

**Results of Unannounced
Inspections of CBP
Holding Facilities in
the El Paso Area**





OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

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

September 15, 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
Signed by

GLENN E SKLAR
Glenn Sklar SKLAR
Principal Deputy Inspector General

Digitally signed by GLENN
E SKLAR
Date: 2023.09.14 22:48:14
-04'00'

SUBJECT: *Results of Unannounced Inspections of CBP Holding
Facilities in the El Paso Area*

Attached for your action is our final report, *Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area*. We incorporated the formal comments provided by your office.

The report contains five recommendations aimed at improving management of, and conditions in, CBP short-term holding facilities in the El Paso area of western Texas and New Mexico. Your office concurred with all five recommendations. Based on information provided in your response to the draft report, we consider these recommendations open and resolved. 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 and of the disposition of any monetary amounts.

Please send your response or closure request to
OIGInspectionsFollowup@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 contact 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 El Paso Area

**September 15,
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 three facilities in the El Paso area to evaluate CBP's compliance with applicable detention standards.

What We Recommend

We made five recommendations to improve management of and conditions in CBP short-term holding facilities in the El Paso area.

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 November 2022, we conducted unannounced inspections of U.S. Customs and Border Protection (CBP) facilities, specifically two U.S. Border Patrol facilities in the El Paso sector and one Office of Field Operations (OFO) port of entry (POE) in El Paso, Texas. At the time of our inspection, Border Patrol held 1,903 detainees in custody at the El Paso processing center (M-CPC). Of the 190 detainees we sampled, 48 percent were ultimately held in custody longer than specified in the *National Standards on Transport, Escort, Detention, and Search* (TEDS), which generally limit detention to 72 hours. The M-CPC also was overcrowded, and the increased migrant encounters exacerbated staffing challenges for El Paso Border Patrol, making compliance with some TEDS standards difficult. Border Patrol facilities generally met TEDS standards to provide drinking water, meals and snacks, access to toilets, sinks, basic hygiene supplies, and bedding. However, compliance with standards such as segregating males, females, and juveniles; managing property; providing regularly scheduled meals and showers; and maintaining cleanliness of holding rooms was inconsistent. We also found data integrity issues in Border Patrol's electronic system of record, e3. The Paso Del Norte OFO POE had five detainees in custody and met the TEDS standards we could observe.

In February 2023, we returned to the El Paso area for announced follow-up visits.

CBP Response

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



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table of Contents

Background 4

 CBP Standards for Detention at Short-Term Holding Facilities 6

 CBP Migrant Encounters on the Southwest Border 7

 Title 42 Expulsions 9

Results of Inspection 10

 Detainees in Border Patrol Custody Experienced Prolonged Detention
 and Overcrowding 10

 Increased Migrant Encounters Exacerbated Border Patrol Staffing
 Challenges 16

 Border Patrol Compliance with TEDS and Other Standards Was
 Inconsistent, but We Also Observed Innovative Operational Practices... 18

 Border Patrol’s Detention Records Had Data Integrity Issues..... 23

Conclusion..... 25

Recommendations..... 25

Management Comments and OIG Analysis 26

Appendixes

 Appendix A: Objective, Scope, and Methodology..... 28

 Appendix B: CBP Comments on the Draft Report 30

 Appendix C: Office of Inspections and Evaluations Major Contributors
 to This Report 36

 Appendix D: Report Distribution..... 37



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Abbreviations

ATD	Alternatives to Detention
CBP	U.S. Customs and Border Protection
ERO	Enforcement and Removal Operations
ESF	El Paso Sector Soft-Sided Facility
HHS	U.S. Department of Health and Human Services
ICE	U.S. Immigration and Customs Enforcement
INA	<i>Immigration and Nationality Act</i>
M-CPC	Modular Centralized Processing Center
MERP	Mobile En-Route Processing
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>
TOPS	temporary outdoor processing site
TVPRA	<i>Trafficking Victims Protection Reauthorization Act</i>
UC	unaccompanied children



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Background

With 328 ports of entry (POEs) 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 POEs) because of differences in mission, policies, and procedures of these two CBP sub-components. Facility conditions can also fluctuate considerably across areas because of geography, infrastructure, and a variety of other factors.

Congress mandated that the Office of Inspector General conduct unannounced inspections of CBP holding facilities. This report describes the results of our November 2022 inspections and February 2023 follow-up visits in the El Paso area of western Texas and New Mexico, which includes 264 miles of the Southwest border between the United States and Mexico, covering the entire State of New Mexico and two counties in West Texas.²

In November 2022, we inspected two Border Patrol holding facilities and one OFO POE in the El Paso area, namely the El Paso Modular Centralized Processing Center (M-CPC), Santa Teresa station, and Paso Del Norte POE. We also visited a temporary outdoor processing site (TOPS) set up by Border Patrol to manage and begin to process the high volume of apprehended single adults and family units El Paso Border Patrol encountered at the time. In February 2023, we returned to the El Paso area to visit the El Paso M-CPC and Border Patrol's new El Paso Sector Soft-Sided Facility (ESF).³ Figure 1 shows the locations of the five facilities we visited.

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

² CBP, El Paso Sector Texas, <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/el-paso-sector-texas>, July 21, 2022.

³ In November 2022, our objective was to conduct unannounced inspections of CBP facilities in the El Paso area in accordance with the congressional mandate and to determine whether CBP complied with TEDS standards and other relevant policies and procedures. During our February 2023 visit, we toured the ESF and M-CPC, but we did not conduct full inspections. See Appendix A for additional details about our objective, scope, and methodology.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Figure 1. Locations of CBP Facilities Visited in November 2022 and February 2023



Source: Department of Homeland Security OIG

OFO manages POEs, where officers perform immigration and customs functions, inspecting people who present with or without valid documents for legal entry, such as visas or legal permanent resident cards, and 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 subject to criminal prosecution.⁴

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 noncitizens in long-term detention facilities managed by ICE ERO or to release noncitizens while they await immigration hearing proceedings. Border Patrol

⁴ 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).



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

also coordinates with nongovernmental organizations (NGOs) to aid noncitizens the agency releases.

Border Patrol or ICE ERO can issue a Notice to Appear (NTA)⁵ to a noncitizen, which initiates removal proceedings before an immigration judge to determine whether the noncitizen can remain in the United States. While removal proceedings are pending, the noncitizen may remain in detention or be released. In addition, during the period of this inspection, Border Patrol could coordinate with ICE ERO to release noncitizens on Parole plus Alternatives to Detention (ATD).⁶ In such cases, Border Patrol processed the noncitizen for parole and transferred them to ICE ERO for enrollment in the ATD program and for further removal processing and supervision.

CBP works with the U.S. Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR), the agency responsible for the placement of unaccompanied children (UC), to transfer UCs into ORR's custody. CBP also coordinates with local government agencies and NGOs when releasing noncitizens 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, detainees should generally not be held for longer than 72 hours after being taken into custody.⁷ In addition, the 2008 *Trafficking Victims Protection Reauthorization Act* (TVPRA) imposes a general 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.⁸ CBP also has an obligation to provide

⁵ Per the *Immigration and Nationality Act* (INA) § 240: Immigration officers can issue an NTA, which initiates removal proceedings before an immigration judge. Noncitizens released into the United States are provided conditions of release. Failure to comply with the conditions of release may result in arrest and detention.

⁶ In March 2023, the *CBP Policy on the Use of Parole Plus Alternatives to Detention to Decompress Border Locations* (July 2022) was vacated as per the decision in *Florida v. Biden*, 3:21-cv-01066 (N.D. Fla).

