browning and Nestor Rodriguez. "Mexico-U.S.A. Indocumentado Migration as a Settlement Process and Its Implication for Work." Presented at The Hispanic Labor Conference, February 1982, University of California at Santa Barbara.

PERSONAL BACKGROUND

Place of Birth: Corpus Christi, Texas

Language Skills: Bilingual (English and Spanish)

REFERENCES

Jose Limon, PhD
Hispanic Studies Center

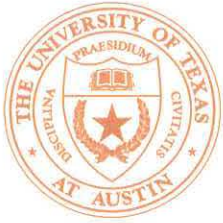
Nestor P. Rodriguez
Curriculum Vitae

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DECLARATION OF LUIS H. ZAYAS

I, Luis H. Zayas, declare as follows:

I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows:

I. Qualifications

1. I am a licensed psychologist and licensed clinical social worker in the State of Texas. Previously, I held psychology licenses in New York and Missouri and a clinical social work license in New York. I hold a master of science degree in social work (1975), and a master of arts (1984), master of philosophy (1985), and PhD (1986) in developmental psychology, all from Columbia University in the City of New York. I have been a practicing clinician since 1975 in child and adolescent psychiatry and primary care medicine.

2. I am presently the Dean of the School of Social Work at the University of Texas at Austin. I also occupy the Robert Lee Sutherland Chair in Mental Health and Social Policy. A copy of my curriculum vitae is attached hereto as Exhibit A.

3. Previously, I was the Shanti K. Khinduka Distinguished Professor of Social Work and Professor of Psychiatry, School of Medicine at Washington University in St. Louis. I was also founding director of the Center for Latino Family Research. Prior to my ten years at Washington University, I was professor of social work at Fordham University where I also directed the Center for Hispanic Mental Health Research; visiting associate professor of family medicine and visiting associate professor of psychiatry at Albert Einstein College of Medicine; and assistant

professor of social work at Columbia University in the City of New York.

4. My background encompasses clinical practice, teaching and research in child and adolescent mental health, child development, child-rearing, and family functioning. I have been a clinician in general acute care hospitals and in outpatient mental health clinics in inner city settings. My specialty has been on minority and immigrant families and their children. I have conducted research in prenatal and postpartum depression, child-rearing values, alcohol use among Hispanic men, the influence of ethnicity on psychiatric diagnosis, and the suicide attempts of young Hispanic females. My research has been funded by the National Science Foundation and the National Institutes of Health (National Institute of Mental Health and National Institute of Child Health and Human Development). Since 2006, I have focused my clinical and research attention on the U.S.-born and foreign-born children, undocumented children of undocumented immigrants, mostly from Mexico and Central America.

5. I have published over 100 papers in scientific and professional journals and two books, *Latinas Attempting Suicide: When Cultures, Families, and Daughters Collide* (Oxford University Press, 2011), and *Forgotten Citizens: Deportation, Children, and the Making of American Exiles and Orphans* (Oxford University Press, 2015). A complete list of my publications issued in the last ten years is included in my CV.

6. I have previously testified as an expert witness in the following cancellation of removal cases in immigration court:

In the Matter of Jose Alejo (Kansas City, 2012)
 Cristina Carlos (Kansas City, 2011)
 Reyna Canseco-Ibañez (Kansas City, 2011)

Fernando Garcia Cruz (Kansas City, 2011)

German Garcia (Kansas City, 2011)

Delio Lemuz-Hernandez (Kansas City, 2012)

Salvador Licea (San Antonio, 2014)

Ismael Limon (Kansas City, 2011)

Jose Rosario Lira-Correa (Orlando, 2013)

Ricardo Lopez (San Antonio, 2014)

Arturo Lopez Arrellano (Kansas City, 2006)

I also provided an affidavit as expert witness but did not testify In the Matter of Fuentes (San Antonio, 2014) on children's psychological functioning, Attention-Deficit/Hyperactivity Disorder, and childhood trauma.

7. I am making this declaration to provide my considered opinions concerning the psychological and developmental impact of detention on the immigrant families that I observed at the Karnes Detention Facility. My opinions derive from my interviews on August 19 and 20, 2014, with immigrant families detained at the Karnes County Residential Center.

8. My opinions are also based on 39 years of experience as a licensed social worker and psychologist conducting evaluation and treatment of children, adolescents, and families. This includes experience conducting evaluations for immigration courts since 2006 and conducting federally funded research on the mental health effects of the deportation of undocumented Mexican immigrants on their U.S.-born children since 2011. This research is currently being published in scientific journals and the aforementioned book.

9. I also reviewed relevant scientific literature in forming my conclusions, including the

following publications:

Abram, K.M., Zwecker, N.A., Welty, L.J., Hershfeld, M.A., Dulcan, M.K., & Teplin, L.A. (2014). Comorbidity and continuity of psychiatric disorders in youth after detention: A prospective longitudinal study. *Journal of the American Medical Association*.

American Psychiatric Association (2013). *Diagnostic and statistical manual of mental disorders, fifth edition*. Washington, DC: American Psychiatric Press.

Byrne, M.W., Goshin, L., & Blanchard-Lewis, B. (2012). Maternal separation during the reentry years for 100 infants raised in a prison nursery. *Family Court Review*.

Dallaire, D.H., Zeman, J.L., & Thrash, T.M. (2014). Children's experiences of maternal incarceration-specific risks: Predictions of psychological maladaptation. *Journal of Clinical Child and Adolescent Psychology*.

Evans, G. W., & Kim, P. (2013). Childhood poverty, chronic stress, self-regulation, and coping. *Child Development Perspectives*, 7, 43-48.

Foster, H., & Hagan, J. (2013). Maternal and paternal imprisonment in the stress process. *Social Science Research*, 42, 650-669.

McLaughlin, K.A., Sheridan, M.A., & Lambert, H.K. (2014). Childhood adversity and neural development: Deprivation and threat as distinct dimensions of early experience. *Neuroscience and Biobehavioral Reviews*, 47, 578-591.

Murray, J., & Farrington, D.P. (2005). Parental imprisonment: Effects on boys' antisocial behaviour and delinquency through the life-course. *Child Psychology and Psychiatry*, 46, 1269-1278.

Nesmith, A., & Ruhland, E. (2008). Children of incarcerated parents: Challenges and

resiliency, in their own words. *Children and Youth Services Review*, 30, 1119-1130.

II. Summary of Findings and Opinions

10. Detention has had serious and long-lasting impacts on the psychological health and well-being of the families I interviewed at Karnes. This was evident even though the families I interviewed had been detained at Karnes for a relatively limited period of time—i.e., two to three weeks. In general, mothers and children showed high levels of anxiety—especially separation anxiety for the children—symptoms of depression, and feelings of despair. Children showed signs that detention had caused developmental regression, such as reversion to breastfeeding, and major psychiatric disorders, including suicidal ideation. Teenagers showed signs of depression and anxiety and, in some cases, major depressive disorders. The impacts of detention are exacerbated by the fact that families have already experienced serious trauma in their home countries and in the course of their journey to the United States.

11. The psychological traumas experienced by these mothers and children—in their home countries, during their travel to the United States, and upon their detention in the United States—will require years of mental health services to alleviate. Moreover, the ongoing stress, despair, and uncertainty of detention—for even a relatively brief period of time—specifically compromises the children's intellectual and cognitive development and contributes to the development of chronic illness in ways that may be irreversible. Detention at Karnes puts children at risk of recurrent and distressing memories, nightmares, dissociative reactions, prolonged psychological distress, and negative alterations in cognition.

III. Background of Evaluation

12. On August 19 and 20 of 2014, I met with ten families (mothers with children) detained at the Karnes County Residential Center in Karnes City, Texas in order to assess their mental health status and evaluate the impact that their detention was having upon their psychological, educational, and emotional development. Without divulging confidential or client-specific data, I am able to share the following information.

13. Typically, my assessments began with a family meeting to get an overall picture of the family's pre-migration conditions and experiences; the conditions they experienced in traveling to the United States; and their post-migration encounters and experiences with U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) officials and employees of GEO Group, Inc., the private company that operates the Karnes County Residential Center.

14. In all, I evaluated ten mothers, ranging in age from 24 years to 47 years, and their children, who ranged in age from 2 years to 17 years. Eight of the families were from El Salvador. One was from Guatemala and one was from Honduras.

15. There were 23 children in these families; I interviewed or spoke with and asked some questions to 21 of the children, which includes all of the children who were able to speak. There were 13 males, ranging in age from 2 years to 17 years. The two 2-year-old children were breastfeeding, although one had apparently been weaned but reverted to breastfeeding after being placed in detention, according to his mother. There were 10 female children, ages 9 to 17 years.

16. In most instances, the families were first detained by U.S. officials near the border and subsequently transferred to the Karnes detention center. Those families with older children—

adolescent boys and girls—were separated at Karnes such that the older children slept in other rooms with young people their age rather than sleeping near their parents.

17. At the time of my interviews, most families had been in the Karnes detention center for two to three weeks but had entered the United States some time earlier. All families identified at least one family member who resided in the United States, in such places as Texas, Ohio, Maryland, Virginia, Colorado, and other locations, with whom they could stay if released from detention.

IV. Findings

18. Without divulging confidential or client-specific information, I am able to describe the families' post-migration experiences that they encountered upon reaching the United States and, in most instances, their detention by U.S. border patrol agents and other law enforcement at the border and their processing by U.S. officials to their arrival and detention in Karnes.

19. In all cases, the families I interviewed fled severe violence in their home countries in order to seek refuge in the United States. The pre-migration histories of most the families included domestic violence and sexual abuse of the mothers by their partners. Several of the mothers also reported being raped, robbed, and/or threatened by gang members. The teenage children appeared to suffer the greatest difficulties because of the gangs. Adolescent girls reported being accosted by gang members who insisted on forcibly taking them as their “girlfriends,” while adolescent boys reported being told that they must become members of the gangs. In both cases, the teenagers reported that the consequence of refusal would be their own death or the death of a parent or sibling. (Teenage females were naturally more reluctant to discuss the situations of their sexual assaults with a male interviewer.) As for younger children,

mothers I spoke to reported that their younger children were exposed to gang and street violence, or the aftermath, such as cadavers on the street.

20. At the time that I interviewed them, all of the families had been held at the Karnes detention facility for between two to three weeks. Their fears were not allayed by CBP or ICE; on the contrary, the families I interviewed all exhibited signs of elevated levels of anxiety, depression, and despair. Most mothers described elation when they were apprehended by U.S. officials because they initially felt safe in their hands. However, thereafter, the mothers and adolescents told of verbally rough treatment by U.S. border officials, such as being spoken sternly to and told to move faster, and admonished when they did not. Families stated that they did not always understand the orders given as they were told in English or in limited Spanish by some U.S. officials. All mothers and older children provided relatively uniform descriptions of the conditions in the *hieleras* (roughly translated as ice boxes) in which they were placed early in detention. The *hielera* is a large, very cold cell housing large groups of immigrants (women, girls, and younger children) that provides no privacy, including a toilet used by everyone that was exposed to the view of everyone in the cell. The *hielera* was also intensely cold. Most told of being held in this setting for 48 hours or so. After that stop, the immigrants told of going to another location in which they were given aluminum-foil-like blankets that did warm them.

21. From there, they were moved to Karnes detention facility. While some families reported initially receiving friendly and caring treatment by U.S. officials, they also described punitive and verbally abusive treatment. They described the employees of the detention facility as “mean,” “rude,” “bullies,” along with other negative terms. Staff at Karnes called for census counts three times a day and if a child, typically an adolescent, was found in her or his mother’s

cell and not in the one assigned to the teenager, they were given some sort of demerit. This was the case with one teenage female who was separated from her mother and two younger female siblings and was often weepy and fearful of being separated from her family. When I met her, the girl had received two warnings and was told that a third time would bring upon her a serious penalty (one that neither her mother nor she could describe).

22. In each conversation I held with mothers and older children, the feelings of despair and uncertainty were quite evident and voiced by them. Among the younger children I detected high levels of anxiety, especially separation anxiety (fear of being away from their mother; fearful that they would be moved and children not told; fear of losing their mother). The mothers showed mostly signs of depression with such vegetative signs as lack of sleep, loss of appetite and weight loss, and hopelessness. Some of the same symptoms were evident in the adolescents, especially girls.

23. Mothers and older children expressed varying levels of despair about their futures: how long they would be detained; what would be the conditions of their release; and whether they would ever see their families in the U.S. or back home again. Mothers exhibited anxiety about the health of their children, who they reported had lost weight, become listless, and in some cases had reverted to infantile behaviors. At least three mothers with young children were distraught in thinking that they brought their children from one nightmarish situation to another.

24. Among the children, I witnessed signs that detention had caused regression or arrests in their development and major psychiatric disorders, including suicidal ideation. One of the two infants I observed had regressed developmentally: although he had previously been weaned, he had reverted back to breastfeeding and needed to be held by his mother constantly. Older

children showed separation anxiety and regressions in their behaviors (e.g., staying attached to their mothers, worrying if their mother did not return from an errand). Several children reported nightmares.

25. Teenagers who were detained showed, primarily, signs of depression and anxiety. At least three of the teenagers with whom I spoke showed signs of major depressive disorders. At least one teenage male I interviewed expressed suicidal ideation, telling me that he would rather take his life than to return to his hometown and face the gangs that had tried to recruit him. In my clinical experience, and supported by scientific literature, suicidal ideation is not uncommon among detained or incarcerated persons. Research shows that suicidal ideation and attempts are most commonly emerge in during even brief periods of incarceration, in the early days and weeks of the person's imprisonment. This young man at Karnes showed classic symptoms of major depression: anhedonia (i.e., marked loss of interest or pleasure); psychomotor retardation (i.e., slow cognitive, verbal, and physical responses and movements); fatigue; feelings of worthlessness; and diminished ability to concentrate. His depressed mood was evident to me through these signs as well as his flat affect and "lifelessness" in his eyes.

26. In addition, both mothers and children expressed concern about the impact of detention on their educational development. One mother related that she had asked to organize a school for the children with other mothers but was rebuffed. Inasmuch as they did not know how long they would be in detention, several older children who had educational aspirations to go to college expressed concern about their future education.

V. Opinions

27. Based on my professional experience and background, and on the interviews and

evaluations I conducted while at Karnes Family Detention Center, I conclude that the psychological traumas experienced by these mothers and children—in their home countries, during their travel to the United States, and after their arrival in the United States when they found themselves locked up in immigration detention facilities—will require years of mental health services to alleviate. The ongoing stress, despair, and uncertainty of detention compromises children's intellectual and cognitive development and contributes to the development of chronic illnesses. Institutionalized children and the threats they face are similar to those of trauma, and result in recurrent, distressing memories, nightmares, dissociative reactions, prolonged psychological distress, and negative alterations in cognition. My conclusions are well supported by medical and psychiatric research.

28. The scientific literature is very uniform in its findings about the impact of maternal incarceration or detention on children. Research (Byrne et al., 2012) shows that infants and children who live in detention with their mothers often have more maladaptive social and emotional development, academic failure, and later criminal involvement compared to other children. With infants, the disruption of their emotional attachment to their mothers can lead to insecure bonding of the infant with the mother. Since attachment also predicts future behavior, insecure levels of attachment will result in suboptimal development. Indeed, disruptions in attachment affect general growth and development of the brain as well as social functioning, aggression, and reactions to stress. Children of incarcerated parents face many adverse outcomes and show difficulties in social interactions, such as making friends and navigating social situations, and research shows that maternal incarceration predicts the children's future antisocial and delinquent outcomes (Murray & Farrington, 2005; Nesmith & Ruhland, 2008).

29. Detention or institutionalized living, and child-rearing in prisons, is a major childhood traumatic stressor, even under conditions of short or brief detentions (Foster & Hagan, 2013). Findings show that the childhood trauma from maternal incarceration increases depressive symptoms among children. Specifically, children 5 to 10 years and 11 to 14 years show increased risk for dropping out of high school while the risks for children birth to 5 years and 11 to 16 years show high levels of depression and other internalizing behaviors (i.e., withdrawal, rumination) as well as externalizing behaviors (i.e., aggression, defiance and oppositionalism, fighting, vandalism, cruelty). Such externalizing behaviors in children often mask clinical depressive symptoms and suicidality (often seen in aggressive, provocative behavior toward persons in authority often police and law enforcement that can lead to fatal encounters, commonly known as “suicide by cop”).

30. Likewise, the scientific literature shows the negative effects of children’s detention or incarceration on their future psychological health. Of 1,829 youth who were in juvenile detention during their teen years, 27% of males and 14% of females had what are known as “co-morbid” psychiatric disorders, that is, co-occurring problems (Abram et al., 2014). Most commonly, the comorbidity involved major depression and anti-social behavior (oppositional defiant disorders) with alcohol abuse among males. The comorbidities for females were post-traumatic stress, anxiety, and anti-social personality disorder and substance abuse. Note that in this comorbidity, depression occurs with an externalizing disorder (oppositionalism). We see therefore that both internalizing and externalizing disorders are likely to be the outcomes of maternal and/or child detention. This has led researchers to conclude that incarceration-specific experiences place children at higher risk for maladjustment than exposure to general

environmental risk in community settings (Dallaire et al., 2014).

31. However, there are more than the external indicators of the effects of detention—even short periods—on children that should give us great reason for concern and worry. Rather, adverse childhood experiences, such as trauma and detention, have detrimental effects on children’s brain growth and neural development. Research in the neurobiology of trauma and brain development shows that as childhood adversity increases, the likelihood of psychopathology also increases (McLaughlin, Sheridan, & Lambert, 2014).

32. Institutional rearing, that is, growing up in detention even for short periods of time—and particularly following the traumatic circumstances of migration—is one of the most adverse environments that scientists have studied, commonly called in the literature “complex adverse experiences.” The two distinct but powerfully determinant elements of the trauma of these adverse experiences are *deprivation* (i.e., absence of expected developmentally appropriate environmental inputs and complexity) and *threat* (i.e., the presence of experiences that represent an immediate or ongoing threat to the child’s physical integrity and psychological security). Under the conditions of prolonged and intense stress, the body’s natural stress responses (and release of specific hormones that aid in the flight-fight response and coping) are over-used. The condition of chronic deprivation and threat stresses affect neural or brain development which in turn determines cognitive and behavioral functioning in children. Stress under prolonged and intense conditions activates the release of hormones that lead to structural and functional changes of some brain regions that are essential for self-regulation and other behaviors. As a result of the ongoing stress, despair, and uncertainty of detention, children’s brain development is compromised, impairing not just their intellectual and cognitive development but also

contributing to the development of chronic illnesses which can last into adulthood (Evans & Kim, 2013). The deprivation common in institutionalized children and the threats they face are similar to those of trauma as defined in the Diagnostic and Statistical Manual of Mental Disorders (2013) that include recurrent and distressing memories, nightmares, dissociative reactions, prolonged psychological distress, avoidance of people or other reminders of the trauma, and negative alterations in cognition such as not being able to remember important events or aspects of the traumatic events.

33. For adolescent development when the sense of autonomy is emerging in preparation for adult roles, the loss of any autonomy—not just from the parents which all adolescents complain about but by being detained and lacking basic freedom—will have devastating effects on the adolescents once they enter the world outside the detention center. Unlike other adolescents in the communities they will be released to or returned to, they will have lost a part of their key developmental time in confinement with younger children and adult women.

34. Although I was not privy to any allegations of sexual abuse at the hands of the detention guards and employees by any of the mothers or children at the time of my interviews, I understand that such allegations have been made and that formal complaint or complaints were lodged. Should an investigation confirm the allegations of sexual abuse, that abuse will likely cause more maternal depression, signs of which will be evident to the children. Should a mother have experienced a sexual groping, rape, or coerced sexual favor near her children or within minutes of seeing their children, it is likely that the mothers will “reveal” their distress visibly which will be detected by their children. This can be very confusing to children and leave them feeling more vulnerable as well.

35. Taking this scientific background into consideration and combining it with the impressions I gathered in my interviews with mothers and children in the Karnes facility, I can unequivocally state that the children in the Karnes facility are facing some of the most adverse childhood conditions of any children I have ever interviewed or evaluated. Untold harm is being inflicted on these children by the trauma of detention. What is more is that the children at Karnes are experiencing *trauma upon trauma upon trauma*. That is, they not only suffered the trauma of having their lives threatened and disrupted by fleeing their native countries but they also experienced, witnessed, and heard of violent, traumatic events in their crossing through Mexico. On top of these serial and often long-term traumatic experiences, the children are exposed to the deprivation and constant threat of living in a facility in which they have no sense of their future. Complicating the children's development are the disrupted family roles and dynamics in which children see their mothers treated very poorly by staff and witnessing their mothers' vulnerability and helplessness. Children need the security and protection of their parents and the conditions of detention militate against mothers' capacity to provide that kind of comfort for their children.

36. Based on my professional background and expertise, my knowledge of the scientific literature on child development and psychopathology and parenting and family functioning, and based on my conversations with mothers and children detained at Karnes, I can say with certainty that detention is inflicting emotional and other harms on these families, particularly the children, and that some of these effects will be long lasting, and very likely permanent as adduced by the scientific literature.

37. The healing process, in my view, cannot begin while mothers and young children are

detained. Indeed, my interviews led me to conclude that even a few weeks of detention has exacerbated the trauma experienced by these families and added a new layer of hardship that, with respect to the children in particular, may be irreversible.

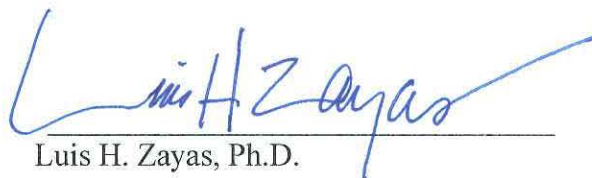
VI. Compensation

38. I have received no compensation for my participation in this case.

39. I reserve the right to amend or supplement this report as appropriate upon receipt of additional information or documents.

I declare under penalty of perjury under the laws of the United States and the District of Columbia that the foregoing is true and correct.

Executed this 10th day of December, 2014, at Austin, Texas.


Luis H. Zayas, Ph.D.

Curriculum Vitae

LUIS H. ZAYAS

Education

PhD	1986	Columbia University	Developmental Psychology
MPhil	1985	Columbia University	Developmental Psychology
MA	1984	Columbia University	Developmental Psychology
MS	1975	Columbia University	Social Work
BA	1973	Manhattan College	Economics/Liberal Arts
Certificate	1989	Westchester Center for the Study of Psychoanalysis & Psychotherapy Training in Psychoanalysis & Psychotherapy (1985-1989)	

Current Positions

Academic

- 2012- The University of Texas at Austin, School of Social Work
Dean
Robert Lee Sutherland Chair in Mental Health and Social Policy
- 2013- The University of Texas at Austin, College of Liberal Arts
Affiliated faculty, Lozano Long Institute for Latin American Studies/Benson

Service

- 2014- Migrant Clinicians Network, Austin, TX, Member, External Advisory Board.
- 2014- Austin-Travis County Children's Mental Health Leadership Team (initiated June 27, 2014)
- 2014-17 National Association of Deans and Directors of Schools of Social Work
Member at Large
- 2013- St. Louis Group (SSWs in Research 1 universities)
Member at Large, Executive Committee
- 2013- Communities in Schools, Austin, TX
Member, Board of Directors
- 2013- El Buen Samaritano Episcopal Mission, Austin, TX
Member, Board of Directors
- 2012-15 National Association of Social Workers, Washington, DC
Member, Book Committee, NASW Publications
- 2012- University of Massachusetts Medical School, Worcester, MA
Chair, External Advisory Committee, Center for Health Equity Intervention
Research (CHEIR)

Previous Academic Experience

- 2002-11 Washington University in St. Louis
Shanti K. Khinduka Distinguished Professor of Social Work (2002-2011)

Zayas

Associate Dean for Faculty (2005-2007).
 Director, Center for Latino Family Research (2005-2011)
 Professor of Psychiatry, Washington University School of Medicine (2004-11).

- 1990-05 Albert Einstein College of Medicine
 Visiting Associate Professor of Family Medicine (1995-2005)
 Associate Professor of Family Medicine (1992-95)
 Visiting Clinical Assistant Professor of Psychiatry (1995-2002)
 Assistant Clinical Professor Psychiatry (1990-95)

- 1991-02 Fordham University
 Professor of Social Work (1999-2002)
 Associate Professor (1995-1999)
 Director, Center for Hispanic Mental Health Research (1999-2002)
 Director, Pre-Doctoral Research Training in Minority Mental Health (2001-03)
 Research Associate, Hispanic Research Center (1991-95)
 Adjunct Associate Professor of Psychology (1989-95)
 Ford Foundation Postdoctoral Fellow (1987-88)

- 1980-89 Columbia University
 Adjunct Associate Research Scholar (1988-89)
 Assistant Professor of Social Work (1982-88)
 Lecturer (1980-82)
 Project Director, Hispanic Development Project (1985-88)
 Faculty Field Instructor, Puerto Rican Community Mental Health Project (1980-82)

- 1976-82 College of Mount Saint Vincent
 Adjunct Instructor in Sociology
 Consulting Director, social work program

- 1978 Westchester Community College
 Adjunct Instructor of Human Services

- 1976 Manhattan College
 Adjunct Lecturer in Sociology

Clinical Practice and Pre-Professional Experience

- 2006- Independent practice in evaluation of citizen-children in deportation cases

- 1980-2000 Independent practice (part-time). Psychotherapy and family therapy

- 1990-95 Montefiore Medical Center, Department of Family Medicine
 Psychosocial Unit Coordinator, Comprehensive Health Care Center (1992-95)
 Psychosocial Faculty/Assistant Attending Psychologist, Residency Program in Social
 Medicine

- 1988-89 Fordham-Tremont Community Mental Health Center, NY, Clinical Supervisor

- 1978-80 The New York Hospital-Cornell Medical Center
 Clinical Social Worker in child & adolescent psychiatric OPD

Zayas

Payne-Whitney Psychiatric Clinic

- 1975-78 Blythedale Children's Hospital, NY, Pediatric Social Worker
- 1974-75 Lenox Hill Hospital, NY, Medical Social Work Intern
- 1973-74 Mobilization for Youth, NY, Social Work Intern, Juvenile Court Program
- 1972-73 United States Committee for UNICEF, NY, Intern
- 1970 World Youth Assembly, United Nations, NY, Interpreter (June)

Awards and Honors

- 2012 Fellow, American Academy of Social Work and Social Welfare (inducted November 2012)
- 2007 Distinguished Faculty Award, George Warren Brown School of Social Work, Washington University
- 2006 Leadership Award, New York City Latino Social Work Task Force
- 2004-05 Excellence in Mentoring Doctoral Students Award, George Warren Brown School of Social Work, Washington University
- 2004-05 Outstanding Faculty Mentor, Graduate Student Senate of Washington University,
- 2002 Leadership Award, National Association of Puerto Rican/Hispanic Social Workers
- 2000 Rafael Tavares, M.D., Award for scholarship in Hispanic mental health, Association of Hispanic Mental Health Professionals, Inc., NY
- 1993 Economic and Cultural Diversity Award (for work with AIDS orphans and their families), American Family Therapy Academy (\$2,500 award)

Research & Training Grants

- 2013-18 National Institute of Mental Health—Principal Investigator “Suicide Attempts among African-American, Caucasian, and Hispanic Adolescent Females” (R01 pending review)
- 2102-15 Health Resources and Services Administration—Principal Investigator “Mental and Behavioral Health Education and Training Program” (MO1HP25200) Funded: \$480,275
- 2011-13 National Institute of Child Health and Human Development—Principal Investigator “Exploring the Effects of Parental Deportation on U.S. Citizen Children” (R21HDO68874-01) Funded: \$426,856
- 2010-11 Fathers' Support Center, Saint Louis—Project Director of Manual Development for “Family Formation Program” Funded: \$31,218

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- 2011 Fathers' Support Center, Saint Louis—Program Evaluator “Citibank Financial Education Curriculum Program.” Funded: \$8,641
- 2010-11 Lutheran Foundation of Saint Louis—Project Director, “Mental Health Service for *Casa de Salud*” Funded: \$75,000
- 2010-12 National Institute of Mental Health—Principal Investigator “Adapting Interventions for Diverse Ethnocultural Families” (R13MH086306) Funded: \$156,000
- 2008-11 National Institute of Mental Health—Co-Principal Investigator “Systems of Care for New Moms: Integrating Depression Treatment” (R34 MH083085) Funded: \$450,000
- 2008-10 Procter & Gamble Fund—Project Director “Inspiring Leaders Improving Our Communities” speakers' series Funded: \$10,000
- 2005-10 New York Council on Adoptable Children (from Administration for Children and Families/DHHS)—Co-Investigator, Program Evaluator “Realizing Open Adoption Dreams” Funded: \$1,500,000
- 2006-11 Puerto Rican Family Institute, Inc. (from Administration for Children and Families/DHHS)—Co-Investigator, Program Evaluator “Building Pathways for Latino Fathers” Funded: \$900,000
- 2006-09 National Institute of Mental Health—Principal Investigator “Developing Interventions for Latino Children, Youth and Families” (R13 MH077403-01) Funded: \$189,320
- 2005-10 National Institute of Mental Health—Associate Director (2005-2006) (Enola Proctor, PI) “Mental Health Services Pre-doctoral and Post-doctoral Training Program” (T32 MH19960-11)
- 2005-10 National Institute of Mental Health—Principal Investigator “Sociocultural Processes in Latina Teen Suicide Attempts” (R01 MH070689-01A1) Funded: \$1,733,337
- 2003-05 National Institute of Mental Health—Principal Investigator “Hispanicity, Language and Psychiatric Diagnosis” (R21 MH065921) Funded: \$278,560
- 2001-03 National Institute of Mental Health—Principal Investigator “Predoctoral Research Training in Minority Mental Health” (T32 MH20074) Funded \$1,117,503
- 1999-2003 National Institute of Mental Health—Principal Investigator “Center for Hispanic Mental Health Research” (R24 MH60002) Funded \$2,245,368
Minority Supplement to grant for Manny J. Gonzalez, D.S.W., (\$212,192)
- 1998-2003 National Institute of Mental Health—Principal Investigator: “Reducing Perinatal Depression and Enhancing Parenting” (R24 MH57936) Funded \$1,321,503
Minority Supplement to grant for Zulema E. Suárez, Ph.D. (\$242,000)

Zayas

- 1993-95 National Institute of Child Health and Human Development—Co-Investigator (Busch-Rossnagel, P.I.): “Development in Puerto Rican and Dominican Toddlers” (1 RO1 HD30590) Funded \$500,000
- 1993-95 Department of Family Medicine, Montefiore Medical Center
Chairman’s Fund Faculty Research Grants”
Co-Principal Investigator (with Philip Ozuah, MD) “Mercury Use in *Espiritismo*”
Funded: \$2,500
Co-Principal Investigator (with Marji Gold, MD) “Barriers to Ophthalmic Screening among Hispanic Diabetics” Funded \$2,500
- 1991-93 Alcoholic Beverage Medical Research Foundation—Principal Investigator “Factors associated with alcohol use by Hispanic men in early adulthood” Funded: \$75,000
- 1988-89 National Science Foundation—Principal Investigator “Attachment and Mastery Motivation in Hispanic Infants” (RII-8812284 planning grant) Funded: \$12,000
- 1987-88 National Research Council—Ford Foundation Postdoctoral Fellow (Developmental Psychology) Funded: \$25,000 plus research expenses
- 1974-75 NIMH Psychiatric Traineeship, Columbia University (Full tuition)

Past Professional and Community Service

- 2013-14 Longhorn Village, Austin, TX. Member, Board of Directors
- 2009-13 National Alliance for Hispanic Families, Washington, DC
Member, Executive Committee
Chair, Research Committee
- 2010-12 National Institutes of Health, Center for Scientific Review
Member, College of CSR Reviewers
- 2009-11 Casa de Salud, St. Louis, MO
Volunteer psychologist and social worker
- 2008-10 National Center for Marriage Research, Bowling Green State University
Member, National Advisory Council
- 2006-09 George Washington University, Center for Health and Health Care in Schools
Member, National Advisory Committee, Caring Across Communities: Addressing Mental Health Needs of Diverse Children and Youth
- 2005-09 National Institutes of Health, Center for Scientific Review
Member, Psychosocial Development, Risk and Prevention Study Section
- 2005-10 Arizona State University, Southwest Interdisciplinary Research Center,
Member, National Scientific Advisory Board
- 2005-08 Upstream Theater, St. Louis, MO
Member, Board of Directors

Zayas

- 2003 &
2006-08 *La Clinica*, St. Louis, MO
Volunteer mental health provider
- 2003-04 *Centro Hispano*, Catholic Family Services, St. Louis, MO
Volunteer, Southside Catholic Community Services International
- 2003 Division of Violence Prevention, National Center for Injury Prevention and Control,
Centers for Disease Control and Prevention, Atlanta.
- 2002 St. Barnabas Episcopal Church, Irvington, NY, Member, Vestry
- 2002-05 Institute for the Advancement of Social Work Research, Member, Scientific Advisory
Committee
- 2000-02 Fordham University, Member, University Research Council
- 2000-02 Fordham-Tremont Community Mental Health Center, Member, Board of Governors
(2000-01); Secretary (2001-02)
- 2000-01 Center for Preventive Psychiatry, White Plains, NY, Consultant
- 1998-2001 American Orthopsychiatric Association, Member, Board of Directors
- 1998-2001 National Center on Addictions and Substance Abuse, Columbia University Member,
Institutional Review Board for the Protection of Human Subjects
- 1999-2000 National Institute of Mental Health, Member, Services Research Review Committee
- 1996- National Institutes of Health, Center for Scientific Review, Reviewer, Occasional Chair
- 1996-99 National Institute of Mental Health, Member, Child Psychopathology and Treatment
Review Committee
- 1994 The Orphans' Project, New York, NY, Member, Panel of Experts, "The Adolescent
Alone"
- 1993-94 Council for Adoptable Children, NY, Evaluations of children orphaned by AIDS
- 1992, 1994 National Institute of Justice, Ad hoc reviewer
- 1990-2000 National Research Council, Member (1990-93, 1996), Chair (1999, 2000),
Evaluation Panel in Psychology, Ford Foundation Predoctoral Fellowships for
Minorities
- 1989-91 Association of Hispanic Mental Health Professionals, Vice President
- 1984 N. Y. S. Governor's Advisory Committee on Hispanic Affairs, Testimony, September

Zayas

- 1988-89 National Research Council, Member, Ford Foundation Fellows' Conference Planning Committee
- 1986 Westchester County Executive's Hispanic Advisory Board, Member, Ad hoc
- 1978-80 Spanish Community Progress Foundation, Yonkers, NY, Member, Board of Directors

Editorial Boards and Ad Hoc Reviewer Experience

Advisory Board, Encyclopedia of Applied Developmental Science, edited by C.B. Fisher & R.M. Lerner, Sage Publications, 2005.

Editorial Boards or Ad hoc Reviewer, Addiction; American Journal of Community Psychology; American Journal of Orthopsychiatry; Applied Developmental Science; Cultural Diversity and Ethnic Minority Psychology; Ethnicity & Health; Journal of Consulting and Clinical Psychology; Obstetrics and Gynecology; Professional Psychology: Research and Practice; Families in Society; Criminal Behavior and Justice; Journal of Adolescence; Journal of Family Psychology; Journal of Social Service Research; Research in Social Work Practice; Pediatrics; Youth and Society

Ad Hoc Application Reviewer, W. T. Grant Foundation, Faculty Scholars Award Program (2000)

Professional Licenses

State of Missouri Licensed Psychologist #2002030464 (issued 2002)

State of Texas Licensed Psychologist #36381 (issued 2012)

State of Texas Licensed Clinical Social Worker #57642 (issued 2013)

Professional Affiliations

American Psychological Association
Council on Social Work Education
National Association of Social Workers
Society for Social Work and Research

Publications

Books

Zayas, L.H. (forthcoming). *Forgotten Citizens: Deportation, Children, and the Making of American Exiles and Orphans*. New York: Oxford University Press.

Zayas, L.H. (2011). *Latinas Attempting Suicide: When Cultures, Families, and Daughters Collide*. New York: Oxford University Press.

Chapters and Peer-Reviewed Articles

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108. **Zayas, L. H.**, Aguilar-Gaxiola, S., Yoon, H., & Natera Rey, G. (under review). The distress of citizen-children with detained and deported parents. *Journal of Child and Family Studies*.
107. **Zayas, L. H.**, & Bradley, M. (in press). Children of undocumented immigrants: Imperiled developmental trajectories. In E. P. Salett & D. R. Koslow (Eds.), *Race, ethnicity and self*. Washington, DC: National Association of Social Workers.
106. Gulbas, L., & **Zayas, L.H.** (in press). Examining the interplay among family, culture, and Latina teen suicidal behavior. *Qualitative Health Research*.
105. **Zayas, L.H.**, Hausmann-Stabile, C., & De Luca, S.M. (in press). Suicidal behaviors and U.S. Hispanic youth: Social, psychological, and cultural factors and challenges for interventions. In D. A. Lamis & N. J. Kaslow (Eds.), *Advancing the science of suicidal behavior: Understanding and intervention* (pp. TBA). Hauppauge, NY: Nova Science Publishers.
104. **Zayas, L.H.**, & Bradley, M. (2014). Exiling children, creating orphans: When immigration policies hurt citizens. *Social Work, 59*, 167-175.
103. Sampson, M., **Zayas, L.H.**, & Seifert, S.B. (2013). Treatment engagement using motivational interviewing for low-income, ethnically diverse mothers with postpartum depression. *Clinical Social Work Journal, 41*, 387-394
102. Hausmann-Stabile, C., Gulbas, L., & **Zayas, L.H.** (2013). Aspirations of Latina adolescent suicide attempters: "Tomorrow I won't have to wake up to my future." *Hispanic Journal of Behavioral Sciences, 35*, 390-406.
101. **Zayas, L.H.**, & Sampson, M. (2013). Perinatal depression and treatments for U.S. Latinas: A review of research findings. In S. Lara-Cinisomo & K. Wisner (Eds.), *Perinatal depression among Spanish-Speaking Women: A Global perspective on prevalence, treatment, and outcomes* (pp. 65-82). NY: Springer.
100. **Zayas, L.H.**, & Gulbas, L.E. (2012). Are suicide attempts by adolescent Latinas a cultural idiom of distress? *Transcultural Psychiatry, 49*, 719- 735.
99. Nolle, A.P., Gulbas, L., Kuhlberg, J.A., & **Zayas, L.H.** (2012). Sacrifice for the sake of the family: Expressions of familism by Latina teens in the context of suicide. *American Journal of Orthopsychiatry, 82*, 319-327.
98. Peña, J. B., **Zayas, L. H.**, Cabrera-Nguyen, P., & Vega, W. A. (2012). U.S. cultural involvement and its association with suicidal behavior among youths in the Dominican Republic. *American Journal of Public Health, 102*, 664-671.
97. **Zayas, L.H.**, Bellamy, J.L., & Proctor, E. (2012). Considering the multiple service contexts in cultural adaptations: The case for parenting interventions. In R. Brownson, G. Colditz, & E. Proctor, *Dissemination and implementation research in health: Translating science to practice* (pp. 483-497). New York: Oxford University Press.

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96. Hausmann-Stabile, C., Kuhlberg, J.A., **Zayas, L.H.**, Nolle, A.P., & Cintron, S. (2012). Means, intent, lethality, behaviors, and psychiatric diagnoses in Latina adolescent suicide attempters. *Professional Psychology: Research and Practice*, *43*(3), 241-248.
95. Hausmann-Stabile, C., **Zayas, L.H.**, Hauser, D., Carvajal, C., Mejia, C., & Nieves, D. (2011). Challenges and solutions for Latin American-trained international medical graduates in psychiatry residency. *International Journal of Mental Health*, *40*, 29-40.
94. **Zayas, L.H.**, Hausmann-Stabile, C., & Kuhlberg, J.A. (2011). Can mother-daughter relations reduce the chance of a suicide attempt among Latinas? *Depression Research and Treatment*.
93. Hausmann-Stabile, C., **Zayas, L.H.**, Runes, S., Abenis-Cintron, A., & Calzada, E. (2011). *Ganando confianza*: Research focus groups with immigrant Mexican mothers. *Education and Training in Developmental Disabilities*, *46*, 3-10.
92. Peña, J.B., Matthieu, M.M., **Zayas, L.H.**, Masyn, K.E., & Caine, E.D. (2011). Co-occurrence of risk behaviors among White, Black, and Hispanic US high school adolescents who have attempted suicide, 1999 to 2007. *Social Psychiatry and Psychiatric Epidemiology*, *47*, 29-42.
91. Peña, J.B. Kuhlberg, J.A., **Zayas, L.H.**, Baumann, A.A., Gulbas, L., Hausmann-Stabile, C., & Nolle, A.P. (2011) Familism, family environment, and suicide attempts among Latina youth. *Suicide and Life-Threatening Behavior*, *41*, 330-341.
90. Gulbas, L.E., **Zayas, L.H.**, Nolle, A.P., Hausmann-Stabile, C., Kuhlberg, J.A., Baumann, A.A., & Peña, J.B. (2011). Family relationships and Latina teen suicide attempts: Reciprocity, asymmetry, and detachment. *Families in Society*, *92*, 317-323.
89. **Zayas, L.H.**, Drake, B., & Jonson-Reid, M. (2011). Overrating or dismissing the value of evidence-based practice: Consequences for clinical practice. *Clinical Social Work Journal*, *39*, 400-405.
88. Baumann, A.A., Kuhlberg, J.A., & **Zayas, L.H.** (2010). Familism, mother-daughter mutuality, and suicide attempts of adolescent Latinas. *Journal of Family Psychology*, *24*, 616-624.
87. **Zayas, L.H.** (2010). Protecting citizen-children safeguards our common future. *Journal of Health Care for the Poor and Underserved*, *21*, 809-814.
86. Kuhlberg, J.A., Peña, J.B., **Zayas, L.H.** (2010). Familism, parent-adolescent conflict, self-esteem, internalizing behaviors and suicide attempts among adolescent Latinas. *Child Psychiatry and Human Development*, *41*, 425-440.
85. **Zayas, L.**, Gulbas, L.E., Fedoravicius, N., & Cabassa, L.J. (2010). Patterns of distress, precipitating events, and reflections on suicide attempts by young Latinas. *Social Science and Medicine*, *70*, 1773-1779.
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83. **Zayas, L.H.** (2010). Seeking models and methods for cultural adaptation of interventions: Commentary on the special section. *Cognitive and Behavioral Practice, 17*, 198-202.
82. **Zayas, L.H.**, Bright, C., Alvarez-Sanchez, T., & Cabassa, L.J. (2009). Acculturation, familism and mother-daughter relations among suicidal and non-suicidal adolescent Latinas. *Journal of Primary Prevention, 30*, 351-369.
81. **Zayas, L.H.**, Hausmann-Stabile, C., & Pilat, A.M. (2009). Recruiting urban Latina adolescents and their families: Challenges and lessons learned in suicide attempts research. *Youth & Society, 40*, 591-602.
80. **Zayas, L.H.**, Borrego, J., & Doménech Rodríguez, M. (2009). Parenting interventions for Latino families and children. (Invited chapter). In F. Villaruel, G. Carlo, M. Azmitia, N. Cabrera, & J. Chahin (Eds.), *Handbook of Latino Psychology: Developmental and Community Based Perspectives* (pp. 291-307). Sage Publications.
79. **Zayas, L.H.** & Torres, L.R. (2009). Culture and masculinity: When therapist and patient are Latino men. *Clinical Social Work Journal, 37*, 294-302.
78. **Zayas, L.H.**, Torres, L. R., & Cabassa, L.J. (2009). Clinician ethnicity in diagnostic, symptom, and functional assessments of Hispanic outpatients. *Community Mental Health Journal, 45*, 97-105.
77. Peña, J.B., Wyman, P.A., Brown, C.H., Matthieu, M.M., Olivares, T.E., Hartel, D., & **Zayas, L.H.** (2008). Immigration generation status and its association with suicide attempts, substance use, and depressive symptoms among Latino adolescents in the United States. *Prevention Science, 9*, 299-310.
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75. **Zayas, L.H.**, & Pilat, A.M. (2008). Suicidal behavior in Latinas: Explanatory cultural factors and implications for intervention. *Suicide and Life-Threatening Behavior, 38*, 334-342.
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73. Torres, L.R., Peña, J.B., Westhoff, W.W. & **Zayas, L.H.** (2008). A cross-national comparison of adolescent alcohol and drug use behaviors: U. S. Hispanics and youth in the Dominican Republic. *Journal of Drug Issues, 38*, 149-170.
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71. Drake, B., Hovmand, P., Jonson-Reid, M., & **Zayas, L.H.** (2007). Adopting and teaching evidence-based practice in masters level social work programs. *Journal of Social Work Education, 43*, 431-446.

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69. Cavazos-Rehg, P., **Zayas, L.H.**, & Spitznagel, E.L. (2007). Legal status, emotional well-being and subjective health status of Latino immigrants. *Journal of the National Medical Association*, *99*, 1126–1131.
68. Aisenberg, E., Trickett, P. Mennen, F. Saltzman, W., & **Zayas, L.H.** (2007). Maternal depression and adolescent behavior problems: An examination of mediation among immigrant Latino mothers and their adolescent children exposed to community violence. *Journal of Interpersonal Violence*, *22*, 1227-1249
67. **Zayas, L.H.**, Cabassa, L. J., Perez, M. C., & Cavazos-Rehg, P. (2007). Using interpreters in diagnostic research and practice: Pilot results and recommendations. *Journal of Clinical Psychiatry*, *68*, 924-928.
66. Cabassa, L. J. & **Zayas, L.H.** (2007). Latino immigrants' intentions to seek depression care. *American Journal of Orthopsychiatry*, *77*, 231-242.
65. Cabassa, L. J., Lester, R., & **Zayas, L.H.** (2007). "It's like being in a labyrinth:" Hispanic immigrants' perceptions of depression and attitudes toward treatments. *Journal of Immigrant Health*, *9*, 1-16.
64. Cavazos-Rehg, P., **Zayas, L.H.**, Walker, M.S., & Fisher, E.B. (2006). Evaluating an abbreviated version of the Hispanic Stress Inventory for Immigrants. *Hispanic Journal of Behavioral Sciences*, *28*, 498-515.
63. McKee, M. D., **Zayas, L.H.**, Fletcher, J., Boyd, R. C., & Nam, S. H. (2006). Results of an intervention to reduce perinatal depression among low-income minority women in community primary care. *Journal of Social Service Research*, *32*, 63-81.
62. Cabassa, L. J., **Zayas, L.H.**, & Hansen, M. (2006). Latino adults' access to mental health services: A review of epidemiological studies. *Administration and Policy in Mental Health and Mental Health Services Research*, *33*, 316-330.
61. Boyd, R. C., **Zayas, L.H.**, & McKee, M. D. (2006). Mother-infant interaction, life events and prenatal and postpartum depressive symptoms among urban minority women in primary care. *Maternal and Child Health Journal*, *10*, 139-148.
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59. **Zayas, L.H.**, Cabassa, L. J., & Perez, M.C. (2005). Capacity-to-consent in psychiatric research: Development and preliminary testing of a screening tool. *Research on Social Work Practice*, *15*, 545-556.
58. **Zayas, L.H.**, Lester, R. J., Cabassa, L. J., & Fortuna, L. R. (2005). "Why do so many Latina teens attempt suicide?": A conceptual model for research. *American Journal of Orthopsychiatry*, *75*, 275-287.

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57. **Zayas, L.H.**, Jankowski, K.R.B., & McKee, M. D. (2005). Parenting competency across pregnancy and post-partum among urban minority women. *Journal of Adult Development, 12*, 53-62.
56. **Zayas, L.H.**, McKee, M. D., & Jankowski, K.R.B. (2004). Adapting psychosocial intervention research to urban primary care environments: A case example. *Annals of Family Medicine, 2*, 504-508.
55. McKee, M. D., Jankowski, K. R. B., & **Zayas, L.H.** (2004). Breastfeeding intention and practice in an urban minority population: Relationship to maternal depressive symptoms and mother-infant closeness. *Journal of Reproductive and Infant Psychology, 22*, 167-181.
54. **Zayas, L.H.** (2003). Service-delivery factors in the development of practice guidelines. In A. Rosen & E. K. Proctor (Eds.), *Developing practice guidelines for social work interventions: Issues, methods, and research agenda* (pp. 193-206). New York: Columbia University Press.
53. **Zayas, L.H.**, Gonzalez, M. J., & Hanson, M. (2003) "What do I do now?": On teaching evidence-based interventions for social work practice. *Journal of Teaching in Social Work, 23*, 59-72.
52. **Zayas, L.H.**, Jankowski, K., & McKee, M. D. (2003). Prenatal and postpartum depression among low-income Dominican and Puerto Rican women. *Hispanic Journal of Behavioral Sciences, 25*, 370-385.
51. Fisher, C. B., Hoagwood, K., Boyce, C., Duster, T., Frank, D. A., Grisso, T., Levine, R. J., Macklin, R., Spencer, M. B., Takanishi, R., Trimble, J. E., & **Zayas, L.H.** (2002). Research ethics for mental health science involving ethnic minority children and youth. *American Psychologist, 57*, 1024-1040.
50. Turner, S., Kaplan, C., **Zayas, L.H.**, & Ross, R. (2002). Suicide attempts by adolescent Latinas: An exploratory study of individual and family correlates. *Child and Adolescent Social Work Journal, 19*, 357-374.
49. **Zayas, L.H.**, & Rojas-Flores, L. (2002). Learning from Latino parents: Combining etic and emic approaches to designing interventions. In J. M. Contreras, K. A. Kerns, & A. M. Neal-Barnett (Eds.), *Latino children and families in the United States* (pp. 233-249). Westport: Greenwood/Praeger Publishers.
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46. **Zayas, L.H.** (2001). Incorporating struggles with racism and ethnic identity in therapy with adolescents. *Clinical Social Work Journal, 29*, 361-373.

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45. McKee, M. D., Cunningham, M., Jankowski, K. R. B., & **Zayas, L.H.** (2001). Health-related functional status in pregnancy: Relationship to depression and social support in a multi-ethnic population. *Obstetrics and Gynecology*, *97*, 988-993.
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41. Evans, M. E., Mejía-Maya, L. J., **Zayas, L.H.**, Boothroyd, R., & Rodriguez, O. (2001). Conducting research in culturally diverse inner city neighborhoods: Some lessons learned. *Journal of Transcultural Nursing*, *12*, 6-14.
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38. **Zayas, L.H.** (1999). Family and culture in HIV care for a Latino adolescent. In J. Blustein, C. Levine, & N. N. Dubler (Eds.), *The adolescent alone: Decision making in health care in the United States* (pp. 239-242). New York: Cambridge University Press.
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34. Gonzalez-Ramos, G., **Zayas, L.H.**, & Cohen, E. V. (1998). Child-rearing values of low income, urban Puerto Rican mothers of preschool children. *Professional Psychology: Practice and Research*, *29*, 377-382.
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3. Bryant, C., & **Zayas, L.H.** (1986). Initial moves with school-family conflicts: Entering, engaging, and contracting. *Child and Adolescent Social Work Journal*, 3, 87-100.
2. **Zayas, L.H.**, & Lewis, B. H. (1986). Fantasy role-playing for mutual aid in children's groups: A case illustration. *Social Work with Groups*, 9, 53-66.
1. **Zayas, L.H.**, & Bryant, C. (1984). Culturally-sensitive treatment of adolescent Puerto Rican girls and their families. *Child and Adolescent Social Work Journal*, 1, 235-253.

Invited Lectures

2014

- “Undocumented, Unaccompanied, and Citizen: The Children of America’s Migrations,” They Heyer Lecture, Austin Presbyterian Theological Seminary, September 24.
- “From Cases to Causes: Transforming Social Policy and Practice,” The Chautauqua Lecture, Eastern Kentucky University, Richmond, KY, September 18.
- “What Works in Community and Family Engagement: A Look at Themes,” Hispanic Family Conference, Pasadena (TX) ISD, February 27.
- “Exiling Citizens, Creating Orphans: How Deportation Hurts Us All,” Children’s Policy Conference, Texans Care for Children, February 26.

2013

- “Impacto psicológico de la deportación parental en menores ciudadanos EEUU” (Psychological impact of parental deportation on U.S. citizen-children). Forum “Migración, Salud y Derechos Humanos,” sponsored by the Mexican National Institute of Public Health, Mexico City, October 30.
- “Understanding Latinas’ Suicidal Behaviors and Implications for Practice,” podcast recorded September 10 for Substance Abuse Mental Health Services Administration (DHHS).
- “Behavioral Health and Latino Community: Two Illustrations,” Texans Care for Children, Austin, TX, August 26.
- “Safeguarding the Mental Health of Citizen-Children of Undocumented Immigrants in Detention and Deportation,” Immigration and Nationality Law Section Lecture, State Bar of Texas Annual Meeting, Dallas, TX, June 21.
- “Mental Health Needs Facing Hispanic Families: Examples from Practice and Research,” Region IV Research to Practice Policy Forum “Forging Partnerships to Support Family Resilience: *A Call to Action*.” Georgia State University, Atlanta, GA, May 23.
- “Understanding Latinas’ Suicidal Behaviors and Implications for Practice,” Social Work Alumni Network, El Paso, TX, May 10.

