
STATEMENT OF JAMES TAYLOR

DEPUTY INSPECTOR GENERAL

U.S. DEPARTMENT OF HOMELAND SECURITY

BEFORE THE

SUBCOMMITTEE ON HOMELAND SECURITY

COMMITTEE ON APPROPRIATIONS

U.S. HOUSE OF REPRESENTATIVES

“Priorities in Enforcing Immigration Laws and Temporary Worker Program”

March 27, 2007



Good afternoon, Mr. Chairman and Members of the Subcommittee. I am James Taylor, Deputy Inspector General for the Department of Homeland Security (DHS). Thank you for the opportunity to discuss our recent work within the U.S. Immigration and Customs Enforcement (ICE).

I would like to summarize the results of our four recent reports covering different aspects of ICE's detention and removal activities. These reports are:

- An Assessment of United States Immigration and Customs Enforcement's Fugitive Operations Teams (OIG-07-34), March 2007;
- ICE's Compliance With Detention Limits for Aliens With a Final Order of Removal From the United States (OIG-07-28), February 2007;
- Treatment of Immigration Detainees Housed at Immigration and Customs Enforcement Facilities (OIG-07-01), December 2006; and
- Review of the U.S. Immigration and Customs Enforcement Detainee Tracking Process (OIG-07-08), November 2006.

An Assessment of United States Immigration and Customs Enforcement's Fugitive Operations Teams (OIG-07-34)

This month we issued a report on ICE's Fugitive Operations Teams, which are under the auspices of the Office of Detention and Removal Operations' National Fugitive Operations Program. The purpose of the National Fugitive Operations Program is to identify, apprehend, and remove fugitive aliens from the United States. The ultimate goal of the program is to eliminate the backlog of fugitive aliens. Fugitive aliens are non-United States citizens not currently in the custody or control of ICE who have failed to depart the United States pursuant to a final order of removal from the Executive Office for Immigration Review. The orders require the aliens to be removed from this country.

Our review's objectives were to determine the adequacy of performance measures used to assess the teams and to review their progress in reducing the backlog of fugitive alien cases. We assessed the sufficiency of the teams' staffing levels and reviewed factors affecting the teams' operations, such as coordination activities with internal and external entities and training policies.

We determined that the fugitive alien apprehensions reported by the Office of Detention and Removal Operations as Fugitive Operations Team apprehensions were the combined efforts of team and non-team members working in the field offices. Despite these efforts, the fugitive alien backlog increased and the teams' effectiveness was hampered by insufficient detention capacity, limitations of its immigration database, and inadequate working space. We could not determine the removal rate of fugitive aliens apprehended

by the teams. The team members performed duties unrelated to fugitive operations, contrary to Office of Detention and Removal Operations policy.

Our review noted that the fugitive alien backlog is increasing. The fugitive alien backlog increased from 331,734 in September 2001 to 623,292 as of August 2006. The backlog of cases has increased, on average by 51,228 each year over the 4-year period ending September 2005. Most striking was the fugitive alien backlog increase of almost 87,000 for the period October 2005 to August 2006.

We also determined that despite the teams' efforts, the following factors limit the effectiveness of the Fugitive Operations Team:

- Insufficient detention capacity;
- Limitations of its immigration database, the Deportable Alien Control System, which is the Office of Detention and Removal Operations' system of records;
- Inadequate working space;
- Team members performing non-fugitive operations duties contrary to the Office of Detention and Removal Operations policy and
- Insufficient staffing.

Additionally, we could not determine the removal rate of fugitive aliens apprehended by the teams because the Office of Detention and Removal Operations' reports did not specify whether removed aliens were fugitive or non-fugitive aliens or whether a Fugitive Operations Team or non-team member made the apprehensions. For example, as of June 2006, according to reports from the Office of Detention and Removal Operations, 49,473 illegal aliens were apprehended, of which 37,443 were fugitives. Also, according to data extracted from the Deportable Alien Control System as of July 2006, the office reported removing 32,206 of those illegal aliens, or 65% of the total apprehended. Since the office does not distinguish between fugitives and non-fugitives in its removal figures, we could not determine the percentage of fugitive aliens removed from the country. More specifically, it is unknown how many of the fugitive aliens apprehended by the teams were removed. When fugitive aliens have not been removed, they are likely released into the United States on their own recognizance or under an order of supervision, which is similar to a parole.