⁷ TEDS 4.1, *Duration of Detention*. Detainees should generally not be held for longer than 72 hours in CBP holding rooms or holding facilities. Every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation, as appropriate and as operationally feasible. For DHS authority to detain individuals, see 6 U.S.C. § 211(c)(8)(B); 6 U.S.C. § 211(m)(3); and 8 U.S.C. § 1357(a)(2).

⁸ The TVPRA establishes a framework for the detention, treatment, and release of UC. Consistent with section 279 of title 6, except in instances where a UC from a contiguous country is permitted to withdraw their application for admission, the care and custody of all UC, including the responsibility for their detention where appropriate, shall be the responsibility of HHS. Except in exceptional circumstances, any department or agency of the



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

or make available to detainees in its custody drinking water, meals and snacks, access to toilets and sinks, basic hygiene supplies, and under certain circumstances, bedding and showers.⁹ CBP must ensure that holding facilities are kept clean and are temperature controlled and adequately ventilated.¹⁰ CBP must also make every effort to ensure that hold rooms house no more detainees than prescribed by the operational office's procedures.¹¹

The TEDS standards also outline general requirements for detainee access to medical care.¹² In December 2019, CBP enhanced these requirements by adopting CBP Directive No. 2210-004,¹³ 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.¹⁴

CBP Migrant Encounters on the Southwest Border

In fiscal year 2022, Southwest border encounters¹⁵ exceeded historical trends and increased in each demographic category, with total CBP encounters reaching a new high of 2,206,436. In FY 2023, this trend declined with 1,646,077 migrant encounters in the first 10 months, a 9.4-percent decrease over the 1,817,065 migrant encounters during the same period in FY 2022. As shown in Table 1, the demographics of CBP encounters on the Southwest

Federal Government that has a UC in custody shall transfer the custody of that child to the Secretary of Health and Human Services not later than 72 hours after determining he or she is unaccompanied (see 8 U.S.C. § 1232(b)(3)).

⁹ 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*.

¹⁰ TEDS 4.7, *Hold Room Standards: Temperature Controls and Cleanliness*; TEDS 5.6, *Detention: Hold Rooms – UAC*.

¹¹ TEDS 4.7, *Hold Room Standards: Capacity*.

¹² TEDS 4.10, *Medical Care*.

¹³ CBP Directive No. 2210-004, [Enhanced Medical Support Efforts](#), Dec. 30, 2019.

¹⁴ The CBP Form 2500 is used to determine whether a detainee has any injury, symptoms of illness, known contagious diseases, or thoughts of harming self or others and to record answers to the questions on the form as well as observations about the detainee's medical condition. 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.

¹⁵ The term "encounter" refers to individuals encountered by Border Patrol and OFO.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

border include UCs, family units,¹⁶ and single adults and 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*	104,859	425,169	1,116,049	1,646,077

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 August 3, 2023.

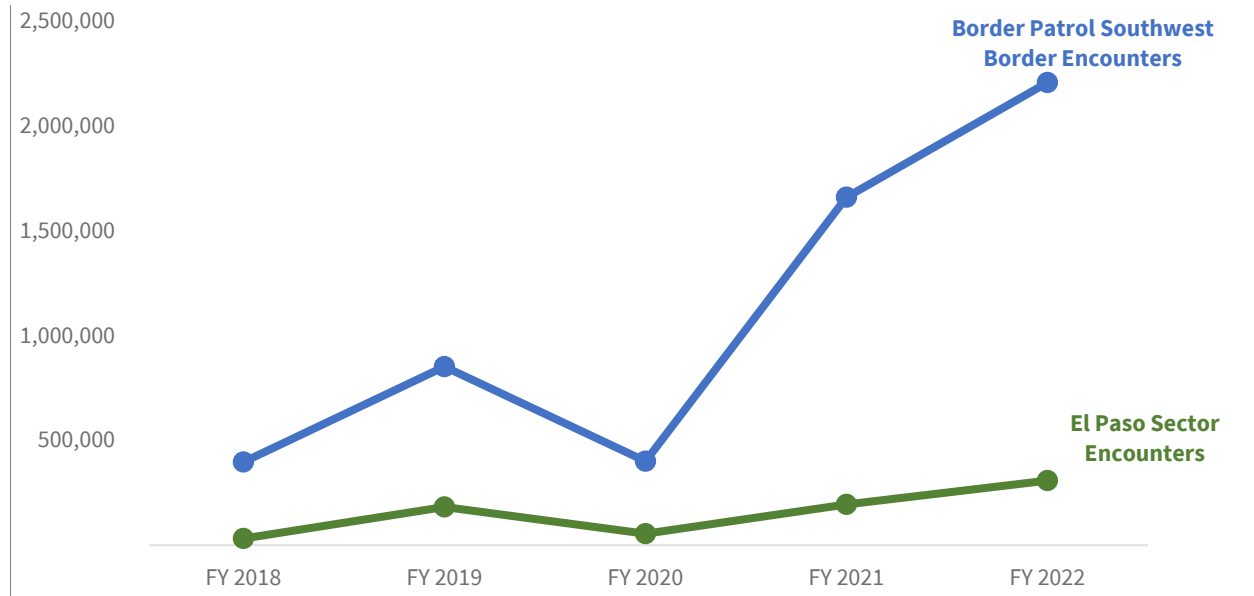
The El Paso sector had 364,092 encounters in FY 2023, representing 22 percent of the total Border Patrol encounters across the nine Southwest border sectors. Figure 2 compares encounters in the El Paso sector with total encounters along the Southwest border from FY 2018 to FY 2022 and shows an increase in migrant encounters in recent years.

¹⁶ Per 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.”



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Figure 2. Total Southwest Border Patrol Encounters and Encounters in the El Paso Sector, FYs 2018–2022



Source: DHS OIG analysis of Border Patrol statistics

Title 42 Expulsions

Under Title 42, the *Public Health Service Act*, the U.S. Surgeon General can prohibit the introduction of persons and property into the United States traveling from foreign countries to avert the spread of communicable diseases.¹⁷ 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 noncitizens traveling from Canada or Mexico from being introduced into the United States, regardless of their countries of origin. CBP expelled 1,054,084 noncitizens (48 percent of all encounters) in FY 2022 under Title 42 authority and 549,832 (33 percent of all encounters) in FY 2023.¹⁸ However, many noncitizens encountered by CBP were not amenable to expulsion under Title 42 such as some UCs and adults of different nationalities.¹⁹ CBP processed the

¹⁷ See 42 U.S.C. § 265.

¹⁸ FY 2023 data are available for October 2022 to August 2023. Title 42 expulsions refer to individuals encountered by Border Patrol and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. Sec. 265. FY 2023 Title 42 expulsions stopped on May 11, 2023, when the Title 42 Order terminated.

¹⁹ Expulsions under Title 42 were a public health measure and not considered immigration enforcement. Some noncitizens were not amenable to Title 42 expulsions due to operational constraints such as agreements with foreign governments regarding expulsions, policies of the U.S. Government, or the terms of Title 42 such as exempting UCs from expulsion.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

noncitizens not expelled under Title 42 pursuant to applicable immigration laws, which may have resulted in their entry into removal proceedings or referral for criminal prosecution.²⁰ On May 11, 2023, the Federal public health emergency for the COVID-19 pandemic expired and the CDC Title 42 Order terminated.