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- “Latina Teens and Their Suicide Attempts: A Review and Implications for Practice,” Counseling and Mental Health Center, The University of Texas at Austin, TX, May 2.
- “Understanding the Suicide Attempts of Young Latinas,” National Partnership for Action to End Health Disparities annual meeting Cultural Perspectives on Behavioral Health, Austin, TX, April 29.
- “From *Cases* to *Causes*: A Research Career from Practice,” Virtual Mentoring Network to Enhance Diversity in the Research Workforce, University of Rochester School of Medicine at American Association of Suicidology meeting, Austin, TX, April 24.
- “Why Latinas Attempt Suicide and What We Can Do About It,” Spring meeting, Juvenile Justice Association of Texas, San Marcos, TX, April 23.
- “Citizen-Children in Immigration Court and in the Shadows,” 16th Annual Conference, Council on Contemporary Families, Miami, FL, April 5
- “Immigration & Immigration Enforcement: A Social Work Research Agenda,” Invited Symposium Speaker, 17th Annual Conference, Society for Social Work and Research, San Diego, CA, January 18
- “From *Cases* to *Causes*: A Research Career from Practice,” Center for Reducing Health Disparities, University of California, Davis, Medical School, January 14

2012

- “From a Case to a *Cause*: Protecting Citizen-Children through Practice, Research, and Advocacy,” Invited speaker, Center on Health, Risk and Society and the Center for Latin American and Latino Studies, American University, Washington, DC, September 13
- “Background on Latinas’ Suicide Attempts,” Panelist, Congressional Hispanic Caucus Institute, Washington, DC, September 11
- “Why Latinas Attempt Suicide and What We Can Do About It,” Plenary speaker, Texas Suicide Prevention Symposium, San Marcos, TX, August 1
- “Latina Teens Attempt Suicide: Findings and What More We Need to Know,” Plenary speaker, 2012 HYP Youth Provider Conference, Austin, TX, June 7
- “Latina Teens Attempt Suicide: Findings and What More We Need to Know,” Plenary speaker, National Latino Mental Health Conference: Transforming Mental Health for Latinos through Policy, Research, Practice, and Leadership, Miami, April 24

2011

- “Understanding the Suicide Attempts of Young Latinas,” Provost’s Invited Speaker, SUNY at Stony Brook, Long Island, NY, October 11
- “Suicide Attempts of Young Latinas,” Speaker, University of Miami School of Education, September 30

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- “Levantando investigaciones de jóvenes,” Invited speaker, Universidad Autonoma de Honduras, Tegucigalpa September 20
- “Doing Research from the Heart,” Speaker, New Connections, Robert Wood Johnson Foundation, Princeton, NJ, June 9
- “Understanding Why Latinas Attempt Suicide,” Speaker, Latino Mental Health Provider Network, Chicago Illinois, July 14-15

2010

- “Suicide Attempts among Young Latinas: What We Know and How School-Based Health Centers Can Intervene,” Invited Plenary, National Assembly on School-Based Health Care, Arlington, VA, June 19, 2010.
- “Los intentos de suicidio entre jovenes hispanas en los estados unidos,” Invited talk, Universidad Autonoma de Santo Domingo, Dominican Republic, September 6
- “Community, Culture, and Service Contexts in Implementation Research.” Invited talk, Improving Implementation Research Methods for Behavioral and Social Science, Office of Planning, Research and Evaluation, DHHS, Silver Spring, MD, September 20, 2010

2009

- “Ethnocultural Variables in Youth Suicide: Latino Perspectives,” Workshops, 7th Annual Suicide Prevention Conference, Traumatic Loss Coalition for Youth, University of Medicine and Dentistry of New Jersey, November 16-18
- Workshop, “Understanding, Preventing and Treating Suicide Attempts by Adolescent Latinas.” 15TH Annual LBHI Latino Conference “Advancing Latino Behavioral Health: *from* Margin to Mainstream” Latino Behavioral Health Institute, Los Angeles CA, September 24
- Presenter, “Depression and suicidal behavior in young Latinas: Reasons and Remedies.” Imperial County Board of Education, El Centro, CA. September 22
- Presenter, “Risk factors and assets for adolescent suicide prevention programs.” Conference “Adolescent Suicide: Addressing Disparities through Research, Programs, Policy, and Partnerships.” Sponsors Centers for Disease Control and Prevention (CDC), Indian Health Service (IHS), and Substance Abuse and Mental Health Services Administration (SAMHSA). Washington, DC September 21 (via internet)
- Workshops, “Suicidal Behavior in Latinas: Explanatory and Cultural Factors and Implications for Interventions” “Psychiatric Diagnoses on Hispanic Patients: Research Findings and Considerations for Mental Health Practice” Texas Behavioral Health Institute, Austin TX, July 9
- Speaker, “Research to Strengthen Hispanic Families Across our Nation” National Alliance for Hispanic Families Summit, Washington, DC, June 2

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- Webinar Speaker. “Understanding the rise in suicide attempts in Latina teens,” Center for Health and Health Care in Schools, George Washington University. May 21
- Moderator, “Adapting Interventions: Successes and Challenges,” Caring Across Communities and Fresh Ideas, Chicago IL, Center for Health and Health Care in Schools, George Washington University. April 23
- Workshop, “Latinas in Crisis: Cultural and Familial Factors in Suicide Attempts.” Professional Education Program in Psychiatry, Butler Hospital, Brown University, Providence, RI March 6
- Colloquium, “Clinicians Don’t Agree on the Diagnoses of Hispanic Adults.” College of Behavioral and Community Sciences, University of South Florida, Tampa, FL, April 2

2008

- Presenter, “Intentos de Suicidio en Adolescentes de Descendencia Hispana en los EU: Aspectos Familiares, Social y Cultural” XII Congreso Mexicano de Psicología Social y IV Congreso Mexicano de Relaciones Personales León, Guanajuato, México, October 24
- Talk, “Center For Latino Family Research: Our Mission, Our Projects.” Department of Social Work, Pontificia Universidad Catolia de Chile, Santiago, Chile, April 21
- Talk, “Center for Latino Family Research: Who we are, What we do.” Hispanic Roundtable of Illinois conference “Immigrants in our Midst” Southern Illinois University, Edwardsville, IL, April 4

2007

- Talk, “Latina Teen Suicide Attempts: Why and What We Know So Far” Lutheran Medical Center, Brooklyn, NY, February 20
- Grand Rounds, “Latina Teen Suicide Attempts: Cultural Psychology and Research” Bronx Lebanon Hospital Center, Bronx, NY, February 27
- Talk, “Latino Teens’ Suicide Attempts: What it is and what we can do,” Arkansas Youth Suicide Prevention Task Force Conference: Pathways into Hope. Little Rock, AR, March 17
- Plenary Keynote: “Ethnicity of Patient and Clinician in the Psychiatric Diagnostic Process,” Latino Behavioral Health Institute conference, Los Angeles, CA, October 2
- Workshop: “Why Teenage Latinas Attempt Suicide and What Their Parents Think” Latino Behavioral Health Institute conference, Los Angeles, CA, October 2

2006

- Grand Rounds, “Suicide Attempts by Adolescent Latinas: A View from Cultural Psychology” Woodhull Hospital Medical Center, Brooklyn, NY March 15
- Keynote speech, “*Attracting More Latinos Into Social Work Ph.D. Programs and Faculties*”

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New York Latino Social Work Task Force, NYC, March 16

- Annual Aavo Rakfeldt Memorial Lecture, “Understanding Suicide Attempts Among Adolescent Latinas in the United States,” Southern Connecticut State University, New Haven, CT, April 25
- Research Presentation, “Clinician Ethnicity in Diagnostic Assessments.” Center for Multicultural Mental Health Research, Harvard University/Cambridge Health Alliance, April 26
- Invited Presentation, “Research on Hispanic Families & Children That Can Inform Hispanic Healthy Marriage Initiative,” Hispanic Health Marriage Initiative Conference, Administration for Children and Families, DHHS, San Antonio, Texas, May 11
- Keynote speech, “*Attracting More Latinos Into Social Work Ph.D. Programs and Faculties*” Latino Social Work Organization, Chicago, Illinois, June 22
- Keynote speech, “Teen Suicide Attempts: Why and What We Know So Far,” Coalition of Voluntary Mental Health Agencies, New York, NY, September 26
- Speech, “Latina Teen Suicide Attempts: A Cause for Public Health Concern,” Congressional Hispanic Caucus Conference, Washington, DC, October 2
- Keynote, “Latina Teen Suicide Attempts: Why and What We Know So Far” 14th Annual International Hispanic/Latino Mental Health Week Conference Latino Family Institute, Chicago, IL October 5
- Grand Rounds, “Suicidal Behavior Among Latina Teens: Theoretical and Empirical Explanations,” Lincoln Hospital Medical Center, Bronx, NY, October 10
- Talk, “Latina Teen Suicide Attempts: Why and What We Know So Far,” Family Service of Rhode Island, Providence, RI, October 16

2005

- Invited talk, “Adolescent Latinas & Suicide Attempts: A View from Cultural Psychology,” Duke University, January 31
- Invited talk, “Adolescent Latinas & Suicide Attempts: A View from Cultural Psychology,” School of Social Work, University of North Carolina at Chapel Hill, February 1
- Invited talk, “Evidence-based Practice,” School of Social Work, Pontificia Universidad Catolica, Santiago, Chile, June
- Invited talk, “Evidence-based Practice,” Department of Social Work, Universidad Centroamericana, Managua, Nicaragua, June
- Invited talk, “Adolescent Latinas & Suicide Attempts: A View from Cultural Psychology,” Southwest Interdisciplinary Research Center, Arizona State University, September 1

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- Workshop, “Suicide attempts of young Latinas,” Latino Behavioral Health Institute, Los Angeles, CA, September 20
- Invited talk, “Adolescent Latinas & Suicide Attempts: A View from Cultural Psychology,” School of Social Work, University of Wisconsin, Madison, November 18
- Invited seminar, “Social Work Research and Funding,” Beatriz De La Salle School of Social Work, University of Puerto Rico, November
- Grand Rounds, “Hispanicity and Psychiatric Diagnosis,” St. Vincent’s Hospital Medical Center, New York, December 5

2004

- Presenter, “Capacity to Consent in a Study of Psychiatric Diagnosis.” Ethics Seminar Series, *Research Considerations Among High Risk Vulnerable Populations*, Epidemiology and Prevention Research Group, Washington University School of Medicine. April 22, 2004.
- Invited talk, “Suicide Attempts Among Latina Teens,” *Pragmatic Considerations of Culture in Preventing Suicide*, National Institute of Mental Health, University of Pennsylvania, Philadelphia, September 9, 2004.
- Invited talk, “Understanding Suicide Attempts Among Latina Teens,” *Health Families: Fountain for a Better Future Conference*, Latino Family Institute, Chicago, IL, October 8, 2004.
- Discussant, “Returning Home: Community Re-Entry and Mental Health Service Experience Among Latino Juvenile Offenders,” paper by Lisa R. Fortuna, MD. *Critical Research Issues in Latino Mental Health: Mental Health and Addictions Among Latinos*, San Antonio, TX, October 15
- Talk, “Wealth and Health Disparities Among U.S. Latinos,” talk to *Student National Medical Association of Washington University School of Medicine*, St. Louis, MO, October 21
- Speaker, “Culture and mental health: The case of Latina suicide attempts,” Grand Rounds, Washington University Medical School, October

2003

- Keynote Address, “Why Are So Many Teen Latinas Attempting Suicide? Some Findings, Some Theories,” Annual Meeting of the National Association of Puerto Rican and Hispanic Social Workers, Rockville Center, Long Island, New York, June 5
- Talk, “Cultural Considerations in Clinical with Hispanics,” Clinical Psychology Training Program, Butler Hospital of Brown University, Providence, RI, June 11
- Workshop, “Understanding Suicide Attempts Among Latina Teens” The Latino Family Institute’s conference “Healthy Families, A Foundation for a Better Future,” Chicago, IL, October 10

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- Refereed paper, “Reducing Perinatal Depression in Primary Care: Adapting Intervention Research to Challenges of Urban Environments” Biennial Meeting, Society for Research in Child Development, Tampa, FL, April 24

2002

- Invited preconference institute, “Reviewing Research Grants: What are the Criteria for Success,” Society for Social Work and Research, San Diego, CA, January 20, 2002.
- Invited talk, “Predoctoral Research Training in Minority Mental Health at Fordham University,” Career Opportunities in Research (COR) annual conference, Minneapolis, Minnesota, April 12
- Invited seminar, “Reducing Perinatal Depression and Enhancing Parenting,” Institute for Health, Health Policy, and Aging, Rutgers University, April 23
- Invited talk, “Reducing Perinatal Depression in Primary Care: When Intervention Research Meets the Real World,” Center for Mental Health Services Research, Washington University, St. Louis, MO, May 2
- Invited paper, “Reducing Perinatal Depression and Enhancing Parenting in Urban Primary Care Clinics,” NIMH Conference on Perinatal Mood Disorders, Bethesda, MD, July 9
- Discussant, Critical Issues in Latino Mental Health, University of Medicine and Dentistry of New Jersey/Robert Wood Johnson Medical Center, Princeton, NJ, November 8
- Invited talk, “Reducing Perinatal Depression in Urban Primary Care: Adapting to Challenges,” NIMH Conference: Moving Forward: Building on Social Work Contributions to Mental Health Research, June 11
- Invited talk, “Depression in late pregnancy among low income urban Latinas,” Latino Psychology 2002: Bridging Our Diversity and Our Community, University of Rhode Island, Providence, RI, October 9

2001

- Presidential Plenary talk, “Views from the Bridge: Practitioners’ Perspectives,” Presidential Plenary—Bridging Research and Practice, Society for Social Work and Research, Atlanta, GA, January 20
- Panelist, “Challenges in Hispanic Mental Health Research,” All NIMH Centers’ Meeting, Pearl River, NY, April 26
- Grand Rounds, “Creating and Adapting Psychotherapeutic Treatments for Hispanic Children,” Grand Rounds, Rockland Children’s Psychiatric Center, Orangeburg, NY, June 5
- Invited talk, “Ethical Considerations in Community and Services Research,” Research Approaches to Early Treatment and Prevention of Mental Disorders for Minority Children and Families Conference, National Institute of Mental Health, Bethesda, MD, July 10

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- Invited talk, “Reflections on Community Collaborations,” Research Ethics for Mental Health Science Involving Minority Children and Youth, Center for Ethics Education & National Institute of Mental Health, Fordham University, July 17
- Hazel Augustine Lecture, “Understanding Suicide Attempts Among Adolescent Latinas,” Smith College School for Social Work, Northampton, MA, July 28
- Invited talk, “Challenges and Directions in Hispanic Mental Health Research,” Wellesley College, Wellesley, MA, November 7
- Seminar, “Suicide Attempts Among Adolescent Latinas: Research Directions,” Social Intervention Group, Columbia University School of Social Work, November 9

2000

- Invited Panel Address, “Social Work Research Development Centers: Bridging Research and Practice,” Annual Program Meeting, Council on Social Work Education, New York, N.Y., February 27
- Invited Panel Address, “Preparation for Practice: The Changing Face of Social Work Education,” Annual Program Meeting, Council on Social Work Education, New York, NY, February 28
- Invited paper, “Tips to Adolescents to Prevent Being Victims of Police Violence.” American Orthopsychiatry Association. Symposium: “Race-Related Police Violence: “ New York, NY, June 9
- Invited paper, “Learning from Latino parents: Combining Etic and Emic Approaches to Designing Interventions” (with L. Rojas-Flores, PhD) Kent State University Applied Psychology Forum “Latino Children and Families in the United States.” Millersburg, OH, April 16
- Invited paper, “Educational, Research, and Service-Delivery Factors in Implementation of Practice Guidelines.” Washington University Conference Developing Practice Guidelines for Social Work Interventions: Issues, Methods, and Research agenda. St. Louis, MO, May 3-5
- Invited paper, “Hispanic Mental Health: Research Findings and Future Directions.” National Institutes of Health, 2000 Hispanic Heritage Month Observance, “Bridging the Gap in Health Disparities,” Bethesda, MD, September 15
- Talk, “Hispanic Mental Health Research: Translating Science into Service.” Association of Hispanic Mental Health Professionals, New York City, October 28
- Refereed paper, “Depression, acculturation, and motivations for alcohol use among young Colombian, Dominican, and Puerto Rican men. (Paper.) Annual Conference, Society for Social Work and Research, Charleston, SC, January 21
- Refereed paper, “Reducing depression in late pregnancy and enhancing parenting efficacy: Preliminary findings” (Paper.) Annual Conference, Society for Social Work and Research, Charleston, SC, January

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- Panelist, “Social Work Research Development Centers,” Annual Conference, Society for Social Work and Research, Charleston, SC, January

Media Appearances

- 2014 BBC Radio 5 (October 30). Radio interview on refugee children on Texas border on “Up All Night” with Rhod Sharp.
- 2014 WURN 1020 AM & WLTV 1040 AM, Miami (August 4). Radio interview on suicidal Latinas.
- 2014 *Austin American-Statesman* (August 2). Op-ed: “Summer reading on child refugees would school Congress, president” (with Amy Thompson) (p. A13)
- Reprinted: *Huffington Post* online August 8 as “Summer Reading Suggestions for Congress and the President on Child Refugees.”
- 2014 *BBC Mundo* (July 31). Quoted in radio and print story: “¿Por qué tantas jóvenes hispanas intentan suicidarse en EE.UU.? (Why do many young Hispanic girls attempt suicide in the US?)”
- 2014 *Reuters* (July 18). Quoted: “After U.S. deportation, a Honduran mother and daughter’s uncertain fate.”
- 2014 *WAMC Northeast Public Radio* (June 9). Academic Minute Segment: “Latina Suicide Rates.”
- 2013 *Oregon Public Radio* (December 5). Quoted: “U.S. Immigration Policy Leaves Behind ‘Orphans of Deportation.’”
- 2013 *CNN.com* (October 27). Quoted: “Deportations: Missing parents, scared kids.”
- 2013 *CNN.com* (October 9). Quoted: “Latinos struggle to find help for mental health issues.”
- 2012 *Good Day Austin* (Fox Channel 7, 16 October). Interviewed about suicide among Latina teens.
- 2012 *Latina.com* (28 August). Quoted: “Latina teen suicide rates on the rise: What you need to know.”
- 2012 *Austin American-Statesman* (23 June). Op-Ed: “Consider citizen children of illegal immigrants.”
- 2012 *Austin American-Statesman* (15 June). Quoted: “Obama’s dramatic policy change for young immigrants brings glee and anger”
- 2011 *Mujeres Maravillosas*, KFON 1490 AM, Austin TX (February 18). Radio interview on suicidal Latinas
- 2010 *LatinoUSA*, National Public Radio. (October). Documentary interview on suicidal

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Latinas

- 2010 *St. Louis Beacon* (June 22). Quoted: “Washington U puts new focus on diversity.”
- 2010 *Radio Health Journal* (March 28). Quoted: radio segment on Latina suicide attempts that aired on 450 stations nationally
- 2010 *Latina Magazine* (March issue). Quoted: “Sound the alarm: Suicide attempts among young Latinas are higher than any other teen demographic”
- 2010 *Rochester, NY Democrat and Chronicle* (January 7). Quoted: “Suicide attempts by young Latinas cause alarm.”
- 2009 *CNN* (October 19). *Latino in America* (Soledad O’Brien). Interviewed on my research
- 2009 *St. Louis Post-Dispatch* (October 1). Quoted: “A closer look at the stay-at-home mom”
- 2009 *Washington Hispanic* (August 7). Quoted: “Suicidio y las jovenes hispanas,” Washington DC Spanish language newspaper
- 2009 *San Antonio Express-News* (June 6). Quoted: “Latinas more likely to take their lives.” San Antonio, Texas
- 2009 *Cronicas de la Raza* (January 6). Interview on KPFA FM radio, Fresno, California, on Latina suicide attempts for series on Latinos and health hosted by Julieta Kusnis
- 2008 *Dialogo de Costa a Costa* (August 18). Special guest on segment “Alto índice de suicidio entre adolescentes latinas,” international daily talk show on Hispanic Information and Telecommunications Network, Inc
- 2008 *Dialogo de Costa a Costa* (June 4). Commentary on segment “Educando a nuestros hijos en una nueva cultura,” an international daily talk show televised by Hispanic Information and Telecommunications Network, Inc
- 2008 *The Hillsboro Argus* (May 9). Cited: “Adelante Chicas helps young Latina women move forward.” Portland, OR
- 2008 *Monitor on Psychology* (April). Quoted: “Preventing teen suicide through *familia*.” p. 10
- 2008 *Chicago Tribune* (January 29). Quoted: “Suicide risk high among Latinas”
- 2008 *Washington Post* (January 22). Quoted: “Crying out for help” (Latina suicide attempts)
- 2007 *Patt Morrison Show* (October 3) on KPCC 89.3, Southern California public radio/NPR. One of three expert discussants of Latino behavioral health issues
- 2006 *The Latina Voz* (online magazine, November). Quoted: “Latina girls sound a life and death alarm”
- 2006 *People en Español* (November). Quoted: “¿Por qué se suicidan nuestras adolescentes?”

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- 2006 *Houston Chronicle* (September 15). Cited: Editorial on teen Latinas' suicide attempts
- 2006 *Hispanic* (September). Quoted: "The uncertain future of young Latinas"
- 2006 *Diverse: Issues in Higher Education* (September 21). Cover Story: "Researching Latinas in crisis" (p. 6)
- 2006 *En Vivo con Victor Arrellano* (September 9). Interview on high risks facing Latina teenagers on WLMV 1480-AM, Madison, WI (Spanish broadcast in WI and IL)
- 2006 *Talk of the Nation, National Public Radio* (August 29). Interview and discussion on suicide attempts by adolescent Latinas and other risk behaviors
- 2006 *Tiempos del Mundo* (August 31), *Mas Solos Que Nunca* news magazine, Bogota, Colombia. Quoted on factors affecting youth risks in Latin America and US
- 2006 *Super Estrella Radio Show* (August 18). Interviewed live for morning radio program on Latina suicide attempts (primarily West and Southwest audience)
- 2006 *Tu Compañero Católico* (August 7). Interviewed for radio program on Latina suicide attempts to air nationally in October
- 2006 *BBC World Service* (August 15). Quoted: international radio documentary on Latinas and high risk behaviors
- 2006 *The New York Times* (July 21). Editorial: Young Latinas and a Cry for Help. (Reference to research on suicide attempts and other youth risk behaviors)
- 2006 *El Diario/La Prensa* (July 14; NYC Spanish newspaper). Quoted: One in 4 Latinas in the US has a child before the age of 20
- 2006 *WNYC 93.9FM* (New York City public radio; July 13). The Brian Lehrer Show: Commentary on suicide attempts among Latinas
- 2006 *El Diario/La Prensa* (July 12; NYC Spanish newspaper). Quoted: Alarming attempted suicide rate among Hispanic teenage girls
- 2006 *The Psychotherapy Networker* (July/August). Quoted: Latina girls and suicide (pp.23-24)
- 2006 *Kansas City Star* (April 17). Quoted: "In a bright new land, dark thoughts emerge"
- 2005 *St. Louis Post-Dispatch* (June 25). Quinceañera (quoted)
- 2004 *Latina Style Magazine* (November-December). Quoted: Dying young: Young Latinas are attempting suicide at twice the rate of non-Hispanic teens
- 2004 *The New York Times*. Letter to the Editor: "The learning curve: One language or two?" (p. A12), July 17

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- 2001 *CNN en Español* (April). Quoted: Castro's offer of scholarships to American minority students to attend Cuban medical schools
- 2000 *El Diario/La Prensa* (NY; August 16). Quoted: "¿A dónde acuden los hispanos con problemas emocionales?"
- 2000 *Tampa (FL) Tribune*. (June 4). Quoted: "People of color lean on family"
- 2000 *Noticiero Telemundo* (National Evening News) (February 3). Interview for story on domestic violence in immigrant Latino families
- 2000 *The New York Times* (January 5). Quoted: "For Latino laborers, dual lives"
- 1999 *LatinoUSA*, National Public Radio (August 7). Interview: Center for Hispanic Mental Health Research
- 1999 *The New York Times* (June 16). Quoted: "Treatment rooted in culture"
- 1999 *Telemundo Evening News*, WNJU-TV Channel 47 (August 2). Interview on Center for Hispanic Mental Health Research
- 1998 *Latina Magazine* (July). Quoted: "Teen suicide: La tragedia is twice as likely among Latinas"
- 1997 *Telemundo Evening News*, WNJU-TV Channel 47 (Dec. 15). Interview: "Mercury sales in botanicas."
- 1995 *NBC-TV* (August 26) Quoted: "Hispanics in the U.S."
- 1995 *Gannett Suburban Westchester Newspapers* (November 26). Quoted: "The need to connect"
- 1994 *The Maury Povich Show* (November 17). Expert commentary on Hispanic family
- 1992 *The New York Times* (August 19). Letter to the Editor: "What do the guidance counselors know?" (p. A20).
- 1991 *Noticiero Telemundo/CNN* (National Evening News) (October). Interview for story on adolescents carrying firearms to school

Original Investigation

Comorbidity and Continuity of Psychiatric Disorders in Youth After Detention

A Prospective Longitudinal Study

Karen M. Abram, PhD; Naomi A. Zwecker, PhD; Leah J. Welty, PhD; Jennifer A. Hershfield, MA; Mina K. Dulcan, MD; Linda A. Teplin, PhD

IMPORTANCE Psychiatric disorders and comorbidity are prevalent among incarcerated juveniles. To date, no large-scale study has examined the comorbidity and continuity of psychiatric disorders after youth leave detention.

OBJECTIVE To determine the comorbidity and continuity of psychiatric disorders among youth 5 years after detention.


DESIGN, SETTING, AND PARTICIPANTS Prospective longitudinal study of a stratified random sample of 1829 youth (1172 male and 657 female; 1005 African American, 296 non-Hispanic white, 524 Hispanic, and 4 other race/ethnicity) recruited from the Cook County Juvenile Temporary Detention Center, Chicago, Illinois, between November 20, 1995, and June 14, 1998, and who received their time 2 follow-up interview between May 22, 2000, and April 3, 2004.

MAIN OUTCOMES AND MEASURES At baseline, the Diagnostic Interview Schedule for Children Version 2.3. At follow-ups, the Diagnostic Interview Schedule for Children Version IV (child and young adult versions) and the Diagnostic Interview Schedule Version IV (substance use disorders and antisocial personality disorder).

RESULTS Five years after detention, when participants were 14 to 24 years old, almost 27% of males and 14% of females had comorbid psychiatric disorders. Although females had significantly higher rates of comorbidity when in detention (odds ratio, 1.3; 95% CI, 1.0-1.7), males had significantly higher rates than females at follow-up (odds ratio, 2.3; 95% CI, 1.6-3.3). Substance use plus behavioral disorders was the most common comorbid profile among males, affecting 1 in 6. Participants with more disorders at baseline were more likely to have a disorder approximately 5 years after detention, even after adjusting for demographic characteristics. We found substantial continuity of disorder. However, some baseline disorders predicted alcohol and drug use disorders at follow-up.

CONCLUSIONS AND RELEVANCE Although prevalence rates of comorbidity decreased in youth after detention, rates remained substantial and were higher than rates in the most comparable studies of the general population. Youth with multiple disorders at baseline are at highest risk for disorder 5 years later. Because many psychiatric disorders first appear in childhood and adolescence, primary and secondary prevention of psychiatric disorders offers the greatest opportunity to reduce costs to individuals, families, and society. Only a concerted effort to address the many needs of delinquent youth will help them thrive in adulthood.

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The prevalence of psychiatric disorders among juvenile detainees has been well established.^{1,2} Almost two-thirds of males and three-quarters of females entering juvenile detention have 1 or more psychiatric disorders.² Comorbid disorders are also common in this population, affecting approximately half of the youth in detention.^{3,4}

Far less is known about youth after they leave detention. Teplin et al⁵ found that after detention prevalence rates of psychiatric disorders decreased but were still substantially higher than general population rates. Five years after detention, half of the males and 40% of females had 1 or more psychiatric disorders. However, longitudinal studies to date have examined only the prevalence and persistence of specific disorders such as major depression or alcohol use disorders. To our knowledge, no study has examined the comorbidity and continuity of psychiatric disorders after youth leave detention.

Many excellent general population studies have examined the comorbidity and continuity of disorders. However, findings are not generalizable to detained youth for 2 reasons. First, the demographic characteristics of youth in detention are different from those of the general population.⁶ Youth in detention are disproportionately poor, and racial/ethnic minorities are overrepresented.^{6,7} More than any other racial/ethnic group, African Americans are disproportionately incarcerated,⁶ comprising about 14% of the general population⁸ but about 40% of youth and young adults in correctional facilities.^{9,10} Second, delinquent youth are systematically underrepresented in general population investigations.⁵ School-based samples exclude youth who are truant, have dropped out, or are incarcerated. Household surveys exclude incarcerated youth. Samples drawn from pediatric clinics exclude those who do not receive medical treatment. Even if sampled initially, delinquent youth may be lost to follow-up when they are incarcerated because they cannot be found and because studying prisoners requires special procedures and approvals from the Secretary of Health and Human Services.¹¹

Data on the comorbidity and continuity of disorders in delinquent youth are needed for 3 reasons. First, comorbid disorders present significant challenges.^{12,13} Persons with comorbid disorders are less responsive to traditional treatments than those with only one disorder¹² and are more difficult to place in treatment because their needs cross traditional boundaries.¹³ Second, identifying diagnostic predictors of later disorder has ramifications for secondary prevention, treatment, and policy in the community.^{14,15} Juvenile detainees have a median length of stay of only 2 weeks.¹⁶ After release, juvenile detainees become the responsibility of the community. Third, longitudinal studies of correctional populations provide needed data to address health disparities, a priority of the Institute of Medicine¹⁷ and of the *Healthy People 2020* publication.¹⁸ Data on females are especially needed because they are a growing minority in the juvenile justice system, now comprising 30% of juvenile arrests.¹⁹

This is the first article from the Northwestern Juvenile Project to examine the comorbidity and continuity of psychiatric disorders after youth leave detention; a prior article examined the prevalence and persistence of single disorders.⁵ We examine 3 questions. What are the patterns of comorbidity, and

how do they change over time? Among youth with a specific disorder at baseline, what are the odds that they will have the same disorder at follow-up (homotypic prediction)?¹⁴ Among youth with a specific disorder at baseline, what are the odds that they will have a different disorder at follow-up (heterotypic prediction)?¹⁴

Methods

The most relevant information on our methods is summarized below. Additional information is available in the eMethods in the Supplement and is published elsewhere.^{2,3,5,20}

Procedures to Obtain Assent and Consent at Baseline and Follow-up

The Northwestern University Institutional Review Board and the Centers for Disease Control and Prevention Institutional Review Board approved all study procedures and waived parental consent for persons younger than 18 years, consistent with federal regulations regarding research with minimal risk.²¹ For all interviews, participants signed either an assent form (if <18 years old) or a consent form (if ≥18 years old).

Sample and Procedures

We recruited a stratified random sample of 1829 youth at intake to the Cook County Juvenile Temporary Detention Center in Chicago, Illinois, between November 20, 1995, and June 14, 1998, who were awaiting the adjudication or disposition of their case. The Cook County Juvenile Temporary Detention Center is used for pretrial detention and for offenders sentenced for less than 30 days.

To ensure adequate representation of key subgroups, we stratified our sample by sex, race/ethnicity (African American, non-Hispanic white, Hispanic, or other), age (10-13 or ≥14 years), and legal status at detention (processed in juvenile or adult court). Face-to-face structured interviews were conducted at the detention center in a private area, most within 2 days of intake.

Follow-up interviews were scheduled for 3 and 4½ years after baseline. For each follow-up, we interviewed participants whether they lived in the community or in correctional facilities. **Table 1** lists characteristics of the sample.

Measures

Baseline

We administered the Diagnostic Interview Schedule for Children Version 2.3 (DISC-2.3),^{22,23} based on the *DSM-III-R*, the most recent English and Spanish versions then available, which assesses disorders in the past 6 months. Because the DISC-2.3 did not include posttraumatic stress disorder (PTSD), we used the module from the DISC-IV when it became available 13 months after the study began.^{20,24,25}

Follow-up Interviews

We administered the DISC-IV (child and young adult versions), based on the *DSM-IV*, to assess schizophrenia, mood disorders, anxiety disorders, attention-deficit/hyperactivity

Table 1. Demographic Characteristics at Baseline, Time 1, and Time 2^a

Characteristic	Baseline (n = 1829)	Time 1 ^b (n = 1659)	Time 2 ^c (n = 1504)
Race/ethnicity, No. (%)			
African American	1005 (54.9)	927 (55.9)	859 (57.1)
Non-Hispanic white	296 (16.2)	267 (16.1)	233 (15.5)
Hispanic	524 (28.6)	461 (27.8)	409 (27.2)
Other	4 (0.2)	4 (0.2)	3 (0.2)
Sex, No. (%)			
Male	1172 (64.1)	1054 (63.5)	960 (63.8)
Female	657 (35.9)	605 (36.5)	544 (36.2)
Legal status at detention, No. (%)			
Processed in adult court	275 (15.0)	263 (15.9)	234 (15.6)
Processed in juvenile court	1554 (85.0)	1396 (84.1)	1270 (84.4)
Age, y			
Mean (SD)	14.9 (1.4)	18.6 (1.4)	20.2 (1.5)
Median (range)	15 (10-19)	19 (13-23)	20 (15-25)

^a Percentages may not sum to 100.0% due to rounding.

^b Of 1829 baseline participants, 31 had died (25 males and 6 females), 5 refused participation (5 males and 0 females), 42 were lost to follow-up (27 males and 15 females), and 92 had follow-up interviews that were out of range (61 males and 31 females).

^c Of 1829 baseline participants, 51 had died (42 males and 9 females), 27 refused participation (19 males and 8 females), 101 were lost to follow-up (65 males and 36 females), and 146 had follow-up interviews that were out of range (86 males and 60 females).

disorder (ADHD), and disruptive behavior disorders in the past year.²⁵ To assess past-year substance use disorders and antisocial personality disorder (APD), we administered the Diagnostic Interview Schedule Version IV.²⁶ As in our group's prior work,⁵ we checked that changes in prevalence rates over time were not due to changes in measurement.

Variables

We conducted analyses of specific disorders and 2 derived variables. The first variable is the number of disorders, including the count of disorders among mania, major depression, hypomania, dysthymia, generalized anxiety disorder (GAD), panic disorder, PTSD, ADHD (if ≤ 17 years old), conduct disorder (if ≤ 17 years old), oppositional defiant disorder (ODD) (if ≤ 17 years old), APD (if ≥ 18 years old), and alcohol and drug use disorders. The second variable comprises categories of disorder, including internalizing (mania, major depression, hypomania, dysthymia, GAD, panic disorder, and PTSD), substance (alcohol and drug use disorders), and behavioral (conduct disorder, ODD, and APD). Participants self-identified their race/ethnicity (African American, Hispanic, non-Hispanic white, or other).

Statistical Analysis

All analyses were conducted using commercial software (STATA, version 12; StataCorp LP) with its survey routines.²⁷ To generate prevalence rates and inferential statistics that reflect the population of the Cook County Juvenile Temporary Detention Center, each participant was assigned a sampling weight augmented with a nonresponse adjustment to account for missing data.²⁸ Taylor series linearization was used to estimate standard errors.^{29,30} Because mental health needs of youth in detention differ by sex,^{2,3} we conducted separate analyses for males and females.

We present prevalence rates of disorder at 3 time points: baseline (time 0), time 1, and time 2. As in our group's prior work,² time 1 is the first follow-up interview but excludes interviews that occurred more than 18 months after the interview due date. The median time between baseline and time 1

was 3.0 years (mean [SD], 3.2 [0.3] years; range, 2.7-4.5 years). Time 1 follow-up interviews were conducted between November 19, 1998, and August 8, 2002. For simplicity, we refer to the time 1 interview as occurring approximately 3 years after baseline. Table 1 summarizes the sample's demographics and retention; 90.7% of participants had a time 1 interview.

Time 2 is the 4½-year follow-up interview. As with time 1, we excluded interviews that occurred more than 18 months after this due date. The median time between baseline and the time 2 interview was 4.7 years (mean [SD], 4.8 [0.4] years; range, 4.3-6.0 years). Time 2 follow-up interviews were conducted between May 22, 2000, and April 3, 2004. For simplicity, we subsequently refer to the time 2 interview as occurring approximately 5 years after baseline; 82.2% of participants had a time 2 interview (Table 1) (see the eMethods in the Supplement for additional details on time 2.)

We used logistic regression for 2 analyses. First, we examined demographic differences in comorbidity (≥ 2 disorders [yes or no]) at time 2. Second, we examined whether the number of disorders at baseline was associated with having at least 1 disorder at time 2.

Models for Continuity of Disorders Over Time

We used a sequence of logistic regression models to examine continuity of disorders over time. First, in the unadjusted model the disorder at baseline was the single predictor of the disorder at follow-up. For example, is major depression at baseline associated with alcohol use disorder at time 2? (Models in which the baseline disorder predicts the same disorder at follow-up are referred to as *homotypic prediction*. Models in which the baseline disorder predicts a different disorder at follow-up are referred to as *heterotypic prediction*.) Second, in the adjusted model (heterotypic prediction only) we included whether the disorder being predicted at follow-up was present at baseline as well. For example, is major depression at baseline associated with alcohol use disorder at time 2, even after adjusting for having alcohol use disorder at baseline? To determine whether conduct disorder predicted APD, we used a modified diagnosis of APD that

Table 2. Prevalence of the Number of DSM-IV Disorders at Baseline, Time 1, and Time 2 for Males and Females^a

No. of Disorders	Prevalence, % (SE)							
	Overall	African American	Hispanic	Non-Hispanic White	Overall	African American	Hispanic	Non-Hispanic White
Baseline ^b	Males (n = 1145)				Females (n = 639)			
≥1	60.6 (2.4)	58.2 (3.0)	67.3 (3.5)	78.2 (2.9)	66.5 (2.0)	61.9 (2.4)	73.2 (3.9)	81.5 (4.2)
≥2	39.9 (2.4)	37.3 (3.0)	47.9 (3.9)	55.6 (3.5)	47.1 (2.2)	42.1 (2.4)	53.5 (4.4)	62.4 (5.2)
≥3	23.7 (2.1)	22.2 (2.5)	28.9 (3.9)	30.7 (3.3)	29.5 (2.1)	24.3 (2.1)	38.4 (4.2)	38.8 (5.2)
Time 1 ^c	Males (n = 957)				Females (n = 543)			
≥1	57.1 (2.7)	55.5 (3.4)	59.1 (4.5)	72.2 (3.5)	49.9 (2.3)	45.5 (2.6)	56.5 (4.9)	62.1 (5.8)
≥2	33.7 (2.6)	32.1 (3.2)	37.6 (4.0)	40.7 (3.9)	26.5 (2.3)	23.6 (2.2)	28.1 (4.4)	31.7 (5.5)
≥3	15.9 (2.0)	14.6 (2.4)	20.6 (2.8)	18.9 (3.1)	10.1 (1.3)	9.6 (1.5)	13.0 (3.3)	11.0 (3.7)
Time 2 ^d	Males (n = 896)				Females (n = 503)			
≥1	50.4 (2.9)	48.0 (3.6)	54.5 (4.7)	69.7 (3.8)	38.9 (2.5)	34.4 (2.5)	41.5 (5.1)	52.5 (6.7)
≥2	26.8 (2.6)	25.5 (3.2)	27.5 (3.8)	42.5 (4.1)	13.7 (1.5)	11.7 (1.7)	19.8 (4.1)	21.0 (5.4)
≥3	10.3 (1.7)	9.7 (2.2)	9.9 (1.9)	17.4 (3.2)	5.5 (1.0)	4.6 (1.1)	7.2 (2.6)	10.5 (4.1)

^a Descriptive statistics are weighted to adjust for sampling design and reflect the demographic characteristics of the Cook County Juvenile Temporary Detention Center. The number of disorders is based on the following disorders: mania, major depression, hypomania, dysthymia, generalized anxiety disorder, panic disorder, posttraumatic stress disorder, attention-deficit/hyperactivity disorder (if ≤17 years old), conduct disorder (if ≤17 years old), oppositional defiant disorder (if ≤17 years old), antisocial personality disorder (if ≥18 years old), and alcohol and drug use disorders.

^b Of 1172 males and 657 females with baseline interviews, 27 males and 18

females were treated as missing because they had zero disorders but were missing a diagnosis of at least 1 disorder listed above.

^c Of 1054 males and 605 females with time 1 interviews, 97 males and 62 females were treated as missing because they had zero disorders but were missing a diagnosis of at least 1 disorder listed above.

^d Of 960 males and 544 females with time 2 interviews, 64 males and 41 females were treated as missing because they had zero disorders but were missing a diagnosis of at least 1 disorder listed above.

did not require adolescent conduct disorder. However, because findings were not substantially different from models using the original APD diagnosis, we present data with the original criteria. All models predicting substance use disorders at follow-up were adjusted for time in corrections (linear and quadratic terms for the number of days incarcerated in the year before follow-up) because access to substances is typically restricted in correctional settings.

Results

Comorbidity of Psychiatric Disorders

Number of Disorders

Table 2 lists prevalence rates of the number of disorders. One-third of males at time 1 and more than one-quarter of males at time 2 had 2 or more disorders. Although females were more likely to have 2 or more disorders at baseline (odds ratio [OR], 1.3; 95% CI, 1.0-1.7), males were 1.4 (95% CI, 1.0-2.0) times more likely than females to have 2 or more disorders at time 1 and 2.3 (95% CI, 1.6-3.3) times more likely at time 2. African Americans had the lowest rates of comorbidity. At time 2, among males non-Hispanic whites were more likely than African Americans (OR, 2.2; 95% CI, 1.4-3.4) and Hispanics (OR, 1.9; 95% CI, 1.2-3.2) to have 2 or more disorders. At time 2, among females Hispanics were 1.8 (95% CI, 1.0-3.4) times more likely to have 2 or more disorders than African Americans.

Categories of Disorder

Figure 1 shows the overlap of 3 categories of disorder (internalizing, substance, and behavioral) at baseline, time 1, and

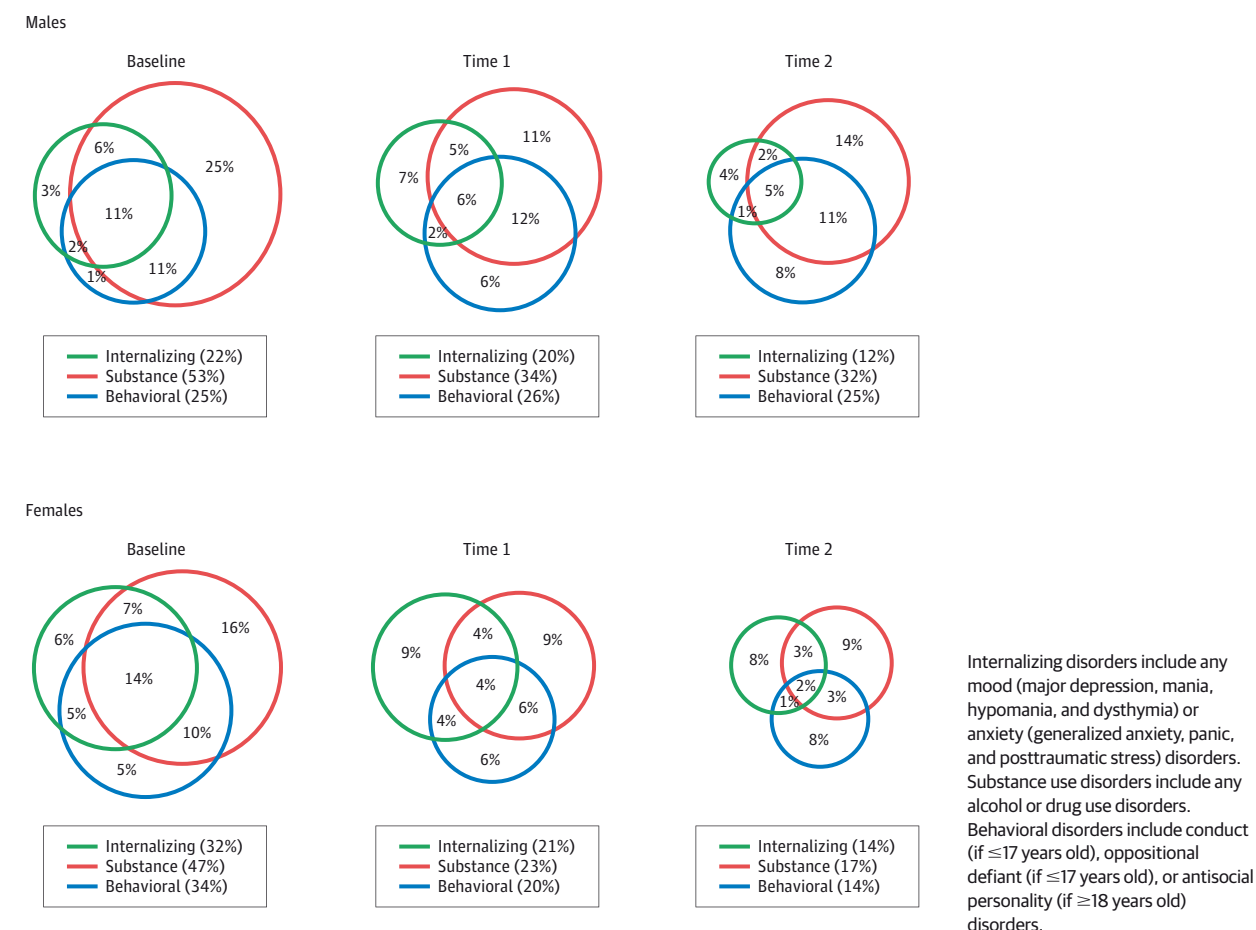
time 2 for males and females. These figures show decreasing overlap of categories of disorder over time, especially for females. Among males, the most common comorbid profile at time 2 was substance use plus behavioral disorders (16%).

Continuity of Disorders Over Time

Participants with more disorders at baseline were more likely to have a disorder at time 2, even after adjusting for demographic characteristics. For every additional disorder at baseline, the odds of having a disorder at time 2 increased by 1.2 (95% CI, 1.1-1.4) among males and 1.3 (95% CI, 1.1-1.4) among females. Among participants with all 3 types of disorder at baseline (internalizing, substance, and behavioral), 93.3% of males and 76.0% of females had at least 1 disorder at time 2.

Figure 2 (males) and Figure 3 (females) list prevalence rates of disorder at time 2 among those who did and did not have a disorder present at baseline (eTable 1 and eTable 2 in the Supplement list rates at time 1). Odds ratios contrast the prevalence of disorder at time 2 between those who had the disorder at baseline compared with those who did not have the disorder at baseline. The first OR is unadjusted, and the second OR is adjusted for the disorder at baseline (see the Statistical Analysis and Models for Continuity of Disorders Over Time subsections of the Methods section). Predictions between disorders belonging to the same category (eg, PTSD and GAD) are considered homotypic. We could not examine continuity of disorder for mania or hypomania because there were too few cases at baseline. We could not predict mania, hypomania, dysthymia, panic disorder, or GAD at time 1 or time 2 because prevalence rates were too low for stable estimates.

Figure 1. Comorbid Types of Disorder Among Males (A) and Females (B) at Baseline, Time 1, and Time 2



Males

Same Disorder at Follow-up (Homotypic Prediction) | Figure 2 shows significant homotypic prediction of disorder among males for major depression, APD (from baseline conduct disorder), and alcohol use disorder. Homotypic prediction of disorder from baseline to time 1 was substantially similar (eTable 1 in the Supplement).

Different Disorder at Follow-up (Heterotypic Prediction) | Major depression, ADHD, and conduct disorder all predicted both alcohol and drug use disorders at time 2, even after adjusting for the presence of alcohol and drug use disorders at baseline. Patterns were similar at time 1, but there were additional significant predictors: ADHD and ODD predicted major depression, dysthymia and drug use disorders predicted PTSD, drug use disorder predicted APD, and GAD predicted drug use disorder (eTable 1 in the Supplement).

Females

Same Disorder at Follow-up (Homotypic Prediction) | Figure 3 shows significant homotypic prediction of disorder among females for anxiety disorders (PTSD from baseline GAD), APD (from

baseline conduct disorder), and alcohol and drug use disorders. Homotypic prediction of disorder was substantially similar from baseline to time 1 (eTable 2 in the Supplement).

Different Disorder at Follow-up (Heterotypic Prediction) | Generalized anxiety disorder predicted major depression, PTSD predicted APD, and ODD predicted both alcohol and drug use disorders. Patterns were similar at time 1, but there were additional predictors: major depression predicted PTSD and APD, alcohol use disorder predicted APD, and ADHD, conduct disorder, and ODD predicted PTSD (eTable 2 in the Supplement).

Discussion

Although the prevalence of comorbidity decreased among youth after detention, 5 years later (when the mean age of our sample was 20 years) almost 27% of males and 14% of females had comorbid psychiatric disorders. The drop in prevalence is similar to that of specific disorders.⁵ The most comparable investigations of comorbidity in the general population included adults of all ages, who have fewer disorders than young adults.³¹ Even with this caveat, the prevalence of comorbidity among our sample appears substantially higher than that

Figure 2. Time 2 DSM-IV Diagnoses Predicted From Baseline Diagnoses Among Males^{a,b}

Baseline Disorder, (N)	Disorder at Time 2 (n = 960) ^c				
	Major Depression	Posttraumatic Stress Disorder	Antisocial Personality Disorder ^d	Alcohol	Drug
Major Depression					
% Absent (856)	4.9	4.4	26.0	17.3	22.3
% Present (97)	16.0	10.5	31.0	35.4	36.6
OR (95% CI)	3.7 (1.2-11.0)	2.6 (0.8-8.6)	1.3 (0.6-2.8)	3.8 (1.6-9.2)	2.6 (1.1-5.9)
aOR (95% CI)	NA	1.9 (0.4-8.2)	0.8 (0.4-1.7)	2.9 (1.2-7.0)	2.5 (1.1-5.6)
Dysthymia					
% Absent (877)	5.4	4.9	26.2	17.8	23.0
% Present (79)	12.8	7.0	30.0	33.4	31.5
OR (95% CI)	2.6 (0.8-8.3)	1.5 (0.4-5.9)	1.2 (0.5-2.8)	3.0 (1.1-8.5)	1.9 (0.8-4.8)
aOR (95% CI)	0.8 (0.2-4.3)	1.1 (0.3-4.6)	0.8 (0.4-1.7)	2.3 (0.8-6.1)	1.8 (0.7-4.5)
Generalized Anxiety Disorder					
% Absent (920)	6.2	4.8	27.3	19.6	24.3
% Present (31)	5.9	12.4	14.5	14.9	16.1
OR(95%CI)	0.9 (0.3-3.3)	2.8 (0.5-16.9)	0.5 (0.1-2.1)	1.6 (0.3-7.3)	1.0 (0.3-3.9)
aOR(95%CI)	0.3 (0.1-1.4)	NA	0.3 (0.1-1.5)	1.0 (0.2-5.0)	0.9 (0.3-3.4)
Posttraumatic Stress Disorder^e					
% Absent (387)	7.5	4.1	23.8	18.0	28.8
% Present (32)	0.0	4.0	11.6	26.6	7.2
OR (95% CI)	NA	1.0 (0.2-6.1)	0.4 (0.1-1.2)	1.9 (0.4-9.6)	0.2 (0.1-0.9)
aOR (95% CI)	NA	NA	0.4 (0.2-1.2)	1.3 (0.3-5.8)	0.2 (0.1-0.9)
Attention-deficit/Hyperactivity Disorder					
% Absent (836)	5.5	4.0	25.8	17.8	21.2
% Present (119)	11.4	13.1	33.0	31.5	43.2
OR (95% CI)	2.2 (0.7-6.8)	3.6 (1.1-11.5)	1.4 (0.7-2.9)	3.6 (1.6-8.2)	4.6 (2.2-9.6)
aOR (95% CI)	1.3 (0.2-8.0)	4.7 (0.7-30.0)	0.8 (0.4-1.9)	3.0 (1.3-6.7)	4.3 (2.1-9.0)
Conduct Disorder					
% Absent (669)	4.5	3.3	21.5	14.6	20.2
% Present (286)	11.5	10.3	42.0	34.4	35.0
OR (95% CI)	2.8 (1.1-7.2)	3.3 (1.2-9.3)	2.6 (1.6-4.5)	3.3 (1.8-5.9)	2.2 (1.2-3.8)
aOR (95% CI)	2.2 (0.7-6.4)	3.7 (0.6-21.7)	NA	2.7(1.4-5.1)	2.1 (1.2-3.7)
Oppositional Defiant Disorder					
% Absent (821)	5.3	4.3	26.0	18.5	25.0
% Present (134)	11.9	10.1	30.8	24.9	16.7
OR (95% CI)	2.4 (0.8-7.3)	2.5 (0.7-8.5)	1.3 (0.6-2.5)	2.4 (1.1-5.2)	0.8 (0.4-1.7)
aOR (95% CI)	1.6 (0.4-7.0)	0.4 (0.1-2.0)	0.8 (0.4-1.7)	1.8 (0.8-4.2)	0.8 (0.4-1.6)
Alcohol					
% Absent (708)	6.0	5.1	24.3	15.8	22.6
% Present (238)	7.0	5.2	34.1	29.7	28.6
OR (95% CI)	1.2 (0.4-3.2)	1.0 (0.3-3.1)	1.6 (0.9-2.8)	2.4 (1.3-4.5)	1.3 (0.7-2.3)
aOR (95% CI)	0.8 (0.2-2.8)	0.6 (0.2-2.4)	1.2 (0.7-2.1)	NA	1.2 (0.7-2.3)
Drug					
% Absent (530)	6.8	3.4	25.8	15.9	21.0
% Present (418)	4.7	6.2	27.3	23.2	27.9
OR (95% CI)	0.7 (0.3-1.8)	1.9 (0.6-5.6)	1.1 (0.7-1.8)	1.8 (1.04-3.2)	1.5 (0.9-2.4)
aOR (95% CI)	0.6 (0.2-1.8)	3.4 (0.8-14.8)	0.8 (0.5-1.4)	1.4 (0.8-2.5)	NA

Abbreviations: aOR, adjusted odds ratio; NA, not applicable; OR, odds ratio.

^a Descriptive statistics are weighted to adjust for sampling design and reflect the demographic characteristics of the Cook County Juvenile Temporary Detention Center.

^b Prevalence rates of disorder at Time 2 among males who did and did not have disorder present at baseline. Odds ratios contrast the prevalence of disorder at Time 2 (shown in the columns) between males who had the disorder at baseline (shown in the rows), compared with those who did not have the disorder at baseline. In each cell, the first odds ratio is unadjusted and the second is adjusted for the disorder at baseline (see Methods section). Shading indicates homotypic prediction within category of disorder (affective, anxiety, behavioral, or substance). Bolding indicates statistically significant ORs or AORs ($p < 0.05$).

^c Of the 960 males interviewed at Time 2, 956 received the DISC-IV and 958 received the DIS-IV.

^d Adjusted odds ratios for predicting APD at Time 2 control for CD at baseline.

