

**Results of Unannounced
Inspections of CBP
Holding Facilities in the
Yuma and Tucson Areas**





OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

June 23, 2023

MEMORANDUM FOR: Troy A. Miller
Senior Official Performing the Duties of the
Commissioner
U.S. Customs and Border Protection

FROM: Joseph V. Cuffari, Ph.D.
Inspector General

SUBJECT: *Results of Unannounced Inspections of CBP Holding
Facilities in the Yuma and Tucson Areas*

JOSEPH V CUFFARI Digitally signed by
JOSEPH V CUFFARI
Date: 2023.06.23
14:30:21 -04'00'

Attached for your action is our final report, *Results of Unannounced Inspections of CBP Holding Facilities in the Yuma and Tucson Areas*. We received technical comments from U.S. Customs and Border Protection and incorporated them into the report where appropriate. We also incorporated the formal comments provided by your office.

The report contains four recommendations to improve management of, and conditions in, CBP short-term holding facilities in the Yuma and Tucson areas of Arizona. Your office concurred with all four recommendations. Based on information provided in your response to the draft report, we consider these recommendations resolved and open. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to OIGISPFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Thomas Kait, Deputy Inspector General for Inspections and Evaluations, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

Results of Unannounced Inspections of CBP Holding Facilities in the Yuma and Tucson Areas

June 23, 2023

Why We Did This Inspection

As part of the Office of Inspector General's annual, congressionally mandated oversight of CBP holding facilities, we conducted unannounced inspections at seven locations in the Yuma and Tucson areas to evaluate CBP's compliance with applicable detention standards.

What We Recommend

We made four recommendations to improve management and conditions in CBP's short-term holding facilities in the Yuma and Tucson areas.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

In July 2022, we conducted unannounced inspections of U.S. Customs and Border Protection (CBP) facilities in the Yuma and Tucson areas of Arizona, specifically five U.S. Border Patrol facilities and two Office of Field Operations (OFO) ports of entry (POE). At the time of our inspection, Border Patrol held 2,095 detainees in custody in five facilities. We found that 910 detainees (43 percent) were ultimately held in custody longer than specified in the *National Standards on Transport, Escort, Detention, and Search* (TEDS), which generally limit detention in these facilities to 72 hours. All five of the Border Patrol facilities experienced prolonged detention, and two of the five facilities exceeded their maximum capacity levels. To manage prolonged time in custody and overcrowding, Border Patrol processed most migrants for release into the United States. We did not observe prolonged detention at the two OFO POEs; at the time of our inspection, one had no migrants in custody, and the other had one detainee awaiting transfer.

All inspected facilities generally met TEDS standards for providing drinking water, meals and snacks, access to toilets and sinks, basic hygiene supplies, and bedding. However, Border Patrol's management of detainee property was inconsistent across the Yuma and Tucson areas. Contrary to CBP operating procedures, some property retained by Border Patrol while migrants were in custody did not accompany migrants when they were released or transferred. In addition, we found that Border Patrol's electronic system of record, e3, had data integrity issues related to tracking showers and meals.

CBP Response

CBP concurred with our recommendations. We consider all four recommendations resolved and open.



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Abbreviations

CBP	U.S. Customs and Border Protection
CPC	Centralized Processing Center
ERO	Enforcement and Removal Operations
HHS	U.S. Department of Health and Human Services
ICE	U.S. Immigration and Customs Enforcement
NGO	nongovernmental organization
NTA	Notice to Appear
OFO	Office of Field Operations
ORR	Office of Refugee Resettlement
POE	port of entry
TEDS	<i>National Standards on Transport, Escort, Detention, and Search</i>
TVPRA	<i>Trafficking Victims Protection Reauthorization Act</i>
UC	unaccompanied children



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Background

With 328 ports of entry (POE) and 135 U.S. Border Patrol stations, U.S. Customs and Border Protection's (CBP) ability to meet the 2015 *National Standards on Transport, Escort, Detention, and Search* (TEDS)¹ and provide reasonable care for detainees in its short-term holding facilities can vary greatly. Conditions can vary between facilities that operate under CBP's Border Patrol (sectors and stations) and those operated by its Office of Field Operations (OFO) (field offices and ports of entry) because of differences in the mission, policies, and procedures of these two CBP sub-components. Facility conditions can also fluctuate considerably across areas because of geography, infrastructure, and other factors.

Congress mandated that the Office of Inspector General conduct unannounced inspections of CBP holding facilities. This report describes the results of our July 2022 inspection in the Yuma and Tucson areas of Arizona.

CBP's Tucson area covers most of the State of Arizona, from the New Mexico state line to the Yuma County line in southeast Arizona. This area covers a total of 262 border miles and is one of the busiest areas for migrant encounters² in the country.³ CBP's Yuma area covers 181,670 square miles of primarily desert terrain divided between California and Arizona.⁴ The area consists of vast open deserts, rocky mountain ranges, large drifting sand dunes, and the Colorado River. This terrain makes it challenging for migrants to cross the border and agents to travel within sectors.

In July 2022, we inspected five Border Patrol holding facilities and two OFO POEs in the Yuma and Tucson areas. Figure 1 shows the locations of the facilities we inspected.

¹ The TEDS standards govern CBP's interaction with detained individuals, and they specify how detainees should be treated in CBP custody. CBP, [National Standards on Transport, Escort, Detention, and Search](#), Oct. 2015.

² The term "encounter" can refer to two separate actions: (1) apprehension, the physical control or temporary detainment of a person who is not lawfully in the United States; and (2) removal and expulsion, when migrants are removed or expelled to a last country of transit or home country under immigration or public health authorities.

³ CBP, Tucson Sector Arizona, <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/tucson-sector-arizona>, July 22, 2022.

⁴ CBP, Yuma Sector Arizona, <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/yuma-sector-arizona>, Sept. 23, 2022.



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Figure 1. Locations of CBP Facilities Visited in July 2022



Source: Department of Homeland Security OIG

Abbreviation: CPC = Centralized Processing Center

OFO manages POEs, where officers perform immigration and customs functions. These functions include inspecting people who present, with or without valid documents for legal entry (such as visas or legal permanent resident cards), as well as goods permitted under customs and other laws. Between POEs, Border Patrol detects and interdicts people and goods suspected of entering the United States without inspection. OFO and Border Patrol are responsible for short-term detention, generally of people who are inadmissible or deportable from the United States, or who are subject to criminal prosecution.⁵

Because CBP facilities are only equipped for short-term detention, CBP aims to quickly repatriate, release, or transfer detainees to other partners. As appropriate, CBP coordinates with U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) to place migrants in long-term detention facilities managed by ICE ERO or to release migrants while they await immigration hearing proceedings. Border Patrol or ICE ERO can issue a Notice to Appear (NTA), which initiates formal removal proceedings before an immigration judge. While removal proceedings are

⁵ Short-term detention is defined as "detention in a U.S. Customs and Border Protection processing center for 72 hours or less . . ." See 6 U.S.C. § 211(m)(3).