Our review revealed that the teams are successfully liaising and coordinating with other entities to locate and apprehend fugitive aliens in obtaining information on fugitive aliens and enlist other entities' participation in Fugitive Operations Team-led apprehensions through information-sharing agreements and partnerships with federal, state, and local law enforcement agencies. The teams' reliance on formal information-sharing agreements and other agencies for information gathering provides added resources that might not have been available to the teams otherwise.

Furthermore, we determined that the teams do have basic law enforcement training. Many team supervisors reported that most of their officers have completed the requisite training to conduct fugitive operations. In addition, while teams are encouraged to seek

refresher training at the local level, there is no national refresher course for the Fugitive Operations Teams.

ICE concurred with each of the seven recommendations that we made to address these issues. For example, we recommended that ICE develop a detailed plan to ensure adequate employee workspace. To address this recommendation, ICE is coordinating a Space Allocation Survey with several entities, including the General Services Administration and U.S. Customs and Border Protection, to identify the need for additional workspace and then assessing available resources to accommodate such request. Also, in October 2006, in order to facilitate the deployment of FY 2007 Fugitive Operations Teams, ICE specifically asked affected field offices whether new and pre-existing sites needed additional storage and parking space, gyms, and holding facilities.

We also recommended that ICE provide appropriate resources to detain, process, and remove fugitive aliens. ICE explained that it created the Detention Operations Coordination Center to coordinate the movement and placement of detained aliens to effectively allocate detention space. Additionally, ICE's Office of Detention and Removal Operations units are engaged in activities to develop a comprehensive infrastructure that would improve coordinated removal efforts and management of detention space. ICE reported that through capacity planning and bed space management, the average number of detained aliens has increased from 20,683 on October 1, 2005, to 27,390 on September 30, 2006. ICE added that, since November 2005, 6,300 bed spaces have been added in support of the Secure Border Initiative.

Although these are all positive steps to improve its capability to detain, process, and remove aliens, ICE identified several outside factors that impede the Office of Detention and Removal Operations' ability to execute removal operations, such as:

- Foreign embassies and consulates refusal or delay of issuing travel documents;
- Grants of relief, motions to reopen, issuances of stays, and other legal decisions from the Executive Office for Immigration Review and the federal courts; or
- The United States Supreme Court order barring prolonged detention after 180 days, if removal of an alien in ICE custody is not reasonably foreseeable.

In response to our recommendation that Office of Detention and Removal Operations comply with its operating manual or amend it to reflect current practices, ICE said that it would reevaluate its policies that prohibit Fugitive Operations Teams from performing non-fugitive operations.

We recommended that ICE establish a reporting system that classifies all categories of fugitive alien apprehensions. Addressing this recommendation, ICE developed a system to track fugitive cases, the Fugitive Case Management System. This system tracks actual arrests, case closures, immigration status changes, placement of detainers on fugitive aliens, and identities of Fugitive Operations Team and non-team personnel initiating actions. Using the Fugitive Case Management System as the reporting tool for all fugitive team enforcement activity distinguishes the different types of activity the field

conducts and the Fugitive Operations Teams' apprehensions from that of non-team members working in the field.

Despite the hiring obstacles we reported, ICE has made progress in staffing the teams. They also continually pursue information-sharing agreements with federal, state, or local agencies and currently have approximately 330 agreements supporting specific ICE needs. Additionally, ICE will develop a refresher course proposal during FY 2007 to supplement current Fugitive Operations Teams training requirements.

ICE's Compliance With Detention Limits for Aliens With a Final Order of Removal From the United States (OIG-07-28)

In June 2001, the Supreme Court ruled that an alien with a final order of removal generally should not be detained longer than six months. To justify an alien's continued detention, current laws, regulations, policies, and practices require the federal government to either establish that it can obtain a passport or other travel document for the alien in the "reasonably foreseeable future," or certify that the alien meets stringent criteria as a danger to society or to the national interest. ICE is responsible for ensuring compliance with the Court's ruling and final order case management.

