

#190

IN THE SUPREME COURT OF FLORIDA

CASE NO.: SC22-796

**SEVENTH PRESENTMENT OF THE TWENTY-FIRST
STATEWIDE GRAND JURY
REGARDING NON-GOVERNMENT ORGANIZATIONS (NGOs)**

I. CONTINUING COSTS

Since the publication of our last Presentment, we have continued meeting and investigating. We are pleased to note that several of our recommendations are being discussed by our legislature; we are saddened to see that illegal border crossings, crime, and the endangering of citizens and children continue to escalate. We are aware that more than 300,000 aliens crossed our border in December 2023 (two-thirds of them unlawfully), and while January 2024 saw a lower number, it was still the largest ever for the month of January; more than 800,000 have crossed since October 1, 2023, as have some 120,000 “gotaways.”

We are also aware of continued high-profile tragedies such as the murder of a college student in our neighboring state of Georgia; the murder of a two-year-old in Maryland; and the rape at knifepoint of a teen girl in Louisiana, all purportedly by illegal aliens who had been previously arrested but not deported; the shooting of three police officers in our nation’s capital by a previously-deported illegal re-entrant; and the total of non-detained aliens with either criminal convictions or pending criminal charges now being reported at 617,607.

In January 2024, 9 more individuals whose names appear on the terrorist watchlist were stopped trying to cross the U.S.-Mexico border between ports of entry. Since FY21, 340 of these individuals have attempted to cross our southwest border illegally.

So far in FY24, 18,755 Chinese nationals have been encountered at the southwest border, and CBP has arrested 11,958 aliens with criminal convictions nationwide, including 157 known gang members, 24 of those being MS-13 members. In January, CBP seized 1,799 pounds of fentanyl coming across the southwest border, bringing the total for the fiscal year to 6,778 pounds—enough to kill over a billion people.

In short, what we reported was likely to happen, has continued to happen.

We also commend our legislature for at least attempting to ascertain some unaccounted costs affiliated with this issue by passing, among other laws, **Chapter 395.3027, Florida Statutes, “Patient immigration status data collection.”**

(1) Each hospital that accepts Medicaid must include a provision on its patient admission or registration forms for the patient or the patient’s representative to state or indicate whether the patient is a United States citizen or lawfully present in the United States or is not lawfully present in the United States. The inquiry must be followed by a statement that the response will not affect patient care or result in a report of the patient’s immigration status to immigration authorities. (2) Each hospital must submit a quarterly report to the agency within 30 days after the end of each calendar quarter which reports the number of hospital admissions or emergency department visits within the previous quarter

which were made by a patient who indicated that he or she was a citizen of the United States or lawfully present in the United States, was not lawfully present in the United States, or declined to answer.

The average Emergency Room visit in our state costs \$3,102, if the patient is not admitted to the hospital. We reviewed evidence that, in the first quarter in which this statute was in effect (**October-December, 2023**), hospitals in Florida (ONLY the 201 receiving Medicaid) reported the following:

Number of Patients Visiting ER who admitted being illegal aliens: 16,073

Number of Patients Visiting ER who declined to answer: 159,914

Number of ADMITTED Patients who admitted being illegal aliens: 6,126

Number of ADMITTED Patients who declined to answer: 57,458

We are aware that NGOs and other activist organizations very publicly advise illegal aliens not to answer this question.¹ Parsing the data above, however, yields the following:

In three months, Florida hospitals treated at least 22,000 patients who admitted being here illegally, and over 200,000 who refused to answer the question. At that rate, and using the average non-admit cost (not counting any additional costs incurred by the 6,000 people admitted to the hospital), just those admitting illegal presence would have received \$68,861,298 of care services.

¹ <https://floridaphoenix.com/2023/10/12/advocacy-groups-promote-decline-to-answer-regarding-immigration-question-in-hospitals/>.

Over a one-year period, that means 88,500 patients who acknowledge being illegally present, and the cost amount increases to \$275,445,192.

If just ***one-half*** of those declining to answer were also illegally present, that adds 108,686 individuals and results in \$326,058,000 in additional treatment costs ***each quarter***.

Added together, the totals approach ***\$1.3 billion dollars every year.***

These numbers can be compared to what was reported voluntarily to the Florida Agency for Health Care Administration in ***the entire FY 2020-2021*** (111,475 illegal alien encounters and 23,358 illegal alien hospital admissions; of course, there are no statistics on the number who declined to answer for that year). That agency likewise reported that:

Total costs attributed to [self-reported] illegal aliens were \$312.92M. Facilities were paid \$103.49M. There is a \$209.43M difference between facility costs and how much facilities were paid, meaning ***facilities were paid for 33% of costs attributed to illegal aliens.***

If only one-third of the costs are actually paid, Florida's Medicaid hospitals seem certain to lose well over \$150,000,000 and might collectively be short approximately one billion dollars, this fiscal year alone. We note that the hospital with by far the most such patients (nearly ***25,000 in three months***) was located in Miami.

We find this sort of data enlightening and encourage our leaders to consider similar efforts with regard to ascertaining some of the "hidden costs" affiliated with the subjects we have discussed. For example, similar statutes aimed at discovering burdens placed upon our public educational system, agencies which care for

dependent families and children, and the courts and criminal justice system (such as data accumulated federally by the SCAAP program mentioned in our Fifth Presentment) would no doubt help guide future efforts to direct state resources where they are most needed.

II. BOOMING BUSINESS

In this Presentment, we will discuss a facet of this industry which receives comparatively little attention: the role of Non-Government Organizations (NGOs) in encouraging, facilitating, and profiting from the conditions we have previously reported.

In the course of our investigation, we met with dozens of current and former employees, executives, and clients of different types of NGOs; some operate only in foreign countries, some only within our borders, some in both arenas; some focus only on rescue operations, while others house, feed, or place individuals; some only serve refugees, some serve aliens legal and illegal regardless of status. Some are small, others are massive; and some take only private donations, while others (usually the ones which have demonstrated the most problems) are funded almost exclusively by government grants. NGOs might be non-profit organizations or for-profit corporations; they may be religious or secular.

Not only do many of these NGOs receive hundreds of millions of dollars in grant funding from the federal government, but they also receive substantial

subsidies channeled through international donor agencies like the United Nations International Organization for Migration (UN-IOM), which use funds originating in the U.S. Treasury to provide money, transportation, and housing to those traveling to our border.

In the United States, federal agencies like the Department of Homeland Security (DHS), the Department of Health and Human Services (HHS), and the Department of State (DoS), including sub-agencies like the Federal Emergency Management Agency's (FEMA) Emergency Food and Shelter Program (EFSP), and the Office of Refugee Resettlement (ORR) hand over hundreds of millions in funding each year to aid NGOs.

We have learned that in too many instances, these large and government-dependent NGOs abuse their tax-exempt status and the trust of U.S. taxpayers, encouraging migratory travel to the southern border for reasons such as economic mobility (which is not a legal basis for any claim of asylum or refugee status), using resources from federal funds. We recognize that some organizations rationalize this activity by claiming that the migration will occur anyway, and that making the process smoother and more efficient has inherent humanitarian value. However, our prior Presentments have amply documented the crime, chaos, and harm migrants experience in spite of NGO efforts. The evidence demonstrates to us that such efforts actually encourage more people to venture into harm's way.

A former DHS advisor in the Obama administration, Charles Marino, stated in June 2023 that “The problem here is that the NGOs have taken over as the official travel agency of the Department of Homeland Security. So now they’ve turned it over to the NGOs, not just to coordinate the shelter and the food, but also the travel, ultimately, we’re going to see billions of dollars of taxpayer money go to waste through fraud and abuse because there’s no oversight through FEMA.”

As described in a series of letters from U.S. Congress members to federal agencies and NGOs during preceding months:

NGOs have been consistently uncooperative with investigations. Instead, they continue to lobby for more funds for migrant-related issues and oppose any efforts to secure the southern border.

It appears these religious mega-charities and other NGOs have a vested interest in mass migration to the United States, which has only been more rewarding due to a weak border and weak administration. This alone calls for a serious investigation into current practices. The most pressing issue that demands congressional attention is the misuse of taxpayer funds by the federal government and NGOs to facilitate illegal immigration.

One of the most notorious examples of this practice dates to 2021 when I visited the border and uncovered nonprofits (such as Catholic Charities of San Diego and Jewish Family Services) operating as resettlement agencies to secretly transport and lodge undocumented migrants. This includes bussing and flying illegal aliens to a destination of their choice and housing them in hotels under the guise of COVID-19 until travel can be determined and scheduled. In addition, these NGOs provide guidance to illegal immigrants on how to bypass TSA security screening, navigate our legal system, and assimilate into their desired community. In my investigation into this operation, my office obtained a packet given to migrants that included flight information, copies of the Notice to Appear from Customs and Border

Protection (CBP), a list of pro bono legal service providers, and information and legal assistance in Spanish.

