



U.S. DEPARTMENT OF HOMELAND SECURITY
OFFICE OF INSPECTOR GENERAL

OIG-24-20

March 15, 2024

FINAL REPORT

**RESULTS OF JULY 2023 UNANNOUNCED
INSPECTIONS OF CBP HOLDING FACILITIES IN THE
RIO GRANDE VALLEY AREA**





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U.S. Department of Homeland Security

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

March 15, 2024

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

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

SUBJECT: *Results of July 2023 Unannounced Inspections of CBP Holding Facilities in the Rio Grande Valley Area*

**JOSEPH V
CUFFARI** Digitally signed by
JOSEPH V CUFFARI
Date: 2024.03.15
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Attached for your action is our final report, *Results of July 2023 Unannounced Inspections of CBP Holding Facilities in the Rio Grande Valley Area*. We incorporated the formal comments provided by your office.

The report contains four recommendations aimed at improving management of and conditions in U.S. Customs and Border Protection short-term holding facilities in the Rio Grande Valley area. Your office concurred with all four recommendations. Based on information provided in your response to the draft report, we consider recommendations 2 and 3 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. Recommendations 1 and 4 are closed and resolved.

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 the Office of Inspections and Evaluations, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

Results of July 2023 Unannounced Inspections of CBP Holding Facilities in the Rio Grande Valley Area

March 15, 2024

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 six short-term holding facilities in the Rio Grande Valley area to evaluate CBP's compliance with applicable detention standards.

What We Recommend

We made four recommendations to improve management of and conditions in CBP short-term holding facilities in the Rio Grande Valley 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 July 2023, we conducted on-site, unannounced inspections of six U.S. Customs and Border Protection (CBP) facilities in the Rio Grande Valley area, specifically three U.S. Border Patrol facilities and three Office of Field Operations ports of entry. At the time of our on-site inspection, Border Patrol held 2,020 detainees in custody in the Donna and Ursula Centralized Processing Centers (CPC). We found that detainees in both Donna and Ursula Centralized Processing Centers were held in custody longer than specified in the *National Standards on Transport, Escort, Detention, and Search*, which generally limits detention to 72 hours. Additionally, the Ursula Centralized Processing Center was over its maximum holding capacity. We also found data integrity issues with information in Border Patrol's electronic system of record, e3. CBP generally met other applicable standards to provide or make available amenities such as food, water, sleeping mats, and medical care to detainees. Border Patrol also implemented an innovative operational practice of having multiple caregivers present in holding pods with unaccompanied children at Ursula CPC. However, we found contract medical personnel were understaffed and instances where agents did not offer telephone calls to two unaccompanied children.

The Brownsville Gateway, McAllen-Hidalgo, and Progreso-Donna Office of Field Operations ports of entry did not hold any detainees in custody longer than 72 hours and met the *National Standards on Transport, Escort, Detention, and Search* standards we observed.

CBP Response

CBP concurred with our recommendations. We consider recommendations one and four resolved and closed. We consider recommendations two and three resolved and open.



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Abbreviations

| | |
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| CBP | U.S. Customs and Border Protection |
| CPC | Centralized Processing Center |
| DOJ | U.S. Department of Justice |
| EER | Enhanced Expedited Removal |
| ERO | Enforcement and Removal Operations |
| ICE | U.S. Immigration and Customs Enforcement |
| OFO | Office of Field Operations |
| POE | port of entry |
| TEDS | <i>National Standards on Transport, Escort, Detention, and Search</i> |
| UC | unaccompanied children |
| USBP | U.S. Border Patrol |
| USCIS | U.S. Citizen and Immigration Services |



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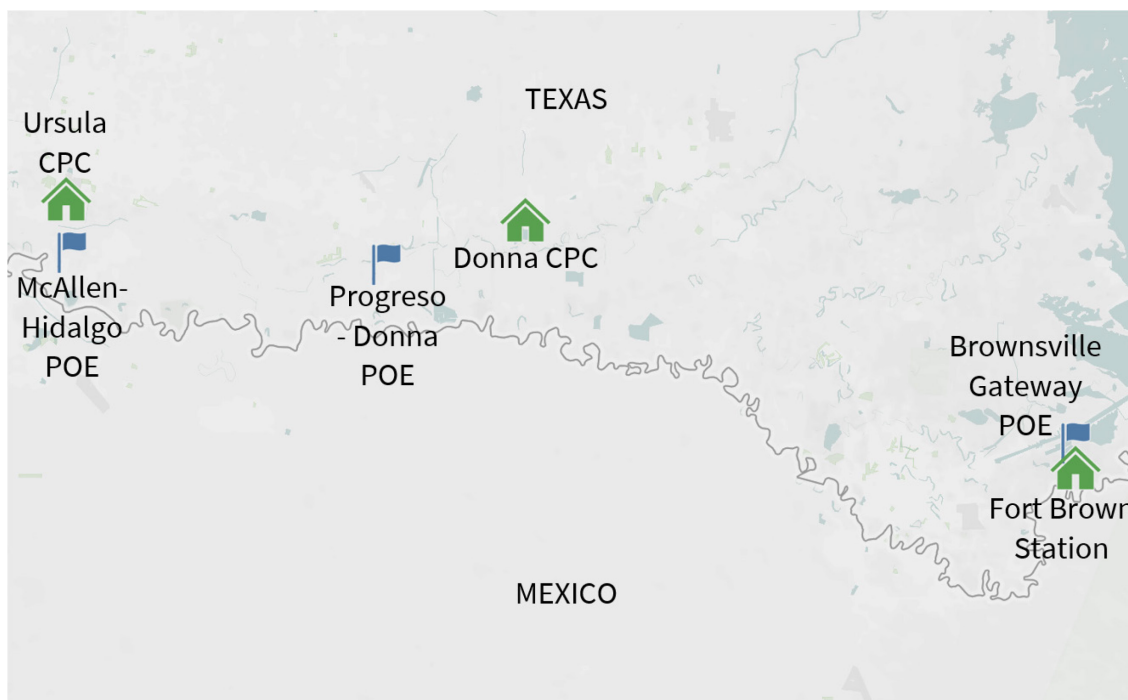
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Background