Results of Inspection

At the time of our inspection, Border Patrol held 1,903 detainees in custody at the El Paso M-CPC. We reviewed a random sample of 10 percent of these detainees and found that 91 of 190 detainees sampled (48 percent) were ultimately held in custody longer than specified in TEDS, which generally limits detention in these facilities to 72 hours. The M-CPC also was overcrowded. To manage prolonged time in custody and overcrowding, Border Patrol processed most detainees for release into the United States. The increased number of migrant encounters exacerbated staffing challenges for El Paso Border Patrol and made compliance with some TEDS standards difficult. We found that Border Patrol facilities generally met TEDS standards to provide basic amenities such as drinking water, meals and snacks, access to toilets and sinks, basic hygiene supplies, and bedding. We also observed some innovative operational practices. However, Border Patrol compliance with standards related to segregating unrelated males, females, and juveniles; managing property; providing regularly scheduled meals and showers; and maintaining cleanliness of holding rooms was inconsistent. We also found data integrity issues with information in Border Patrol's electronic system of record, e3.

The Paso Del Norte OFO POE had five detainees in custody and met the TEDS standards we could observe.

Detainees in Border Patrol Custody Experienced Prolonged Detention and Overcrowding

We observed prolonged detention times and overcrowding in the El Paso M-CPC. To manage these conditions, Border Patrol processed most detainees for Parole plus ATD and released them into the United States pending removal or additional immigration proceedings. We did not observe prolonged detention or overcrowding at the Santa Teresa station or OFO Paso Del Norte POE. At the time of our inspection, the Santa Teresa station served as a staging site for Title 42 expulsions, typically holding noncitizens for short periods before their return to Mexico. The Paso Del Norte POE had five detainees in custody awaiting transfer to partner agencies or further processing.

²⁰ Noncitizens not expelled under Title 42 were processed as enforcement actions under Title 8 immigration authority.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

The El Paso M-CPC Held Detainees for Longer than 72 Hours

According to Border Patrol records, the M-CPC had a total of 1,903 detainees in custody at the time of our November 2022 inspection. We reviewed a random sample of 10 percent of the detainees in Border Patrol custody at the M-CPC and found that 91 of 190 detainees sampled (48 percent) were ultimately held for longer than the limit of 72 hours specified in TEDS. Individuals whose time in custody exceeded the 72-hour TEDS limit included 23 UCs, considered by CBP to be an at-risk population, one of whom was in custody for over 6 days.²¹ In addition to following TEDS standards, Border Patrol has a general legal obligation specified in the TVPRA to transfer UCs to HHS ORR not later than 72 hours after determining they are unaccompanied. Border Patrol also held members of family units and single adults longer than 72 hours. For example, members of four family units were held 11 and 13 days, and one single adult was in custody over 25 days. Figure 3 shows the overall time detainees in our sample spent in El Paso Border Patrol custody.

²¹ 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.

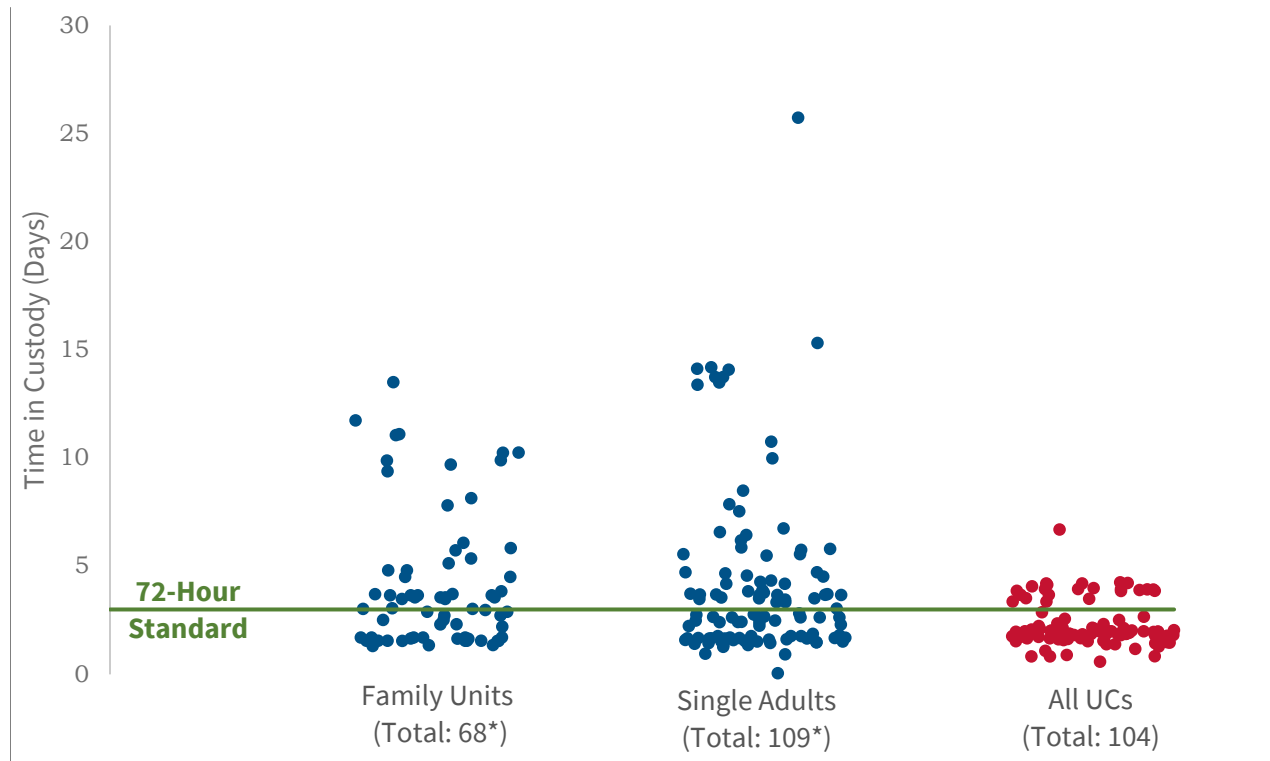


OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Figure 3. Overall Time Detainees Spent in El Paso Border Patrol Custody, November–December 2022

Each dot represents one detainee.

Family unit dots represent individual members of family units.



* Our random sample of 190 detainees (10 percent) of the total population of 1,903 in custody resulted in 68 members of family units, 109 single adults, and 13 UCs. However, here we indicate in red the time in custody for all UCs (104 of the total population of 1,903), not just those in our sample because UCs are a priority, at-risk population.

Source: DHS OIG analysis of CBP data

We also observed detainees held over 72 hours during our February 2023 follow-up visits to the M-CPC and ESF. On the days of our visits, the M-CPC had 332 detainees over 72 hours (32 percent of 1,040) and the ESF had 77 detainees over 72 hours (1 percent of 1,000).²²

²² After our onsite inspections, we typically request data for total time in custody for detainees who were in the facilities when we inspected them. However, for our February 2023 follow-up visit, we are reporting the “snapshot” time in custody data we collected while at these facilities and not an analysis of total time in custody.

