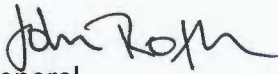




OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

AUG 28 2014

MEMORANDUM FOR: The Honorable Jeh C. Johnson
Secretary

FROM: John Roth 
Inspector General

SUBJECT: Oversight of Unaccompanied Alien Children

On July 30, 2014, we reported our observations from on-going unannounced site visits performed from July 1 - 16, 2014, to determine the conditions of detention for unaccompanied alien children (UAC) in DHS custody. This report covers additional fieldwork performed from July 17 – August 20, 2014. Site visit locations are included as Attachment 1. Our methodology, including the checklist we developed, is provided as Attachment 2.

DHS initiated investigations based on a June 11, 2014, American Civil Liberties Union (ACLU) complaint on behalf of 116 UAC. Of the 16 allegations that our office investigated, we were unable to substantiate any of the allegations. We presented our investigative findings to Assistant United States Attorneys with jurisdiction; however, they declined prosecution based on the absence of criminal activities. We continue to monitor the remaining 100 allegations being investigated by Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR), Customs and Border Protection (CBP) Office of Internal Affairs (IA), and the DHS Office for Civil Rights and Civil Liberties (CRCL).

During this reporting period, we conducted 57 unannounced site visits to 41 CBP locations. We also conducted 3 unannounced site visits to the Federal Law Enforcement Training Center (FLETC) in Artesia, New Mexico. We visited selected sites on multiple occasions. The following section represents our overall conclusions from these visits. A detailed summary of our site visit results is included as Attachment 3.

Allegations of Inappropriate Conduct

- ICE, CBP, and CRCL investigations of allegations of misconduct are ongoing.
- We did not observe misconduct or inappropriate conduct by DHS employees during our unannounced site visits.
- We did not receive new complaints during our random interviews of UAC.



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Compliance With UAC Laws, Regulations, Policies

- Most facilities were compliant with UAC laws, regulations, and policies. These include requirements on access to operable and sanitary toilets and sinks, provisions of food and drinking water, access to emergency medical care, and access to telephones. Attachment 3 provides details on the compliance rates.
- Border Patrol agents are processing UAC within 72 hours. However, placement is dependent on treatment of communicable illness, and the availability of appropriate Health and Human Services (HHS) housing.
- Temperatures in DHS facilities were inconsistent. In some facilities, DHS employees cannot adjust thermostats.

Additional Observations

- Border Patrol capacity to provide care to UAC improved. Specifically:
 - Contractors now clean most facilities daily or several times a day. In two facilities DHS employees reported cleaning facilities themselves as necessary.
 - The most common UAC complaint was temperature. In some facilities UAC reported being too cold. In a few facilities some UAC reported being too cold while others reported being too hot. In all facilities with UAC, disposable blankets or cloth blankets were available. Some facilities provided disposable blankets to adults and cloth blankets to UAC and families with young children.
 - Food service improved. Through purchase cards or contracts, the Border Patrol provided at least one hot meal a day to UAC, and the quantity of food was sufficient. Contractors in some facilities provided two or more hot meals a day, and in some facilities contractors provided a variety of food.
 - Agents at several Border Patrol stations told us that their UAC case processing skills had improved.
- The Federal Law Enforcement Training Center (FLETC) in Artesia does not house UAC, but houses family units which include children. Conditions in Artesia were improving. However:
 - Family units continued to require treatment for communicable diseases.
 - Family unit illnesses and unfamiliarity with bathroom facilities continued to result in unsanitary conditions. DHS employees told us the contracted cleaning service is inadequate.
 - DHS has changed the food choices available to family units to accommodate requests for a more familiar diet.



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- In several Border Patrol stations, agents told us there is insufficient staff to process a large influx of UAC and families, and also conduct the normal level of enforcement operations.

Follow-Up To Suggestions for Consideration

In our July 30, 2014, memorandum, we suggested that ICE identify resources to ensure the E3 data system functions reliably. In response, officials from the Office of Border Patrol and ICE met with us to discuss resource requirements. We determined that the Border Patrol tracks E3 unplanned significant outages, and that the total number of unplanned outages longer than a few hours in 2014 was lower than in 2013. We also determined that significant funding and infrastructure would be required to provide a backup for E3 during any outages. Based on this discussion, we consider that the Border Patrol and ICE have addressed our suggestion to identify the resources necessary to improve the reliability of E3.