As mandated by Congress,¹ we conduct unannounced inspections of U.S. Customs and Border Protection (CBP) holding facilities. This report provides the results of our July 2023 inspections in the Rio Grande Valley area.

The Border Patrol Rio Grande Valley area of responsibility covers 34,000 square miles of Southeast Texas and includes over 320 river miles, 250 coastal miles, and 19 counties.² In July 2023, we inspected three Border Patrol holding facilities, including Donna Centralized Processing Center (CPC), Fort Brown station, and Ursula CPC; and three Office of Field Operations (OFO) ports of entry (POEs), Brownsville Gateway, McAllen-Hidalgo, and Progreso-Donna in the Rio Grande Valley area. Figure 1 shows the locations of the six facilities visited.

Figure 1. Locations of CBP Facilities Visited in July 2023



Source: Department of Homeland Security Office of Inspector General

¹ The House Committee on Appropriations, in a report accompanying H.R. 8257, directed OIG to continue its program of unannounced inspections of immigration detention facilities and to publish the results of the inspections and other reports and notifications related to custody operations activities on a publicly available website. H.R. Rep. 117-396, at 18 (2022).

² CBP, Rio Grande Valley Sector Texas, <https://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/rio-grande-valley-sector-texas>, accessed November 21, 2023.



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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 lawful 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 removable from the United States or subject to criminal prosecution.³

Because CBP facilities are only equipped for short-term detention, CBP aims to quickly repatriate, release, or transfer detainees⁴ 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 also coordinates with nongovernmental organizations to aid noncitizens the agency releases. In the case of unaccompanied children (UC), CBP works with the U.S. Department of Health and Human Services' Office of Refugee Resettlement, the agency responsible for the placement of UCs, to transfer UCs into Office of Refugee Resettlement's custody.

CBP also collaborates with the United States Citizenship and Immigration Services (USCIS) and the U.S. Department of Justice (DOJ) to implement Enhanced Expedited Removal (EER) to expedite processing of noncitizens from select countries who claim fear of persecution or torture if returned to their home countries. Border Patrol holds noncitizens who are in EER proceedings until a USCIS asylum officer or DOJ Immigration Judge determines whether the noncitizen's fear claims are credible. If the claim is determined credible by USCIS, Border Patrol may process for release and refer the case to ICE ERO for review and possible enrollment into the Alternatives to Detention program, pending further immigration proceedings. If USCIS determines that the claim is not credible, Border Patrol will coordinate the removal of the noncitizen from the United States. In certain circumstances, Border Patrol may coordinate to transfer the noncitizen into ICE ERO custody, pending receipt of a travel document, availability of a removal flight, or further appeal proceedings. A noncitizen can appeal a negative determination by USCIS to a DOJ Immigration Judge, which extends the time in Border Patrol custody until the Immigration Judge makes a final determination. See Appendix C for additional information on the EER process.

To encourage the use of legal and orderly immigration pathways, beginning on January 12, 2023, DHS, through the CBP One™ mobile application, permitted migrants to schedule appointments at participating Southwest border POEs for CBP to determine their admissibility into the United

³ 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).

⁴ A detainee is defined as "any person detained in an immigration detention facility or holding facility." See 6 C.F.R. § 115.5 General Definitions.



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States.⁵ Rather than crossing the border illegally in between POEs or arriving unannounced at POEs, migrants without visas or travel documents can schedule in advance an arrival time at participating POEs. Through the CBP One™ mobile application, migrants can also submit biographic and biometric information to OFO prior to their appointment. Within CBP's Rio Grande Valley area of responsibility, OFO processes CBP One™ applicants who arrive for appointments in the McAllen-Hidalgo and Brownsville Gateway POEs.

CBP Standards for Detention at Short-Term Holding Facilities

The *National Standards on Transport, Escort, Detention, and Search* (TEDS)⁶ govern CBP's interactions with detainees and specify how staff should care for detainees while in CBP custody. According to TEDS, facilities should generally not hold detainees longer than 72 hours (3 days) after being taken into custody, and CBP must make every effort to ensure that hold rooms house no more detainees than prescribed by operational procedures.⁷

Additionally, CBP must provide to detainees or make available basic amenities such as drinking water, meals, access to toilets and sinks, hygiene supplies, and under certain circumstances, bedding and showers.⁸ CBP must ensure that holding facilities are clean, temperature controlled, and adequately ventilated.⁹ CBP must make available certain amenities to at-risk detainees¹⁰ such as the use of a telephone to UCs and child-appropriate items to all juveniles in

⁵ The initial release of the CBP One™ application on October 28, 2020, was designed to streamline appointments for inspections of imported goods. Beginning on January 12, 2023, CBP adapted the application to include immigration appointments at participating POEs, including Brownsville, Eagle Pass, Hidalgo, Laredo, El Paso, Nogales, Calexico West, and San Ysidro. On August 31, 2023, we initiated a separate project, *Evaluation of CBP's Implementation of CBP One™ for Southwest Border Undocumented Noncitizens*, with the objective to assess whether CBP adequately planned and implemented the CBP One™ application to process Southwest Border undocumented noncitizens.