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pending, the migrant may be released. Migrants released into the United States are provided conditions of release. Failure to comply with the conditions of release can result in removal and deportation. In addition, during the period of this inspection, Border Patrol could coordinate with ICE ERO to release a noncitizen on Parole plus Alternatives to Detention. In such cases, Border Patrol processed the noncitizen for parole and transferred them to ICE ERO for enrollment in the Alternatives to Detention program and for further removal processing and supervision.

CBP also coordinates with the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR), which is the agency responsible for placing unaccompanied children (UC) under that agency's custody. CBP also coordinates with local government agencies and nongovernmental organizations (NGOs) when releasing migrants into the community.

CBP Standards for Detention at Short-Term Holding Facilities

TEDS standards govern CBP's interactions with detained individuals and specify how detainees should be treated while in CBP custody. According to TEDS, CBP must make every effort to promptly transfer, process, release, or repatriate detainees within 72 hours of being taken into custody, as appropriate and operationally feasible.⁶ In addition, the 2008 *Trafficking Victims Protection Reauthorization Act* (TVPRA) imposes a legal requirement for CBP to transfer UCs out of its custody to HHS ORR not later than 72 hours after determining a child is unaccompanied.⁷ CBP has an obligation to provide detainees in its custody with drinking water; meals and snacks; access to toilets and sinks; basic hygiene supplies; bedding; and, under certain

⁶ TEDS 4.1, *Duration of Detention*. The TEDS standards generally limit detention in CBP facilities to 72 hours, with the expectation that CBP will transfer UCs to HHS ORR and repatriate or release families and single adults or transfer them to ICE long-term detention facilities or other partners as appropriate. For DHS authority to detain individuals, see 6 U.S.C. § 211(c)(8)(B) and 6 U.S.C. § 211(m)(3).

⁷ The TVPRA establishes a comprehensive framework for the detention, treatment, and release of UCs. Per 8 U.S.C. § 1232(b)(3), Transfers of unaccompanied alien children, "Except in the case of exceptional circumstances, any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child."



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circumstances, showers.⁸ CBP must also ensure that holding facilities are kept clean and are temperature controlled and adequately ventilated.⁹

The TEDS standards also outline general requirements for detainee access to medical care.¹⁰ In late December 2019, CBP enhanced these requirements by adopting CBP Directive No. 2210-004,¹¹ which requires “deployment of enhanced medical support efforts to mitigate risk to and sustain enhanced medical efforts for persons in CBP custody along the Southwest Border.” To implement this directive, CBP introduced an Initial Health Interview Questionnaire (CBP Form 2500) and a Medical Summary Form (CBP Form 2501) to document detainee health conditions, referrals, and prescribed medications.¹²

Title 42 Expulsions

Under Title 42, the *Public Health Service Act*, the U.S. Surgeon General can prohibit the entry of people into the United States from foreign countries to avert the spread of communicable diseases.¹³ In March 2020, under Title 42 authority and in response to the COVID-19 pandemic, the Centers for Disease Control and Prevention issued a public health emergency order that prohibited certain people from foreign countries traveling from Canada or Mexico from entering the United States, regardless of their countries of origin. Although CBP used Title 42 authorities to expel 1,054,084 noncitizens (48 percent of all encounters) in FY 2022 and 500,130 (40 percent of all encounters) in FY 2023, many noncitizens encountered by CBP were not eligible for expulsion under Title 42.¹⁴ For example, at the time of our inspection, unaccompanied

⁸ TEDS 4.14, *Drinking Water*; TEDS 4.13, *Food and Beverage: Meal Timeframe and Snack Timeframe*; TEDS 5.6, *Detention: Meals and Snacks – Juveniles, Pregnant, and Nursing Detainees*; TEDS 4.15, *Restroom Facilities*; TEDS 5.6, *Detention: Hold Rooms – UAC*; TEDS 4.11, *Hygiene*; and TEDS 4.12, *Bedding*. Under TEDS standards, reasonable effort must be made to provide showers to juveniles approaching 48 hours and adults approaching 72 hours in CBP custody; see TEDS 4.11, *Hygiene: Basic Hygiene Items*, and TEDS 5.6, *Detention: Showers – Juveniles*.

⁹ TEDS 4.7, *Hold Room Standards: Temperature Controls*; and TEDS 5.6, *Detention: Hold Rooms – UAC*.

¹⁰ TEDS 4.10, *Medical Care*.

¹¹ CBP Directive No. 2210-004, [Enhanced Medical Support Efforts](#), Dec. 30, 2019.

¹² The questions on CBP Form 2500 are used to determine whether a detainee has any injury, symptoms of illness, known contagious diseases, or thoughts of harming self or others. For seven of the questions, a positive response would automatically prompt a more thorough medical assessment of the detainee, which is documented on CBP Form 2501.

¹³ See 42 U.S.C. § 265.

¹⁴ FY 2023 data are available for October 2022 to May 2023. Expulsions under Title 42 are a public health measure and not considered immigration enforcement. Some noncitizens are not amenable to Title 42 expulsions due to agreements with foreign governments regarding removals or policies of the U.S. Government.



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children, family units¹⁵ with young children, and some nationalities were not eligible for Title 42 expulsions. CBP processed the noncitizens not expelled under Title 42 pursuant to applicable immigration laws, which could result in their removal, entry into immigration proceedings, or referral for criminal prosecution.¹⁶ On May 11, 2023, the Federal public health emergency for the COVID-19 pandemic, and consequently the Title 42 order, expired.

Demographics of Migrant Encounters on the Southwest Border

Our previous fieldwork on the Southwest border showed high migrant encounter numbers negatively affect Border Patrol's ability to meet the TEDS standard for time in custody.¹⁷ As shown in Table 1, the demographics of CBP encounters on the Southwest border include UCs, family units, and single adults. These figures can vary widely by year.

Table 1. CBP Total Encounters on the Southwest Border, FYs 2018–2023

Fiscal Year	UCs	Family Units	Single Adults	Total
2018	50,036	107,212	239,331	396,579
2019	76,020	473,682	301,806	851,508
2020	30,557	52,230	317,864	400,651
2021	144,834	451,087	1,063,285	1,659,206
2022	149,093	482,962	1,574,381	2,206,436
2023 to date*	78,666	286,844	869,420	1,234,930

Source: CBP enforcement statistics

Note: Beginning in March 2020, CBP included Title 42 expulsions, Title 8 apprehensions, and Title 8 inadmissibles in its encounter numbers. (Under the U.S. Code, Title 42 is a public health authority and Title 8 is an immigration authority.)