In February 2007, we issued a report on ICE's compliance with two U.S. Supreme Court decisions governing the detention period for aliens with a final order of removal. We reviewed ICE's compliance with detention limits for aliens who were under a final order of removal from the United States, including the reasons for exceptions or noncompliance. ICE has introduced quality assurance and tracking measures for case review; however, outdated databases and current staffing resources limit the effectiveness of its oversight capabilities. Although approximately 80 % of aliens with a final order are removed or released within 90 days of an order, among the Post-Order Custody Review files we reviewed, required custody decisions were not made in over 6% of cases, and were not timely in over 19% of cases.

Moreover, some aliens have been suspended from the review process without adequately documented evidence that the alien is failing to comply with efforts to secure removal. In addition, cases are not prioritized to ensure that aliens who are dangerous or whose departure is in the national interest are removed, or that their release within the United States is adequately supervised. Finally, ICE has not provided sufficient guidance on applying the Supreme Court's "reasonably foreseeable future" standard, and does not systematically track removal rates—information that is necessary for negotiating returns and for determining whether detention space is used effectively.

The weaknesses and potential vulnerabilities in the post order custody review process cannot be easily addressed with ICE's current oversight efforts, and ICE is not well positioned to oversee the growing detention caseload that will be generated by DHS' planned enhancements to secure the border.

ICE needs to verify compliance with its regulations and guidance on conducting 90, 180, and post 180-day reviews and the service of its notification and decision documents. Our file review determined that Field Office Directors are not consistently reviewing the quality and timeliness of field notifications and decisions. The Assistant Secretary should have a familiarity with the quality and timeliness of decisions Field Office Directors are signing to determine whether existing programs and resources for training, monitoring, and oversight are sufficient. These reporting requirements are temporary measures until ENFORCE can provide such information.

ICE's Travel Documents Unit is responsible for assisting field offices when post-order custody cases have passed 75 days without receiving a travel document, and for assisting with all cases from countries for which obtaining travel documents is particularly difficult. With additional resources, this unit can provide field deportation officers with country-specific guidance on obtaining travel documents, including information on nationality laws and checklists of required information, as well as field advisories and updates to consular information. Inadequate staffing and funding have meant that the Travel Documents Unit has not provided field offices with adequate training and guidance on obtaining travel documents, or feedback on incomplete requests.

We recognize that ICE has already made considerable progress in managing national security cases. The Headquarters Custody Determination Unit should have at least one officer working full time on each of the national security, terrorism, war criminal, and human rights abuser caseloads, whereas there is currently only one officer working on both in addition to other duties. The HQ Custody Determination Unit has insufficient staff, is reactive, and focuses on cases nearing the 180-day deadline. With adequate staffing, the unit could take a more proactive approach to monitoring and prioritizing the whole caseload, which might secure faster returns and fewer or better-supervised releases.

ICE's Office of Detention and Removal Operations makes thousands of decisions on POCR cases each year, and many should be analyzed to identify the effect on removals for a number of factors. During the period under review, available statistics indicated that 40% of *habeas corpus* challenges were followed by a release, indicating that government entities are finding the decisions made under the existing system cannot be supported when challenged. Making the process more objective and transparent will enable HQCDU to support its decisions if they are challenged. While the HQ Custody Determination Unit makes all 180-day and post 180-day POCR decisions, once the 180-day decision has been made, responsibility for monitoring cases and initiating subsequent reviews shifts to deportation officers in the field. Without a written decision from the unit, deportation officers would not have necessary information to determine when to initiate a review of post-180-day detention. Reviewing a decision at the request of a field deportation officer does not automatically compel the HQ Custody Determination Unit to release the alien. Tracking statistics on removal rates will provide additional information on which to base their decision, but will not constrain them from taking into account changes in country conditions, ongoing negotiations, the circumstances of the individual alien, or their expertise and experience.

ICE regulations and procedures provide less oversight and review after an alien has been held 180 days, despite the increasing burden on the government to establish that an alien's removal will occur in the reasonably foreseeable future. These cases would benefit from a broader range of strategies to ensure regulatory compliance and the most effective use of existing resources, such as detention space. Oversight should include periodic field office meetings with local *pro bono* organizations. *Pro bono* organizations are a source of information on potential compliance issues, can assist in resolving post 180-day cases, and can—and do—raise compliance issues in court if they are not resolved at the local field office level.