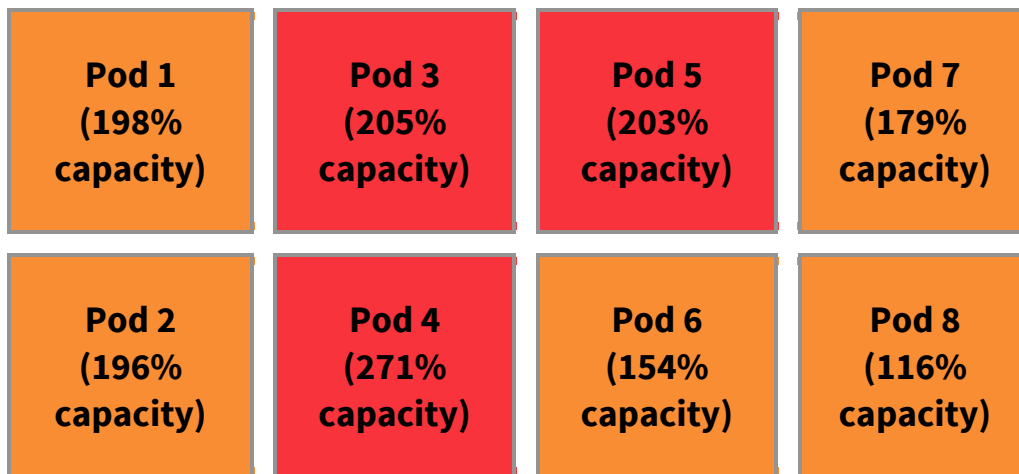


OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

The El Paso M-CPC Was Over Maximum Capacity

During the week of our inspection, the El Paso sector was over its maximum holding capacity, with an average daily sector-wide capacity of 116 percent. The El Paso M-CPC was at 183 percent capacity, with 1,903 detainees in a facility with a maximum capacity of 1,040.²³ Five of the eight holding pods at the M-CPC were near or over 200 percent capacity. A Border Patrol agent told us that the facility had a designated overflow area that would be opened when the M-CPC approached 3,200 detainees in custody. Figure 4 shows that all eight of the holding pods at the M-CPC were over capacity on the day of our inspection.

Figure 4. M-CPC Holding Pod Capacity on November 17, 2022



Source: DHS OIG analysis of CBP data

According to Border Patrol officials, many of the same factors that resulted in prolonged detention, such as delays in transferring detainees to Federal partners and delays in processing detainees for release to NGOs also contributed to overcrowding. Figure 5 shows an overcrowded holding cell at the El Paso M-CPC.

²³ Facility occupancy was fluid throughout the week of our inspection, fluctuating from 2,404 detainees in custody on Nov. 15, 2022, to 1,903 in custody on Nov. 17, 2022.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Figure 5. Family Unit Detainees in an Overcrowded Holding Cell (Pod 3) at Border Patrol’s El Paso M-CPC, Observed November 17, 2022



Source: DHS OIG photo

By our February site visit, El Paso Border Patrol had added a new ESF with capacity for 1,000 detainees. With this additional holding space, both the El Paso M-CPC and ESF facilities were operating under their maximum capacity. The M-CPC was at 75 percent capacity, with 782 detainees in a facility with a maximum capacity of 1,040, and the ESF was at 69 percent capacity, with 694 detainees in a facility with a maximum capacity of 1,000. During our February 2023 visit, the encounters were also significantly lower than in November 2022. In November 2022, El Paso Border Patrol had 53,541 encounters, compared with 32,866 encounters in February 2023.

Border Patrol facilities are not structured or equipped for long-term detention. To manage prolonged time in custody and overcrowding, Border Patrol used several pathways to release noncitizens from CBP custody or transfer noncitizens to partners such as ICE ERO, or in the case of UCs, to HHS ORR. We found that Border Patrol in the El Paso sector mostly processed detainees for release into the United States using Parole plus ATD for those noncitizens processed pursuant to Title 8 authorities. Border Patrol also expelled many noncitizens encountered under Title 42 authorities.²⁴ Figure 6 shows the

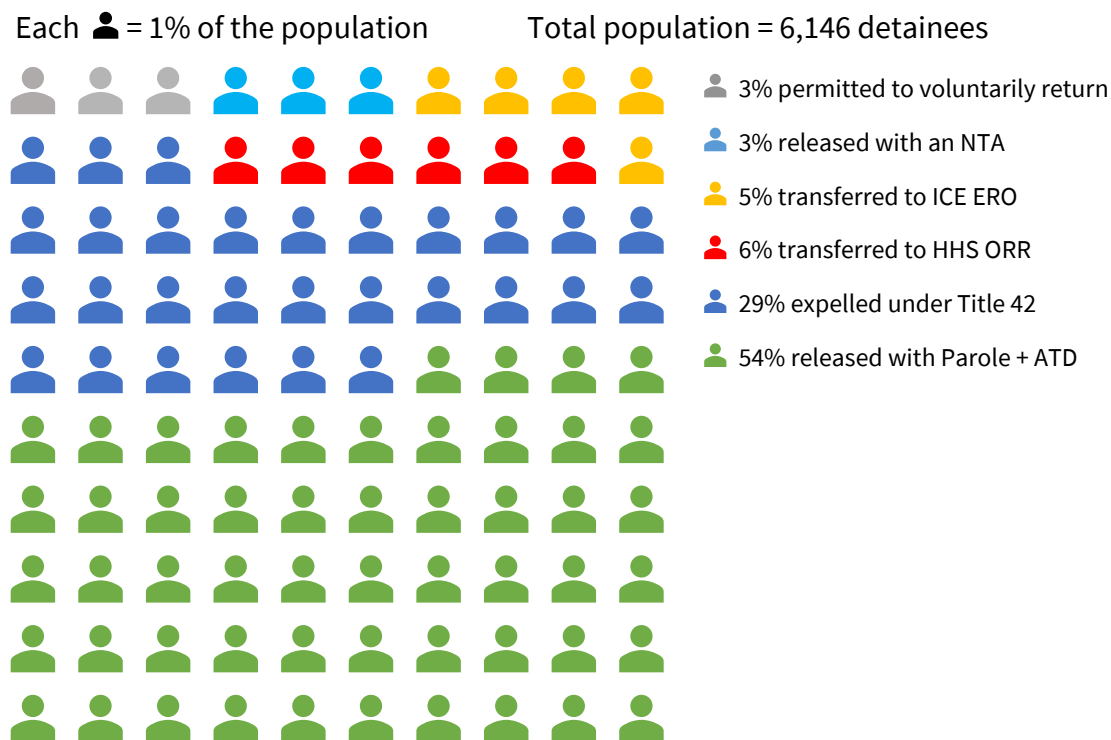
²⁴ During our November 2022 inspections, El Paso sector exceeded the threshold criteria for releasing detainees under Parole plus ATD. As of March 2023, the CBP policy authorizing the



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

disposition outcomes of the 6,146 detainees encountered or held at all facilities in the El Paso sector during our inspection, November 14-18, 2022.

Figure 6. Disposition Outcomes of All Detainees, El Paso Sector-Wide, November 14-18, 2022



Source: DHS OIG analysis of CBP data

Our previous fieldwork on the Southwest border showed that high migrant encounters negatively affect Border Patrol’s ability to meet TEDS standards for time in custody and can lead to facility overcrowding.²⁵ Border Patrol officials told us various factors contributed to the prolonged detention and overcrowding in the El Paso sector. For example, ICE ERO detention capacity was not sufficient to match Border Patrol needs for detainee transfers to long-term detention facilities. ICE ERO’s acceptance of transfers of some adult detainees from Border Patrol depended on whether their timely repatriation was possible. In addition, ICE ERO closed all three of its Family Residential

use of Parole plus ATD was vacated in the litigation *Florida v. Biden*, 3:21-cv-01066 (N.D. Fla). See CBP’s *Policy on the Use of Parole Plus Alternatives to Detention to Decompress Border Locations*, July 20, 2022.

²⁵ *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.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Centers by December 2021 and could not accept family units for placement. As a result, Border Patrol coordinated with ICE ERO to release most detainees to local government partners and NGOs, which also had limited capacity to receive and aid noncitizens.