⁶ CBP, [National Standards on Transport, Escort, Detention, and Search](#), Oct. 2015.

⁷ TEDS 4.1, *Duration of Detention*. Detainees should generally not be held for longer than 72 hours in CBP hold 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. TEDS 4.7, *Hold Room Standards: Capacity*. For DHS authority to detain individuals, see 6 U.S.C. § 211(c)(8)(B); and 8 U.S.C. § 1357(a)(2).

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

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

¹⁰ TEDS 5.1, *General: At-Risk Populations*, individuals in the custody of CBP who may require additional care or oversight, who may include: juveniles; UAC; pregnant individuals; those known to be on life-sustaining or life-saving medical treatment; those at higher risk of sexual abuse (including but not limited to gender nonconforming, intersex, and transgender); reported victims of sexual abuse; those who have identified mental, physical or developmental disabilities; those of advanced age; or family units.



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custody.¹¹ In addition, TEDS standards and CBP internal operating procedures specify how staff should inventory and handle detainee personal property.¹²

TEDS standards also outline general requirements for detainees' access to medical care.¹³ CBP Directive No. 2210-004,¹⁴ 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."

CBP Migrant Encounters on the Southwest Border

In fiscal year 2023, CBP encounters¹⁵ with migrants¹⁶ on the Southwest border reached a new high of 2,473,134. Table 1 (on the next page) shows total CBP encounters on the Southwest border as well as encounters for UCs, family units, and single adults from FY 2019 to FY 2023.¹⁷

¹¹ TEDS 5.6, *Detention: Hygiene Articles, Bedding, and Clean Clothing – Juveniles, Meals and Snacks – Juveniles, Pregnant, and Nursing Detainees; Age and Capabilities Appropriate Food*.

¹² 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. 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.

¹³ TEDS 4.10, *Medical Care*.

¹⁴ CBP Directive No. 2210-004, [Enhanced Medical Support Efforts](#), Dec. 30, 2019.

¹⁵ An encounter is defined as "an encounter by CBP with a noncitizen who is apprehended by USBP or determined to be inadmissible by OFO..." DHS, *Reporting Terminology and Definitions*, Aug. 2022.

¹⁶ A migrant is defined as "a person who leaves his or her country of origin to seek temporary or permanent residence in another country." DHS, *Reporting Terminology and Definitions*, Aug. 2022.

¹⁷ Table 1 does not include "accompanied minors" demographics, which are a class of inadmissible tracked only by OFO.



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Table 1. CBP Encounters on the Southwest Border, FYs 2019–2023

| Fiscal Year | UCs | Family Units | Single Adults | Total |
|-------------|---------|--------------|---------------|-----------|
| 2019 | 80,634 | 527,112 | 368,812 | 976,558 |
| 2020 | 33,239 | 70,994 | 353,168 | 457,401 |
| 2021 | 146,925 | 479,728 | 1,105,925 | 1,732,578 |
| 2022 | 152,057 | 560,646 | 1,663,278 | 2,375,981 |
| 2023 | 137,275 | 821,537 | 1,514,322 | 2,473,134 |

Source: CBP enforcement statistics

In FY 2023, Border Patrol in the Rio Grande Valley area had 338,337 encounters representing about 17 percent of the total Border Patrol encounters across the 9 Southwest border sectors.

Results of Inspection

In July 2023, we conducted on-site, unannounced inspections of six CBP facilities in the Rio Grande Valley area, specifically three Border Patrol facilities and three OFO POEs. At the time of our on-site inspection, Border Patrol held 2,020 detainees in custody in the Donna and Ursula Centralized Processing Centers.¹⁸ We found that Border Patrol held detainees in both Donna and Ursula CPCs in custody longer than specified in TEDS, which generally limits detention to 72 hours. Additionally, the Ursula CPC was over its maximum holding capacity of 1,200. We also found data integrity issues with information in Border Patrol’s electronic system of record, e3. CBP generally met other applicable standards to provide or make available amenities such as food, water, sleeping mats, and medical care to detainees. Border Patrol also implemented an innovative operational practice of having multiple caregivers present in holding pods with UCs at Ursula CPC. However, we found contract medical personnel were understaffed and instances where agents did not offer telephone calls to two UCs.

The Brownsville Gateway, McAllen-Hidalgo, and Progreso-Donna OFO POEs did not hold any detainees in custody longer than 72 hours and met all TEDS standards we observed.

¹⁸ The population in CBP facilities can vary due to continuous arrival, processing, and departure of detainees.



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Detainees in CBP Custody Experienced Prolonged Detention and Overcrowding

We previously reported on prolonged detention issues observed specifically in the Rio Grande Valley sector during a May 2022 inspection.¹⁹ In response, Border Patrol provided documentation of the corrective actions taken to address the issues.

During our July 2023 inspection, we found prolonged detention continued in both the Donna and Ursula CPCs, and the Ursula CPC exceeded its maximum holding capacity of 1,200. According to our analysis²⁰ of statistically valid, randomly drawn samples of Border Patrol records, 67 percent of detainees were held for over 72 hours at the Donna CPC.²¹ Forty percent of detainees were held for over 72 hours at the Ursula CPC.²² However, the Ursula CPC, which held family units and UCs, did not hold any UCs for over 72 hours. Figure 2 (on the next page) shows the time detainees spent in CBP custody in each facility with detainees generally held longer in the Donna CPC than in the Ursula CPC at the time of our inspection.