We appreciate the courtesies and cooperation extended to our staff by CBP personnel during our on-site reviews.

Attachments

- cc: The Honorable Thomas S. Winkowski, Principal Deputy Assistant Secretary
U.S. Immigration and Customs Enforcement
The Honorable R. Gil Kerlikowske, Commissioner
U.S. Customs and Border Protection
The Honorable Megan H. Mack, Officer for Civil Rights and Civil Liberties



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Attachment 1

Unaccompanied Alien Children Site Visits July 17 - August, 20 2014						
OIG INV Office	USBP SECTORS	LOCATION	Date of Visit	Date of Visit	Date of Visit	
EL PASO (10) Site Visits (21)		FLETC Artesia - FLETC & ICE/ERO	7/21/2014	8/7/2014	8/18/2014	
	El Paso Sector	Clint USBP Station	7/18/2014	8/7/2014		
	El Paso Sector	Deming USBP Station	7/18/2014	8/5/2014		
	El Paso Sector	El Paso USBP Station (Station 1)	7/22/2014	8/8/2014		
	El Paso Sector	Fort Hancock USBP Station	7/18/2014	8/7/2014		
	El Paso Sector	Santa Teresa USBP Station	7/17/2014	8/13/2014		
	El Paso Sector	Ysleta USBP Station	7/17/2014	8/13/2014		
	El Paso Sector	Paso Del Norte POE - CBP/OFO	7/22/2014	8/8/2014		
	Big Bend Sector	Sierra Blanca USBP Station	7/24/2014	8/8/2014		
	Big Bend Sector	Van Horn USBP Station	7/24/2014	8/8/2014		
HOUSTON (32) Site Visit (39)	Rio Grande Valley Sector	Brownsville USBP Station	7/22/2014			
	Rio Grande Valley Sector	Corpus Christi BP Station	7/22/2014			
	Rio Grande Valley Sector	Falfurias USBP Station	7/22/2014			
	Rio Grande Valley Sector	Fort Brown USBP Station	7/22/2014			
	Rio Grande Valley Sector	McAllen USBP Station	7/23/2014	8/11/2014		
	Rio Grande Valley Sector	McAllen Centralized Processing Ctr	8/11/2014			
	Rio Grande Valley Sector	Harlingen USBP Station	7/22/2014			
	Rio Grande Valley Sector	Kingsville USBP Station	7/22/2014			
	Rio Grande Valley Sector	Rio Grande Valley USBP Station	7/23/2014	8/11/2014		
	Rio Grande Valley Sector	Rio Grande Valley Centralized Processing Ctr	7/22/2014	8/11/2014		
	Rio Grande Valley Sector	Weslaco USBP Station	7/23/2014			
		Del Rio Sector	Abilene USBP Station	7/22/2014		
		Del Rio Sector	Bracketville USBP Station	7/24/2014		
		Del Rio Sector	Carrizo Spring USBP Station	7/23/2014		
		Del Rio Sector	Comstock USBP Station	7/24/2014		
		Del Rio Sector	Del Rio USBP Station	7/17/2014		
		Del Rio Sector	Eagle Pass North USBP Station	7/22/2014		
		Del Rio Sector	Eagle Pass South USBP Station	7/22/2014		
		Del Rio Sector	San Angelo USBP Station	7/22/2014		
		Del Rio Sector	Uvalde USBP Station	7/24/2014		
		Laredo Sector	Cotulla USBP Station	7/22/2014	8/13/2014	
		Laredo Sector	Freer USBP Station	7/23/2014		
		Laredo Sector	Freer I-59 Checkpoint	7/23/2014		
		Laredo Sector	Hebbronville USBP Station	7/23/2014		
		Laredo Sector	Hebbronville I-359 Checkpoint	7/23/2014		
		Laredo Sector	Laredo North USBP Station	7/22/2014		
		Laredo Sector	Laredo South USBP Station	7/22/2014		
		Laredo Sector	Laredo West USBP Station	7/22/2014		
		Laredo Sector	Laredo Port of Entry	7/23/2014	8/13/2014	
		Laredo Sector	Zapata USBP Station	7/22/2014		
		Big Bend Sector	Marfa USBP Station	7/17/2014	7/25/2014	
		Big Bend Sector	Presido USBP Station	7/17/2014	7/25/2014	



