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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 30, 2014

The Honorable Sylvia Mathews Burwell
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Burwell:

On July 14, 2014, you testified in front of the Senate Appropriations Committee in support of a supplemental appropriations request to fund the Department of Health and Human Services (HHS) efforts to house unaccompanied alien children (UAC) and families.¹ You claimed that because of an influx of UACs "...our resources have been stretched thin" and that as a result, more taxpayer dollars were needed to finance the care and custody of individuals who surged across the border in recent months.²

On August 22, 2014, I wrote to your Department regarding concerns related to a Texas-based non-profit; Southwest Key Programs.³ Southwest Key has been the recipient of \$368 million in government grants in the past six years and over \$122 million alone from the HHS Office of Refugee Resettlement in 2014.⁴

The documents provided in response to my letter raise serious concerns regarding the Department and Southwest Key's stewardship of taxpayer dollars. For example, on April 23, 2014, Southwest Key proposed to charge the government a "daily rate" of \$316 to house unaccompanied alien children in a facility in El Cajon, California. There is no further detail as to whether this request was accepted. However, according to documents, HHS did approve a grant for Southwest Key to fund the El Cajon facility. According to the grant documents, Southwest Key also told your department that the facility contained the following amenities:

"We have an organic orchard of orange, lemon, and grapefruit trees. As well as an Organic (sic) garden that supplements our kitchen with a wide variety of organic vegetables throughout the year. We have a small petting farm with ducks, chickens, and miniature ponies. We have also established an Acuaponics system where we are cultivating over 1000 Tilapia."

¹ U.S. Congress. U.S. Senate. Committee on Appropriations. Emergency Funding for Unaccompanied Immigrant Children. July 14, 2014.

² *Id.*

³ Letter, Ranking Member Charles E. Grassley to Secretary Sylvia Mathews Burwell, August 22, 2014.

⁴ Susan Crabtree, Washington Examiner, Nonprofit that helps unaccompanied minors has seen explosive growth, July 31, 2014.

Further, Southwest Key described the facility as, "...an architectural compliment to San Diego's early 'Spanish Colonial' history." Southwest Key also claimed that its location would allow UACs to "...enjoy the fruits of living in a large city, yet far enough where there is a suburban serenity to the facility." Finally, Southwest Key informed HHS that the facility's windows "provid(e) a splendid view of the beautiful California sunset."

In your testimony just months after this grant was approved, you claimed that a large infusion of taxpayer dollars was necessary because, "...we don't have enough beds and we don't have sufficient resources to continue to add beds."⁵ It is disturbing that HHS is funding such expensive facilities despite claiming to be unable to meet basic needs for UACs.

To examine HHS' response to the influx of UACs and how taxpayer dollars were used, please answer the following questions:

1. What was the final "daily rate" paid to Southwest Key for the El Cajon facility?
2. What is the average "daily rate" paid by HHS for all Southwest Key facilities?
3. How many UACs are currently housed by Southwest Key?
4. The documents provided do not indicate any attempt by your department to reduce costs or negotiate with Southwest Key. Did the department attempt to reduce costs or negotiate? If so, please provide evidence.
5. Documents from your Department appear to show that HHS approved a grant to Southwest Key which provides UACs with "guitar lessons" that have been classified as "vocational training." Has HHS approved grants which provide funding for guitar lessons as vocational education? If so, why are guitar lessons for UACs considered "vocational training"?
6. In your testimony before the Senate Appropriations Committee you claimed, "Temporary shelters cost more than...permanent shelters."⁶ Why are temporary shelters more expensive than facilities such as Southwest Key's El Cajon facility?

⁵ U.S. Congress. U.S. Senate. Committee on Appropriations. 2014. Emergency Funding for Unaccompanied Immigrant Children. July 14, 2014.

⁶ *Id.*

Thank you for your cooperation and attention in this matter. I would appreciate a response by November 13, 2014. If you have any questions, please do not hesitate to contact Chris Lucas or Kathy Nuebel at (202) 224-5225.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Ranking Member
Committee on the Judiciary

Upload #7

Applicant: Southwest Key Program, Inc.
Application Number: ZU13000069
Project Title: Unaccompanied Alien Children Program
Status: Awarded
Document Title: FY14 941 El Cajon

The Unaccompanied Minors Shelter Care Program in El Cajon, California, was the first of its kind for Southwest Key Program in the State of California. It ensures that minors residing at the facility follow a structured daily routine which includes education; vocational training; physical recreational activities; life skills training, including chores; study periods; counseling; and access to legal and religious services. The daily routine enhances supervision and accountability, as well as encouraging the development of individual and social responsibility of each of the residents.