* FY 2023 data are for October 1, 2022, through May 3, 2023.

¹⁵ TEDS 8.0, *Definitions*. A family unit is a group of detainees that includes one or more non-United States citizen juvenile(s) accompanied by his/her/their parent(s) or legal guardian(s), whom the agency will evaluate for safety purposes to protect juveniles from sexual abuse and violence.

¹⁶ Noncitizens amenable to a Title 42 exception were generally processed with a Notice to Appear and placed into removal proceedings under Section 240 of the *Immigration and Nationality Act*.

¹⁷ [Capping Report: CBP Struggled to Provide Adequate Detention Conditions During 2019 Migrant Surge](#), OIG-20-38, June 12, 2020, p. 8; [DHS' Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge](#), OIG-21-29, Mar. 18, 2021, pp. 11–12.



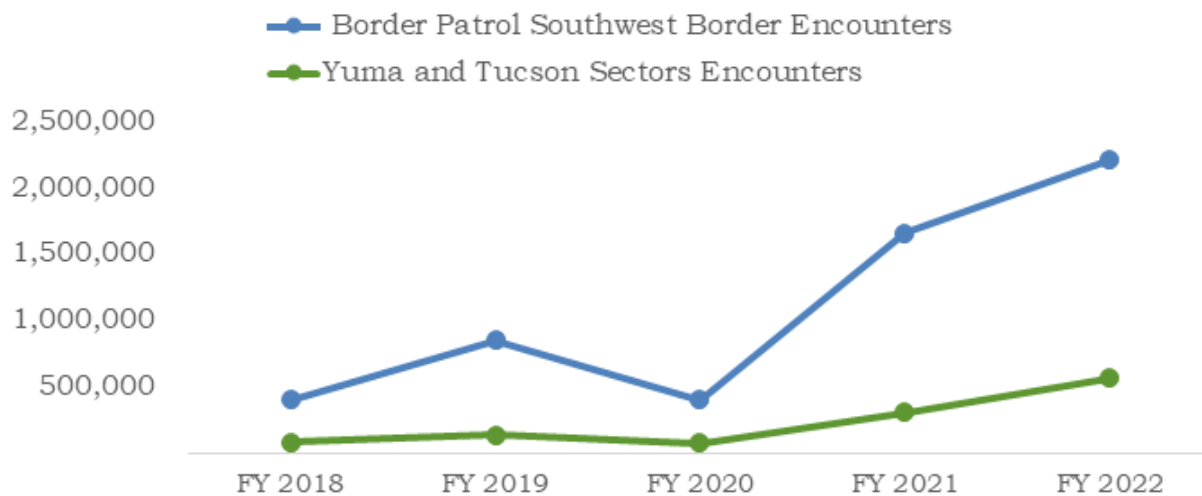
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In FY 2022, Southwest border encounters exceeded historical trends and increased across each demographic category, with total CBP encounters reaching a new high of 2,206,436. This trend continues in FY 2023, with migrant encounters increasing 1.4 percent in the first 7 months over the same period in FY 2022.

The Yuma and Tucson sectors had 562,078 encounters in FY 2022, representing 25 percent of the total Border Patrol encounters across the nine Southwest border sectors. Figure 2 compares encounters in the Yuma and Tucson sectors with total encounters along the Southwest border and shows an increase in migrant encounters in recent years.

Figure 2. Total Southwest Border Patrol Encounters and Encounters in the Yuma and Tucson Sectors, FYs 2018–2022



Source: DHS OIG analysis of Border Patrol statistics

Results of Inspection

Border Patrol held 2,095 detainees in custody in five facilities at the time of our unannounced inspection in the Yuma and Tucson areas. We found that 910 detainees (43 percent) were ultimately held in custody longer than the 72 hours specified in the TEDS standards. All five Border Patrol facilities experienced prolonged detention, and two of the five facilities exceeded their maximum capacity levels. To manage prolonged time in custody and overcrowding in the facilities we inspected, Border Patrol processed most migrants for release into the United States. We did not observe prolonged detention at the two OFO POEs; at the time of our inspection, one had no migrants in custody, and the other had one detainee awaiting transfer.



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All inspected facilities generally met TEDS standards for providing drinking water, meals and snacks, access to toilets and sinks, basic hygiene supplies, and bedding. However, Border Patrol's management of detainee property was inconsistent across the Yuma and Tucson areas. Contrary to CBP operating procedures, some property Border Patrol retained while migrants were in custody did not accompany migrants when they were released or transferred. In addition, we found that Border Patrol's electronic system of record, e3, had data integrity issues related to tracking of showers and meals.

Detainees in Border Patrol Custody Experienced Prolonged Detention and Overcrowding

We observed prolonged detention times in all five Border Patrol facilities and overcrowding in two of the five facilities we inspected in the Yuma and Tucson sectors. At the time of our inspection, to manage prolonged time in custody and overcrowding, Border Patrol processed most migrants with an NTA or Parole plus Alternatives to Detention, then released them into the United States pending additional removal or immigration proceedings.

At OFO POEs, we did not observe prolonged detention or overcrowding. At the time of our inspection, the San Luis POE did not have migrants in custody, and the Nogales POE had one criminal offender awaiting a transfer to the Department of Justice's U.S. Marshals Service.

All Five Border Patrol Facilities Held Detainees for Longer than 72 Hours

According to Border Patrol roll calls, the five facilities had a combined total of 2,095 detainees in custody at the time of our inspection. We found that 910 of the 2,095 detainees (43 percent) in Border Patrol custody exceeded the 72 hours standard specified in TEDS. Border Patrol held 756 of the 1,720 detainees in the Yuma sector (44 percent) and 154 of the 375 detainees in the Tucson sector (41 percent) for longer than 72 hours. Table 2 provides a summary of time in custody at the five Border Patrol facilities we inspected.



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**Table 2. Time in Custody for Detainees, by Border Patrol Facility,
July–August 2022**

Facility	Population	Number over 72 Hours	Percentage over 72 Hours	Max Time (in Days)
Yuma Station	31	26	84%	14
Yuma CPC	1,689	730	43%	18
Nogales Station	58	18	31%	4
Tucson Coordination Center	146	50	34%	5
Tucson CPC	171	86	50%	5
Total	2,095	910	43%	18

Source: DHS OIG analysis of CBP data

Individuals whose time in custody exceeded the 72-hour TEDS limit included four UCs, who were considered an at-risk population.¹⁸ In addition to following TEDS standards, Border Patrol has a legal obligation specified in the TVPRA to transfer UCs to HHS ORR not later than 72 hours after determining the child is unaccompanied. Border Patrol also held members of family units and single adults over 72 hours. The maximum time in custody across the five facilities we visited was 18 days. Figure 3 shows the overall time these detainees spent in Border Patrol custody.