Increased Migrant Encounters Exacerbated Border Patrol Staffing Challenges

Border Patrol in the El Paso sector experienced a 345 percent increase in migrant encounters from November 2021 to November 2022 (the month of our inspection) — from 15,538 encounters to 53,541 encounters, respectively. The increase in encounters was challenging to manage given their existing staffing levels. Temporary facilities established in the El Paso area to deal with the influx were staffed primarily with temporary details from other stations in the sector. For example, to help manage the elevated volume of encounters in the fall of 2022, Border Patrol set up the TOPS along the Rio Grande River to receive and temporarily hold migrants, begin processing, and manage transfers to the El Paso M-CPC or Border Patrol partners. The TOPS was staffed with temporary details from other stations in the sector. Similarly, the temporary ESF was established in January 2023 to add additional holding capacity and was staffed with temporary details.

During our inspection of the El Paso M-CPC in November 2022, we observed minimal agent supervision of two cells holding approximately 400 detainees, which was a safety and security concern. Figure 7 shows the main corridor between Pods 1 and 2, which were at 198 percent and 196 percent capacity, respectively. Only two agents stationed at the end of the hallway were supervising the pods.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Figure 7. A Corridor in the El Paso M-CPC with Minimal Staff Supervision, Observed November 17, 2022



Source: DHS OIG photo

We also observed a single contract caretaker providing snacks to detainees in an overcrowded pod while detainees crowded the doorway, creating a potential security risk. Border Patrol later told us that the minimal supervision and staffing in that corridor may have been because agents were performing other duties to manage the high volume of detainees being processed in and out of the M-CPC.

During our follow-up visit in February 2023, we observed El Paso Border Patrol had increased its holding capacity from 1,040 to 2,040 with the addition of the ESF. However, Border Patrol did not increase the number of agents commensurate with the capacity of the additional facility. In November 2022, Border Patrol staffed the 1,040-capacity M-CPC with 128 agents temporarily detailed from other El Paso stations. When Border Patrol opened the additional 1,000-capacity ESF in January 2023, approximately 30 additional agents were added to the M-CPC and agents were split between the M-CPC and the ESF. Although Border Patrol agents told us the design of the ESF incorporated best practices and features from another processing center, we concluded that if both El Paso facilities were at or over capacity, it would be difficult for agents to effectively manage the processing and supervision of detainees. The ESF contract period expired in May 2023 and agents were reassigned to the El Paso Hardened Facility in June 2023.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Border Patrol agents and contract medical staff we interviewed also told us they were understaffed at the medical intake and treatment areas. For example, medical intake was short staffed by one nurse on the day of our inspection. Three on duty contract medical staff conducted approximately 1,000 detainee medical assessments at intake throughout their 12-hour shift while supporting this one medical provider, who was conducting full medical assessments as needed. Border Patrol officials also told us the medical contract did not provide for the additional medical staff needed if the M-CPC overflow tents were used. In follow-up discussions months later, Border Patrol indicated to us that contract medical staff have since been identified to support the overflow tents when needed.

To support operations of the M-CPC and ESF, Border Patrol used contract staff to perform many functions, including medical assessments and care, catering and food service, cleaning, transportation, shower services, laundry services, data entry, caretaking of UCs, and security duties. Border Patrol also used DHS Volunteer Force support to help with non-law enforcement tasks such as managing supplies and data entry.

Border Patrol Compliance with TEDS and Other Standards Was Inconsistent, but We Also Observed Innovative Operational Practices

The Border Patrol and OFO facilities we inspected met many standards for providing basic amenities. Border Patrol also had processes that we consider innovative operational practices. However, we also found that Border Patrol did not consistently comply with some applicable standards.

Border Patrol Met Many Standards and Implemented Innovative Operational Practices

Border Patrol facilities in the El Paso sector that we inspected had ample supplies of clothes, diapers, baby formula, snacks, water, blankets and sleeping mats. At the M-CPC, a food contractor delivered two hot meals and one cold meal each day. The contractor offered vegetarian and kosher meals for detainees with food restrictions, and Border Patrol ensured that children and pregnant women received appropriate food. Detainees received an initial medical screening at intake, and full medical assessments and care were provided later as needed. The facilities were also temperature controlled and adequately ventilated.

The M-CPC used Border Patrol processing coordinators to escort detainees after intake to receive clean clothing, hygiene products, and a shower. Contracted caregivers worked in the pod holding UCs, helping with meals,



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

showers, medical issues, welfare checks, and their general care. UCs were provided with cartoon movies, toys, and a readily available supply of snacks such as juice boxes, chips, cookies, fresh fruit, and water. Border Patrol also implemented innovative operational practices, such as purchasing extra cell phones for the M-CPC and allowing UCs to make calls near their pod.²⁶ A Border Patrol official told us that the M-CPC had 12 to 15 cell phones that UCs used daily to make calls to their families. This innovative practice could improve UC communications with their families while reducing the burden on staff to escort UCs to phone booths in other areas of Border Patrol holding facilities. Figure 8 shows a Border Patrol processing coordinator showing a UC how to use a cell phone.

Figure 8. A Border Patrol Processing Coordinator Showing a UC How to Use a Cell Phone at the El Paso M-CPC, Observed November 17, 2022



Source: DHS OIG photo

In addition, we observed that the TOPS had plenty of water, snacks, food for children, clothing supplies, and mylar blankets. Detainees had access to portable toilets, washstands, hygiene items, medical staff to provide initial

²⁶ Per TEDS 4.9, *Telephones*, and TEDS 5.6, *Consular and Telephone Access—UAC*, all UCs must be offered use of a telephone.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

medical screenings at intake and onsite care, and emergency medical service transport to the hospital for any emergencies.

Another innovative operational practice Border Patrol implemented was Mobile En-Route Processing (MERP) at the TOPS to rapidly process detainees. MERP is an application that uses mobile technology tools to initiate detainee processing while in transit. Agents used their CBP cell phones to take pictures of detainees and their identity documents and run background checks, creating a record in Border Patrol's e3 detention module. The MERP process observed at the TOPS took approximately 30 seconds and could enhance processing capabilities in some circumstances by allowing Border Patrol to begin initial processing of detainees in field settings before detainees arrive at holding facilities.

Border Patrol Did Not Meet Some TEDS Standards

At the M-CPC, we found Border Patrol did not meet standards related to segregating males, females, and juveniles; managing property; providing showers; and maintaining cleanliness of holding rooms. At Santa Teresa station, the TEDS standard for providing regularly scheduled mealtimes was not met.

TEDS requires detainees younger than 18 years to be separated from adult detainees, unless the adult is an immediate relative or legal guardian.²⁷ We observed unrelated males, females, and juveniles held together at the M-CPC with minimal supervision, potentially compromising their safety and well-being. Older male and female UCs were also held in one pod, divided by only a tarp as shown in Figure 9.²⁸

²⁷ TEDS 4.3, *General Detention Procedures*, contains subsections on *Gender Segregation*, *Juvenile/Adult Segregation*, and *Family Units*. The subsections require that (1) male and female adult detainees be segregated at all times when in holding rooms; (2) detainees younger than 18 years not be held with adult detainees, unless the adult is an immediate relative or legal guardian; and (3) generally, family units with juveniles should not be separated. TEDS allows for exceptions to these requirements on a case-by-case basis.