These organized and premeditated services are not limited to migrants already in the United States. Before migrants even reach the southern border, they are provided debit cards loaded with hundreds of dollars that are refilled each month. These gift cards are distributed by the United Nations agency, the International Organization for Migration (IOM), which receives federal funding for a variety of services provided from South America to our southern border. One example of an area requiring much-needed oversight is the so-called "Refugee Travel Loan" program from the U.S. Department of State. The IOM provides these loans to refugees that are subsequently collected by non-profits. It has been reported that from 1952 to 2002, the IOM issued \$1,020,803,910 in "transportation" loans and recovered only \$584,219,453. These nonprofits are often tasked with collecting these loans and are permitted to keep 25% of the loans they recoup, once again giving these organizations a vested financial interest in the number of refugees brought into the United States....

It is clear these acts directly encourage migrant caravans to cross the border and incentivize them to stay. ... Instead of working to address this issue together, non-profits have refused to cooperate with Congressional requests for information and other documents. Heads of religious organizations attacked me, my colleagues, and our conservative constituents as those who only "call themselves Christians" and fail to remember that "the gospel compels us" to aid migrants. Catholic Charities USA called my allegations "incredibly disturbing" and "fallacious and factually inaccurate." Even preliminary calls for an investigation were met with fervent responses from non-profits, who called it a "vile threat" and an "intimidation". These responses against a just call for investigation are not just disappointing but further highlight how unwilling the NGO sector is to solve the border crisis.

The financial partnership between these non-profits and the federal government is real. The facilitation of mass migration through taxpayer dollars is real. ... By facilitating the mass inflow of illegal immigrants, NGOs risk our national security and expose migrants to exploitation through abusive labor practices, human trafficking, and smuggling. ... I call upon

you to join me in ending this open threat to our society by demanding transparency of taxpayer-funded NGOs.

These concerns are similar to those we have previously expressed in our Third, Fourth, and Fifth Presentments.

Just last month, the State of Texas filed suit against one NGO for “facilitating unlawful entry into the U.S., harboring illegal aliens, human smuggling, and operating a stash house.”² Facilitating, encouraging, or inducing aliens by suggesting unlawful means for acquiring citizenship, crossing unlawfully, or remaining unlawfully, especially when doing so for reasons of financial benefit, is in fact a federal crime.

As we noted in our Fifth Presentment,

The river of accountability-free money has absolutely polluted the entire process.

Given the breadth of our mandate, we focused on transnational criminal organizations and illegal immigration (detailed further at other sections of this report); we discovered, however, that there are also "legal" organizations who appear to be misusing federal contract monies and their "nonprofit" status *in order to abet the process, and likely the actors, responsible for the illegal activity we are describing.* ...

These NGOs do not truly or exclusively operate as humanitarians. They do not spend federal grant money to convince alien populations not to risk a life-threatening odyssey. Rather, they magnify the magnetic illusion of economic prosperity at the end of a migratory trek. They provide cash cards, cell phones, and transport vehicles and what amount to safari-style guide maps through

² <https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-sues-end-ngos-operations-texas-after-discovering-potential-efforts>

portions of jungle and across deadly terrain, increasing the number of individuals who thus elect to make the journey and enabling Transnational Criminal Organizations[.]

The United States treasury gave U.N. agencies \$18 billion in 2022, which comprised nearly one-third of their total budget. The United Nations-led “Regional Refugee and Migrant Response Plan (RMRP)” is a written plan to have more than 200 NGOs assist in handing out some \$1.6 billion in cash debit cards, food, clothing, medical treatment, shelter, and transportation to U.S.-bound people in 2024. The U.S. State Department has given the UN’s IOM \$1.4 billion in just the last 12 months to encourage people to leave their home countries and undertake the exceedingly dangerous trek to this one.



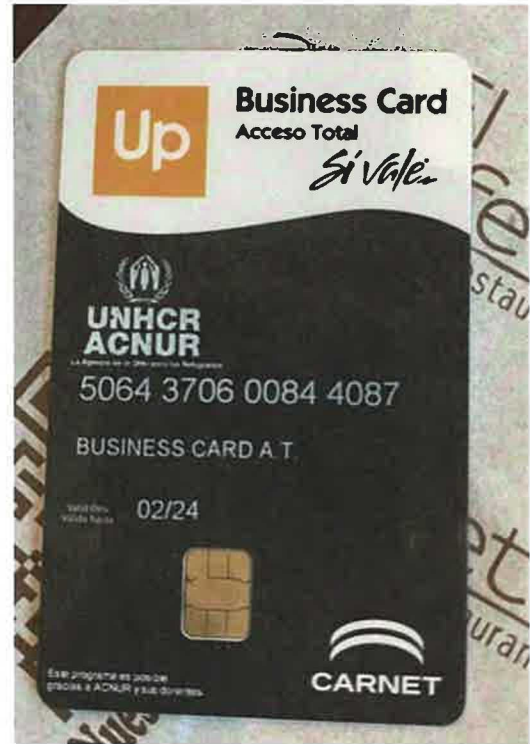
These U.N. agencies have announced plans to use \$372 million in “Cash and Voucher Assistance (CVA)” and “Multipurpose Cash Assistance (MCA)” to assist approximately 624,000 aliens’ travel to the United States border, providing

transportation, food, shelter, and advice on how to answer questions from immigration officials—along with pre-paid, rechargeable debit cards, cash, and bank and mobile fund transfers. Once at the border, FEMA’s Emergency Food and Shelter Program spent at least \$425 million last year to do the same for aliens crossing into the country (we discuss later the problems identified within this program by a recent Inspector General audit).³



³ <https://www.r4v.info/en/rmrp2024update>





The constant and repeated giveaways to those who are 90% likely to make invalid claims of asylum upon being caught illegally crossing or presentation *sans* identification at our borders stands in odd contrast to, for example, the hurdles placed in front of those becoming naturalized citizens or previously vetted as refugees:

For decades, the State Department has funded interest-free travel loans to refugees who ... cannot afford the cost of relocating here. Six months after their arrival, borrowers are expected to start repaying the loans to one of nine private nonprofits, known as resettlement agencies, which are involved in helping refugees start their new lives here. When refugees make their travel plans, they are assigned one of these resettlement agencies through the International Organization for Migration, which administers the travel loans.⁴

NGOs come in many sizes and forms and often make positive contributions to society. However, in the immigration context, the evidence leads us to conclude that there are several such organizations which exacerbate the problems we have exposed within the migration industry.

And an industry it certainly has become; in recent years, as outlined above, our federal government has *directly* given out untold billions in grant funding alone to NGOs via multiple federal agencies. Were this level of funds instead deployed to address the costs to our hospitals described above, or to our education system and law enforcement as referenced in prior Presentments, we believe this might be a wiser allocation.

⁴ <https://www.nytimes.com/2019/03/15/nyregion/refugees-travel-loans.html>



REFUGEE & ENTRANT ASSISTANCE DISCRETIONARY GRANTS RECIPIENTS 2013-2023

NAME	SUM OF AMOUNT
INTERNATIONAL RESCUE COMMITTEE, INC.	\$180,899,489
U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS, INC.	\$136,506,464
UNITED STATES CONFERENCE OF CATHOLIC BISHOPS	\$134,050,656
LUTHERAN IMMIGRATION AND REFUGEE SERVICE INC.	\$130,480,740
CHURCH WORLD SERVICE, INC.	\$125,207,192

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“PREFERRED COMMUNITIES” RECIPIENTS & FUNDING

FY2023

NAME	SUM OF AMOUNT
UNITED STATES CONFERENCE OF CATHOLIC BISHOPS	\$66,468,721
INTERNATIONAL RESCUE COMMITTEE, INC.	\$66,458,012
LUTHERAN IMMIGRATION AND REFUGEE SERVICE INC	\$66,252,208
CHURCH WORLD SERVICE, INC.	\$64,864,261
U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS, INC.	\$64,579,367
HIAS, INC.	\$56,411,240
ETHIOPIAN COMMUNITY DEVELOPMENT COUNCIL, INC.	\$51,590,800
GRAND TOTAL	\$436,247,482

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It should not escape the public's notice that the current Secretary of the Department of Homeland Security is a former board member of HIAS, Inc., and the current Director of ORR is a former employee of International Rescue Committee, Inc., and Church World Service, Inc. (all NGOs listed above).

Church World Service, as recently as 2021, published "Abolish Ice" as a hashtag on its Twitter account. And in a "Pastoral Letter Concerning Migration," (reaffirmed just last year), the Catholic Bishops of Mexico and the United States are quoted as follows:

While recognizing the right of the sovereign state to control its borders, *Exsul Familia* also establishes that this right is not absolute, stating that the needs of immigrants must be measured against the needs of the receiving countries...

[We] reiterate the rights of migrants and their families and the respect for human dignity "even in cases of non-legal immigration."

Both of our episcopal conferences have echoed the rich tradition of church teachings with regard to migration. ... all the goods of the earth belong to all people. When persons cannot find employment in their country of origin to support themselves and their families, they have a right to find work elsewhere in order to survive. Sovereign nations should provide ways to accommodate this right....the presumption is that persons must migrate in order to support and protect themselves and that nations who are able to receive them should do so whenever possible.