¹⁹ [Results of Unannounced Inspections of CBP Holding Facilities in the Rio Grande Valley Area](#), OIG-23-28, May 24, 2023.

²⁰ See Appendix A: Objective, Scope, and Methodology for more information on the time in custody data analysis methodology.

²¹ We sampled 198 detainees from the population of 732 in the Donna CPC at the time our inspection.

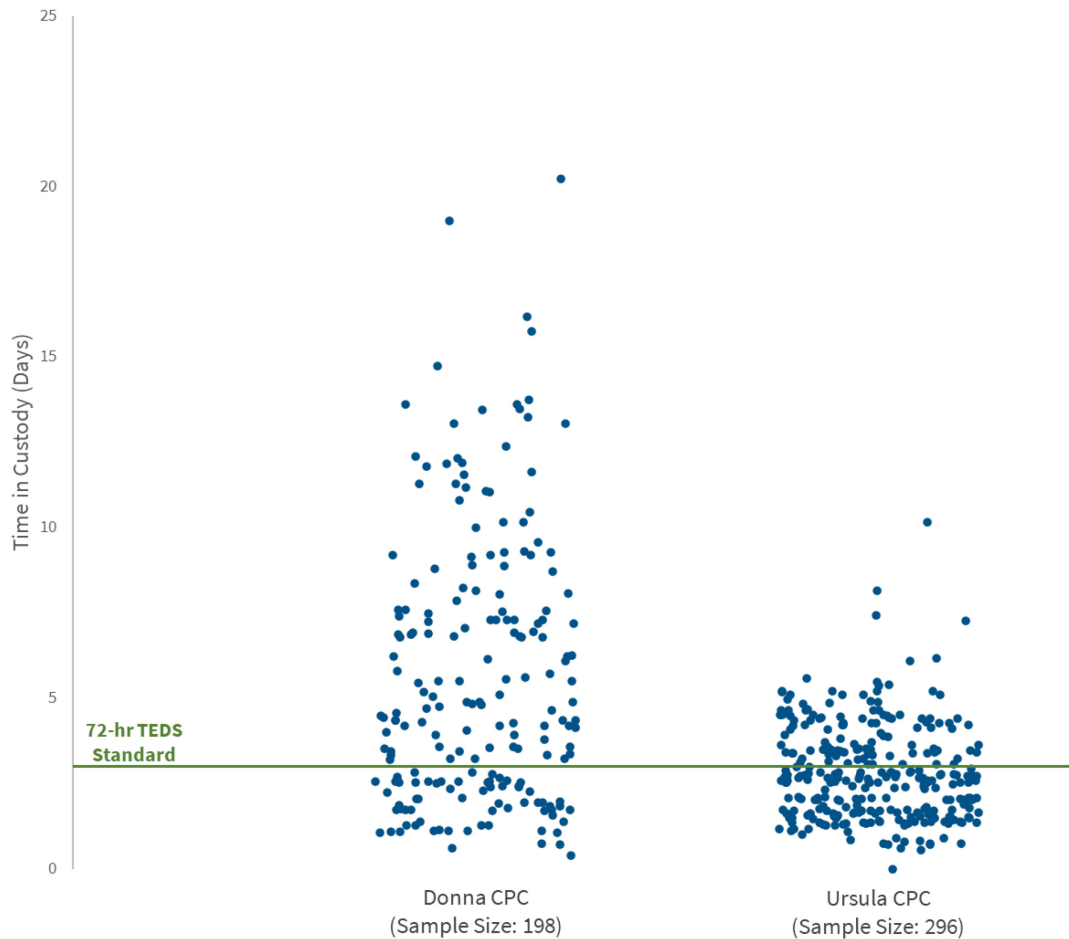
²² We sampled 296 detainees from the population of 1,288 in the Ursula CPC at the time our inspection.



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Figure 2. Time Detainees Spent in Rio Grande Valley CBP Custody by Facility, July 2023

Each dot represents one detainee.



Source: DHS OIG analysis of CBP data

Our analysis of custody data found EER processing was a contributing factor to prolonged times in custody. The Donna CPC held many single adults who Border Patrol processed with EER. We found 58 percent of detainees in EER proceedings were in custody for more than 9 days at the Donna CPC while waiting for USCIS or a DOJ Immigration Judge to adjudicate their fear claims. Border Patrol agents told us EER contributes significantly to extended times in custody because detainees enrolled in EER must be interviewed by a USCIS asylum officer and may also appear before a DOJ Immigration Judge for a final decision.

Border Patrol agents also told us various factors contributed to the prolonged detention and overcrowding in the Rio Grande Valley sector. For example, Border Patrol relies on ICE ERO to



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transfer detainees out of Border Patrol short-term holding facilities and into ICE ERO long-term detention facilities. However, Border Patrol held detainees beyond the 72-hour standard because ICE ERO detention capacity at the time of our inspection could not accommodate the number of detainees Border Patrol required to transfer. In addition, the transfer of Border Patrol detainees to ICE ERO for removal on flights gets delayed when ICE ERO prioritizes removing detainees from its own detention facilities. Border Patrol agents told us they have limited capacity to process all detainees quickly. For example, time in custody for single adults was generally longer at the time of our inspection because agents prioritized processing of family units and UCs.

