

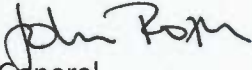


**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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OCT 02 2014

MEMORANDUM FOR: The Honorable Jeh C. Johnson  
Secretary

FROM: John Roth   
Inspector General

SUBJECT: Oversight of Unaccompanied Alien Children

On August 28, 2014, we reported our observations from on-going unannounced site visits performed from July 17 through August 20, 2014, to determine the conditions of detention for unaccompanied alien children (UAC) in DHS custody. This report covers additional fieldwork performed from August 21 through September 26, 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 complaint on behalf of 116 UAC. As reported in our August 28, 2014, memorandum, of the 16 allegations that our office investigated, we were unable to substantiate any of the allegations. We continue to oversee the remaining 100 allegations being investigated by Immigration and Customs Enforcement (ICE) Office of Professional Responsibility, Customs and Border Protection (CBP) Office of Internal Affairs, and the DHS Office for Civil Rights and Civil Liberties (CRCL).

Border Patrol apprehensions of UAC declined from a high of 10,622 in June 2014 to 3,141 in August 2014, and remained low in September 2014. Only a limited number of CBP facilities are processing UAC. CBP personnel are transferring most UAC to appropriate Health and Human Services (HHS) housing within 6 hours. Based on this operating environment, we will curtail our routine spot inspections of CBP facilities. We may conduct additional spot inspections as conditions warrant. Conditions that may warrant additional inspections include increases in UAC apprehensions that result in many UAC being held in CBP facilities longer than 72 hours; and credible allegations of DHS employee misconduct.

Between August 21 and September 26, 2014, we conducted three unannounced site visits to two CBP facilities. We also conducted two unannounced site visits to the Federal Law Enforcement Training Center (FLETC) in Artesia, New Mexico. We



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completed checklists for one of the visits to FLETC, and documented our results for both in narrative form. A summary of our site visit results is included as Attachment 3.

Since we initiated our site visits in July 2014, CBP has improved its capacity to provide care to UAC if apprehension levels again increase. Specifically, CBP improved its capacity to provide medical screening, facility cleaning, food service, and case processing for large groups of UAC. However, the DHS Office of Health Affairs and CRCL continue to work with CBP to improve training, policies and procedures on screening aliens for communicable diseases and processing UAC appropriately.

During this reporting period, we found that not all CBP personnel were trained to manage routine UAC processing. For example:

- During one routine spot inspection, we observed that CBP personnel did not properly segregate a UAC with a communicable disease. They also did not ensure that food and water were readily available. CBP rotated personnel during a period when there had been no UAC in the facility for a month. As a result of this rotation, the personnel responsible for the UAC were not familiar with procedures.
- The results of this inspection prompted a second inspection of the facility a week later. During the subsequent inspection, CBP officials said they would assign personnel familiar with UAC processing any time there were UAC in the facility. They had compiled a list of personnel who were familiar with UAC procedures and were on call. At this inspection, food and water were readily available and the station had addressed all issues from the previous spot inspection.

### **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 adult females and children.

### **Additional Observations**

- 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.
  - Many detainees do not follow up with recommended medical care for themselves or their children. If detainees do not attend sick call or stand



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in line to receive daily medications, they remain sick and their illnesses tend to get worse.

- Family unit illnesses and unfamiliarity with bathroom facilities continued to result in unsanitary conditions. DHS employees told us the contracted cleaning service is inadequate.
- A DHS dietician was scheduled to assess food choices to balance requests for a more familiar diet with nutritional guidelines. DHS is providing adequate nutritional meals. Snacks, milk, and fresh fruit are readily available.

We appreciate the courtesies and cooperation extended to our staff by CBP and ICE 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 August 21 - September 26, 2014					
OIG INV Office	USBP SECTORS	LOCATION	Date of Visit	Date of Visit	Date of Visit
EL PASO (3) Site Visits (5)		FLETC Artesia - FLETC & ICE/ERO	9/3/2014	9/19/2014	
	El Paso Sector	Clint USBP Station	9/9/2014		
	El Paso Sector	Paso Del Norte POE - CBP/OFO	9/10/2014	9/17/2014	





**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 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 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.

In our August 28, 2014, memorandum, Attachment 3 documented the checklists as they were during the site visit. Information in observations and interviews in some instances either further explained or amended information provided in the checklists. For example, at one CBP facility, the checklist showed that the thermostat was set at 50°; however, additional written narrative showed that the ambient temperature was 68° to 70°. The facility was experiencing air conditioning problems and set the thermostat at 50° to achieve a comfortable ambient temperature. All other facilities had temperatures between 67° and 76°.

Attachment 3 to this memorandum documents the checklists as they were submitted. Additional information was documented in narrative form to show deficiencies observed and the measures CBP and ICE personnel took to address them. Attachment 3 reflects that there were three checklists from three site visits to two CBP facilities and three checklists from a September 19, 2014, site visit to FLETC in Artesia.



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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		
Emergency Medical Care	Snacks, milk and juice available		
	Trained medical technicians		
	First aid kits		
	Detainee access to prescribed medications		
Temperature Control	Other		
	Working thermostat		
	Adjustable thermostat		
	Current temperature		
Ventilation	Blankets available		
	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**

<b>Unaccompanied Alien Children Site Visits August 21 - September 26, 2014</b>			
	<b>COMPLIANCE</b>	<b>NON COMPLIANCE</b>	<b>INFORMATION NOT AVAILABLE</b>
<b>TOILETS</b>			
Operable	6	0	0
Sanitary	5	1	0
Screened	3	0	3
<b>SINK</b>			
Operable	6	0	0
Sanitary	5	1	0
<b>DRINKING WATER</b>			
Available	6	0	0
<b>FOOD</b>			
On-Site	6	0	0
Contract	5	0	1
Provided 4-6 Hours	5	0	1
Hot Food	5	0	1
Snacks, Milk, and Juice Available	5	0	1
<b>EMERGENCY MEDICAL CARE</b>			
Trained Medical Techs	4	2	0
First Aid Kits	6	0	0
Detainee Access to Prescription Medications	2	0	4
<b>TEMPERATURE CONTROL</b>			
Working Thermostat	5	0	1
Adjustable Thermostat	4	1	1
Current Temperature		Range from 70° - 78.5°	
Blankets Available	5	0	1
<b>VENTILATION</b>			
Operation	5	1	0
<b>SUPERVISION</b>			
UAC Monitored Directly	4	1	1
Videos Available (Request Retained)	1	0	5
Rooms Easy to Observe	4	2	0
Staff-to-UAC Ratio		Lowest ratio: 3 to 5	
<b>SEPARATE HOLDING AREAS FROM UNRELATED ADULTS</b>			
Available	4	0	2
Separation by Gender	2	0	4
Separation of Opposite-Sex Adults	1	1	4
<b>TELEPHONE</b>			
Available	6	0	0
Phones Operable	6	0	0
Calls Logged	5	0	1
<b>COPY OF UNACCOMPANIED MINOR POLICY</b>			
Posted in English	1	0	5
Posted in Spanish	1	0	5
<b>PROPERTY CHECKLIST</b>			
Checklist Available	4	0	2