¹⁸ TEDS 5.1, *General, At-Risk Populations*, defines at-risk populations as individuals in the custody of CBP who may require additional care or oversight.

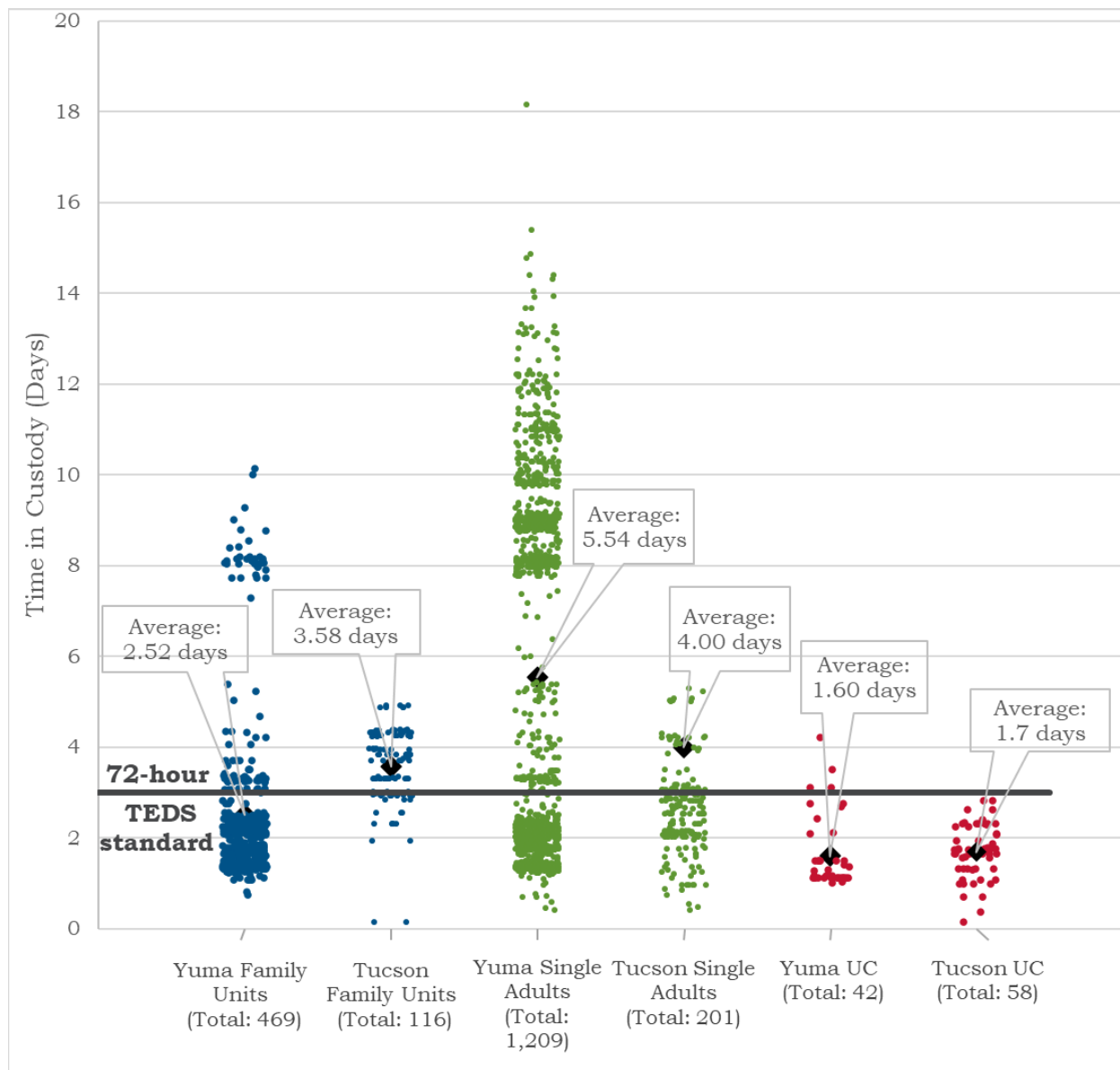


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Figure 3. Overall Time Detainees Spent in Yuma and Tucson Border Patrol Custody, July–August 2022

Note: Each dot represents one detainee. Family unit dots represent individual members of family units.



Source: DHS OIG analysis of CBP data

Our previous fieldwork on the Southwest border showed that high migrant apprehension numbers negatively affect Border Patrol's ability to meet TEDS



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standards for time in custody and can lead to facility overcrowding.¹⁹ Border Patrol officials told us various factors contributed to the prolonged detention times in Yuma and Tucson sectors. For example, they typically coordinate migrant transfers from Border Patrol's short-term holding facilities to ICE ERO long-term detention facilities. However, officials explained, ICE ERO no longer accepted transfers of most adult detainees from Border Patrol unless ICE ERO repatriation was possible, making long-term detention necessary. Border Patrol agents also explained that ICE ERO closed all three of its Family Residential Centers by December 2021 and could not accept family units for placement, which presented a challenge for processing family units. As a result, Border Patrol needed to coordinate with ICE ERO to release family units and most single adults to local government partners and NGOs, which also had limited capacity to receive and aid migrants.

The Yuma sector also relied on lateral transfers of migrants to facilities in other Border Patrol sectors that could assist. Border Patrol agents told us that the Yuma sector regularly transferred migrants to the Tucson, El Centro, and San Diego sectors. Border Patrol agents explained these lateral transfers, which they refer to as "lateral decompression," often resulted in longer total times in custody.

Two of the Five Border Patrol Facilities Were Over Maximum Capacity

During our inspection, the Yuma Centralized Processing Center (CPC) and Tucson Coordination Center were over capacity. The Yuma CPC was at 193 percent capacity, with 1,689 detainees, in a facility with a maximum capacity of 875. Three of the seven holding cells at the Yuma CPC were near or over 200 percent capacity. Figure 4 shows an overcrowded holding cell at Yuma CPC.

¹⁹ *Capping Report*, OIG-20-38, June 12, 2020, p. 8; *DHS' Fragmented Approach to Immigration Enforcement*, OIG-21-29, March 18, 2021, pp. 11-12.



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Figure 4. Detainees in an Overcrowded Cell at Border Patrol's Yuma CPC, Observed July 19, 2022

Source: DHS OIG photo

The Tucson Coordination Center was at 143 percent capacity, with 143 detainees, in a facility with a maximum capacity of 100. Four of the 12 holding cells at the Tucson Coordination Center were over capacity, with one at 139 percent capacity and three over 200 percent capacity. Figure 5 shows a crowded holding cell at the Tucson Coordination Center.