The Fort Brown Border Patrol station was holding six detainees at the time of our inspection, all of whom Border Patrol referred for prosecution and were in the process of being transferred to another Federal partner.

OFO did not hold any of the 62 detainees in custody in the three POEs we inspected longer than the TEDS 72-hour standard. Brownsville Gateway POE transferred four detainees within the TEDS 72-hour standard to Federal, state, or local government partners. At the McAllen-Hidalgo POE, we observed OFO processing of 58 detainees who came for pre-scheduled CBP One™ appointments. An OFO officer at the McAllen-Hidalgo POE informed us that it takes approximately 2-to-3 hours to process a CBP One™ appointment.

During our inspection, only one facility experienced overcrowding. The Ursula CPC was at 107 percent capacity, with 1,288 detainees held in a facility with a maximum capacity of 1,200. Two of the five holding pods were over 150 percent capacity and within holding pods individual holding cells were overcrowded. Some holding cells at the Ursula CPC were over capacity while others were under capacity because Border Patrol is required to separate certain populations, for example, adult females from males or family units with children from unrelated adults.²³ Figure 3 (on the next page) shows a crowded holding cell at Ursula CPC with 45 detainees in a holding cell with a maximum capacity of 14. Brownsville Gateway, McAllen-Hidalgo, and Progreso-Donna POEs, Donna CPC, and Fort Brown station were under capacity when we visited.

²³ TEDS 4.3, *General Detention Procedures: Juvenile/Adult Segregation*.



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**Figure 3. Crowded Holding Cell at Ursula CPC,
Observed July 11, 2023**



Source: DHS OIG Photo

Border Patrol's Detention Records Had Data Integrity Issues

We previously reported on data integrity issues observed specifically in the Rio Grande Valley sector during a May 2022 inspection.²⁴ In response, Border Patrol provided documentation of the corrective actions taken to address the issues.

²⁴ [Results of Unannounced Inspections of CBP Holding Facilities in the Rio Grande Valley Area](#), OIG-23-28, May 24, 2023.



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During our July 2023 inspection, we found data integrity issues continued in custody logs collected from Border Patrol's electronic system of record, e3. We reviewed a sample²⁵ of 27 custody logs for detainees held by Border Patrol at the Donna and Ursula CPCs and found unreliable data in all custody logs. We found both Donna and Ursula CPC staff recorded that staff provided feminine hygiene products to male detainees and child diapers to adults. Additionally, Donna and Ursula CPC staff are required to inventory detainees' property during intake, but staff did not consistently do so. For example, 10 custody logs we reviewed had no record of property being inventoried. Donna and Ursula CPC staff also repeatedly recorded that staff asked detainees, "Do you have concerns for your physical safety while in custody at this facility, a high risk of sexual victimization, or a high risk of being sexually abusive?" Staff recorded these questions were asked as many as 55 times to detainees over the period of 11 days and were recorded as being asked to children under 1 year of age.

Finally, TEDS states staff will provide detainees with food at regularly scheduled mealtimes and document these meals in the appropriate electronic system of record. We reviewed 18 custody logs from Donna CPC and found that staff did not record lunch services for 15 detainees and dinner services for 13 detainees. At Ursula CPC, we reviewed nine custody logs and found that staff did not record lunch services for two detainees and dinner services for five detainees. Maintaining accurate, complete, and consistent data in e3 is critical for Border Patrol to monitor detainees' care and ensure compliance with TEDS and other applicable standards.

We reviewed a sample of seven custody logs for detainees held at Brownsville-Gateway and Progreso-Donna POEs, and Fort Brown Station and did not find data integrity issues.

CBP Generally Complied with Other Applicable Standards

CBP generally met other applicable standards at all six facilities we inspected in the Rio Grande Valley area, however, we found contract medical personnel were understaffed and instances where agents did not offer telephone calls to two UCs.

All six facilities we inspected were clean, temperature controlled, and adequately ventilated. CBP made available basic amenities such as meals and snacks (including accommodations for those with religious and dietary needs), water and other beverages, blankets, and sleeping mats. CBP provided child-specific items such as baby formula and cereal appropriate for infants. The facilities also had supplies of feminine hygiene products, diapers, personal hygiene items, and

²⁵ We typically review custody logs in each facility for the detainees with the longest times in custody in excess of 72 hours including 10 logs for single adults, 5 custody logs for family units, and custody logs for all UCs held over 72 hours. However, our sample size can vary by facility type and size, as well as the demographics and number of detainees in custody. We also request custody logs for all detainees we interview and may request logs for pregnant females, non-English or Spanish speaking detainees, UCs held under 72 hours, and other detainees depending on the circumstances of the inspection.



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clothing and shoes available. CBP facilities in the Rio Grande Valley area had access to telephonic interpretation services to communicate with non-English speaking detainees.

Border Patrol also implemented an innovative operational practice of having multiple caregivers²⁶ present in holding pods with UCs at Ursula CPC. We witnessed caregivers assisting and interacting with UCs. Caregivers also escorted detainees to take showers, freeing up Border Patrol agents from this duty.

Five of the six facilities²⁷ had medical contract staff onsite to provide medical screening and care to detainees. Medical contract staff and Border Patrol agents told us that they were medically understaffed to deal with the number of detainees encountered. Our analysis of staffing records confirmed the shortage of contract medical staff at the Donna and Ursula CPCs and Fort Brown station during the week of our inspection, which could reduce the quality of detainees' medical care.