^e Assessed at baseline for males who were interviewed after the posttraumatic stress disorder module of the Diagnostic Interview Schedule for Children, Version IV became available.

in the National Comorbidity Survey Replication (5.8% of adults 18-44 years old)³² and the Epidemiologic Catchment Area Survey (4.8% of adults ≥ 18 years old).³³

Comorbid disorders generally predict worse prognoses.³⁴⁻³⁶ Among youth who had 3 or more types of disorder at baseline, almost all males and three-quarters of females had 1 or

Figure 3. Time 2 DSM-IV Diagnoses Predicted From Baseline Diagnoses Among Females^{a,b}

Baseline Disorder, (N)		Disorder at Time 2 (n = 544) ^c				
		Major Depression	Posttraumatic Stress Disorder	Antisocial Personality Disorder ^d	Alcohol	Drug
Major Depression						
% Absent	(450)	8.7	5.7	12.2	7.8	14.6
% Present	(94)	14.5	5.1	27.6	9.2	14.9
OR (95% CI)		1.8 (0.9-3.6)	0.9 (0.3-2.3)	2.8 (1.01-7.5)	1.3 (0.6-2.9)	1.1 (0.6-2.1)
aOR (95% CI)		NA	0.8 (0.1-3.9)	2.2 (0.9-5.1)	1.1 (0.5-2.8)	0.8 (0.4-1.8)
Dysthymia						
% Absent	(473)	8.7	5.7	14.6	8.1	14.2
% Present	(71)	18.1	4.9	18.7	7.7	18.2
OR (95% CI)		2.3 (1.1-4.7)	0.9 (0.3-2.5)	1.3 (0.6-2.9)	1.0 (0.4-2.7)	1.4 (0.7-2.7)
aOR (95% CI)		2.0 (0.8-4.9)	1.4 (0.4-5.3)	1.0 (0.4-2.6)	1.0 (0.3-2.7)	1.1 (0.5-2.2)
Generalized Anxiety Disorder						
% Absent	(518)	9.2	5.2	15.3	8.2	14.4
% Present	(22)	26.2	16.5	8.4	4.9	23.3
OR (95%CI)		3.5 (1.3-9.5)	3.6 (1.1-11.5)	0.5 (0.1-2.3)	0.6 (0.1-4.7)	1.9 (0.6-5.7)
aOR (95%CI)		3.0 (1.03-8.7)	7.7 (2.0-29.5)	0.4 (0.1-1.9)	0.7 (0.1-5.6)	1.6 (0.5-4.8)
Posttraumatic Stress Disorder^e						
% Absent	(247)	9.4	5.1	11.2	9.2	16.5
% Present	(36)	6.9	5.5	43.3	9.6	14.5
OR (95% CI)		0.7 (0.2-2.8)	1.1 (0.2-4.9)	6.1 (1.1-34.5)	1.0 (0.3-3.9)	0.9 (0.3-2.8)
aOR (95% CI)		0.5 (0.1-2.5)	NA	4.6 (1.2-18.6)	1.0 (0.2-4.0)	0.6 (0.1-2.4)
Attention-deficit/Hyperactivity Disorder						
% Absent	(457)	9.7	5.0	14.1	7.5	13.2
% Present	(87)	10.6	9.0	20.9	11.3	22.9
OR (95% CI)		1.1 (0.5-2.4)	1.9 (0.8-4.4)	1.6 (0.8-3.3)	1.6 (0.7-3.4)	2.0 (1.1-3.7)
aOR (95% CI)		0.9 (0.4-2.0)	2.1 (0.7-6.3)	1.2 (0.5-2.8)	1.5 (0.7-3.3)	1.8 (0.9-3.4)
Conduct Disorder						
% Absent	(391)	10.0	6.7	11.0	7.1	11.8
% Present	(152)	9.3	2.9	25.0	10.5	21.5
OR (95% CI)		0.9 (0.5-1.8)	0.4 (0.2-1.2)	2.7 (1.2-6.0)	1.6 (0.8-3.2)	2.2 (1.3-3.8)
aOR (95% CI)		0.8 (0.4-1.5)	0.9 (0.3-3.4)	NA	1.2 (0.5-2.7)	1.7 (0.97-3.1)
Oppositional Defiant Disorder						
% Absent	(463)	9.0	5.4	13.8	5.9	12.5
% Present	(81)	14.7	7.0	23.5	21.2	27.7
OR (95% CI)		1.7 (0.9-3.5)	1.3 (0.5-3.4)	1.9 (0.9-4.0)	4.4 (2.2-8.7)	2.8 (1.6-5.0)
aOR (95% CI)		1.5 (0.7-3.4)	1.9 (0.6-6.1)	1.4 (0.5-3.6)	4.2 (2.1-8.5)	2.2 (1.2-4.2)
Alcohol						
% Absent	(393)	9.9	5.7	12.2	6.5	12.6
% Present	(139)	10.5	5.8	23.5	11.6	21.0
OR (95% CI)		1.1 (0.6-2.0)	1.0 (0.4-2.3)	2.2 (0.9-5.2)	2.0 (1.01-4.0)	2.1 (1.2-3.6)
aOR (95% CI)		1.0 (0.5-1.9)	0.9 (0.3-2.8)	1.6 (0.7-3.3)	NA	1.3 (0.6-2.5)
Drug						
% Absent	(318)	9.9	5.2	12.3	6.7	9.8
% Present	(215)	10.2	6.4	19.1	9.8	21.9
OR (95% CI)		1.0 (0.6-1.9)	1.3 (0.6-2.6)	1.7 (0.8-3.5)	1.5 (0.8-2.9)	2.7 (1.6-4.5)
aOR (95% CI)		1.0 (0.5-1.8)	1.1 (0.4-3.5)	1.2 (0.7-2.3)	1.02 (0.4-2.4)	NA

Abbreviations: aOR, adjusted odds ratio; NA, not applicable; OR, odds ratio.

^a Descriptive statistics are weighted to adjust for sampling design and reflect the demographic characteristics of the Cook County Juvenile Temporary Detention Center.

^b Prevalence rates of disorder at Time 2 among females who did and did not have disorder present at baseline. Odds ratios contrast the prevalence of disorder at Time 2 (shown in the columns) between females who had the disorder at baseline (shown in the rows), compared with those who did not have the disorder at baseline. In each cell, the first odds ratio is unadjusted and the second is adjusted for the disorder at baseline (see Methods section). Shading indicates homotypic prediction within category of disorder (affective, anxiety, behavioral, or substance). Bolding indicates statistically significant ORs or AORs ($p < 0.05$).

^c Of the 544 females interviewed at Time 2, all 544 received the DISC-IV and all 544 received the DIS-IV.

^d Adjusted odds ratios for predicting APD at Time 2 control for CD at baseline.

^e Assessed at baseline for females who were interviewed after the posttraumatic stress disorder module of the Diagnostic Interview Schedule for Children, Version IV became available.

more disorders 5 years later. These patterns are of concern. The longer a disorder persists (especially if there is more than 1 disorder), the greater is the impact on the individual in functioning, physical symptoms, and stress.³⁷

Among males 5 years after detention, the most common comorbid profile was substance use plus behavioral disorders, affecting 1 in 6. Youth with substance use and comorbid externalizing disorders have poorer outcomes than those with

substance use disorders alone and those with substance use and internalizing disorders.^{38,39} We found substantial continuity of disorders among males for alcohol use disorder, APD (from conduct disorder), and major depression; general population studies^{14,15} have established that the strongest predictor of a disorder is having had it previously. However, some baseline disorders predicted alcohol and drug use disorders at follow-up. Males in detention with ADHD, conduct disorder, or major depression were 2 to 4 times more likely to have substance use disorders at follow-up than those without those disorders at baseline. How can we account for these findings? Some argue that neurobehavioral disinhibition underlies both behavioral and substance use disorders, suggesting a shared mechanism.⁴⁰ Mood disorders may also lead to the abuse of substances (self-medication hypothesis).⁴¹ Finally, mood and substance use disorders may also stem from a common neurobiological pathway, increasing vulnerability to both disorders.⁴²

Among females, no diagnostic profile predominated at follow-up. We found substantial continuity for alcohol and drug use disorders, APD (from conduct disorder), and anxiety disorders (GAD to PTSD). As with males, heterotypic prediction was less common. However, females with ODD in detention were 2 to 4 times more likely than those without ODD to have substance use disorders at follow-up. Moreover, females in detention with GAD were 3 times more likely than those without GAD to have major depression at follow-up. In general population studies,^{14,43,44} anxiety and depression commonly cross-predict.

Although females were significantly more likely to have comorbidity at baseline, 5 years after detention males were more likely than females to have comorbid disorders. Because males comprise more than 85% of youth in the juvenile justice system, mental health services for males are critical.¹⁰ The prevalence of comorbidity over time may differ by sex for 3 reasons. First, female arrestees may be treated more leniently by the courts than males and are more likely to be diverted from detention (chivalry hypothesis).⁴⁵ Therefore, females who are detained may be more dysfunctional and have more problem behaviors and disorders than their male counterparts. Second, after detention females are more likely to receive mental health services than males.⁴⁶ Third, females are less likely to persist in delinquency than males.^{47,48}

Racial/ethnic differences were similar to those for specific disorders.⁵ African Americans had the lowest prevalence of comorbidity, and non-Hispanic whites had the highest. As noted in prior studies,^{2,5} these differences may reflect racial/ethnic disparities in criteria for detention.

Limitations

Our data are subject to the limitations of self-report. Moreover, it was not feasible to study more than 1 jurisdiction; generalizability may be limited to detained youth in urban centers with similar demographic compositions. Participants may have had disorders that we did not examine; hence, overall prevalence rates may be higher than reported. We changed measures during the follow-up period because of updates to the *DSM* and its associated measures and because of the ag-

ing of our participants. We could not adjust for all comorbid disorders in predictive models owing to small cell sizes. Although retention rates were high and hypomania was the only disorder associated with dropout, participants who missed interviews might be more likely to have had disorders than those who were interviewed. The sample was recruited in the late 1990s; however, critical features of the population (demographic characteristics, the increase in delinquent females, and the disproportionate incarceration of minorities) have not changed. Our findings do not take into account any mental health services received.

Implications for Mental Health Policy and Research

Provide Coordinated Treatment for Youth Leaving Detention

Recent efforts to improve interventions for delinquent populations have highlighted several empirically supported models to address not only their complex mental health needs (including comorbidity) but also their considerable psychosocial impairments.^{49,50} These models have in common a system-oriented, family-based approach that integrates treatment across service sectors and settings.^{49,50} The Institute of Medicine's quality chasm series concluded that treatment of youth (and adults) with comorbid disorders continues to be compromised by our fragmented systems of care.⁵¹ The Patient Protection and Affordable Care Act offers an opportunity to improve treatment by expanding access to care, payment reform, and information technology (to increase communication), as well as integrating services such as medical homes that focus on the whole person.^{52,53}

Implement Early Interventions to Prevent Substance Use Disorders

By the time youth are detained (age range, 10-17 years), it is too late for primary prevention. Substance use and internalizing and behavioral disorders at baseline predicted substance use disorders at follow-up, consistent with findings from general population studies.⁵⁴⁻⁵⁶ Treating childhood disorders (especially behavioral disorders) might reduce secondary substance use disorders.^{15,57} By improving screening and referral practices in elementary school^{15,58} and at pediatric clinics,⁵⁹ at-risk youth can be treated in early childhood.

Conduct Prospective Studies of Continuity and Comorbid Disorders From Childhood to Adulthood in Representative Samples of the General Population

How one disorder affects or predicts the subsequent development or course of another disorder appears to change as youth age.^{60,61} Yet, knowledge is hampered by the limitations of general population investigations.⁶² Most large-scale epidemiologic investigations of psychiatric disorders in the United States either did not draw samples during childhood or have not been longitudinal.⁶³⁻⁶⁶ Landmark prospective studies^{14,15,44,60,67,68} of children have insufficient diversity, particularly given racial/ethnic trends in the US census.⁶⁹ For example, there are few epidemiologic data on Hispanics, now the largest minority group in the United States. The advent of *DSM-5* and the opportunity to advance a new standard of assessment make this a timely endeavor.

Conclusions

Many psychiatric disorders first appear in childhood and adolescence.^{58,70} Early-onset psychiatric disorders are among the illnesses ranked highest in the World Health Organiza-

tion's estimates of the global burden of disease,⁷¹ creating annual costs of \$247 billion in the United States.⁷² Successful primary and secondary prevention of psychiatric disorders will reduce costs to individuals, families, and society.⁷³ Only a concerted effort to address the many needs of delinquent youth will help them thrive in adulthood.

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Maternal Separations During the Reentry Years for 100 Infants Raised in a Prison Nursery

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Abstract

Prison nurseries prevent maternal separations related to incarceration for the small subset of children whose pregnant mothers are incarcerated in states with such programs. For a cohort of 100 children accepted by corrections into one prison nursery, subsequent separation patterns are analyzed. The largest numbers are caused by corrections' removal of infants from the nursery and infants reaching a one-year age limit. Criminal recidivism and substance abuse relapse threaten continued mothering during reentry. Focused and coordinated services are needed during prison stay and reentry years to sustain mothering for women and children accepted into prison nursery programs.

Keywords

prison nursery; attachment; separation; reentry; parenting; caregivers; support services

Prison nurseries provide a housing space inside a secure criminal justice corrections setting where incarcerated women can co-reside with their newborn infants for various periods of time during which the mother completes an imposed judicial sentence while being the primary caregiver for her infant. Such arrangements have existed throughout the world and to a lesser extent in the United States (US; Cook & Davies, 1999; Weintraub, 1987). They have varied widely in terms of underlying philosophy, political will to support them, and resources available to mother and child (Goshin & Byrne, 2009; Kauffman, 2001; Radosh, 1988; Robertson, 2008; Shepard & Zemans, 1950). In the US, prison nursery programs have existed at one time or another within local, state, and federal jurisdictions with an erratic history of sustainability (Byrne, 2010; Craig, 2009). Such programs in this country have long been assumed by advocates to both create and sustain secure infant attachments, to establish a foundation that protects future child development, and to prevent the adult participants' criminal recidivism. Opponents have claimed they interfere with prison security, interrupt child development and impose eventual separations. These assumptions have only recently been tested in the first longitudinal study of maternal and child outcomes for a cohort of prison nursery co-residents in a New York State prison system (Byrne, n.d.). This paper extends previously reported attachment findings from this study (Borelli, Goshin, Joestl, Clark, & Byrne, 2010; Byrne, Goshin & Joestl, 2010) by exploring the patterns of union and separation experienced by a cohort of former prison co-residing mothers and infants who gave informed consent to participate in longitudinal studies that began in prison and have continued from one through eight reentry years.

MATERNAL INCARCERATION AND EFFECTS OF SEPARATION ON CHILDREN

Forced separation and children of incarcerated parents

The bulk of literature on children of incarcerated women has been limited to anecdotal evidence of the harm caused by forced separation, and disseminated with the intent to support advocacy for recognition of these children's needs. While advocacy work is critical for this vulnerable group of dependents, many aspects of child development in this population remain unexamined or poorly understood in the absence of data-based studies. There is also a gap in what is known about caregiving trajectories in these families both before and after incarceration. The limited body of research suffers from methodological limitations, including small convenience samples, no comparison groups, and no assessment of ecological risks such as substance use, known to be associated with both incarceration and child development. (Murray, Farrington, Sekol, & Olsen, 2009). Families have rarely been followed during the years in which former offenders reenter the community, creating the untested assumptions that post-release life will occur as planned, intervention effects seen during incarceration will continue, and problems experienced by children during the period of incarceration will subside.

Published research has focused on samples of school-aged children and adolescents or included children at widely varying ages in a single study. Maternal incarceration during school-age and adolescence is associated with maladaptive social and emotional development, academic failure, and criminal justice system involvement (Cho, 2009; Huebner, & Gustafson, 2007; Murray, Farrington, Sekol, & Olsen, 2009). Children of incarcerated women, when compared to those of incarcerated men, are more likely to have witnessed criminal activity and their parent's arrest – experiences which are associated with anxious/depressed behavior problems and post-traumatic stress symptoms (Dallaire, & Wilson, 2010; Phillips, & Zhao, 2010). Children's living arrangements are also much more likely to be disrupted when their mother is incarcerated as opposed to their father (Glaze, & Maruschak, 2008). Moreover, periods of separation from mother and alternative caregiving may precede the arrest by one to three years (LaLonde & George, 2002).

Though compelling in terms of the need to protect children, results of studies to date obscure potential effects of maternal incarceration specific to developmental stages. Little information has been provided about infants and toddlers, arguably the most vulnerable group within this population. An estimated 6% of the children of incarcerated mothers are below 2 years of age (Glaze, & Maruschak, 2008). Approximately 4–10% of incarcerated women are pregnant upon intake into a correctional facility (Greenfeld, & Snell, 1999; Glaze, & Maruschak, 2008; Pollock, 2002).

Disproportionately high rates of insecure attachment either to the incarcerated mother or the alternative caregiver in the community seen in preschoolers and younger school age children suggest the need for interventions to promote stable, sensitive caregiving in this younger group (Poehlmann, 2005). Insecure attachment is a stronger predictor of future suboptimal development for children growing up in risky environments than for children living in low-risk conditions (Belsky, & Pasco Fearon, 2002). Nurturing the caregiver-child relationship may be particularly critical with vulnerable and marginalized children.

Commonly available contact methods used with older children of women involved in the criminal justice system, such as brief visitation, letters, and phone calls, are not developmentally sufficient for infants and toddlers. The need to tailor contact methods to the developmental level of children has not been fully explored by departments of correction (Poehlmann, Dallaire, Loper, & Shear, 2010). Intermittent and fragmented methods are not

likely to support the creation or maintenance of a secure attachment relationship. Didactic parenting programs, which are provided in many correctional facilities, may also be insufficient in this regard, as children are rarely included (Loper & Tuerk, 2006). Transportation and geographic isolation of women's prisons create barriers to family visitation and to the implementation of parenting programs with a visitation component (Pollock, 2002).

Prison nurseries as a little known potential intervention

Prison nurseries are rarely used as an intervention to support the mother-child relationship in infants and toddlers of incarcerated women, and yet interest in these programs has grown (Goshin & Byrne, 2009). While their history has been erratic and fraught with barriers to sustainability, with between 1 and 13 states supporting nurseries in any one year since 1901, eight states currently allow incarcerated women to care for their infants in special segregated prison nursery units (Byrne, 2010; Women's Prison Association, 2009). In early 2010, the U.S. Department of Justice (Office of Justice Programs, 2010) released a call for grant proposals to support the creation, implementation, or expansion of prison nursery programs.

The history of U.S. prison nurseries has been widely described, as have individual state programs and the demographics of women residing in them (Boudouris, 1996; Carlson, 1998, 2001; Gabel & Girard, 1995; Kauffman, 2006; Parke, & Clarke-Stewart, 2003; Pollock, 2002; Shepard, & Zemans, 1950). Descriptions of current U.S. programs suggest enriched, developmentally appropriate environments, segregated from other prison facilities. Programs are staffed by civilians and correction officers. They generally focus on developing the relationship between incarcerated mothers and their infants, promoting child development, and providing the mother with parenting and life skills education (Carlson, 2001, Fearn, & Parker, 2004; Kauffman, 2006; Silverman, 2005). Programs seek to normalize the nursery experience for mothers and children, such as providing first birthday celebrations (Silverman, 2005), although this event can be particularly poignant when it also marks the beginning of statutorily mandated separation at child age of 12 months (Byrne, Goshin & Joestl, 2010).

Measured attachment and development outcomes of prison nursery programs for children in early developmental stages

Results of the first longitudinal study of children who resided in a U.S. prison nursery provide evidence of positive infant, toddler, and post-release preschool outcomes. Children in this group had higher-than-expected rates of secure attachment during infancy and toddlerhood (Byrne, Goshin, & Joestl, 2010). For children in the prison nursery who reached their first birthday (the earliest age at which attachment can be reliably determined), attachment was measured under laboratory conditions inside the prison using the validated and well-established Strange Situation Procedure (SSP; Ainsworth, Blehar, Waters & Wall, 1978). Seventy-five percent of these children were classified secure by blinded certified SSP coders. These results were compared with those of meta-analyzed studies with both low-risk community samples and samples with psychosocial risks similar to those experienced by the mothers residing on the prison nursery (van IJzendoorn, Schuengel, & Bakersman-Kranenburg, 1999). The proportion of infants who achieved secure attachment in the prison sample did not differ from those reported for 15 studies of low-risk community residing infants less than 24 months of age. Moreover, the prison sample contained significantly more secure infants than the proportions reported in seven studies of low socio-economic infants, nine studies of infants with depressed mothers, four studies of infants with drug and/or alcohol abusing mothers, and five studies of infants with maltreating mothers (Byrne, Goshin, & Joestl, 2010).

Children released before a year in the Byrne study and residing in communities within travel distance of the research team were similarly tested with the SSP under laboratory conditions at the University research office after reaching their first birthday. While also achieving secure attachment in proportions comparable to low risk community samples, less of these children were likely to have secure attachment to their mothers than children who remained in the nursery with their mother for a year or more (Byrne, Goshin, & Joestl, 2010). This group was similarly compared to meta-analyzed studies of healthy and high-risk community children (van IJzendoorn, Schuengel, Bakersman-Kranenburg, 1999). The proportion of these early released children who achieved secure attachment also did not differ significantly from the meta-analysis results for 15 samples of healthy, low-risk community children under two years of age and was significantly higher than those reported for the samples of infants raised by maltreating mothers in five studies. They were, however, similar to some of the higher risk samples, including the low socioeconomic samples in seven studies, the infants of depressed mothers in nine studies, and the infants of drug and/or alcohol abusing mothers in four studies (Byrne, Goshin & Joestl, 2010).

This suggests that even infants whose mothers have multiple risk factors threatening the transmission of secure attachment to their infants can, nevertheless, be nurtured toward security in a prison nursery environment with deliberate parenting supports. The success of the longer co-residing infants also suggests that postponing re-exposure to the multiple environmental risk factors in the offending mothers' families and communities and replacing this with a living arrangement that includes daily supportive parenting resources, even in the restrictive corrections situation, may provide some measure of protection with regard to the process of infant attachment which takes place incrementally over the first years of a child's life. Findings were especially striking given the low rates of secure attachment in the mothers (Borelli, Goshin, Joestl, Clark, & Byrne, 2010). As measured by the Adult Attachment Interview, two-thirds of mothers in the cohort studied had internalized representations of insecure attachment from their own childhood experiences. This proportion is the inverse for secure and insecure categorizations typically found in healthy, low risk community samples.

Developmental outcomes have rarely been reported for the preschool period for infants raised in a prison nursery. It is known that attachment security is associated with both short- and long-term optimal child development (Sroufe, Egeland, Carlson & Collins, 2005). A rigorous follow-up study of behavioral development for infants enrolled in the nursery study was done during their preschool years. During the preschool period, children in this cohort had lower anxious/depressed behavior problem scores than children from a large national dataset who had been separated from their mother during infancy or toddlerhood because of incarceration (Goshin, 2010). This result remained even after controlling for risks in the child's environment, such as parenting stress and caregiver substance use.

Separations following prison nursery co-residence

Virtually no reports exist regarding the long-term caregiving trajectories for children who co-resided with their mother in a prison nursery. In all situations continuous contact with the mother, who has been established as the primary caregiver and secure base during infancy, is supportive of continued attachment security. Separations threaten the evolving neurobiological attachment system (Bowlby, 1973; Solomon & George, 1999). It is often assumed that women and their children are released together and that the mother remains the primary caregiver (Bruns, 2006; Fearn, & Parker, 2004; Kauffman, 2001), but this may not reflect actual patterns. Approximately one-third of children in Nebraska's prison nursery between 1994 and 1999 were released before their mother, with equivalent proportions leaving at the request of the mother or under order of prison administration (Carlson, 2001). Slightly less than one-third of children who lived in this nursery did not remain with their

mother after release (Carlson, 2001). The timeframe of post-release follow-up and the children's alternate caregiving situations were not described. Knowledge of post-release caregiving patterns in this population is needed to inform program planning within prison nurseries and parenting support in the reentry period.

STUDY DESIGN AND METHODOLOGY

Setting and Context

The setting for the longitudinal prison nursery co-residence study comprised Bedford Hills and Taconic Correctional Facilities, respectively maximum security and medium security prisons for women within the New York State Department of Corrections and Community Supervision (DOCCS). The State's nursery program was implemented only in these two settings at the time of the study (and has since been discontinued at the Taconic facility). Bedford Hills is also the reception center for all incarcerated women in New York State. Preliminary screening of women entering the prison system is done and appropriate placement in one of the state's prisons is determined in accordance with security classifications. Women accepted into the nursery program, however, can remain at Bedford to participate in this program even if they are not classified for maximum security, which is typically the case. Transfer of women accepted into the nursery program also periodically occurs from the Bedford to the Taconic prisons during the years of the sentence. The nursery program operates under the same prison directives at each site and the physical features, regulations, programs, and resources are similar across sites, which are located geographically across a two-lane road from one another. Including both sites in the study facilitated enrollment and following of women longitudinally with no loss to follow-up related to draft protocols.

Corrections Law, Article 22, Section 611—New York is unique among the eight states that currently provide prison nursery programs because it operates by virtue of the State Corrections Law, Article 22, Section 611 (Births to inmates, n.d.). Signed into law in 1930 by then Governor Franklin D. Roosevelt, CL611 requires that pregnant women confined in designated state or local correctional facilities be removed from these places for the anticipated birth and "...provided with comfortable accommodations, maintenance and medical care elsewhere..." (CL611, paragraph 1). CL611 specifies that: "...a child so born may be returned with its mother to the correctional institution in which the mother is confined ...for such period as seems desirable for the welfare of such child, but not after it (sic) is one year of age ...," with extensions to eighteen months of age possible for mothers in a state reformatory who would be paroled within that time (CL611, paragraph 2). Once the child is placed in the corrections institution with the mother, continuation of this arrangement is specified to be entirely in the control of the institution's chief officer: "The officer in charge of such institution may cause a child cared for therein with its mother to be removed from the institution at any time before the child is one year of age...." (CL611, paragraph 2). No specific conditions are detailed for removal.

Two New York State Supreme Court rulings in the 1970s held that the "best interests of the child" standard applied to community custody cases must also be used to determine whether a pregnant inmate could keep her child. Since that time, while obligated to screen all applicants to the program, correctional authorities are duty-bound to apply this standard when making decisions. Theoretically this ensures that as many women as possible can take advantage of the support and services offered to the new mothers residing in the program. In practice it has not been disclosed how consistently this principle is applied. It should also be noted that CL611 does not speak directly to the creation of a nursery program.

Sample

The sample for this analysis of separation patterns is comprised of 97 women and their 100 infants (three sets of twins) all of whom were screened and accepted by DOCCS and allowed to co-reside from the child's birth in the New York State prison nursery program in accord with NYS CL611. All women gave informed consent to participate in a larger longitudinal study of maternal and child outcomes funded by the National Institutes of Health (Byrne, n.d.; National Institutes of Health, 2011) These women were enrolled in the study over the course of three years from study outset until the target enrollment number of 100 dyads was met. All women accepted into the nursery program were eligible. Only one declined to participate. Therefore, this sample can be viewed as a cohort of women who were accepted by DOCCS to participate in one state's prison nursery program during one three year period of time. They do not represent proportionately the population of women who participated in the prison nursery program over its existence for more than a century and were not selected to do so. However, patterns of separation and reunion can be identified for this cohort and inferences made for this contemporary time frame.

The study was reviewed and approved by a full Institutional Review Board including a prisoner advocate, in accord with all the Federal requirements to protect vulnerable populations and prisoners as defined by the Code of Federal Regulations, Title 45, Part 46 (45 CFR 46). A Certificate of Confidentiality was approved by the Federal Department of Health and Human Services Office of Human Research Protection. This provided study participants with additional measures of confidentiality and gave the investigator the ability to resist inquiries made about participants.

Following written informed consent, 97 women agreed to participate in the study with their 100 infants (three sets of twins). All women were convicted of felony crimes. These were primarily illicit drug activities and property crimes and few were associated with violence. They included: attempted or completed criminal sale of controlled substances (32%), criminal possession of controlled substances (27%), burglary (10%), robbery (8%), grand larceny (7%), and smaller instances of driving while intoxicated, forgery, assault, weapons possession, and bail jumping. Anecdotally it is known a large percentage of women had prior criminal histories including jail and prison time but this information has not yet been objectively substantiated for all. History of substance abuse was reported by 77%. Study participants represented black (40%), white (36%), Hispanic (21%) and bi-racial (4%) ethnic groups. Women ranged in age from 18 to 45 years with a mean age of 28.1 years. About half were not first-time mothers (48%) and had between 1 and 8 children outside with a mean of 2.5. Of these, 57% had been the primary caregiver for all their children and the remainder had one or more children being cared for outside their home. Fifty-eight percent of the women spent some time in the nursery while pregnant, averaging three weeks but ranging from less than a week to six months. The remainder was admitted to the nursery directly from the post-partum unit at the community hospital contracted for deliveries.

Infants comprised 54 females and 46 males. They mirrored slightly different ethnic proportions than their mothers with more reported as bi-racial (21%) and less white (23%) reflecting their parental heritage. All but three infants were born at full-term. Prematurely born infants were delivered at 34–36 weeks gestational age and were reunited with their mothers in the prison nursery following brief and uneventful neonatal intensive care unit stays. Average age at infant return to community was 7.6 months but ranged from in utero to 18 months.

At the end of this prison phase 91 infants remained in the study and mothers agreed to have them followed during the first reentry year either with herself or with an alternate caregiver who also provided written informed consent. In spite of significant barriers to long-term

follow-up, 75 of these children (82%) remained in the study with either mother or alternate caregiver at the end of their first reentry year. A continuation study was funded and began re-enrollment between the second and fourth reentry year for previous participants. All women who could be located (n= 52; 59%) from the initial study agreed to be in the continuation study with the target child, and provided written informed consent (Goshin & Byrne, 2012). The retention rate for this study matches rates commonly reported for lower risk populations (Robinson, et al., 2007) and is substantially higher than reports from longitudinal studies with recently released samples (Eddy, et al., 2001; Goldberg, et al., 2009; Lincoln, et al., 2006; Menendez, White, & Tulsy, 2001; Needels, James-Burdumy, & Burghardt, 2005). These longitudinal studies comprised multiple aims and methods beyond the scope of this report, the purpose of which is limited to providing the first description of separation patterns observed over incarceration and reentry years for this cohort of women and children accepted into a prison nursery program. For the 47 women who could not be re-located to re-enroll in the continuation study, longer term separation patterns were discovered through networking contacts established over the years between the research team and community agencies. Recidivism was validated for all through NYS DOCCS inmate lookup service and through Vinelink, both publicly available.

RESULTS: PATTERNS OF SEPARATION AND REUNION DURING REENTRY

Almost 60% of children returned to the free community with their mother and the majority of these remained with her at the end of the third reentry year. Mothering was not seamless, however, for all of these children nor for those sent into the community without their mothers (see Figure 1).

Infants who left prison nursery with mother

Fifty-nine children co-resided on the prison nursery during their mother's entire confinement there and went out to the free world with her when she was released. At that time it was the mother's intent that she would be the continued primary caregiver for her child. This was also in keeping with the mission of the prison nursery program. At the end of the first reentry year 49 (83%) of these children were still with their mother. Four children were with alternate family caregivers. Mother remained involved for two of these children whose placements were anticipated to be for short periods of return to jails or substance abuse relapse. One caregiver was providing permanent care during an extended period of relapse. One child had resided with mother in a faith-based transitional community facility that had a long relationship with the prison nursery. This agency facilitated finding father of baby to take custody after mother left the child and violated parole to attempt reunification with older children resulting in a warrant for her arrest. The whereabouts of six children were unknown.

At the end of the third year of the continuation study, our most recent data point, participants were in their third through eighth reentry year depending on their enrollment date in the initial study. For ease of comparisons, longer term outcomes are reported here for each child's third reentry year. At this point mother remained primary caregiver for 44 children (90% of those with mother at end of first reentry year). For 24 children the mother continued to parent seamlessly since release from prison nursery. Twenty experienced some separations from their child, 18 through criminal recidivism, and two during substance abuse treatment periods in facilities that did not accommodate children. During these separations all children were with consistent alternate family caregivers. One child was in foster care and the status of eleven was unknown.

Infants who left prison nursery before mother's release from prison

Forty-one children did not return to the free community with their mother. Reasons ranged widely: death, mother's request that her child be sent out, disciplinary actions taken toward the mothers, the corrections (and legislative) policy identifying one year as the usual maximum stay, and deportation. The most unusual and rare case is the infant death. One child reportedly acquired an upper respiratory infection, and was examined twice at the medical center contracted to provide pediatric health services. The child succumbed in the Emergency Department. Reportedly an autopsy was done, however results were not shared with the research team.

Separations during the nursery stay: Maternal request—Three women requested that DOCCS send their infants out to family caregivers before the maximum time on the nursery was reached. In all cases the mothers cited their perception that the child was not receiving adequate medical care. Two infants had been on the nursery with the mother for extended periods of time, 295 days and 481 days. The other had been on the nursery for 71 days. All three children went out to the care of a maternal grandmother and were still with her as primary caregiver at the end of the first reentry year. The mothers stayed involved in the lives of the children to varying extents. There followed brief complete maternal separations related to criminal recidivism in all three cases, and in one case an additional separation through participation in a substance abuse program without co-resident accommodations.

Separations during the nursery stay: Program changes—Five women were temporarily forced to separate from their co-residing infants on the nursery because they chose transfer to boot camp drug treatment options (Shock Incarceration) designed for more intense therapy and rapid release. At the end of the first reentry year, three of these infants were with family caregivers and two had reunited with the mother as primary caregiver. At the third reentry year these reuniting mothers continued to parent, seamlessly from their release. Of the three mothers whose children were with family caregivers, two had experienced drug relapse and reincarceration.

Separations during nursery stay: DOCCS removals—DOCCS separated fourteen mothers from their infants during the course of the usual prison nursery stay through disciplinary actions. Three of these children were immediately placed in foster care. One pregnant mother was released within a short time and before she delivered. We lost contact with these four. The remaining 10 children continued with family caregivers, including two fathers. By the third reentry year, four of these families remained in touch and enrolled in the continuation study. Of these, three mothers had reunited with their child and had resumed primary care, and one was anticipating reunion when she completed her sentence the following year. Another mother who did not re-enroll developed a conflictual relationship with the paternal grandmother who was providing excellent care to her twins, regained custody, and subsequently reoffended. The children were placed in foster care. Four other mothers reoffended and were lost to long-term follow-up.

Separations at end of nursery stay: infant age limitations—Ten children were sent out to the free community in advance of their mothers because they reached the maximum age for co-residence before the mother completed her sentence. Seven of these children went to family members chosen by the mother and three went to the previously cited transitional housing program. One was reunited with her mother when she was released in the eleventh month of the first reentry year at which time the other nine mothers remained incarcerated. By the third reentry year this mother and six alternate caregivers reenrolled in the continuation study. Two mothers remained incarcerated and their children remained with

family caregivers, two additional children were reunited with their mothers following her release, two experienced brief reunions with mother disrupted by drug relapse, and three were lost to follow-up.

Separations at end of nursery stay: Deportation—Five children who remained on the nursery in mother’s care throughout her stay were separated from the mother at or near the reentry date because deportation proceedings awaited the mothers at the completion of their state prison sentences. The mothers were remanded to Federal immigration facilities without nursery co-residences and the infants were separated and needed placement with alternate caregivers. At the mother’s request one infant went out to family shortly before mother’s transfer because she wanted to receive information about how the baby was adjusting and feared she would lose contact with family once deported. She arranged for the baby to be sent to his father who welcomed her into his household and shared daytime care with a female elder closely associated with the mother’s family. Four others were released with their babies and on the day of release the child was put into the care of a family member (three cases) or the community transitional housing facility (one case). One of these women provided telephone information in her anticipated country of residence. Follow-up contact was successfully made half way through the first reentry year and the mother was primary caregiver for her child at that time. She discontinued study contact after that and was lost to follow-up. Through our networks with community agencies we learned that one mother had been deported rather quickly and succeeded in making arrangements for her child to leave the country with her. Another was similarly reported to be raising her child in the country to which she was deported. Two infants resided with family caregivers, one father of the baby in the U.S. and one maternal grandmother in Canada.

Similarly, one woman was separated at the end of her State sentence because she had to report to another U.S. jurisdiction for possible additional sentencing. She left her child in the custody of a caregiver at the transitional housing facility. Her case was dismissed and she returned to the primary care giving role, which she has maintained with their continued support.

DISCUSSION

This analysis of separations for one cohort of women and infants who co-resided in a state prison nursery program demonstrates through prospective and longitudinal data collection that seamless caregiving by the mother on the nursery and into the reentry years is possible. Yet there are formidable barriers to this optimistic goal at various times, including: during the nursery confinement, at the moment of reentry, throughout the first reentry year, and in the ensuing years. The assumption that secure infant attachment can be created in prison nurseries, even by mothers who themselves have poorly internalized models of security from their own parenting histories, has been validated by the Byrne longitudinal studies from which these separation data are taken (Borelli, Goshin, Joestl, Clark, & Byrne, 2010; Byrne, Goshin & Joestl, 2010). This data show, however, the assumption that prison nurseries result in seamless parenting is only partially validated.

Is seamless maternal care giving for offender populations a realistic expectation?

Continued primary caregiving by the mother is the unspoken goal of most nursery programs, and the likelihood that it will occur is factored into the selection policies of some states. This is done in most states by restricting the nursery program to women with shorter sentences and with less psychosocial risk factors related to parenting. Candidates are limited to those with anticipated release within 18 months of birth in California, Indiana, Nebraska and Ohio and 24 months in Illinois. However, maximum allowable stays may be shorter than these

anticipated release times, for example, 15 months in California and 12 months in Nebraska. In South Dakota infants can only stay for 30 days. Within these policies some separation time at reentry is inevitable. Most prisons nurseries also disqualify women with histories of abusing children or child-related crimes and violent crimes in order to protect children not only from separation but, more critically, from imminent harm. Prenatal and parenting courses are required during the nursery stay with the expectation that they will enhance effective parenting and sustain it. In spite of these strategies to create seamless mothering, there are few long-term follow-up reports disseminated by any state with a prison nursery program to determine if this is an outcome. Earlier reports on small samples from New York and Nebraska provide evidence that maternal parenting is not universally seamless (Carlson, 2001; State of New York, 2002).

Legal precedent has upheld that CL611 be implemented within the principle of best interest for the child. In keeping with this principle, prison selection policies in New York exclude women with prior crimes against children, and initially deny women with a poor prison disciplinary record or with a history of violence, although these two conditions can be reviewed on appeal with possible exceptions made. The statute itself specifies authority for the prison medical official to exclude any woman from acceptance if physically unfit and puts later removal entirely at the discretion of the chief prison official. Results from our cohort suggest this discretion was exercised, perhaps more than anticipated and arguably not always in alignment with the best interests principle.

In spite of all precautions, and sometimes because of them, separations do occur in a wide array of circumstances. In our cohort when separations occurred, it was chiefly family members who stepped up to take over the care giving. In most cases this was a grandparent. However, alternative care giving by aging grandparents is hampered by poverty and chronic illness (Hairston, 2009; Hanlon, Carswell & Rose, 2007). We observed this in our sample as well as the situation that younger grandparents had to disrupt their lives to become caregivers, including postponing education they had begun to pursue later in life and grappling with combining the newly accepted child care with ongoing work and home responsibilities. Family members do provide cultural and social continuity for the child who is taken from his/her mother abruptly and, from the child's perspective, unexplainably. For children who remained in the study over time, child development was measurably enhanced when these alternative relationships were continuous and stable but disregulated when children were passed around among multiple caregivers without one secure base.

All families used multiple social services during reentry years. This was true both for situations of seamless parenting and with interruptions. They required support for housing, income, and health care and generally received these from public funds. Mothers faced many setbacks in seeking education and employment especially during the drastic global economic downturn beginning in 2008. Personal relationships were also challenged as mothers tried to rejoin their own families and reestablish their mothering role in the community. The necessary counseling services were sparse and often not to be found.

Proportion of seamless parenting

Because of its legislative entitlement for access, New York State is more likely than other states to have a nursery population with wider psychosocial risk parameters that potentially threaten continued parenting. Within this context the proportion of seamless parenting documented throughout the prison stay and the entire first reentry year is a true victory for the 49 mothers who achieved it. Such continuous parenting approaches extraordinary for the 60 mother-child pairs who still remained together seamlessly or were reunited after brief interim separations by the end of the third reentry year. For known cases in later reentry years, the struggle to continue in the mothering role was continually challenged by poverty,

underemployment, housing needs and other environmental factors, but drug relapse and recidivism took the major toll. Resources were sparse. In context, our brief but repeated and tailored phone and mail outreach was appreciated and effective. Unsolicited participant endorsements were numerous. Notably, in the continuation study, 75% of mothers receiving the experimental intervention achieved continuous or reunited mothering, compared to 64% of mothers in the control group.

Lessons learned from diverse range of separation and reunion patterns

The different types of separations merit comment although caution is advised for subgroups with small numbers. The few mothers who opted to send out their children all cited inadequate medical care but all expressed regret for their decision shortly after the child was removed. They also failed to reunite following release. Underlying this decision may have been self-doubt and ambivalence about mothering. Perhaps counseling could have altered these decisions and the outcomes. Opting for drug program changes that removed women from the nursery also may have represented some mothering ambiguity. Two of five mothers reunited. It is known that short-term confrontational drug programs may not be effective for women, so the lure of early release may be misleading in terms of long-term recovery.

The largest numbers of abrupt separations during nursery co-residence were related to decisions made by DOCCS to remove infants from the nursery. Circumstances left little time for custodial planning. The majority of children sent out in this way did not reunite with mothers. In cases related to disciplinary decisions the children were arguably not in danger, but the mother was being punished for repeated prison infractions such as refusing to immediately comply with a corrections officer's direct command. Separations resulting in immediate foster care were lost to follow-up study, which is emblematic of child invisibility under these circumstances.

Separations related to deportation proceedings were beyond the State DOCCS authority. Reinstating prison nurseries in Federal facilities could prevent these traumatic separations in cases when the mother anticipates caring for the child in the receiving country.

The second largest number of separations in this cohort resulted when children reached the maximum age allowable for nursery co-residence. It is curious that this age was statutorily set at 12 months and that the extension to 18 months was rarely applied. The overwhelming conclusion of existing research in psychology, psychiatry, and child development is that abrupt separation from a primary caregiver before 18 months of age has lifelong effects on a person's ability to establish healthy relationships and interact in a positive way with the world (Sroufe, Egeland, Carlson & Collins, 2005). The development of a healthy attachment between a child and his or her primary caregiver is a long process occurring over the course of a child's first two years (Emde, 1989). The time between 9 and 18 months is critical (Hazan & Zeifman, 1999). During this time babies pull together all of their earlier experiences into a basic understanding of how to relate to the world and regulate themselves in relation to others. Children who are separated from their primary caregivers during this period learn that they cannot depend on others to care for them and that the world is an unpredictable and frightening place. It is well established that frightening experiences early in life can lead to disorganization even in an established attachment (Lyons-Ruth, Repacholi, McLeod & Silva, 1991). Neurochemical studies show that disruptions to the attachment process affect the growth and development of the brain, as well as social functioning, aggressiveness, reaction to stress, and risk for substance abuse during adulthood (Pedersen, 2004). Separation traumatizes mothers, too. Women in nursery programs who have a history of insecurity that is slowly being healed through the nursery experience will have that growth undermined by separation from their infant especially when it is punitive

and abrupt. Awareness of the nature and influence of family attachments should be increased among prison administrators and corrections officers so that they can commit to partnership in supporting these strengths during incarceration and reentry. Videodocumentary and photography are emerging as novel ways to increase such understanding (McShane, 2010; Byrne, 2010)

Limitations of the study

In drawing conclusions it is important to realize that the sample represents an historical cohort. There was no random selection of participants from a target population and other than in the ongoing continuation studies, no random assignment of participants to groups. Each mother/child dyad represents themselves, and the cohort represent one prison nursery population in one historical period. The demographics are not unlike those of two small samples reported by NYS DOCCS during the past two decades, which found more psychosocial risk factors than samples described by prison nurseries in other states. Loss to follow-up across our studies was minimal for a high-risk, vulnerable population but did result in more unknown outcomes over time for families who did not continue enrollment. This report of separation patterns is descriptive in nature and no causal attributions can be made.

Conclusions

A coordinated systems effort across corrections and community resources is needed to sustain the secure attachments, which have been demonstrated to be achievable in a prison nursery program that provides supportive assets. Separations threaten these outcomes yet occur for many reasons. On analysis these could be addressed by enhancing quality and availability of counseling services, parenting support, and substance abuse programs in corrections facilities and in the community.

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Biographies

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Lorie Goshin, PhD, RN is an Associate Research Scientist at Columbia University School of Nursing. She has been a key member of Dr. Byrne’s research team for 5 years including Community Coordinator and Co-Investigator roles on the NIH-funded study that provided the basis for this paper. She is interested in community alternatives to incarceration for childrearing women and early preventive efforts to disrupt the pathway to prison for juveniles.

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Key Points for Family Court Community

- Assumptions about prison nurseries relative to mothering are widespread, yet outcomes have rarely been studied especially in the United States where these programs are rare, diverse, and often transient.
- Recent studies during imprisonment provide data that adequately resourced prison nursery programs can foster secure infant attachment, protect child development, and reduce maternal criminal recidivism.
- Seamless mothering from prison nursery through long-term re-entry is possible.
- Maternal separations from infants do inevitably occur for prison nursery co-residents both during the program and in the reentry years.
- To sustain the positive maternal and child outcomes demonstrated to be achievable in a prison nursery programs a coordinated systems effort across corrections and community resources is needed with enhanced quality and availability of counseling services, parenting support, and substance abuse programs.

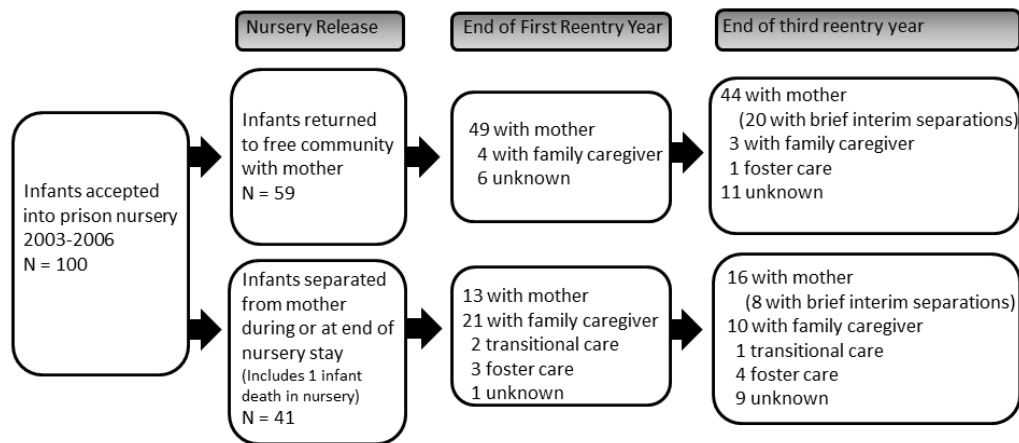


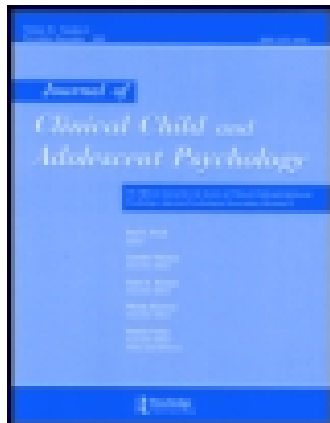
Figure 1.
Maternal Union and Separation Trajectories

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Children's Experiences of Maternal Incarceration-Specific Risks: Predictions to Psychological Maladaptation

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Children's Experiences of Maternal Incarceration-Specific Risks: Predictions to Psychological Maladaptation

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Children of incarcerated mothers are at increased risk for social and emotional difficulties, yet few studies have investigated potential mechanisms of risk within this population. This research simultaneously examined the association of children's experience of incarceration-specific risk factors (e.g., witness mother's arrest) and environmental risks (e.g., low educational attainment) to children's psychological maladaptation using a multi-informant design and a latent variable analytic approach. Participants were 117 currently incarcerated mothers (64.1% African American), their 151 children (53.6% boys, M age = 9.8 years, range = 6–12 years, 61.7% African American), and the 118 caregivers (74.8% female, 61.9% grandparents, 62.2% African American) of the children. Mothers, children, and caregivers each provided accounts of children's experiences related to maternal incarceration and children's internalizing and externalizing behavior problems. Mothers and caregivers each supplied information about 10 environmental risk factors. Findings from structural equation modeling indicate that children's incarceration-specific risk experiences predict internalizing and externalizing behavior problems whereas the influence of environmental risks was negligible. Follow-up analyses examining the contribution of specific risks indicate that significant predictors differ by reporter and separate into effects of family incarceration history and direct experiences of maternal incarceration. Incarceration-specific experiences place children at higher risk for maladjustment than exposure to general environmental risk factors. These findings indicate the need to critically examine children's exposure to experiences related to maternal incarceration and family incarceration history to help to clarify the multifaceted stressor of maternal incarceration.

As adults, children of incarcerated mothers are at risk for antisocial behavior and criminality (Dallaire, 2007b; Murray, Farrington, & Sekol, 2012) as well as poor physical and mental health (Lee, Fang, & Luo, 2013). As children, separation from parents because of incarceration has been associated with unstable living environments (Kjellstrand & Eddy, 2011), poor school behavior (Trice & Brewster, 2004), and externalizing and internalizing behavior problems (Murray & Farrington, 2005). However, it is unclear to what extent parental incarceration contributes to children's risk over and above other risk factors. There are many preexisting, or selection effects because "incarceration does

not occur randomly in the population" (Murray, 2005, p. 448); that is, incarcerated individuals are disproportionately of low socioeconomic status in that they tend to have low educational attainment and be minimally employed or unemployed. In addition, children of incarcerated parents may be exposed to parental arrest, school and home transitions, including separation from siblings, as well as lack of contact with a parent. The goal of the current research is to simultaneously investigate the impact of incarceration-specific risk experiences (ISRE) and general environmental risk (GER) on children's internalizing and externalizing problem behavior and the incremental risk associated with experiencing ISRE in a sample of children of incarcerated mothers using multiple reporters (child, mother, caregiver).

Given the high and steady rates of incarceration nationally, it is critical to examine factors affecting this

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population. Over the last two decades there has been a tremendous increase in the number of children affected by parental and particularly maternal incarceration, at the state and federal level (Glaze & Maruschak, 2008; Mumola, 2000). At midyear 2007 the 65,600 mothers incarcerated in state and federal prisons reported having 147,400 children (Glaze & Maruschak, 2008). According to this most recent Bureau of Justice Statistics report “since 1991, the number of children with a mother in prison has more than doubled, up 131%” (Glaze & Maruschak, 2008, p. 2). Although there have also been similar increases in the number of mothers incarcerated at jails at the local level, and it is estimated that there are millions of additional children who have a mother in jail (Western & Wildeman, 2009), the actual number of affected children is difficult to estimate as there are no formal procedures in place to collect these data.

Although greater numbers of children are impacted by a father’s incarceration, children with incarcerated mothers often experience greater disruption in their lives because mothers are more likely to have been providing the primary care for their children prior to incarceration (Glaze & Maruschak, 2008). Relative to children with incarcerated fathers, children with incarcerated mothers are more likely to be separated from both of their biological parents because of parental incarceration (Dallaire, 2007b; Dallaire & Wilson, 2010). Further, children with incarcerated mothers present with negative immediate and future outcomes across many domains. For example, school-age children with incarcerated mothers exhibit high levels of anxiety, depression, and aggressive behaviors (Hanlon, Bateman, Simon, O’Grady, & Carswell, 2004; Murray & Farrington, 2005; Myers, Smarsh, Amlund-Hagen, & Kennon, 1999). According to incarcerated mothers’ report, their adult children are 2.5 times more likely to be incarcerated than adult children with incarcerated fathers (Dallaire, 2007b) and 3 times as likely to be incarcerated as adults when compared to children whose mothers have never been incarcerated (Huebner & Gustafson, 2007).

Maternal incarceration is both a risk marker and a risk mechanism (Johnson & Easterling, 2012; Murray & Farrington, 2005). As a risk marker, maternal incarceration indicates the presence of other risk experiences for a child or family (e.g., low income, low education). As a risk mechanism, maternal incarceration confers unique or specific risk (e.g., lack of mother–child contact, witnessing mother’s arrest). Incarceration as a risk mechanism is not yet well understood (Johnson & Easterling, 2012); however, incarceration as a risk marker has been investigated more fully. For example, Phillips, Erkanli, Keeler, Costello, and Angold (2006) examined risk experiences of 1,420 youth, 306 of whom had mothers who were in contact with the criminal justice system. They found that children whose mother

was in contact with the criminal justice system versus children whose mother was not were more likely to experience socio-demographic and caregiving risk factors (e.g., living in a large family, experiencing poverty, parental unemployment), harsh and punitive parenting, and less parental supervision. It is unclear, however, to what extent incarceration impacts children’s development and adaptation once socio-demographic risk factors are taken into account. For example, Aaron and Dallaire (2010) found that although parental (mainly maternal) incarceration was associated with adolescents’ risk for delinquency, once family process variables were taken into account, this increased risk diminished. Likewise, other studies (e.g., Kinner, Alati, Najman, & Williams, 2007; Murray et al., 2012; Murray, Janson, & Farrington, 2007; Shlafer, Poehlmann, & Donelan-McCall, 2012) have reported few or no differences between children with and without incarcerated parents on key outcome variables once sociodemographic, environmental, and arrest/conviction variables have been taken into account. This lack of consistency in the literature highlights the need for investigators to better understand parental incarceration as a mechanism for risk.

Few studies have been deliberately designed to understand the impact of incarceration on children and families; thus, we know little about how incarceration operates as a mechanism of risk. Most research has used large archival data sets that were not designed to examine questions related to maternal incarceration (e.g., Aaron & Dallaire 2010; Phillips et al., 2006). Using the National Survey of Child and Adolescent Well-Being, Phillips and Zhao (2010) reported that exposure to a family member’s arrest was associated with more symptoms of posttraumatic stress; however, it was unclear whether the arrested family member was a parent. Similarly, Roberts and colleagues (2013) showed that exposure to the arrest of a family member was associated with greater exposure to other traumatic events as well as greater internalizing and externalizing behavior problems. Using a sample of 32 children with currently incarcerated mothers and fathers, Dallaire and Wilson (2010) reported that after accounting for other environmental risks, exposure to parental criminal activity, arrest, and sentencing were associated with difficulties in children’s regulation of negative emotions. Taken together, the results of these studies provide preliminary support for the notion that ISRE may influence children’s development but more in depth research with larger sample sizes and a larger array of ISRE is needed. In particular, greater attention needs to be paid to potentially traumatic events children may experience as a result of their mother’s incarceration.

The goal of the current study is to demonstrate empirically that children exposed to ISRE are at a

unique risk for psychosocial maladaptation that is different from that experienced through exposure to GER. ISRE confer risk through multiple mechanisms including increasing children's exposure to potentially traumatic experiences, as well as through the experience of separation from one or more attachment figures. Some researchers have asserted that children's experiences with parental incarceration may not confer a unique risk for maladjustment after controlling for GER (e.g., Kinner et al., 2007) and maternal arrest/conviction (e.g., Shlafer et al., 2012). An examination of this issue is clearly needed given that the implications of the answer to this question of risk exposure is critical information to obtain in order to design effective interventions for this unique sample of children. That is, based on the types of risk experienced by these children, interventions can be tailored to their particular challenges rather than applying a general environmental risk approach that may not effectively target needs based on incarceration-specific experiences. Further, the time of middle childhood may be an important period for intervention. The research has demonstrated that by adolescence and early adulthood, children of incarcerated parents are at increased risk for behavioral and school problems (Murray et al., 2012; Trice & Brewster, 2004). Interventions that are implemented prior to the transition to adolescence may have a preventive effect. Thus, in the current study, we examined whether ISRE uniquely predicted internalizing and externalizing behavior problems, as rated by children, mothers, and caregivers, in comparison to a general risk index. We also sought to understand whether any specific experiences may have unique associations with psychological outcomes.