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Figure 5. Detainees in an Overcrowded Cell at Border Patrol’s Tucson Coordination Center, Observed July 21, 2022

Source: DHS OIG photo

Some holding cells at the Tucson Coordination Center were over capacity while others were under capacity because Border Patrol is required to separate certain populations, for example, adult females from males or family units with children from unrelated adults.²⁰

According to Border Patrol officials, many of the same factors that resulted in prolonged detention, such as delays in transferring migrants to Federal partners, lateral transfers, or releasing to NGOs, also contributed to overcrowding.

²⁰ TEDS 4.3, *General Detention Procedures: Juvenile/Adult Segregation*.



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Border Patrol Released Most Migrants to Manage Prolonged Detention and Overcrowding

We found that Border Patrol in the Yuma and Tucson sectors either processed migrants in custody for release into the United States²¹ or expelled them under Title 42 authorities. Most were released into the United States. Border Patrol officials explained this was needed to manage prolonged time in custody and overcrowding in facilities. Of the 2,095 detainees in custody in the Yuma and Tucson sectors at the time of our inspection, Border Patrol:

- released 1,463 detainees (70 percent) with an NTA or Parole plus Alternatives to Detention;
- expelled 460 detainees (22 percent) under Title 42 authorities;
- transferred 93 UCs (4 percent) to HHS ORR custody for placement;
- transferred 52 detainees (2 percent) to ICE ERO for continued detention or repatriation to their country of citizenship; and
- processed the remaining detainees for other dispositions, for example, Voluntary Return to Mexico or transfer to the Department of Justice for prosecution.

Yuma and Tucson Border Patrol facilities are for short-term holding. To manage time in custody and overcrowding, the sectors coordinate with several partners — ICE ERO, HHS ORR, less crowded Border Patrol facilities within the sector or in other sectors — who take detainees. Border Patrol also relies on a network of NGOs to aid released migrants.

The Yuma and Tucson Border Patrol sectors also used Title 42 authorities to expel large numbers of noncitizens; however, U.S. and foreign government policies restricted the nationalities, demographics, and number of noncitizens Border Patrol could expel under Title 42.

Figure 6 shows the final disposition of detainees who were in custody during our inspection.

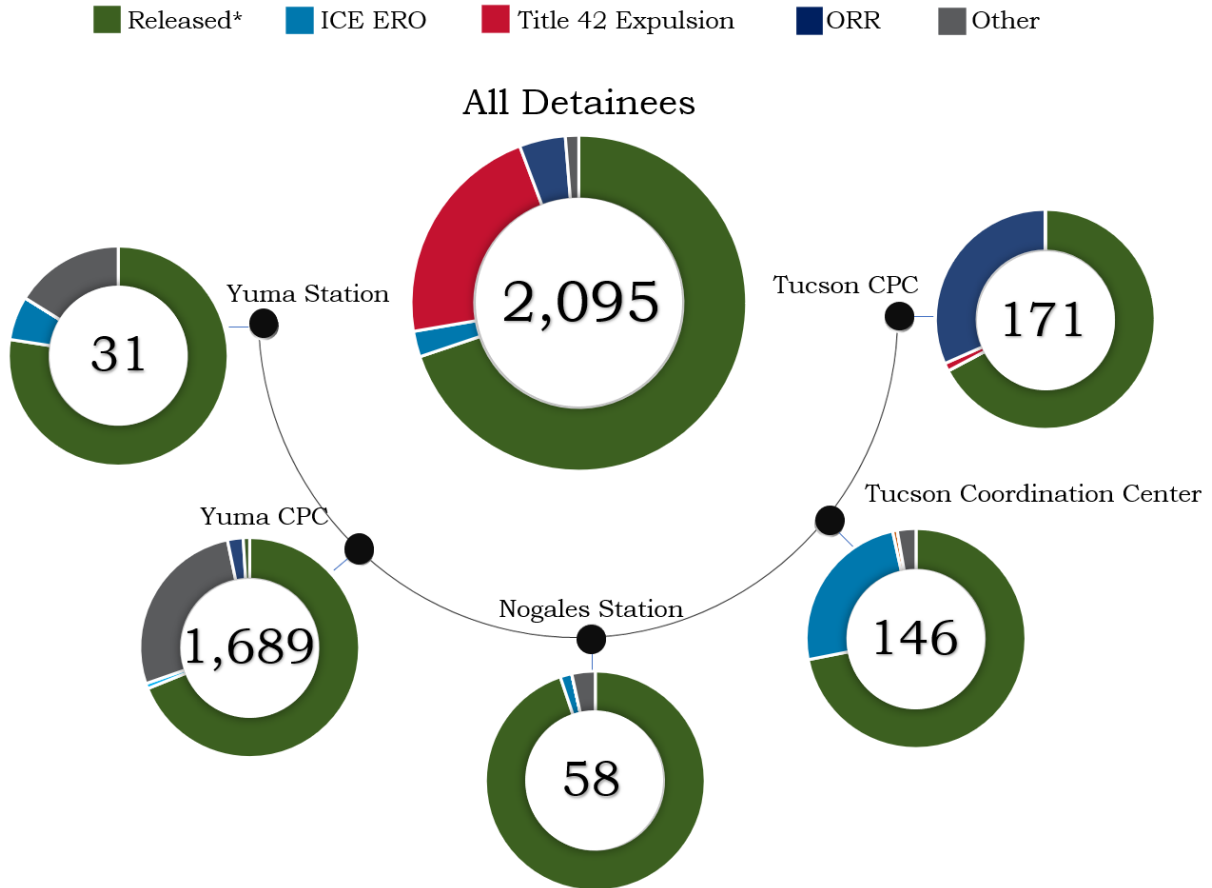
²¹ On a case-by-case basis, such as for humanitarian reasons, CBP may process a noncitizen for temporary entry into the United States who may otherwise be inadmissible or have no means to enter legally.



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Figure 6. Disposition of All Detainees and Disposition by Facility Inspected, July–August 2022



Source: DHS OIG analysis of CBP data

* Released pending further removal or immigration proceedings.

At Border Patrol facilities, we observed how Border Patrol and ICE ERO staff processed detainees for release with NTAs or for Parole plus Alternatives to Detention. Border Patrol’s medical contractors provided detainees with COVID-19 vaccinations, Border Patrol returned personal property that could be transported with migrants, ICE ERO gave them release paperwork to appear at an ICE ERO office or immigration court, and detainees boarded buses for transfers to local NGOs. Figure 7 shows ICE ERO processing detainees for release at the Tucson Coordination Center.



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Figure 7. ICE ERO Processing Detainees for Release at Border Patrol's Tucson Coordination Center, Observed July 22, 2022

Source: DHS OIG photo

At the time of our inspection, given the limited options available to manage prolonged time in custody and overcrowding, Border Patrol released most detainees from its short-term holding facilities.