At Ursula CPC, we found Border Patrol did not always meet standards requiring that UCs be offered the use of a telephone.²⁸ Two UCs who had been in custody for 34 hours informed us that they had not been provided a telephone call and the custody logs for the UCs did not record telephone calls being provided. When we informed Border Patrol agents, they provided the UCs with telephone calls.

Conclusion

Interdependencies among CBP and Federal partners limit Border Patrol's ability to unilaterally address prolonged detention and overcrowding in its holding facilities. While CBP facilities in the Rio Grande Valley area generally met TEDS and other standards for providing amenities to detainees in custody, Border Patrol should ensure sufficient medical staffing is available, improve documentation of the provision of amenities in its electronic system of record, and ensure that UCs are offered the use of a telephone.

²⁶ Caregivers are child welfare professional contractors who provide onsite care for children in custody, like day care providers. These contractors provide oversight and assistance to UCs and family units with children by providing basic services to the children in CBP custody.

²⁷ Progreso-Donna POE did not have contract medical staff onsite during our inspection. However, OFO officers told us detainees would be transported to another OFO POE or a local healthcare facility if medical care was needed.

²⁸ The original requirement for access to telephone call from a UC to a parent/legal guardian is implicit in the Flores Settlement Agreement (see Section V, ¶12). See *Flores v. Reno*, No. 85CV-4544 (C.D. Cal. Jan. 17, 1997). The requirement is codified at 8 C.F.R. § 236.3(g)(2); and Section 4.9 of TEDS incorporates that regulatory requirement. TEDS 4.9, *Telephones*: Officers/Agents must grant detainees telephone access per the operational office's policies and procedures and may, at their discretion, grant telephone access to any detainee even if not required. Detainees who wish to make other than a local call must use a calling card or call collect. UAC must be offered use of a telephone.



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Recommendations

We recommend the Rio Grande Valley Sector Chief, Border Patrol, U.S. Customs and Border Protection:

Recommendation 1: In coordination with partner agencies continue to refine current and identify new strategies and solutions to minimize detainees' time in custody and communicate these improvements throughout the Rio Grande Valley sector.

Recommendation 2: Oversee a data integrity review at Donna and Ursula CPCs to verify that the information recorded in detainee custody logs is accurate. If the problem we identified persists, refine corrective actions put in place over the last year, implement a quality assurance plan, and continue to monitor data integrity.

Recommendation 3: Ensure the number of onsite contract medical staff at the six short-term holding facilities we inspected is sufficient to provide quality care to all detainees.

Recommendation 4: Ensure consistent compliance with standards related to offering UCs telephone calls.

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 recommendations one and four resolved and closed. We consider recommendations two and three 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 command staff monitoring of time in custody, automated time in custody reports sent to all Rio Grande Valley CPC employees, and ongoing communication with the CBP Headquarters Movement Coordination Cell regarding increasing expulsion flights. CBP requested closure of this recommendation.

OIG Analysis: In response to this recommendation, CBP provided documentation demonstrating they implemented strategies to manage detainees' time in custody, such as increased transfers of detainees to other Border Patrol sectors to decompress the Rio Grande Valley sector and regular coordination with ICE ERO to facilitate the transfer of detainees into ICE ERO detention facilities. The documentation included examples of new monitoring practices, collaboration with partner agencies on repatriation flights, and examples of decreased time in custody in the



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sector. We consider these actions responsive to the recommendation, which we consider resolved and closed. We will continue to monitor time in custody in our inspection work and may issue similar recommendations in the future as appropriate.

CBP Response to Recommendation 2: Concur. CBP noted actions taken to address this recommendation, including implementation of a pilot Amenities, Property, and Identification Program tracking system to improve data integrity at the Donna and Ursula CPCs by scanning detainee wristbands to log all custodial actions. Estimated completion date: November 29, 2024.

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 the Amenities, Property, and Identification Program was implemented at both Donna and Ursula CPCs and a review conducted to verify the corrective actions improved the data integrity of detainee custody logs.

CBP Response to Recommendation 3: Concur. CBP noted actions taken to address this recommendation, including efforts by the CBP Office of the Chief Medical Officer to monitor medical staffing and detainee levels at all CBP facilities in the Rio Grande Valley sector to ensure that staffing levels meet the need to provide quality care to all detainees. CBP requested closure of this recommendation.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider resolved and open. We reviewed documentation submitted by the CBP Office of the Chief Medical Officer demonstrating an example of efforts to monitor medical staffing. We will close this recommendation when CBP submits documentation showing implementation of regular and ongoing monitoring and adjustments to medical staffing levels at CBP facilities in the Rio Grande Valley.

CBP Response to Recommendation 4: Concur. CBP noted actions taken to address this recommendation, including a reminder sent to all Border Patrol facilities in the Rio Grande Valley sector to ensure telephones are available in their processing area for UC access and that UC use of telephones is recorded in custody logs.

OIG Analysis: In response to this recommendation, CBP provided documentation of guidance distributed to Border Patrol facilities in the Rio Grande Valley sector to ensure agents provide telephone access to UCs in custody. We consider this action responsive to the recommendation, which we consider resolved and closed. We will continue to monitor UCs' access to telephones in our inspection work and may issue similar recommendations in the future as appropriate.



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Appendix A: Objective, Scope, and Methodology

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

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, POEs).

Our objective was to determine whether CBP complied with TEDS standards, and when applicable, with other standards, policies, and directives related to conditions of detention for those in processing at CBP short-term holding facilities in the Rio Grande Valley area of Texas. From July 11 – 13, 2023, we visited three Border Patrol facilities (Donna and Ursula CPCs and Fort Brown station) and three OFO POEs (Brownsville Gateway, McAllen-Hidalgo, and Progreso-Donna). Our inspections were unannounced. We did not inform CBP we were in the area until we arrived at the first facility. At each facility, we observed conditions and reviewed electronic records and paper logs as necessary. We also interviewed 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.