²⁸ 84 Fed. Reg. 44392 (Aug. 23, 2019). To ensure their safety and well-being, UCs in CBP facilities are supervised and are generally segregated from unrelated adults; older, unrelated UCs are generally segregated by gender.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Figure 9. Tarp in an El Paso M-CPC Holding Cell Used to Separate Older Male and Female UCs (located behind the tarp), Observed November 15, 2022



Source: DHS OIG photo

A Border Patrol agent told us that the design of the M-CPC — with a limited number of large holding pods — made it difficult to separate detainees. During our follow-up visit to the M-CPC in February 2023, we observed that Border Patrol was able to separate these populations because the ESF had provided additional holding space.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

TEDS standards²⁹ and CBP internal operating procedures³⁰ specify that detainee personal property discovered by Border Patrol during law enforcement actions must be safeguarded, itemized, and documented and should transit with the detainee when transferred to another agency, repatriated, or released. At the TOPS, Border Patrol instructed detainees to discard larger property such as backpacks or suitcases in a dumpster next to the intake area. Detainees were provided small plastic bags to hold their money, documents, phones, jewelry, and other small items. We observed the property room at the M-CPC and confirmed that larger items such as backpacks were not stored, with very few exceptions. Border Patrol told us they did not have room to store larger property at the M-CPC, and therefore most property is discarded at the TOPS before detainees are transferred to the M-CPC.

We also found that Border Patrol did not always comply with the TEDS standard to provide showers to juveniles approaching 48 hours and adults approaching 72 hours in CBP custody.³¹ Showers were provided at intake at the M-CPC, but not provided every 48 or 72 hours thereafter. Multiple detainees in custody for 10–12 days whom we interviewed told us they were not provided showers after the initial intake shower. Similarly, detainees were not provided hygiene items such as toothpaste, toothbrushes, and deodorant after initial intake.³² One detainee told us they had been in custody for 20 days and had only received a shower and brushed their teeth once. Another detainee who had been in custody for 11 days told us they received a shower once and were not provided a toothbrush despite their requests. A CBP official said that the limited shower capacity and insufficient staffing made it difficult to meet the standard for showers when the facility was over capacity.

TEDS standards require that facilities or holding rooms be regularly and professionally cleaned and sanitized.³³ We observed some intake holding cells at the M-CPC were unclean and had a strong odor, with no trash bins around the toilet and sink areas and discarded soiled paper towels. Figures 10 and 11 show an unclean intake holding cell at the M-CPC. A CBP official explained the

²⁹ Per TEDS 7.1, *General: Personal Property*, all detainee personal property discovered during apprehension or processing and not deemed to be contraband must be safeguarded, itemized according to the operational office's policies and procedures, and documented in the appropriate electronic system(s) of record.

³⁰ CBP, *Personal Effects Internal Operating Procedures*, Apr. 22, 2021, states any personal effects taken during a law enforcement action need to be safeguarded, itemized, and documented unless classified as contraband or a health hazard. It also requires CBP to transfer personal property when a detainee transits.

³¹ TEDS 5.6, *Detention: Showers – Juveniles*, requires that reasonable effort be made to provide showers to juveniles approaching 48 hours and adults approaching 72 hours in CBP custody.

³² TEDS 4.11, *Hygiene: Basic Hygiene Items*, requires that detainees be provided with basic personal hygiene items, consistent with short-term detention and safety and security needs.

³³ TEDS 4.7, *Cleanliness*, requires that all facilities or rooms used to hold detainees be regularly and professionally cleaned and sanitized.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

contract cleaners are scheduled at specific times and the intake holding rooms can get dirty between cleanings.

Figures 10 and 11. Unclean Intake Holding Room at the El Paso M-CPC, Observed November 15, 2022



Source: DHS OIG photo

TEDS also requires that detainees be provided food at regularly scheduled mealtimes. Border Patrol procedures for providing regularly scheduled meals were not in place at the Santa Teresa station at the time of our inspection.³⁴ Border Patrol agents explained that the station was used for Title 42 expulsions and detainees were typically expelled within hours, so regularly scheduled meals were not typically needed. However, according to Border Patrol's records on the day of our inspection, 17 detainees were in custody for 11–13 hours, and we observed some gesturing to the agents from their cells that they were hungry. Border Patrol agents provided granola bars to detainees on the spot.

Border Patrol's Detention Records Had Data Integrity Issues

We found data integrity issues in Border Patrol's electronic system of record, e3, at the El Paso M-CPC during our November 2022 inspection. Maintaining accurate, complete, and consistent data in electronic systems of record is critical for Border Patrol to monitor detainee care and ensure compliance with TEDS and other applicable standards.

³⁴ TEDS 4.13, *Food and Beverage*, requires that adult detainees, whether in a holding room or not, be provided food at regularly scheduled mealtimes. Detainees must also be provided snacks between regularly scheduled mealtimes.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

We reviewed a sample of 20 custody logs for detainees held by Border Patrol at the M-CPC and found all 20 had duplicate entries and gaps in entries for custodial actions. For example, snacks, meals, blankets, clothing, mats, and dental hygiene products were recorded as provided twice within minutes in logs. We found gaps in custody logs with no entries made for 20 hours, and numerous gaps in entries of 15, 12, and 9 hours. The custody log for a 4-year-old who was part of a family unit had multiple gaps in entries of 14 hours, 12 hours, 10 hours, 8 hours, and 6 hours, as well as 10 instances of approximately 5-hour gaps over a 9-day period. In addition, the log had numerous duplicate entries and an entry for providing feminine hygiene products to the 4-year-old. Figure 12 shows examples of gaps in entries and duplicative entries in the custody logs sampled from the El Paso M-CPC.

Figure 12. Excerpts of Unreliable Custody Log Entries

From the El Paso M-CPC Custody Log: Yellow Highlighting Shows Example of a 20+ Hour Gap in Entries

11/11/2022 17:50	Welfare Check
11/11/2022 20:53	Processing Complete
11/11/2022 21:05	Telephone Used
11/12/2022 17:49	Served Meal (Accepted)

From the El Paso M-CPC Custody Log: Examples of Duplicate Entries 4 Minutes Apart

11/06/2022 12:54	Shower Provided
11/06/2022 12:54	Served Meal (Accepted)
11/06/22 12:54	Medical Assessment Performed by Medical Professional
11/06/22 12:54	Feminine Hygiene Product
11/06/22 12:58	Shower Provided
11/06/22 12:58	Served Meal (Accepted)
11/06/22 12:58	Medical Assessment Performed by Medical Professional
11/06/22 12:58	Feminine Hygiene Product

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

In addition, Border Patrol agents at the M-CPC could not locate an adult detainee we asked to interview despite e3 recording him as held in Pod 1.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Border Patrol checked the other holding pods, medical areas, and showers and could not locate the detainee and later informed us that the detainee was processed for release by ICE ERO, but their status was not updated in the e3 system.

We also found data integrity issues during our February 2023 visit to the M-CPC and ESF. We reviewed a sample of eight custody logs, four from each facility. We found that all eight custody logs contained recurring entries for Form 2500, the Initial Health Questionnaire, which is typically used once at intake. We also found other recurring daily entries for sexual victimization and safety questions, which are also typically asked once at intake.

Border Patrol agents in the El Paso sector 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. In such cases, the safety of personnel and detainees takes precedent for agents over administrative logs.

Conclusion

As we noted in a 2021 report, migrant surges at the Southwest border require a whole-of-government approach.³⁵ Interdependencies among Border Patrol, ICE, HHS, and local governmental and NGO partners 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 increases in migrant encounters in the El Paso sector, Border Patrol struggled to comply with TEDS standards for limiting time in custody and maintaining capacity limits. Also, supervision of detainees and the provision of amenities such as showers and hygiene products, as well as data integrity, could be improved when facilities are overcrowded.

Recommendations

We recommend the El Paso Sector Chief, Border Patrol, U.S. Customs and Border Protection:

Recommendation 1: Develop additional strategies and solutions to manage delays in detainee transfers to partners and implement these improvements throughout the El Paso sector when the holding facilities in the sector are over capacity.