To address these challenges, we made five recommendations. ICE concurred with three, which we consider resolved but open pending our receipt of ICE's proposed actions. We met with ICE officials after it had submitted its formal comments, and believe that we have made progress on clarifying both of the remaining recommendations.

We recommended that ICE require each Field Office Director to report case-specific compliance with POOCR regulations and guidance to the HQ Custody Determination Unit on a quarterly basis, which would provide this information to the Assistant Secretary on a semi-annual basis until such information can be obtained through ENFORCE.

Further, we recommended that ICE ensure that existing vacancies in the Travel Documents Unit are filled and, as staff or funding becomes available, ensure this office upgrades its intranet.

ICE needs to develop and staff a program to identify and prioritize cases involving aliens who represent a violent threat to the public or are national security or national interest cases, so that efforts to secure travel documents are expedited, and placement procedures are initiated early for those who might require eventual release within the United States. This recommendation is an issue of resources rather than of commitment.

Our fourth recommendation concerns ICE's need to develop an objective and transparent methodology for determining whether there is a significant likelihood of removal for all cases, which considers: (1) the Supreme Court's requirement for increasing scrutiny over time; (2) the factors outlined in ICE regulations; and, (3) comprehensive statistics on actual removal rates for all Post Order Custody Review cases forwarded to the Travel Documents Unit.

Our final recommendation is for ICE to develop and staff a program to improve oversight of all aliens who have been in detention longer than 180 days after a final order of removal.

Treatment of Immigration Detainees Housed at Immigration and Customs Enforcement Facilities (OIG-07-01)

In December 2006, we issued a report on the treatment of immigration detainees housed at ICE facilities. This report presented our assessment of the extent to which five ICE facilities that house immigration detainees were complying with certain detention standards.

We focused on detention standards regarding: (1) health care; (2) environmental health and safety; (3) general conditions of confinement; and (4) reporting of abuse. In conducting our audit, we did not use statistical sampling for our sample selections, and the results of our testing should not be projected to the detainee population or other facilities. Our report focused on highlighting the specific areas of non-compliance identified during the course of our audit.

ICE operates eight detention facilities called Service Processing Centers. ICE augments its Service Processing Centers with seven Contract Detention Facilities. Contractor operated facilities, which house only detained immigrants. In addition, ICE uses state and local jails on a reimbursable basis through Intergovernmental Service Agreements and uses, at times, joint federal facilities with the Bureau of Prisons.

This report presented the results of our audit of compliance with the aforementioned detention standards at five facilities used by ICE to house immigration detainees, including one Service Processing Center, one Contract Detention Facility, and three Intergovernmental Service Agreement facilities.

Health Care Standards

Regarding health care standards, we identified instances of non-compliance at four of the five detention facilities. We assessed the detention facilities for adherence to health care standards in the following four areas:

1. Initial medical screening and physical examination;
2. Sick call requests and medical treatment;
3. Hunger strike initial evaluation and monitoring; and
4. Suicide watch monitoring.

At Service Processing Center Krome, and Contract Detention Facility Corrections Corporation of America, San Diego, health care programs and medical facilities are managed and administered under the direction of the Division of Immigration Health Services. The Division of Immigration Health Services is located within the Bureau of Primary Health Care of the Public Health Service, under the Department of Health and Human Services. Health care contractors administer medical services at Berks County Prison, Hudson County Correctional Center, and Passaic County Jail.

Initial Medical Screenings and Physical Examinations: The ICE Detention Standard for Medical Care requires all new arrivals to receive initial medical and mental health

screening, including tuberculosis screening, immediately upon arrival by a health care provider or an officer trained to perform this function. The health care provider must also conduct a health appraisal and physical examination on each detainee within 14 days of arrival.