We requested electronic roll calls from the Donna and Ursula CPCs, from which we drew statistically valid random samples of each facility's population of detainees. We requested book-out dates for each facility sample from Border Patrol and calculated times in custody across each sample from the provided data. For the Donna CPC, based on the statistically valid, randomly drawn sample of 198 detainees, 133 (67 percent) of the detainees were held over 72 hours. Inferring this sample result to the total population, we estimate with 95 percent confidence that between 444 and 540 detainees were held over 72 hours. For the Ursula CPC, based on the statistically valid randomly drawn sample of 296 detainees, 117 (40 percent) of the detainees in the samples were held over 72 hours. Inferring this sample result to the total population, we estimate with 95 percent confidence that between 437 and 581 detainees were held over 72 hours.

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



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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.

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.



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**Appendix B:
CBP Comments on the Draft Report**

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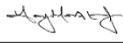


**U.S. Customs and
Border Protection**

February 21, 2024

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

2/21/2024

X 

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

Signed by: People

SUBJECT: Management Response to Draft Report: “Results of July 2023
Unannounced Inspections of CBP Holding Facilities in the Rio
Grande Valley Area” (Project No. 23-005-ISP-CBP(e))

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

CBP leadership is pleased to note the OIG’s unannounced inspections found that the CBP facilities in the Rio Grande Valley area generally met the National Standards on Transport, Escort, Detention, and Search (TEDS) for food, water, sleeping mats, and medical care. CBP remains committed to ensuring compliance with CBP policies, including but not limited to TEDS, by providing reasonable and appropriate care for persons in CBP custody.

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

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

Enclosure



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

OIG recommended that the Rio Grande Valley Sector Chief, U.S. Border Patrol (USBP), CBP:

Recommendation 1: In coordination with partner agencies, refine current and identify new strategies and solutions to minimize detainees' time in custody and communicate these improvements throughout the Rio Grande Valley sector.

Response: Concur. The Rio Grande Valley (RGV) Central Processing Center (CPC) Command staff provides guidance and oversight to supervisory staff and Border Patrol Agents (BPAs) assigned to the CPC on current and future time in custody (TIC) numbers. The Command staff also monitors the impact on TIC from lateral movement into the RGV from other sectors and prioritizes their processing.

In addition, all RGV CPC employees receive scheduled automated reports three times daily from the RGV Data Integrity and Geospatial Integrity Team (DIGIT) team with the TIC times for seven different categories of detainees. The DIGIT reports are reviewed by supervisory staff who direct USBP BPAs or Border Patrol Processing Coordinators to review and make corrections to identified cases/issues.

Further, the RGV Movement Coordination Unit (MCU) has ongoing and frequent communication with the CBP headquarters Movement Coordination Cell (MCC) and requests, as needed, an increase in repatriation flights for the purpose of reducing in custody numbers. This includes transfer of migrants from other sectors for placement on repatriation flights leaving from the RGV. Also, RGV in coordination with USBP headquarters work with consulates and officials from major migrant-origin countries to expand availability of repatriation flights.

Finally, the RGV uses DHS' Enhanced Expedited Removal (EER) program to accelerate credible fear interviews and immigration judge decisions. This requires detaining individuals for the full EER process—which includes a consultation period with legal counsel and a credible fear interview with an asylum officer—that takes multiple days to receive a response. If the asylum officer finds no credible fear, the migrant can request a hearing with an immigration judge and receive another legal consultation before the hearing, or the migrant can opt not to have a hearing and accept prompt repatriation.

On February 21, 2024, supporting documentation was provided to the OIG. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.



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Recommendation 2: Oversee a data integrity review at Donna and Ursula CPCs to verify that the information recorded in detainee custody logs is accurate. If the problem we identified persists, refine corrective actions put in place over the last year, implement a quality assurance plan, and continue to monitor data integrity.

Response: Concur. On February 5, 2024, the RGV CPC Donna began piloting the use of the Amenities, Property, and Identification Program (APIP) Radio Frequency Identification (RFID) system. RFID technology uses radio waves to identify people or objects. Using the APIP RFID system, Border Patrol Agents will scan a detainee's wristband to capture their amenity provided or location and automatically log this information into the e3 Detention Module. In the next phase of the APIP RFID pilot, RGV CPC Donna will install sensors throughout the facility that read wireless device information (e.g., detainee wristbands) from a distance without requiring physical contact nor line of sight. This will automatically log when detainees take a snack, shower etc. and improve the accuracy of information recorded for detainee custody logs. Since December 2019, CPC Ursula has used the APIP system to record detainee property actions and location. Information and successful practices from Ursula's implementation have led to APIP's current functionality and expansion.

Estimated Completion Date (ECD): November 29, 2024.

Recommendation 3: Ensure the number of onsite contract medical staff at the six short-term holding facilities we inspected is sufficient to provide quality care to all detainees.