Although research has indicated the importance of certain incarceration risk variables (Dallaire & Wilson, 2010; Foster, 2012; Phillips & Zhao, 2010; Shlafer & Poehlmann, 2010), no study has included numerous risk variables in a single index. The incarceration-specific risk index (ISRI) developed for this study was formulated from previous quantitative (e.g., Poehlmann, 2005), and qualitative research (e.g., Arditti & Few, 2006) as well as review articles (e.g., Dallaire, 2007a). Our work capitalized on the specific stress associated with jail internments to create such an index. Jails are located in closer proximity to families than prisons, thus, visitation and contact is more of a salient issue in this population. In comparisons to prisons, jails also detain individuals for a relatively short period (Minton, 2011), thus most of our participants had lived with or had frequent contact with their children in the past 12 months and planned on reuniting with their children upon their release. Furthermore, we focused on events that might be frightening and potentially traumatizing for children. We adopted a cumulative risk approach

(e.g., Rutter, 1979; Sameroff, Seifer, Baldwin, & Baldwin, 1993) and utilized children's, mothers', and caregivers' reports of the following ISRE in order to construct the ISRI: mother is not in current contact with the child, child is separated from siblings because of incarceration, mother has been incarcerated three or more times in child's life, child changed schools because of incarceration, child witnessed mother's arrest, child's biological father is incarcerated, child witnessed mother's criminal sentencing, child's maternal grandmother has been incarcerated, and the child is living with a new caregiver because of maternal incarceration.

To demonstrate the unique impact of incarceration-specific risk, we compared the ISRI to a general environmental risk index (ERI) that allows us to account for a wide range of environmental risks and has been used successfully in previous research with this population (e.g., Aaron & Dallaire, 2010; Dallaire & Wilson, 2010). Specifically, we used mother and caregiver reports to assess 10 GER including maternal and caregiver anxiety, mental illness, traditional beliefs about child-rearing, harsh parenting style, working in an unskilled profession, noncompletion of high school (or GED), member of an ethnic minority group, lack of a father (or father figure) in the home, experience of stressful life events, and large family size.

Based on the available literature and theory, we hypothesize that the experience of ISRE will predict children's internalizing and externalizing problem behaviors even after controlling for the effect of GER. We then conduct follow-up, exploratory analyses extending the initial analyses just described to examine in more detail the incremental, predictive utility of individual ISRE by reporter on children's internalizing and externalizing behavior.

METHOD

Participants

The initial sample included 236 incarcerated mother participants. About half of the families/caregivers of these mothers agreed to participate in the study. Thus, the final sample used for analyses in this study comprises 151 children of 117 incarcerated mothers and the 118 caregivers of the children residing in central Virginia comprising both urban and rural areas. Children (53.6% boys; M age = 9.8 years, SD = 1.67 years, range = 6.50–12.98 years) were ethnically diverse (61.7% African American, 29.8% Caucasian). Children's mothers ranged from 24 to 50 years of age (M = 32.85 years, SD = 5.91 years), and had three biological children on average (range = 1–7). If mothers had multiple

children in the eligible age range, each child participated.¹ In total, 41.7% of children ($n = 58$) had a sibling participate. Mothers were ethnically diverse (64.1% African American) and many reported low educational attainment, with 35.1% reporting not completing the 12th grade or the high school equivalency exam. Mothers were incarcerated for various reasons which, according to their self-report, included contempt of court (e.g., parole violations, 31.6%), property crimes (e.g., larceny, 27.2%), substance abuse issues (e.g., prescription fraud, distribution of illegal substances, 16.7%), and other less frequently reported reasons like fraud (e.g., identity theft, 12.3%) and violent crimes (e.g., armed robbery, 6.1%). The number of times mother had been incarcerated ranged from 1 to 11 ($M = 2.65$, $SD = 1.64$), with 25% of mothers experiencing their first incarceration.

Caregivers included children's grandparent (61.9%), father (18%), relative (e.g., aunt, sibling, 17.3%) and stepparent (2.9%). The majority of caregivers were female (74.8%) and ranged from 19 to 70 years of age ($M = 47.8$ years, $SD = 11.6$ years). Although 28.3% reported having not completed 12th grade, 21% had taken some college courses and 9.5% had graduated from college. Caregivers identified as 63.2% African American and 30.7% Caucasian.

Procedure

Ethics approval was obtained by the authors' university's protection of human subjects committee and cooperating jail facilities reviewed and approved the research protocol. Eligible women incarcerated at one of six jail facilities were recruited to participate by project staff. These jail facilities housed individuals who were awaiting trial as well as those who had already been sentenced; both incarceration situations were reflected in our sample. If mothers were released before the child and caregiver participated in the study, the family was no longer eligible to participate. Additional eligibility requirements included having one or more child within the specified age range (6–12 years), having maintained parental rights, and no documented history of abuse or neglect to the target child. If mothers had multiple children in the age range, they were interviewed on separate occasions about each participating child. Mothers participated by completing a privately conducted 1-hr individual interview with the research assistant at the jail facility in which they answered questions about themselves and their children. Mothers provided consent to

contact the child's caregiver along with contact information. We were able to interview 50% of the families of incarcerated mothers with nonparticipation due to being unable to contact the caregiver (e.g., phone number had been disconnected), caregivers not wanting any association with the incarcerated mother, or lack of interest in the project. When the children and caregivers participated, mothers had been incarcerated less than two months ($M = 56.11$ days, $SD = 85.34$ days).

After contact was made with a caregiver, interviews were scheduled at the caregiver's homes (80%), local libraries (16%), other public locations (e.g., restaurant, 2%), and campus lab facility (2%). After obtaining caregiver consent and child assent, caregivers and children participated in separate locations to ensure privacy. Caregiver and child interviews took approximately an hour to complete. Caregiver interviews took longer if multiple children in the same family participated. Caregivers received \$50 per participating child for their participation and children received \$10 and a small toy.

Measures

The measures collected in the current study are presented next by construct, beginning with the ISRE for child, mother, and caregiver; the ERI variables for mother and caregiver; and the psychological functioning outcome variables (i.e., internalizing and externalizing behavior problems).

Incarceration-specific risk index. Three ISRI variables were created based on children's, mothers', and caregivers' report of events related specifically to incarceration (e.g., child witnessed mother's arrest) and/or events that occurred as a result of the mother's incarceration (e.g., child is with a new caregiver). The specific items chosen for inclusion were based on the previous research in the empirical literature.

Children's ISRI was calculated based on their responses to 10 items that were added to the Life Events Checklist (LEC; see Table 1 for items). Children indicated whether the event occurred in the previous 6 months by answering either "Yes" (1) or "No" (0). Children's raw score on this measure constituted their ISRI and was used in all subsequent analyses. Children's scores on the incarceration-specific LEC questions ranged from 0 to 7 ($M = 2.66$, $SD = 1.69$).

Mother and caregiver ISRI variables were collected during a demographic and background interview (see Table 1). The following variables were included: lack of contact with the child, three or more maternal incarcerations during the child's lifetime, separation from siblings because of mother's incarceration, child changed schools because of mother's incarceration,

¹Analyses were also performed on a smaller sample of 117 mother-child and caregiver triads that only included one child chosen at random from the family and did not include siblings. The results are essentially the same and are available upon request.

TABLE 1
Percentage Endorsement of Incarceration-Specific Risk Variables for Children, Mothers, and Caregivers

<i>Reporter</i>	<i>Child</i>	<i>Mother</i>	<i>Caregiver</i>
Child Incarceration-Specific Risk Index Variables			
A close family member was arrested or in jail	73.5%	—	—
Child changed schools because of a change in residence	33.6%	—	—
Child is no longer living with his/her mother	46.6%	—	—
Child is no longer living with one of his/her siblings	19.3%	—	—
Child is no longer living with his/her father	26.2%	—	—
Child witnessed criminal activity in the home	11.6%	—	—
Child witnessed mother's arrest	32.9%	—	—
Child witnessed father's arrest	8.3%	—	—
Child witnessed mother's criminal sentencing	8.2%	—	—
Child witnessed father's criminal sentencing	3.5%	—	—
Mother and Caregiver-Reported Incarceration-Specific Risk Index Variables			
Mother is not in current contact with the child	—	12.7%	17.9%
Mother's been incarcerated 3 or more times in child's life	—	43.1%	43.9%
Child is separated from siblings because of incarceration	—	19.8%	21.4%
Child changed schools because of incarceration	—	12%	14.6%
Child witnessed mother's arrest	—	25.9%	44.8%
Child witnessed mother's sentencing	—	0.7%	1.4%
Child's biological father is incarcerated	—	57.9%	61.4%
Child's maternal grandmother has been incarcerated	—	24.5%	—
Caregiver is a new caregiver to this child	—	—	77.5%

child witnessed mother's arrest, child witnessed mother's sentencing, and child's biological father was also incarcerated. Mothers reported whether their biological mother had been incarcerated and caregivers reported whether they were a new caregiver to this child.

Summed across the eight variables, scores ranged from 0 to 6 for mothers ($M = 2.74$, $SD = 1.37$), and from 0 to 6 for caregivers ($M = 2.31$, $SD = 1.29$). Mothers' and caregivers' reports were significantly, positively correlated ($r = .501$, $p < .01$). Children's and mothers' ISRI were not significantly correlated ($r = .089$, ns), whereas children's and caregivers' ISRI were marginally associated ($r = .150$, $p = .10$).

Environmental risk index. Two ERI variables were created including one from mothers' report and the other from caregivers' report. These variables were formed using the following measures.

Maternal/caregiver authoritarianism was assessed with the 30-item Parental Modernity Scale of Child-Rearing and Educational Beliefs (Shaefer & Edgerton, 1985) that assesses authoritarian and progressive beliefs about child rearing. Only the 26-item Traditional Beliefs subscale was used in this study. Mothers and caregivers rated the degree to which they agreed with statements (e.g., "The most important thing to teach children is absolute obedience to parents") using a 5-point scale, ranging 1 (*strongly disagree*) to 3 (not sure) to 5 (*strongly agree*). Higher scores on this measure indicate more traditional beliefs about

parenting characterized by strict rules and unidirectional communication. This measure has demonstrated high reliability and validity (NICHD SECCYD, 2007; Shaefer & Edgerton, 1985). In the current study, internal consistency was high (mothers = .82, caregiver = .85). Mothers and caregivers scoring in the top 25% for traditional beliefs were coded as 1 (parenting belief risk present), with all other scores coded as 0 (risk absent).

Maternal/caregiver hostility was assessed with the 20-item Parenting Behavior Inventory (PBI; Lovejoy, Weis, O'Hare, & Rubin, 1999) that measures parenting behaviors. Ten items assess hostile and coercive parenting behaviors, and 10 items assess supportive and engaged parenting behaviors. Only the Hostile/Coercive subscale was used in the current study. Mothers and caregivers rated how often they engaged in hostile/coercive behavior with the target child (e.g., "I grab or handle my child roughly") using a 6-point scale from 0 (*I never do this*) to 5 (*I often do this*). Higher scores on this measure indicate greater use of hostile and coercive parenting behaviors. Strong psychometric properties have been demonstrated (Lovejoy et al., 1999). Internal consistencies on the Hostile/Coercive scale were acceptable for mothers ($\alpha = .73$) and caregivers ($\alpha = .80$). Mothers and caregivers scoring in the top 25% for hostile/coercive behavior were coded as 1 (parenting behavior risk present); all other scores were coded as 0 (risk absent).

To assess the frequency and severity of stressful life events, mothers and caregivers completed the 30-item LEC (Work, Cowen, Parker, & Wyman, 1990) in which

they indicated whether the child had been exposed to each of the events in the past 6 months. This life events measure was developed for inner-city, low-socioeconomic status youth and contains relevant items for the demographics of our sample (e.g., “A case worker came to you home” and “Sometimes your family had little food to eat.”). Internal reliabilities were high (mothers = .74; caregivers = .76). Mothers and caregivers scoring in the top 25% were coded as 1 (stressful life events risk present); all other scores were coded as 0 (risk absent).

Mother and caregiver anxiety and presence of mental health problems was assessed with the 139-item Psychiatric Diagnostic Screening Questionnaire (PDSQ; Zimmerman & Chelminski, 2006; Zimmerman & Mattia, 2001). The PDSQ is a self-report questionnaire comprised of 15 subscales, which assess psychological and substance abuse problems. Using a dichotomous response format, respondents indicate whether they have experienced the symptom in either a 2-week or 6-month period. Subscales used in the current study and corresponding Cronbach's alphas for mothers/caregivers are as follows: depression ($\alpha = .79/.80$), post-traumatic stress ($\alpha = .91/.90$), obsessive compulsions ($\alpha = .76/.75$), panic attacks ($\alpha = .85/.89$), psychosis ($\alpha = .35/.34$), agoraphobia ($\alpha = .89/.86$), social phobia ($\alpha = .93/.86$), generalized anxiety disorder ($\alpha = .89/.89$), and somatization ($\alpha = .61/.43$). The PDSQ has strong psychometric properties (Zimmerman & Chelminski, 2006; Zimmerman & Mattia, 2001). Using the clinical cutoff recommendations provided by Zimmerman (2002), risk variables for mothers' and caregivers' anxiety and mental health were created. Mothers (48%) and caregivers (19%) scoring at or above the clinical cutoff for generalized anxiety received a score of 1 (anxiety risk present), whereas all others received a score of 0 (anxiety risk absent). Mothers (72%) and caregivers (31%) scoring at or above the clinical cutoff on two or more of the other subscales received a score of 1 (mental health risk present).

Additional GER variables were assessed with a demographic and background interview in which mothers and caregivers provided information about their educational attainment, occupational status, individuals and family members who have lived in the home over the previous year, and ethnicity. Mothers (34%) and caregivers (28.5%) who did not complete 12th grade (or GED) received a score of 1 (education risk present). Occupations and the jobs that mothers and caregivers had in the previous 12 months were coded based on the Hollingshead (1957) system. Mothers (79%) and caregivers (76%) who reported being unemployed/retired or who reported working in menial (e.g., dishwasher) or unskilled position (e.g., garbage worker) positions received a score of 1 (occupation risk present);

all other occupations received a score of 0. Caregivers (36%) and mothers (36%) who reported that four or more children younger than age 18 resided in their household received a score of 1 (large family size risk present). Caregivers (66%) and mothers (49%) who indicated that no father figure to the child (grandfather, stepfather, biological father) lived in their household received a score of 1 (lack of father figure risk present). Last, mothers (66%) and caregivers (72%) who identified their race as non-White received a score of 1 (i.e., minority status risk present).

Summed across the 10 variables, scores on the ERI ranged from 1 to 10 for mothers ($M = 4.62$, $SD = 2.03$) and from 1 to 8 for caregivers ($M = 4.11$, $SD = 1.87$). Mother's and caregivers' reports were significantly, positively correlated ($r = .36$, $p < .01$).

Psychological outcomes. Mothers and caregivers reported on children's internalizing and externalizing behavior problems over the previous 6 months using the Child Behavior Checklist (Achenbach & Rescorla, 2001). The Child Behavior Checklist contains 113 items and yields three broadband scales and eight syndrome scales. Only the internalizing and externalizing scales were used in the current study. Validation studies indicate strong internal consistency with adequate content, criterion-related, and construct validity (Achenbach & Rescorla, 2001). In the current study, internal consistencies for Internalizing and Externalizing problems were strong for mothers/caregivers (Internalizing: $\alpha = .86/.86$, Externalizing: $\alpha = .74/.81$). According to mothers'/caregivers' reports, respectively, 20.8%/17.2% of children were in the clinical range for Internalizing problems whereas 29.2%/25.2% of children were in the clinical range for Externalizing problems.

Children's report of depressive symptomatology was assessed using the Children's Depression Inventory (Kovacs, 1992). Due to Institutional Review Board concerns, the suicide item was omitted. The psychometric properties of the Children's Depression Inventory have been well established and are acceptable (Carey, Gresham, Ruggiero, Faulstich, & Enyart, 1987; Kovacs, 1985). Within this sample, raw scores ranged from 0 to 36 ($M = 8.08$, $SD = 7.03$) with six children (3.97%) meeting the clinical cutoff (T score > 65) and 35 children (18.2%) receiving total raw scores of 13 or higher, indicating mild to moderate levels of depression (Kazdin, 1989; Smucker, Craighead, Craighead, & Green, 1986). Internal consistency was strong ($\alpha = .84$).

Children's report of externalizing behavior was assessed with the 38-item Risky Behavior Protocol (Conger & Elder, 1994) that contains two subscales: 19 items that evaluate behaviors the child has done (“things you do”) and 19 items assess behaviors the child's

friends have done (“things your friends do”). Only the “things you do” subscale was used in the current study. The items assess both major risk-taking and delinquency (e.g., purposely set fire in a building or in any other space), minor risk-taking (e.g., ridden in a car without a seat belt), and any risk-taking behavior (e.g., smoked cigarettes or used tobacco). Children indicate on a 3-point scale the frequency of the behavior. This instrument has acceptable internal consistency and validity (NICHD SECCYD, 2007). In our sample, internal consistency was strong ($\alpha = .88$), and scores ranged from 0 to 29 ($M = 4.31$, $SD = 4.08$).

RESULTS

Descriptive data and correlations among study variables are presented in Table 2.

Preliminary Analyses

Because we had a 50% participation rate between mothers interviewed at the jail ($N = 236$) and the participating families/caregivers ($N = 118$), we first explored differences between mothers whose children and caregivers participated and mothers whose children and caregivers did not participate. There were no significant differences in maternal-reported ISRI, with both groups reporting their children experienced 2.4 incarceration-specific risks on average. Mothers with participating children reported significantly higher environmental risk index scores ($M = 4.61$, $SD = 2.09$) than mothers of nonparticipating children ($M = 3.86$, $SD = 1.55$), $t(234) = 3.11$, $p = .001$. There were no significant differences between the two samples with respect to maternal report of children's internalizing and externalizing behaviors.

Next, we examined child age, gender, and ethnicity differences in the three reports of psychological outcome

TABLE 2
Descriptive and Correlational Data

Variables	1	2	3	4	5	6	7	8	9	10	11	12	13	14	M (SD)
1. Child Age (in Months)	—	-.07	.05	.20*	.19*	.08	.09	.03	.12	.10	-.13	-.02	.03	.19*	118.13 (19.93)
2. Child Gender ^a		—	-.04	.00	-.16 [†]	-.09	-.13	-.01	.08	.05	.03	-.06	-.09	-.06	0.47 (0.50)
3. Child Ethnicity ^b			—	.52**	.27*	.09	-.22*	-.03	-.10	-.22**	-.11	-.17*	-.22**	-.06	0.60 (0.49)
4. Mother-Reported Environmental Risk Index				—	.36*	-.02	-.17 [†]	.08	.21*	-.07	.03	.09	-.13	.14 [†]	4.62 (2.02)
5. Caregiver-Reported Environmental Risk Index					—	-.04	-.02	.02	.03	.35**	.01	.09	.35**	.12	4.11 (1.87)
6. Mother-Reported Incarceration Specific Risk Index						—	.51**	.15	.20*	.18 [†]	-.02	.22*	.19*	.15	2.23 (1.32)
7. Caregiver-Reported Incarceration Specific Risk Index							—	.15	.20*	.24*	.02	.22*	.26**	.17 [†]	2.75 (1.37)
8. Child-Reported Incarceration Specific Risk Index								—	.10	.11	.34**	.07	.10	.23*	2.67 (1.69)
9. Mother-Reported CBCL Internalizing Behavior Problem Subscale									—	.38**	.24**	.62**	.30**	.21*	6.96 (6.45)
10. Caregiver-Reported CBCL Internalizing Behavior Problem Subscale										—	.18*	.24*	.59**	.23**	7.41 (7.11)
11. Child-Reported Children's Depression Inventory											—	.28**	.22**	.20*	8.08 (7.03)
12. Mother-Reported CBCL Externalizing Behavior Problem Subscale												—	.52**	.28**	10.02 (9.37)
13. Caregiver-Reported CBCL Externalizing Behavior Problem Subscale													—	.27**	11.44 (10.38)
14. Child-Reported Risky Behavior Protocol														—	4.31 (4.08)

Note: CBCL = Child Behavior Checklist.

^aChild gender was coded as 1 = female, 0 = male.

^bChild ethnicity was coded as 1 = Black, 0 = Not Black.

[†] $p < .10$. * $p < .05$. ** $p < .01$.

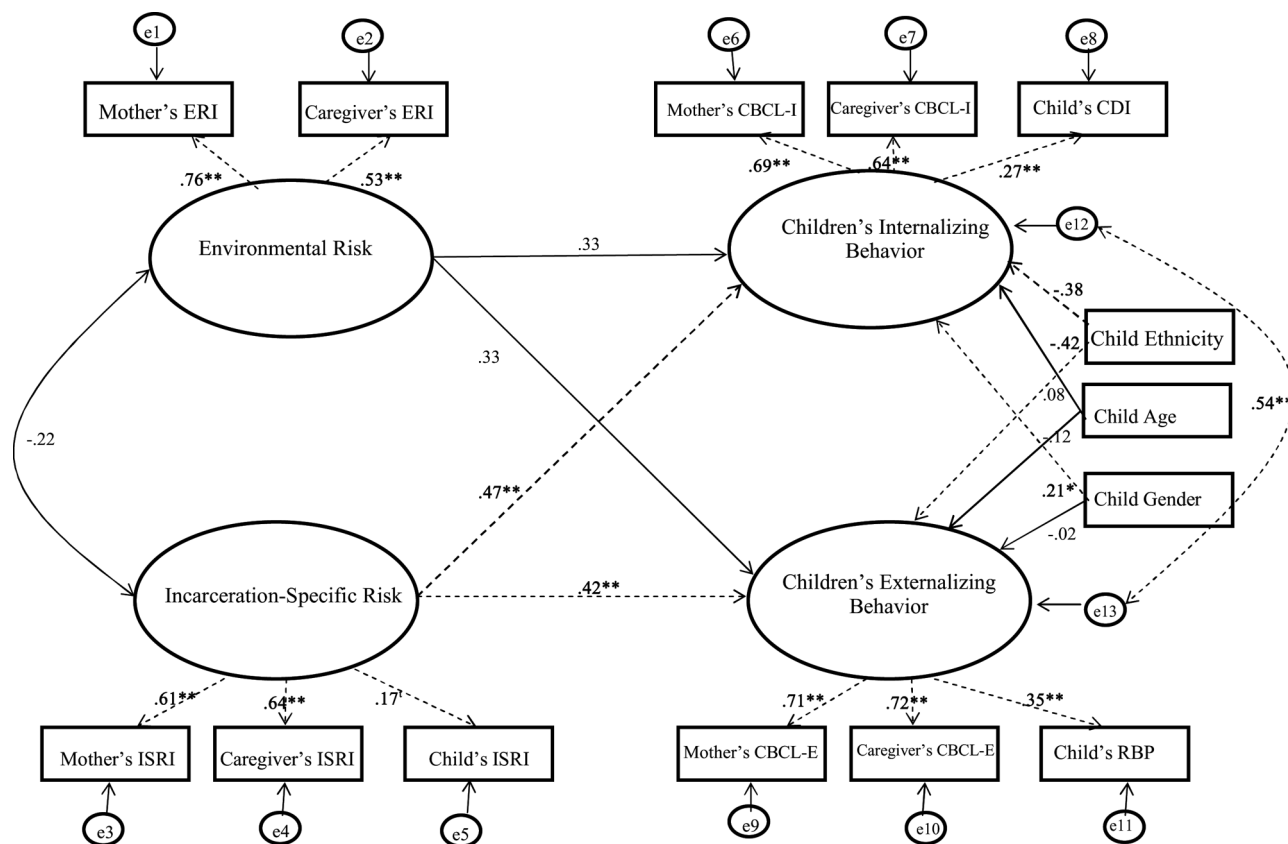


FIGURE 1 Structural equation model testing the predictive validity of incarceration specific risks over environmental risks to children's internalizing and externalizing behavior among children with incarcerated mothers ($N = 151$ children-mother-caregiver triads). *Note:* ERI = Environmental Risk Index; ISRI = Incarceration-Specific Risk Index; CBCL-I = Child Behavior Checklist-Internalizing Behavior Problems Subscale; CDI = Children's Depression Inventory; CBCL-E = Child Behavior Checklist-Externalizing Behavior Problems Subscale; RBP = Risky Behavior Protocol. *Child Ethnicity* was dichotomized as 1 = Black, 0 = Not Black and Child Gender. In the model tested, error terms for variables assessed by same participant were correlated. $\chi^2(44) = 49.49$, $p = .21$; NFI = .90, CFI = .98, RMSEA = .03, RMSEA 95% CI [.03, .06]. $^1 p < .10$. $^* p < .05$. $^{**} p < .01$.

variables. Although child age was not associated with any reports of internalizing symptoms, it was significantly correlated with child report of externalizing behavior, $r(148) = .19$, $p = .02$. There were no significant gender differences in children's internalizing or externalizing behavior. Child ethnicity was associated with both internalizing and externalizing behavior problems, such that relative to non-White children, African American children showed fewer internalizing and externalizing behaviors. In addition, as shown in Table 2, child age, gender, and ethnicity were associated with other variables of interest and thus they were entered as control variables in all analyses that follow.

Hypothesis 1

The main hypothesis was that ISRI would predict internalizing and externalizing behavior problems over and above the contribution of ERI. Given that we obtained child, mother, and caregiver report of most variables, we used structural equation modeling to disentangle structural effects among latent constructs from correlations due to reporter-specific method variance. As

illustrated in Figure 1, ISRI and ERI were modeled as simultaneous predictors of internalizing and externalizing behaviors. Residual error terms for observed variables reported by the same reporter (e.g., e1, e3, e6, and e9 in the case of mother-reported variables) were specified to be intercorrelated (these paths are omitted from Figure 1 for clarity of presentation). Child age, gender, and ethnicity were controlled by specifying these variables as exogenous predictors of both outcome variables.

Analyses were conducted using Amos version 20 (Amos Development Corp., Crawfordville, FL). Covariance matrices were analyzed using full-information maximum likelihood estimation.² Fit indexes indicated excellent fit, $\chi^2(37) = 37.20$; Tucker-Lewis index = .99,

²FMIL was used to account for missing data. Data were missing at random. Less than 3% of children and less than 9% of mothers had missing data across all measures with all caregivers having complete protocols. Incomplete child data were generally due to fatigue, whereas for mothers, missing data resulted when they had another activity scheduled at the facility (e.g., lunch) that interfered with finishing the interview or they were transferred to another facility.

TABLE 3
Unstandardized, Standardized, and Significance Levels for Model in Figure 1

Parameter Estimate	Unstandardized	Standardized	p
Measurement Model Estimates			
Child Age → Children's Internalizing Behavior	0.01 (0.03)	.025	.83
Child Age → Children's Externalizing Behavior	-0.04 (0.04)	-.122	.26
Child Gender → Children's Internalizing Behavior	1.91 (0.93)	.210	.04
Child Gender → Children's Externalizing Behavior	-0.29 (1.35)	-.020	.83
Child Ethnicity → Children's Internalizing Behavior	-3.48 (1.60)	-.375	.03
Child Ethnicity → Children's Externalizing Behavior	-6.29 (2.03)	-.423	.00
Environmental Risk → Mother's ERI	1.00 (—)	.762	—
Environmental Risk → Caregiver's ERI	0.66 (0.12)	.528	.00
Incarceration-Spec. Risk → Mother's ISRI	1.00 (—)	.610	—
Incarceration-Spec. Risk → Caregiver's ISRI	1.39 (0.46)	.835	.00
Incarceration-Spec. Risk → Child's ISRI	0.36 (0.21)	.173	.09
Children's Internalizing Behavior → Mother's CBCL-I	1.00 (—)	.686	—
Children's Internalizing Behavior → Caregiver's CBCL-I	0.99 (0.22)	.635	.00
Children's Internalizing Behavior → Child's CDI	0.41 (0.16)	.265	.01
Children's Externalizing Behavior → Mother's CBCL-E	0.95 (0.19)	.709	.00
Children's Externalizing Behavior → Caregiver's CBCL-E	1.00 (—)	.720	—
Children's Externalizing Behavior → Child's RBP	0.20 (0.06)	.346	.00
Structural Model			
Environmental Risk → Children's Internalizing Behavior	0.97 (0.70)	.326	.17
Environmental Risk → Children's Externalizing Behavior	1.54 (1.00)	.327	.13
Incarceration-Spec. Risk → Children's Internalizing Behavior	2.63 (0.97)	.469	.01
Incarceration-Spec. Risk → Children's Externalizing Behavior	3.73 (1.45)	.420	.01
Environmental Risk ↔ Incarceration-Spec. Risk	-0.28 (0.19)	-.222	.14
E12 ↔ E13	12.38 (4.58)	.539	.01

Note: Standard errors in parentheses. $N=151$. Child ethnicity was dichotomized as 1=Black, 0=Not Black. Child Gender was scored as 1=Female 0=male. $\chi^2(44)=49.49$, $p=.21$; NFI=.90; CFI=.98; RMSEA=.03; RMSEA 95% CI [.03, .06]. ERI=Environmental Risk Index; ISRI=Incarceration-Specific Risk Index; CBCL-I=Child Behavior Checklist-Internalizing Behavior Problems Subscale; CDI=Children's Depression Inventory; CBCL-E=Child Behavior Checklist-Externalizing Behavior Problems Subscale, RBP=Risky Behavior Protocol; Spec.=specific.

comparative fit index (CFI)=1.00, root mean square error of approximation (RMSEA)=.01; RMSEA 95% CI [.00, .06]. Standardized and unstandardized parameter estimates appear in Table 3 and Figure 1 (paths significant at the $p < .10$ level are in bold). As predicted, the ISRI positively predicted both internalizing ($\beta = .43$, $p = .001$) and externalizing ($\beta = .41$, $p = .001$) behavior problems over and above environmental risk. Effects of ERI over and above ISRI were positive but not significant.

Follow-Up, Exploratory Analyses

The previous analyses suggest that ISRE negatively impact children's internalizing and externalizing behavior. We then sought to determine whether specific ISRE uniquely predicted outcomes and whether the patterns differed by reporter. We conducted three structural equation models (also using Amos v. 20 and full-information maximum likelihood estimation), one for each reporter (child, mother, caregiver). Standardized estimates and fit index information for all three models appear in Table 4.

Model 1 included each of the nine observed child-reported ISRE predicting to the latent internalizing and externalizing behavior variables (as shown in

Figure 1). The data fit the model marginally well, $\chi^2(57)=89.58$, $p=.01$; non-normed fit index (NFI)=.82, .82, CFI=.89, RMSEA=.06; RMSEA 95% CI [.04, .09]. Children's reports of witnessing criminal activity in the home ($\beta = .25$, $p = .02$), and not living with their father ($\beta = .22$, $p = .05$) were associated with more internalizing behaviors, whereas witnessing their mother's criminal sentencing was associated with fewer internalizing behaviors ($\beta = -.25$, $p = .02$). Children's reports of changing schools ($\beta = .17$, $p = .09$) and being separated from siblings ($\beta = .17$, $p = .10$) marginally significantly predicted externalizing behaviors.

Model 2 examined mothers' reports of eight observed ISRE predicting latent internalizing and externalizing behavior variables. The data fit the model very well, $\chi^2(49)=53.47$, $p=.31$; NFI=.87, CFI=.98, RMSEA=.03, RMSEA 95% CI [.00, .06]. Children's internalizing and externalizing behaviors were predicted by mothers' reports of being incarcerated three or more times in the child's lifetime (Internalizing: $\beta = .30$, $p = .001$; Externalizing: $\beta = .32$, $p = .001$) and the children's father's incarceration (Internalizing: $\beta = .26$, $p = .02$; Externalizing: $\beta = .19$, $p = .07$). Maternal report of the child's maternal grandmother being incarcerated was marginally significantly related to Externalizing behaviors ($\beta = .17$, $p = .07$).

TABLE 4
Standardized Estimates from Structural Equation Models Examining Predictive Utility of
Incarceration-Specific Risk Variables to Internalizing and Externalizing Behavior

	<i>Internalizing Behavior</i>	<i>Externalizing Behavior</i>
Model 1: Child Reported Incarceration-Specific Risk Index Variables ^a		
A close family member was arrested or in jail	.084	-.006
Child changed schools because of a change in residence	.072	.169 [†]
Child is no longer living with his/her mother	-.010	-.021
Child is no longer living with one of his/her siblings	-.029	.076
Child is no longer living with his/her father	.215*	.170 [†]
Child witnessed criminal activity in the home	.253*	.159
Child witnessed mother's arrest	.027	.023
Child witnessed father's arrest	.146	-.030
Child witnessed mother's criminal sentencing	-.252*	-.108
Child witnessed father's criminal sentencing	.101	-.029
Model 2: Mother-Reported Incarceration-Specific Risk Index Variables ^b		
Mother is not in current contact with the child	.048	.047
Mother's been incarcerated 3 or more times in child's life	.317**	.300**
Child is separated from siblings because of incarceration	-.133	-.052
Child changed schools because of incarceration	-.021	.069
Child witnessed mother's arrest	-.084	-.034
Child witnessed mother's sentencing	-.115	.043
Child's biological father is incarcerated	.259*	.192*
Child's maternal grandmother has been incarcerated	.147	.169 [†]
Model 3: Caregiver-Reported Incarceration-Specific Risk Index Variables ^c		
Mother is not in current contact with the child	-.007	-.058
Mother's been incarcerated 3 or more times in child's life	.051	.114
Child is separated from siblings because of incarceration	.214*	.049
Child changed schools because of incarceration	.065	.149
Child witnessed mother's arrest	-.044	-.138
Child witnessed mother's sentencing	.106	-.065
Child's biological father is incarcerated	.262**	.272**
Caregiver is a new caregiver to this child	-.120	.106

^aFit indexes for the child model are as follows: $\chi^2(57) = 89.58$, $p = .01$; non-normed fit index (NFI) = .82, comparative fit index (CFI) = .89, root mean square error of approximation (RMSEA) = .06; RMSEA 95% CI [.04, .09].

^bFit indexes for the mother model are as follows: $\chi^2(49) = 53.47$, $p = .31$; NFI = .87, CFI = .98, RMSEA = .03; RMSEA 95% CI [.00, .06].

^cFit indexes for the caregiver model are as follows: $\chi^2(49) = 51.90$, $p = .361$; NFI = .88, CFI = .99, RMSEA = .02; RMSEA 95% CI [.00, .06].

[†] $p < .10$. * $p < .05$. ** $p < .01$.

Model 3 examined caregivers' reports of eight observed ISRE predicting the latent internalizing and externalizing behavior variables. The data fit the model very well, $\chi^2(49) = 51.90$, $p = .36$; NFI = .88, CFI = .99, RMSEA = .02; RMSEA 95% CI [.00, .06]. Caregivers' reports of children's biological father's incarceration predicted both internalizing ($\beta = .26$, $p = .02$) and externalizing behavior ($\beta = .27$, $p = .01$). In addition, caregiver's report of children's separation from siblings because of maternal incarceration also marginally significantly predicted internalizing behavior ($\beta = .21$, $p = .07$).

DISCUSSION

The goal of this research was to simultaneously examine the association of the multifaceted stressor of maternal ISRE and general environmental risks to children's

psychological maladjustment. In contrast to previous work, much of which entailed reanalysis of archival data, the current study was planned purposefully to examine specific experiences children encounter as a result of their mother currently being incarcerated. Although research has demonstrated that children with incarcerated parents are at heightened risk for externalizing, and to a lesser degree, internalizing behavior problems (Murray et al., 2012), the mechanism of risk remains unclear. Further, some studies have even suggested that parental incarceration is not a unique risk for maladjustment after GER (e.g., Kinner et al., 2007) and maternal arrest/conviction (e.g., Shlafer et al., 2012) are considered. The results of the current study distinctly indicate that when children experience more negative experiences associated with maternal incarceration while controlling for GER, their internalizing and externalizing behavior problems are higher.

Particularly noteworthy is the finding that children's ISRE predicted to outcomes, whereas GER did not. This set of findings makes a significant contribution to the growing literature examining children's responses to and adjustment to maternal incarceration.

Previous research has primarily examined the risk factors used in this study in isolation. For example, research indicates that children with incarcerated mothers are also more likely to have an incarcerated father (Dallaire, 2007b), lack of contact with an incarcerated mother is associated with greater maladjustment (Shlafer & Poelmann, 2010), and witnessing parental arrest is associated with behavior problems (Dallaire & Wilson, 2010; Phillips & Zhao, 2010). As others have suggested, parental incarceration by itself is a social address variable (Murray, 2005) and, viewed as a single variable, may be unrelated to social or behavioral competencies. Although this approach has yielded important information, it has not permitted an investigation of the additive effects of having multiple risk factors due to the life event of maternal incarceration. We created an informed ISRI based on the literature that can guide subsequent research to better understand the numerous ways children are impacted by maternal incarceration.

Our findings suggest that it is critical to assess multiple, specific experiences children have that are related to their mother's incarceration in order to understand how this stressor impacts psychological functioning. This finding dovetails previous work by Sameroff and colleagues (1993) and others (Burchinal, Roberts, Zeisel, & Rowley, 2008) who have substantiated the utility of adopting a cumulative risk approach given their findings that, as children experience greater environmental risk, they display increasing cognitive and behavioral maladaptation. In our study, however, it was not general risk that predicted maladjustment but, rather, the ISRI, which may be due to the high-risk nature of our sample. When children are coping with the stress of separation from their mother because of incarceration, our data would suggest that the more proximal processes and experiences related to the conditions of that separation play a more important role in their functioning than the more distal, general environmental risk factors, such as a mother's attitude toward parenting or a caregiver's occupational status.

Of interest, children in our study exposed to ISRE are at risk for both internalizing and externalizing behavior problems. Although the link between parental incarceration and children's externalizing and antisocial behavior has been documented (Murray et al., 2012; Quinton, Pickles, Maughan, & Rutter, 1993), the relation between parental incarceration and children's internalizing symptoms has been less robust. Our findings suggest that children suffer from anxiety and depression symptoms as well as display their distress

in more externalized forms when they are exposed to greater risks specific to their mother's incarceration. Because overt forms of unhappiness and stress typically elicit more attention, it is not surprising that internalizing symptoms may go unnoticed in families that experience high levels of environmental stress. A child who is quiet and withdrawn may be overlooked and his or her needs may be neglected because withdrawn behaviors typically do not require immediate attention. Thus, the findings of this study point to the importance of evaluating carefully the emotional and internalizing symptoms of children who are exposed to ISRE. This is particularly critical, as depression often predicts the presence of other psychological disorders and negative outcomes, such as externalizing behaviors, in adolescence (i.e., substance abuse; Copeland, Shanahan, Costello, & Angold, 2009).

By delineating the specific risk factors for children that are associated with maternal incarceration, we can gain an in-depth understanding of what maternal incarceration signifies for the growing numbers of children and families impacted by this reality. Our results also provide preliminary evidence that there may be specific risk factors that are more powerful predictors of psychological maladjustment than other experiences for this age group of children with incarcerated mothers in jail. Examination of the variables that yielded significant associations to psychological outcomes across all three reporters indicated two global types of predictors including potentially troubling or even traumatic events that occurred because of maternal incarceration (i.e., change in schools, child no longer living with father, child separated from siblings, witnessing maternal criminal activity) and those connected to a general family history of maternal, paternal, and maternal grandmother incarceration. The strength of these associations with internalizing and externalizing behaviors differed depending on the reporter's unique perspective but suggests the impact of both social contextual variables as well as the proxy for biological influence (e.g., family history of incarceration). These findings provide a promising avenue for further investigation including the need to disentangle the relative effects of individual risk factors on adaptation using longitudinal designs.

A shortcoming of previous research in the effects of parental incarceration on children is the tendency to overrely on the perspective of a single reporter (see Houck & Loper, 2002; Kazura, 2001); of importance, we obtained reports of these events and children's maladjustment from children, mothers, and caregivers. Although the mother and caregiver reports were correlated, they were nonredundant and helped eliminate the mono-reporter bias. It is interesting that child and mother ISRI were not correlated but that child and caregiver were marginally significantly associated. This lack

of strong concordance is not unexpected given that there is low concordance in behavioral events between adults and children due to differing perspectives of time and frequency (De Los Reyes & Kazdin, 2005; Hourigan, Goodman, & Southam-Gerow, 2011). However, by having multiple reporters, we were able to apply more sophisticated data analytic techniques that are seldom used with this population and develop a more complete understanding of the specific experiences that may predict uniquely to psychological maladaptation to maternal incarceration. Furthermore, each reporter has his or her own perspective and experience of this issue, as indicated by the discrepancies among children's, mothers', and caregivers' reports of the events that comprised the ISRI. For example, although all children had a mother who was currently incarcerated in jail, only 73.5% of the children endorsed the item, "have a close family member arrested or in jail." Differences like these could arise for many reasons. In some instances, children may have been unaware of their mother's incarceration, some children may not have identified their mother as a close member of the household, and perhaps some children did not feel comfortable sharing this information with the interviewer. Future research should continue to obtain the perspective of multiple reporters, particularly the child's report if it is available, given the richness of data that it provides.

Despite having a relatively large, diverse sample of child, mother, and caregiver participants, particularly for this literature and for this specialized population, an even larger sample would have been desirable to allow for evaluating more nuanced effects and differences by child age, gender, and ethnicity. Our sample only afforded us the power to detect moderate effects. Future research with larger and more diverse samples is warranted. Although we sampled a variety of ISRE, these experiences are specific to jail and may not generalize to prison experiences where the separation period between mother and child is longer. Further, the list of ISRE assessed in this study is not exhaustive; it is likely that other ISRE exist that may also be influential in children's psychological adjustment such as whether the child knows the mother is incarcerated, if the crime was violent or nonviolent, whether child knows the type of crime committed, and so on.

Implications

In addition to future research directions, the results of the current study suggest several policy implications. Although little can be done to change some of the incarceration-specific factors these children may experience, the findings highlight the importance of protecting children from exposure to potentially traumatic events, particularly during the time of their mother's arrest. Several police departments across

the county have adopted best practices and training guidelines for officers making an arrest in the presence of a child. Allegheny County (in Pittsburgh, PA) is a leader in this area, and in a collaborative effort with the Police Department and the Department of Social Services, they have provided training to officers on procedures for arresting an individual in the presence of children (DHS Jail Collaborative, 2013). Furthermore, during the period of parental incarceration, they are working to strengthen family bonds by acknowledging the special needs of incarcerated mothers and helping children to stay connected with their incarcerated parent. Another area of policy formation that has not received adequate attention is the need to provide support to families with an incarcerated member during the reentry process as a means to prevent recidivism given that multiple incarcerations have a damaging effect on parent-child bonds (La Vigne, Shollenberger, & Debus-Sherrill, 2009), particularly for mothers (La Vigne, Brooks, & Shollenberger, 2009).

This study is one of the largest purposefully planned research studies to date to investigate the impact of currently incarcerated mothers on their children. Although some larger studies have been conducted that examine children's development within the context of maternal incarceration, often inconsistent operational definitions of "incarceration" have been used (see Eddy & Poehlmann, 2010, for further discussion). For example, incarceration has been operationally defined as a mother's *contact* with the criminal justice system (e.g., Philips, Burns, Wagner, Kramer, & Robbins, 2002), which is very different than maternal incarceration at a state prison facility (e.g., Poehlmann, 2005). Further, our work examined the specific stress associated with jail internments because in many instances this short period of separation (up to 12 months) between child and mother stressed the family system and allowed us to capture glimpses of the types of factors these children cope with that are specifically related to maternal incarceration. These specific factors significantly contribute to children's well-being and exert greater influence on their functioning than more distal, contextual factors. Researchers, educators, and clinicians who interact with children who experience maternal incarceration should consider the extent to which children have been exposed to the incarceration-specific risks that may place them at greater risk for psychosocial maladaptation.

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Maternal and paternal imprisonment in the stress process

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ABSTRACT

Parental incarceration is now prevalent in community samples (e.g., with 11% of children reporting paternal imprisonment and 3% reporting maternal imprisonment in a national sample), pointing to a potentially important childhood trauma that should be included in work on contemporary childhood stressors in this era of mass incarceration. This paper investigates the influences of maternal and paternal imprisonment on changes in young adult mental health using a nationally representative sample. We assess four perspectives—gendered loss, same-sex role model, intergenerational stress, and maternal salience—on the joint influences of maternal and paternal incarceration within the broader stress process paradigm. The results generalize support for a gendered loss perspective developed in work on parental death and an early small study of parental incarceration. This pattern reveals maternal incarceration increases depressive symptoms while paternal incarceration increases substance role problems. Chronicity of parental imprisonment and its timing are also influential. Analyses further specify a vulnerability of male and minority young adults to high levels of mental health problems following maternal and paternal incarceration in adolescence.

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1. Introduction

Mass imprisonment – the historically and nationally elevated rates of current imprisonment in the US [Garland \(2001\)](#) has brought incarceration experiences into the purview of the stress process as a contemporary influence on health ([Massoglia, 2008](#); [Schnittker and John, 2007](#)). Between 1980 and 2000, the US tripled its state and federal prison population ([Maruschak et al., 2010](#)). The current incarceration rate of 743 prisoners per 100,000 US residents is far greater than other Western industrialized nations ([Glaze, 2010](#); [International Centre for Prison Studies, 2011](#); [Western, 2006](#)). Growth in US imprisonment began to slow in 2009, but this masked an increase in federal prisoners alongside a modest decrease in those incarcerated in state prisons ([West et al., 2010](#)). While stress process research to date has examined the health consequences of incarceration for adults, we focus here on the implications of parental imprisonment for children's well-being. The majority of inmates are now parents ([Mumola, 2000](#); [Glaze and Maruschak, 2008](#)) and recent analyses establish intergenerational influences of paternal incarceration on young children's internalizing and externalizing behavior problems ([Wakefield and Wildeman, 2011](#)). We examine the intergenerational effects of both mothers' and fathers' imprisonment during the transition of their children to adulthood.

Exhaustive measurement of the stress process is essential for understanding disparities in health ([Turner et al., 1995](#); [Turner, 2010](#)), including attention to the stresses experienced by the next generation. Parental imprisonment is an increasingly frequent experience of youth who have transitioned to adulthood over the last two decades. Rates of maternal and

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paternal imprisonment vary significantly by race and ethnicity [i.e., 6.7–11% among African American children, followed by 2.4–3.5% of Hispanic children, and .9–1.75% of non-Hispanic white children (Glaze and Marushack, 2008; Western and Pettit, 2010)]. Wildeman (2009) estimates 1 in 25 white children born in 1990 experienced parental imprisonment by the time they were 14, whereas 1 in 4 African American children have had this experience. Furthermore, the number of minor children with a mother in prison more than doubled from 1991 to 2007 (up 131%), while paternal imprisonment increased by 76% (Glaze and Maruschak, 2008). Thus both maternal and paternal imprisonment have become more common in the life course of American children. Rates are further concentrated by educational disadvantage: 50.5% of African American children whose parents have less than a high school education have experienced paternal imprisonment while 5% have experienced maternal imprisonment (Wildeman, 2009). Among white children, 7% of these children have experienced paternal imprisonment and 1% have experienced maternal imprisonment (Wildeman, 2009). Therefore maternal and paternal imprisonment experiences have become more common among children, and this exposure is socially structured.

Our intergenerational model of parental imprisonment on children's mental health draws on the life course and stress process paradigms, highlighting the principle of "linked lives" in an intergenerational context (Elder, 1998) and the concept of "stress proliferation" (Pearlin et al., 2005; Thoits, 2010). Stressors initially affecting one member of a role set can affect others, for example, when adverse intergenerational consequences reverberate through families (Pearlin et al., 2005; Thoits, 2010).

Few studies have comparatively examined maternal and paternal imprisonment effects (Murray and Farrington, 2008a) and theory has not yet probed the potential joint influences of parental imprisonment. A recent review concludes "(o)n balance, the best evidence demonstrates a link between paternal imprisonment and worsening mental and behavioral health among children. . . There is much less evidence for maternal incarceration" (Wakefield and Uggem, 2010, p. 398). We add to extant theory by forwarding four main theoretical arguments on the range of joint influences of maternal and paternal imprisonment.

Recent reviews of the literature on incarceration and children highlight the need for a developmental perspective (Eddy and Poehlmann, 2010). This paper focuses on the mental health influences of parental imprisonment among young adults.

1.1. Parental incarceration as a traumatic stressor

Conceptualizing parental incarceration as a source of stress is consistent with several theoretical perspectives in the intergenerational effects literature (Hagan and Dinovitzer, 1999). Although parental incarceration effects posit accompanying experiences of economic strain (Geller et al., 2011; Philips et al., 2006), disrupted socialization, stigmatization (Dallaire et al., 2010; Schnittker and John, 2007), and psycho-social trauma (i.e., social bonding/loss and attachment perspectives) (Bocknek et al., 2009; Murray and Farrington, 2008a; Poehlmann, 2005), there is also a shared underlying concern about social stress across these perspectives. Conceptualizing the place of parental imprisonment in the "stress universe" of children is a necessary part of understanding modern childhood (Avison, 2010; Wheaton, 1994; Turner et al., 1995). Of course, parental imprisonment may also serve as a form of "stress relief" (Wheaton, 1990; Hagan and Dinovitzer, 1999) – when a burdensome or even abusive parent is removed from the home. However, most contemporary research finds net negative effects involving children's emotional and behavioral problems at varying stages of the life course (Hagan and Dinovitzer, 1999; Huebner and Gustafson, 2007; Murray and Farrington, 2005, 2008a,b; Murray et al., 2009; Murray, 2010; Roettger et al., 2011; Wakefield and Uggem, 2010; Wakefield and Wildeman, 2011; Wildeman, 2010).

As predicted by the stress process perspective, we find that parental incarceration is socially structured along dimensions of social disadvantage (Aneshensel, 1992; Pearlin, 1989). The disproportionate incarceration of minorities makes this source of disadvantage a special concern. Parental incarceration has been conceptualized as a life event, but it may have more lasting consequences indicative of a traumatic stressor. Traumatic stressors are distinguished by their severity and long-term impact (Wheaton, 1999). However, community surveys have not included parental imprisonment among measured traumatic stressors. Given the increased prevalence of mass incarceration in America, it is now important to measure both paternal and maternal imprisonment in broad community samples to comprehensively assess stressors in the lives of children (Menaghan, 2010). We separately consider maternal and paternal incarceration as potential sources of traumatic stress for children.

Further work on parental imprisonment is needed to assess which aspects of this experience are influential. We need to consider the timing of the parental imprisonment in the child's life, as well as the "dosage" or chronicity of parental imprisonment (i.e., the number of incarcerations). Several studies have investigated the relative timing of imprisonment. Kjellstrand and Eddy (2011) found an effect of early life parental incarceration (between child ages 0–10) on Grades 5, 8 and 10 externalizing problems. Besemer et al. (2011) used data from a prospective longitudinal English sample and found that parental imprisonment (compared to parental conviction) increased son's offending when it occurred between ages 7–12 and 13–18. No effect of parental imprisonment was found at younger ages (0–6).

Using a Chicago data set, Cho (2009a, 2009b, 2010) has examined the influences of maternal incarceration on test scores, school dropout, and grade retention among children with a mother either sent to prison (e.g., treatment group) or a short term stay in jail (e.g., control group). While no effects are found on grade retention or standardized test scores of maternal imprisonment, Cho (2010) found that maternal imprisonment between the ages of 5–10 and ages 11–14 increased the risk of high school dropout [(although she did not find significant influences at older ages (15–17)]. Since children in both of Cho's

treatment and control groups could have experienced trauma and stigma due to maternal incarceration, further research may usefully consider other types of samples where some children have not experienced this stressor.

Johnson's (2009) national US research found that parental incarceration between ages 0–5 and ages 11–16 increased internalizing and externalizing behavior problems. Significant effects on either outcome were not found in middle childhood (ages 6–10). In contrast, in a Swedish sample, similar parental incarceration effects on offspring offending were observed in both early childhood and later childhood, suggesting timing effects were not salient (Murray et al., 2007). Thus, the effect of the timing of parental imprisonment requires further investigation. Several studies show parental imprisonment effects in adolescence, which may point to a particularly vulnerable period in the life course.

The effects of dosage or chronicity of parental imprisonment are also uncertain. Cho (2010) found that the number of times a mother spent in jail or prison was significantly related to children's risk of school dropout by age 17. Yet, the effect was in the unexpected direction of reducing the risk of school dropout. Another recent study found that the more times parents had been imprisoned between child ages 0–18 was significantly associated with son's convictions between ages 19 and 40 (Besemer et al., 2011). Murray et al. (2007) found that the more often a parent was imprisoned, the more offenses their offspring committed. Chronicity effects on mental health outcomes may also result from "churning" or chronic instability. Questions in the fourth wave of the National Longitudinal Study of Adolescent Health on maternal and paternal imprisonment allow assessment of both timing and chronicity. While this can advance our understanding of the features of incarceration that are influential, it should be noted that the chronicity, timing, and maternal imprisonment questions are unique to Wave IV of the data we analyze. Thus, it is not possible to use repeated measures on aspects of incarceration such as maternal imprisonment to examine models accounting for stable but unobserved characteristics. Since families with a mother or father incarcerated, and ones whose parents are repeatedly incarcerated, may differ from other families due to unobserved heterogeneity, future work must address this issue (Wildeman, 2010; Wildeman and Muller, 2012).

In the next section, we highlight four perspectives positing specific associations between parental imprisonment and young adult mental health problems. A number of studies have examined the effects of parental imprisonment on child behavior problems, but few have explicitly compared maternal and paternal incarceration. In this paper, we consider four hypotheses that specify how maternal and paternal imprisonment can affect child well-being. We then further consider the gender and race of the child.

1.2. Parental incarceration and offspring mental health

We articulate the differing predictions of four hypotheses in Fig. 1 regarding maternal and paternal imprisonment effects on young adults. These are described next.

1.2.1. Gendered loss

The *gendered loss hypothesis* suggests an influence of both maternal and paternal loss on children, but with mother and father loss leading to different types of mental health problems. In Fig. 1, maternal imprisonment is hypothesized to increase young adult depressive symptoms (Cell A), while paternal imprisonment predicts substance use role problems (Cell D). The

	Depressive Symptoms	Substance Role Problems
Maternal Imprisonment	A	B
Paternal Imprisonment	C	D

1. Gendered Parental Loss: A and D
 - a. Male Child Vulnerability: A and D (Male>Female)
 - b. Minority Child Vulnerability: A and D (Minority>Majority)
2. Intergenerational Parental Stress Influences: A, B, C, D
3. Same-Sex Role Model: Maternal effects reflected in Cells A and B, stronger for females than males. Paternal effects reflected in Cells C and D will be stronger for males than females.
4. Maternal Salience: A and B> C and D

Fig. 1. Hypotheses of maternal and paternal influences on mental health outcomes.

gendered loss hypothesis derives from the literature on child mental health problems resulting from parental death (Umberson and Chen, 1994; Umberson, 2003), and from an early small study of parental incarceration influences on children (Fritsch and Burkhead, 1981). Parental relational influences on children may vary by developmental stage (Collins and Russell, 1991), which we examine during young adulthood.

Fritsch and Burkhead (1981) found similarities in the number of problems exhibited in a middle childhood sample of incarcerated parents, regardless of parental gender. The children differed, however, in types of problems observed. Children of incarcerated mothers were significantly more likely to exhibit internalizing behavior problems (e.g., withdrawal), while children of incarcerated fathers were more likely to show externalizing problems (e.g., hostile behavior). Fritsch and Burkhead (1981) theorize that the types of behavior problems shown by children are related to traditional parenting roles in the home:

(a)bsence of the father who normally assumes the role of disciplinarian leads to acting-out behavior. On the other hand, absence of the mother whose usual function is to nurture and provide emotional support for her children contributes to acting-in behavior (p. 86).