CBP Generally Complied with TEDS Standards to Provide Basic Amenities

The five Border Patrol stations and two OFO POEs we inspected complied with TEDS standards to provide drinking water, meals and snacks, access to toilets and sinks, basic hygiene supplies, and bedding. All Border Patrol facilities provided detainees with water and hot meals, including vegetarian options and fruit. One facility provided detainees with premade amenity kits consisting of a cup, mylar blanket, shower wipes, and toothbrush. Shower facilities were available at all the facilities we inspected.

At the time of our inspection, the Nogales and San Luis OFO POEs both had supplies and processes in place to meet the TEDS standards we could observe.



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Although the San Luis POE was not holding any migrants at the time of our site visit, it did have showers and premade toiletry kits available to provide to detainees. The toiletry kits included a comb, washcloth, shampoo, and soap.

Border Patrol's Management of Detainee Property Was Inconsistent

We found inconsistent management of migrant personal property and religious items across the facilities we inspected. TEDS standards²² and CBP internal operating procedures²³ specify that migrant personal property discovered by Border Patrol during law enforcement actions should be safeguarded, itemized, and documented; it should also transit with the detainee when the latter is transferred to another agency, repatriated, or released. Procedures for managing migrant property varied across the Yuma and Tucson areas, and they did not always meet TEDS standards or follow CBP operating procedures.

At the Yuma CPC, Border Patrol instructed detainees to place small personal property such as cash, cell phones, and documents into plastic bags for temporary storage. For larger property such as backpacks and luggage, Border Patrol gave detainees the option to dispose of the property or place it in long-term storage and reclaim it later.²⁴ Border Patrol officials explained that when Yuma CPC detainees were released or transferred, their small personal effects were returned and transited with them. However, larger stored property, even when not discarded at intake and instead placed in storage, generally did not transit with them as required by TEDS standards and CBP's operating procedures. Border Patrol officials said transferring this property was not operationally feasible because transport buses cannot accommodate both detainees and property.

The Tucson Coordination Center and Tucson CPC documented and stored small personal property such as cash, cell phones, and documents. In contrast, however, they additionally documented and stored larger items such as backpacks and luggage and returned them to detainees when released or transferred. Figures 8 and 9 show the Tucson CPC property room, with backpacks and other larger items stored, and the Yuma CPC property room, which only stored small plastic bags with detainees' essential personal items such as documents, money, and cell phones.

²² TEDS 7.1, *General: Personal Property*, requires CBP to transfer personal property when a detainee transits only whenever operationally feasible.

²³ CBP, *Personal Effects Internal Operating Procedures*, Apr. 22, 2021, requires CBP to transfer personal property when a detainee transits and does not make the requirement contingent on operational feasibility.

²⁴ Detainees signed a "hold harmless" agreement waiving Border Patrol's liability for the stored property if unclaimed after 30 days. Property was discarded by Border Patrol if unclaimed after 30 days.



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Figure 8



Figure 9

Figures 8 and 9. Property Rooms at the Tucson CPC (Left), Observed July 22, 2022; and the Yuma CPC (Right), Observed July 19, 2022

Source: DHS OIG photos

Regarding religious items specifically, TEDS states that Border Patrol agents should remain cognizant of an individual's religious beliefs while accomplishing a law enforcement action in a dignified and respectful manner.²⁵ One detainee told us that his turban — a sacred religious garment — was confiscated and discarded during intake processing at the Yuma CPC. When we asked, Yuma Border Patrol acknowledged that multiple turbans were discarded and told us that interim email guidance issued by Border Patrol had corrected the practice. We reviewed the interim guidance, which directed agents to only confiscate religious garments, such as turbans, if they were a safety or security risk or health hazard. The guidance also directed that, if confiscated, the action should be documented in Border Patrol's electronic system of record, e3, and the garment should be stored as property and returned when a detainee is released or transferred.²⁶ CBP is currently developing permanent guidance to clarify procedures for handling detainees' religious items.²⁷

Border Patrol's Detention Records Had Data Integrity Issues

We found data integrity issues in e3 at two of the five Border Patrol facilities we inspected. We previously reported on data integrity issues observed specifically

²⁵ TEDS 1.5, *General Standards, Religious Sensitivity*.

²⁶ CBP uses e3 to collect and transmit biographic, encounter, and biometric data of individuals encountered by Border Patrol.

²⁷ At the time of this review, CBP's Office of Professional Responsibility and the DHS Office for Civil Rights and Civil Liberties had ongoing assessments of the handling of turbans by Border Patrol in the Yuma sector.



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in the Yuma sector during a September 2021 inspection.²⁸ In response, Yuma Border Patrol undertook a data integrity corrective action plan. The Yuma CPC conducted audits of custody logs multiple times a week and corrected erroneous custodial actions. Yuma CPC also onboarded 76 data entry contractors to assist with the maintenance of custody logs.

Despite Border Patrol's corrective action plan, we found detainee custody logs continued to contain erroneous entries. For example, in a sample of 16 detainee custody logs from the Yuma CPC, we found four instances of detainees recorded as receiving showers at 8:21 p.m. and 8:24 p.m. on the same day. We also reviewed a sample of 16 custody logs at the Tucson CPC and found 13 detainees were offered meals at unusual times — recorded at 1:18 a.m. and 4:01 a.m. — despite being offered regular meal services the day before and later that day. Figure 10 shows examples of duplicative and erroneous entries in the custody logs from the Yuma and Tucson CPCs.

**Figure 10. Examples of Unreliable Custody Log Entries:
Yellow Highlighting Shows Duplicate Times Recorded for
Showers and Meals**

From Yuma CPC Custody Log

7/13/2022 20:21	Shower provided
7/13/2022 20:21	Dental hygiene product
7/13/2022 20:24	Bodily cleansing product
7/13/2022 20:24	Shower provided

From Tucson CPC Custody Log

7/21/2022 01:18	Served meal (refused)
7/21/2022 04:01	Served meal (refused)

Source: DHS OIG recreated excerpts from Border Patrol custody logs based on CBP documentation

Maintaining accurate, complete, and consistent data is critical to monitoring the care of detainees in custody and to ensuring compliance with TEDS and other applicable standards. Border Patrol agents in the Yuma and Tucson sectors told us they try to maintain accurate and complete electronic records, but when they are short staffed and facilities are overcrowded, they are often too busy to record all custodial activities in e3 fully and accurately.

²⁸ [Yuma Sector Border Patrol Struggled to Meet TEDS Standards for Single Adult Men but Generally Met TEDS Standards for Other Populations](#), OIG-22-38, Apr. 14, 2022.



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Conclusion

As we noted in a 2021 report, migrant surges at the Southwest border require a whole-of-government approach.²⁹ Interdependencies among Border Patrol, ICE, HHS, local governmental and NGO partners, and foreign governments limit Border Patrol's ability to unilaterally address overcrowding and prolonged detention in its holding facilities. As we observed, Border Patrol agents are working under challenging circumstances. With increased migrant encounters in the Yuma and Tucson areas, Border Patrol struggled to comply with TEDS standards for limiting time in custody and maintaining capacity limits. In addition, management of detainee personal property and data integrity could be improved.