A broad legalization program of the undocumented would benefit not only the migrants but also both nations. ...Legalization also would maintain the flow of remittances to Mexico... Legalization represents sound public policy and should be featured in any migration agreement between the United States and Mexico. In order to ensure fairness for all nationalities, the U.S. Congress should enact a legalization program for immigrants regardless of their

*country of origin....Migrants without documentation should not be treated as criminals.*⁵

Recently, a U.S. Senate proposal would have provided \$2.334 billion to HHS to distribute to NGOs for “refugee and entrant⁶ assistance programs,” and \$350 million more to HHS to award grants and contracts to NGOs or state and local government agencies for additional “Refugee and Entrant Assistance” services to unaccompanied minors. It also would have provided \$1.4 billion from the budget for Customs and Border Protection (CBP) to be transferred to the FEMA Shelter and Services Program, to be awarded to NGOs for providing shelter and other services to illegal migrants.

As we have previously reported, this particular FEMA disbursement program has a deplorable record when it comes to appropriate use of taxpayer funds. In 2023, DHS’s Inspector General published an audit (we previously referenced this in our Fifth Presentment) finding that for a sample of \$12.9 million awarded to 18 grant recipients, numerous grant recipients violated the terms of the program including

⁵<https://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/strangers-no-longer-together-on-the-journey-of-hope>

⁶ This conflation of “Refugee and Entrant” has become an increasingly common dodge, as though the two populations shared characteristics other than being from outside the United States. Refugees and “entrants” (legal and illegal border crossers and asylum claimants) are distinct populations when it comes to their vetting process, legal standing, and virtually every other characteristic.

failure to provide receipts for reimbursements, failing to maintain logs of individuals served, and even providing services to individuals who had no DHS record reflecting lawful status. Overall, the Inspector General found the program was unable to properly account for \$7.4 million, or **58% of the sample.**

An even more recent report shows that the situation within the Department of Health and Human Services is likewise suspect:⁷

16,790 children in ORR care were released to sponsors in March and April 2021. [HHSOIG used] a final sample size of 342 children.

Case files for 16 percent of unaccompanied children who were released to sponsors in ***March and April 2021*** did not contain any documentation that indicated one or more required safety checks for sponsors were conducted.

For 19 percent of children whose sponsors required an FBI fingerprint check or a child abuse and neglect registry check, we found documentation in children's case files indicating that a check was initiated, but the results were pending at the time of the children's release. ORR policy allows for children to be released to sponsors when the results of these checks are pending, under certain conditions[.] This practice can reduce children's length of stay in care because these checks can take weeks or more to be processed. However, this policy may also limit case managers' ability to address concerns regarding sponsor suitability before children are released to sponsors.

Our review of children's case files identified legibility ***concerns with sponsor submitted IDs*** (e.g., images or scans of photo IDs, birth certificates, or legal documents) in ***35 percent of children's case files***. Facility staff are required to ensure that copies of sponsor-submitted IDs include a legible photo and information. However, we identified legibility issues in the scanned images of sponsor IDs including images that were overly dark, light, blurry, or grainy[.]

⁷ <https://oig.hhs.gov/oei/reports/OEI-07-21-00250.pdf>

These issues could limit a case manager's ability to fully evaluate the photo or read the text on a sponsor's ID. ... In addition to sponsor IDs with legibility concerns, we identified images of IDs that were incomplete (e.g., missing the back or second page of the ID) and in which ID details (e.g., holograms or watermarks) were not visible in black and white images.

Information regarding child welfare outcomes or sponsorship history was inaccurate or missing from sponsor records within ORR's case management system, the UC Portal, for 5 percent of sponsors.

[O]ne sponsor reported to a post-release services provider that the 15-year-old child released to the sponsor's care went missing in the middle of the night without any belongings or known contacts in the United States. The sponsor reported the case to the police department and the post-release service provider reported the child as missing to the National Center for Missing and Exploited Children. However, no notes or flags about this outcome were added to this sponsor's record, and he went on to sponsor two additional children following the incident. During the followup call for another case, a staff member discovered that the whereabouts of a 3-year-old child who had been released to an unrelated sponsor were unknown.

Overall, staff identified *more than 10 children who were no longer residing with their sponsors* shortly after children were released from ORR care. Only five of these children's sponsor records noted this concerning outcome and contained related flags indicating concern about the suitability of the sponsor.

Our review of children's case files identified 20 sponsor records in the UC Portal that did not reflect the number of children a sponsor had previously sponsored or attempted to sponsor.

In 22 percent of cases, ORR did not conduct timely Safety and Well-Being Follow Up Calls, and in 18 percent of cases, the followup calls were not documented in children's case files.

This is but one of many reports finding similar fault with the way NGOs are "supervised" by federal agencies like DHS/HHS/ORR, and we have discussed many of them in our previous Presentments.

A study performed in 2022 substantiated the notion that Florida is being affected. The study:

analyzed movement patterns of anonymized mobile devices that were detected on the premises of over 30 NGO facilities at or near the border. These locations were selected either based on public knowledge of these facilities being used to process illegal aliens or on reliable human source information. All physical locations were verified and physical location boundaries were defined to include building and parking areas to minimize false positives....

The investigation [also] involved the geofencing of 20 NGO facilities. These locations were chosen based on human source information, as well as open-source intelligence, that they may be involved in helping illegal aliens travel from the border to various parts of the interior. During the month of January 2022, more than 22,000 unique mobile devices were detected at these NGO facilities. **The devices were later traced to 431 separate U.S. congressional districts out of a total 435 congressional districts....**

The investigation [also] involved geofencing 13 NGO locations located in close physical proximity to the border. These locations were selected based on human source intelligence that the facilities may be involved in the processing and transportation of illegal aliens into the interior of the United States. Over 5,000 unique mobile devices were identified as being on-premises at the targeted location. **Devices were later traced nationwide to 434 congressional districts out of a total of 435 congressional districts....**

The investigation [also] focused on geofencing Catholic Charities of the Rio Grande Valley, located in San Juan, Texas. **Nearly 3,400 unique mobile devices were identified as being on-premises. These devices were later tracked to 433 congressional districts.**





<https://www.heritage.org/press/oversight-project-investigation>

The data seem consistent with information regarding immigration court dockets and ICE statistics referenced in our Fifth Presentment:

Those numbers are not decreasing. As previously referenced, more than 2,400 aliens (not including UAC) have been shipped by the federal government to just two sections of Florida in the past week, at that rate, more than 120,000 will have joined our population this calendar year. ...DHS provided information in discovery estimating that about 160,000 of the aliens released into the country between January 2021 and July 2022 provided a Florida address or are on the Miami ERO docket, which covers Florida[.]

Florida NGOs also appear to studiously avoid asking questions that might expose problem areas in such arrangements. As one exchange with an NGO manager showed:

GRAND JUROR 13: You said you catered to two-year-olds. Tell me a little bit more about that. How would that come about, you getting a two-year-old baby? Have you ever had a two-year-old?

THE WITNESS: We have.

GRAND JUROR 13: Okay.

THE WITNESS: Sometimes they come with siblings that are maybe eight, ten-year-olds or different older age.

Q: As unaccompanied minors?

THE WITNESS: As unaccompanied minors... Usually when they're tender age, it's a parent that receives the minors here. So they would have all of these proof of the relationship.

GRAND JUROR 13: I like that term you said, "tender age."

Q: Let me ask you just to piggyback on that, a parent who is living here gets a two-year-old as an unaccompanied minor. How does that work?

THE WITNESS: A few times -- a few times -- sometimes it's happened that the parent comes maybe, you know, a little bit before the minor to kind of get stable in the U.S. before they bring the baby -- before they bring their children.

Q: How does a two-year-old arrive unaccompanied at the border and their parent is here?

THE WITNESS: I'm not sure.

Q: Okay. I know it's probably outside your scope, but that is remarkable that you would be in that situation where **there's a parent already in the country getting a two-year-old who somehow showed up at the border without a parent; right?**

THE WITNESS: (No response.)

The NGO nonetheless turns over such "tender-age" children, who seem to have miraculously appeared *unaccompanied* at our border thousands of miles from their home country, to the parents who left them behind.

We also were presented with evidence that NGOs actively intercede to facilitate the airborne movement of aliens who have no identification. We have reviewed the "Rapid Response" document, prepared by one of these NGOs for an

alien to present when boarding an airplane. The letter, on NGO stationery, is a typed form letter stating as follows:

TSA Employee: The individual(s) standing in front of you have recently been discharged from a U.S. Immigration detention facility and must cross the country to present themselves for an ICE check in approximately two weeks from now.⁸

They are currently showing you all of their identification in their possession, which should be adequate for them to be able to be searched in Secure Flight.⁹ Please find them in Secure Flight and then allow entry if cleared.

There may be an American citizen accompanying this person (or persons) that would like to take them to the gate, as this may be their first time in an airport. If this is possible, please allow it. Thank you.