Attachment 2

Unaccompanied Alien Children Site Visit Methodology and Checklist

We developed a checklist that incorporates requirements of (1) The Flores v. Reno Settlement Agreement and (2) CBP's internal policies that address the 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA). The Flores v. Reno Settlement Agreement governs the policy for the treatment of unaccompanied alien children in federal custody. CBP internal policies address additional requirements of the Homeland Security Act of 2002 and William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). Requirements include:

- operable and sanitary toilets and sinks;
- potable drinking water and adequate food;
- emergency medical care; adequate temperatures and ventilation;
- adequate supervision and access to telephones;
- notification to United States Citizenship and Immigration Services asylum officers when UAC raise protection concerns;
- notification to Department of Health and Human Services (HHS) for placement; and,
- UAC held in DHS custody for less than 72 hours before transfer to HHS except in exceptional circumstances.

We used the checklist, along with observations and interviews, to assess the treatment of UAC in DHS custody. When feasible, we ensured that immediate action was taken to correct deficiencies noted during site visits. Attachment 3 reflects compliance rates as documented in the checklists.



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Facility Observations Checklist

Facility Name:

Observer's Name:

Date:

Facility Observation Checklist	Conditions	Yes	No
Toilet	Operable		
	Sanitary		
	Screened?		
Sink	Operable		
	Sanitary		
Drinking Water	Available		
Food	On-Site		
	Contract		
	Other		
	Provided four to six hours		
	Hot food		
	Snacks, milk and juice available		
Emergency Medical Care	Trained medical technicians		
	First aid kits		
	Detainee access to prescribed medications		
	Other		
Temperature Control	Working thermostat		
	Adjustable thermostat		
	Current temperature		
	Blankets available		
Ventilation	Operation		
Supervision	UAC monitored directly?		
	Videos available (request videos be retained)		
	Rooms easy to observe		
	Staff-to-UAC ratio?		
Separate Holding Areas from Unrelated Adults	Available		
	Separation by gender		
	Separation of opposite sex adults		
Telephone	Available		
	Phones operable		
	Calls logged		



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Copy of Unaccompanied Minor Policy	Posted in English		
	Posted in Spanish		
Property Checklist	Checklist Available		

Name of INV Officer:
Date of observation:
Time of observation:
Name of OBP Unaccompanied Minor Coordinator:



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Attachment 3

Unaccompanied Alien Children Site Visits July 17 - August 20, 2014			
	COMPLIANCE	NON COMPLIANCE	INFORMATION NOT AVAILABLE
TOILETS			
Operable	60	0	0
Sanitary	60	0	0
Screened	53	0	7
SINK			
Operable	58	1	1
Sanitary	59	0	1
DRINKING WATER			
Available	56	0	4
FOOD			
On-Site	59	0	1
Contract	41	10	9
Provided 4-6 Hours	55	0	5
Hot Food	57	0	3
Snacks, Milk, and Juice Available	60	0	0
EMERGENCY MEDICAL CARE			
Trained Medical Techs	52	3	5
First Aid Kits	58	0	2
Detainee Access to Prescription Medications	30	2	28
TEMPERATURE CONTROL			
Working Thermostat	55	3	2
Adjustable Thermostat	52	7	1
Current Temperature		Range from 50° - 76°	
Blankets Available	57	0	3
VENTILATION			
Operation	45	3	12
SUPERVISION			
UAC Monitored Directly	49	0	11
Videos Available (Request Retained)	25	7	28
Rooms Easy to Observe	53	1	6
Staff-to-UAC Ratio		Lowest ratio: 10 to 33	
SEPARATE HOLDING AREAS FROM UNRELATED ADULTS			
Available	51	1	8
Separation by Gender	49	0	11
Separation of Opposite-Sex Adults	38	0	22
TELEPHONE			
Available	58	0	2
Phones Operable	59	0	1
Calls Logged	51	4	5
COPY OF UNACCOMPANIED MINOR POLICY			
Posted in English	29	15	16
Posted in Spanish	8	25	27
PROPERTY CHECKLIST			
Checklist Available	38	11	11