The nature of parental-child relationships are elaborated further in work on parental death with adults.

Umberson (2003) reports that relationships with mothers are characterized by emotional closeness (see also Lawton et al., 1994; Swartz, 2009). Thus the loss of a mother and relationships involving closeness and expressivity (Rossi and Rossi, 1990; Hosely and Montemayor, 1997) may lead to an emotional response in the child. Following maternal death, adult children are likely to experience more psychological distress compared to other indices of health status (Umberson, 2003; Umberson and Chen, 1994). We hypothesize the same will be true for separations from mothers due to maternal imprisonment, as also suggested by Fritsch and Burkhead (1981).

Relationships with fathers are more likely to be activity based and characterized by instrumental involvements, from play in childhood through watching television together in adulthood (Umberson, 2003). Although father-child relationships have multiple dimensions, national research on levels of paternal involvement in two parent homes finds children spend the largest part of their time with fathers in play and companionship (Yeung et al., 2001; see also Collins and Russell, 1991; Pleck, 2010; McBride and Mills, 1993). Hosley and Montemayor's (1997) review of father-adolescent relationships also indicates that youth engage in more free time activities with fathers than mothers; television watching is a common example. Umberson's work on parental death suggests that due to the instrumental nature of father-child relationships, father loss should lead to alcohol problems in adulthood, while Fritsch and Burkhead's (1981) incarceration research suggests that the disciplinary absence of fathers is influential in this way.

Building on this prior research, we hypothesize from a gendered loss perspective that the imprisonment of a mother should increase depressive symptoms, while the imprisonment of a father should increase substance related role problems in young adulthood. As noted above, these predictions focus on cells A and D in Fig. 1. However, we also consider and comparatively assess predictions that derive from three further perspectives on the broader stress process as well as status attainment literatures – the intergenerational stress, same-sex role model, and maternal salience perspectives.

1.2.2. Intergenerational stress influence

In contrast with the specific effects of the gendered loss perspective, the *intergenerational stress influence hypothesis* more generically predicts that maternal and paternal incarceration both yield internalizing as well as externalizing mental health problems in young adulthood, corresponding to all four cells A–D in Fig. 1. A review by Murray et al. (2009) using meta-analysis found that parental imprisonment approximately doubles the odds of both internalized and antisocial behavior in offspring. Johnson's (2009) research using a national population sample from the Panel Study of Income Dynamics also supports the intergenerational stress influence hypothesis. He found maternal and paternal imprisonment elevated both internalizing and externalizing behavior problems (as reported by mothers) of children aged 3–17. Other studies included maternal and paternal imprisonment in the same analysis of child outcomes, but the results revealed gender specific (i.e., father only effects) rather than more general maternal and paternal effects (Geller et al., 2009; Rodriguez et al., 2009). In a study by Rodriguez et al. (2009), paternal but not maternal incarceration had an influence on juvenile officials' decisions to remove juveniles from their homes (i.e., receiving an out of home placement in a state correctional facility or residential treatment center vs. community supervision or release to parents). Although the authors caution the maternal incarceration experiences were relatively rare events involving few cases, paternal salience was also posited as central to out of home placements because of financial disadvantages associated with father's incarceration. As with other stressors, comparisons of maternal and paternal imprisonment on youth are needed across a range of outcomes – including internalizing effects (Aneshensel et al., 1991).

1.2.3. Same-sex role model

Drawing on the status attainment literature, both maternal and paternal status characteristics are posited as affecting sons' and daughter's outcomes (Korupp et al., 2002). The same-sex role model posits that daughters are oriented toward mothers and sons are oriented toward fathers. Sons and daughters take their same sex-role model as an example for themselves (Korupp et al., 2002). Others suggest the same-sex parent and child may spend more time together and/or have heightened affective intensity among same gender lines (Wickrama et al., 1999; Thornberry et al., 2006). This work suggests that maternal influences, which we broaden to include maternal imprisonment, should affect both depressive symptoms and

substance role problems, or cells A and B. However, maternal influences are anticipated as more salient for daughters, thus cells A and B will be stronger for female children compared to males. Furthermore, paternal imprisonment effects should be found for both depressive symptoms and substance role problems, or Cells C and D, but more so for male children than female children.

1.2.4. Maternal salience

A fourth *maternal salience* perspective is also plausible. Kruttschnitt (2010) observes that there is a potential paradox of women's imprisonment: although fewer women than men serve time in jail or prison, the impact of incarcerating women may be greater for their families and communities. This may be particularly likely because more women than men live with their children prior to incarceration (Glaze and Maruschak, 2008; Mumola, 2000). Furthermore, during the early life course, mothers on average spend more time with their children than fathers (Murnane et al., 1981). Children of incarcerated mothers are also exposed to more risks in the home environment and during arrest experiences than are children of incarcerated fathers (Dallaire and Wilson, 2010; Johnson and Waldfogel, 2004). The incarceration of mothers may be especially consequential for children due to disruptions in living arrangements and associated problems in caregiving. The maternal salience hypothesis therefore posits the effects of maternal incarceration on youth outcomes will be stronger than for paternal incarceration. The maternal salience hypothesis in Fig. 1 is therefore that more pronounced effects should be found in Cells A and B than Cells C and D. In support of this hypothesis, maternal incarceration alone was found to increase youth re-arrest in a study also measuring paternal incarceration (Tasca et al., 2011).

1.3. Differential vulnerability by child gender and race

The child's gender may additionally condition the effects of parental imprisonment on internalizing and externalizing problems (Murray and Farrington, 2008a). We posit that the gendered loss, intergenerational parental stress, and maternal salience hypotheses may be further specified by gender and race of the child. These are shown in Fig. 1 in relation to the gendered loss perspective under hypotheses 1a and 1b. McLeod (1991) found parental death and parental divorce had stronger influences on depressive symptoms among adult women than men. Further work on differential vulnerability by child gender is needed on parental imprisonment as a childhood stressor.

Mixed patterns regarding gender of child are found in the literature to date. One group of studies finds a male child vulnerability to parental imprisonment anticipating a *male vulnerability hypothesis*. Paternal imprisonment is associated with externalizing behavior problems among boys and not girls (Geller et al., 2009; Wildeman, 2010). A particular vulnerability of males to parental incarceration in adolescence was found in research on offending and school dropout (Besemer et al., 2011; Cho, 2010). However, another group of studies point to a female vulnerability, or a *female vulnerability hypothesis*, although predominantly in the school domain. An early study with a small sample tentatively found stronger adverse effects of father incarceration among girls than boys on school outcomes (Friedman and Esselstyn, 1965). Another study using vignettes found that with an incarcerated mother, female children were seen as less competent by teachers than were students in other conditions (Dallaire et al., 2010). However, in the externalizing realm, Murray et al. (2007) found parental imprisonment was associated with offspring offending among both males and females, but the effect was slightly stronger among females than males. A recent study by Roettger and Boardman (2012) found parental incarceration (a combined indicator of maternal and paternal occurrences) increased obesity status among female but not male young adults. Our analyses will further consider parental imprisonment by examining gender specific child interaction effects.

Few studies find consistent race and ethnic interaction effects concerning parental incarceration and behavioral outcomes. Wakefield and Wildeman (2011) encourage further attention to race and ethnic contingencies in parental incarceration effects. Swisher and Roettger (forthcoming) recently find a risk effect for paternal incarceration on offspring delinquency among Hispanics compared to non-Hispanic Whites. This pattern suggests a *minority vulnerability hypothesis*. The findings of Foster and Hagan (2009) also suggest the potential for race and ethnic differences in children's outcomes, as Hispanic and African American incarcerated fathers indicate they are more likely than White fathers to expect to live with their children on release. They also found Hispanic fathers were more likely to have lived with their children prior to incarceration. Swisher and Waller (2008) found African American and Latino fathers are more likely to be in contact with their children following incarceration experiences than are Whites. Together, these findings suggest that parental incarceration effects on children may vary by race and ethnicity.

1.4. Stress process model of paternal and maternal imprisonment

To isolate the effects of parental incarceration, we will investigate maternal and paternal imprisonment net of established childhood traumas (i.e., maternal and paternal death and childhood physical and sexual abuse) along with other covariates. Consistent with the stress process paradigm (Pearlin, 1989), we posit that paternal and maternal imprisonment will be socially structured along dimensions of disadvantage. We next test the hypotheses regarding maternal and paternal imprisonment effects we have summarized in relation to Fig. 1.

2. Methods

2.1. Data and analysis

We use four waves of data from the in-home component of the National Longitudinal Study of Adolescent Health [Add Health] with the sampled adolescents through their transition to adulthood (Harris, 2009). The Add Health survey began in 1995 with an in-school component. This component began with a sample of 80 high schools and 52 middle schools from the US, selected with unequal probability of selection. Incorporating systematic sampling methods and implicit stratification into the Add Health study design ensured this sample was representative of US schools with respect to region of country, urbanicity, school size, school type, and ethnicity. Students were selected for the in-home sample from school student rosters. The in-home sample was followed longitudinally with response rates of 78.9% at Wave I, 88.2% at Wave II, 77.4% at Wave III, and 80.3% at Wave 4 (Harris et al., 2009).

Students were in Grades 7–12 at Wave I in 1995, at an average age of 15, and followed up 1 year later in Grades 8–12. The data were collected by computer assisted personal interviews, with more sensitive data collected with Audio-Computer Self Interviews. A parent or guardian was also interviewed at Wave I. Participants from Wave I were followed up in early adulthood at an average age of 21 years at Wave III, with individual ages spanning 18–26 in 2001–2002. At Wave IV, Wave I respondents were again followed up at Ages 24–32 (average age 27 years) in 2007–2008. There are 9421 respondents with longitudinal sample weights at Wave IV who participated in all four waves of the study.

Since the Add Health design uses a complex sampling strategy where clusters are sampled with unequal probability, observations are no longer independent or identically distributed (Chantala, 2006; Chantala and Tabor, 1999(2010)). Design based analyses are therefore used to yield robust standard errors with the survey procedures in Stata (StataCorp, 2007). The Wave IV longitudinal grand sample weight is also incorporated. Design effects and unequal probability of selection are taken into account to ensure results are nationally representative with unbiased estimates (Chantala and Tabor, 1999(2010)). Descriptive statistics on the variables used in these analyses are presented in Tables 1 and 2, and further information on the measures is included in Table A1. We describe the measures briefly below. We then present the results separately for survey adjusted multivariate analyses of respondents with incarcerated mothers and fathers respectively. This allows consideration of all eligible respondents, including those that do not know anything about their biological fathers. Thus, more respondents are included in the analyses of maternal incarceration than paternal incarceration, using listwise deletion for all variables included in the analyses. Analyses testing the focal hypotheses take into account a range of parental and adolescent control variables. We use change score models of depressive symptoms and substance role problems to take into account other unobserved measures potentially correlated with parental incarceration (Allison, 1990; Kessler and Greenberg, 1981).

Table 1
Descriptives on listwise sample with maternal variables ($n = 6966$).

	Mean or %	Std. dev.	Range
Biological Mother's Imprisonment	3%	–	0–1
Chronicity of Biological Mother's Imprisonment	.04	.24	0–2
Biological Mother Imprisoned between ages 0 and 18	2%	–	0–1
Biological Mother Imprisoned between ages 0 and 12	1%	–	0–1
Biological Mother Imprisoned between ages 13 and 18	1%	–	0–1
Biological Mother Imprisoned between ages 19 and 31	1%	–	0–1
Biological Mother has College Education	27%	–	0–1
Bond to Biological Mother (W1)	4.54	.79	1–5
Biological Mother's Alcoholism	2%	–	0–1
Biological Mother Smokes	52%	–	0–1
Biological Mother's Death	3%	–	0–1
Physical Abuse < Gr. 6	.75	1.43	0–5
Sexual Abuse < Gr. 6	4%	–	0–1
Neighborhood drug problems (W1)	1.46	.64	1–3
Access to illegal drugs in home (W1 or W2)	5%	–	0–1
Single Parent Family Structure (W1)	22%	–	0–1
Household Income (W1)	46.79	43.35	0–999
Gender (Male = 1)	49%	–	0–1
Age (W1)	14.94	1.62	11–21
Hispanic	11%	–	0–1
Black	13%	–	0–1
Asian	3%	–	0–1
Other	3%	–	0–1
Depressive Symptoms (W3)	4.39	3.93	0–25
Depressive Symptoms (W4)	5.84	4.56	0–30
High Levels of Depressive Symptoms (W4)	.13	–	0–1
Substance Role Related Problems (W3)	1.21	2.82	0–40
Substance Role Related Problems (W4)	1.83	3.30	0–24
High Levels of Substance Problems (W4)	.12	–	0–1

Table 2Descriptives on listwise sample with paternal variables ($n = 5360$).

	Mean	Std. dev.	Range
Biological Father's Imprisonment	11%	–	0–1
Chronicity of Biological Father's Imprisonment	.19	.62	0–3
Biological Father Imprisoned between ages 0 and 18	7%	–	0–1
Biological Father Imprisoned between ages 0 and 12	5%	–	0–1
Biological Father Imprisoned between ages 13 and 18	1%	–	0–1
Biological Father Imprisoned between ages 19 and 31	2%	–	0–1
Biological Father has College Education	31%	–	0–1
Bond to Biological Father (W1)	4.47	1.02	1–5
Biological Father's Alcoholism	12%	–	0–1
Biological Father Smokes	61%	–	0–1
Biological Father's Death	7%	–	0–1
Physical Abuse < Gr. 6	.73	1.42	0–5
Sexual Abuse < Gr. 6	4%	–	0–1
Neighborhood drug problems (W1)	1.43	.62	1–3
Access to illegal drugs in home (W1 or W2)	5%	–	0–1
Single Parent Family Structure (W1)	14%	–	0–1
Household Income (W1)	50.12	44.14	0–999
Gender (Male = 1)	48%	–	0–1
Age (W1)	14.94	1.61	11–20
Hispanic	10%	–	0–1
Black	11%	–	0–1
Asian	3%	–	0–1
Other	3%	–	0–1
Depressive Symptoms (W3)	4.33	3.92	0–25
Depressive Symptoms (W4)	5.71	4.50	0–30
High Levels of Depressive Symptoms (W4)	.13	–	0–1
Substance Role Related Problems (W3)	1.21	2.82	0–40
Substance Role Related Problems (W4)	1.84	3.34	0–24
High Levels of Substance Problems (W4)	.12	–	0–1

2.2. Measures

2.2.1. Mental health problems

Add Health measured depressive symptoms at Wave 3 with nine items from the CES-D (Radloff, 1977). These items ask about experiences in the past 7 days including “you felt sad” and “you felt depressed.” The response scale of the items ranged from never or rarely (0), sometimes (1), a lot of the time (2), to most or all of the time (3). A mean score was constructed from these items to measure depressive symptoms with a reliability of $\alpha = .80$. Ten items from the CES-D scale were used to measure depressive symptoms at Wave 4. A mean score was derived from these items with a reliability of $\alpha = .84$. We also constructed a binary measure of high levels of depressive symptoms at Wave 4, where scores falling one standard deviation above the mean were coded as (1).

Substance use role problems at Wave 3 were measured with ten items involving role disruptions linked to alcohol and drug use in the past 12 months. The response scale indicated how often (up to five or more times) the substance role based problem occurred. Items included: “you had problems at school or work because you had been drinking” and “how often did you have problems with your friends because you were using drugs.” A mean score of substance related role problems was constructed with an $\alpha = .78$. At Wave 4, twelve items measured substance problems involving alcohol, marijuana, and other “favorite” drug use. A mean score was derived at Wave 4 had an $\alpha = .82$. High levels of substance problems were indicated by scores falling 1 standard deviation above the mean.

2.2.2. Parental imprisonment

Respondents at Wave 4 were asked “Has/did your biological mother ever (spent/spend) time in jail or prison?” (1 = yes.) This item was new to the Wave 4 survey. New items were also added on the chronicity or dosage of maternal incarceration, indicated by responses to the question “How many times (has/did) your biological mother (spent/spend) time in jail or prison?” Responses were coded into an ordinal range from 0 to 2 or more times. Information on when the mother was imprisoned was used to determine her imprisonment between respondent ages 0–18, or childhood maternal imprisonment. Respondents were asked: “How old were you when your biological mother went to jail or prison (the first time)?” Dummy variables were also created from this information to indicate maternal imprisonment between early childhood (ages 0–12) and adolescence (ages 13–18) compared to a reference category of maternal imprisonment in emerging young adulthood (between the ages of 19–31). Parallel questions at Wave 4 were asked regarding biological father's imprisonment and new information to Wave 4 was also used to measure the dosage or chronicity of his imprisonment as well as the timing of paternal incarceration parallel to the maternal measures. Since a lifetime measure of paternal imprisonment was measured at both Waves 3 and 4, we examined reliability in the reporting of this experience. We found correlations across

reports of paternal imprisonment of $r = .63$, ($p < .001$), and if new onset cases are excluded at Wave 4, the correlation across waves is $.82$, ($p < .001$). Although research has not systematically addressed the re-assessment of child reports of parental incarceration, related work looks at test–retest correlations in reports of childhood abuse and neglect over 2–6 month intervals (Bernstein et al., 1994). That work finds intra-class correlations between reports of childhood abuse and neglect at two time points around $.80$ – $.82$, and $.88$ if all traumas are treated as an index. Since the time between Waves III and IV is about 6 years, a longer interval is involved in child reports of paternal imprisonment. Against this backdrop, a correlation of $.82$ among respondents is relatively high and consistent with other work on childhood traumas and implies the stability of reports of parental incarceration by children in broad community samples.

2.2.3. Parental control variables

Biological mother's and father's college completion was indicated by a binary variable coded from information at Wave 1 of the survey. Adolescent's perceived closeness to each of their biological mother and father was measured on a five point response scale ranging from not close at all (1) to extremely close (5). Information was combined from the resident and non-resident portions of the questionnaire on the biological mother or father. Biological mother's and father's alcoholism was coded from a question asked in the parent questionnaire regarding this condition (1 = yes). Maternal and paternal smoking were measured from questions at Wave 1 (1 = yes). Finally, respondents were asked at Wave 4 whether their biological mother or biological father was still alive. Responses were coded to indicate biological mother's or father's death.

2.2.4. Adolescent control variables

Adolescent physical and sexual abuse before Grade 6 were measured by questions asked of respondents at Wave 3. Respondents were asked "How often had your parents or other adult caregivers slapped, hit or kicked you? Responses indicated frequency of occurrence ranging from 0 to 5. Respondents were also asked "How often had one of your parents or other adult care-givers touched you in a sexual way, forced you to touch him or her in a sexual way, or forced you to have sexual relations." A dichotomous variable was created from the frequency responses to indicate occurrences of 1 or more times. Young adult education levels were measured at Wave 4 with the question "What is the highest level of education that you have achieved to date?" Responses range from 8th Grade or less to (1) completed post baccalaureate professional education (13). Adolescent family structure was measured from adolescent information at Wave I about living in a single parent family. Household income was coded from parent reported information at Wave 1. Responses ranged from 0 to 999 thousand. Gender of adolescent was coded from Wave I information where females were coded (1). Adolescent age was measured at Wave I. Adolescent race/ethnicity was coded from adolescent reported information at Wave I; any incidence of Hispanic status was used to categorize respondents followed by other race and ethnic group designations. These included black, Asian, other and non-Hispanic white youth. The reference category was comprised of non-Hispanic white youth. Finally, questions measured drugs in the neighborhood and home environments. At Wave I, the parent was asked "In this neighborhood, how big of a problem are drug dealers and drug users?" Responses ranged from no problem at all (1) to a big problem (3). A positive adolescent response to the question "Are illegal drugs easily available to you in your home" asked at Waves 1 and 2 was used to indicate adolescent access to illegal drugs in the home.

3. Results

We see in Tables 1 and 2 that 3% of the sample by young adulthood (Wave 4) had a biological mother imprisoned and 11% had a biological father imprisoned. Seven percent experienced the death of a biological father and 3% of a biological mother. Thus paternal imprisonment was more common than was paternal death, while maternal imprisonment was about as common as maternal death. Furthermore, 2% of biological mothers were considered alcoholics as were 12% of fathers. Twenty-seven percent of biological mothers had college education compared to 31% of biological fathers. Depressive symptoms (Wave 3) averaged about 4 (on scale of 0–25) during early adulthood and almost 6 (on a scale of 0–30) in young adulthood (Wave 4). Substance use role problems averaged around 1 (on scale of 0–40) in early adulthood and almost 2 (on a scale of 0–24) by young adulthood. Thirteen and 12% of the sample respectively experienced high levels of depressive symptoms and substance role problems at Wave 4. We present more descriptive statistics in Tables 1 and 2.

3.1. Epidemiology of parental imprisonment

The stress process paradigm predicts that maternal and paternal imprisonment is socially structured. Table 3 confirms that maternal and paternal imprisonment is racially stratified. As indicated in Column 1 of Table 3, black respondents are almost twice as likely (Odds Ratio (OR) = 1.90, $p < .01$) as non-Hispanic whites to have a mother ever imprisoned. This racial disparity is also present for maternal imprisonment during childhood (ages 0–18) as indicated in Columns 3 and 4. Black respondents are also almost 1.5 times more likely than non-Hispanic whites to have a biological father imprisoned over their lifetime (OR = 1.46, $p < .05$) and in childhood (OR = 1.64, $p < .05$), as indicated in Columns 5 and 7. This paternal racial difference disappears when we include parental education and income measures of disadvantage in our models. Hispanic youth are not significantly different than whites in likelihood of parental imprisonment, while Asians are significantly less likely than whites to have a parent incarcerated.

Table 3
Epidemiology of maternal and paternal imprisonment using survey logistic regression models [odds ratios, 95% confidence intervals].

	Panel A. Maternal listwise sample (n = 6966)				Panel B. Paternal listwise sample (n = 5360)			
	Mother ever imprisoned	Mother ever imprisoned	Mother imprisoned between child ages 0-18	Mother imprisoned between child ages 0-18	Father ever imprisoned	Father ever imprisoned	Father imprisoned between child ages 0-18	Father imprisoned between child ages 0-18
Gender ^a (Male = 1)	1.21 [.80-1.82]	1.24 [.82-1.86]	1.09 [.62-1.91]	1.11 [.63-1.97]	1.10 [.88-1.37]	1.13 [.90-1.40]	.87 [.64-1.16]	.86 [.66-1.19]
Age	.97 [.84-1.12]	.96 [.84-1.11]	.95 [.79-1.13]	.94 [.79-1.12]	1.02 [.94-1.10]	1.01 [.93-1.09]	.99 [.90-1.08]	.98 [.90-1.07]
Hispanic ^b	1.37 [.67-2.80]	.95 [.46-1.99]	1.63 [.64-4.16]	1.07 [.41-2.76]	1.49 [†] [.98-2.27]	1.23 [.79-1.91]	1.63 [†] .99-2.69]	1.40 [.83-2.36]
Black	1.90 ^{**} [1.21-2.99]	1.50 [†] [.95-2.37]	2.45 ^{***} [1.43-4.19]	1.79 [†] [1.03-3.11]	1.46 [†] [1.02-2.09]	1.30 [.91-1.86]	1.64 [†] [1.06-2.53]	1.51 [†] [.98-2.33]
Asian	.05 ^{***} [.02-.13]	.06 ^{***} [.02-.16]	.08 ^{***} [.03-.25]	.11 ^{***} [.04-.30]	.27 ^{***} [.11-.65]	.32 [.14-.72]	.32 [.11-.88]	.38 [.15-1.00]
Other	1.66 [.49-5.68]	1.45 [.43-4.92]	2.59 [.71-9.47]	2.22 [.61-8.13]	.92 [.42-2.02]	.86 [.39-1.86]	.82 [.29-2.31]	.78 [.27-2.22]
Single Parent Family Structure (W1) ^c	1.40 [.87-2.27]	.95 [.57-1.57]	1.48 [.89-2.46]	.89 [.52-1.53]	2.99 ^{***} [2.27-3.93]	2.50 ^{***} [1.75-3.56]	3.09 ^{***} [2.29-4.15]	2.74 ^{***} [1.85-4.06]
Neighborhood Drug Problems	1.46 ^{**} [1.15-1.84]	1.25 [*] [1.00-1.56]	1.49 ^{**} [1.14-1.94]	1.25 [†] [.97-1.62]	1.21 [*] [1.01-1.45]	1.11 [.92-1.33]	1.20 [.96-1.49]	1.11 [.89-1.40]
Biological Parent has College Education		.30 ^{**} [.13-.71]		.32 [*] [.11-.97]		.33 ^{***} [.23-.48]		.30 ^{***} [.18-.50]
Household Income (W1)		.98 ^{***} [.97-.99]		.97 ^{***} [.95-.99]		.99 [.98-1.01]		1.00 [.98-1.01]
F-statistic	7.37 ^{***}	5.78 ^{***}	8.13 ^{***}	6.31 ^{***}	13.53 ^{***}	17.11 ^{***}	12.43 ^{***}	13.11 ^{***}

Reference categories:

- ^a Female.
- ^b Non-Hispanic White.
- ^c All other family structures.
- [†] $p < .10$ (two-tailed).
- ^{*} $p < .05$ (two-tailed).
- ^{**} $p < .01$ (two-tailed).
- ^{***} $p < .001$ (two-tailed).

Living in neighborhoods where drugs are problematic is persistently associated with experiencing maternal imprisonment. As indicated in Column 1 of Table 3, respondents living in problem neighborhoods are more likely to experience maternal imprisonment even net of family socio-economic status (Column 2, OR = 1.25, $p < .05$). Living in neighborhoods where drugs are problematic is also associated with paternal imprisonment (Column 5, Odds Ratio = 1.21, $p < .05$), although this association is again explained by family socio-economic status. Higher family socio-economic status indicated by parental college completion and household income accounts for reduced odds of both maternal and paternal imprisonment.

3.2. Maternal imprisonment effects

We see in Table 4 that maternal imprisonment is positively associated ($b = 1.43$, $p < .05$) with changes in depressive symptoms from early to young adulthood. This result holds net of a range of parental and adolescent control variables. Young

Table 4

Survey regression models of young adult depressive symptoms (W4) and substance role problems (W4) on maternal imprisonment and other predictors ($n = 6966$) (b/sb).

	Depressive symptoms (W4)				Substance role problems (W4)			
	1	2	3	4	5	6	7	8
Biological Mother's Imprisonment	1.43 [†] (.57)				.18 (.31)			
Chronicity of Biological Mother's Imprisonment		.85 [*] (.40)				-.04 (.17)		
Biological Mother Imprisoned between ages 0 and 18 ^a			1.65 [*] (.78)				.30 (.39)	
Biological Mother Imprisoned between ages 0 and 12 ^b				1.53 [†] (.87)				.28 (.53)
Biological Mother Imprisoned between ages 13 and 18 ^b				1.86 (1.39)				.34 (.80)
Biological Mother has College Education	-.53 ^{***} (.14)	-.53 ^{***} (.14)	-.53 ^{***} (.14)	-.53 ^{***} (.14)	.21 [†] (.13)	.21 [†] (.13)	.21 [†] (.13)	.21 [†] (.13)
Bond to Biological Mother (W1)	-.42 ^{***} (.08)	-.42 ^{***} (.08)	-.42 ^{***} (.08)	-.42 ^{***} (.08)	-.18 ^{***} (.05)	-.18 ^{***} (.05)	-.18 ^{***} (.05)	-.18 ^{***} (.05)
Biological Mother's Alcoholism	.16 (.55)	.20 (.55)	.18 (.55)	.19 (.55)	.93 [*] (.41)	.99 [*] (.41)	.91 [*] (.41)	.91 [*] (.41)
Biological Mother Smokes	.10 (.13)	.11 (.13)	.11 (.13)	.11 (.13)	.24 [*] (.10)	.25 [*] (.10)	.24 [*] (.10)	.24 [*] (.10)
Biological Mother's Death	.44 (.37)	.43 (.37)	.43 (.37)	.43 (.37)	-.40 (.29)	-.40 (.29)	-.40 (.29)	-.40 (.29)
Physical Abuse < Gr. 6	.11 [†] (.05)	.11 [†] (.05)	.11 [†] (.05)	.11 [†] (.05)	.05 [†] (.03)	.05 [†] (.03)	.05 [†] (.03)	.05 [†] (.03)
Sexual Abuse < Gr. 6	.91 [*] (.37)	.91 [*] (.37)	.91 [*] (.37)	.91 [*] (.37)	-.34 (.21)	-.34 (.21)	-.34 (.21)	-.34 (.21)
Depressive Symptoms (W3)	.43 ^{***} (.02)	.43 ^{***} (.02)	.43 ^{***} (.02)	.43 ^{***} (.02)	-	-	-	-
Substance Role Problems (W3)	-	-	-	-	.49 ^{***} (.04)	.49 ^{***} (.04)	.49 ^{***} (.04)	.49 ^{***} (.04)
Gender ^d (Male = 1)	-.43 ^{***} (.12)	-.42 ^{***} (.13)	-.42 ^{***} (.12)	-.42 ^{***} (.12)	.51 ^{***} (.08)	.51 ^{***} (.08)	.51 ^{***} (.08)	.51 ^{***} (.08)
Single Parent Family Structure (W1) ^c	.11 (.15)	.11 (.15)	.11 (.15)	.11 (.15)	-.02 (.11)	-.02 (.11)	-.02 (.11)	-.02 (.11)
Household Income (W1)	-.004 ^{**} (.00)	-.004 ^{**} (.00)	-.004 ^{**} (.00)	-.004 ^{**} (.00)	-.000 (.00)	-.000 (.00)	-.000 (.00)	-.000 (.00)
Neighborhood drug problems (W1)	.06 (.11)	.06 (.11)	.06 (.11)	.06 (.11)	.06 (.08)	.06 (.08)	.06 (.08)	.06 (.08)
Access to illegal drugs in home (W1 or W2)	.60 (.40)	.59 (.40)	.58 (.40)	.59 (.40)	.79 ^{***} (.25)	.79 ^{***} (.25)	.79 ^{**} (.25)	.79 ^{**} (.25)
Age	.01 (.04)	.01 (.04)	.01 (.04)	.01 (.04)	-.02 (.03)	-.02 (.03)	-.02 (.03)	-.02 (.03)
Hispanic ^e	.28 (.23)	.28 (.23)	.28 (.23)	.28 (.23)	-.58 ^{***} (.14)	-.58 ^{***} (.14)	-.58 ^{***} (.14)	-.58 ^{***} (.14)
Black	.63 [*] (.24)	.62 [*] (.25)	.63 [*] (.24)	.63 [*] (.24)	-1.03 ^{***} (.10)	-1.02 ^{***} (.10)	-1.03 ^{***} (.10)	-1.03 ^{***} (.10)
Asian	.46 [†] (.25)	.46 [†] (.25)	.46 [†] (.25)	.46 [†] (.25)	-.45 [*] (.20)	-.45 [*] (.20)	-.45 [*] (.20)	-.45 [*] (.20)
Other	.21 (.30)	.20 (.30)	.20 (.30)	.19 (.31)	.23 (.26)	.23 (.26)	.23 (.26)	.23 (.25)
Constant	5.67 ^{***} (.92)	5.66 ^{***} (.92)	5.68 ^{***} (.92)	5.68 ^{***} (.91)	2.01 ^{***} (.55)	2.02 ^{***} (.55)	2.01 ^{***} (.55)	2.01 ^{***} (.55)
R ²	.19	.19	.19	.19	.23	.23	.23	.23
F-statistic	43.48 ^{***}	43.06 ^{***}	43.57 ^{***}	41.29 ^{***}	27.68 ^{***}	27.32 ^{***}	27.08 ^{***}	26.17 ^{***}

Reference categories:

- ^a Biological mother not imprisoned or imprisoned after age 18.
- ^b Biological mother not imprisoned or imprisoned between ages 19 and 31.
- ^c All other family structures.
- ^d Female.
- ^e Non-Hispanic White.
- [†] $p < .10$ (two-tailed).
- ^{*} $p < .05$ (two-tailed).
- ^{**} $p < .01$ (two-tailed).
- ^{***} $p < .001$ (two-tailed).

adults who have had mothers imprisoned have 7.34 depressive symptoms by Wave 4, compared to 5.91 symptoms among those with never imprisoned mothers.

Consistent with prior work on childhood traumas, physical abuse ($b = .11, p < .05$) and sexual abuse ($b = .91, p < .05$) are both positively associated with increases in depressive symptoms. However, biological mother's death does not have a significant influence in the multivariate analyses ($b = .44, p > .10$). Maternal college completion ($b = -.53, p < .001$), a close bond in adolescence with the biological mother ($b = -.42, p < .001$), and a higher family income ($b = -.00, p < .01$) all decrease depressive symptoms in young adulthood. Black respondents are more likely than non-Hispanic whites to experience increases in depressive symptoms ($b = .63, p < .05$) and Asian Americans are also at risk ($b = .46, p < .10$). Males have fewer depressive symptoms ($b = -.43, p < .001$). Finally, Wave 3 depressive symptoms are positively associated with Wave 4 symptoms ($b = .43, p < .001$), indicating stability through the transition to adulthood.

We consider the chronicity or dosage of maternal incarceration next and then the timing. The results in Column 2 of Table 2 show more spells of imprisonment are associated with increases in depressive symptoms ($b = .85, p < .05$). The results in Column 3 show that childhood maternal incarceration (ages 0–18) increases depressive symptoms ($b = 1.65, p < .05$) while never having this experience or having it later (ages 19–31) does not. More specifically, maternal imprisonment in early childhood (between the ages of 0–12) has a marginally significant positive influence on changes in depressive symptoms ($b = 1.53, p < .10$). Maternal incarceration does not significantly increase substance role problems (see Columns 5–8 of Table 4). These results are consistent with theoretical expectations of effects in Cell A of Fig. 1. However, further evidence about paternal imprisonment in relation to Fig. 1 is required to distinguish among the three theoretical perspectives of gendered loss, intergenerational effects, and maternal salience.

3.3. Paternal imprisonment effects

Results from survey-adjusted OLS regression models for paternal imprisonment on predictors of changes in depressive symptoms and substance use role problems are presented in Table 5. Biological father's imprisonment does not have a net influence on depressive symptoms at Wave 4 (see Columns 1–4 of Table 5) net of all multivariate controls, particularly other paternal characteristics. However, the trauma of paternal death increases depressive symptoms ($b = .71, p < .01$).

Yet as shown in Column 5 of Table 5, biological father's imprisonment increases substance problems from early to young adulthood ($b = .60, p < .05$). Young adults who experience paternal incarceration are predicted to have 2.31 substance role problems at Wave 4, compared to 1.71 problems among those without this experience. These results are as predicted in Cell D of Fig. 1. This combined with the maternal incarceration effect on depressive symptoms predicted in Cell A and reported above supports the gendered loss perspective. The mother and father specific patterns thus far observed and reported next are more consistent with the gendered loss than the intergenerational and maternal salience perspectives.

Illegal drugs in the home in adolescence also increases substance problems ($b = .82, p < .01$). While a close bond with the biological father in adolescence protects against substance role problems ($b = -.14, p < .05$), paternal college completion does not ($b = .32, p < .05$). Paternal smoking increases substance role problems in this stage of the life course ($b = .25, p < .05$). Males are more at risk than females for increases in substance role problems ($b = .54, p < .001$). Hispanic ($b = -.62, p < .001$), black ($b = -.96, p < .001$) and Asian American youth ($b = -.64, p < .001$) have fewer substance role problems compared to non-Hispanic whites.

As with maternal imprisonment, the chronicity of paternal imprisonment increases young adult mental health problems ($b = .21, p < .05$). However, for fathers, the chronicity of paternal imprisonment increases substance problems rather than depressive symptoms. Childhood (ages 0–18) is also a salient time in the life course for the influence of paternal incarceration. Paternal incarceration in childhood but not in later adulthood (ages 19–31) increases substance problems from Waves 3 to 4 ($b = .64, p < .05$). When specified further, the results in Column 8 of Table 5 show a salient influence of paternal incarceration in young childhood (ages 0–12) ($b = .55, p < .05$) but not in adolescence (ages 13–18) ($b = 1.03, p > .10$).

3.4. High levels of depressive symptoms and substance problems

We next investigated the influence of maternal and paternal imprisonment on high levels of depressive symptoms and substance role problems. As seen in Column 1 of Table 6, respondents with an imprisoned mother are 2.21 times more likely to experience high levels of depressive symptoms in young adulthood ($p < .01$). The chronicity of maternal imprisonment is also influential: more spells of maternal imprisonment increase the odds of high levels of depressive symptoms (OR = 1.51, $p < .05$). Childhood maternal imprisonment (ages 0–18) also elevates depressive symptoms, increasing the odds by 2.09 times [i.e., compared to not having this experience or experiencing maternal imprisonment later in the life course (ages 19–31)]. Specifying the occurrence of maternal imprisonment during early childhood (ages 0–12) (OR = 2.00, $p < .10$) and adolescence (OR = 2.26, $p < .10$) reveals marginally significant effects in both periods.

The results in the fifth column of Table 6 indicate a gendered vulnerability of male children to maternal imprisonment in adolescence (ages 13–18) that results in uniquely high levels of young adult depressive symptoms. Similarly, in support of a gendered vulnerability hypothesis (as seen in Column 5 of Table 7), males are particularly vulnerable to paternal imprisonment in adolescence.

Table 7 presents survey adjusted logistic regression effects of paternal imprisonment on high levels of substance role problems, net of controls. As shown in Column 1 of Table 7, paternal imprisonment increases the odds of high levels of sub-

Table 5

Survey regression models of young adult depressive symptoms (W4) and substance role problems (W4) on paternal imprisonment and other predictors (*n* = 5360) (b/sb).

	Depressive symptoms (W4)				Substance role problems (W4)			
	1	2	3	4	5	6	7	8
Biological Father's Imprisonment	.18 (.28)				.60* (.23)			
Chronicity of Biological Father's Imprisonment		.15 (.13)				.21* (.10)		
Biological Father Imprisoned between ages 0 and 18 ^a			-.03 (.39)				.64* (.26)	
Biological Father Imprisoned between ages 0 and 12 ^b				-.03 (.37)				.55* (.27)
Biological Father Imprisoned between ages 13 and 18 ^b				-.03 (.82)				1.03 (.65)
Biological Father has College Education	-.52** (.16)	-.51** (.16)	-.53*** (.16)	-.53*** (.16)	.32* (.15)	.31* (.15)	.31* (.15)	.31* (.15)
Bond to Biological Father (W1)	-.08 (.09)	-.08 (.09)	-.09 (.09)	-.09 (.09)	-.14* (.07)	-.14* (.07)	-.14* (.07)	-.14* (.07)
Biological Father's Alcoholism	.15 (.31)	.12 (.32)	.20 (.31)	.20 (.31)	.12 (.20)	.15 (.20)	.16 (.19)	.16 (.19)
Biological Father Smokes	.35* (.15)	.35* (.15)	.35* (.15)	.35* (.15)	.25* (.11)	.27* (.11)	.26* (.11)	.26* (.11)
Biological Father's Death	.71** (.27)	.71** (.27)	.72** (.27)	.72** (.27)	.02 (.19)	.04 (.19)	.04 (.19)	.03 (.19)
Physical Abuse < Gr. 6	.18** (.06)	.18** (.06)	.19*** (.06)	.19*** (.06)	.05 (.04)	.05 (.04)	.05 (.04)	.05 (.04)
Sexual Abuse < Gr. 6	.99* (.41)	.99* (.40)	1.00* (.41)	1.00* (.41)	-.42 (.27)	-.41 (.27)	-.41 (.27)	-.41 (.27)
Depressive Symptoms (W3)	.43*** (.02)	.43*** (.02)	.43*** (.02)	.43*** (.02)	-	-	-	-
Substance Role Problems (W3)	-	-	-	-	.52*** (.04)	.52*** (.04)	.52*** (.04)	.52*** (.04)
Gender ^d (Male = 1)	-.48** (.15)	-.48** (.15)	-.48** (.15)	-.48** (.15)	.54*** (.08)	.54*** (.08)	.55*** (.09)	.55*** (.09)
Single Parent Family Structure (W1) ^c	-.15 (.25)	-.15 (.25)	-.14 (.26)	-.14 (.26)	-.01 (.16)	-.00 (.16)	.00 (.15)	.00 (.15)
Household Income (W1)	-.002 (.00)	-.002 (.00)	-.002 (.00)	-.002 (.00)	.000 (.00)	.000 (.00)	.000 (.00)	.000 (.00)
Neighborhood drug problems (W1)	.01 (.13)	.01 (.13)	.01 (.13)	.01 (.13)	.04 (.09)	.04 (.09)	.04 (.09)	.04 (.09)
Access to illegal drugs in home (W1 or W2)	.91† (.48)	.90† (.48)	.92† (.48)	.92† (.48)	.82** (.29)	.83** (.29)	.83** (.29)	.83** (.29)
Age	.01 (.05)	.01 (.05)	.01 (.05)	.01 (.05)	.00 (.03)	.00 (.03)	.00 (.03)	.00 (.03)
Hispanic ^e	.09 (.24)	.08 (.24)	.09 (.24)	.09 (.24)	-.62*** (.17)	-.62*** (.17)	-.62*** (.17)	-.62*** (.17)
Black	.73* (.29)	.74* (.30)	.74* (.29)	.74* (.29)	-.96*** (.12)	-.94*** (.11)	-.96*** (.11)	-.96*** (.12)
Asian	.54† (.29)	.55† (.29)	.53† (.29)	.53† (.29)	-.64*** (.20)	-.65*** (.20)	-.65*** (.19)	-.65*** (.20)
Other	.33 (.39)	.33 (.39)	.32 (.39)	.32 (.39)	.24 (.32)	.23 (.32)	.24 (.32)	.24 (.32)
Constant	3.94*** (.87)	3.90*** (.86)	3.97*** (.87)	3.97*** (.87)	1.24† (.67)	1.26† (.66)	1.24† (.68)	1.25† (.67)
R ²	.20	.20	.20	.20	.25	.24	.25	.25
F-statistic	30.11***	30.15***	30.18***	28.41***	21.11***	21.60***	21.46***	20.46***

Reference categories:

^a Biological father not imprisoned or imprisoned after age 18.

^b Biological father not imprisoned or imprisoned between ages 19 and 31.

^c All other family structures.

^d Female.

^e Non-Hispanic White.

† *p* < .10 (two-tailed).

* *p* < .05 (two-tailed).

** *p* < .01 (two-tailed).

*** *p* < .001 (two-tailed).

Table 6

Survey logistic regression models of high levels of young adult depressive symptoms (W4) on maternal imprisonment (odds ratio, 95% confidence interval) (*n* = 6966).^c

	High levels of depressive symptoms (W4)				
	1	2	3	4	5
Biological Mother's Imprisonment	2.21** [1.31–3.74]				
Chronicity of Biological Mother's Imprisonment		1.51* [1.05–2.18]			
Biological Mother Imprisoned between ages 0 and 18 ^a			2.09* [1.10–3.97]		
Biological Mother Imprisoned between ages 0 and 12 ^b				2.00† [.91–4.38]	1.74 [.64–4.70]
Biological Mother Imprisoned between ages 13 and 18 ^b				2.26† [.88–5.79]	.51 [.12–2.07]
Biological Mother Imprisoned between ages 0 and 12 * Male					1.31 [.35–4.84]
Biological Mother Imprisoned between ages 13 and 18 * Male					12.56* [1.67–94.58]
<i>F</i> -statistic	21.89***	21.50***	22.27***	20.99***	19.37***

Reference categories:

- ^a Biological mother not imprisoned or imprisoned after age 18.
- ^b Biological mother not imprisoned or imprisoned between ages 19 and 31.
- ^c All control variables used in Table 4 are included in these analyses.
- † *p* < .10 (two-tailed).
- * *p* < .05 (two-tailed).
- ** *p* < .01 (two-tailed).
- *** *p* < .001 (two-tailed).

Table 7

Survey logistic regression models of high levels of substance role problems (W4) on paternal imprisonment and other predictors (*n* = 5360) (OR, 95% CI).^c

	1	2	3	4	5	6	7
Biological Father's Imprisonment	1.63* [1.09–2.42]					1.35 [.86–2.14]	
Chronicity of Biological Father's Imprisonment		1.17† [.97–1.41]					1.04 [.82–1.30]
Biological Father Imprisoned between ages 0 and 18 ^a			1.74** [1.15–2.64]				
Biological Father Imprisoned between ages 0 and 12 ^b				1.61* [1.01–2.58]	1.58 [.88–2.83]		
Biological Father Imprisoned between ages 13 and 18 ^b				2.42 [1.13–5.20]	.21 [.03–1.62]		
Biological Father Imprisoned between ages 0 and 12 * Male					1.01 [.42–2.47]		
Biological Father Imprisoned between ages 13 and 18 * Male					21.11* [1.88–237.23]		
Father's Imprisonment * Hispanic						3.46* [1.26–9.49]	
Father's Imprisonment * Black						1.82 [.51–6.50]	
Chronicity of Father's Imprisonment * Hispanic							1.60* [1.06–2.42]
Chronicity of Father's Imprisonment * Black							1.73* [1.01–2.97]
<i>F</i> -statistic	14.33***	14.61***	14.60***	13.68***	12.82***	12.38***	13.32***

Reference categories:

- ^a Biological father not imprisoned or imprisoned after age 18.
- ^b Biological father not imprisoned or imprisoned between ages 19 and 31.
- ^c All control variables used in Table 5 are included in these analyses.
- † *p* < .10 (two-tailed).
- * *p* < .05 (two-tailed).
- ** *p* < .01 (two-tailed).
- *** *p* < .001 (two-tailed).

stance role problems by 1.63 times (*p* < .05). Chronicity of paternal imprisonment has a marginal positive influence on high levels of substance role problems (OR = 1.17, *p* < .10). Childhood paternal imprisonment increases the odds of high levels of substance role problems in young adulthood (OR = 1.74, *p* < .01). Furthermore, significant effects of paternal imprisonment

are found on high levels of substance role problems in both early childhood (OR = 1.61, $p < .05$) and adolescence (OR = 2.42, $p < .05$). Comparisons of these odds ratios show the influence of paternal incarceration is slightly stronger when experienced in adolescence than early childhood.

In support of a minority vulnerability hypothesis, the results for Model 5 in Table 7 show that biological father's imprisonment increases high levels of substance problems for Hispanics compared to non-Hispanic Whites. Furthermore, the chronicity of paternal imprisonment also shows race and ethnic contingencies. As the chronicity of paternal incarceration increases, the odds of black and Hispanic adolescents experiencing high levels of substance problems increases compared to non-Hispanic Whites.

4. Discussion and conclusion

Although research is now separately emerging on maternal and paternal influences on children and youth, relatively few studies simultaneously assess these experiences. We identified four perspectives on the joint effects of maternal and paternal imprisonment on young adult mental health problems. The results of our multivariate longitudinal analyses with nationally representative data support a *gendered loss hypothesis* (i.e., involving Cells A and D in Fig. 1). Maternal imprisonment increases depressive symptoms in young adulthood while paternal imprisonment increases substance role problems. This gender specific combination of effects was anticipated in an early small study of the effects of parental incarceration on children and by further research on the effects of parental loss on children. We find support for the pattern of gendered loss in young adulthood within a broad community sample. Future work should test parental incarceration influences with further attention to gender role orientation: if parents are less traditionally oriented, there may be less clear mental health responses among children. However, the nationally representative sample from Add Health may serve to capture some of this variability in parental gender role orientation.

The results do not display the more generic pattern predicted by the intergenerational stress perspective. That is, we observe neither the maternal incarceration effects on substance role problems (Cell B) nor the paternal incarceration effects on depressive symptoms (Cell C) expected by this perspective. The maternal salience perspective is also not supported. That is, we do not find greater effects of maternal than of paternal imprisonment on both depressive symptoms (Cell A compared to Cell C) and substance role problems (Cell B compared to Cell D). Of course, further research may reveal support for the other perspectives when other outcomes, for example, the academic realm, are considered. We also do not find support for the same-sex role model perspective as the findings do not support these predictions.

Murray et al.'s (2012) recent meta-analytic review finds robust effects of paternal incarceration on children's anti-social behaviors but not educational performance, mental health problems or drug use. This meta-analytic work engages the stress process perspective and Aneshensel et al.'s (1991) attention to multiple outcomes, but finds specificity (i.e., robust effects only for antisocial behavior) rather than generality in the measured parental imprisonment influences. However, efforts to investigate the effects of both maternal and paternal incarceration must continue to ensure that the outcomes assessed are sufficiently broad in their measurement to capture the kinds of gendered effects we have observed in this paper and also found in earlier work on parental incarceration (Fritsch and Burkhead, 1981). The results of Murray et al.'s (2012) meta-analysis show similarities in maternal and paternal influences on antisocial behavior. Studies attending to both similarity and difference of paternal and maternal effects need to continue to include sufficient measures of multiple outcomes to fully test for variation in social stress effects suggested by sociological models (Aneshensel et al., 1991).

Our findings of gendered loss for parental imprisonment closely parallel the well substantiated findings for parental death observed within the stress process paradigm by Umberson and Chen (1994) and Umberson (2003). This work is premised on the assumption that relationships with mothers are more likely to involve emotional closeness. From this premise, it is predicted that young adults will respond to maternal loss – maternal death or maternal incarceration – with emotional distress expressed in the form of depressive symptoms. Relationships with fathers are more likely to involve instrumental activities (Umberson, 2003) and father loss subsequently impacts the externalized aspects of role behavior. This pattern is specifically observed in the form of effects of paternal death on alcohol problems (Umberson and Chen, 1994; Umberson, 2003). Our results extend these earlier findings with regard to the effects of maternal and paternal imprisonment on depressive symptoms and substance related role problems. Considering multiple traumatic stressors and diverse health outcomes suggests the generality of the gendered loss perspective (Aneshensel et al., 1991).

The trauma of losing a mother or father, regardless of whether it is due to death or incarceration, is impactful. However, practitioners and researchers should also be sensitive to the gender of the parent involved. Gendered vulnerability to parental divorce as well as death has been previously observed (McLeod, 1991). Young adults experiencing maternal imprisonment are at risk for depressive symptoms. Those experiencing paternal imprisonment are at risk for substance role problems. Thus, both maternal incarceration and paternal incarceration are influential, but they lead to different mental health problems in young adulthood and they may require different supports in adjusting to parental loss. Our study also extends previous work on the effects of parental imprisonment on internalizing and externalizing problems in adulthood (Murray and Farrington, 2005, 2008b; Roettger et al., 2011) by revealing parallel incarceration influences of the gender of parent and on specific types of problems, and as noted below by extending attention also to timing and chronicity.

Our analyses of acute mental health problems indicate further support for the gendered loss pattern, with maternal incarceration yielding highly elevated levels of depressive symptoms and paternal incarceration yielding highly elevated levels of substance problems. Further testing of the interaction effects of parental incarceration on sons and daughters reveals

consistent gendered vulnerability: males are more likely than females when experiencing parental incarceration during their adolescence to have high levels of mental health problems in young adulthood. This pattern of male vulnerability to parental incarceration has been found in prior research, but it is mostly the case that this gendered pattern has been observed with externalizing problems (Gabel and Shindledecker, 1993; Geller et al., 2009; Wildeman, 2010).

Results from earlier studies therefore point to a same gender contingency where paternal incarceration raises the risk of externalizing problems among male children (Geller et al., 2009; Wildeman, 2010). Our results reveal a broader vulnerability of male offspring not only to adolescent paternal incarceration (in high levels of substance use problems) but also to adolescent maternal incarceration (in high levels of depressive symptoms). Thus the observed gendered vulnerability pattern supports an extension of the gendered loss perspective. It also suggests males may be vulnerable to both maternal and paternal imprisonment occurring in adolescence. Work taking into account other outcomes, especially in the academic realm, has the potential to more fully assess patterns observed in earlier work on female offspring vulnerability (Friedman and Esseltyn, 1965; Gabel and Shindledecker, 1993; Dallaire et al., 2010).

We further find that race and ethnic minority youth are more likely to be affected by paternal incarceration, which supports a minority vulnerability hypothesis and is consistent with the work of Swisher and Roettger (forthcoming) on delinquency. Specifically, we find race and ethnic contingencies in models predicting high levels of substance problems. Both paternal incarceration over the adolescent's lifetime and a higher chronicity of imprisonment have greater effects among minority youth.

Our work on timing and chronicity or dosage of parental imprisonment further specifies which aspects of imprisonment are influential. We build on previously observed patterns (Besemer et al., 2011; Cho, 2010; Murray et al., 2007) in finding that the chronicity of both maternal and paternal imprisonment are influential on children's outcomes in both the internalizing and externalizing realms. We also consistently find for both paternal and maternal imprisonment that experiences during childhood (ages 0–18) are influential on child mental health problems [i.e., compared to never experiencing parental imprisonment or experiencing it in young adulthood (ages 19–31)]. And we find a gendered salience of parental imprisonment between adolescent ages 13–18 on both depressive symptoms and substance problems. Research with other community samples will be required to clarify and confirm parental imprisonment timing effects (Besemer et al., 2011; Johnson, 2009; Murray et al., 2007; Cho, 2011).

While the Add Health survey data advance our understanding of parental imprisonment influences in a large nationally representative sample, there are several limitations that future work may address. First, it is common in research measuring childhood traumas and life events to ask the age of first and last occurrence (Turner and Wheaton, 1997). Following research on the measurement of lifetime traumas, future work could further ask the age of each occurrence of parental imprisonment (Turner et al., 1995). Furthermore, the Add Health data use child reports of parental imprisonment. Although further measurement work is needed, research on the concordance of child and parent reports of child trauma histories has found moderate kappa coefficients for "having a family member arrested or in jail" (Stover et al., 2010). Therefore, there is agreement in reports across parents and children on family members' criminal justice involvements. Nonetheless, reports could also be usefully obtained from parents in addition to children. Using multiple reporters of paternal incarceration has advanced the literature, for example, in the Fragile Families study (e.g., Wildeman, 2010; Geller et al., 2009, 2011). Finally, we have used change score models to guard against unobserved influences in our models. Further analyses with the Add Health data should build on the guiding work of Porter and King (2012) and Roettger and Boardman (2012) to further guard against the influence of unobserved heterogeneity in analyzing parental incarceration effects. Research could build on the repeated measurement of paternal incarceration in Waves III and IV of the Add Health data, using fixed effects models with these panel data, as well as repeated measures of focal outcomes. As well, and where sample size permits, future research on parental gender and incarceration influences should follow Wildeman's work on paternal incarceration (2010) in restricting some analyses to only those with an incarcerated mother or father (LaLonde, 1986).

Our paper has examined the influences of the incarceration of the respondent's biological mother and father. At Wave IV, there are additional questions on the incarceration of the respondent's most important father and mother figure which may be used to measure non-biological parental incarceration influences. The limitation is that some of the questions in earlier waves on non-biological parents may not necessarily be the person the respondent is referring to as their most important father or mother figure. There are a few questions further asked about closeness to the most important father and mother figure which could be used as controls, although these are limited in number.