“All of their identification” was a DHS Notice to Appear, a series of maps and NGO hotline numbers to call for legal advice, a “Folio Provisional” Mexican travel visa (the alien claimed to be from Honduras) and a handwritten address of an ICE field office. None of these documents contained a photo, fingerprint, or any other method of identification. The “Subject ID” section of the Notice to Appear contained a number, but no name or photo. *Essentially, the “ID packet” enabled*

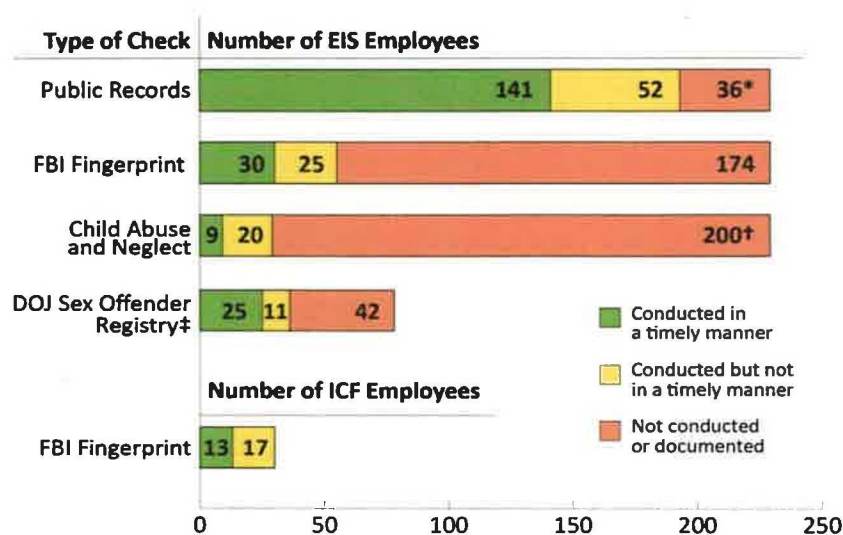
⁸ ***This was a false statement.*** The Notice to Appear document indicated that the appearance was “on a date to be set, at a time to be set.”

⁹ “Secure Flight performs watch list matching on carrier-provided traveler information to the No Fly and Selectee portions of the Terrorist Screening Database (TSDB) maintained by the Terrorist Screening Center (TSC), as well as other watch lists to identify individuals who may need additional screening or are prevented from travel.”

<https://www.dhs.gov/publication/dhstsapia-018-tsa-secure-flight#:~:text=This%20screening%20is%20designed%20to,and%20to%20ensure%20that%20other>

TSA to search no-fly lists for persons matching the name the individual provided when encountered by Border Patrol.

Many NGOs in Florida and elsewhere operate facilities catering to aliens both legal and otherwise. These NGO facilities are not always staffed in a manner sufficient to comply with federal rules for doing so:¹⁰



Moreover, NGO employees have often described to us that they outsource their background checks to private companies. As described in our Fourth Presentment, ORR actually has proposed a rule **penalizing** NGO employees who contact law enforcement, as ORR clearly does not welcome scrutiny of its operations. This aversion to sunlight means these NGOs use the least reliable of all forms of checks to determine who receives UAC:

¹⁰ <https://oig.hhs.gov/oas/reports/region6/62107003.pdf>

Based on our analysis, private-sector background checks are laden with false-positive and false-negative errors: 60 percent and 50 percent of participants had at least one false-positive error on their regulated and unregulated background checks, and nearly all (90 percent and 92 percent of participants, respectively) had at least one false-negative error.¹¹

HHS/ORR has demonstrated, time and again (as we referenced in our Third and Fourth Presentments) that as an agency it remains unequal to its statutory task. Why NGOs and their employees, in this state and others, would nonetheless continue adherence to ORR policies, despite being aware of the multitude of risks ORR has created, is almost beyond comprehension.

We say *almost* because, as it turns out many NGOs, including several (but not all) here in Florida, depend on agencies like ORR and HHS for 90% or more of their annual budget. In this context, the reasons these NGOs might continue to place aliens (adults and, especially, children) into risky situations, become illuminated.

¹¹ “The problem with criminal records: Discrepancies between state reports and private-sector background checks.” Sarah Lageson, Robert Stewart. First published: 09 February 2024 <https://doi.org/10.1111/1745-9125.12359>

III. THE NEED FOR ADDITIONAL INVESTIGATION

In United States v. Hansen, 599 U.S. 762 (2023), the U.S. Supreme Court upheld a criminal statute:

Helaman Hansen operated a program that *purported to help unlawfully present aliens become U.S. citizens, even though federal law does not provide* a pathway to U.S. citizenship through [Hansen's method]. Hansen's fraudulent scheme and *false representations allegedly caused some aliens to enter the United States unlawfully and caused others to overstay their periods of authorized stay* in the United States. Along with convictions for mail fraud and wire fraud, a federal jury convicted Hansen of two counts of encouraging or inducing illegal immigration for purposes of financial gain in violation of 8 U.S.C. § 1324(a)(1)(A)(iv) and (B)(i).

The question before the Supreme Court was “[w]hether the federal criminal *prohibition against encouraging or inducing unlawful immigration for commercial advantage or private financial gain*, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv) and (B)(i), is facially unconstitutional on First Amendment overbreadth grounds.” In a 7-2 decision, the Court held that Subsection (iv) is not unconstitutionally overbroad on its face under the First Amendment because the provision forbids only the purposeful solicitation and facilitation of specific acts that violate federal law. In the majority opinion ... The majority explained that “the defendant generally must intend to facilitate the commission of the crime.... Since ‘encourages or induces’ in clause (iv) draws on the same common-law principles, it too incorporates them implicitly.” ... Examining activity that may fall within the provision’s purview, the Court pointed out that *“a great deal of nonexpressive conduct” (i.e., conduct that does not qualify as speech) falls within the provision’s scope, such as “smuggling noncitizens into the country,* providing counterfeit immigration documents, and issuing fraudulent Social Security numbers to noncitizens.”

As demonstrated in Hansen, Subsection (iv) may apply in a variety of contexts ... for instance, prosecutors have used the provision to punish those who engage in fraudulent schemes that encourage unlawfully present aliens to remain in the United States under false pretenses. ... The Hansen court defined solicitation as “the intentional encouragement of an unlawful act” and

facilitation (i.e., aiding and abetting) as “the provision of assistance to a wrongdoer with the intent to further an offense’s commission.” **The Court added that “lending physical aid” is not required and that “words may be enough.”**

<https://crsreports.congress.gov/product/pdf/LSB/LSB11003>

As we have stated before,

The intentional avoidance of knowledge regarding the flaws in the process and their foreseeable outcomes does not absolve them of culpability. We find it helpful, in view of the details set forth above, to further remind our readers—including “placement agencies,” their employees, and donors, of Florida Standard Jury Instruction 3.3(h):

“Willful Blindness”

In some cases, the issue to be determined is whether the defendant had knowledge of a certain fact. Florida law recognizes a concept known as willful blindness, which is sometimes referred to as “deliberate avoidance of positive knowledge.” Willful blindness occurs when a person has his or her suspicion aroused about a particular fact, realized its probability, but deliberately refrained from obtaining confirmation because he or she wanted to remain in ignorance. A person who engages in willful blindness is deemed to have knowledge of that fact.

We believe that we have only been able to expose the tip of this iceberg, and therefore reiterate our prior recommendation that a separate Statewide Grand Jury, with sufficient time¹² and broader mandate, be charged with investigating these

¹² We have previously discussed the refusal of ORR and its grantees to comply with subpoenas for information. The New York Times actually sued the agency in federal court for similar information, a process often requiring more than a year to receive any data. https://www.nytimes.com/interactive/2023/12/28/us/migrants-children-data.html?unlocked_article_code=1.Jk0.xUv9.GJ_Yfahr5URj&hpggrp=ar-abar&smid=url-share

organizations. We further point out that Chapter 895 of the Florida Statutes sets forth that:

“Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to solicit another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

24. Section 777.03, relating to commission of crimes by accessories after the fact.

27. Chapter 787, relating to kidnapping, human smuggling, or human trafficking.

35. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally,

37. Section 827.071, relating to commercial sexual exploitation of children.

44. Chapter 843, relating to obstruction of justice.

OR

(b) Any conduct defined as “racketeering activity” under 18 U.S.C. s. 1961(1), which includes:

section 1425 (relating to the procurement of citizenship or naturalization unlawfully)

section 1426 (relating to the reproduction of naturalization or citizenship papers),

section 1427 (relating to the sale of naturalization or citizenship papers),

section 1503 (relating to obstruction of justice),

section 1510 (relating to obstruction of criminal investigations),

section 1511 (relating to the obstruction of State or local law enforcement),

section 1512 (relating to tampering with a witness, victim, or an informant),

section 1513 (relating to retaliating against a witness, victim, or an informant)

section 1546 (relating to fraud and misuse of visas, permits, and other documents), and

sections 1581–1592 (relating to trafficking in persons)

OR

(F) any act which is indictable under the Immigration and Nationality Act, including

section 274 (relating to bringing in and harboring certain aliens),

section 277 (relating to aiding or assisting certain aliens to enter the United States), or

section 278 (relating to importation of alien for immoral purpose)

if the act indictable under such section of such Act was committed for the purpose of financial gain[.]