I. PROGRAM DEMOGRAPHICS & SERVICES

Program Design

Casa El Cajon has a Southwest/Hacienda design and layout of the building. The Facility is an architectural compliment to San Diego's early "Spanish Colonial" history. In an effort to show the cultural diversity of the population serviced, an international theme has been adopted. The El Cajon UMSCP is a licensed Group Home by the State of California Department of Social Services. The existing facility has provided shelter to Unaccompanied Minors since March of 1998. The facility is located on [REDACTED] [REDACTED] in El Cajon, California. We believe that the facility is located in a strategic location as it is approximately 25 minutes away from Downtown San Diego, to the point where we can enjoy the fruits of living in a large city, yet far enough where there is a suburban serenity to the facility. The facility is licensed and zoned for 15 adolescents and/or children from the age range of 6-17yrs. The property is 2.865 acres, while the actual structure is 7,392 square feet. The actual construction of the building was completed in 1971, but in 2003 a renovation was completed that significantly enhanced the quality of service we provide.

We have an enclosed campus and at our entrance we have an intercom system along with a surveillance camera that enables us to view all those wishing to enter our facility. We have sufficient parking area inside our campus for the vehicles of SWK, staff and our visitors. We have a paved basketball court, and a multi-function field with outdoor lighting for all sporting activities where the adolescents carry out the majority of their outdoor physical activities as well as a paved area for basketball. We have an organic orchard of orange, lemon and grapefruit trees. As well as an Organic garden that supplements our kitchen with a wide variety of organic vegetables throughout the year. We have a small petting farm with ducks, chickens, and miniature ponies. We have also established an Acuaponics system where we are cultivating over 1000 Tilapia.

While indoors, the adolescents have a courtyard & a living room where they can safely interact while having sufficient space to carryout a plethora of activities simultaneously without hindering the staff ratios or supervision. Our living room is equipped with all the modern gadgets for the educational & entertainment pleasure for the minors in our care. We have a media selection that encompasses books, movies, music, periodicals, and the newspaper in English Spanish languages. We have computers that are available for the minors to use with the required supervision from staff. In our Courtyard we **“incorporated an international theme to our decor that includes the native flags of each individual client that has been provided serve at our facility.** There are presently 42 different flags displayed in the courtyard under a beautiful ceiling that is painted blue with white clouds representing the sky. On the west end of our courtyard, there is an elevated scenic window that allows a considerable amount of natural light to enter the room, that provides a splendid view of the beautiful California sunset.

Care and Maintenance

Upon arrival, the client receives a brief orientation of the program and the services provided by SWK El Cajon. After inventory is taken of their personal belongings, showered and is served a meal, the client is given the initial intake interview. A detailed orientation is provided by the Case Manager within 48 hours of arrival.

While in the program, each youth is provided with the following:

- bedroom assignment with a closet and a dresser to store their clothing and hygiene products
- 5 outfits and suitable footwear (replaced as needed). The minors received two pair of jeans, 1 pair khaki pants, 1 pair of workout pants, 1 pair of shorts, 1 sweater, 2 short sleeve shirts, 1 long sleeve shirt, 1 button-up court shirt, and 1 outing shirt.
- 1 set of sleep wear
- 5 sets of underwear and socks (replaced as needed).
- 3 meals and three nutritious snacks per day
- 1 hygiene box , which includes soap, lotion, toothbrush, shampoo, comb, deodorant (replenished as needed)
- plastic totes to store their personal belongings that they don't want to keep in their rooms during their stay in the facility
- \$1 per day while residing at the facility
- Upon discharge, clients are allowed to take all the clothes issued to them during their stay.
- Upon discharge, clients are provided with a duffel bag in which to carry personal belongings.