Recommendations

We recommend the Yuma and Tucson Sector Chiefs, Border Patrol, U.S. Customs and Border Protection:

Recommendation 1: Refine current and identify new strategies and solutions to manage delays in detainee transfers to partner agencies and communicate these improvements throughout the Yuma and Tucson sectors.

We recommend the Commissioner, U.S. Customs and Border Protection:

Recommendation 2: Implement and regularly monitor quality assurance mechanisms to ensure detainees' stored property is returned, and it transits with detainees when they are transferred, repatriated, or released.

Recommendation 3: Develop, issue, and regularly monitor the implementation of guidance on the appropriate handling of detainees' religious items.

We recommend the Yuma and Tucson Sector Chiefs, Border Patrol, U.S. Customs and Border Protection:

Recommendation 4: Continue quality assurance efforts and ensure data integrity at the Yuma and Tucson CPCs.

²⁹ DHS' *Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge*, OIG-21-29, Mar. 18, 2021, p. 44.



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Management Comments and OIG Analysis

In response to our draft report, CBP officials concurred with our recommendations and described corrective actions to address the issues we identified. We consider all four recommendations resolved and open. Appendix B contains CBP's management response in its entirety. We also received technical comments on the draft report and made revisions as appropriate. A summary of CBP's response and our analysis follows.

CBP Response to Recommendation 1: Concur. CBP noted actions taken to address this recommendation, including coordinating with ICE ERO and NGOs to transfer detainees out of Border Patrol custody as well as use of ground and air transport of detainees to less busy sectors. CBP requested the closure of this recommendation.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider resolved and open. We will close this recommendation when CBP submits documentation showing efforts to manage delays transferring detainees out of Border Patrol custody described in its management response.

CBP Response to Recommendation 2: Concur. CBP noted that the Tucson sector Border Patrol Agent-Programs is responsible for quality assurance efforts related to property, and the Yuma sector will perform an assessment related to the operational feasibility of implementing specific property management procedures. Estimated completion date: December 29, 2023.

OIG Analysis: We consider the actions taken by the Tucson and Yuma sectors responsive to the recommendation, which we consider resolved and open. However, our recommendation is to the CBP Commissioner and should be implemented CBP-wide. We will close this recommendation when CBP submits documentation showing that quality assurance efforts were implemented across CBP as well as documentation detailing the corrective actions taken in the Tucson and Yuma sectors described in the management response.

CBP Response to Recommendation 3: Concur. CBP noted that employees in the Tucson and Yuma sectors were reminded how to properly handle religious effects. CBP requested the closure of this recommendation.

OIG Analysis: We consider the actions taken by the Tucson and Yuma sectors responsive to the recommendation, which we consider resolved and open. However, our recommendation is to the CBP Commissioner and should be implemented CBP-wide. Guidance should specify the appropriate handling of religious effects and be included in CBP operating procedures. We will close this recommendation when CBP submits documentation showing that guidance was implemented across CBP as well as documentation detailing the



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corrective actions taken in the Tucson and Yuma sectors described in the management response.

CBP Response to Recommendation 4: Concur. CBP noted that the Tucson and Yuma sectors will conduct refresher training for employees on the importance of recording custodial actions and will implement alerts in e3 to improve documentation of these actions. Estimated completion date: December 29, 2023.

OIG Analysis: We consider the actions taken by the Tucson and Yuma sectors responsive to the recommendation, which we consider resolved and open. We will close this recommendation when CBP submits documentation showing that corrective actions described in its management response were implemented.



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Appendix A

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107-296), by amendment to the *Inspector General Act of 1978*.

Our objective for this unannounced inspection was to determine whether CBP complied with the TEDS standards and other relevant policies and procedures related to length and conditions of detention at CBP short-term holding facilities in the Yuma and Tucson areas of Arizona. Prior to our inspection, we reviewed relevant background information from congressional mandates, NGOs, and media reports. In July 2022, we visited seven CBP facilities in the Yuma and Tucson areas of Arizona, specifically five Border Patrol facilities (Nogales station, Tucson CPC, Tucson Coordination Center, Yuma CPC, and Yuma station) and two OFO POEs (Nogales and San Luis).

Our inspections were unannounced. We did not inform CBP we were in the sector or field offices until we arrived at the first facility. At each facility, we observed conditions and reviewed electronic records and paper logs as necessary. We also interviewed numerous CBP personnel and medical contractors. We interviewed detainees using language assistance services to provide interpretation. We photographed examples of compliance and noncompliance with TEDS and other standards. For example, we took photographs to document the storage of migrant personal property and photographed the conditions of holding cells.

With the number of detainees arriving and departing each day, conditions at facilities could vary daily. Our conclusions are, therefore, limited to what we observed and information we obtained from detainees, CBP staff, and medical contractors at the time of our site visits. We conducted additional interviews with CBP staff and requested additional documentation after site visits.

Within the TEDS standards, we prioritized standards that protect children, derived from the *Flores Settlement Agreement*³⁰ and the TVPRA.³¹

We conducted this review in July 2022 under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

³⁰ *Flores Settlement Agreement* of 1997.

³¹ Pub. L. No. 110-457, § 235(b)(3), 122 Stat. 5044, 5077 (2008); see also 8 U.S.C. § 1232(b)(3).



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DHS OIG's Access to DHS Information

During this inspection, CBP provided timely responses to our requests for information and did not deny or delay access to the information we requested.



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Appendix B
CBP Comments on the Draft Report

1300 Pennsylvania Avenue, NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

May 18, 2023

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Henry A. Moak, Jr.
Senior Component Accountable Official
U.S. Customs and Border Protection

X 

Signed by HENRY A. MOAK JR.

SUBJECT: Management Response to Draft Report: "Results of
Unannounced Inspections of CBP Holding Facilities in
the Yuma and Tucson Areas" (Project No. 22-006-ISP-
CBP(e))

Thank you for the opportunity to comment on this draft report. U.S. Customs and Border Protection (CBP) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

CBP leadership is pleased to note OIG's unannounced inspection, conducted nearly one year ago, found that CBP's U.S. Border Patrol (USBP) in the Yuma and Tucson Area generally met the October 2015 National Standards on Transport, Escort, Detention, and Search (TEDS) to provide drinking water, meals and snacks, access to toilets and sinks, basic hygiene supplies, and bedding to individuals in CBP's custody at all inspected facilities. OIG also acknowledged that several years prior CBP enhanced TEDS requirements for persons in custody's access to medical care in emergencies, by adopting CBP Directive 2210-004, "Enhanced Medical Support Efforts," dated December 30, 2019,¹ which requires deployment of enhanced medical support efforts to mitigate risk to, and sustain enhanced medical efforts for, persons in CBP custody along the Southwest Border (SWB).