Finally, although we have operationalized a range of other stressful experiences respondents may have been exposed to (e.g., parental death), it could be important for future research to follow the approach of Adkins et al. (2009), Boardman and Alexander (2011) and Roettger and Boardman (2012) in employing an index of total stressful life events that respondents may have been exposed to at earlier waves. This would more fully operationalize stress exposure. Furthermore, there are racial disparities in both stressful life event exposure (Boardman and Alexander, 2011) and parental incarceration (Wildeman, 2009) that may be particularly important in understanding socially structured mental health disparities and similarities.

Our results extend research on imprisonment in the stress process paradigm (Massoglia, 2008; Schnittker and John, 2007). The concept of stress proliferation in the life course is particularly informative for intergenerational research on parental incarceration (Elder, 1998; Pearlin et al., 2005; Thoits, 2010). The epidemiological results presented here indicate maternal and paternal incarceration experiences are now prevalent in contemporary young adult children's lives. We suggest that research on children's childhood traumas should now consistently include the experience of parental incarceration.

This work can enhance comprehensive measurement of the stress universe for children (Wheaton, 1994; Avison, 2010). We confirm through our epidemiological analysis that black children are at greater risk of experiencing maternal and paternal imprisonment. This is consistent with previous and well replicated findings about racial disparities in maternal and paternal incarceration (Glaze and Marushack, 2008; Wildeman, 2009). Recent work finds paternal imprisonment contributes to black-white gaps in internalizing and externalizing problems among young children (Wakefield and Wildeman, 2011). Therefore, socially structured intergenerational stress proliferation of parental incarceration is likely to disproportionately impact minority families. Policies to reduce racial disparities in parental imprisonment could structurally mitigate the risks of exposure to damage and disadvantage in the stress process.

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Appendix A

See Table A1.

Table A1
Variables description.

Variable	Description
<i>Mental health problems</i>	
Depressive Symptoms (Wave 3)	Using the response scale never or rarely (0), sometimes (1), a lot of the time (2), most of the time or all the time (3), respondents at Wave 3 were asked questions from the CES-D scale (Radloff, 1977). The nine items included: "How often was each of the following things true during the past seven days?" 1. You were bothered by things that don't usually bother you; 2. You could not shake off the blues even with help from your family and your friends; 3. You felt you were just as good as other people; 4. You had trouble keeping your mind on what you were doing; 5. You felt depressed; 6. You were too tired to do things; 7. You enjoyed life; 8. You felt sad; 9. You felt that people disliked you. A mean score was derived from these items with an $\alpha = .80$. Items 3 and 7 were reverse coded. The mean score was multiplied by nine items in the scale
Depressive Symptoms (Wave 4)	Respondents at Wave 4 were asked ten questions from the CES-D scale: "How often was each of the following things true during the past seven days?" 1. You were bothered by things that don't usually bother you; 2. You could not shake off the blues even with help from your family and your friends; 3. You felt you were just as good as other people; 4. You had trouble keeping your mind on what you were doing; 5. You felt depressed; 6. You felt that you were too tired to do things; 7. You felt happy; 8. You enjoyed life; 9. You felt sad; 10. You felt that people disliked you. A mean score was derived from these items with an $\alpha = .84$. Items 3, 7 and 8 were reverse coded. The mean score was multiplied by ten items in the scale
High Depressive Symptoms (Wave 4)	At one standard deviation above the mean on the Wave 4 depressive symptoms scale, a binary measure was created to indicate high levels
Substance Role Problems (Wave 3)	This scale was constructed from 10 items. Respondents were asked "During the past 12 months, how many times has each of the following things happened?" The response scale was never (0), once (1), twice (2), 3 or 4 times (3), 5 or more times (4). Those who were legitimately missing on this item were non-drinkers which were recoded to zero on each item. The items were: 1. You had problems at school or work because you had been drinking; 2. You had problems with your friends because you had been drinking; 3. You had problems with someone you were dating because you had been drinking; Two other items (items 4 and 5) came from a question "Over the past 12 months, how many times: Did you get into a sexual situation that you later regretted because you had been drinking? Did you get into a physical fight because you had been drinking?" The response scale for the latter two items was the same as the above. Also using the same response scale, five more items contributed to the substance role problems scale from parallel questions asked regarding drug use (where non illegal drug users were recoded to 0 on each item): 6. "During the past 12 months, how often did you have problems at school or work because you had been using drugs?";

(continued on next page)

Table A1 (continued)

Variable	Description
Substance Role Problems (Wave 4)	<p>7. "During the past 12 months, how often did you have problems with your friends because you had been using drugs?"; 8. "During the past 12 months, how often did you have problems with someone you were dating because you had been using drugs?"; 9. "During the past 12 months, how often did you get into a sexual situation that you later regretted because you had been using drugs?"; 10. "During the past 12 months, how often did you get into a physical fight because you had been using drugs?" The scale had an $\alpha = .78$. The mean score of the scale was multiplied by the 10 items in the scale. Responses indicating don't know or refusals were recoded to missing data</p> <p>This scale was constructed from 12 items. On a response scale of never (0), 1 time (1), more than 1 time (2), respondents were asked: 1. "How often has your drinking interfered with your responsibilities at work or school?"; 2. "How often have you been under the influence of alcohol when you could have gotten yourself or others hurt, or put yourself or others at risk, including unprotected sex?"; 3. "How often have you had legal problems because of your drinking, like being arrested for disturbing the peace or driving under the influence of alcohol, or anything else?"; 4. "How often have you had problems with your family, friends, or people at work or school because of your drinking?"; 5. "How often has your marijuana use interfered with your responsibilities at work or school?"; 6. "How often have you been under the influence of marijuana when you could have gotten yourself or others hurt, or put yourself or others at risk, including unprotected sex?"; 7. "How often have you had legal problems because of your marijuana use, like being arrested for disturbing the peace or anything else?"; 8. "How often have you had problems with your family, friends, or people at work or school because of your marijuana use?"; 9. "How often has your {favorite drug} use interfered with your responsibilities at work or school?"; 10. "How often have you been under the influence of {favorite drug} when you could have gotten yourself or others hurt, or put yourself or others at risk, including unprotected sex?"; 11. "How often have you had legal problems because of your {favorite drug} use, like being arrested for disturbing the peace or anything else?"; 12. "How often have you had problems with your family, friends, or people at work or school because of your {favorite drug} use?" Non-drinkers and non-drug users were recoded to responses of 0 on each of the items. Refusals and don't know responses were recoded to missing data. The mean score of the scale was derived from the 12 items, and was multiplied by 12. The scale had an $\alpha = .82$</p>
High Substance Role Problems (Wave 4)	At one standard deviation above the mean on the Wave 4 substance role problems scale, a binary measure was created to indicate high levels
<i>Parental imprisonment</i>	
Biological Mother's Imprisonment	Respondents were asked at Wave 4: "Has/did your biological mother ever (spent/spend) time in jail or prison?" 1 = yes
Chronicity of Mother's Imprisonment	Respondents were asked at Wave 4: "How many times (has/did) your biological mother (spent/spend) time in jail or prison? Those without a mother imprisoned were coded 0 on this variable. Among those with incarcerated mothers, the number of times in prison ranged from 1 to 20 times. This was recoded into an ordinal measure ranging from 0 to 2 or more times
Biological Mother Imprisoned between ages 0 and 18	A dummy variable was created using a positive response to above question and occurrence of imprisonment between 0–18 years of age in response to the question "How old were you when your biological mother went to jail or prison (the first time)?" Responses range from <1 year (0) to 31 years. The reference category includes all respondents whose biological mother has not gone to prison
Biological Mother Imprisoned between ages 0 and 12	A dummy variable was created using a positive response to above question and occurrence of imprisonment between 0 and 12 years of age in response to the question "How old were you when your biological mother went to jail or prison (the first time)?" Responses range from <1 year (0) to 31 years. The reference category includes all respondents whose biological mother has not gone to prison. The reference category includes all respondents whose biological mother has not gone to prison and those with a mother imprisoned between ages 19 and 31
Biological Mother Imprisoned between ages 13 and 18	A dummy variable was created using a positive response to above question and occurrence of imprisonment between 13–19 years of age in response to the question "How old were you when your biological mother went to jail or prison (the first time)?" Responses range from <1 year (0) to 31 years. The reference category includes all respondents whose biological mother has not gone to prison and those with a mother imprisoned between ages 19 and 31
Biological Father's Imprisonment	Respondents were asked at Wave 4: "Has/did your biological father ever (spent/spend) time in jail or prison? 1 = yes"
Chronicity of Father's Imprisonment	Respondents were asked at Wave 4: "How many times (has/did) your biological father (spent/spend) time in jail or prison? Those without a father imprisoned were coded 0 on this variable. Among those with incarcerated fathers, the number of times in prison ranged from 1 to 53 times. This was recoded into an ordinal measure ranging from 0–3 or more times
Biological Father Imprisoned between ages 0 and 18	Parallel to the measures indicating the timing of maternal imprisonment, responses to the question: "How old were you when your biological father went to jail or prison (the first time)?" were used to determine the timing of paternal imprisonment
Biological Father Imprisoned between ages 0 and 12	This measure was constructed parallel to the timing of paternal imprisonment to indicate occurrence between ages 0 and 12. The reference category for this variable is paternal imprisonment between the ages of 19–31 and no paternal imprisonment
Biological Father Imprisoned between ages 13 and 18	This measure was constructed parallel to the timing of paternal imprisonment to indicate occurrence between ages 13 and 18. The reference category for this variable is paternal imprisonment between the ages of 19–31 and no paternal imprisonment

Table A1 (continued)

Variable	Description
<i>Parental controls</i>	
Biological Mother's College Completion	This variable combines information from adolescent reports at Wave 1 on biological mothers from the non-resident biological mother section of the questionnaire and the resident mother section (see Hagan and Foster, 2012b)
Adolescent Perceived Closeness to Biological Mother (W1)	This variable combines information from adolescent reports on biological mothers from the non-resident biological mother section of questionnaire and the resident mother section (see Hagan and Foster, 2012b)
Biological Mother's Alcoholism	A dummy variable was created where a positive response indicated the child's biological mother had alcoholism as indicated in a question posed in the parent questionnaire at Wave 1
Biological Mother Smokes	This variable combines information from adolescent reports on biological mothers from the non-resident biological mother section of questionnaire as well as the resident mother section (see Hagan and Foster, 2012b)
Biological Mother's Death	Respondents were asked at Wave 4: "Is your biological mother still alive?" 1 = yes. Variable was recoded to indicate maternal death
Biological Father's College Completion	This variable combines information from adolescent reports at Wave 1 on biological fathers from the non-resident biological father section of the questionnaire and the resident father section (see Hagan and Foster, 2012a)
Adolescent Perceived Closeness to Biological Father (W1)	This variable combines information from adolescent reports on biological fathers from the non-resident biological father section of questionnaire and the resident father section (see Foster and Hagan, 2007)
Biological Father's Alcoholism	A dummy variable was created where a positive response indicated the child's biological father had alcoholism as indicated in a question posed in the parent questionnaire at Wave 1
Biological Father Smokes	This variable combines information from adolescent reports on biological fathers from the non-resident biological father section of questionnaire as well as the resident father section (see Foster and Hagan, 2007)
Biological Father's Death	Respondents were asked at Wave 4: "Is your biological father still alive?" 1 = yes. Variable was recoded to indicate paternal death
<i>Adolescent controls</i>	
Physical Abuse < Grade 6	At Wave III, respondents were asked: "How often had each of the following things happened by the time you started 6 th grade?" "How often had your parents or other adult caregivers slapped, hit, or kicked you?" (see Foster and Hagan, 2007)
Sexual Abuse < Grade 6	At Wave III, respondents were asked: "How often had one of your parents or other adult care-givers touched you in a sexual way, forced you to touch him or her in a sexual way, or forced you to have sexual relations" (see Foster and Hagan, 2007)
Respondents' Young Adult Education Level	Respondents were asked at Wave 4: "What is the highest level of education that you have achieved to date?" (see Hagan and Foster, 2012a)
Single Parent Family	This variable indicates that the respondent lived in a single parent family at Wave 1 using adolescent reported information on the household
Household Income	This variable uses parent reported information on the parental questionnaire at Wave 1 to the question: "About how much total income, before taxes did your family receive in 1994?" (see Foster and Hagan, 2007)
Gender of Adolescent	1 = male; 0 = female
Age of Adolescent	Adolescent reported age in years at Wave 1
Hispanic	Adolescent self-report data at Wave I was used to measure race and ethnicity. Any incidence of Hispanic status was used to first categorize respondents followed by other group designations. The reference group using these variables was the white non-Hispanic group. Categories include Hispanic, non-Hispanic white, Black, Asian and Other race/ethnicity
Drugs are a problem in the neighborhood (W1)	This variable uses parent reported responses to the parental questionnaire at Wave 1 regarding: "In this neighborhood, how big of a problem are drug dealers and drug users?" no problem at all (1), a small problem (2), a big problem (3)
Access to Illegal Drugs in Home (W1 or W2)	This variable was constructed from an item at Wave 1 asking "Are illegal drugs easily available to you in your home?" and the identical item also asked at Wave 2. A positive response at either wave was used to indicate access to illegal drugs in adolescence

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Review

Childhood adversity and neural development: Deprivation and threat as distinct dimensions of early experience[☆]Katie A. McLaughlin^{a,*,1}, Margaret A. Sheridan^{b,1}, Hilary K. Lambert^a^a Department of Psychology, University of Washington, Seattle, WA, United States^b Division of Developmental Medicine, Boston Children's Hospital, Harvard Medical School Boston, MA, United States

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ABSTRACT

A growing body of research has examined the impact of childhood adversity on neural structure and function. Advances in our understanding of the neurodevelopmental consequences of adverse early environments require the identification of dimensions of environmental experience that influence neural development differently and mechanisms other than the frequently-invoked stress pathways. We propose a novel conceptual framework that differentiates between *deprivation* (absence of expected environmental inputs and complexity) and *threat* (presence of experiences that represent a threat to one's physical integrity) and make predictions grounded in basic neuroscience principles about their distinct effects on neural development. We review animal research on fear learning and sensory deprivation as well as human research on childhood adversity and neural development to support these predictions. We argue that these previously undifferentiated dimensions of experience exert strong and distinct influences on neural development that cannot be fully explained by prevailing models focusing only on stress pathways. Our aim is not to exhaustively review existing evidence on childhood adversity and neural development, but to provide a novel framework to guide future research.

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There has been a veritable explosion of research in the last decade into the long-term consequences of exposure to childhood adversity. The terms 'childhood adversity', 'adverse childhood experience', and 'early life stress' have been used to refer to a broad set of negative exposures during childhood, ranging from physical and sexual abuse to institutional rearing and chronic poverty (Anda et al., 2006; Burghy et al., 2012; Cohen et al., 2013). Evidence from population-based epidemiological studies indicates that childhood adversity is common and associated strongly with the subsequent onset of psychopathology not only in childhood, but also in adolescence and adulthood (Cohen et al., 2001; Green et al., 2010; Kessler et al., 1997; McLaughlin et al., 2012). Individuals who have been exposed to adverse childhood experiences are at elevated risk of developing a wide range of mental disorders, including mood, anxiety, behavior, and substance use disorders. Importantly, exposure to childhood adversity has been shown to explain more than 30% of mental disorders in the U.S. population (Green et al., 2010; McLaughlin et al., 2012), underscoring the significance of these experiences in shaping population-level mental health.

The strong and pervasive relationship between adverse childhood experiences and psychopathology has generated considerable interest in identifying the underlying mechanisms that explain these associations. However, identifying central mechanisms has proved difficult, because different types of adverse experiences frequently co-occur, meaning that most individuals exposed to childhood adversity have experienced multiple adverse experiences (Dong et al., 2004; Finkelhor et al., 2007; Green et al., 2010; McLaughlin et al., 2012). Recognition of the co-occurring nature of adverse childhood experiences has resulted in a shift from focusing on single types of adversity, such as parental death, divorce, abuse, and neglect (Chase-Lansdale et al., 1995; Dubowitz et al., 2002; Fristad et al., 1993; Mullen et al., 1993; Wolfe et al., 1994), to examining the associations between *number* of adverse childhood experiences and psychopathology (Arata et al., 2007; Dube et al., 2003; Edwards et al., 2003; but see also Humphreys and Zeanah, 2014 for a recent alternative approach). The fundamental lesson from this research has been that as childhood adversities increase, the likelihood of psychopathology increases. While this has proved valuable for identifying children in need of intervention, it has led to an oversimplification of the boundaries between distinct types of environmental experience and has done little to uncover the core underlying mechanisms through which adversity increases risk for psychopathology.

Here we propose that cognitive neuroscience provides a powerful set of tools that will allow us to most fruitfully identify the developmental pathways linking childhood adversity to psychopathology and that examining the imprint of environmental experience on neural structure and function will help to resolve some of the challenges inherent in studying complex and co-occurring exposures. Indeed, one of the basic principals of neuroscience, developed and elaborated over the last half century, is that early experience shapes the structure and subsequent function of the brain. A small but rapidly growing body of work has begun to examine the impact of childhood adversity on neural development (Hackman and Farah, 2009; Hart and Rubia, 2012). However, to date most existing work has conceptualized adverse childhood experiences purely within a stress perspective, which has hindered the identification underlying dimensions of environmental experience that might influence neural structure and function in distinct ways (but see Rao et al., 2011 for a counter example). Here we argue that the distinct neural effects of different dimensions of experience have often been oversimplified or ignored. Extant research has almost universally defined childhood adversity according to broad descriptive categories (i.e., abuse, neglect, institutionalization, poverty) or has examined even broader constructs that combine diverse forms of adversity together, often referred to

as 'early life stress' (Burghy et al., 2012; Cohen et al., 2006; Gatt et al., 2009). This term has been used to refer to such disparate experiences as parental psychopathology, abuse, poverty, marital conflict, and institutional rearing. This approach not only obscures meaningful differences between these types of experiences that are likely to have important implications for understanding their effects on neural development but also implicitly suggests that very different types of environmental experiences influence brain development through the same underlying mechanisms. This lack of specificity both with regard to the measurement of environmental experience and the impacts on brain development constitutes a critical barrier to identifying the pathways through which childhood adversity impacts neural development and, ultimately, psychopathology.

Current conceptualization of the impact of childhood adversity on neural development has focused almost exclusively on stress pathways and allostatic load (Burghy et al., 2012; Cohen et al., 2013). The stress model has been described in detail in numerous previous papers (see McEwen, 2012). Briefly, activation of the hypothalamic–pituitary–adrenal (HPA) axis results in the release of glucocorticoids, which can lead to structural and functional changes in brain regions with high concentrations of glucocorticoid receptors, including the hippocampus, amygdala, and prefrontal cortex (PFC) (McEwen, 2012). The HPA axis is a plastic system and exposure to extreme or chronic stress can lead to changes in the functioning of this system, resulting in excessive or blunted glucocorticoid release and related downstream structural consequences in the brain (McEwen, 1998, 2012). Extensive evidence suggests that early exposure to adverse environments can disrupt the development and functioning of the HPA axis (Gunnar and Quevedo, 2007), and this is the primary mechanism through which it is often argued that adverse experiences shape neural structure and function. Focusing only on this mechanism is problematic, however, as adversity sometimes appears to have a remarkably broad impact on neurodevelopment. For example, children exposed to institutional rearing exhibit widespread cortical thinning in the superior and inferior parietal cortex (McLaughlin et al., 2014), and children exposed to neglect and poverty often have deficits in language abilities (Farah et al., 2006; Hildyard and Wolfe, 2002) and accompanying differences in neural function supporting language function (Raizada et al., 2008). Neither of these patterns is an obvious consequence of HPA axis activation or cortisol.

However, this evidence is by no means conclusive. Glucocorticoids are only one of many mediators that work together to modulate brain development following stress. The coordinated actions of these mediators are dependent on the state of differentiation of each brain region and are highly region and cell type specific when stress occurs. Indeed, a host of mechanisms of hormone action reveal that the whole brain is a target for the modulatory effects of stress and other hormones via genomic and non-genomic receptors (Liston et al., 2013; McEwen, 2010; Popoli et al., 2012). As such, it is important to acknowledge that the effects of stress are not fully mediated by cortisol (the most common marker of HPA axis activation in human research) and that cortisol actions on their own do not explain how stress affects gene expression or neuronal plasticity (Gray et al., 2013). Thus, although it is possible, given the potentially wide variety of effects that stress can have on the brain, that the changes described above are the downstream effect of stress exposure, it is also possible – and we argue, likely – that alternative mechanisms explain these effects of childhood adversity on neural development. Investigating these mechanisms first requires a novel method of describing and measuring different forms of childhood adversity.

We argue here that the field must move beyond the prevailing approach to one that attempts to distill complex adverse experiences into their core underlying dimensions, and we propose a conceptual framework for doing so. Specifically, our model

differentiates between experiences of *deprivation* (i.e., the absence of expected environmental inputs and complexity) and *threat* (i.e., the presence of experiences that represent a threat to one's physical integrity) and provides predictions and preliminary evidence grounded in basic neuroscience principles and mechanisms drawn from animal research on sensory deprivation and fear learning about the expected effects of each of these dimensions of experience on neural structure and function. Our aim is not to exhaustively review existing evidence on early adversity and neural development in humans or animals, but to provide a novel conceptual framework to guide future research.

Importantly, we do not propose that deprivation and threat are the *only* dimensions of early experience that are important or that all types of childhood adversity can be conceptualized solely along these dimensions. For example, institutional rearing involves the complete absence of an attachment figure early in development, (Tottenham, 2012). This lack of species-typical expectations of the presence of an attachment figure in early development is a dimension not fully captured by either deprivation or threat. Rather, we propose that these are two dimensions of experience that have not previously been clearly differentiated or explained by prevailing models focused on stress pathways and argue that these dimensions of experience exert strong and distinct influences on neural development.

1. Distinguishing between deprivation and threat

The framework we propose here distinguishes between core dimensions of environmental experience that underlie different forms of childhood adversity and describes their distinct impacts on neural development. The central distinction we make is between experiences of *deprivation* and experiences of *threat*. We suggest that these dimensions of experience can be assessed across different forms of childhood adversity (e.g., physical and sexual abuse, domestic violence, institutionalization, neglect) and will differentially predict aspects of neurodevelopment and ultimately behavior. Experiences of deprivation involve the absence of expected cognitive and social inputs as well as the absence of species- and age-typical complexity in environmental stimuli. The impact of low environmental complexity on cortical development has been well studied in animal models of sensory and global deprivation and is conserved across species (Diamond et al., 1972; Leporé et al., 2010; O'Kusky, 1985). The dimension of deprivation is central for children exposed to institutionalization, neglect, and poverty (Fig. 1). In contrast, experiences of threat include events that involve actual or threatened death, serious injury, sexual violation, or other harm to one's physical integrity. Threat experiences are conceptually similar to events defined as traumatic in the Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association, 2013). Events involving threat of serious harm result in strong learning mediated by emotional learning networks that have been well characterized in animals and are conserved across species (Johansen et al., 2011; LeDoux, 2003). Threat is a primary dimension of experience for children exposed to physical and sexual abuse, domestic violence, and other types of interpersonal violence (Fig. 1). Critically, we do not propose that exposure to deprivation and threat experiences *occurs* independently for children, as most of the exposures described above co-occur. Instead we propose that they can be *measured* separately and have unique effects on neurodevelopment.

Below we separately describe deprivation and threat and their distinct impact on neural structure and function. Within each section we first review mechanisms of neural development from animal neuroscience (see Table 1 for a summary of animal paradigms included), describe how neuroimaging and neuropsychological measures in humans may reflect these processes, and

review how exposure to deprivation and threat may shape these aspects of neural development in light of evidence from animal studies and emerging human research. Throughout we identify plausible mechanisms through which commonly studied forms of adversity (e.g., maltreatment, institutionalization) may come to affect neural development, leading to our novel model of environmental experience. We end by proposing directions for future research into the impact of adversity on neural development that will confirm or disprove these hypothesized pathways.

2. Deprivation

2.1. Predictions based on animal literature

One of the areas where the impact of experience on neural development has been most clearly documented is in the pruning of synaptic connections during development in the central nervous system. These principals were first examined in studies employing sensory deprivation (Wiesel and Hubel, 1965b). Studies of deprived or anomalous sensory input during development illustrated that one of the primary mechanisms through which early experience shapes neural structure and function is by pruning initially over-produced synaptic connections (Huttenlocher et al., 1982), described more than three decades ago as the selective-elimination hypothesis (Changeux and Danchin, 1976; Petanjek et al., 2011; Purves and Lichtman, 1980). Here we propose that the same mechanisms through which sensory deprivation or anomalous sensory environments shape primary sensory cortex in animals may also be the mechanism through which broader social-cognitive deprivation shapes association cortex in humans. We argue that we can use basic principals of sensory deprivation to make predictions about the way that decreased exposure to cognitive and social stimulation affects neural development. Specifically, we suggest that an early environment without cognitive enrichment will yield a neural structure designed to deal with low complexity environments. We predict that exposure to cognitive and social deprivation in children results in (a) age-specific reductions in thickness and volume of association cortex, as measured in vivo using MRI, due in part to early or over-pruning of synaptic connections, lower numbers of synaptic connections, and reduced dendritic branching; and (b) reduced performance on tasks that depend on these areas (e.g., complex cognitive tasks). We expect that reductions in cortical thickness should be most pronounced in regions of association cortex that are recruited for processing complex social and cognitive inputs, including prefrontal cortex (PFC), superior and inferior parietal cortex, and superior temporal cortex.

We limit our argument to the development of association cortex simply because association cortex has a prolonged developmental trajectory relative to most areas of primary sensory cortex (Gogtay et al., 2004; Huttenlocher, 1979) and because social and cognitive inputs likely shape areas of cortex involved in complex social and cognitive processing. The term association cortex refers to lateral and medial prefrontal, parietal, and temporal areas of cortex that are not primarily involved in processing sensory stimuli or motoric responding but instead are activated in response stimuli that require cognitive processing (Goldman-Rakic, 1988; Mountcastle et al., 1975). These regions are considered amodal in that they respond to and process stimuli across multiple sensory modalities. While association cortex is likely to be organized along governing principals (Badre and D'Esposito, 2009), these principals continue to be investigated and are thought to be different to the organizational principals of primary sensory cortex (e.g., retinotopy). Generally it is understood that association cortex is necessary for higher-level cognitive processes such as executive function, language, and spatial navigation as well as social cognition. We acknowledge that association cortex refers to a large area of cortex,

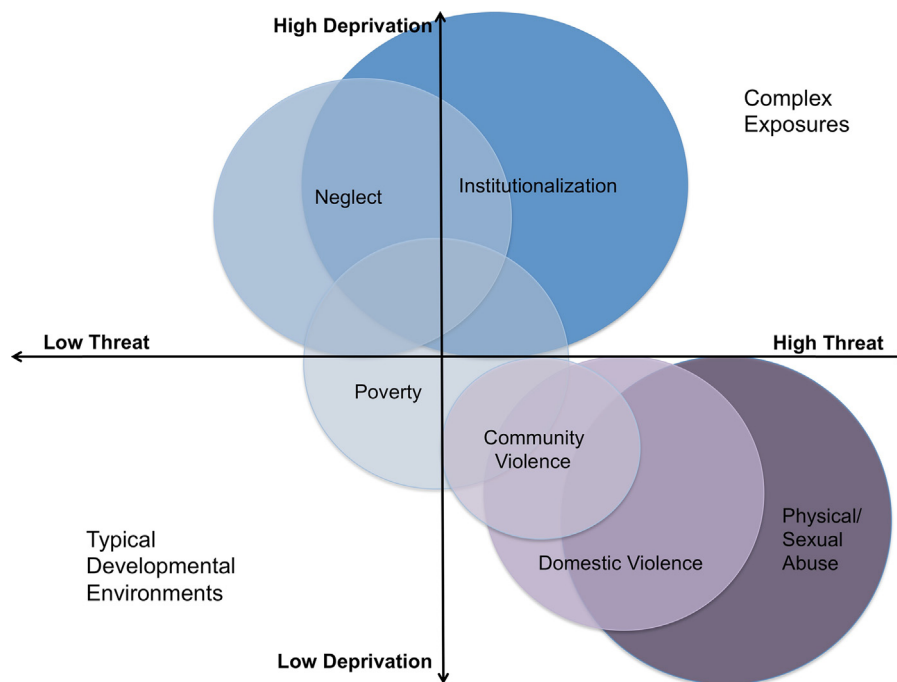


Fig. 1. Dimensions of threat and deprivation associated with commonly occurring adverse childhood experiences (ACEs). Importantly, we argue that threat and deprivation are dimensions of experience that can be measured among children exposed to a wide range of ACEs, both those that occur in isolation (e.g., a single incident of community violence exposure) and those that are co-occurring (e.g., physical abuse and physical neglect). We use the term complex exposures to refer to experiences that in most cases involve aspects of both threat and deprivation. Institutionalization is one such exposure, which involves deprivation in both cognitive and social inputs – consistent with our definition of deprivation – as well as the absence of a primary attachment figure, which is an atypical experience that can represent a significant threat to safety and survival for an infant in the extreme absence of care. Note that institutional rearing also involves lack of species-typical expectations of the presence of an attachment figure in early development (Tottenham, 2012), a dimension not fully captured by either deprivation and threat. Poverty differs in fundamental ways from the other exposures we describe. Critically, poverty does not inherently involve dimensions of either threat or deprivation (i.e., it is possible to be poor and to have no exposure to threatening experiences and typical exposure to cognitive, social, and environmental complexity). However, poverty is often a marker of exposure to both threat and deprivation, particularly deprivation in exposure to enriching and cognitively complex environments. Because the degree of threat and deprivation exposure associated with poverty is heterogeneous, this could be one reason that the findings with regard to poverty and neural development have been inconsistent across studies. Figure reproduced, with permission, from Sheridan and McLaughlin (2014).

making our predictions relatively non-specific. However, greater specificity in these predictions requires improvements in our measurement of deprivation in both animal and human models, and greater understanding of the specific types of social and cognitive inputs that are required for diverse regions of association cortex to develop normally. As we review below, the hypothesis that exposure to deprivation preferentially affects association

cortex is born out in the current data on the association between exposure to environments characterized by deprivation and neural structure and function in humans.

2.1.1. Proliferation and pruning

Early in the study of neural structure, it was hypothesized that synaptic connections emerged following a genetic blue print

Table 1

Dimensions of deprivation and threat associated with commonly used animal paradigms of early adversity.

Paradigm	Description	Primary dimension
Dark Rearing	Animals that typically develop ocular dominance columns (e.g., cats) are deprived of visual input via rearing in complete darkness. Animals are not deprived of other forms of sensory input (sound, tactile, taste, smell) but are raised without visual input until they are post-pubertal	Deprivation
Individual rearing	Rodents are single-housed after weaning to reduce visual, auditory, and olfactory communication and to prevent physical interactions with littermates housed in separate cages in the same room	Deprivation
Repetitive foot shock ¹	Rodents are exposed to a series of aversive foot shocks in a closed chamber. The series of shocks is repeated daily for a number of consecutive days.	Threat
Chronic restraint	Rodents are physically restrained for a specified number of hours. Restraint is repeated daily for a number of consecutive days.	Threat
Predator odor	Rodents are exposed to a natural predator odor in a closed chamber for a specified number of hours. Exposure is repeated daily for a number of consecutive days	Threat
Minimal bedding	Rodent dam and litter are housed with a minimal amount of nesting and bedding materials for a specified number of days prior to weaning. Minimal bedding is associated with rough handling of and stepping on pups as well as inconsistent and fragmented dam-pup interactions (Rainecki et al., 2012)	Threat
Chronic maternal separation	Litter is removed from rodent dam and placed in an incubator for a specified number of hours. Separation is repeated daily for a number of consecutive days prior to weaning	Deprivation and Threat

¹ Foot shock is the most commonly used stimulus in fear conditioning rodent models, which can also be used as models of early adversity (Rainecki et al., 2010; Rainecki et al., 2012; Sarro et al., 2014; Sevelinges et al., 2011).

(Sperry, 1963). However, the “preformist” theory rapidly gave way to evidence in favor of the selective-elimination hypothesis that emphasized the critical role that environmental inputs played in shaping neural structure (Changeux and Danchin, 1976). Since that time, decades of work have documented that central and peripheral nervous system development contains two distinct phases of synaptic growth, which ultimately shape adult neural structure and function: proliferation and pruning. Synaptic proliferation occurs in a period beginning during the third trimester, peaking about three months after birth, and ending before the second year of life (Huttenlocher and Dabholkar, 1997; Petanjek et al., 2011). During this period, there are rapid increases in the ratio of asymmetrical to symmetrical synapses (an index of newly formed synaptic connections), synaptic density, and total number of synapses (Huttenlocher and de Courten, 1987; Rakic et al., 1986). Following synaptic proliferation, a period of pruning of synaptic connections occurs and continues for an extended period through childhood and adolescence. In humans, this synaptic elimination occurs earlier for primary sensory cortex and later for association cortex, although the final density of synapses in adulthood across areas of cortex is not different (Huttenlocher, 1979; Huttenlocher and Dabholkar, 1997; Huttenlocher and de Courten, 1987).

Pruning of synaptic connections occurs in all six layers of cortex, but occurs primarily for synaptic connections on dendritic spines as compared to other classes of synapses on dendritic shafts or cell somas (Rakic et al., 1986). This is likely a corollary of the finding that presynaptic neurons rely on trophic factors released from their post-synaptic targets, and thus co-activation, for survival (Purves and Lichtman, 1980). That is, as two cells co-activate, the association between the cells strengthens, trophic factors are transmitted, and it becomes more likely that this synaptic connection will survive. In contrast, if a synaptic connection is infrequently activated, this connection becomes weaker over time and is likely to be pruned. Conceptually, the emergent system reflects the relative effectiveness of various pathways, theoretically yielding the most efficient system where only the most effective and environmentally relevant connections remain. Thus, through the interaction of pre and post-synaptic cell interactions, the elimination of synapses during development gives rise to the adult organization of the peripheral and central nervous system.

2.1.2. Visual deprivation as early experience

Much of the early work concerning the effect of experience on neural structure and function comes from investigations of the effect of visual deprivation on visual cortex structure and function. In animals this has been observed through experimental manipulation of visual input during development. In initial studies of monocular deprivation, kittens were deprived of visual input to one eye during development, leading to irreversible changes in ocular dominance columns. In contrast, monocular deprivation in adult cats leads to no such irreversible effects (Wiesel and Hubel, 1965a,b). Importantly, where early monocular deprivation leads to changes in visual cortex organization, complete visual deprivation, or “dark rearing” leads to radical reductions in synapses in primary visual cortex (V1) and irreversible decreases in visual acuity (O’Kusky, 1985). These and other findings ultimately led to the concept of developmental plasticity: the understanding that early experience has a preferentially permanent impact on neural structure, in particular during specific periods termed sensitive or critical periods when environmental stimuli have a more pronounced impact on neural structure and function (Hensch, 2005; Morishita and Hensch, 2008; O’Kusky, 1985).

In humans, the impact of sensory deprivation on neural development has been studied in individuals with congenital and late-onset blindness. Congenital blindness is associated with increased use of visual cortex to process auditory stimuli and the spatial

relationships between auditory stimuli (Voss et al., 2008). In addition, congenitally blind individuals activate these cortical areas during tasks requiring the processing of auditory or tactile stimuli and when performing complex cognitive tasks (Collignon et al., 2013). This pattern of re-organization appears to reflect the fact that congenitally blind individuals may be able to use the inherent organizational structure of extrastriate cortex to process complex perceptual stimuli in other sensory modalities. Moreover, congenitally blind individuals have thinner primary visual cortex compared to sighted or late-blind participants (Collignon et al., 2013; Leporé et al., 2010), indicating that the reduction of inputs into primary visual cortex results in reductions in cortex and thus reduced processing capacity.

Thus it appears in humans and rodents that, (a) reduction in sensory inputs during periods of developmental plasticity leads to thinner cortex in primary sensory areas, due at least in part to increased synaptic pruning; and (b) non-primary sensory areas, such as extra-striate cortex, can be ‘colonized’ by other sensory and cognitive processes when typical inputs are absent. In humans, this appears to result in more diffuse patterns of activation in response to task demands. However, even in the context of cortical ‘colonization’, cortical thinning occurs within primary sensory areas, indicating that the synaptic connections associated with reduced or absent environmental input may be observable using neuroimaging techniques.

2.1.3. Global deprivation in animal models

A second literature in rodents has investigated the impact of a more general developmental experience, that of global deprivation and enrichment. It has been amply demonstrated in animal models that global deprivation due to single rodent housing results in widespread decreases in dendritic arborization, spines, and overall brain volume (Bennett et al., 1996, 1974; Diamond et al., 1966, 1972; Globus et al., 1973). This change in cortical structure has been observed following random assignment to individual housing with decreased visual, auditory, and social inputs for pre-pubertal and peri-pubertal animals (Bennett et al., 1996). Changes in dendritic morphology are marked throughout cortex (Diamond et al., 1975), are stronger and more persistent if the duration of exposure is longer (Bennett et al., 1974), and decline slowly following a transition to a new environment. These changes appear to be at least partially reversible through exposure to enriching, cognitively stimulating environments following deprivation (Diamond et al., 1972). Because the current evidence from rodent models of deprivation and enrichment are not tied specifically to the developmental stage at which exposures occur, it is difficult to know if such exposures would have a larger and less malleable impact if they occurred earlier or if they would have a smaller and more reversible impact if they occurred later.

In sum, evidence from the animal literature indicates that decreases in environmental input within a single modality (e.g., vision) during development can disrupt cortical organization and decrease dendritic arborization and number of synapses within corresponding sensory cortex regions. In animals exposed to multifaceted deprivation, a general lack of stimulation, general decreases in cortical thickness are observed due to decreases in dendritic arborization, neuronal depth, and glia cells. An obvious next step is to determine whether similar patterns of neural outcome are observed in children exposed to social and cognitive deprivation.

2.2. Consistency with evidence from human studies

We next review evidence from studies of children exposed to diverse environments that share the characteristic of lacking complexity in social and cognitive inputs. These include institutionalization, low socio-economic status (SES), and neglect, each of

which are characterized by deprivation in social stimulation, cognitive inputs (e.g., language), and in the case of institutionalization, the absence of a primary attachment figure (Hart and Risley, 1995; Hildyard and Wolfe, 2002; Smyke et al., 2007). Given observed neural changes following sensory and global deprivation in rodents, it is likely that these forms of social and cognitive deprivation will result in changes in thickness and volume in humans, as measured using MRI. We predict that exposure to these diverse forms of deprivation will be associated with age-specific reductions in cortical thickness as a result of decreases in dendritic arborization, spines, and density. Moreover, we expect that reductions in cortical thickness will be most pronounced in regions of association cortex that are recruited for processing complex social and cognitive inputs, including the PFC, superior parietal cortex, and superior temporal cortex. As shown below, existing evidence supports these predictions. Critically, however, because fine-grained measurement of the dimensions of deprivation and threat have not typically been undertaken in human studies of neurodevelopment and because prior studies have often focused on specific types of exposure (e.g., abuse) without measuring or reporting co-occurring exposures (e.g., neglect), any conclusions regarding the consistency of existing human work with our proposed framework are necessarily tentative.

Institutionalization in early childhood is a well-studied phenomenon involving exposure to profoundly deprived environments in early childhood. This exposure is complex and heterogeneous. However, most children in institutions are clearly deprived of species-expectant early experiences of two types. First, both the ratio of caregivers-to-children and caregiver investment in children are low (McCall et al., 2012; Zeanah et al., 2003). This lack of an early attachment figure, a central feature of early human experience, has been investigated and reviewed extensively by Tottenham and colleagues (Gee et al., 2013; Tottenham, 2012; Tottenham et al., 2010), and as such we do not review these effects in depth. However, briefly, lack of an early attachment figure results in increased susceptibility to anxiety that appear to be mediated by changes in amygdala structure and function (Tottenham, 2012). These findings are consistent with animal studies investigating deprivation of early maternal care (Eiland and McEwen, 2012; Tottenham and Sheridan, 2009).

Second, institutional rearing is associated with decreased social and cognitive inputs of numerous kinds. Children raised in institutions are less likely than children raised in families to be exposed to all forms of language, interactions with adults, variation in daily routines and experiences, novel and age-appropriate enriching cognitive stimuli (e.g., books, toys), opportunities for peer interaction, and a wide range of other types of environmental stimulation (Nelson et al., 2009; Smyke et al., 2007; Zeanah et al., 2003). Likely as a result of this profound social and cognitive deprivation, children raised in institutions are more likely than children raised in families to have deficits in cognitive function (Nelson et al., 2007; O'Connor et al., 2000) and in language production and comprehension (Albers et al., 1997; Windsor et al., 2011). Relatedly, children reared in institutional settings have a wide range of developmental problems including markedly elevated rates of attention-deficit/hyperactivity disorder (ADHD) (Kreppner et al., 2001; Zeanah et al., 2009). Several recent studies document associations between institutionalization and grey matter volume and thickness. In addition to being associated with global changes in cortical function (Chugani et al., 2001; Marshall et al., 2008; McLaughlin et al., 2010), institutionalization is associated with overall decreases in grey matter volume and thickness (McLaughlin et al., 2014; Mehta et al., 2009; Sheridan et al., 2012a), with the most pronounced reductions in areas of association cortex supporting complex cognitive and social processing including the PFC, superior and inferior parietal cortex, and superior temporal cortex

(McLaughlin et al., 2014). In some areas of cortex these decreases in thickness mediate the association between institutionalization and atypical cognition function (e.g., ADHD symptoms; McLaughlin et al., 2014).

Although low parental SES is not as clear-cut or extreme an exposure as institutionalization, it similarly confers risk for less complex cognitive inputs during childhood. Low parental SES is associated with decreased complexity and amount of linguistic inputs (Hart and Risley, 1995), lower exposure to enriching cognitive experiences in the home (Bradley et al., 2001a,b) and in the school environment (Sirin, 2005), including decreased access to books and extracurricular experiences. Unsurprisingly, given this difference in exposure to complex cognitive stimuli, low SES is associated with decreased performance on complex cognitive tasks, including those tapping executive function and long-term memory (Evans and Schamberg, 2009; Farah et al., 2006; Hackman et al., 2010; Kishiyama et al., 2009; Noble et al., 2007), language ability (Fernald et al., 2013; Weisleder and Fernald, 2013), and overall cognitive and academic achievement (Brooks-Gunn and Duncan, 1997; Duncan et al., 1998; Jokela et al., 2009; Sirin, 2005). These differences in developmental outcomes are mediated by lack of exposure to complex and enriching activities in childhood (Bradley et al., 2001a,b; Linver et al., 2002; Yeung et al., 2002). In addition to the well-documented associations between low SES and cognitive function, low SES is additionally associated with decreased volume and volume by age in association cortex, particularly the PFC (Noble et al., 2012; Sheridan et al., in prep). Additionally, low SES is associated with increased levels and more diffuse patterns of activation in association cortex to support performance on language and executive functioning tasks in both children (Raizada and Kishiyama, 2010; Raizada et al., 2008; Sheridan et al., 2012b) and adults (Gianaros et al., 2008; Gianaros and Manuck, 2010; Gianaros et al., 2011). Further, in at least one instance the impact of low SES on neural function was explained by lack exposure to complex cognitive experiences, including language (Sheridan et al., 2012b).

Neglect refers to inadequate care on the part of parents for their offspring. This can include a lack of provision for basic needs such as food, shelter, and clothing or a lack of provision for the emotional needs of a child. Because neglect inherently involves a lack of parental care, it constitutes an obvious form of early deprivation. When neglect is directly compared to abuse, children exposed to neglect are at greater risk for cognitive deficits than children exposed to abuse (Hildyard and Wolfe, 2002) and these deficits are similar to those observed in severe poverty and institutionalization (Dubowitz et al., 2002; Spratt et al., 2012), consistent with our conceptualization of neglect as a form of deprivation. Moreover, childhood emotional neglect predicts poor performance on a cognitive control task and a more widespread pattern of dorsolateral PFC activation during trials requiring inhibitory control (Mueller et al., 2010).

3. Threat

3.1. Predictions based on animal literature

Evidence from animal and human studies demonstrates consistently that early exposure to threat is associated with long-term changes in neural circuits that underlie emotional learning. Based on this evidence, we argue that early threat exposure impacts the structure, function, and coupling of the hippocampus, amygdala, and ventromedial prefrontal cortex (vmPFC). First, we predict that early threat exposure leads to changes in hippocampal morphology and function, including reduced dendritic spines and arborization and poor function in hippocampus-dependent learning and memory tasks. These predictions are based on extensive evidence

that potential threats activate the hypothalamic–pituitary–adrenal (HPA) axis, leading to enhanced expression of corticotropin releasing hormone (CRH) in the hippocampus and damage to hippocampal neurons (Brunson et al., 2001; Ivy et al., 2010).

Second, we argue that early exposure to threat leads to changes in amygdala function. The amygdala detects and processes salient environmental stimuli, particularly stimuli that have emotional significance, such as facial displays of emotion (Adolphs, 2010; Davis and Whalen, 2001; Fitzgerald et al., 2006; Liberzon et al., 2003). Although the amygdala responds to both positive and negative emotional stimuli (Somerville et al., 2004), evidence suggests that it is centrally involved in detection of potential threats (Isenberg et al., 1999; Ohman, 2005) and required for the acquisition and expression of learned fear (Johansen et al., 2011; LeDoux, 2003). We suggest that early threat exposure leads to novel learning, resulting in the pairing of threat cues with previous neutral stimuli, a reduced threshold for experiencing fear, and heightened vigilance to detect other potential threats (van Marle et al., 2009), all of which are adaptive responses to potential danger. Together, these changes result in elevated amygdala activation to emotional stimuli due to the increased salience of such information, and potentially as a result of up-regulation of CRH receptors in the amygdala (Hatalski et al., 1998). Behaviorally, this results in heightened attention to threat-related cues, generalization of learned fear to previously neutral stimuli, and elevated emotional responses to a wide range of emotional cues. For a review of how institutionalization, a specific form of childhood adversity associated with high degrees of both threat and deprivation, influences amygdala development, please see Tottenham (2012).

Finally, we propose that chronic experiences of threat have additional influences on neural systems involved in modulating the amygdala and hippocampus. As a result of fear extinction mechanisms, exposure to consistently safe environments following early threats will result in new learning that inhibits previously acquired fear responses to threatening cues, termed extinction learning. The vmPFC is activated during retrieval of extinction learning and down-regulates the amygdala (Milad and Quirk, 2012; Milad et al., 2007; Quirk et al., 2003; Quirk et al., 2000). The vmPFC is thus essential for retention of extinction learning and inhibition of fear (Phelps et al., 2004; Quirk et al., 2000). However, learned fear continues to be represented in the amygdala and hippocampus, and previously extinguished fear can be re-activated following exposure to situations where fear learning initially occurred or to other threatening contexts (Bouton, 2002; Bouton et al., 2006; Rescorla, 2004). As such, we predict that chronic threat exposure will result in stronger representations of conditioned fear than extinction memories, lowering recruitment of the vmPFC in multiple forms of emotional processing. Over time, this reduced vmPFC recruitment will lead to accelerated pruning, resulting in reduced vmPFC thickness, and poor vmPFC–amygdala coupling (i.e., low structural and functional connectivity between these regions).

To justify our predictions regarding early threat and emotional learning networks, we review evidence from the animal literature on mechanisms underlying fear learning and extinction given substantial existing knowledge of the neural circuitry underlying these mechanisms and the consistency of that circuitry across species. Importantly, some (i.e., effects on hippocampus), but not all (i.e., effects on vmPFC), of the predictions outlined above have previously been articulated within the literature on stress and neural development (Tottenham and Sheridan, 2009). Indeed, the pathways we describe with regard to the hippocampus and amygdala have frequently been invoked as mechanisms through which stress influences the brain. We review this literature nonetheless as we expand upon prior predictions, identify other mechanisms (i.e., fear learning) that might alter hippocampus and amygdala

development following threatening or traumatic experiences, and highlight the distinction between neural systems influenced by threat as compared to deprivation.

3.1.1. Fear learning

Fear is a defensive mechanism that activates behavioral and neurobiological responses to danger that promote survival, including freezing and activation of sympathetic nervous system and HPA axis, generating downstream hormonal and metabolic changes (LeDoux, 2003). An extensive literature in rodents has characterized the neural circuitry that underlies fear learning using Pavlovian fear conditioning tasks (Johansen et al., 2011; Kim and Jung, 2006; LeDoux, 2003). In Pavlovian conditioning a previously innocuous stimulus (conditioned stimulus, CS) is paired with an aversive or threatening unconditioned stimulus (US). After repeated contingent pairings, the CS begins to elicit the behavioral and neurobiological responses associated with the US. Fear conditioning happens without effort, allowing threats to quickly elicit defensive responses that promote safety. In the animal literature, the amygdala and hippocampus contribute differentially to aspects of fear learning. The amygdala is necessary for both the acquisition and expression of conditioned fear in paradigms involving a cued CS (i.e., a simple sensory stimulus, like a tone or light) and a contextual CS (i.e., a more complex polymodal stimulus, such as the place where cue conditioning occurs; (Phillips and LeDoux, 1992). In contrast, the hippocampus is involved only in the acquisition of conditioned fear to complex contextual stimuli (Phillips and LeDoux, 1992). Lesions of the amygdala prevent fear acquisition and expression to both cued and contextual CS, while hippocampal lesions prevent fear acquisition only to contextual CS (Anagnostis et al., 1999; Cousins and Otto, 1998; Hitchcock and Davis, 1986; Phillips and LeDoux, 1994).

Learned fear is not immutable; conditioned fear generally abates with the passage of time as a result of extinction processes. Extensive evidence suggests that fear extinction involves novel learning of an association between the CS and absence of the US, rather than a loss of the initial CS–US association (Quirk, 2002). Because the CS–US pairing remains intact, extinguished fear can be re-activated through a variety of processes, including spontaneous recovery, exposure to novel threats, exposure to the CS in novel contexts, or re-exposure to the US, highlighting the context-dependent nature of extinction learning (Bouton, 2002, 2004; Bouton and King, 1983; Rescorla, 2004). Extinction of conditioned fear initially requires the amygdala, whereas retrieval of extinction memory on subsequent days additionally requires the vmPFC (Falls et al., 1992; Morgan et al., 1993; Quirk et al., 2000), which has direct projections to the amygdala (Hurley et al., 1991). vmPFC activation during recall of extinction memory inhibits the amygdala and dampens fear expression (Knapska and Maren, 2009; Milad and Quirk, 2002). Thus, successful fear extinction requires functional coupling of the vmPFC and amygdala (Quirk et al., 2003).

3.1.2. Effects of early threat on fear learning circuits

Exposure to threatening stimuli early in development has consistently been shown to alter the neural circuitry underlying fear conditioning and extinction. Here we focus on paradigms that specifically elicit fear, including repeated foot shock, physical stress (e.g., restraint), and predator odor (see Table 1). We also highlight findings from minimal bedding paradigms that result in erratic, inconsistent maternal care provided to pups (Rice et al., 2008), as well as increases in rough handling of pups by the dam (Rainecki et al., 2012; Roth and Sullivan, 2005). In the service of focusing explicitly on models of threat, we do not review paradigms that elicit more complex emotional and neural responses, including early maternal separation (Liu et al., 1997), which involves both high threat as well as high degrees of deprivation resulting from

isolation and lack of both social and cognitive inputs during separation.

An extensive literature documents that acute and uncontrollable stressors in adulthood result in reduced dendritic length and branching as well as lower plasticity and long-term potentiation in the hippocampus, and impairments in hippocampus-dependent learning and memory (Kim et al., 2006; McEwen, 1999). Early threat exposure results in similar shifts in adult hippocampal structure and function in studies using a wide range of paradigms. Chronic restraint stress during pre-adolescence is associated with reduced apical dendritic length and branching of pyramidal neurons in the hippocampus and mPFC (Eiland et al., 2012). Dendritic atrophy, reduced long-term potentiation in the hippocampus, and deficits in hippocampus-dependent learning and memory have also been observed in adult rats following early exposure to minimal bedding (Brunson et al., 2005; Ivy et al., 2010; Rice et al., 2008). Notably, some evidence suggests that the effects of early threat exposure on hippocampal morphology and cellular function do not emerge until adulthood (Isgor et al., 2004; Tsory et al., 2008) and the effects of threat on hippocampal function appear to be larger when exposure occurs in childhood as compared to adulthood (Chen et al., 2006). Early threat exposure also appears to influence hippocampus-dependent aspects of fear conditioning. For example, in multiple studies, early exposure to repeated foot shock stress predicts attenuated extinction of fear-related freezing behavior during exposure to a contextual CS in adulthood, but no differences in the response to initial conditioning (Ishikawa et al., 2012; Matsumoto et al., 2008). Similarly, impaired extinction recall of context-dependent fear extinction following early threat results from disruptions in signaling in the vmPFC-hippocampus circuit, including poor synaptic transmission between these regions (Toledo-Rodriguez and Sandi, 2007). Multiple studies have found that the effects of early threat experiences on hippocampal development are mediated by excess levels of CRH and activation of CRH receptors in the hippocampus (Brunson et al., 2001; Ivy et al., 2010). These effects have sometimes been found to vary by sex. For example, exposure to predator odor followed by placement on an elevated platform in pre-adolescence is associated with impaired contextual learning in females during adolescence, as evidenced by reduced freezing to a contextual CS. In contrast, males exhibit enhanced fear conditioning to a cued CS in adolescence and reduced extinction to the cued CS in adulthood following this exposure (Toledo-Rodriguez and Sandi, 2007).

Early exposure to threatening stimuli also leads to long-term changes in the structure and function of the amygdala. In paradigms involving uncontrollable shock delivered to pups, early threat exposure is associated with persistent anxiety and depression-like behaviors, absence of paired-pulse inhibition in the amygdala—reflecting deficits in inhibitory pathways regulating amygdala activity, and widespread changes in gene expression in the amygdala, particularly in genes that regulate serotonin and GABA (Sarro et al., 2014; Sevelinges et al., 2011). In addition, chronic threat exposure leads to increased expression of CRH mRNA in the amygdala, potentially lowering the threshold for the expression of fear (Hatalski et al., 1998). Pre-adolescent chronic restraint stress is associated with atypical dendritic morphology, including increased spines, in the amygdala (Eiland et al., 2012). Similar effects on the amygdala have been observed in rodents exposed to the maternal minimal bedding paradigm. These include persistent elevations in c-Fos expression in the amygdala that increase with development (Cohen et al., 2013) and elevated amygdala activity to a forced swim test in adolescence that mediates depression-like responses to the stressor (Raineke et al., 2012).