We found unimpressive the repeated attempts by some witnesses to appeal to nostalgia. One CEO repeatedly invoked his group's origins in activities related to refugee migration decades ago. Working with refugees following an armed revolution is a decidedly different proposition than what these NGOs are now doing with regard to illegal aliens; the public should not be misled by NGOs' desire to conflate the two in an attempt to confuse perceptions of their behavior.

What is more, this argument serves to underscore one of the central complaints against NGOs. As more than one executive confessed, without federal funds, the programs they currently run would not be possible to implement, a marked departure from the history in which they would prefer to wrap themselves. They also admitted that when these nonprofit organizations historically participated in acts of

charity to help refugees fleeing persecution, they did not need billions of dollars in federal government subsidies to do so:

Q: I'm sorry. You just said you don't do it for money, right?

THE WITNESS: Correct.

Q: Your organization made something like \$6 million [just] from ORR last year; right? Yeah?

THE WITNESS: Yeah, somewhere in there.

Q: Would you be doing -- would you be doing this if you didn't get \$6 million from ORR, or would you close your doors and not accept any children?

THE WITNESS: You need funds to operate.

Q: I understand you need funds to operate. You talked to me about all this fundraising you do. I know that according to your financials the organization is sitting on something like \$37 million in assets; okay? You talked about fundraising already. That, we get. So my question to you is: Why then take ORR's money when you know that the strings attached to that money result in proceedings like this where you redact e-mails, where you refuse to answer questions because you're told ORR says you can't? Why take their money? Why not tell them where to stick their money and proceed with your mission instead? Why not?

THE WITNESS: Our mission is, we know these children when they cross the border are in danger of human trafficking, and we have to trust in our government when they get into the care of ORR and they are sent to us. We then are taking care of traumatized children, and it's -- we do a good job.

Q: You can do that without taking the money that prohibits you from answering questions. You can do that. You just told us you started out doing that; right? That's how you began. Why then continue -- I'm going to say it again -- being complicit with ORR's policy of not answering questions, not disclosing things, not being up front, public, transparent, about anything? Why do that when you have the option not to?

THE WITNESS: We don't have the option not to. We would not be able to fund the program.

Q: You wouldn't be able to fund the program at all, or you wouldn't be able to fund it as large as it is currently? In other words, is this not a policy choice by the corporation of which you are the CEO? You could operate. You have, in fact, in the past operated, maybe not at that scale, but you have done it and can do it.

THE WITNESS: We would not be able to.

Q: You wouldn't be able to take care of one child?

THE WITNESS: We would -- the program as it is where it's licensed for the children that come in, we need funding in order to be able to do that.

Q: So the idea is, then, that you will, because you want to maintain the program as it is, accept whatever conditions are placed on that money? How many -- what conditions would you not accept? What could ORR possibly put as a string on that money to finally get you to walk away from it?

...

THE WITNESS: Well, as I said, we've been doing this for 65 years and we never --

Q: You were doing it before ORR existed.

THE WITNESS: We never came -- you know, we never had to get to this point.

Q: I'm going to take -- I'm going to take that as this. You could, in fact, do something different, and have in the past done something different. For whatever reason, I'm going to quit asking you to explain your reasons, because I don't think you intend to. For whatever reason, the corporation has decided to accept the conditions placed on that money and continue operating like this. Knowing the conditions placed on that money, knowing that you have to submit answers like that, you now know and you're continuing to do it.

THE WITNESS: Knowing that we take good care.

Q: I didn't say you didn't. Nobody has said you don't take good care of the kids when you have them. That's not the point. The point is, what is the cost of being able to take care of them so well for 45 days? What are the costs? And the costs are high. The costs are costs of things like nobody knows where those children are after 30 days. The costs are 400 of them ended up in DCF

care. The costs are some of them get placed with criminals, and on and on and on and on.

So just the final question. If -- could there be a condition -- can you think of any condition ORR could place upon that grant money to finally cause [your NGO] to walk away from it, say that we can't accept that condition anymore? What would that look like?

THE WITNESS: It would be something that we felt was not in the best interest of the children.

Q: You are accepting the money from ORR. I'm going to therefore, based on your answer, interpret that as saying you think that that is in the best interest of the children, because if it wasn't you would walk away, and you're not walking away.

THE WITNESS: That's correct. We make a place with us, that's correct.

...

GRAND JUROR 4: So you've qualified your answers a couple times saying "when they're with us." And if [the NGO] only housed and took care of people then that would be a reasonable qualification, but that's not all that [the NGO] does. They place children with other people. And the policies of ORR in that placement are primarily where the neglect and abuse occurs. And, so, I think that the question of ORR's policy with regard to placement of children with sponsors and ensuring that those sponsors are being responsible with those children and taking care of them in the appropriate and proper way are where ORR's policy are woefully inadequate. And that placement that you guys do for them, therefore, has no accountability nor security for those children. And I don't understand how you can say that is in their best interest.

That some organizations have effectively chosen to become corporations dependent on taxpayer subsidies emphasizes the perversion of noble purpose, not a continuation thereof. They are so tethered to government funding that their original declared purpose is no longer served and they now operate essentially as a no-

questions-asked pass-through for federal grant funds to various other individuals and organizations.

IV. SPECIFIC EXAMPLES

During the course of our investigation, we interviewed dozens of current or former NGO employees, ranging from entry-level caseworkers to managers to Chief Legal Counsel to rescue operatives to CEOs and board chairmen. Some appeared willingly; others not only required a subpoena but showed up with multiple attorneys. Some were quite candid; some were understandably reluctant; and in the case of Catholic Charities of the Archdiocese of Miami, Inc. (described herein), repeated some variation of “I don’t know” more than ninety-three times in one sitting. Our Third Presentment detailed some of this behavior:

In testimony before us, one CEO admitted only visiting the UAC facility run by that organization one day per month. Officers professed to be unable to discuss the details of their acknowledged transfer of minor children, on the theory that subpoenas and direct questions from the Supreme Court of Florida and this grand jury were subservient to the language of the contract they chose to sign with ORR in exchange for massive amounts of federal taxpayer dollars. Indeed, part of one response asserted that it was “beyond the authority of the Statewide Grand Jury” to even so much as ask for “the total number of sponsors who have received more than one UAC for placement.”

Some executives were cooperative to an extent, but nonetheless displayed an alarming lack of awareness that there were any serious problems in the current process. Extreme naivete can be as dangerous as malice in this situation. Others behaved far more suspiciously. On ninety-three separate occasions during examination of one group, the answer was some variant of “I don’t know”; they don’t know who makes placement decisions, they don’t know who redacted entire emails including signature lines, they don’t know what a

follow-up to placement is, they don't know anything about ORR's success or lack thereof in safe placement, they don't know why they don't report crimes they observe, they don't know what happens to children after leaving their facility, the CEO doesn't know the answer but says another officer does but that officer has no idea why the CEO would say that, and on and on ad nauseum...

Uniformly, these individuals professed allegiance to ORR. They were unable to name any condition which ORR might put upon a grant which would lead them not to accept the money. We confronted them with a number of the findings about ORR referenced in this report; we pointed out that they could easily choose to provide care to UAC without becoming involved in ORR's placement business; yet the answers did not change. These organizations would (as one CEO brazenly stated) rather operate an unlicensed placement facility and display contempt of Florida's laws, than risk losing ORR's funding.'

We emphasize that we interviewed and examined representatives and evidence from more than the NGOs specifically discussed below. Some of them, including two here in Florida, were content to run carefully-managed (and usually smaller-scale) placement programs and stated they exceeded federal agency recommendations in the care they took. Not all seem so conscientious. We will discuss three organizations in more detail. Concurrently with this Sixth Presentment, we will publish a separate Seventh Presentment identifying these NGOs.

Catholic Charities of the Archdiocese of Miami, Inc. (CCAM):

CCAM received 1,243 UAC in the two-year time period we studied. Only 197 were placed in Florida.¹³ We examined CCAM's Form 990 for FY 2022. This organization received just over \$29 million in "Government Grants" and less than \$1.5 million from "all other contributions." Ninety-six percent of CCAM's income appears to have been derived from government grants of some type.

CCAM spent around \$4.5 million dollars in "Grants and other assistance to foreign organizations, foreign governments, and foreign individuals." The CEO, CFO, and CAO of CCAM each make more than \$160,000 per year. It spent \$845,000 on executive salaries and \$14 million on "other salaries and wages" with an additional million going toward "other employee benefits" and approximately \$2 million being paid for "Health Benefits and Pensions."

Florida CCAM operates a large child placement facility in Florida; that is, it takes federal money to place Unaccompanied Alien Children (legal and illegal entrants) with sponsors. It does so without a required state license. When confronted by the Department of Children and Families, CCAM took legal action against the Department to prevent being sanctioned for its unlicensed activity.