CBP remains committed to providing appropriate care for persons in CBP's custody, and ensuring people in custody are processed and released within 72 hours in accordance with TEDS, despite challenges presented by the documented 456 percent increase (396,579 to 2,206,436) in non-citizens entering the United States along the SWB between the ports of entry from Fiscal Year (FY) 2018 to FY 2022, noted in Table 1 of the OIG's draft report. Additionally, USBP coordinates daily with U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO), non-government organizations

¹ <https://www.cbp.gov/document/directives/directive-2210-004-cbp-enhanced-medical-efforts>



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(NGO), and local stakeholders in the community to facilitate the orderly and timely release of people in CBP's custody, as appropriate.

The draft report contained four recommendations with which CBP concurs. Enclosed find our detailed response to each recommendation. CBP previously submitted technical comments addressing several accuracy, contextual and other issues under a separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Enclosure



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Enclosure: Management Response to Recommendations Contained in 22-006-ISP-CBP(e)

OIG recommended that the USBP Yuma and Tucson Sector Chiefs:

Recommendation 1: Refine current and identify new strategies and solutions to manage delays in detainee transfers to partner agencies and communicate these improvements throughout the Yuma and Tucson sectors.

Response: Concur. As CBP USBP currently utilizes available resources and options to ensure detainees are processed and released within 72 hours in accordance with TEDS, existing processes and procedures address the intent of this recommendation. It is important to note, however, that during FY 2022, the Yuma Station was the busiest station in the nation, with activity including encountering over 300,000 subjects and outpacing the second busiest station by 25,000 encounters.

USBP used, and continues to use, all means available to ensure that detainees are processed and released within 72 hours despite the challenges that this high level of activity presents. To achieve this, USBP uses the Case Acceptance System, coordinates closely with ICE ERO partners, and works daily with NGOs and local stakeholders. Further, USBP implemented several ongoing strategies and solutions to decompress the most impacted Border Patrol Sectors, to include lateral detainee transfers via ground and air transport to sectors that are not experiencing similar challenges. The surge in Yuma beginning in FY 2022 required lateral decompression via ground transfers to Tucson, San Diego, and El Centro Sectors and lateral transfer flights to El Paso, Laredo, and Rio Grande Valley Sectors.

As part of managing detainee transfers to partner agencies, beginning in January 2021, USBP's Tucson Sector (TCA) implemented changes in collaboration with ICE ERO to accommodate a more efficient transfer of detainees to ERO and ultimately NGOs or detention. For example, TCA provided ICE ERO with space in the TCA Sally Port in which ICE ERO can enroll detainees into the Alternative to Detention (ATD) program and assign tracking technology. When ERO completes its ATD enrollment, transportation services contracted by TCA then drives detainees to the local NGO. This process ensures a more efficient transfer and release process than when ERO previously was burdened with transporting detainees to its facility to enroll and assign ATD technology, or further transporting detainees to the NGO.

USBP will continue to assess all Border Patrol Sectors and make operational decisions such as refining current strategies such as the coordination described



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above, or identify new strategies, based on the individual needs of each sector, as appropriate.

We request the OIG consider this recommendation resolved and closed, as implemented.

OIG recommended that the CBP Commissioner:

Recommendation 2: Implement and regularly monitor quality assurance mechanisms to ensure detainee stored property is returned and transits with detainees when they are transferred, repatriated, or released.

Response: Concur. In August 2022, USBP Headquarters sent out an Internal Operating Procedure (IOP), “Personal Effects Internal Operating Procedure,” dated April 2021, via an email. This IOP establishes: (1) procedures to safeguard personal effects discovered during apprehension or processing; (2) guidelines identifying any item that cannot be stored within USBP facilities due to being contraband or a health hazard; and (3) clarifies any previously issued guidance or directive for personal effects handling.

Further, TCA’s Border Patrol Agent-Programs (BPA-P) is responsible for implementing quality assurance for all detainee care sensitivities, including organizing and inspection of all detainee property stored in its Sally Port for proper identification and screens abandoned property for set destruction dates.

In late June of 2022, the Yuma Sector began utilizing the barcoded labels contained in the Amenities, Property, and Identification Program, which provides a tracking capability to ensure that property is accounted for throughout a detainee’s stay. The Yuma Sector also limits access to the property storeroom and assigned dedicated contract personnel to perform regular inventories and audits. The Yuma Sector will perform an assessment on the operational feasibility of returning all large, stored items to the detainees at the time of their departure from the facility. Estimated Completion Date (ECD): December 29, 2023.

Recommendation 3: Develop, issue, and regularly monitor the implementation of guidance on the appropriate handling of detainees’ religious items.

Response: Concur. In January, 2023, TCA implemented a commonly accessed, interactive workflow guidance to best instruct and guide agents through processing an A-file correctly and ensure efficient and accurate work. Furthermore, this workflow guides users through various scenarios to assign the most efficient and accurate processing pathway for all detainees encountered in TCA. This workflow guidance is currently internally available to TCA users on Microsoft SharePoint



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and Teams and is updated as new guidance becomes available. Further, the workflow refers users to governing documents such as TEDS and the Trafficking Victim Protection Act of 2000 to best inform and provide easily accessible reference materials for agents and their leadership who make detention decisions. On August 5, 2022, TCA also instructed all stations and agents via email to not discard religious items and to ensure each detainee receives any temporarily detained religious items.

Further, USBP's April 2021 IOP, "Personal Effects Internal Operating Procedure," which addresses the handling of religious effects, was emailed to all employees in August 2022. Subsequently, reminders on the proper handling of religious effects have been made at pre-shift briefings and through periodic email reminders.

CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

OIG recommended that the USBP Yuma and Tucson Sector Chiefs:

Recommendation 4: Continue quality assurance efforts and ensure data integrity at the Yuma and Tucson CPCs [Centralized Processing Centers].

Response: Concur. In addition to the TCA BPA-P having the lead for implementing quality assurance for all detainee care sensitivities, as previously noted, the BPA-P oversees both the Tucson Sector Soft-Sided Facility and the Tucson Coordination Center. The Yuma and Tucson Border Patrol Sectors will conduct a refresher training for all USBP agents, Border Patrol Processing Coordinators, and Data Entry Contractors on the TEDS requirements and the importance of recording those actions into the appropriate system of record.

In addition to this refresher training, an e3 system enhancement request will be sent to the USBP's e3 development team to implement control measures which alert users to potential duplicative entries. This will cover documenting custodial actions in the appropriate system of record, including but not limited to, medical screenings, high-risk detainee assessments, meals, showers, snacks, and wellness checks. ECD: December 29, 2023.



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Appendix C

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Appendix D

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