We reviewed 101 of 115 requested medical files for compliance with initial medical screening at four of the facilities. Eight detainees did not receive the required initial medical screening, and 14 files did not contain sufficient documentation to make a determination. Also, we reviewed 111 of 122 requested medical files for compliance with the physical examination requirement. Fifteen detainees did not receive the required examination, and 11 files contained insufficient documentation to make a determination. Krome complied with the standard for initial medical screening and physical examination.

Response to Sick Call Requests: The ICE Detention Standard for Medical Care requires each facility to have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officer in a clinical setting. The ICE standards regarding medical response to sick calls do not clearly define what should be considered a timely response to non-emergency sick call requests. In the absence of such standards, local detention facility health services have established differing policies regarding response to non-emergency health care treatment. At three of five detention facilities we visited—Berks County Prison, Corrections Corporation of America San Diego Facility, and Passaic County Jail—196 of 481 immigration detainee non-emergency medical requests were not responded to in the timeframe allowed by the facility.

Hunger Strikes: The ICE Detention Standard on Hunger Strikes requires all facilities to follow accepted standards of care in the medical and administrative management of hunger-striking detainees. Among the standards are two key provisions:

1. Staff will consider any detainee refusing food for 72 hours to be on a hunger strike, and will refer him or her to the medical department for evaluation and possible treatment.
2. Medical staff will take and record weight and vital signs at least once every 24 hours during the hunger strike. Other procedures will be repeated as medically indicated.

We identified and assessed the treatment of eight detainees on hunger strikes at the five facilities. Krome complied with the standard for the one detainee on hunger strike included in our review. At the four other facilities, the medical staff did not record weight for three detainees on hunger strike. In addition, the four facilities did not monitor vital signs for five of these detainees at least once every 24 hours, as required.

Detainees on Suicide Watch: The ICE Detention Standard on Suicide Prevention and Intervention requires observation of imminently suicidal detainees by medical or detention staff to occur no less than every 15 minutes. We reviewed the medical records

for 36 detainees on suicide watch. At Berks County Prison, Corrections Corporation of America San Diego Facility, and Hudson County Correction Center, facility personnel did not record the required 15-minute security checks for five detainees.

Environmental Health and Safety

We identified environmental health and safety concerns at three of five detention facilities reviewed. The ICE Detention Standard on Environmental Health and Safety requires environmental health conditions to be maintained at a level that meets recognized standards of hygiene. It requires the ICE Health Service Administrator or Intergovernmental Service Agreement facility equivalent to conduct activities that are designed to assist in the identification and correction of conditions that could adversely impact the health of detainees, employees, and visitors. The ICE sanitarian consultant is responsible for developing and implementing policies, procedures, and guidelines pertaining to activities of the environmental health program.

Safety Complaints: Two safety complaints were brought to our attention during interviews with detainees. We were able to validate these safety concerns involving excessively hot water, which was promptly remedied, and unsafe bunk beds, which remain unresolved. At Berks County Prison and Passaic County Jail, some of the detainees interviewed reported being injured from falling out of top bunks and while trying to get onto and off the top bunk. Our review of medical documentation at Berks County Prison and Passaic County Jail confirmed that detainees had fallen out of the top bunk and received medical treatment. Berks County Prison and Passaic County Jail did not have safety ladders to access the top bunk and a top bunk safety rail to prevent detainees from falling out of bed. We did observe, however, that ladder access and a safety rail on the top bunk were in place on bunk beds in Passaic County Jail's medical unit, as well as on triple-deck bunk beds in Passaic County Jail's men's housing units. During our exit meeting, Berks County Prison officials told us that they would look into getting ladders for top bunk beds.

Health Related Complaints: Three types of health complaints were received during our site visits, including complaints regarding pests and vermin, poor ventilation, and improperly prepared or served food. Detainees at Berks County Prison and Passaic County Jail complained of pest control problems. The ICE Environmental Health and Safety Detention Standard requires the Officer-in-Charge to contract with licensed pest-control professionals to perform monthly inspections. Berks County Prison contracted with a professional commercial pest maintenance service to provide on-going pest inspections and treatments. Our review of Berks County Prison documentation suggested that Berks County Prison was aware of, and took action to address, pest control issues. According to Passaic County Jail's extermination schedule, the facility should be inspected or treated 12 times per month. Because of incomplete documentation, we were unable to determine whether all pest treatments were being made.