¹³ This illustrates another facet of the problem, warranting further investigation: most UAC and other aliens are in fact placed into Florida by agencies who do not operate here in any other capacity.

A top executive at CCAM admitted that nearly 20% of CCAM's operating budget came from a single federal agency. He also testified as follows:

Q: If you were denied a license to place children by the Department of Children & Families such that you are not allowed under the licensing law of the state of Florida to do it, what would [your organization] do?

THE WITNESS: We have to follow the guidelines of ORR.

Q: So I'm going to interpret your answer. You tell me if I'm right or wrong. You would continue to operate, license or no from DCF, under the terms of your grant with ORR.

THE WITNESS: We have to follow the guidelines of ORR.

Q: You have to follow them because you entered a contract; right? You accepted a grant. That's a contract; right? That's the reason you have the -- so the penalty if you don't follow ORR's rules is they take that money; right? That's what happens when you breach a contract. If you don't follow ORR's rules they take their money back; right?

THE WITNESS: I mean, it's -- I don't think it's happened to us.

Q: But that's how a -- that's how a grant would work. They can take their money back. That's the only real penalty ORR can impose, right, take the money away. They say, "You're not following our rules, we're taking our money back" right?

THE WITNESS: I guess, yeah.

...

GRAND JUROR 4: So the reason that I ask is, because it feels as you've outsourced your policy-making ability to ORR by accepting the contracts from them. We have received lots of testimony and read reams of documentation showing policies from ORR and practices from ORR that are highly neglectful of the best interest of children. Policy such as firing employees who express concerns over possible dangerous placement of children. Policy such as placing children with known criminals. And, to me, that does not reflect the value of doing what is best for children. So it seems incongruous to me that holding that value or claiming to hold that value as an

organization you would allow such an agency to impose so much influence over your own agency.

... There's a choice that an organization makes when they are in the context of a flawed system, whether to be complicit with that system or whether to say, you know, this is what -- the way that you are, that is you ORR, are treating children is not in their best interest. Your corporate organizational values are manifestly not aligned with the best interest of the children, and we're not going to be complicit with the abuse and neglect you perpetuate upon UCs. The choice that it appeared that you-all have made is to be complicit with ORR's neglectful and abusive policy towards UCs.

THE WITNESS: I would respectfully disagree with that. Our job is, we take these unaccompanied minors who have been traumatized, and they come into our facility, and as long as they are in our facility they are well taken care of, they are safe and -- but the system, is the system flawed? Probably so.

And yet, as one "Lead Case Manager" for CCAM stated, the organization routinely follows policies without those in charge having any idea as to why they do so:

Q: Okay. Presenting a fake document in an attempt to get a child, that's a crime. Who do you report that crime to?

THE WITNESS: Well, we submit an SIR and we make our field specialist aware of it.

Q: SIR, the Significant Incident Report -- sent to ORR? So you tell ORR?

THE WITNESS: Yes.

Q: Are they law enforcement that you know of?

THE WITNESS: Not that I'm aware of.

Q: Why don't you tell law enforcement, the FBI, or the local police or the sheriff? Why doesn't that happen? Somebody just tried to get a child from you under completely false pretenses. Why wouldn't we involve law enforcement at that point? Is that a policy?

THE WITNESS: I wouldn't be able to tell you.

Q: When you see a crime happen outside of your job, I assume you would report it, right? You see somebody breaking into your neighbor's car, you're going to call the police?

THE WITNESS: Yes.

Q: Why don't you do that here?

THE WITNESS: I don't know.

An CCAM UAC Program executive made similarly disturbing statements:

Q: ORR has an agreement with [CCAM]?

THE WITNESS: Yes.

Q: In other words, they have said, "We don't care if you're licensed by the State of Florida or not, you can continue working with us."

THE WITNESS: That's what I understand.

Q: Okay. So they have traditionally, over all the other years you've worked, ORR has required you to be licensed by the State for placement; right? That's been the case since you've been working before; right?

THE WITNESS: That's correct.

Q: Now, they are waiving that requirement; right?

THE WITNESS: That's what I understood.

Q: That doesn't mean -- because Florida law still requires you, in order to place children, regardless of what ORR says, Florida law still says you have to have a license; right? If you don't have a license and Florida law says you have to have one, what's going to happen?

THE WITNESS: I don't know.

...

Q: What if I told you that ORR dropped eight children into a human trafficking ring where they were discovered at an egg farm in Ohio that resulted in a bunch of people trafficking in children?

THE WITNESS: Wow.

Q: I'm going to go back to the series of questions I asked you earlier. How confident of you -- are you that ORR knows what the heck they are doing?

THE WITNESS: (No response.)

Q: When is the last time you looked into whether they know what they were doing?

THE WITNESS: (Nodding head.)

Q: You have a responsibility to these children in your position; right? You have agreed to accept that responsibility?

THE WITNESS: (Nodding head.)

Q: Do you believe that responsibility is being faithfully and properly executed when you take ORR's word for everything?

THE WITNESS: (Nodding head.)

Q: Yes? No?

THE WITNESS: No.

Q: I'm sorry?

THE WITNESS: I'm not sure how to answer your concern.

...

Q: So these children are legally custodialless, legally homeless, legally in limbo hanging out there. Everybody that has a Category 2 and Category 3 sponsor is in that boat. Do you understand that?

THE WITNESS: Mm-hmm.

Q: Does that create a concern for the well-being of those children when nobody can be held responsible for bad things happening to them? Do you understand that?

THE WITNESS: I understand.

Q: Why would you then authorize or help or assist placement with Category 2 and 3 sponsors when you're basically saying here's a child that can live with you but the child has no protections? Why would you do that?

THE WITNESS: I understand what you're saying, but, yes, that's what we're instructed to do.

Q: I understand that might be what you're instructed. Why would you -- if you realize that is a problem, why would you do it? That's my question. Can you answer that one?

THE WITNESS: No.

...

GRAND JUROR 28: Do you receive any type of pressures or, I guess, a push to go ahead and expedite the process?

THE WITNESS: Yes. There are times when we have other documentation then, yes, we feel the pressure that we need to be sending immediately.

GRAND JUROR 28: Who pressures you?

THE WITNESS: ORR.

GRAND JUROR 28: ORR?

THE WITNESS: Mm-hmm.

Florida CCAM's board chair was interviewed regarding the problems identified in our Third Presentment. He professed concern and told us he would be raising those issues with his CEO and his Board of Directors:

GRAND JUROR 4: In your understanding of the policies that are followed at [CCAM], would you expect that staff who become aware of criminality would report that to law enforcement?

THE WITNESS: Yes.

GRAND JUROR 4: In cases like sponsors committing fraud, that that would be reported to law enforcement?

THE WITNESS: Yes.

GRAND JUROR 4: What would you advise -- how would you advise your CEO if he told you that ORR discouraged reporting of such criminality to law enforcement?

THE WITNESS: Well, obviously it's something that we would not -- I don't think it's something that we like to hear. But to what control do we have?

GRAND JUROR 4: So at the end of the day you would say this is a bad policy but we will follow it?

THE WITNESS: Yeah. Aware that there are things that -- beyond our scope of, you know, what we do. We can't do any more.

...

GRAND JUROR 7: So just to be clear. It's not in the [NGO]'s best interest to report crime when you become aware of it?

THE WITNESS: Oh, it is in our interest.

GRAND JUROR 7: Is there a reason why you aren't doing it?

THE WITNESS: Who says we are not doing it?

GRAND JUROR 7: From testimony that we've heard.

Q: Let me be very blunt with you, ... From your employees. Your employees say you're not doing it and they're intentionally not doing it because they have been strongly advised not to.

THE WITNESS: Well, that I'm not aware of.

Q: Now that you are, what do plan to do about it?

THE WITNESS: Well, after those, talk to my CEO about it.

GRAND JUROR 7: Thank you.

...

Q: I'm gonna guess you realize that you-all have these kids for about 30 days and take care of them while they are -- while ORR and [CCAM] are locating sponsors. Are you familiar with that?

THE WITNESS: Yes.

Q: Beyond the 30 days we've learned, and I just want to find out if you're aware of this too, [CCAM], or more importantly your case managers or whomever, are essentially prohibited by ORR rules, practices, procedures, whatever it may be, from having further contact with those children. Are you familiar with that after they're placed with a sponsor?

THE WITNESS: I know now because of the report.

Q: Okay.

THE WITNESS: I did not know before.

Q: Is that one of the things that concerned you?

THE WITNESS: Yes.

...

Q: Correct. And, you know, the idea that there is zero involvement after and a decision is made within 30 days where this child is essentially going, for all we know for the rest of their childhood, with this sponsor is being made that quickly. Is that something that you would share a concern about after you learned about that from the report?

THE WITNESS: Yes.

Q: Do you believe that that is something that you are going to want to discuss with the rest of the board?

THE WITNESS: It's not something I want to. It's something I'm going to.

...

Q: If ORR refused to hear your concern or to react in what I would believe to be a positive manner and say, yeah, [CCAM], you can be involved with these kids or maintain contact, make sure that they're safe beyond the 30 days and ORR said, no, we're not going to do it, we're -- that's it, we're not going to allow that to happen, you're still at 30 days, you're done because they have a sponsor, do you think your board would push back with ORR I guess is what I'm thinking?