Taken together, the rodent literature suggests that early exposure to uncontrollable threat results in long-term changes in hippocampal and amygdala structure and function as well as

deficits in inhibitory control of these regions by the mPFC. Specifically, early threat predicts, (a) reduced dendritic length and arborization in the hippocampus in adulthood, (b) dampened long-term potentiation in the hippocampus, (c) poor performance on hippocampus-dependent learning and memory tasks, (d) increased dendritic length in the amygdala; (e) elevations in basal amygdala activity as well as amygdala response to novelty and stress, (f) increased anxiety and depression-like behaviors mediated by amygdala over-activity; and (g) deficits in the functional coupling of the mPFC with the hippocampus and amygdala, as evidenced by reduced synaptic transmission between these regions and poor recall of extinction learning.

3.2. Consistency with human studies

The learning mechanisms and neural circuitry underlying fear conditioning and extinction are highly conserved across species. As in the animal model, amygdala activation is associated with fear acquisition and expression during conditioning (LaBar et al., 1998; Phelps et al., 2004). Likewise, the vmPFC is activated during extinction recall (Milad et al., 2007; Phelps et al., 2004), and increased vmPFC activity during such recall is associated with dampened amygdala activity (Milad et al., 2007, 2009; Milad and Quirk, 2012). The vmPFC is thus essential for retention of extinction learning and plays a central role in modulating the amygdala. Because acquiring neuroimaging data requires participants to be in a highly salient and novel context, the role of the hippocampus in contextual fear conditioning has been difficult to study in humans.

Despite the consistency with which fear learning mechanisms have been specified across animal and human models, there is a surprising lack of human research on how exposure to early experiences of threat influences fear conditioning across development. Although numerous studies have examined fear conditioning processes in adults with post-traumatic stress disorder (Orr et al., 2000; Peri et al., 2000), research on early threat exposure and fear learning in youths or adults is absent in the current literature. One of the challenges is developing paradigms that can be used ethically in children and adolescents, given that effective adult fear conditioning paradigms utilize shock as the US (Pine et al., 2001). A recently-developed task pairing emotional faces with a human scream as the US holds promise in this regard (Lau et al., 2011), but has yet to be applied to the study of early threat exposure. We review existing human studies examining associations between early threat and structure and function of the hippocampus, amygdala, and vmPFC, although we note that direct comparisons between animal and humans studies should be made with caution given the lack of studies examining early threat and fear learning in humans.

Based on the animal literature, we predict that early threat exposure leads to parallel changes in the structure and function of the hippocampus, amygdala, and vmPFC observed in animals. We review evidence for these predictions from studies of children exposed to threatening environments, including physical and sexual abuse, domestic violence, and other types of interpersonal violence. These environments share the characteristic of being significant threats to survival and therefore activate the neural circuitry underlying fear learning. Importantly, as noted above, because of the high co-occurrence of threat and deprivation exposure and because few studies have examined both dimensions within the same sample of children, the specificity of these effects remains to be confirmed in future studies.

Although early threat exposure has consistently been associated with reduced hippocampal volume in adults (Andersen and Teicher, 2008; Hart and Rubia, 2012; Teicher et al., 2012), studies of children have generally not found a relationship between threat exposure and hippocampal volume (De Bellis et al., 2001; Woon

and Hedges, 2008). This pattern has led some to suggest that the effects of early threat on hippocampal development are not evident until adulthood (Tottenham and Sheridan, 2009), consistent with evidence from animal studies (Isgor et al., 2004), although the exact mechanisms explaining this developmental pattern remain to be identified. Atypical hippocampal function associated with early threat has been observed, however. For example, children with maltreatment-related PTSD symptoms exhibit less hippocampal activation during retrieval in a verbal declarative memory task than non-maltreated children (Carrion et al., 2010).

Differences in the volume of the amygdala as a function of threat exposure have generally not been found in children (De Bellis et al., 2001). However, atypical processing of emotional information – particularly facial emotion – has been observed consistently. Children exposed to threat exhibit amplified neural response to angry faces in ERP studies (Pollak et al., 1997, 2001), and heightened amygdala activation to angry faces (McCrorry et al., 2011) even when faces are presented pre-attentively (McCrorry et al., 2013). These alterations in neural processing of facial emotion are consistent with behavioral findings suggesting that children with early threat exposure identify facial displays of anger more quickly and with less sensory information than non-exposed children (Pollak and Sinha, 2002), suggesting attention biases that facilitate the identification of anger.

Consistent with animal literature demonstrating differences in the development of the vmPFC following early threat, multiple recent studies observe that threat exposure in childhood is associated with reduced volume and/or thickness of the vmPFC (De Brito et al., 2013; Edmiston et al., 2010; Hanson et al., 2010; Kelly et al., 2013), consistent with our prediction that low recruitment of vmPFC will lead to accelerated pruning in this region. In addition, a recent study documents reduced resting-state amygdala-vmPFC connectivity in adolescent females exposed to child abuse (Herrington et al., 2013).

4. Recommendations for future research

The exposures that give rise to experiences of deprivation and threat co-occur at high rates in children and adolescents (Green et al., 2010; McLaughlin et al., 2012). This co-occurrence has generated many of the methodological and conceptual challenges in identifying dimensions of experience that influence specific aspects of neural development. We do not advocate that future research attempt to identify children who experience only one specific form of adversity, as that would surely result in conclusions that are not generalizable to most children exposed to adverse developmental environments. Instead, we propose the following concrete recommendations for future research. First, future studies examining neural development in children exposed to adverse early environments should measure the underlying dimensions of experience described here in addition to the traditional categories of exposure (e.g., physical and sexual abuse, neglect, poverty) to determine whether deprivation and threat are indeed associated with the predicted patterns of neural development proposed here. Dimensional measures of trauma exposure frequency and severity are widely available (Bernstein et al., 2003), and measures of environmental enrichment have been developed for young children (Caldwell and Bradley, 1984). Developing more extensive measures of social and cognitive inputs and environmental complexity that can be used over a wider range of development would facilitate this endeavor.

Relatedly, a second central challenge in characterizing the impact of deprivation on neural development involves determining the specific types of social and cognitive inputs that are required for the brain to develop normally. Characterizing the inputs necessary to facilitate sensory development is relatively straightforward,

but this is far more challenging in the domain of more complex cognitive and social skills (e.g., executive functioning) and the cortical regions that support these types of functions, perhaps with the exception of language development (Kuhl, 2004). Determining the specific environmental inputs that are necessary to scaffold the development of these skills is critical to understand how deprivation in exposure to these types of experiences shapes brain development.

Third, experimental manipulation of specific aspects of experience would allow our predictions about deprivation and neural development to be tested in a more rigorous way. For example, a variety of experimental improvements in environmental context for children who are institutionalized would shed light on the veracity of our model. Ideally, all children could be removed from institutions and placed into family care; however, in societies where that is currently impossible, providing enhanced complexity of care could be advantageous. Potential environmental manipulations include increasing enriching cognitive experiences (e.g., greater access to complex toys and games, greater exposure to complex language, and more opportunities for adult instruction), reducing caregiver-to-child ratios, and staff schedules that ensure consistent caregiving of particular children by the same adults over time to facilitate the formation of more selective attachments as well as the provision of greater opportunities for cognitive enrichment. Such an approach was used by the St. Petersburg-USA Orphanage Research Team, which attempted to improve the institutional environment by reducing caregiver-to-child ratios and providing more consistent and responsive caregiving (The St. Petersburg-USA Orphanage Research Team, 2008). Although this intervention resulted in improvements in general cognitive ability, the effects on neural development are unknown. Collection of neuropsychological and neuroimaging data following this type of experimental design is an important next step in identifying causal pathways through which the absence of species-typical cognitive and social experience shapes neurodevelopment.

Fourth, despite consistencies in the neural circuitry underlying fear learning in animals and humans, there is a surprising lack of human research on how early threat influences fear learning across development. As noted above, only recently have developmentally appropriate and effective fear learning paradigms been developed for children and adolescents (Glenn et al., 2012; Lau et al., 2011). Examining the effects of early threat exposure on fear acquisition, expression, extinction, and generalization as well as the underlying neural circuitry supporting these learning processes represents a critical area for future research.

Fifth, the issue of developmental timing of exposure and outcome measurement is of central importance to studying the impact of environmental experience on neural development (Hensch, 2005). Although sensitive periods in sensory and language development have been clearly identified, progress in identifying similar periods when the brain is particularly likely to be influenced by more complex cognitive and social environmental inputs has proved challenging due to measurement issues with regard to exposure timing as well as the more complicated neural circuitry that underlies higher-order cognition. We have learned the most about sensitive periods in social and cognitive development from studies of institutionalization, where precise information about the timing and duration of exposure is often available (McLaughlin et al., 2011; Nelson et al., 2007). Consistent with the above recommendations about the importance of experimental manipulation, random assignment to improved environments for children exposed to high deprivation or threat may hold the most promise for identifying how the impact of these environments varies according to timing and duration of exposure. An additional possibility rarely used in the human literature involves examining the differential impact of exposures occurring in childhood versus

adulthood, which has frequently been used in animal models (Chen et al., 2006). Such an approach will determine whether early exposure to deprivation and threat influences the brain in ways that are either qualitatively or quantitatively different than adult exposure.

Sixth, longitudinal studies are needed to determine whether disruptions in typical patterns of neural development following deprivation and threat are, indeed, mechanisms linking these experiences to the onset of psychopathology. Given evidence for greater fear expression during conditioning paradigms, deficits in extinction learning, and disruptions in the neural circuitry underlying fear learning and extinction among both children and adults with anxiety disorders (Britton et al., 2013; Craske et al., 2008; Lau et al., 2008; Liberman et al., 2006), these pathways are likely involved in the association between threat exposure and anxiety pathology. The neural changes we argue to be a result of deprivation exposure – including age-specific reductions in cortical thickness, poor performance on complex cognitive tasks, and inefficient neural recruitment during such tasks – have also been linked to externalizing disorders in numerous studies (Anderson et al., 1999; Durston et al., 2003; Shaw et al., 2006). Moreover, age-specific cortical thinning in association cortex has been shown to link severe early-life deprivation to ADHD (McLaughlin et al., 2014). However, additional studies are needed to confirm these predictions.

Seventh, most adverse developmental environments are likely to include some degree of exposure to both deprivation and threat dimensions (Fig. 1). As such, it is important to consider how neural consequences related to deprivation interact with those related to threat in shaping neural development. For example, the pattern of cortical thinning in lateral PFC and related deficits in inhibition that has been associated with exposure to deprivation (Farah et al., 2006; McLaughlin et al., 2014; Mueller et al., 2010; Noble et al., 2007) might interact with the heightened amygdala and emotional reactivity to emotional stimuli associated with exposure to threat (McCroary et al., 2013; McCroary et al., 2011) to produce deficits not only in automatic aspects of emotion regulation, such as fear extinction, but also in effortful emotion regulation processes, such as cognitive reappraisal. Effortful emotion regulation involves a more complex network including connectivity of the lateral PFC and superior temporal cortex, which alters the semantic representative of emotional stimuli and, in turn, inhibits the amygdala (Buhle et al., 2014). The most pronounced deficits in these processes would likely result from exposure to both deprivation and threat dimensions, although this remains to be determined empirically. Understanding how these dimensions interact to influence neural development will be necessary to understand the wide range of negative developmental outcomes stemming from complex adverse experiences.

Finally, we have focused on two dimensions of experience that are particularly likely to impact neural development, but there are undoubtedly others. For example, the degree of environmental predictability has been argued to be central aspect of environmental experience that shapes the development and evolution of human life history strategies (Ellis et al., 2009), and unpredictability or chaos in childhood predicts psychological adjustment and early-onset sexual behavior (Belsky et al., 2012; Evans et al., 2005). Another dimension that is like to have relevance for early neural development is loss of an attachment figure. This is differentiated from the frequently studied exposure of institutional rearing, which involves complete absence of a preferential attachment figure in early life. Loss of such a figure has been consistently linked to a life-course persistent risk for major depression, which could be explained by changes in development of the ventral striatum and reward processing (Wacker et al., 2009). These highlight just two additional dimensions of early life experience that are likely to have meaningful effects on brain development. Future studies should

identify of other key dimensions of experience and characterize their impact on the developing brain.

5. Conclusion

We propose a novel conceptual framework for understanding the impact of childhood adversity on neural development and argue that the field must move beyond the prevailing approach of examining the impact of complex and co-occurring exposures on brain development to distilling those complex experiences into their core underlying dimensions. Two important dimensions that appear to have distinct effects on neural development are deprivation and threat. Existing evidence from human studies provides preliminary support for our predictions about how these types of experiences influence neural development, although additional work is needed to ultimately determine the utility of our conceptual framework. We believe that such an approach will improve our understanding of how atypical experience influences the developing brain and, ultimately, confers risk for psychopathology.

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Parental imprisonment: effects on boys' antisocial behaviour and delinquency through the life-course

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Background: Prisoners' children appear to suffer profound psychosocial difficulties during their parents' imprisonment. However, no previous study has examined later-life outcomes for prisoners' children compared to children separated from parents for other reasons. We hypothesise that parental imprisonment predicts boys' antisocial and delinquent behaviour partly because of the trauma of separation, partly because parental imprisonment is a marker for parental criminality, and partly because of childhood risks associated with parental imprisonment. **Method:** This study uses prospective longitudinal data from the Cambridge Study in Delinquent Development (CSDD). The CSDD includes data on 411 Inner London males and their parents. We compare boys separated by parental imprisonment during their first 10 years of life with four control groups: boys who did not experience separation, boys separated by hospital or death, boys separated for other reasons (usually disharmony), and boys whose parents were only imprisoned before their birth. Individual, parenting, and family risk factors for delinquency were measured when boys were aged 8–11. Eleven antisocial and delinquent outcomes were assessed between ages 14 and 40. **Results:** Separation because of parental imprisonment predicted all antisocial–delinquent outcomes compared to the four control conditions. Separation caused by parental imprisonment was also strongly associated with many other childhood risk factors for delinquency. After controlling for parental convictions and other childhood risk factors, separation caused by parental imprisonment still predicted several antisocial–delinquent outcomes, even up to age 32, compared with other types of separation. **Conclusions:** Prisoners' children are a highly vulnerable group with multiple risk factors for adverse outcomes. Parental imprisonment appears to affect children over and above separation experiences and associated risks. Further research on possible moderating and mediating factors such as stigma, reduction in family income and reduced quality of care is required to identify the mechanisms by which parental imprisonment affects children. **Keywords:** Parent, prison, intergenerational, crime, antisocial behaviour.

Since Bowlby reported an association between parent–child separation and delinquency (Bowlby, 1946), research has continued to show that children from disrupted families are at increased risk of antisocial behaviour and delinquency compared to children from intact homes (Juby & Farrington, 2001). However, it is still unclear whether it is separation that causes children's difficulties in disrupted families, or whether it is risks associated with the disruption. Different types of parent–child separation are likely to carry different meanings for children. For example, children who experience parental divorce are more likely to become delinquent than children who experience parental death (Juby & Farrington, 2001). In this article we investigate the effects of parental imprisonment on children, and examine the hypothesis that parent–child separation caused by parental imprisonment is more harmful for children than separation because of other reasons. We use the term 'imprisonment' to refer to any form of custodial confinement, including local or training prisons (in the UK) or jail or prison (in the USA).

We found 35 previous studies of prisoners' children. Only 13 of them included any direct interviews with children; only 11 used standardised instruments or official records to measure children's outcomes; only 6 used a longitudinal design; only one followed up prisoners' children for more than one year; and only 10 included a control group of children who did not experience parental imprisonment. Because of limited space, literature on prisoners' children is only briefly reviewed here (for more detailed reviews see Johnston, 1995, and Murray, in press).

Although previous studies of prisoners' children have numerous methodological weaknesses, they consistently report that children experience a range of psychosocial problems during parental imprisonment, including: depression, hyperactivity, aggressive behaviour, withdrawal, regression, clinging behaviour, sleep problems, eating problems, running away, truancy, poor school grades and delinquency. Unfortunately, there is almost no evidence on outcomes for prisoners' children in later life. It is often stated that prisoners' children are six times

more likely than their peers to be imprisoned themselves; however, there appears to be no documented evidence to support this claim (Myers, Smarsh, Amlund-Hagen, & Kennon, 1999). The challenge for research is to establish the actual risk of adverse outcomes among prisoners' children, particularly in later life, and to identify the mechanisms by which parental imprisonment affects children.

Parental imprisonment as a risk mechanism

There are a number of mechanisms by which parental imprisonment might affect children. According to trauma theories, parental loss in the form of separation or abandonment directly causes children's adjustment difficulties in the short and long term (Bowlby, 1973). The only study which compared prisoners' children with children separated from parents for other reasons (divorce) found similarly high rates of 'poor self-concept' and behavioural problems among the two groups of children (Moerk, 1973). However, the study relied on mothers' reports of children's adjustment and did not examine outcomes in later life. Parental imprisonment might imply worse outcomes for children, particularly antisocial outcomes, because prisoners' children might model their parents' behaviour. In Sack's clinic study some of the boys with fathers in prison mimicked their fathers' crimes (Sack, 1977). Parental imprisonment might also have an official labelling or stigmatising effect on children, making prisoners' children more likely to be prosecuted for their crimes. In this study we compare children according to whether they were separated because of parental imprisonment or for other reasons. We use both official and self-reported measures of delinquency to consider the labelling hypothesis.

Individual, parenting, and family risk factors might also mediate the effects of parental imprisonment on children. Qualitative research suggests that parental imprisonment can lead to severe financial hardship for prisoners' families and relationship breakdowns, which can have knock-on effects on children. Children's care arrangements are also likely to be disrupted by parental imprisonment, particularly when mothers are imprisoned, and remaining carers might experience reduced capacity to support and supervise children. It is also possible that the experience of imprisonment reduces imprisoned parents' capacity to care for their children when they are released. Other possible mechanisms linking parental imprisonment and children's antisocial behaviour–delinquency include: traumatic experiences of prison visits (Richards et al., 1994); and inadequate explanations given to children about their parents' absence. In Shaw's (1992) study, one-third of children with a father in prison were told lies to explain their father's absence, and a further third were told nothing at all.

Parental imprisonment as a risk marker

A critical question is whether parental imprisonment represents a risk mechanism for children (as outlined above) or whether it is only a marker for other risk factors (as we outline here). Of course, it is possible that parental imprisonment is both a risk mechanism and risk marker, which we hypothesise in this study. Parental imprisonment is likely to confer genetic risk for antisocial behaviour and delinquency among children, even before parents are imprisoned. In a retrospective study among prisoners' children, Crowe (1974) found that adopted children of incarcerated biological mothers were more likely than controls to have been arrested, incarcerated, and have a psychiatric record at age 25. If the effect of parental imprisonment on children were very highly genetic then the timing of parental imprisonment would be of little importance. In this paper we compare children's outcomes according to whether parents were imprisoned before or after children's births.

Prisoners are also more likely to have previous criminal convictions than the general population. In the Cambridge Study in Delinquent Development (CSDD), parental convictions was one of the most important predictors of later offending by the Study males (Farrington, 2003). Only two projects have tested whether prisoners' children are more likely to have delinquent outcomes than children with convicted parents who received a non-custodial sentence (Osborn & West, 1979; Stanton, 1980). Although both found higher rates of delinquency among prisoners' children, neither controlled for the *number* of parental convictions, which might have influenced the results. In this study we control for the number of parental convictions when comparing prisoners' children with controls.

Prisoners' children are also likely to be exposed to parenting and family risk factors for delinquency before the imprisonment takes place. Prisoners are more likely to have been unemployed, to be of low social class, have multiple mental health problems, marital difficulties, and to have their own experiences of abuse and neglect than the general population (Dodd & Hunter, 1992; Singleton, Meltzer, Gatward, Coid, & Deasy, 1998) In this study we control for individual, parenting, and family risk factors that previously were shown to predict boys' antisocial behaviour and delinquency in the CSDD (Farrington, 2003), and that are associated with parental imprisonment.

The present study

We use data on male children in the CSDD and their mothers and fathers to examine outcomes of children separated because of parental imprisonment. Use of the CSDD represents a considerable advance on previous research into the effects of parental

imprisonment on children. This is the first time that a prospective longitudinal study has been used to investigate long-term effects of parental imprisonment. It is the first time that appropriate control groups of children have been used, including children separated from parents for other reasons and children of parents who have been imprisoned only before the child's birth. It is the first time that prisoners' children have been studied using a wide range of standardised measures derived from the children themselves, their parents, their teachers, social workers, psychologists, and official criminal records. We test four hypotheses about the effects of parental imprisonment on children's antisocial-delinquent behaviour through the life-course. Although some children might actually benefit from having an antisocial parent imprisoned (Shaw, 1992), we hypothesise that, on average, parental imprisonment will have a negative impact on children.

Hypotheses

1. Separation because of parental imprisonment predicts boys' own antisocial and delinquent outcomes through the life-course.
2. Separation because of parental imprisonment predicts worse outcomes for boys than other forms of parent-child separation, and worse outcomes than parental imprisonment before the boy's birth.
3. Parental imprisonment is associated with many other childhood risk factors for delinquency (i.e., parental imprisonment is a risk marker).
4. Parental imprisonment still predicts boys' antisocial-delinquent outcomes after controlling for parental convictions, and after controlling for other childhood risk factors (i.e., parental imprisonment is a plausible risk mechanism).

Method

The CSDD is a prospective longitudinal survey of the development of offending and antisocial behaviour in 411 males. At the time they were first contacted in 1961-62, these males were all living in a working-class inner-city area of South London. The sample was chosen by taking all the boys who were then aged 8-9 and on the registers of 6 state primary schools within a one-mile radius of a research office that had been established. Hence, the most common year of birth of these males was 1953. In nearly all cases (94%) their family breadwinner at that time (usually the father) had a working-class occupation (skilled, semi-skilled or unskilled manual worker). Most of the males were white (97%) and of British origin. The study was originally directed by Donald J. West, and it has been directed since 1982 by David P. Farrington, who has worked on it since

1969. It has been funded mainly by the Home Office and also by the Department of Health.

In this article we compare five mutually exclusive groups of boys according to whether they were separated from a parent, and according to whether their parent was imprisoned. The experimental group consists of 23 boys who experienced parental imprisonment in their first 10 years of life. The first control group consists of 227 boys who did not experience parent-child separation in their first 10 years, and whose parents were not imprisoned at any time before the boys' 18th birthdays. The second control group consists of 77 boys whose parents were not imprisoned, but who experienced separation from either parent in their first 10 years because of hospitalisation or parental death. The third control group consists of 61 boys whose parents were not imprisoned, but who experienced separation from either parent in their first ten years for other reasons than hospitalisation or death. The fourth control group consists of 17 boys of parents who were imprisoned before the boy's birth, but not again between the boy's birth and his 18th birthday.¹

Given the small number of cases of parental imprisonment, individual outcomes were less important than average effects on boys' antisocial-delinquent behaviour across the life-course. We used *t*-tests and meta-analyses of odds ratios to investigate average effects of parental imprisonment on boys' outcomes through the life-course. Outcomes used in meta-analyses are derived from the same subjects in the study, and component measures of antisocial personality include some of the other outcomes that we measure separately (see Measurement below). Therefore, the assumption of independence of measurements is not fully met in these analyses.

In the final analyses, logistic regression was used to control for effects of parental convictions and other childhood risk factors previously shown to predict boys' antisocial-delinquent outcomes. Because logistic regression excludes missing data case-wise and we wanted to maximise the number of cases, we only included control variables that independently predicted outcomes. To identify which of the risk factors were independent predictors (and not just correlates) of antisocial and delinquent outcomes, all twelve age-10 risk factors (listed in Table 2) were entered in a forward stepwise logistic regression model for each outcome variable. Those variables retained in the final step using $p = .05$ as the cut-off point (listed in Table 3) were selected as control variables for the analyses of the explanatory variables.

¹ Six cases were excluded from analyses because boys' parents were first imprisoned between the boy's 11th and 18th birthdays, and we wanted the explanatory variable to be genuinely predictive of outcomes.

Measurement

Most outcomes and childhood risk factors in the study were dichotomised into the worst quarter versus the remainder. As well as simplifying the presentation of results, dichotomous variables do not necessarily cause a decrease in measured strength of associations; they equate the sensitivity of measurement of all variables, and make it possible to compare the predictive strengths of explanatory variables (Farrington & Loeber, 2000). Measures and major findings on earlier phases of the study have been reported in four books (West, 1969, 1982; West & Farrington, 1973, 1977) and in many publications, including two summary articles (Farrington, 1995, 2003).

Parental imprisonment and parent-child separations

For the present analyses, cases of parental imprisonment were identified from searches of the central Criminal Record Office in London for findings of guilt of boys' biological parents. Parents had to be convicted for a relatively serious offence to have a criminal record; offences of common assault, traffic infractions and drunkenness are excluded from these records. Social workers' files were used to identify further cases of parental imprisonment for minor offences or on remand (up to the boys' 15th birthdays). Parents must have been imprisoned for at least one month to appear on social worker files. Four cases were coded as 'no parent imprisoned' where parents had only been held in custody for one day.

According to these criteria, 20 boys' fathers had been to prison, two boys' mothers had been to prison, and one boy's mother and father had been to prison in the boys' first 10 years of life. The mean time these boys' parents were imprisoned during the boys' first 10 years of life was 9.6 months ($SD = 14.2$). None of the boys were permanently separated from their parent before the imprisonment. Boys who were separated from their parents by hospitalisation or death, or for other reasons (usually disharmony), were separated for at least one month from their operative parent up to age 10 (see West & Farrington, 1973). Separations were coded according to repeated inquiries with the boys' parents by successive social workers.

Boys' outcomes

We chose to analyse mainly antisocial and delinquent outcomes because they are the best measures available in the CSDD. However, we believe that other possible effects of parental imprisonment, for example on internalising behaviours, ought to receive similar research attention. Official criminal history measures were derived from searches of the central Criminal Record Office in London (see Farrington, Barnes, & Lambert, 1996). Self-reported delinquency and violence were measured in interviews with cohort members at ages 18 and 32 (West & Farrington, 1973). Antisocial personality scales were derived from interviews with the boys themselves, parents, teachers, and official records. Antisocial personality at age 14 is a combined scale

including: convicted, self-reported delinquency, steals outside home, regular smoking, had sex, bully, lies frequently, lacks concentration/restless, daring, frequently disobedient, hostile to police, truant. At age 18 the antisocial personality scale included: convicted, self-reported delinquency, self-reported violence, involvement with an antisocial group, taken drugs, heavy smoking, heavy drinking, drunk driving, irresponsible sex, heavy gambling, an unstable job record, an anti-establishment attitude, tattooed, and impulsive. At age 32 the antisocial personality scale included: convicted, self-reported delinquency, involved in fights, taken drugs, heavy drinking, poor relationship with parents, poor relationship with wife, divorced or child elsewhere, unemployed frequently, anti-establishment, tattooed, and impulsive. For further details on all measures of antisocial personality, including inter-correlations, see Farrington (1991). Poor life success at age 32 was measured from interviews with Study males and official records on the basis of accommodation history, cohabitation history, success with children, employment history, recent fights, abuse of substances, recent self-reported offences, GHQ score (measuring anxiety-depression), and recent criminal convictions (see Farrington, 1989).

Childhood risk factors

Individual, parenting and family risk factors were measured when boys were aged 8–11. For convenience they are referred to as age-10 risk factors. These are the most important risk factors measured in the CSDD. Their importance as predictors of antisocial outcomes has been demonstrated elsewhere (see Farrington, 2003). Low junior attainment was measured by Arithmetic, English and verbal reasoning tests. IQ was measured on Raven's Progressive Matrices test. Daring was based on teachers' and parents' ratings of the boy's propensity to take risks. The boys' parents provided details about such things as family income, family size (also checked against school records), the social class of the family breadwinner, and their degree of supervision of the boy. Poor attitudes of mothers and fathers reflected combined scales of cruel, passive or neglecting attitudes, and harsh or erratic discipline. Neuroticism of fathers and mothers refers to a combined measure of the parents' nervousness and psychiatric treatment (and neuroticism in the case of mothers). Further details of these and other childhood risk factors in the study can be found in West and Farrington (1973). Convictions of mothers and fathers up to when boys were age 10 were summed to create the 'parents' convictions' variable.

Results

Parental imprisonment as a predictor of antisocial-delinquent behaviour

Separation because of parental imprisonment was a strong predictor of antisocial and delinquent outcomes of boys through the life-course (Table 1). For example, 71% of boys who experienced parental imprisonment during childhood had antisocial per-

Table 1 Parental imprisonment versus sons' outcomes

Sons' outcomes (Age)	History of parental imprisonment					Odds ratios			
	No prison (A) no separation % (n = 227)	No prison (B) separated ^b % (n = 77)	No prison (C) separated ^c % (n = 61)	Prison (D) pre-birth % (n = 17)	Prison (E) 0-10 % (n = 23)	E/A	E/B	E/C	E/D
Antisocial personality (14)	15.9	15.6	32.8	11.8	60.9	8.3*	8.4*	3.2*	11.7*
Antisocial personality (18)	17.1	15.7	23.3	46.7	71.4	12.2*	13.4*	8.2*	2.9
Antisocial personality (32)	19.1	16.4	29.6	40.0	71.4	10.6*	12.7*	5.9*	3.8
Poor life success (32)	20.1	19.2	35.2	26.7	52.4	4.4*	4.6*	2.0	3.0
Convicted juvenile (10-16)	15.9	16.9	26.2	29.4	47.8	4.9*	4.5*	2.6	2.2
Self-reported delinquency (18)	24.0	18.6	20.0	40.0	52.4	3.5*	4.8*	4.4*	1.7
Self-reported violence (18)	18.0	15.7	25.0	20.0	42.9	3.4*	4.0*	2.3	3.0
Convicted (17-25)	21.9	20.8	34.4	52.9	65.2	6.7*	7.1*	3.6*	1.7
Self-reported delinquency (32)	18.7	17.8	25.9	40.0	52.4	4.8*	5.1*	3.1*	1.7
Convicted adult (26-40)	14.1	18.2	24.6	31.3	47.8	5.6*	4.1*	2.8*	2.0
Imprisoned by 40	8.1	9.2	11.5	6.3	30.4	4.9*	4.3*	3.4*	6.6
	2.2	2.2	3.5	4.2	6.7	5.7*	5.9*	3.4*	2.6*
	Mean number of outcomes					Weighted mean OR			

*95% confidence interval does not include 1.

Note: Some numbers on individual outcomes are lower than the total *n* because of missing cases.

^bParent-son separation within first ten years of son's life because of death or hospitalisation.

^cParent-son separation within first ten years of son's life for reasons other than death/hospitalisation/imprisonment.

Table 2 Parental imprisonment versus childhood risk factors

Risk Factors (Age 10)	History of parental imprisonment					Odds ratios			
	No prison (A) no separation % (n = 227)	No prison (B) separated ^b % (n = 77)	No prison (C) separated ^c % (n = 61)	Prison (D) pre-birth % (n = 17)	Prison (E) 0-10 % (n = 23)	E/A	E/B	E/C	E/D
Low junior attainment	21.7	14.5	17.0	40.0	54.5	4.3*	7.1*	5.9*	1.8
Low IQ	19.4	24.7	26.2	52.9	52.2	4.5*	3.3*	3.1*	1.0
High daring	27.0	24.7	36.7	41.2	45.5	2.3	2.5	1.4	1.2
Poor supervision	9.0	26.8	24.6	20.0	42.9	7.5*	2.1	2.3	3.0
Poor attitude father	16.9	14.9	31.9	28.6	42.1	3.6*	4.1*	1.6	1.8
Poor attitude mother	27.6	35.2	20.0	13.3	30.0	1.1	.8	1.7	2.8
Neurotic father	17.8	30.9	16.3	14.3	33.3	3.5*	1.7	2.6	3.0
Neurotic mother	27.7	34.2	21.8	33.3	15.8	.7	.5	.7	.4
Poor marital relations	16.3	22.9	41.7	28.6	36.8	3.0*	2.0	.8	1.5
Large family size	15.7	28.0	17.5	40.0	61.9	8.7*	4.2*	7.6*	2.4
Low family SES	14.3	18.7	24.6	13.3	47.6	5.4*	4.0*	2.8	5.9*
Low family income	12.6	22.7	33.3	20.0	61.9	11.3*	5.5*	3.3*	6.5*
	2.3	3.0	3.4	3.8	5.4	3.8*	2.2*	2.1*	1.6*
	Mean number of risks					Weighted mean OR			

*95% confidence interval does not include 1.

Note: Numbers on individual outcomes might be lower than the total *n* because of missing cases and deleted brothers.

^bParent-son separation within first ten years of son's life because of death or hospitalisation.

^cParent-son separation within first ten years of son's life for reasons other than death/hospitalisation/imprisonment.

sonalities at age 32, compared to only 19% of boys who were not separated and whose parents never went to prison (OR = 10.6, 95% CI = 3.9 to 28.9). Conventionally, an odds ratio of 2.0 or greater is considered to indicate a strong relationship (Cohen, 1996). Odds ratios were large for 10 out of 12 comparisons of self-reported delinquency and violence, suggesting that the effects of parental imprisonment were not accounted for by official labelling of prisoners' families.

We compared the average number of antisocial-delinquent outcomes for prisoners' sons and controls. For each boy we added up the number of

adverse outcomes out of 11. Boys who were separated because of parental imprisonment had, on average, more antisocial-delinquent outcomes ($M = 6.7$, $SD = 3.7$) than boys who did not experience separation from a parent ($M = 2.2$, $SD = 2.9$) ($t = 5.47$, $df = 24$, $p < .001$). Boys separated because of parental imprisonment also had more antisocial-delinquent outcomes than boys separated by hospitalisation or death ($M = 2.2$, $SD = 3.0$) ($t = 5.88$, $df = 94$, $p < .001$) and boys who were separated for other reasons ($M = 3.5$, $SD = 3.6$) ($t = 3.61$, $df = 80$, $p = .001$). Separation because of parental imprisonment conferred more risk on boys than

separation for other reasons. Boys who were separated because of parental imprisonment also had more negative outcomes than boys whose parents had been to prison only before the boy was born ($M = 4.2$, $SD = 2.7$) ($t = 2.27$, $df = 36$, $p = .029$). This suggests that the effects of parental imprisonment were not very highly genetic.

Parental imprisonment as a risk marker

To the extent that parental imprisonment is a risk marker, boys separated because of parental imprisonment should have the highest average number of individual, parenting, and family risk factors for delinquency compared to all four control groups. This was indeed the case (Table 2). For each boy we added up the number of risk factors out of 12. Boys separated because of parental imprisonment had, on average, more risk factors ($M = 5.4$, $SD = 2.1$) than boys who were not separated from a parent ($M = 2.3$, $SD = 2.1$) ($t = 6.56$, $df = 241$, $p < .001$). Boys separated because of parental imprisonment also had more risk factors than boys separated by hospitalisation or death ($M = 3.0$, $SD = 2.3$) ($t = 4.27$, $df = 94$, $p < .001$) and boys separated for other reasons ($M = 3.4$, $SD = 2.4$) ($t = 3.18$, $df = 76$, $p = .002$). Although boys separated because of parental imprisonment had more risk factors than boys whose parents were only imprisoned before the boy's birth ($M = 3.8$, $SD = 2.7$) the difference was not quite significant ($t = 1.86$, $df = 34$, $p = .072$).

Unsurprisingly, the number of parents' criminal convictions (regardless of sentences following them) was higher for boys separated by parental imprisonment ($M = 5.2$, $SD = 4.1$) than for boys who were not separated from their parents ($M = .2$, $SD = .6$)

($t = 5.64$, $df = 20$, $p < .001$). The number of parental convictions was also higher for boys separated because of parental imprisonment than boys separated by hospitalisation or death ($M = .5$, $SD = 1.0$) ($t = 5.32$, $df = 21$, $p < .001$) and boys separated for other reasons ($M = .5$, $SD = .9$) ($t = 5.27$, $df = 21$, $p < .001$). The number of parental convictions was higher for boys separated because of parental imprisonment than for boys whose parents were only imprisoned before the boy's birth ($M = 3.6$, $SD = 2.1$) but the difference was not significant ($t = 1.58$, $df = 32$, $p = .124$).

Parental imprisonment as an independent predictor

Parental imprisonment during childhood was a clear marker of a number of risk factors for children's own antisocial behaviour and delinquency, including a high number of parental convictions. Next we estimated the effect of separation because of parental imprisonment on antisocial outcomes, controlling for the effects of parents' convictions and independently predictive childhood risk factors, using logistic regression. Boys separated by parental imprisonment were compared to each control group in turn (Table 3-6).

Parental imprisonment still predicted several adverse outcomes for boys even after controlling for parental convictions (first column, Table 3). All three odds ratios for antisocial personality were large and significant, and the weighted mean of all 11 odds ratios was large (2.7) and significant ($CI = 1.8-4.2$). This suggests that parental imprisonment is not just an indicator of parental criminality, but confers specific risk on children. When independently predictive risk factors were also added to the model

Table 3 Effects of parental imprisonment compared with no separations

Sons' outcomes (Age)	Partial odds ratios for parental imprisonment (Prison 0-10 vs. No prison, no separation)		
	Controlling for parents' convictions	Controlling for parents' convictions and childhood risk factors	Childhood risk factors included in final models (Table 3-6)
Antisocial personality (14)	4.0*	2.2	Junior attainment, IQ, Daring
Antisocial personality (18)	7.4*	3.2	IQ, Daring, Mother's attitude, Neurotic mother, Family size
Antisocial personality (32)	5.1*	4.1*	IQ, Daring, Family size
Poor life success (32)	2.1	1.5	Family income
Convicted juvenile (10-16)	1.4	.8	IQ, Daring, Family size
Self-reported delinquency (18)	1.7	1.5	Daring
Self-reported violence (18)	2.1	1.3	Daring, Family size
Convicted (17-25)	3.3	2.3	Junior attainment, Daring, Parental supervision, Family size
Self-reported delinquency (32)	2.5	2.5	None
Convicted adult (26-40)	3.2	3.0	Daring, Family size
Imprisoned by 40	1.7	.5	Junior attainment, Daring, Family size, Family SES
Weighted Mean OR	2.7*	1.9*	

*95% confidence interval does not include 1.

Table 4 Effects of parental imprisonment compared with separation through hospitalisation or death

Sons' outcomes (Age)	Partial odds ratios for parental imprisonment (Prison 0–10 vs. No prison, separation by hospitalisation or death)	
	Controlling for parents' convictions	Controlling for parents' convictions and childhood risk factors
Antisocial personality (14)	6.8*	6.4*
Antisocial personality (18)	13.1*	16.1*
Antisocial personality (32)	7.0*	7.0*
Poor life success (32)	3.6	2.4
Convicted juvenile (10–16)	2.5	1.1
Self-reported delinquency (18)	3.7	3.6
Self-reported violence (18)	2.3	1.8
Convicted (17–25)	4.8*	3.7
Self-reported delinquency (32)	3.9*	3.9*
Convicted adult (26–40)	3.1	2.5
Imprisoned by 40	2.5	1.1
Weighted Mean OR	4.1*	3.2*

*95% confidence interval does not include 1.

Table 5 Effects of parental imprisonment compared with separation for other reasons

Sons' outcomes (Age)	Partial odds ratios for parental imprisonment (Prison 0–10 vs. No prison, separation for other reasons ^c)	
	Controlling for parents' convictions	Controlling for parents' convictions and childhood risk factors
Antisocial personality (14)	2.2	2.5
Antisocial personality (18)	5.4*	25.8*
Antisocial personality (32)	2.7	2.3
Poor life success (32)	1.1	.8
Convicted juvenile (10–16)	1.0	.8
Self-reported delinquency (18)	2.3	4.1*
Self-reported violence (18)	1.6	1.5
Convicted (17–25)	2.0	1.2
Self-reported delinquency (32)	1.8	1.8
Convicted adult (26–40)	1.9	1.5
Imprisoned by 40	1.7	.5
Weighted Mean OR	1.9*	1.7*

*95% confidence interval does not include 1.

^cSeparation for reasons other than death/hospitalisation/imprisonment.

(second column, Table 3), all three odds ratios for antisocial personality were still large (although not all significant). The weighted mean of all 11 odds ratios was large (1.9) and significant (CI = 1.2–3.0). This suggests that parental imprisonment is not just a marker of risk, but represents a risk mechanism.

Parental imprisonment remained an independent predictor when compared to separation caused by

Table 6 Effects of parental imprisonment in childhood compared with before birth

Sons' outcomes (Age)	Partial odds ratios for timing of parental imprisonment (Prison 0–10 vs. Prison before son's birth)	
	Controlling for parents' convictions	Controlling for parents' convictions and childhood risk factors
Antisocial personality (14)	10.2*	17.0*
Antisocial personality (18)	4.9	33.2*
Antisocial personality (32)	3.6	3.7
Poor life success (32)	2.9	2.3
Convicted juvenile (10–16)	2.1	2.2
Self-reported delinquency (18)	1.7	1.7
Self-reported violence (18)	2.9	2.9
Convicted (17–25)	1.3	1.3
Self-reported delinquency (32)	1.6	1.6
Convicted adult (26–40)	2.1	2.0
Imprisoned by 40	5.0	6.0
Weighted Mean OR	2.6*	2.6*

*95% confidence interval does not include 1.

hospitalisation or death. Odds ratios for all outcomes in the study were large, even after controlling for parental convictions, and the weighted mean odds ratio was large and significant (OR = 4.1, CI = 2.7–6.3) (first column, Table 4). Moreover, all three odds ratios for antisocial personality were still large after controlling for independently predictive risk factors and the weighted mean odds ratio was large (3.2) and significant (CI = 2.0–5.1) (second column, Table 4).

Boys separated because of parental imprisonment also had worse outcomes than boys separated for other reasons (usually disharmony), even after controlling for parental convictions and childhood risk factors. After controlling for parental convictions, all odds ratios for antisocial outcomes were large, and the weighted mean of odds ratio was large (1.9) and significant (CI = 1.2–2.9) (first column, Table 5). After adding independently predictive risk factors to the model all three antisocial personality outcomes still had large odds ratios, and the weighted mean odds ratio was in the expected direction (1.7) and just significant (CI = 1.1–2.7) (second column, Table 5). Although the average effect was smaller than in some of the other comparisons, the increase in risk is impressive given that approximately half (48%) of boys separated for other reasons were in permanently disrupted homes at age 10, compared to only 13% of children who were separated because of parental imprisonment.

Finally, we compared boys who experienced parental imprisonment during childhood with boys whose parents only went to prison before the boy's birth. The timing of parental imprisonment remained predictive even after controlling for parental convictions (first column, Table 6). All three odds ratios for

antisocial personality were large, and the weighted mean odds ratio was large (2.6) and significant (CI = 1.7–4.1). Moreover, after adding childhood risk factors to the model the timing of parental imprisonment remained strongly predictive (weighted mean OR = 2.6, CI = 1.6–4.2) (second column, Table 6). This is perhaps the purest evidence of an effect of separation caused by parental imprisonment over and above the effect of parental convictions, other childhood risk factors, and even parental imprisonment before birth.

Discussion

This study used prospective data from the Cambridge Study in Delinquent Development to investigate the effects of parental imprisonment on children's antisocial and delinquent outcomes through the life-course. Separation because of parental imprisonment was a strong predictor of all antisocial and delinquent outcomes in the study, even up to age 40. Separation because of parental imprisonment predicted worse outcomes for children than parent-child separation caused by other reasons. The effects of parental imprisonment remained, albeit reduced, even after controlling for parental criminality, childhood risk factors, and parent-child separation. Specifically, antisocial behaviours at ages 14, 18, and 32 were strongly predicted by the experience of parental imprisonment during childhood after controlling for other risk factors. The timing of parental imprisonment (whether it happened before or after the boy's birth) was also predictive of sons' outcomes (unlike the timing of parental convictions (Osborn & West, 1979)). These results confirmed our hypothesis that parental imprisonment represents a risk-mechanism for children, as well as a risk marker.

Qualitative research suggests that parental imprisonment affects children because of separation, stigma, loss of family income, reduced quality of care, poor explanations given to children, and children's modelling of their parents' behaviour. Our findings shed some light on these and other hypothesised mechanisms. The effects of parental imprisonment were not entirely explained by parental criminality, other associated risks, or parent-child separation. Parental imprisonment predicted worse outcomes than separation for other reasons (usually disharmony). Therefore, it is unlikely that the additional effects of parental imprisonment were explained by relationship breakdowns, changes in children's care arrangements, or loss of family income, which also tend to follow parental separation and divorce. The effects of parental imprisonment could not be explained by legal bias towards prisoners' children, because antisocial behaviours measured by self-reports, teachers' and parents' reports were also predicted by parental imprisonment.

We were unable to test the hypotheses that the effects of parental imprisonment were caused by stigma, modelling, or poor explanations given to children, and these warrant further research.

Several other possible interpretations of the results should be considered. First, with small numbers of prisoners' children ($n = 40$) statistical conclusions are less reliable. Second, despite the fact that we controlled for a wide range of individual, parenting, and family variables, it is still possible that prisoners' children were deviant before their parents were imprisoned, or that unmeasured environmental differences accounted for their outcomes. Third, twin and adoption studies are needed to rigorously establish that the effects of separation caused by parental imprisonment were not genetic. Fourth, risk factors were measured at the same time as parental imprisonment in childhood. Therefore, we cannot tell if risk factors were present before the imprisonment, or were acting as mediating factors after the imprisonment. To the extent that parental imprisonment actually caused these risk factors, the effects of parental imprisonment were underestimated by controlling for childhood risk factors in this study. Finally, imprisonment was measured among parents of white males between 1953 and 1964. Since then, the prison population has grown dramatically; the proportion of prisoners in England and Wales with long-term sentences has increased; the proportion of women in prison has grown (Morgan, 1997) and, over the last decade, the Black and Minority Ethnic prison population increased by 124% (Home Office, 2004). Replication is required to establish whether results from this study would apply among today's prison population.

Nevertheless, this is the first prospective study of the outcomes of prisoners' children's outcomes through the life-course, and represents a substantial advance in methods for investigating the effects of parental imprisonment on children. Major strengths of this study are the high rate of retention among Study males (94% of those still alive at age 32 were interviewed), use of well-validated measures, and control of a wide variety of possible confounds.

The lesson for clinicians is that prisoners' children are a highly vulnerable group, and are likely to be disproportionately represented in clinical populations, as has been found previously in the USA (Phillips, Burns, Wagner, Kramer, & Robbins, 2002). Parental imprisonment increases the risk of antisocial outcomes for children for a number of reasons. It is associated with multiple background adversities, including individual risks, poor parenting, and family deprivation. At the time of a child's birth a history of parental imprisonment is associated with a number of risk factors (Princeton University, 2002). Our results suggest that children experiencing parental imprisonment during childhood are exposed to even more risk factors for delinquency than children whose parents were only imprisoned before their

birth. Separation *per se* did not appear to be an important explanatory factor for antisocial behaviour of children because prisoners' children had worse outcomes than children experiencing separation for other reasons. Prevention and treatment of behavioural problems of prisoners' children is likely to require intensive intervention, including all family members.

From a social policy point of view, it seems that imprisoning parents might cause antisocial behaviour and crime in the next generation, and hence contribute to the intergenerational transmission of offending. Clearly, extensive replication studies would be required to validate this hypothesis, but the issue cannot be ignored. If imprisoning parents does cause crime (or other adverse outcomes) among children, parenthood could be treated as a mitigating factor in sentencing, because of concerns about the child's welfare. Also, where parental imprisonment does occur, there could be an extensive range of family and child support services on offer. Sadly, at present, no statutory agency has responsibility for supporting prisoners' families and children in the UK (H. M. Treasury, 2003).

Future research should examine whether effects of parental imprisonment on children differ according to whether mothers or fathers are imprisoned; interaction effects, for example whether girls and boys have similar reactions to parental imprisonment; mediators between parental imprisonment and child outcomes; and whether parental imprisonment causes internalising disorders as well as antisocial behaviour. Future research should also examine whether effects are dependent on: the length of the parent's sentence and type of crime; children's ages; the amount of contact maintained between children and their imprisoned parent; the explanations given to children about their parent's absence; children's experiences of stigma; levels of social support; the social class and race of the family; and different neighbourhood contexts. The effects of parental imprisonment on children warrant a major research agenda to investigate this topic.

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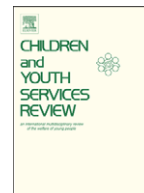
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Children of incarcerated parents: Challenges and resiliency, in their own words ☆

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ABSTRACT

This study explores the impact of parental incarceration on children, from the children's own perspectives. The sample includes thirty-four children interviewed regarding how having a parent in prison affected their family and peer relationships, school experiences, their reactions to prison visits, and perceptions of prison. The interviews explored both their challenges and their strengths. The children revealed a variety stresses around social isolation and worrying about their caregivers, but also demonstrated resilience in locating venues for support and self-sufficiency. Recommendations for policy, service, and community actions and interventions are presented.

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1. Introduction

As prisons nationwide fill to capacity and beyond, an ever-increasing number of children have an incarcerated parent and live with the consequences of that lost or limited contact with their parent (Travis & Waul, 2003). Their needs are not generally considered in the judicial process or sentencing guidelines, yet their lives are often affected by those decisions. Furthermore, as prisons become populated with larger proportions of ethnic minorities, the impact is disproportionately felt by families and communities of color (Mumola, 2000; Bureau of Justice Statistics, 2003). There is also a price for the rest of society in terms of the monetary expenses of imprisonment and in public safety. This study was conducted as part of the collateral effects portion of the Minnesota Council on Crime Justice's Racial Disparities Initiative. Here the focus is on children with a parent in prison as told from the child's perspective, with an eye toward their resiliency as well as their challenges. This study is exploratory in nature, aiming to answer the following questions: From children's own perspectives, how has incarceration affected their lives, whether in a positive, negative, or neutral way? How have they coped with the incarceration? Where have they found support, if any?

Little is known about the impact of parental incarceration from the perspective of the children. The rare look into children's views exists largely in non-empirical venues such as newspaper accounts or support group websites. One of the more compelling efforts in this direction is a book by Nell Bernstein (2005) who presented their plight from the perspective of both adults and youth using her journalistic skills to share their stories. In the realm of research, however, the vast majority of studies have garnered information about children from adult sources, largely based on behavioral observations with little if any emphasis on the feelings, thoughts, and ideas formulated by the children themselves. With a burgeoning prison population, information is needed to understand not only the negative impact on the children but also existing individual and family assets that may shed light on how communities and service providers can capitalize on those strengths to alleviate some of the resulting hardships.

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2. Literature review

In the 1970s, the United States embarked on a “grand experiment in mass incarceration” that resulted in a fourfold increase in the rate of imprisonment per capita (Travis, 2004). The rate continues to increase, but at a slower pace in recent years (Bureau of Justice Statistics, 2005). As a result, there are over two million individuals under correctional supervision in both state and federal prisons, as well as jails (Bureau of Justice Statistics, 2003). The racial composition of the state and federal prison population is grossly disproportionate; 44% of the prison population is African American and 35% Caucasian, while in the general population, African Americans make up only 12.8% and Caucasians comprise 80% (Bureau of Justice Statistics, 2003; U.S. Census, 2006). The racial disparities are also reflected in parenthood among prisoners. African Americans are the largest group of incarcerated parents in federal and state prisons, 49% and 44% respectively. In Minnesota, the black-to-white imprisonment ratio is the twelfth highest in the nation, at nine to one (Bureau of Justice Statistics, 2005).

Many characteristics of the population of children with a parent in prison are still ambiguous due to limited research. Gabel and Johnston in 1995, in their book, *Children of Incarcerated Parents*, made an early attempt to comprehensively review and compile what was known to that date from the existing empirical research. While much was revealed about the issues the children faced from a variety of angles, some of the more concrete statistics regarding these children were unavailable. For example, accurate estimates of the number of children with a parent in prison were difficult to achieve because it was not required that prisoners release this type of information (Johnston, 1995). In the time since, many such questions remain unanswered or inadequately answered. Without a systematic way of documenting the number of children with an incarcerated parent, the precise number and rate of children affected is not known. However, it can be reasoned that as the number of inmates increases, the estimated number of children with a parent in prison likely increases as well. In 1991, 449,600 state and federal prisoners reported they were parent to a minor child and by 1999, there were at least 721,500 parents in prison (Bureau of Justice Statistics, 2003). Counting the number of children by asking incarcerated parents still leaves some ambiguity. Some children maybe double counted when both parents are incarcerated, or undercounted when prisoners are asked if they have children but not how many or if they were adult children. Nevertheless, based on the parent information, it was estimated in 1999 that over 1.5 million children had a parent behind bars, as compared to 936,500 children in 1991. An estimated ten million children have experienced having a parent incarcerated at some point in their lives (Simmons, 2000).

In many cases, there are a host of family problems preceding incarceration, such as poverty, family discord, substance abuse, or other criminal behavior that led to eventual incarceration (Johnson & Waldfogel, 2002; Phillips & Bloom, 1998). Adalist-Estrin (1995) noted that incarcerated parents are likely to have long histories of trauma and limited coping skills, hence finding it difficult to maintain relationships. Prison often diminishes these skills and creates or enhances estrangement between the child and the parent. Relationships may be further strained with awkward phone calls that consist of superficial conversations, avoiding painful or personal topics. The impact of the loss is also linked to how close the parent–child relationship was prior to the imprisonment. Edin, Nelson, and Paranal (2004) observed that among offenders with consistent contact with their child or their child's mother prior to incarceration, the event of incarceration yielded a pronounced negative effect on the incarcerated parent's relationship with the child and the child's mother.

Without access to their parent in prison, the children may face a rupture in the child–parent bond, enduring traumatic stress and inadequate quality of care which can, in turn, adversely disrupt child development (Johnston, 1995; Davies, Brazell, Vigne, & Shollenberger, 2008). Without intervention, children's responses to trauma, like fear, anxiety, sadness and grief, can be manifested in reactive behaviors such as physical and verbal aggression, withdrawal, hyper vigilance, or sexualized behavior. Reed and Reed (1997) summarized the plight of these children:

Minor children of parents under some form of criminal justice control are among the most at-risk, yet least visible, populations of children. Though rising incarceration rates suggest an increasing number of children who have lost one or both of their parents to incarceration, very little is known about this vulnerable population.

The risk of the children eventually being imprisoned themselves is well-documented but with widely varying degrees of severity. In a recent study looking it, 1,427 incarcerated parents with an adult child, 21% of mothers and 8.5% of fathers had an adult child who had been in prison (Dallaire, 2007). Because youth in the juvenile justice system are disproportionately likely to have a parent in prison, and a high number of adults in prison report having another family member who has been in prison, there is a great deal of speculation and concern that not only is there an intergenerational transmission of criminal behavior, but also that for children raised in high-crime neighborhoods, incarceration loses its novelty, or even worse, becomes a sort of badge of honor for some (Krisberg & Temin, 2001; Reed & Reed, 1997).

The duration and distance of the parent–child separation contributes to the impact on the child. In a surveyed sample of 12,633 state prisoners across the country, 54% of those with a minor child had not seen their children since they were incarcerated (Hairston, Rollin, & Jo, 2004). In 1998, the average length of sentence for those incarcerated in a Minnesota correctional facility was approximately 3.3 years and more than doubled that over the following five years, due in part to changes in sentencing guidelines (Minnesota Department of Corrections, 2004). The developmental changes that occur over that additional five years of childhood can be monumental, further exacerbating the difficulties separated parents have in staying connected to their children.

