



# REPORT SUMMARY

Punishing Trauma: Incident Reporting and Immigrant Children in Government Custody

## *What are Significant Incident Reports (SIRs)?*

Children who have arrived at the U.S. border without a parent or legal guardian are particularly vulnerable to lasting harm from time spent in U.S. government custody. The federal government's Office of Refugee Resettlement (ORR) is legally required to care for them and does so through its network of congregate care facilities, where children navigate complex rules and levels of restriction as they await reunification with their families or transfer to long-term foster care. During their time in custody, many children incur "Significant Incident Reports" (SIR), forms that ORR uses to document a wide array of incidents ranging from disclosures of past abuse or neglect to minor rule infractions within ORR facilities, as well as behavioral challenges.

## *How do SIRs harm children in government custody?*

ORR has created an incident reporting system in which a range of behaviors, words or actions, regardless of their seriousness or significance, trigger SIRs on a daily basis. ORR facilities are incentivized to over-report, with facility staff erring on the side of reporting many minor and trivial incidents to ensure that they are complying with ORR policies. For example, in the fiscal year of 2019, ORR facilities submitted over 100,000 SIR forms for less than 70,000 children in custody, using over 34,000 hours (or the equivalent of over 4 years) of staff time.

SIRs rarely indicate an individualized response by ORR to an incident to address the needs of the child. Instead, the government relies on SIRs to move children to more restrictive placements while in custody, to prolong detention, and/or to deny children legal relief from deportation. At the same time, children are rarely notified of SIRs and do not have a say in their content, even though they may cause a child lasting harm.

## *Three Key Findings from Our Survey of Service Providers:*

1. ORR facilities engage in over-reporting of incidents. Many SIRs do not document serious incidents that threaten the safety and health of children. Instead, they frequently document minor rule infractions or developmentally-appropriate child or adolescent behavior.
2. SIRs frequently fail to contextualize children's behavior within the stressful circumstances they are navigating, conditions and length of time in government custody, or the trauma they have experienced.
3. SIRs keep children in more restrictive settings, punishing children for their mental health conditions, disabilities, or confidential disclosures. SIRs turn children's experiences, mental health conditions, and confidences into justification for prolonged detention in facilities that exacerbate their trauma and behavioral needs.

## *Our Recommendations*

We believe that a complete overhaul of ORR's incident reporting system is necessary. We recommend that ORR:

1. Engage child welfare experts, child psychologists, de-escalation and crisis prevention experts, and former unaccompanied children, to inform a new approach to incident reporting;

2. Center trauma-informed care in all aspects of its system, in order to prevent and reduce the occurrence of serious incidents;
3. Prioritize the use of incident reporting to evaluate and monitor children’s needs, staff response, and facility-wide issues that impact children’s behavior;
4. Limit incident reporting to serious incidents and prevent over-reporting;
5. Prevent incident reports from being used as a form of discipline or punishment and instead conduct a holistic review of a child’s file and needs when making placement or reunification decisions;
6. Implement safeguards to ensure that children have an opportunity to be heard on incident reports, including promptly notifying and providing copies of SIRs to the child, the child’s attorney, and their child advocate, if one has been appointed;
7. Prevent the disclosure of SIRs and other confidential information in children’s files to the Department of Homeland Security and other agencies that is contrary to children’s best interests.

To learn more about incident reporting and its impact on unaccompanied children in government custody, [click here to read our full report](#).