THE WITNESS: I would say -- think so, yes.

...

Q: You referenced earlier in the discussion there are a number of ways that [CCAM] can help or aid children in general. Right?

THE WITNESS: Yes.

Q: I mean you do it all the time. You have foster care, substance abuse care, adoptive care, all of that. Right?

THE WITNESS: Um-hum.

Q: And you have been doing that since before the Office of Refugee Resettlement was ever even created.

THE WITNESS: Yes.

Q: Okay. So [CCAM] does not need, in order to fulfill its mission to reach out to children, does not need the Office of Refugee Resettlement. Right? You can and have been for decades, centuries even, doing that kind of outreach and counseling and working and assisting?

THE WITNESS: Yes.

Q: Okay. The problems that were written about in that report you read are created largely and almost solely as a function of the fact that [CCAM] has a contract, meaning you accept grant money, apply for and accept grant money from the Office of Refugee Resettlement and, therefore, agree to abide by their rules in conducting your business with these children. If you cannot by virtue of the fact that you have agreed to accept that money do the things that you want to do or think need to happen for the welfare of these children, does [CCAM] have a decision to make about whether they want to continue to be in the ORR business when they can and are able to and have been and have proven to be very good at serving children without having to follow ORR's rules? Do you understand my question?

THE WITNESS: Yes. I think that there are several elements there that would come into play. I think one, one we have to change our funding, you know, where we do that.

We took the witness at his word. We subpoenaed him again after approximately six months. We learned that nothing had been done or changed, and there were no plans to do so.

Q: Number 1, is it still the idea that even if there is criminality observed that as long there's an ORR policy in place the calling of police or reporting to law enforcement should be discouraged, that that is still the rules that are being followed by your case managers as far as you know? Is that still going on?

THE WITNESS: As far as I know. *I've not been able to really speak about this as I swore.*

...

Q: Are you -- am I to understand that as of today you have not had those discussions with the board at all?

THE WITNESS: Correct.

Q: Okay. When did you say you plan to do that?

THE WITNESS: I need to plan on doing it with our board.

Q: Which is when?

THE WITNESS: To be honest, I don't remember. I'm thinking about it. I'm thinking about something else that I -- *I don't know when.*

In other words, CCAM's chief administrators and senior employees all recognize, or claim to recognize, many of the problems we have not only publicly reported but impressed upon them personally. Nonetheless, they continue business as usual.

Lutheran Services of Florida, Inc. (LSF)

Florida LSF is larger than CCAM, and more diversified in terms of the services it performs. It has numerous contracts throughout the state performing functions as varied as mental health and substance abuse counseling for local court systems and service to homeless and aging populations. We note at the outset that

our discussion is not related to the performances of these other functions, which we have not investigated and have no reason to question.

LSF declared total revenues of just over \$300 million in FY2021, with nearly \$295 million of that coming from "Government Grants." It spent more than \$2 million on executive salaries, nearly \$60 million on "other salaries and wages," and more than \$8 million on "other employee benefits" such as "pension plan accruals." No fewer than nine executives are paid more than \$140,000 per year, three more make in excess of \$200,000, and the CEO salary is listed at more than \$350,000 annually.

Over a three-year period, LSF received more than 800 UAC for placement. Like CCAM, it currently operates a placement facility without a state license to do so, and took legal action against the Department of Children and Families over potential liability for such activity.

A top executive of LSF admitted that, much like CCAM, his organization was completely dependent upon grant funding for this facet of its program:

GRAND JUROR 9: If [LSF] did not receive the funding from ORR, would you guys still be able to handle as many children and continue placing children to the same capacity, or would you have to lower the capacity? Basically, like, do you require that lump money, you know, the 6 million, \$7 million compared to the, what, 200, \$250 million that you guys normally have, right, in order to complete this service?

THE WITNESS: Complete which service?

GRAND JUROR 9: The application of the UC children.

THE WITNESS: Of the UC children? Well, we wouldn't have any of the UC children if we didn't have the [program location]. That's the only program that we have that actually serves UC children. So, yeah, if we weren't able to operate the [program location] we wouldn't be placing anybody anywhere 'cause we wouldn't -- we wouldn't have kids.

The same executive claimed to be unaware that there were any problems in ORR's framework, and when confronted with several specific examples from our Third Presentment, (including labor trafficking of UAC, murders and other crimes committed by UAC or sponsors, and reckless placement of children with criminals) he indicated as follows:

THE WITNESS: That's horrifying. That's terrible.

...

Q: While we're on that subject, you seemed concerned --

THE WITNESS: I am concerned.

Q: -- and understandably so about Florida, but most of the children your organization and most organizations list, you place most of your children with people outside of Florida.

THE WITNESS: Mm-hmm.

Q: And a lot of people outside Florida place children here. ...

THE WITNESS: I think I would have heard if that happened in Florida, for example.¹⁴ No, that's -- that -- you know, those are horror stories, and I agree with you. Those are extremely concerning. ... I think it's horrible. Whoever is responsible for that, they should fix it. And ORR has some -- has responsibility for that. You're telling me things I haven't heard before. I'd be outraged if I heard that the State of Florida did that with kids, too. I'm outraged if ORR is

¹⁴ He had *not* heard, which is why we informed him.

actually not following up more than that. And I will definitely go back and try to dig a little bit on my own to figure out exactly what happened, you know, as best I can find out. So thanks for sharing.

Naturally, we followed up with this witness approximately six months later. While we were pleased to learn that, unlike CCAM, this witness had in fact made inquiries regarding some of the deficiencies we pointed out, we were ultimately quite disappointed to learn that absolutely nothing had changed:

Q: All right. And you had had the opportunity, as I referenced, to testify before us about five or six months ago. During the course of that testimony I think you even were presented with some evidence on this side of things about certain matters that you had been previously unaware of. And some of those findings and matters were summarized and described in some detail in the previous report that this grand jury had issued and is now a matter of public record. We invited you back here -- they invited you back here today as more in the form of a follow-up bit of testimony here for you to describe to us if you would that, based on the discussions that were had in the previous testimony, your previous appearance before us in some of those matters that I have referenced, what either changes or at least discussions you have had on your end of things with some of the stakeholders that you have with [LSF]. Have you either brought about or at least discussed some of the matters that you became aware of during your prior testimony here in front of us?

THE WITNESS: Yes. Obviously I heard things from you-all that I hadn't heard before that raised some concern on my part. I made a trip to Washington, D.C., after we met. I met with the officials with the Office of Refugee Resettlement. We had a nice talk.

...

It was collegial. You know, the first meeting there was a whole lot of sort of bringing people up to speed about what I was talking about. The second meeting, the principal deputy had already been briefed on my earlier meeting, so it was very collegial.

...

They listened to what I said. I mean, I felt heard.

Q: Did they counterrespond with any suggestions or offers as to how they, themselves, might do their jobs better, or matters that they felt perhaps as an agency potentially deficient in?

THE WITNESS: Not really.

...

Q: So back to my -- I'm trying to figure out exactly what response you got from these individuals. What were the words that were exchanged? What did you get back from them in terms of what did they say?

THE WITNESS: They said we hear you, I guess.

...

I felt like I got what I needed from them. I needed for them to hear that I'm concerned that they're being sloppy with post placements. I'm concerned about that. And I want them to know our agency doesn't want to take part in anything that's sloppy like that. And we're going to do the things that we need to do to make sure this is a good process, so, I mean, I got what I needed.

Obviously, nothing has actually changed; ORR still restricts providers from doing anything more than 30 days after placement, providers have only that window to “check” anything, employees are still discouraged from reporting incidents directly to law enforcement, and no amount of doublespeak regarding “we hear you” alters that fact (indeed, as we documented extensively in our Fourth Presentment, ORR has instead proposed a rule which would make these issues worse, not better). Nor does it appear that LSF has reconsidered being involved with this particular industry, on the same terms.

Florida Gulf Coast Jewish Community Services, Inc. (CJCS)

Like LSF, GCJCS operates in multiple arenas, including foster care, domestic violence counseling, residential health treatment, and others. Just as with LSF, we did not investigate any of those areas and none of the commentary herein should be construed to apply in those contexts.

We examined GCJCS's Form 990 for FY 2021. This organization received just over \$33 million in "Government Grants" and reported just over \$42 million in total revenue. It spent nearly \$500,000 on executive salaries and \$20 million on "other salaries and wages" with an additional \$2 million going toward "other employee benefits."

Florida GCJCS, like the others mentioned, operates a child placement facility in Florida; that is, it takes federal money to place Unaccompanied Alien Children (legal and illegal entrants) with sponsors. It does so without a Florida license. During our investigation, one of those children died while in GCJCS's custody.