³⁵ 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.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Recommendation 2: Review sector-wide staffing levels, determine staffing requirements, and develop and implement additional strategies for staffing temporary processing facilities during migrant surges.

Recommendation 3: Review the processes at the El Paso M-CPC to ensure compliance with standards related to providing showers and hygiene products, managing property, and maintaining the cleanliness of holding cells when the facility is over capacity.

Recommendation 4: Establish and follow regularly scheduled mealtimes at Santa Teresa station.

Recommendation 5: Oversee a data integrity review at the El Paso M-CPC and ESF for a sampling (from at least 1 month of data) of detainee custody logs to verify that the information recorded is accurate and implement quality assurance mechanisms to monitor data integrity.

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 five 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 use of expedited processing pathways, transfer of detainees via ground and air transportation to Border Patrol sectors with available capacity, actively monitoring detainee time in custody and processing status, and strengthening communications channels. CBP requested the closure of this recommendation.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will close this recommendation when CBP submits documentation that expedited processing pathways, detainee transfers, monitoring of time in custody, and stronger communications channels helped to manage delays in transferring detainees out of Border Patrol custody as described in its management response.

CBP Response to Recommendation 2: Concur. CBP noted actions taken to address this recommendation, including monitoring sector staffing levels to inform staffing deployments, recommendations to Border Patrol Headquarters on how to improve staffing, and using temporary contract staff to supplement



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

staff during migrant surges. CBP requested the closure of this recommendation.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will close this recommendation when CBP submits documentation of how it monitors staffing levels to inform staff deployments, recommendations to Border Patrol Headquarters informing staffing decisions, and contractors being used to supplement staffing as described in its management response.

CBP Response to Recommendation 3: Concur. CBP noted actions taken to address this recommendation, including dedicating teams to monitor overdue amenity actions and hiring contract staff to assist with providing required amenities to detainees. CBP requested the closure of this recommendation.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will close this recommendation when CBP submits documentation of the responsibilities and processes for teams dedicated to monitoring overdue amenity actions, as well as documentation for service contracts added to assist with providing amenities to detainees as described in its management response.

CBP Response to Recommendation 4: Concur. CBP noted actions taken to address this recommendation, including posting in the detention area a mealtime schedule and poster of amenities that detainees can request. CBP requested the closure of this recommendation.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider open and resolved. We will close this recommendation when CBP submits documentation showing regularly scheduled mealtimes are followed at Santa Teresa station.

CBP Response to Recommendation 5: Concur. CBP noted actions taken to address this recommendation, including establishing a data and detention management team to review and ensure custody actions are recorded properly and implementing supervisory quality assurance processes for monitoring data integrity. Estimated completion date: October 31, 2023.

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



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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*.

We initiated this inspection at Congress' direction to conduct unannounced inspections at CBP short-term holding facilities. We analyzed various factors to determine which facilities to inspect. We reviewed prior inspection reports, and current and future inspection, evaluation, and audit schedules from internal and external organizations. We monitored ongoing conditions in the field and considered location, historical apprehension numbers and facility capacity, and facility type (e.g., temporary processing centers, permanent stations, POE).

Our objective for this unannounced inspection was to determine whether CBP complied with the TEDS standards and other relevant standards, policies, and procedures related to length of detention and conditions of detention at CBP short-term holding facilities in the El Paso area of Texas and New Mexico. From November 15-17, 2022, we visited two Border Patrol facilities (the El Paso M-CPC, Santa Teresa station), one temporary processing site (the TOPS) and one OFO POE (Paso Del Norte POE). From February 8-9, 2023, we returned to the El Paso M-CPC and visited another Border Patrol facility (ESF).

Our November 2022 site visits were unannounced inspections. We did not inform CBP we were in the sector or field offices until we arrived at the first facility. At each location, we observed conditions and reviewed electronic records and paper logs such as detainee roll calls and custody 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.

In February 2023, our site visits were announced and for observational purposes. We reviewed detainee roll calls for facilities visited and a sample of custody logs. We observed the new design and operations of the ESF, and we interviewed Border Patrol officials about how the ESF was incorporated into El Paso sector operations.

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



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

of CBP's ongoing staffing and workload challenges within the El Paso sector and across the Southwest border, we limited our follow-up request for time in custody data to a random sample of 10 percent of the 1,903 detainees in custody at the M-CPC at the time of our inspection, as well as all UCs. The random sample was selected by generating a random number for each detainee in the roll call, sorting by those random numbers, and choosing the first 190.

We conducted this review under the authority of the *Inspector General Act of 1978*, 5 U.S.C §§ 401-424, and in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

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.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix B
CBP Comments on the Draft Report

1300 Pennsylvania Avenue, NW
Washington, DC 20229

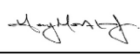


**U.S. Customs and
Border Protection**

August 24, 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

8/24/2023

X _____
Signed by: HENRY A MOAK JR

SUBJECT: Management Response to Draft Report: “Results of
Unannounced Inspections of CBP Holding Facilities in the El
Paso Area” (Project No. 23-005-ISP-CBP(b))

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 is pleased to note the OIG’s recognition of its efforts to quickly repatriate, release, or transfer detainees to other partners, and through its coordination with U.S. Immigration and Customs Enforcement’s (ICE) Enforcement and Removal Operations (ERO) to place noncitizens in long-term detention facilities managed by ICE ERO or release noncitizens while they await immigration hearing proceedings.

To prepare and adjust to migrant surges within the U.S. Border Patrol (USBP) El Paso Sector (EPT), the EPT Central Processing Center (CPC) continues to implement processing pathways such as Enhanced Expedited Removals, to maximize the efficiency of the Expedited Removal/Credible Fear (ER/CF) process in a fair and humane manner. CBP also utilizes Electronic Nationality Verification, which is a program that minimizes migrants time in custody by expediting their processing, transfer, release, or repatriation. Further, the continued embedment of ICE ERO partners at the CPC enhances EPTs working relationship with non-governmental organizations and stakeholders in placing migrants out of USBP custody while they await immigration proceedings.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

The EPT CPC also effectively mitigates processing impacts from unexpected migrant surges by augmenting personnel with detailed USBP agents and USBP processing coordinators, while also adding to contracts for janitorial, food, medical, security, and transportation services, as needed. Further, at the beginning of Fiscal Year 2021, the data and detention management team (DDMT) was created to monitor detainee custodial actions and provide EPT management visibility and agent accountability for any deficiencies in data management within the e3 Detention Module (e3DM). Finally, EPT's Law Enforcement Operations Division is postured to implement Operation Order Flex, when appropriate, which is a plan designed to effectively balance sector manpower and assets while maintaining the integrity of line watch and checkpoint operations.

The draft report contained five recommendations with which CBP concurs. Enclosed find our detailed response to each recommendation. CBP previously submitted technical comments addressing several accuracies, contextual, sensitivity and editorial 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



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

**Enclosure: Management Response to Recommendations
Contained in 23-005-ISP-CBP(b)**

OIG recommended that the El Paso Sector Chief, USBP, CBP:

Recommendation 1: Develop additional strategies and solutions to manage delays in detainee transfers to partners and implement these improvements throughout the El Paso sector when the holding facilities in the sector are over capacity.

Response: Concur. The EPT is focused on a proactive approach to prevent and, if required, respond to a surge or mass irregular migration along the southwest border. When EPT experiences an influx of migrants and the transfer of detainees to other sectors or stations is not viable, for example, the EPT CPC utilizes processing pathways such as Enhanced Expedited Removal and Electronic Nationality Verification to help expedite migrant case file disposition and the consequential transfer, release, or repatriation of migrants in custody.