The distance between a child's home and the prison is also a significant obstacle in the child's ability to visit their parent. Hairston et al. (2004) found that among prisoners placed within 50 miles of their homes, 46% had no visits, whereas, among those placed 101 to 500 miles away, 70% had no visits. Sixty-two percent of state and 84% of federal incarcerated parents are held more

than 100 miles from their most recent residence, often in rural settings while the prison population is predominately from urban locations (Mumola, 2000). For many families already living in or near poverty, the distance proves too large an obstacle in getting to visits. While it is rare to find much in the way of transportation aid for these families, in some states such as New York and California, when the child has been placed in foster care, there are policies in place requiring extra efforts be made to ensure the child visits their parent in prison (Genty, 1998). However, even when resources are available to transport the child for a visit, some families report choosing to avoid visitation because of sterile or uncomfortable visiting rooms, child-unfriendly visitation rules, or concerns that prison is not the right place for a child (Krisberg & Temin, 2001; Slavin, 2000). Moreover, children sometimes are affected by caregiver gate-keeping (Davies et al., 2008; Roy & Dyson, 2005). For example, in their study of 40 incarcerated fathers, Roy and Dyson (2005) found that about half of the men reported that the mothers of their children actively discouraged their involvement.

While the risks are evident, what is not clear is the story from the other direction: how many children with a parent in prison do not end up in trouble with the law. For those children who do reach adulthood well-adjusted, it is yet unknown what makes them resilient in the face of all these adversities. Research on resiliency in children despite adversity they face sheds some light on this. There have been some seminal longitudinal studies on risk and resiliency that followed children through much if not all of their childhoods, and while not looking explicitly at parental incarceration, have examined overlapping risk factors such as divorce or separation from parents, poverty, and living in a high-crime neighborhood (Garmezy, 1993; Masten, Miliotis, Graham-Bermann, Ramirez, & Neemann, 1993; Rutter, 1987; Werner & Smith, 1992). The maladaptive outcomes associated with these risk factors include of those sometimes seen in children of incarcerated parents such as delinquency, early alcohol use, poor school performance, and aggressiveness. Some of the key protective factors include social support from non-family members, positive parent-child relationships, religiosity, a positive sense of self, and other external support systems that may reinforce a child's coping efforts (Grossman et al., 1992; Jenson, 1997; Rutter, 1987; Werner & Smith, 1992). We might expect to see some of these protective factors among children with incarcerated parents who do not later have negative outcomes. Because it is the negative outcomes that draw action, the protective factors may be overlooked. In the present study, we enter into it knowing risk factors exist among these children by virtue of the selection process. In light of that we aimed to hear from the children both the negative consequences of having a parent in prison and any positive experiences or attributes they might share.

With the vast majority of available information about children of incarcerated parents arriving filtered through the adults who may or may not reflect what the children actually experience and feel, this study tells a story that is not told elsewhere: how imprisonment of a parent affects the children left behind, as understood through the voices and perspectives of the children themselves and exploring not only what is failing in their lives, but how they survive and even thrive at times.

3. Methods

The present study was designed to elucidate the impact of incarceration on both children and their caregivers. Although we interviewed both children and their caregivers, in this article, we discuss only the child portion of the study; the caregiver perspective will be presented in a forthcoming article. The study used qualitative methods to capture the depth and breadth of each child's experience through in-depth in-person interviews with the children. The study design, interview process, questions, and interpretation of findings were conducted with the input of an advisory board comprised of representatives from criminal justice agencies, academic institutions, community organizations, parents who spent time in prison, and other members from the community who have been directly impacted in some manner by this issue.

3.1. Sampling

The inclusion criteria for children's participation were the following: 1) age 8 to 17 at the study start, 2) had a parent in prison when the study began, and 3) both child and caregiver were willing to participate. The participants were recruited through a variety of means including: 1) targeting neighborhoods based on maps of incarceration and reentry concentrations from the county community corrections, 2) reaching out to community organizations and programs that had contact with families with an incarcerated parent and were willing to share the study information with the families, 3) posting flyers at a wide variety of public places such as community organizations that serve children in general such as recreational centers 4) posting flyers in public places parents or families frequent such as grocery stores, laundromats, restaurants, and libraries.

Thirty-four children from twenty-one eligible families participated in the first round of interviews. Eighty-one percent were retained for the second interview and seventy-one percent of the original group participated in the third and final interview. Attrition was largely due to disconnected phone numbers and participants moving between interview times. The only formal decline to continue with the study came from a family that was no longer comfortable participating after the incarcerated father was released and returned home.

3.2. Data collection and analysis

Qualitative open-ended interviews were conducted with each family over a period of 12 months. In recognition that the results would be largely unknown in this truly exploratory effort, we built into the design three waves of interviews to allow for follow-up and more in-depth investigation into topics the children raised on their own. The children were asked to share their stories and experiences on the impact of having a parent incarcerated. To provide some privacy, the children were interviewed

at the same time as their caregivers but in separate spaces. The interviews took place at a location selected by the participating family including their homes, public libraries, local parks, and the researchers' office. Because a standard interview procedure is unfamiliar and awkward for most children, the interviewers brought art kits so the children could engage their hands, avoid eye contact if they needed, and to help them feel at ease. Many of the children drew pictures and made clay sculptures while sharing.

The interviews were conducted by research assistants and trained interviewers who underwent extensive training before interviews took place. The interviews were semi-structured with pre-determined topics as guides and introductory questions to initiate the response, but allowed the interviewer to ask more probing questions to encourage the participant to present their story in more depth. Because each story was different, the follow-up questions varied to encourage the fullest possible responses.

The interview topics included 1) demographics pertaining to the child, caregiver, and incarcerated parent, 2) facts regarding the incarceration events, 3) perceived social, family, school, and personal changes that arose from it, and 4) coping mechanisms and support. For a small number of closed-ended questions, such as whether or not they visited their parent in prison, or what they understood the offense to be, we tallied and calculated percents. However, the substantive focus of the results is derived from the themes in their stories.

All interviews were digitally recorded and transcribed by an independent transcriber. A random subset of transcriptions were checked by the researchers for accuracy. The interview transcriptions were read by three independent reviewers. After each wave of interviews, they were analyzed for thematic content using a group process with the three reviewers. In this process themes were identified and then confirmed by identifying supporting evidence for them in the interview transcriptions. The results were then presented to and discussed with the advisory board and used to develop the subsequent wave of interview topics.

3.3. Limitations

This qualitative study is exploratory and intended as a starting point rather than an end point. The sample was not random and cannot be said to represent all children with incarcerated parents or even all the children in the metro area. While we opened participation to children of all ages, most of the children were 13 years or younger. It is possible, even likely, that the experiences of adolescents would reveal a different story than told here. Finally, only two of the children had a mother who was incarcerated so the views expressed are more closely linked to the experiences of children with an incarcerated father than with a mother in prison. What this study does accomplish is to offer a rare in-depth look into the thoughts and perceptions of some children with a parent in prison and provide some insight into directions for further research and actions.

3.4. Participants

Of the 34 children, 21 were boys and 13 girls, ranging in age from 8 to 17 years. Sixty-two percent of the children identified as African American, 19% as Native American, and 19% as 'white' or Caucasian. While the research team sought families with either parent in prison, all the responding families had a father in prison, and two also had a mother in prison. Their caregivers were all female relatives: mothers, aunts, and grandmothers.

The nature of the criminal offense that the parent was imprisoned for was asked of both caregivers and children. According to caregivers, the parental offenses were the following:

- 29% drug charges
- 15% robbery or theft
- 9% homicide
- 9% probation violation
- 32% mix of other charges (assault, sex offense, DWI, etc.)

The caregivers of 73% of the children stated that they believed the children knew what the offenses were. However, when we asked the children, 43% said they did not know. Another 38% said they were not sure or answered vaguely ("he did bad things," "he hurt someone").

4. Themes

There were five primary themes that emerged from the interviews. They are discussed here in detail, with examples provided in the children's own words. The themes were: 1) social challenges, 2) awareness and attention to adult needs, 3) the caregiver serving as a gatekeeper of the child-parent relationship, 4) conceptions of prison and feelings of fairness, and 5) resiliency.

4.1. Social challenges

Social challenges here refer to circumstances or factors that inhibit or interfere with the child connecting to those outside their families, having a sense of belonging to the neighborhood and community, or finding others like themselves. All the children faced social challenges arising from having a parent in prison. However, most also demonstrated their resiliency in navigating the difficult social situations they faced in school and their neighborhoods.

Contrary to the assertion that in some socioeconomic and racial groups, having a parent in prison has become normalized and even status symbol, (Hairston, 2002), none of the children in this study evinced any signs of this. The children in this study seemed keenly aware of negative assumptions that might be made about them because they had a parent in prison. Far from feeling normal, several children described facing the crossroads of deciding whether to reveal their situation or keep it private. One nine year old took the risk of being open about his dad:

Well, because you know how kids are? They like, oh where's your dad? We don't hardly see him as often. It's always mom picking you up. And then it starts...then I tell them well, he's in prison. And then they start being smarty pants, and then it turns into a whole conversation, and like, it takes me awhile to get the darn thing out of my head.

One young boy, when asked if there was anyone with whom he did not talk to about his dad, but wished he could, replied that he wished he could share with his friends, but was conflicted about it, "I just want to, but I just don't want them to know, so I don't tell them about my dad."

It is not uncommon for children whose parents are incarcerated to demonstrate a strong desire for privacy. In one study, professionals leading a support group for children of incarcerated parents noted that confidentiality was a central desire of the participants and that in casual conversation these children would go out of their way to avoid revealing the nature of their participation in the support group (Weissman & LaRue, 1998). Many of the children in the study indicated that it was important to keep one's family business private. This was a value that was strongly expressed by several of the caregivers and reflected in the children they cared for as well. A 12 year old, when asked if he told his close friend about his father's imprisonment said,

No, because I like to keep my business private. Sometimes I talk to her, sometimes I don't. I don't like to talk about my business because it's private to me.

It was striking that nearly all the children and youth understood their need or desire to reveal their secret with others and the risks associated with doing so. Another boy said that he never shared about his father's whereabouts because that was the family expectation. He said he would tell his friends "my dad was at work because my mom said I'm supposed to keep everything that she tells me and that my dad tells me to myself."

The importance of privacy was expressed the most among the older children and proved difficult to sustain. One teen shared about her privacy being violated after her school counselor learned about her father's imprisonment,

I went down to her office and my friends are all trying to look through the cracks through the door. And then she just started talking to me about it. And then I just started crying and I was really angry. Then I stormed out of her office and I just went and cried in the bathroom. And all my friends were like what's wrong, oh my gosh... If I was standing in the hall she [the counselor] would come up to me and ask 'so...how is you feeling today? How is everything going?' Right in front of everyone.

Once the secret was out, it could be difficult to control, as a pre-teen girl explained,

My best friend promised she wouldn't tell anyone but then she told the other three girls in our group, and their parents and then, like it got out of control and just, like everyone knew about it all of a sudden.

Some children sought others like themselves with a parent in prison. This was a delicate matter because it required one child to be the first to reveal their secret. About a quarter of them shared that they knew of other children with a parent in prison and had spoken with them about it. Some of them referred to that connection as a catalyst for a new friendship. One child remarked, "Well, my friend, his dad is in prison. That's why we're such good friends. Everything is so similar about us." Another remarked, "my best friend, me and her talk about everything and we talk about our parents... and my friend's uncle is in prison. We talk about everything."

One teen girl described it much like finding another family member. In middle school she had met a girl who expressed anger about her dad. Finally when asked directly why she was so angry, the girl explained her father was in prison. This sparked a friendship in which the girls shared their experiences, with the friend concluding, "oh my gosh, you're my sister."

Not all the children found this sort of connection and companionship. One child learned of another whose father shared a cell with her own father. However, the two did not get to know each other after that, or talk more of it, but rather seemed uncomfortable with that knowledge. The majority of the children, however, stated that they did not know others outside their own family with a parent in prison.

In light of the isolation felt by some of the children, we asked them who they looked up to or saw as a role model. Some did not have difficulty identifying someone, most often naming their mother or other close family members, even in one case the parent in prison. Almost none of the boys could name a male role model. Some struggled with this question and concluded that they could not think of anyone they looked up to in their families, neighborhood, or elsewhere in their lives. One child thought a long time and finally said, "I don't really have anybody to look up to. I have nobody to follow in their footsteps." Another child simply answered, "A role model? No one."

The children who suffered from social stigma and isolation were at times able to locate some supportive resources, but on the whole, they were without role models, unable to connect to others like themselves, or to find trustworthy people who would help them feel less marginalized in general.

4.2. Child's awareness of adult needs

The loss of a parent to prison may have the effect of an increased importance of the remaining parent (Hagen & Dinovitzer, 1999). The stresses faced by the caregivers as well as the incarcerated parents did not go unnoticed by most of the children. The children were remarkably sensitive to, and attentive of their caregivers' needs and emotions. Their concern often stretched simultaneously in two directions, to the caregiver and also the incarcerated parent. In situations where the caregiver had a good rapport with the incarcerated parent, this presented little conflict. However, when there was a strained relationship between the caregiver and incarcerated parent, the child sometimes faced the dual stress of worrying about both parents, while feeling pressured to conceal or understate the concern over the incarcerated parent.

Even when the caregivers shared in their interview that the children were unaware of their own strains, the children revealed that they were in fact keenly attuned to their caregivers' stress and often worked to ease it by taking on adult responsibilities. These efforts surfaced when we asked the children to share what they appreciated the most about their caregivers and what they would change, if anything. The children expressed a great deal of appreciation and gratitude for the caregiver's efforts in raising them in the face of challenges. The children were observant of their caregiver's emotions, reflecting their understanding of the caregiver's needs with precocious clarity and empathy.

While most of the children were very connected to their caregivers' emotions, there was variation in how vulnerable they felt. One young child expressed concern over the welfare of his mother. When asked what, if anything, he would change about his family, he replied, "Well, you know, I wish that she could, you know, she breaks herself a lot. I wish she wasn't as fragile." Similarly, an older boy was able to see past his mother's angry behavior and understand from where it stemmed,

My mom kind of got more aggravated and she started yelling more because she's so stressed out. I think [it is due to] finding out that my dad did all that stuff and that she wasn't able to stop it or do anything about it.

Some of the children fell into adult-like roles for the caregiver, the incarcerated parent, or both. Some explicitly saw the need to fill in the role of absent father while others took on responsibilities in a more subtle way. An eight year old assumed the role of protector,

I really don't really like to snuggle with my mom anymore, but I still love her a *lot* and if anything happened, like robbers came in the house, they would have to go through me first to get to her.

One set of siblings were permitted to go to their father's house between prison terms and care for him while he suffered from cocaine withdrawal. They went so far as to wash him, feed him, and do his laundry. A girl, after hearing reports from a friend who saw her father being arrested while looking thin and underdressed for the cold weather, asked her mother to buy him clothes and get him food. Worries about food and clothing were stated by other children as well. Several asked their caregivers if they could send their incarcerated parent socks, food, and other basic items to ensure their needs were met.

While it cannot be denied that the children's awareness of their caregiver and imprisoned parents' needs added additional stress in many ways, being tuned in to family needs and willing to assume more responsibilities has a positive side as well. For some children, it gives them a sense of purpose and ability to contribute something to the family. For others, it brings out a nurturing side of them. The information gained here, though, is that the children knew much more about what was happening, what was needed, and what caregiver and parent concerns were than the adults often realized.

4.3. Caregiver as gatekeeper of child–father relationship

Caregivers, whether they choose to or not, become gatekeepers of the child's relationship with their incarcerated fathers. Caregivers are in a pivotal position as they may facilitate a relationship between the children and their father, or prohibit it both in terms of direct communication between the two and in terms of how they talk about the incarcerated parent to the child. The children, in turn, are dependent on their caregiver's actions to nurture or inhibit that relationship. Either position may be healthy or not depending on the situation. In some cases, limited contact was the healthier choice as it protected the family from further abuse or other damaging consequences of various criminal activities, some of which involved maltreating the children themselves. We learned that even when a caregiver wished to remain neutral, she ultimately had to be involved, even orchestrate, the relationship because there was translating to be done on both sides. That is, the child depended on the caregiver to interpret the incarcerated parents' behavior, to explain nuances pertaining to prison life, or to even coach the child in how to communicate with the parent.

There was a great degree of awkwardness in phone communications and in-person visits which increased with the length of incarceration or distance between communications. We heard stories in which incarcerated fathers asked older children questions that felt babyish to the youth such as a reference to a cartoon the child enjoyed long ago, leaving the child embarrassed or frustrated. During visits it was not unusual for the father to want an enthusiastic or affectionate welcoming from a reluctant child. One father stormed away from the visit in anger when his young daughter would not give him a hug on demand. The child in this instance relied on the caregiver to help her understand why her father left during a rare visit.

Nearly all the children indicated that they wanted to maintain an active relationship with their incarcerated fathers, even when they held hurt, angry, or fearful feelings toward them. Much like divorced parents, the primary care provider has a great deal of influence over the child's perception of the non-custodial parent. However, this group of families differs in that there is a

stigmatizing event (incarceration and the charges that led to it) that must be explained, as well as externally controlled physical distance has been forced upon them, regardless of whether they find it appropriate or not. Contact, even when desired by all parties, was difficult at best because of transportation obstacles, visitation and phone regulations, and the child-unfriendly visiting spaces and rules.

When we asked the children about their contact and communication with their imprisoned parent, the caregiver's gate-keeping decisions were reflected in their answers. Some children were keenly aware of their caregiver's feelings about their father and internalized those feelings themselves. Others expressed knowledge of their caregiver's feelings but did not fully agree with or understand them.

One of the youngest children in the study did not know where his father was or even know what his father's name was, but maintained that he missed him. When asked why he did not see his father, he answered, "my mom don't like my dad." Another child whose mother was in prison told us,

I would like to see my mom more but my auntie don't like me seeing her...she's clean, but I don't know why my auntie don't want me seeing her.

One girl mentioned siblings on her father's side whom she rarely saw because of her mother's reluctance to sustain those relationships. She disclosed a plan to use an older sister on her father's side to slip her phone number to her father so that she could reach him,

My mom doesn't want me to give them [dad's side of family] my number. But I want to give it to them because they will give it to my dad and he can call me.

In some instances, the father had been violent or aggressive to the caregiver prior to imprisonment and the caregiver expressed intense fear around the impending release from prison. In these families, we saw the children's reaction to the caregiver's fear and anxiety. One boy described a time when his father had been released from prison for a short period,

Mom knew but she wouldn't talk to us because I think it scared her more. Because she was scared... sometimes she like shakes or she has tears in her eye, so we don't talk about it as much because it hurts her. He did really bad stuff to her.

When asked if he had seen his dad recently, he replied "Mom's too scared to even let us see him. Mom tells us that he's close to getting out."

Some children responded to their caregiver's fears by internalizing it themselves, even when they had very few of their own memories of their father. Often these children vacillated between feeling afraid and feeling the urge to protect their caregivers, the latter most often among boys. One child who had shared that he was afraid of his father was only a toddler when his father was incarcerated, but his choice of words regarding his own feelings were remarkably similar to his mother's in our interviews with her. When asked what he remembered about his father, he described his memories through his mother's stories,

I would try to protect my mom by pushing [dad] away [when they fought]. I didn't remember that. My mom told me I was always pushing him away.

Throughout the interviews, this child continued to express anxiety about his father's impending release and fantasies of protecting his mother throughout the interview. In his mother's interview, she had expressed a fear that the police would provide their address to the father upon release; the boy observed this as well,

I knew I was going to be scared when I grew up. And actually it scares me to even remember these things. I just feel scared because, you know, I know the cops wouldn't do this, you know, like tell him where we were, but if he were to find out then that would be bad because I think he would try to hurt mom again.

Another young child spent much of his interviews discussing his conflicted emotions about his fear of his father's release, yet simultaneous feelings of longing for him,

I don't know when he's going come out, but I know he's going get us. He probably... I think he's going to get a new house. We don't see his house though, but my mom wants us to have a person around, like my [maternal] grandma and stuff because she doesn't want us to... want us to like let him steal us. My [paternal] grandma thinks he wasn't bad... but he was bad. She says, 'don't worry' and stuff like that. But, my mom says he's going come out in a few weeks. Deep in my heart I miss him, but outside of my heart I don't. He's mean, mean, mean and my brother protect, protects my mom when he was in the protecting position. Well, least we got a picture of him. I really want to show you him.

The most common caregiver of children is their mother, who in turn, almost by definition, has a current or historic relationship with the incarcerated parent. This makes it nearly impossible for the caregiver not to have their own set of emotional reactions to the incarcerated parent that will influence how they handle the child's relationship with the incarcerated parent. The influence may unfold to be encouraging of a healthy child-parent relationship or not, but either way, what makes this situation unique is how dependent that child-incarcerated parent relation is on the caregiver's feelings and decisions.

4.4. Perceptions of prison and fairness in sentencing

Most of the children had not visited a prison. Fifty-seven percent said they had never visited their parent in prison. Another 14% were unsure, in part because the last visit was when they were a baby or toddler. Of those who had never visited, they cited three reasons for not visiting: 1) their caregiver did not want them to see the parent (30%), 2) the child did not want to see the parent while in prison (20%), and 3) they did not have either the necessary documentation for a visit or enough information about how to go about visiting (10%).

We asked them what came to mind when they heard the word, "prison." Most of the children answered immediately and assuredly as if this was a question they had previously pondered. Those who had visited a prison drew from their direct observations during visits. For these children, fear was a common theme. Some spoke of feeling afraid on the drive there. Others expressed fear of the other prisoners during the visits. One boy disclosed that he did not feel safe during his visits,

It wasn't safe there because there were a lot of people that just looked like, just looked real bad and this and that. There was a lot of arguing with other people.

Another boy's perception of prison centered around the security rules,

It's got a lot of doors you can't open. There's this desk with two guards. They call us over. And you can hug him [dad] and go and sit down. You can't get up, but if say you had to go to the bathroom, you can't go back in there.

A girl noted the physical appearance of prisons and how it must influence the mood of the place,

Well, you could tell nobody's happy there, because there's a lot more iron bars. When you're driving up you can see the windows cover the bars.

Children who had never visited their parents in prison had only their imaginations, their imprisoned parent's stories, or movie images to help them create a vision of prisons. They revealed a wide range of images of prison, from frightening to almost enjoyable. One child shared an image that he pieced together from nuggets of information from phone conversations with his father and his own imagination,

You have to stay in a cave. Metal doors and they are kind of like a stick, but it's metal. They have no bathroom. In their rooms, they just have a toilet. And they don't have no clothes to wear. They only have that orange stuff that they wear everyday. And they eat bad foods. And that's it.

Others imagined their father's actions, "[prison is] bad because I think he screams and yells so that he can get out." Another responded with hope, "He'll sneak out jail, like he said that he could, if they said that he could go on vacation then he'll just stay out." The perceptions were not always negative. Some imagined a more pleasant place,

"There is a gym there, and that there is a basketball hoop there. And fun stuff there. And yeah, they used to have a college."

Another responded,

"They have to do everything they ask you to do. They have cable there. And they get letters from people and Christmas presents."

Most of their perceptions made it clear that there was little opportunity for children to learn accurate and balanced information about what prison is like and what it is about. In the absence of information, children will turn to their imaginations.

Throughout most of the interviews, the issue of fairness around the parent being in prison surfaced. Many, though not all, of the children indicated they understood their father committed some type of crime and as a consequence had to go to prison while simultaneously sharing that they missed and loved their parents and did not want them in prison,

"Yeah...because he broke the law... I love him but it's fair."

Others were adamant that it was not fair because their parent, they argued, only committed a minor crime or that it was unfair because their parent was being taken away from their home,

I don't think it's fair, but he had to do it. [It is unfair] because they take him away from his family... he's not around his family and he just can't be able to walk out of the house and just be able to talk to his friends.

It was evident that this presented a dilemma for many of the children at a time when they were starting to recognize that there should be consequences to illegal behavior, yet those consequences also negatively affected them by denying them access to the parent they loved.

4.5. Resiliency and coping

Perhaps the most striking observation during the interviews with the children was their resiliency. Most did well at school, with several excelling beyond their peers. Fifty-three percent of the children described themselves as doing “well” or “really well” in school with most of the remainder doing, “okay”. One child was severely academically struggling. Only two of the children reported significant behavior problems at school, which was confirmed by caregivers, and one child had engaged in delinquent behavior.

Most of the children spoke of their lives in a positive light despite the adversities they confronted. On the whole, they spoke lovingly of their families and friends, described things they looked forward to or were excited about, and held a positive view, albeit not always realistically, about what their lives would be like when their parent was released.

Yet, all the children in the study experienced stress in one way or another as a result of having a parent in prison. For some, the imprisonment was a loss of an actively or at least partially engaged parent from the child's life. Others experienced it indirectly through the strain of their caregiver who lost emotional, financial, or other support. For a few of the children, the incarceration was the culmination of a string of dysfunctional behaviors that were already stress-inducing. Because these children are more likely to come from families and communities already struggling in other ways, it can be difficult to tease out what stress belongs to incarceration and what belongs to poverty or family discord, etc. Hagen and Dinovitzer (1999) discussed this in terms of a *selection perspective* which suggests that incarcerated parents and their children have differences from other families long before the incarceration and that the impact of imprisonment is critically linked to those differences. In the end, while it is difficult to ascertain what the additive effect of imprisonment is on what may already be a strained family situation, it is evident the children are in need of support.

We learned from the voices of the children themselves that have been shared here thus far that many of them struggled with feelings of isolation, anger, disappointment, and worry both directly and indirectly about the incarceration. This is the side of the story that is most often anticipated and consequently heard. However, there is another, equally important aspect of their stories and that is their resiliency. Some of the children had strong supportive people and resources to help them, an asset that is well-documented as important in later-life resiliency (Scales & Leffert, 1999; Werner & Smith, 1992). Even children who did not have another adult to turn to often sought or found creative venues to help them cope. The concern, naturally, is that if the resiliency of the children and their caregivers is emphasized too much, then the hard-won sympathy for these families will be at risk.

It was impressive how many of the children found healthy outlets for their feelings or creative coping mechanisms to get them through hard times. The most common way of coping was getting involved in activities like sports, theatre and church. This turned out to serve several purposes for the youth: 1) they were able to engage in something that built some confidence through new skills, 2) it was an outlet for anger or frustration, 3) it provided a focus beyond the stress at home, and 4) often it opened them to new opportunities for friendship. One youth explained it succinctly,

...I've been caught up in basketball and boxing. So, I haven't had no free time... it gives me something to do. It's a way to get out my anger.

Another child turned to theatre when news of her father's incarceration spread. Through theatre, she found a new group of friends who accepted and even appreciated her for what she'd experienced,

I have a lot of good friends and theatre is fun. And a lot of people talk to me now. Like at first, everything with my dad, someone found out and told everyone... and I was like ok, I don't care any more. But then, everyone started finding about that, [and said] 'oh well if you went through all that how are you so normal?'

Church and faith was important to many of the children. Church offered an immediate support group while their faith helped them feel that their struggles had a deeper meaning. One boy presented a particularly poignant parallel as he related his life to that of the Biblical character Job:

One that I kind of remember is the story of Job. Where God let Satan take things from Job... but Job never curses God. Job gives everything back tenfold. I'm kind of hoping that will fall through a little bit. I mean my dad being gone is something that's really good. And football is something that is really good. And I have a lot of fun at church and I have friends from there.

Others turned to prayer,

I pray. It helps me calm down, because I have to talk sometimes and I say a prayer and it just goes away or I start laughing. Laughing and laughing and I don't stop laughing, and then I forget about it.

Many of the children showed remarkable maturity for their age, for some, according to their caregivers, a function of having more responsibilities on their shoulders and of rising to the challenge of being more self sufficient. One adolescent youth shared how he looked to the future and an emerging sense of his own independence and power to help him cope,

I think I have learned to think for myself a little bit more. Because I did that [when dad was around] he would get mad if I didn't do what he told me to do. I don't think I am as afraid to do what I feel I need to do. Like college is coming up. I don't just want to do something because somebody else thinks it's good for me. I want to be able to do a job that I would want or something like that.

For many of the children, they simply needed a place or an outlet to feel 'normal,' that is some place where they fit in and could excel in a skill. Although not all the children found healthy avenues for handling their feelings, overall, they were remarkably creative and resilient. The children in this study were, on the whole, quite resourceful in finding healthy outlets to help them cope with the stresses they faced as a result of having a parent in prison.

5. Policy, service, and community action and alternatives

Addressing the needs of children with incarcerated parents may be best accomplished by both policy changes and community action. Recommended policy changes include instituting a plan for considering children's needs at the time of sentencing and changing prison visiting policies to be more child-friendly. Recommended community actions include efforts aimed at increasing public awareness, collaboration between services and agencies serving these children, and finding mentors for children during their time with an absent parent.

Adjusting judicial procedures is an important venue for change. Current judicial procedures do not typically consider children's or families' needs. Inserting consideration of children's needs in the form of a 'family plan' into the sentencing process is one way to address this. It could take the form of expanding pre-sentencing investigations to look at the family unit and the potential impact on the children and caregivers. It would establish a process in court or prison to review visitation and parent rights upon sentencing or arrival to prison facilities. Part of this would include considering the distance between the child's home and the prison when selecting the facility. On a broader level, there are currently efforts in the form of a Bill of Rights for Children of Incarcerated Parents to move federal legislation forward that will protect the children. The Minnesota Council on Crime and Justice is one of fourteen partners across the United States working on this, focusing most of their energy to create arrest protocols that take into account children's needs, encourage family-friendly visiting policies, and develop training for police officers, schools, and correctional facilities to be sensitive to children's needs.

Perhaps the most telling and consistent issue for the children in this study centered around visits in prisons that have rules and physical space that are not conducive to children's needs, as well as obstacles to having visits at all for some of the children. Children will likely cause fewer disruptions in a setting that has toys or other activities for them to do with their parents, and with rules that recognize their needs such as physical contact with their parent and space to move in for younger children. Funding for a regular bus service that transports families to prisons for visits may accomplish two tasks at once: allow for more consistent parent-child visits, and provide an opportunity for families with parents in the same prisons to meet, communicate, and support each other. There have been some successful efforts in this direction. In Minnesota, the Council on Crime and Justice ran a family visiting bus to prisons until the funding was ended. Girl Scouts Beyond Bars helps girls in 17 states achieve weekly visits with their mothers (Block & Potthast, 1998; GSA, 2008).

Educating the public to increase awareness of the existence of children with a parent in prison and their needs may help reduce some of the isolating stigma as well open new resources. Many of the children in this study revealed an effort to keep their parent's incarceration secret and an anxiety about the secret being revealed. Some who found a way to share their secret learned they were not as alone as they had anticipated. The more that children and youth are educated on parental incarceration in general, the more freedom they will have to open up to each other and meet others in similar situations. Public education may lead to greater awareness which in turn may lead to more collaborative advocacy on children's behalf.

Education should not be aimed only at adults, however. All children need access to accurate age-appropriate information about their peers who have a parent in prison and, for those with a parent in prison, information that gives them more than their imaginations from which to draw their images of their parent in prison is necessary. For children who are about to embark on a first visit, it is imperative that they are given information about what to expect, the more detailed the better. If there are rules, such as how much they can touch their parent, they need to know this ahead of time. A description of the visiting process and space will help them to accurately visualize the impending experience and reduce unexpected surprises. Debriefing with children after visits will give them an opportunity to clarify anything they may not understand or have already misunderstood. Finally, education is needed for parents in prison that extends beyond discipline practices and basic parenting tenets to include information about child development to help them understand the changing needs of their children while they are gone.

Existing community services aimed at children can be tailored to meet some of the more specific needs of children with a parent in prison, or collaborate with other agencies. There is currently a new interagency initiative for youth announced by President Bush in February of 2008 aimed at supporting communities and organizations that serve youth, particularly at-risk boys, to "motivate caring adults to connect with youth in three key areas: family, school, and community" (Bush, 2008). Community recreation centers and other programs serving children, especially in neighborhoods with high numbers of incarcerated adults, may already be working with children who have a parent in prison. There may be opportunities here to reach out to children and families through support groups or special activities designed for them. Schools certainly encounter children with incarcerated parents and may be a neutral place for these families and children to meet each other and support each other, if the either school staff or other service providers were permitted to meet with families there.

More than offering a space to meet or formal support groups, community organizations can be encouraged to establish mentoring programs for children of incarcerated parents. The U.S. Administration for Children, Youth, and Families currently funds some programs that serve children to target mentoring services toward those with a parent in prison. Examples of funded programs include Big Brothers Big Sisters (BBBS), Girl Scouts, Volunteers of America, The Salvation Army, and other community-based programs (Mid-Atlantic Network, 2003). The BBBS located in the metro area of the children in this study is a grantee as well. BBBS saw that a large proportion of the children they served had a parent in prison and sought federal funding to develop a

mentoring program specific for this population of children. This is not without barriers. Any mentoring program needs mentors; they often have a shortage of male volunteers and of men of color in particular (BBBS, 2007). While existing mentoring programs are well established in these efforts, some possibly untapped mentor sources may include retired individuals with available time, corporate sponsors of mentoring, or college students.

Turning to the resilience seen in some of the children in this study, for many it was their faith in God that supported them. Engaging the faith community to specifically reach out to children with a parent in prison and their caregivers and give them a welcoming place to talk without fear of being ostracized may help reduce some of the isolation felt by the children as well as the caregivers. Finally, an overlooked mentoring resource is children themselves. Again, looking to their resilience, many of the children in this study were well-adjusted, well-connected, and were comfortable sharing freely with peers about their parents' incarceration. This is an untapped resource to other children. Some of the older children might be open to participating in a panel or group discussion with other less-connected children who have a parent in prison thereby bringing down some of the walls of stigma and isolation.

6. Summary

The impact of parental incarceration on children is a complex and delicate issue. For some children, the separation from their parent while incarcerated may be beneficial, as when the parent was a destructive force or otherwise detrimental to the child's well-being. For most however, it is vital to maintain the connection even throughout the incarceration. This study represents the opinions, thoughts, and experiences of a small group of mostly pre-teen children. Drawing conclusions from such a small sample of convenience should be done with caution. That said, their stories do offer some insight into the effect of incarceration on their lives and give some hint of directions that can be taken better meet their needs.

In general, a key to supporting children is supporting their parents and caregivers. We learned that all of the children in this study were keenly aware of their caregiver's stresses and many went to great lengths to alleviate them. Providing tools and support to help parents and caregivers cope emotionally, mentally, and financially may make these burdens less visible and overwhelming to the children. Caregivers specifically need access to information about helping their child cope with a parent in prison. As the children here revealed, when a child does not have adequate information about his or her parent, the child is left with only their imagination.

We also observed that many facets of the children's relationships with their incarcerated parents were heavily influenced or dependent on the caregiver. When prison visits are realistic and accessible, it allows the child and incarcerated parent to have a direct relationship rather than one filtered through the caregiver. The more direct communication a child has with their incarcerated parent, the less the caregivers must fill in missing details. A child who has more access to their incarcerated parent may have the opportunity to feel more connected and perhaps less worried about the parent. When incarcerated parents can see their children regularly, particularly in light of longer sentencing practices, the more they will be aware of their child's developmental changes and sustain a meaningful connection with them. Finally, when children can speak directly with, or see in person, their incarcerated parent, it gives them a more accurate understanding of what prison is about and what they can expect from their parent and the penal system.

The children in this study, by and large, were remarkably resourceful in finding outlets for their feelings and avenues to fit in with peers. Even so, some children remained isolated and fearful of social stigma. Children who do not have adequate coping mechanisms need more direct support such as a person they can talk with, or a support group. There are efforts to establish mentoring programs explicitly for children of incarcerated parents such as the 2003 federal grant program discussed earlier. However, while a number of mentoring programs are underway, there is still a shortage of African American male mentors who represent the greatest need, yet are in the shortest supply. In keeping with the notion that we can support children by supporting their parents, a mentoring program for caregivers may also be important, especially for those parents in need of an outlet to express their concerns other than in front of the children. The stories and experiences shared by these children only touch the surface of all they face and all they surmount. We have much yet to learn from them and hope that this is only the beginning of opening an ear to their perspectives and experiences.

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Declaration of G.C.R.

I, G.C.R., declare:

1. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows:
2. I was born in [REDACTED] in [REDACTED] El Salvador. I have one daughter, [REDACTED] [REDACTED] and two sons, [REDACTED] and J.A.R., who is 12 years old.
3. My older son, J.A.R., and I have been detained at Karnes County Residential Center in Texas for nine and a half weeks.
4. I came to the United States with my son J.A.R. to escape from physical and sexual abuse by [REDACTED] who was the father of my sons and also a gang member. J.A.R. and I also fled so that we would not be killed by members of a gang that was a rival of [REDACTED] gang.
5. When I was a teenager living with my mother, I began to be approached by [REDACTED] who, at that time, was just a gang member who lived near my mother's home. I moved in with him when I was about 18 years old and he later became the father of my sons. He was about 25 years old at that time and a member of the Mara 18 gang.
6. When I was still living with my mother, [REDACTED] approached me repeatedly when I went out on errands, and he would try to get me to go off with him. I did not want to go with him, but I was also afraid of resisting him: he was a gang member and he said that I would be his woman willingly or unwillingly.
7. Then, one day, he took me by force. He told me that I had to go with him or else his fellow gang members would rape me.

8. Eventually, I went to live with him, and we lived together for about six years. During that time, he abused me physically and sexually. He hit me all the time and once attacked me with a machete when I did not want to go with him to a party. I still have a large scar on my leg from that attack.
9. I tried to leave [REDACTED] but he always found me. When I tried to leave, he always brought me back home and raped me for punishment.
10. I never reported him to the police because he said that, if I did, he would finish me off. I believed him because it is known around my area that, if you report something to the police, the person you reported will find out and will take reprisal. [REDACTED] has told me that, even if he were locked in jail, he would use his friends on the outside to hurt me.
11. Finally, [REDACTED] was arrested for killing another gang member. He served eight months in jail. That was the first time that I was a little bit free, but he still called me all the time from jail to make sure that I was under his control.
12. When he got out, I tried to hide at my mother's house, but he found me and made me live with him again.
13. Some time later, [REDACTED] went to jail for seven years for another homicide. He is still serving time, but he will be out in the next few months. He called me in October 2014 to tell me that he will be getting out soon. He said that I had to bring his sons to visit him. I said that I couldn't do it. He also said that, if I didn't get back together with him, he would find me and kill me.
14. [REDACTED] gang membership has caused my children and me to be targeted by members of a rival gang. The MS gang is a rival of the Mara 18 gang. [REDACTED] was a known Mara 18 member, and some MS members in our neighborhood knew that.

15. Some of the young MS gang members at J.A.R.'s school realized that the father of my sons was [REDACTED]. They started threatening my sons when they were at school and beat J.A.R. up one time. They targeted our family because of our connection to [REDACTED].
16. I finally had to take J.A.R. out of school so that he would not be beaten or killed. Finally, I went to the police to file a complaint against the gang members who were harassing my son and making it so that he could not go to school. The police didn't do anything even though my son was physically attacked. They just gave me a phone number and told me to call them if I had a problem again.
17. The gang members found out almost immediately that I had gone to the police. The next day, the gang members came to my house late at night. My two sons were with me and the gang members told us to come outside and said that they were going to kill us. We stayed inside and knelt and prayed and the MS members kept telling us that they were going to kill us. My son loudly asked the Lord to get the bad spirits out of our house, but the gang members heard him and said they were our gods. I called the number for the police, but no one answered.
18. I knew then that I and J.A.R. could not stay in El Salvador, because of both [REDACTED] and the gang members that threatened me and my son at home.
19. I had to leave my other son and daughter with family members because I could not bring three children with me on such a difficult journey.
20. On October 29, 2014, J.A.R. and I entered the United States and were arrested by immigration officials. They took us to a very cold jail and we had to stay there for about two days.

21. The immigration officials then brought my son and me to the Karnes County detention center, which is where we are imprisoned now.
22. I was interviewed by an asylum officer on November 19, 2014. I told the officer that we had come to the United States because there was no other way to escape [REDACTED] or the gang members that were trying to kill my son and me. I showed the officer the scar from the machete on my leg.
23. On November 19, 2014, the asylum office decided that I was telling the truth and that what happened to me could be a basis for granting me and my son asylum.
24. On November 25, 2014, ICE officials at Karnes signed a form indicating that my son and I would be scheduled for hearings on our asylum claim in immigration court. On November 28, 2014, they gave me that form along with a notice that they had decided not to release my son or me from detention.
25. The immigration officials refused to release us even though I told them that my sister, who lives in Indiana, offered to be our sponsor. She agreed to provide housing and support for me and my son during the asylum hearing process. [REDACTED]
[REDACTED] She knows very well that my son and I escaped from a dangerous and traumatizing situation and that it is critical for us to get lawful status in the United States. My sister will help ensure that we attend every court date and appointment with immigration officials.
26. My son and I also know that it is important to attend immigration court proceedings. We would follow any orders given by the immigration judge or officials if released from detention. But, despite these facts, the immigration officers still refuse to release us to

my sister's house. They keep us in this jail even though neither my son nor I have been convicted of any crime.

27. I requested a hearing before an immigration judge to ask for my and my son's release from detention. I was scheduled to go before the immigration judge on December 22, 2014, to discuss whether I can be released from detention. I did not have a lawyer to represent me in the bond proceeding before the immigration judge.
28. I do not speak English. I cannot read or write in any language.
29. A lawyer went with me to my hearing on December 22, 2014, to immigration court. I had just met that lawyer on the day of the hearing and she agreed to help by going with me to ask the immigration judge to give me time to find a lawyer to represent me.
30. The immigration judge scheduled me for a bond hearing on January 14, 2015. I now have a lawyer who will represent me in seeking release.
31. My son is doing very poorly in this prison. He has a heart condition that makes his heart beat very, very quickly. Sometimes, when it is bad, he tells me that he cannot breathe. I told the asylum officer about it, but no one has done anything about it.
32. My son is barely eating, and I am afraid for his health. He also has nightmares almost every night. I know this because we sleep in the same room. He wakes up and tells me of dreams in which gang members are chasing him, his younger brother, and me. He has these dreams over and over again.
33. I am depressed and scared. I knew that I had to get out of El Salvador because the MS gang or ██████ would have surely killed us. But now I don't know how to help my son or myself in this place and I have no idea how much longer we will be here.
34. By January 14, 2015, my son and I will have been detained for ten and a half weeks.

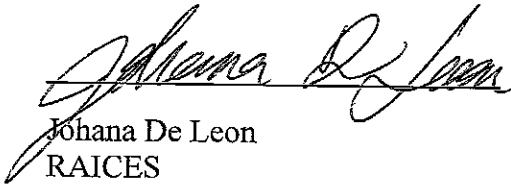
I declare under penalty of perjury of the laws of Texas and the United States that the foregoing is true and correct. This declaration has been read to me in Spanish, the language that I best understand, and I understood it and agreed to its truth and correctness before signing. Executed this 6 day of January, 2015 in Harris City, TX

X

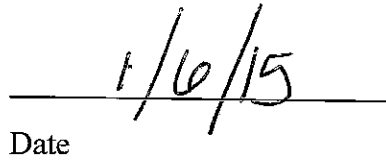
G.C.R.

CERTIFICATE OF INTERPRETATION

I, Johana De Leon, hereby certify that I interpreted the above declaration from English to Spanish to G.C.R. before she signed the document, and that I am competent in both English and Spanish to render said interpretation.


Johana De Leon
RAICES

5121 Crestway Dr., #105
San Antonio, TX 78239


Date

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

R.I.L.R., et al.

Plaintiff

v.

Jeh Johnson, Secretary of the Department of Homeland Security, in his official capacity, et al.

Defendant

Case No.: 1:15-cv-00011 JEB

AFFIDAVIT OF SERVICE

I, Robert Proffitt, a Private Process Server, being duly sworn, depose and say:

That I have been duly authorized to make service of the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief; Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Exhibits 1-5 to Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal; Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal Exhibits 1-2 to Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously Filed Under Seal; Amended Motion for Preliminary Injunction with Memorandum In Support of Amended Motion for Preliminary Injunction, [Proposed] Order Granting Plaintiffs' Amended Motion for a Preliminary Injunction, and Exhibits 1-16; and Plaintiffs' Amended Motion for Class Certification with Plaintiffs' Memorandum In Support of Amended Motion for Class Certification, [Proposed] Order Granting Class Certification, and Exhibits 1-3 in the above entitled case.

That I am over the age of eighteen years and I am not a party to or otherwise interested in this matter.

That on January 08, 2015 at 1:45 PM, I served Jeh Johnson, Secretary of the Department of Homeland Security, in his official capacity with the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief; Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Exhibits 1-5 to Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal; Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs'

G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal Exhibits 1-2 to Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously Filed Under Seal; Amended Motion for Preliminary Injunction with Memorandum In Support of Amended Motion for Preliminary Injunction, [Proposed] Order Granting Plaintiffs' Amended Motion for a Preliminary Injunction, and Exhibits 1-16; and Plaintiffs' Amended Motion for Class Certification with Plaintiffs' Memorandum In Support of Amended Motion for Class Certification, [Proposed] Order Granting Class Certification, and Exhibits 1-3 at 3801 Nebraska Avenue, NW, Washington, DC 20528 by serving Sarah Ahn, Employee/Legal Department, authorized to accept.

Sarah Ahn is described herein:

Gender: Female Race/Skin: Asian Hair: Black Age: 38 Height: 5'6" Weight: 110

I declare under penalty of perjury that I have read the foregoing information contained in the Affidavit of Service and that the facts stated in it are true and correct.

1-8-15

Executed on:



Robert Proffitt
CAPITOL PROCESS SERVICES, INC.
1827 18th Street, NW
Washington, DC 20009-5526
(202) 667-0050

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

R.I.L.R., et al.

Plaintiff

v.

Jeh Johnson, Secretary of the Department of Homeland Security, in his official capacity, et al.

Defendant

Case No.: 1:15-cv-00011 JEB

AFFIDAVIT OF SERVICE

I, Ted Metzger, a Private Process Server, being duly sworn, depose and say:

That I have been duly authorized to make service of the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief; Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Exhibits 1-5 to Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal; Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal Exhibits 1-2 to Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously Filed Under Seal; Amended Motion for Preliminary Injunction with Memorandum In Support of Amended Motion for Preliminary Injunction, [Proposed] Order Granting Plaintiffs' Amended Motion for a Preliminary Injunction, and Exhibits 1-16; and Plaintiffs' Amended Motion for Class Certification with Plaintiffs' Memorandum In Support of Amended Motion for Class Certification, [Proposed] Order Granting Class Certification, and Exhibits 1-3 in the above entitled case.

That I am over the age of eighteen years and I am not a party to or otherwise interested in this matter.

That on January 08, 2015 at 1:41 PM, I served United States Attorney's Office with the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief; Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Exhibits 1-5 to Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal; Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' G.C.R. And J.A.R.'s Unopposed

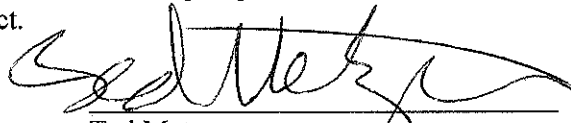
Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal Exhibits 1-2 to Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously Filed Under Seal; Amended Motion for Preliminary Injunction with Memorandum In Support of Amended Motion for Preliminary Injunction, [Proposed] Order Granting Plaintiffs' Amended Motion for a Preliminary Injunction, and Exhibits 1-16; and Plaintiffs' Amended Motion for Class Certification with Plaintiffs' Memorandum In Support of Amended Motion for Class Certification, [Proposed] Order Granting Class Certification, and Exhibits 1-3 at 501 3rd Street, NW, Washington, DC 20530 by serving Princess Kyle, Docket Clerk, authorized to accept.

Princess Kyle is described herein:

Gender: Female Race/Skin: Black Hair: Black Age: 30 Height: 5'4" Weight: 220

I declare under penalty of perjury that I have read the foregoing information contained in the Affidavit of Service and that the facts stated in it are true and correct.

1/8/2015
Executed on:


Ted Metzger
CAPITOL PROCESS SERVICES, INC.
1827 18th Street, NW
Washington, DC 20009-5526
(202) 667-0050

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

R.I.L.R., et al.

Plaintiff

v.

Jeh Johnson, Secretary of the Department of Homeland Security, in his official capacity, et al.

Defendant

Case No.: 1:15-cv-00011 JEB

AFFIDAVIT OF SERVICE

I, Alprentice D. Davis, a Private Process Server, being duly sworn, depose and say:

That I have been duly authorized to make service of the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief; Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Exhibits 1-5 to Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal; Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal Exhibits 1-2 to Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously Filed Under Seal; Amended Motion for Preliminary Injunction with Memorandum In Support of Amended Motion for Preliminary Injunction, [Proposed] Order Granting Plaintiffs' Amended Motion for a Preliminary Injunction, and Exhibits 1-16; and Plaintiffs' Amended Motion for Class Certification with Plaintiffs' Memorandum In Support of Amended Motion for Class Certification, [Proposed] Order Granting Class Certification, and Exhibits 1-3 in the above entitled case.

That I am over the age of eighteen years and I am not a party to or otherwise interested in this matter.

That on January 08, 2015 at 2:03 PM, I served Thomas S. Winkowski, Principal Deputy Assistant Secretary for U.S. Immigration and Customs Enforcement with the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief; Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Exhibits 1-5 to Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal; Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with

Memorandum In Support of Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal Exhibits 1-2 to Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously Filed Under Seal; Amended Motion for Preliminary Injunction with Memorandum In Support of Amended Motion for Preliminary Injunction, [Proposed] Order Granting Plaintiffs' Amended Motion for a Preliminary Injunction, and Exhibits 1-16; and Plaintiffs' Amended Motion for Class Certification with Plaintiffs' Memorandum In Support of Amended Motion for Class Certification, [Proposed] Order Granting Class Certification, and Exhibits 1-3 at 500 12th Street, SW, Washington, DC 20536 by serving Frederick Gaskins, Mission Support Specialist, authorized to accept.

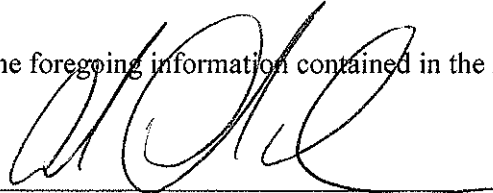
Frederick Gaskins is described herein:

Gender: Male Race/Skin: Black Hair: Black Age: 35 Height: 5'9" Weight: 225

I declare under penalty of perjury that I have read the foregoing information contained in the Affidavit of Service and that the facts stated in it are true and correct.

1/8/15

Executed on:



Alprentice D. Davis
CAPITOL PROCESS SERVICES, INC.
1827 18th Street, NW
Washington, DC 20009-5526
(202) 667-0050

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

R.I.L.R., et al.

Plaintiff

v.

Jeh Johnson, Secretary of the Department of Homeland Security, in his official capacity, et al.

Defendant

Case No.: 1:15-cv-00011 JEB

AFFIDAVIT OF SERVICE

I, Alprentice D. Davis, a Private Process Server, being duly sworn, depose and say:

That I have been duly authorized to make service of the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief; Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Exhibits 1-5 to Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal; Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal Exhibits 1-2 to Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously Filed Under Seal; Amended Motion for Preliminary Injunction with Memorandum In Support of Amended Motion for Preliminary Injunction, [Proposed] Order Granting Plaintiffs' Amended Motion for a Preliminary Injunction, and Exhibits 1-16; and Plaintiffs' Amended Motion for Class Certification with Plaintiffs' Memorandum In Support of Amended Motion for Class Certification, [Proposed] Order Granting Class Certification, and Exhibits 1-3 in the above entitled case.

That I am over the age of eighteen years and I am not a party to or otherwise interested in this matter.

That on January 08, 2015 at 2:03 PM, I served Philip T. Miller, U.S. Immigration and Customs Enforcement Assistant Director of Field, Operations for Enforcement and Removal Operations with the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief; Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal with Exhibits 1-5 to Memorandum In Support of Plaintiffs' Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal; Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting

Exhibits Under Seal with Memorandum In Support of Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal, [Proposed] Order Granting Plaintiffs' G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously and to File Supporting Exhibits Under Seal Exhibits 1-2 to Plaintiffs G.C.R. And J.A.R.'s Unopposed Motion to Proceed Anonymously Filed Under Seal; Amended Motion for Preliminary Injunction with Memorandum In Support of Amended Motion for Preliminary Injunction, [Proposed] Order Granting Plaintiffs' Amended Motion for a Preliminary Injunction, and Exhibits 1-16; and Plaintiffs' Amended Motion for Class Certification with Plaintiffs' Memorandum In Support of Amended Motion for Class Certification, [Proposed] Order Granting Class Certification, and Exhibits 1-3 at 500 12th Street, SW, Washington, DC 20536 by serving Frederick Gaskins, Mission Support Specialist, authorized to accept.

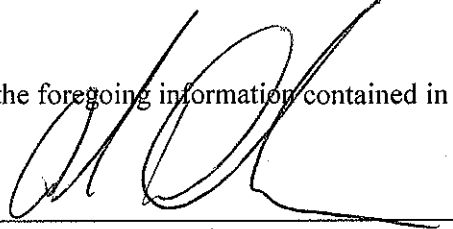
Frederick Gaskins is described herein:

Gender: Male Race/Skin: Black Hair: Black Age: 35 Height: 5'9" Weight: 225

I declare under penalty of perjury that I have read the foregoing information contained in the Affidavit of Service and that the facts stated in it are true and correct.

1/8/15

Executed on:



Alprentice D. Davis
CAPITOL PROCESS SERVICES, INC.
1827 18th Street, NW
Washington, DC 20009-5526
(202) 667-0050

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

R.I.L.R., et al.

Plaintiff

v.

Jeh Johnson, Secretary of the Department of Homeland Security, in his official capacity, et al.

Defendant

Case No.: 1:15-cv-00011 JEB

AFFIDAVIT OF SERVICE

I, Alprentice D. Davis, a Private Process Server, being duly sworn, depose and say:

That I have been duly authorized to make service of the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief in the above entitled case.

That I am over the age of eighteen years and I am not a party to or otherwise interested in this matter.

That on January 08, 2015 at 2:40 PM, I served U.S. Department of Justice with the Summons; Notice, Consent, and Reference of a Civil Action to a Magistrate Judge; Notice of Right to Consent to Trial Before United States Magistrate Judge; Class Complaint for Injunctive and Declaratory Relief; Initial Electronic Case Filing Order; Electronic Case Files; First Amended Class Complaint for Injunctive and Declaratory Relief at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001 by serving Ronnie Deboise, Mail Clerk, authorized to accept.

Ronnie Deboise is described herein:

Gender: Male Race/Skin: Black Hair: Black Age: 30 Height: 5'8" Weight: 200

I declare under penalty of perjury that I have read the foregoing information contained in the Affidavit of Service and that the facts stated in it are true and correct.

1-8-15 Executed on:

Alprentice D. Davis signature and address: CAPITOL PROCESS SERVICES, INC. 1827 18th Street, NW Washington, DC 20009-5526 (202) 667-0050