Law enforcement investigation revealed that the 17-year-old had left his home country, in the company of a group apparently being smuggled, arranged by the child's father. According to the child's mother (who is still in her home country), he was epileptic since childhood and left home with a supply of medication for that condition. The child entered the country illegally, swimming across the Rio Grande. When apprehended, he was examined by medical professionals and then turned over

to ORR by Border Patrol. The child told those examining him that he was epileptic, but that he had not had symptoms in over a year, and no medication was found on him. This information was duly placed into the UAC portal.

The child was sent to GCJCS for placement, as he had a relative in Florida willing to sponsor him. Medical professionals at GCJCS conducted a brief initial exam, and he did not disclose his condition and denied any illnesses. At the time, ORR rules mandated that he be taken to a medical doctor for examination within 3 days. They also required that the sponsor packet be received and reviewed within 5 days. The sponsor filled out the forms in the packet and returned it on a Saturday. It was uploaded to the UC portal on Sunday. That packet contained information that the child suffered from epilepsy and had for years.

The child's assigned case manager was not working that weekend, and the GCJCS "case manager supervisor" who was, admitted she received the packet and uploaded to the UC portal but did not read its contents due to being busy. This person is no longer employed at GCJCS. The child was transported to a doctor, but did not disclose his condition to the doctor, nor did anyone else. Since no injuries or symptoms appeared during this process, the child was returned to GCJCS, and died within hours of an epileptic seizure.

“Information from children can at times be unreliable.” So says ORR’s parent agency.¹⁵ Unfortunately for this child, rules imposed by ORR upon grantees, and the acquiescence of a grantee to that process, compounded this fact.

One program director at GCJCS related that:

Q: Okay. The normal process for a child when he comes to your facility, at least at some point he will be taken to a doctor to have a physical examination; right?

THE WITNESS: Correct.

Q: And that happened in this case. How soon is a child typically to see that doctor?

THE WITNESS: Within 72 hours, not including the weekend.

Q: And was that your facility's policy or was that by ORR rule or something else?

THE WITNESS: ORR rule.

Q: So ORR mandated you have to take that child to the doctor within 72 hours; right?

THE WITNESS: Correct.

Q: Now, when a sponsorship packet comes in one of the things or some of the things that are required and requested to be deemed complete are, you ask questions about the, you know, the child's developmental background, medical background, anything that might reflect on their health history. That's one of the sets of questions; right?

THE WITNESS: Yes.

Q: And this packet contains information like that that indicated [the UAC] had an epileptic condition.

¹⁵ <https://www.acf.hhs.gov/media/press/2018/hhs-executing-its-mission-care>

THE WITNESS: I believe it has a question or two, yes.

Q: Yes. But at the time that ORR mandated you to take this child within 72 hours to a doctor, ORR also had a mandate in place, I'm told, about how fast the information in that sponsorship packet had to be reviewed; right?

THE WITNESS: For the sponsor assessment there's five days.

Q: That's also by ORR rule, or is that your -- just your --

THE WITNESS: ORR rule.

Q: So they make you take the child to the doctor, but they don't make you review the actual records that contain information the doctor might need to know for five days, but they make you take the child to a doctor within two or three?

THE WITNESS: The -- well, the five days is to actually sit down, go send out the information, get the information, get the packet back, then reach out to the sponsor, and then go through the whole, entire questions, go through the assessment. So that's a five-day period.

Q: When you and your case managers have these children taken for their medical exams, you want to take the doctor any information you have that might be relevant to the doctor; right?

THE WITNESS: Yes.

Q: Okay. So if he comes in with medicine, he comes in with a note, says he's got a broken bone or something like that, you want to be able to tell the doctor, so you look -- what sources do you look at to get that information? I'm trying to get to the idea of what information your case managers or your medical staffers collect and the sources that they collect it from. I mean, I know that in the UC portal, border patrol -- border patrol always examines these children when they first come into custody. The doctor that border patrol used is something -- that information is already in the portal; right?

THE WITNESS: Correct.

...

Q: Okay. The information from the sponsorship packet, do you ever have your personnel look through the sponsorship packet to see if there might be something relevant in there before you take this child to see a doctor?

THE WITNESS: Yes.

...

Q: Okay. If I were to tell you that that sponsorship packet was received on Saturday, uploaded on Sunday, available to the UC portal well before the child went to the doctor, would that surprise you?

THE WITNESS: Yes.

Q: And if I were to tell you that the person who uploaded it admitted that they uploaded but did not actually read the contents of it because they were busy, would that surprise you?

THE WITNESS: Yes.

Q: I want you to assume that all of that is true for the moment. Do you see any problems with that?

THE WITNESS: Yes.

Q: What should have happened?

THE WITNESS: Well, they did have five days for the assessments, and best practice, all the documents should have been reviewed.

Q: And had they been reviewed, the doctor could have been told according to this sponsor, [the UAC] most definitely had this condition; right?

THE WITNESS: Yes.

Q: My understanding is that ORR has since changed that five-day rule; is that right?

THE WITNESS: Yes.

Q: Do you know when it changed?

THE WITNESS: Not exactly, but it was after.

Q: It was after this incident?

THE WITNESS: Yes.

We are aware that law enforcement concluded that, on the basis of what is known, they did not find evidence of criminal intent on the part of any person involved. We do not disagree with that conclusion, but that does not end our inquiry.

Not all crimes require specific criminal intent. In this situation, we considered whether Chapter 782.07, Florida Statutes (Manslaughter), might apply:

(1) The killing of a human being by the act, procurement, or ***culpable negligence*** of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, is manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

...

(3) ***A person who causes the death of any person under the age of 18 by culpable negligence*** under s. 827.03(2)(b) commits aggravated manslaughter of a child, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Culpable negligence is not defined in section 827.03(2)(b) but is defined in various cases:

Although culpable negligence is not defined by statute, case law describes the severity and nature of the acts required to attribute knowledge of the consequences to the actor. ...For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily harm.

Culpable negligence must be determined ***upon the facts and the totality of the circumstances in each particular case.***

Taylor v. State, 363 So. 3d 126, 130–31 (Fla. 1st DCA 2023).

We recognize that the policies and conditions imposed by DHS, HHS, and ORR upon financial grantees are laden with potential to cause tragedy, as has been outlined before. ***It has always been not a matter of if, but when.***

We also assert that organizations and individuals who accept those conditions and take the money cannot automatically absolve themselves by simply saying they were “following the rules of the program.” Individuals are responsible for their own actions ***and inactions***.

Our concern and mandate is not to consider whether, in this instance, there might be individual or organizational civil tort liability. It is, as the Supreme Court charged us, to determine potential **criminal** liability. Given the evidence as we understand it, we do not believe individual criminal liability is warranted in this specific instance. We decline to find that one or two individuals should bear the brunt of responsibility for federal agency policies in light of these particular facts and circumstances.

V. CONCLUDING REMARKS

The members of the Twenty-First Statewide Grand Jury appreciate the diligence and faith our Supreme Court and Presiding Judge Masters put into the process of our empanelment and deliberations. We conclude our term of service knowing a great deal more than when we began, and hoping that we have provided information useful to our fellow Floridians. We wish to express our thanks to the Tenth Circuit Court staff, Polk County Sheriff's Office, Capitol Police and FDLE agents who made it possible to carry out our mandate in a secure and well-equipped environment; and to our court clerk and court reporter for months of excellent and productive labor on our behalf.

Respectfully submitted to the Honorable Ellen S. Masters, Presiding Judge of the Twenty-First Statewide Grand Jury, this 6th day of March, 2024.

A handwritten signature in blue ink, appearing to read "David White", written over a horizontal line.

Foreperson Juror #18

Twenty-First Statewide Grand Jury

THE FOREGOING Seventh Presentment was returned to me in open court this this 6th day of March, 2024.

A handwritten signature in black ink, appearing to read "Ellen S. Masters", written over a horizontal line.

HON. ELLEN S. MASTERS,

Presiding Judge

Twenty-First Statewide Grand Jury

I, Nicholas B. Cox, Statewide Prosecutor and Legal Advisor, Twenty-First Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this Report on this 6th day of March, 2024.



NICHOLAS B. COX

Statewide Prosecutor

Twenty-First Statewide Grand Jury

I, Guillermo Vallejo, Assistant Statewide Prosecutor and Assistant Legal Advisor, Twenty-First Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this Report on this 6th day of March, 2024.



GUILLERMO VALLEJO

Assistant Statewide Prosecutor

Twenty-First Statewide Grand Jury

I, Richard Mantei, Assistant Statewide Prosecutor and Assistant Legal Advisor, Twenty-First Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this Report on this 6th day of March, 2024.



RICHARD MANTEI

Assistant Statewide Prosecutor

Florida Bar #119296

Twenty-First Statewide Grand Jury

I, Robert Finkbeiner, Assistant Statewide Prosecutor and Assistant Legal Advisor, Twenty-First Statewide Grand Jury of Florida, hereby certify that I, as authorized and required by law, have advised the Grand Jury which returned this Report on this 6th day of March, 2024.



ROBERT FINKBEINER

Assistant Statewide Prosecutor

Twenty-First Statewide Grand Jury

FILED
JOHN A. TOMASINO
MAR 06 2024
CLERK, SUPREME COURT
BY 