While EPT strives to maintain Time in Custody (TIC) to within 72 hours or less, it is important to note that extended detention is usually attributed to other factors beyond CBP's control, to include cases in which a detainee requires advanced or specialized medical care or those detainees claiming to be adults but are proven to be of minor age. However, EPT continues to expedite processing times and address capacity issues by facilitating lateral transfers of individuals in custody via ground and air transport to other USBP sectors with the capacity to accept custody.

Specifically, EPT has successfully reduced the TIC through targeted initiatives, active monitoring, and information-sharing by: (1) proactively reviewing nationwide individuals in custody; (2) strengthening communication channels; (3) advancing monitoring systems; and (4) engaging stakeholders in prioritizing processing, placement, and transportation. EPT's CPC also monitors all TICs, providing quality data assurance, and resolves issues as they occur. As a result of these efforts, only 22 percent of EPT's detainees are pending USBP processing at a given time, on average. The other 88 percent have been processed and are awaiting transfer/placement with another agency. EPT's DDMT also publishes regular reports to EPT staff on detainee custodial actions.

On August 8, 2023, supporting documentation of these efforts was provided to the OIG under a separate cover. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Recommendation 2: Review sector-wide staffing levels, determine staffing requirements, and develop additional strategies for staffing temporary processing facilities during migrant surges.

Response: Concur. Staffing levels throughout the EPT are currently monitored by the USBP Law Enforcement Operations Division (LEOD). By carefully measuring threats against its capabilities, LEOD balances manpower and asset deployment based on USBP enforcement tracking systems and message stations for action under Operation Order Flex, as appropriate. EPT processing facilities are currently staffed with USBP agents, USBP processing coordinators, and contractors for janitorial and food service, security, medical providers, etc. The provision of these “wrap-around” services by contractor staff allows USBP agents to focus and carry out their law enforcement duties.

USBP EPT has, and will continue to, provide USBP headquarters (HQ) recommendations for “right-sizing” EPT staffing. However, EPT is not authorized to over-hire in anticipation of migrant surges. Staffing is determined by USBP HQ Mission Readiness Operations, in conjunction with direct input from EPT and authorization by Congress.

Accordingly, EPT will continue to rely heavily on contracting officials/representatives (CORs), as necessary, to enact contract modifications for temporary staffing and services in direct response to migrant surges.

On August 8, 2023, supporting documentation of these efforts was provided to the OIG under a separate cover. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 3: Review the processes at the El Paso M-CPC [Modular CPC] to ensure compliance with standards related to providing showers and hygiene products, managing property, and maintaining the cleanliness of holding cells when the facility is over capacity.

Response: Concur. The EPT CPC has established service contracts for porters and caregivers to assist and provide migrants with services during their time in CBP custody. CORs are also readily available to request additional contractor personnel during any migrant influxes.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Further, USBP EPT employs both a DDMT and a Flores Compliance Team, a cadre of Border Patrol Agents and Supervisory Border Patrol Agents detailed to the CPC, under the direction of El Paso Sector Policy and Compliance. Their primary focus is detention data accuracy and compliance with the requirements of the Flores Settlement Agreement, to monitor custodial actions in the e3DM. Specifically, DDMT maintains daily and weekly statistics and flags overdue amenities for action from CPC staff, while the Flores Compliance Team—notwithstanding their primary focus on juvenile priority facilities—conducts monthly inspections of all EPT hold rooms to ensure that confinement conditions are adequate, and in accordance with the October 2015 “National Standards on Transport, Escort, Detention, and Search”¹ and the Flores Agreement. Any non-compliant conditions are flagged for action for each respective station by DDMT and the Flores Compliance Team, as appropriate. Command staff are also notified by the members of the Flores Compliance Team of overdue actions and accordingly direct personnel to resolve any identified issues.

On August 8, 2023, supporting documentation of these efforts was provided to the OIG under a separate cover. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 4: Establish and follow regularly scheduled mealtimes at Santa Teresa station.

Response: Concur. On February 2, 2023, Santa Teresa station posted a mealtime schedule in the detention area to serve as a reminder for mealtimes. The addition of the Flores Settlement “Exhibit 1 Amenities poster,” which is a visual depiction of all the amenities detainees may request during detention, in Santa Teresa on August 23, 2022 also serves as a visual aid for items or services that people in custody are entitled to request at any time such as hygiene products (soap, toothbrush/toothpaste), food and water, doctor/medical, baby supplies (formula, diapers, clothes), and access to a telephone upon request. Agents assigned to detainee care also capture all custodial actions in the e3 DM, regardless of whether the action was accepted.

On August 8, 2023, supporting documentation of these efforts was provided to the OIG under a separate cover. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

¹ <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Recommendation 5: Oversee a data integrity review at the El Paso M-CPC and ESF [Enhanced Soft-Side Facility] for a sampling (from at least 1 month of data) of detainee custody logs to verify that the information recorded is accurate and implement quality assurance mechanisms to monitor data integrity.

Response: Concur. In September 2020, the EPT leadership created a DDMT responsible for reviewing and ensuring proper custodial action logs for non-citizens in custody at the EPT CPC. The DDMT position is a daily assignment on two shifts, to ensure all required amenities are provided to non-citizens and recorded in e3. DDMT follows a checklist of areas to monitor, conducts detainee status checks in e3, and works with other agents and contract personnel to ensure all amenities are provided and documented. In addition, DDMT utilizes a centralized mailbox to forward autogenerated reports to designated CPC Staff to ensure that they promptly address and correct any issues. If an issue persists, CPC command staff will also provide additional training in the form of emails, muster modules, and one-on-one training to USBP agents and USBP Processing Coordinators on the process of properly logging custodial actions within the e3 Detention Module.

Proactively, DDMT supervisors, or designee(s), will review custodial action logs for 10 randomly selected non-citizens in custody at the CPC. This review will take place three days a week for one month and will examine whether appropriate custodial actions were provided and recorded for the selected non-citizens in custody. If the results of this review do not achieve a 90% rate of custodial actions provided, the review will continue for a period of another month until the goal is achieved.

Estimated Completion Date: October 31, 2023



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix C
Office of Inspections and Evaluations Major Contributors to
This Report

Tatyana Martell, Chief Inspector
Jonathan Ban, Lead Inspector
John Lanca, Inspector
Almas Khan, Inspector
Brendan Bacon, Independent Referencer



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix D
Report Distribution

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
Deputy Chiefs of Staff
General Counsel
Executive Secretary
Director, U.S. Government Accountability Office/OIG Liaison Office
Under Secretary for Office of Strategy, Policy, and Plans
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
Commissioner, U.S. Customs and Border Protection

Office of Management and Budget

Chief, Homeland Security Branch
DHS OIG Budget Examiner

Congress

Congressional Oversight and Appropriations Committees

Additional Information and Copies

To view this and any of our other reports, please visit our website at:
www.oig.dhs.gov.

For further information or questions, please contact Office of Inspector General
Public Affairs at: DHS-OIG.OfficePublicAffairs@oig.dhs.gov.
Follow us on Twitter at: @dhsoig.



OIG Hotline

To report fraud, waste, or abuse, visit our website at www.oig.dhs.gov and click on the red "Hotline" box. If you cannot access our website, call our hotline at (800) 323-8603, or write to us at:

Department of Homeland Security
Office of Inspector General, Mail Stop 0305
Attention: Hotline
245 Murray Drive, SW
Washington, DC 20528-0305