Food Service: Detainees at Hudson County Correction Center and Passaic County Jail complained about the food service, including complaints regarding dirty food trays and "hot" food that was served cold. We could not determine whether the problem was

widespread or the frequency of occurrence. At Passaic County Jail, complaints were made regarding undercooked poultry. We identified two instances where undercooked poultry was served to Passaic County Jail detainees. Passaic County Jail officials took corrective measures within three days, which included a new checklist with supplemental procedures to ensure food was properly cooked.

General Conditions of Confinement

We identified instances of non-compliance with ICE Detention Standards regarding general conditions of confinement at the five facilities. Some of the instances included incident reporting, classifying detainees, and housing together detainees classified at different security levels. Two facilities also had inadequate inventory controls over detainee funds and personal property.

Incident Reporting: The ICE Detention Standard on Disciplinary Policy requires officers who witness a prohibited act or have reason to suspect one has been committed to prepare and submit an incident report that includes required information. In the case of two Hudson County Correction Center detainees who were placed in disciplinary segregation allegedly for fighting, the incident report did not identify the witness, did not state that the officer observed the fight, and the dates were omitted. A Hudson County Correction Center official agreed that this report did not follow ICE Detention Standards on Disciplinary Policy.

Detainee Classification: The ICE Detention Standard on Detainee Classification System requires that all detainees be classified upon arrival in the facility, before they are admitted into the general population. All facilities are required to ensure that detainees are housed separately according to three classification levels. Level three detainees, for example, are considered a high risk and require medium to maximum-security housing. At Passaic County Jail, male detainees were not classified according to ICE Standards prior to June 2005 and females were not classified because Passaic County Jail did not have enough room to segregate them. Of the 159 records of male detainees who we reviewed as of October 20, 2005, 22 were not classified. According to Passaic County Jail management, the facility was not informed that they had to classify male detainees until June 2005.

Housing Detainees of Different Classifications: ICE Detention Standards for classification prohibits level-one detainees (lowest risk) from being housed with level-three detainees (highest risk). The ICE Detention Standard allows high level-two detainees to be housed with level-three detainees when a facility is at or above full capacity. However, the standard prohibits low-level two detainees from being housed with level three detainees.

Our review of 159 detainee records at Passaic County Jail showed that on October 20, 2005, 13 detainees classified as level one were housed with level three detainees. Further, three detainees classified as level three were housed with level-one detainees, and six were housed with level two detainees.

We reviewed the classification levels for ICE detainees at Berks County Prison as of January 20, 2005, and determined that Berks County Prison housed seven of its eight level-three detainees with level-two detainees. Similarly, on March 21, 2005, four of the seven level three detainees were housed with level-two detainees. In each instance, Berks County Prison officials housed the level-three and level-two detainees together without determining whether the level-two detainees were classified as high or low level two.

Detainee Handbooks: ICE Detention Standard for the Detainee Handbook requires each facility to develop a detainee handbook that will specify the rules, regulations, policies, and procedures with which every detainee must comply. In addition, the handbook will list detainee rights and responsibilities. The handbooks are to list and classify prohibited actions and behaviors, along with disciplinary procedures and sanctions. Grievance and appeals procedures must also be included in the handbook. The ICE Detention Standard on Admission and Release requires every detainee to receive a copy of the handbook upon admission.

Two facilities, Hudson County Correction Center and Passaic County Jail, did not issue handbooks specifically addressing detainee rights, responsibilities, and rules. We were unable to confirm if Berks County Prison or Corrections Corporation of America San Diego issued handbooks to all detainees.

The Hudson County Correction Center handbook was not issued until June 2005. Consequently, based on their admission dates into the Hudson County Correction Center, 37 of 40 detainees interviewed did not receive the Hudson County Correction Center handbook. After Hudson County Correction Center published its handbook, 15 of 40 detainees interviewed from June 2005 through October 2005 stated that they were not provided the handbook at admission.

At Passaic County Jail, 16 of 32 detainees interviewed said they had not received a detainee handbook in compliance with ICE required standards. We observed that during the Passaic County Jail admissions process, detainees were issued a Passaic County Jail Inmate Handbook, effective January 2005, which outlines the rules and regulations that each inmate (not detainee) should follow while remaining in the facility.