Response: Concur. The CBP Office of the Chief Medical Officer (OCMO) manages the Medical Services Contract (MSC) for all Medical Priority Facilities (MPF) where detainees are held by the Office of Field Operations (OFO) and USBP. OCMO mitigates staffing issues by ensuring the MSC operational requirements at all locations are valid and continually re-validates and adjusts requirements to provide the appropriate level of support for the CBP custody operational mission space. The contracted service provider is advised weekly of locations where staffing levels are a concern. Prior to the inspections, the staffing levels at the facilities mentioned in the report as being understaffed were a concern and the contracted service provider had been advised to schedule resources as necessary to address these staffing shortages without creating additional areas of concern. The current staffing levels in these areas are now sufficient to provide quality care. On February 14, 2024, documentation was provided to the OIG reflecting the increase of contract medical staff at the inspected facilities. OCMO monitors these adjustments by conducting weekly data analysis of medical staffing levels and detainee levels at all medical unit locations to ensure that staffing levels improve, and the level of staff meets the need to provide quality care to all detainees.

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



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Recommendation 4: Ensure consistent compliance with standards related to offering UCs with telephone calls.

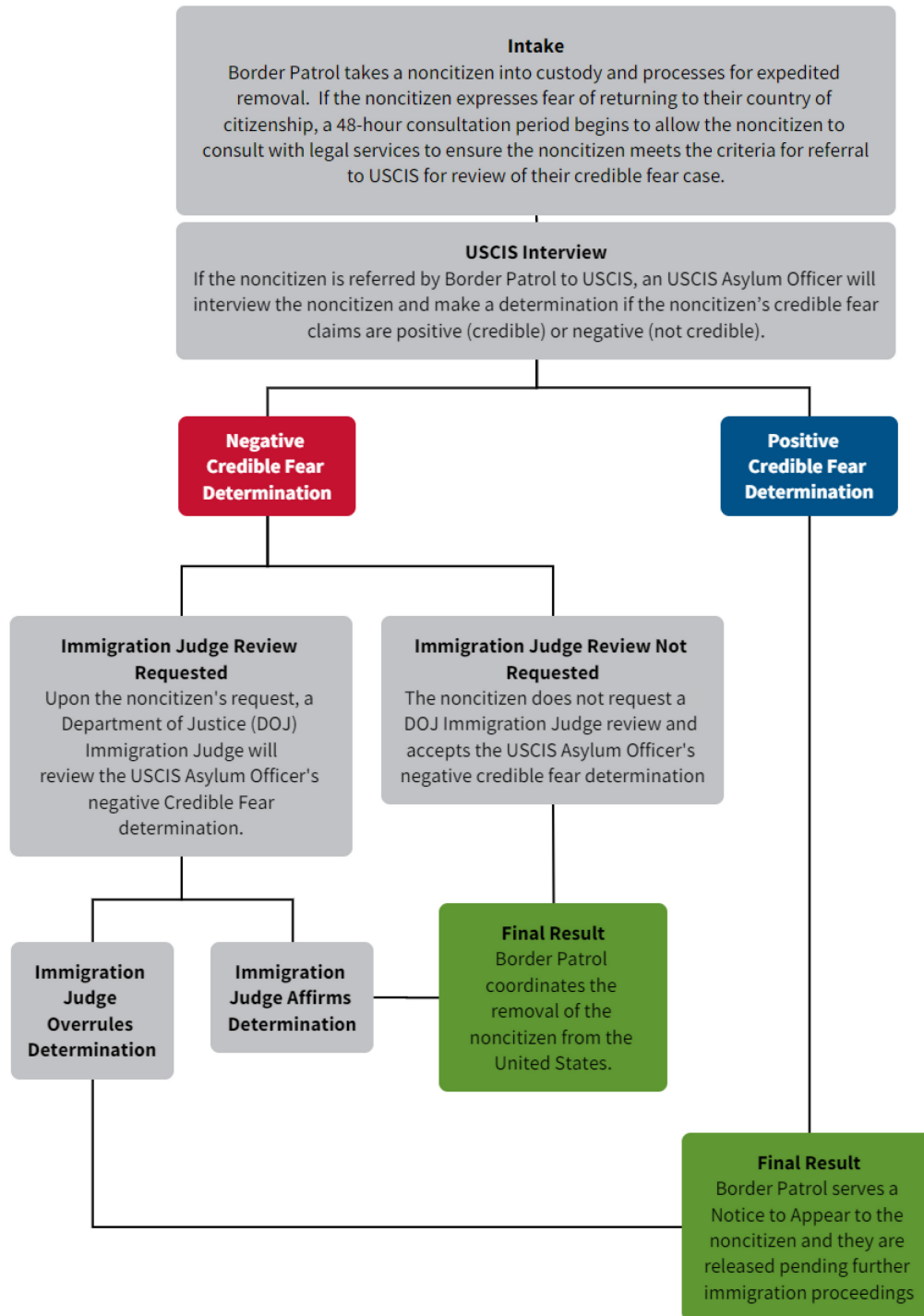
Response: Concur. All holding pods within the Donna CPC have telephones available for UC to make calls. The Ursula CPC has a phone bank of nine telephones and additional individual phones available for UCs to use. If UCs are in the Ursula CPC facility, Border Patrol Agents will take UCs to the telephones.

In addition, on January 26, 2024, RGV CPC management sent a reminder to all stations to ensure they have telephones in their processing area for UC access and that UC use of telephones is to be logged.

On February 21, 2024, supporting documentation was provided to the OIG. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.



Appendix C: Enhanced Expedited Removal Flowchart



Source: OIG analysis of Border Patrol documentation



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Appendix D:

Office of Inspections and Evaluations Major Contributors to This Report

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Jonathan Ban, Lead Inspector

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Ashley Wilder, Inspector

Dorie Chang, Communications Analyst

Ryan Nelson, Independent Referencer



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