Routine and Emergency Psychiatric, Medical / Dental Care

Routine medical care is provided within 48 hours of intake. Southwest Key has developed a working relation with East County Urgent Care to provide all medical care including a physical exam, initial immunizations, and any follow-up care. La Maestra also provides dental exams and follow-up care with referrals from the primary care

physician. The clinic also provides an after-hours care nurses line for any questions that may arise during the night. Southwest Key staff is responsible for facilitation of the self-administration of medication by the clients, thus being trained in the procedures of dispensing medication, and documentation. The Medical Coordinator and Program Director monitor medication records for each of the clients on a regular basis. The Medical Coordinator maintains the responsibility for obtaining authorizations for all medical care provided and for ensuring all East County Urgent Care forms are properly filled out for billing purposes.

Orientation

All youth entering the program receive a client handbook upon arrival. The Client Handbook covers the following:

- A program overview
- The Shelter Rules and Guidelines
- Fire Safety Procedures
- Weekday and Weekend Schedules
- Grievance Procedures
- A pro-bono attorney list (court provided)
- Telephone privileges
- Medical services
- Client expectations
- Client Rights
- Program Expectations
- Visitations

During the intake process staff inform the client about the services available, which include but are not limited to: 1) pro-bono legal services 2) program expectations 3) family reunification process and 4) educational instruction. The client is introduced to other residents and staff in the facility.

Clinical Component- Individual and Group Counseling

Group Counseling: Group counseling sessions are held two times a week for the purposes of allowing clients to become better acquainted with staff, each other, and the rules of the program. These group sessions/community meetings include the participation of all program youth and are conducted as open forums. Ground rules are provided that make it possible for everyone to share their feelings, thoughts, and ideas without recrimination.

Group sessions also allow youth to participate in decisions regarding recreational activities and daily program management, to resolve conflicts and issues, and to receive peer feedback. Youth are also afforded the opportunity to evaluate the program, discuss issues within the house, and confront each other in a safe, supportive environment. Staff communicates before each group to ensure the process is non-threatening, remains on track, and encourages each youth to participate. Staff maintains a curriculum for group therapy that is easily adaptable to the dynamic needs of each group. In addition to regularly scheduled groups, staff may utilize called groups to deal with specific problems or issues that arise each day and specialized groups to deal with particular mental health issues such as post-traumatic stress disorder

Case Management

SWK-El Cajon has one Case Manager and a Case Aide who assume responsibility for all 15 clients. Our Case Manager makes every effort to expediently reunify the clients with his/her family by identifying relatives and/or appropriate sponsors in the United States. She is highly trained in every aspect of reunification and identifying any needs the clients might need which include collecting of youth family information, establishing contact with parents and/or family members, review and complete Family Reunification Packet for completeness, accuracy, and suitable sponsorship.

The Case Manager coordinates weekly treatment team meetings. The team consists of the Case Manager, Teacher, Medical Coordinator, Shift Supervisor and the Program Director. Each member of the team with the exception of the Program Director prepares a written report regarding how the client is progressing in all the aspects of the program. The client is given a comprehensive assessment of their strengths and challenges in the various aspects of the program, including their health education, behavior, vocational training, release, and socialization. These meetings allow for discussion between staff and the client to address any areas of concern and to praise and promote positive behavior.

Acculturation/Adaptation

Youth are given many opportunities to enhance and supplement their understanding of American culture rather than replacing their own cultures and traditions. Appreciation and tolerance of other cultures is stressed and is an integral part of day-to-day activities. Community meetings, activities and group sessions that promote teamwork and develop respect and tolerance for cultural differences, have reduced culture differences between the vast arrays of nationalities represented among the client population. For example, plays or skits performed by the children for special occasions have been a bi-cultural effort. Children are also encouraged to display their talents such as playing the piano, singing, art, sports, and creative writing.

Education

The San Diego County Office of Education provides educational services to the adolescents in our care. Clients are enrolled in a school program fully accredited by the Western Association of Schools and Colleges (WASC). San Diego County Office of Education provides a full time educational curriculum that is based upon the California Department of Education Standards. Upon entry into Southwest Key El Cajon #941, the **youth's academic levels are assessed. All clients are transported to San Diego County of Education East County Assessment Center for testing to meet the California educational assessments including California English Language Development Test (CELDT), STAR,**

and the Measure of Academic Progress (MAP). The minors receive educational services appropriate to their level of development. The educational services are provided Monday through Friday in structured classroom setting and concentrate on the development of basic academic competencies and on English Language Training. The educational program comprised of basic academic subjects including English language, Mathematics, World History, Vocational training, and Physical Education. SWK El Cajon also provides appropriate reading materials in their native languages for use during leisure time. The County of Education provides the youth with the Rosetta Stone software to help them with the English Language. SWK also provides with appropriate reading materials in their native languages for use during leisure time.