Handbooks Should Include Detainee Reporting Process: All five detention facilities distributed handbooks to detainees that did not explain the process for reporting allegations related to abuse or civil rights violations to our office. Three facilities—Berks County Prison, Corrections Corporation of America San Diego, and Passaic County Jail—did not address how to report officer misconduct to our office. Hudson County Correction Center and Krome briefly addressed how to report officer misconduct.

Translating Handbooks and Orientation Materials Into Spanish and Other Languages: ICE Detention Standard on Admission and Release requires each facility to have a medium, such as a video, to provide detainees an orientation to the facility. The Standard requires the orientation video to be in English and Spanish, or the most prevalent

language(s) spoken by detainees at the facility. In addition, the ICE Detention Standard for the Detainee Handbook requires the facility to have English and Spanish versions of the handbook available for issuance to the detainees at admission.

At Berks County Prison, during admission and release procedures, an orientation package was provided in English to English-speaking detainees in order to supplement the oral presentation. However, no orientation package was available in Spanish for the Spanish-speaking detainees. Instead, one of the bilingual officers on duty would verbally translate the oral presentation for the Spanish speakers in the back of the room.

No Spanish version of a detainee handbook had been published at Hudson County Correction Center since April 3, 2003, although Hudson County Correction Center officials stated they planned to publish a Spanish version.

During our audit, we brought these concerns to the attention of the Office of Detention and Removal Operations management and responsible facility officials. ICE took immediate action to address many of our concerns. We made 12 recommendations that address each of the deficiencies we identified to ensure that the quality of the environment for detainees in ICE's care is adequate to protect their health, safety, security, and well being. ICE fully or partially concurred with nine recommendations.

Review of the U.S. Immigration and Customs Enforcement Detainee Tracking Process (OIG-06-34)

In November 2006, we issued a report on ICE's detainee tracking process. Our audit objective was to determine whether ICE had an effective system to track the location of detainees and respond to public inquiries. Detainees are often transferred from one facility to another for various reasons including medical, security issues, or other ICE needs. ICE field offices use the Deportable Alien Control System to track detainees. This system automates many of the clerical control functions associated with the arrest, detention, and deportation of illegal aliens. The system provides management information concerning the status and disposition of individual cases, as well as statistical and summary data of cases by type, status, and detainee-specific information including the detainee assigned number, name, country of origin, book-in date, and detention facility.

Our audit determined that the detainee tracking system, for five of the eight ICE detention facilities tested, did not always contain timely information. At the five facilities, data for 10% of the detainees examined were not recorded in the ICE tracking system within the first 5 days of detainment. ICE procedures stipulated that detainee data should be recorded in DACS as soon as possible, usually within two business days from the date of detainment.

At six of eight ICE detention facilities tested, DACS and detention facility records did not always agree on the location of detainees, or contained information showing the detainee had been deported. Inaccurate detainee information reduces ICE's ability to correctly identify the actual location of detainees and to verify that individuals have been detained. There is also the potential for ICE to under- or over pay detention facilities because of

incorrect data. At one detention facility, ICE overpaid the facility \$9,620 for eight detainees who had been released. At the same time, ICE underpaid the detention facility \$1,665 for two detainees who were being held.

ICE had no formal policy regarding what information it would provide to anyone inquiring about detainees in their custody. However, the four field offices we visited and the eight detention facilities contacted said that they would confirm whether the detainee was held in their facility. Requests for more detailed information would be referred to ICE headquarters.

To address these challenges, we recommended that ICE: (1) issue formal instructions to field offices requiring timely DACS entries and proper supervisory review; (2) perform daily/periodic reconciliations of DACS data; and (3) obtain a reimbursement of the \$7,955 in ICE net overpayments. ICE concurred with the recommendations and will issue guidance to the field addressing timely DACS entries, supervisory reviews, and periodic reconciliations of DACS data. ICE will also work with the appropriate officials to recover the \$7,955 overpayment.

* * * * *

Mr. Chairman, this concludes my prepared statement. I will be pleased to answer any questions you or the Members may have.