Work Assignments

Residents are responsible for cleaning and maintaining their bedrooms as well as all of the common areas. Clean up is regarded as a learning opportunity in which residents acquire life skills. Safety procedures are continuously taught and emphasized to clients.

The recreational areas, dining area, and the classrooms are well maintained with the clients' assistance. They take pride in their work. Clients are rewarded with certificates for "Helping Hand" and "Role Model" client on a monthly basis. These clients receive a certificate award, a personal disc man, which they get to use for the month, and a gift certificate to go on an ice cream social to the local Cold Stone Creamery.

Legal Services

Casa Cornelia Law Office, CCLC, have provided free legal assistance to all the clients who have been screened by their paralegal, as well as the CCLC attorney. Southwest Key honors the privileged nature of attorneys/client contact by providing attorney visiting hours and a private space for confidential conversations and legal consultation. The Case

Manager has made arrangements with the DHS supervisor when transporting the clients to court to reserving a parking space in the parking structure of the Federal Building. Upon arrival the DHS Juvenile Coordinator is called to open the gate to park the facility van.

Southwest Key transports the client to the law office to meet with the attorney a day prior to their court appearance, as it eliminates the travel time by the attorneys who attend to the two Southwest Key facilities in San Diego.

Visitation

Program policy allows for visitation, if requested, by family members and under the supervision of staff. Visiting hours are from 8:00 a.m. – 5:00 p.m. Monday through Friday and as needed on Saturdays and Sundays. Clients are allowed to meet with family members and/or attorney any time during these hours. During this year we scheduled two family visitations. The visitations are conducted at outside public locations to provide the security to the other minors in our care.

Religious Services

Religious services are something that Southwest Key respects and values. The Program assists youth with access, coordination and transportation to religious services of the child's choice.

Mail and Baggage Service/ Inspection

Mail and baggage services are provided to residents in accordance with the agency's policy. Residents are asked to open their mail and packages in the presence of the case manager. This allows them their privacy while maintaining security. Outgoing and incoming envelopes are copied and those copies are kept in the client file. This allows for the tracking of correspondence without intruding on the client's privacy. Clients are able to send and receive mail on a daily basis.

Blackwood, Kristine (HHS/ASL)

From: [REDACTED]
Sent: Wednesday, April 23, 2014 4:21 PM
To: Sualog, Jallyn (ACF); West, Patrice (ACF)
Subject: FW: LG and EC
Attachments: (04-21-14) El Cajon 6 bed Budget.pdf; (04-21-14) Lemon Grove 6 bed Budget.pdf; Blended Daily Rate.xlsx

Jallyn and Patrice,

I wanted to send over a proposed budget for increasing beds in our Lemon Grove and El Cajon sites. **SWK is proposing to add 3 additional houses to each original program.** The children would be housed at the satellite residential houses and receive their daily services at the original program. This is a model we have used successfully for years in our Phoenix programs and we would like to do the same in San Diego. Each new house would serve 6 UAC bringing a total of 36 new beds to the San Diego area. We have already located several of these houses and can bring them on board very quickly- within the next 3-4 weeks. We have already spoken to the school district Superintendent and they are aware of the increased number of UAC and they are also prepared to increase their services accordingly. The Lemon Grove blended daily rate is \$329 and the El Cajon daily rate would be \$316. Please let us know if you would like us to proceed with these beds and we will move on them immediately.

Also, the City of Escondido (in San Diego county) has come back to us w/a counter proposal. It looks like they may be giving us permission to open 100 beds there in late June. I will know more later this week. **However, even if we open up a bigger shelter out there, we still would like the opportunity to increase the other two programs by these proposed 36 additional beds.**

If you have any questions, please do not hesitate to let me know. Thanks!

Alexia Rodriguez
Vice President of Immigrant Children's Services/Legal Counsel
Southwest Key Programs

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

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From: Robert Ely
Sent: Wednesday, April 23, 2014 2:49 PM
To: Alexia Rodriguez
Cc: Fred Muniz
Subject: LG and EC

Robert J. Ely, CPA
Financial Accountant
Southwest Key Programs, Inc.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Make everything as simple as possible, but no simpler. --- Einstein's Razor