

**Del Rio Area Struggled
with Prolonged Detention,
Consistent Compliance
with CBP's TEDS
Standards, and Data
Integrity**





OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

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

September 29, 2022

MEMORANDUM FOR: The Honorable Chris Magnus
Commissioner
U.S. Customs and Border Protection

FROM: Joseph V. Cuffari, Ph.D. **JOSEPH V**
Inspector General **CUFFARI** Digitally signed by
JOSEPH V CUFFARI
Date: 2022.09.29
18:10:38 -04'00'

SUBJECT: *Del Rio Area Struggled with Prolonged Detention,
Consistent Compliance with CBP's TEDS Standards,
and Data Integrity*

Attached for your action is our final report, *Del Rio Area Struggled with Prolonged Detention, Consistent Compliance with CBP's TEDS Standards, and Data Integrity*. We received technical comments from U.S. Customs and Border Protection (CBP) and incorporated them into the report where appropriate. We also incorporated the formal comments provided by your office.

The report contains three recommendations to improve management of, and conditions in, CBP short-term detention facilities in the Del Rio area of Texas. Your office concurred with all three recommendations. Based on information provided in your response to the draft report, we consider all the recommendations resolved and open. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to 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 call me with any questions, or your staff may contact Thomas Kait, Deputy Inspector General for Inspections and Evaluations, at 202-981-6000.

Attachment



DHS OIG HIGHLIGHTS

Del Rio Area Struggled with Prolonged Detention, Consistent Compliance with CBP's TEDS Standards, and Data Integrity

September 29, 2022

Why We Did This Inspection

As part of OIG's annual, congressionally mandated oversight of CBP holding facilities, we conducted unannounced inspections at six locations in the Del Rio area to evaluate CBP's compliance with applicable detention standards.

What We Recommend

We made three recommendations to improve management of and conditions in Border Patrol's short-term detention facilities in the Del Rio 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 March 2022, we conducted unannounced inspections of six U.S. Customs and Border Protection (CBP) facilities in the Del Rio area of Texas, specifically five U.S. Border Patrol facilities and one Office of Field Operations (OFO) port of entry. Our inspections and subsequent analysis showed that Border Patrol held 1,164 detainees in custody in four facilities longer than specified in the *National Standards on Transport, Escort, Detention, and Search* (TEDS), which generally limit detention in these facilities to 72 hours. Three of the four Border Patrol facilities that experienced prolonged detention times were also overcrowded. For example, Border Patrol's Eagle Pass soft-sided facility had a maximum capacity of 500 detainees but was holding 1,007 detainees at the time of our visit, more than double its capacity. The increased number of migrants in custody exacerbated staffing challenges for Border Patrol in Del Rio and made compliance with some TEDS standards difficult. In addition to prolonged detention and some overcrowded facilities, Border Patrol did not consistently provide showers and interpretation services. However, Border Patrol met standards related to management of personal property, prescription medications, and basic amenities.

We also found data integrity issues at four of the five Border Patrol facilities we inspected. Border Patrol information in CBP's electronic system of record, e3, related to the provision of supplies, showers, and meals to detainees was unreliable.

The Del Rio OFO port of entry had no one in custody when we visited and met the TEDS standards we could observe.

CBP Response

CBP concurred with all three recommendations. We consider them resolved and open.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table of Contents

Introduction..... 3

Background 4

 CBP Standards for Detention at Short-Term Holding Facilities 5

 CBP Migrant Encounters on the Southwest Border 5

Results of Inspection..... 8

 Detainees in Border Patrol Custody Experienced Prolonged
 Detention and Overcrowded Facilities 8

 Prolonged Migrant Detention and Overcrowding Exacerbated
 Staffing Challenges for Del Rio Border Patrol 12

 Border Patrol Compliance with Other TEDS Standards Was
 Inconsistent..... 14

 Border Patrol’s Detention Records Had Data Integrity Issues..... 16

 Del Rio Port of Entry Met TEDS Standards..... 16

Conclusion..... 17

Recommendations..... 17

Management Comments and OIG Analysis 18

Appendixes

 Appendix A: Objective, Scope, and Methodology..... 19

 Appendix B: CBP Comments on the Draft Report 21

 Appendix C: Office of Inspections and Evaluations Major Contributors
 to This Report 26

 Appendix D: Report Distribution..... 27



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Abbreviations

CBP	U.S. Customs and Border Protection
COVID-19	coronavirus disease 2019
ERO	Enforcement and Removal Operations
ICE	U.S. Immigration and Customs Enforcement
OFO	Office of Field Operations
ORR	Office of Refugee Resettlement
TEDS	<i>National Standards on Transport, Escort, Detention, and Search</i>
TIC	time in custody
UC	unaccompanied children
U.S.C.	United States Code



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Introduction

With holding facilities in many of the 328 ports of entry 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 from apprehension to transfer or repatriation can vary greatly. Facility conditions can vary between those operated by the U.S. Border Patrol (sectors and stations) and those operated by the Office of Field Operations (OFO) (field offices and ports of entry) because of differences in mission, policies, and procedures of these two CBP sub-components. Facility conditions can also fluctuate considerably across Border Patrol sectors because of geography, infrastructure, and a variety of other factors.

In fiscal years 2020, 2021, and 2022, Congress mandated that the Office of Inspector General conduct unannounced inspections of CBP holding facilities. In FY 2021, we inspected facilities in the Rio Grande Valley,² San Diego,³ and Yuma⁴ areas and released reports on each. In FY 2022, we inspected facilities in El Paso, Del Rio, El Centro, Rio Grande Valley, Yuma, and Tucson areas and will report our findings for each. This report describes the results of our FY 2022 inspection in the Del Rio area of Texas.

Border Patrol’s Del Rio sector runs along the Rio Grande River and Lake Amistad, which form part of the border between the United States and Mexico. The sector spans 47 counties in Texas, covering 55,063 square miles, including 300 miles of border. We inspected five Border Patrol holding facilities and one OFO port of entry in March 2022. Figure 1 (on the next page) shows the locations of the facilities we inspected.

¹ The TEDS standards govern CBP’s interaction with detained individuals. CBP, *National Standards on Transport, Escort, Detention, and Search*, October 2015.

² *Rio Grande Valley Area Border Patrol Struggles with High Volumes of Detainees and Cases of Prolonged Detention but Has Taken Consistent Measures to Improve Conditions in Facilities*, OIG-22-22, Jan. 27, 2022.

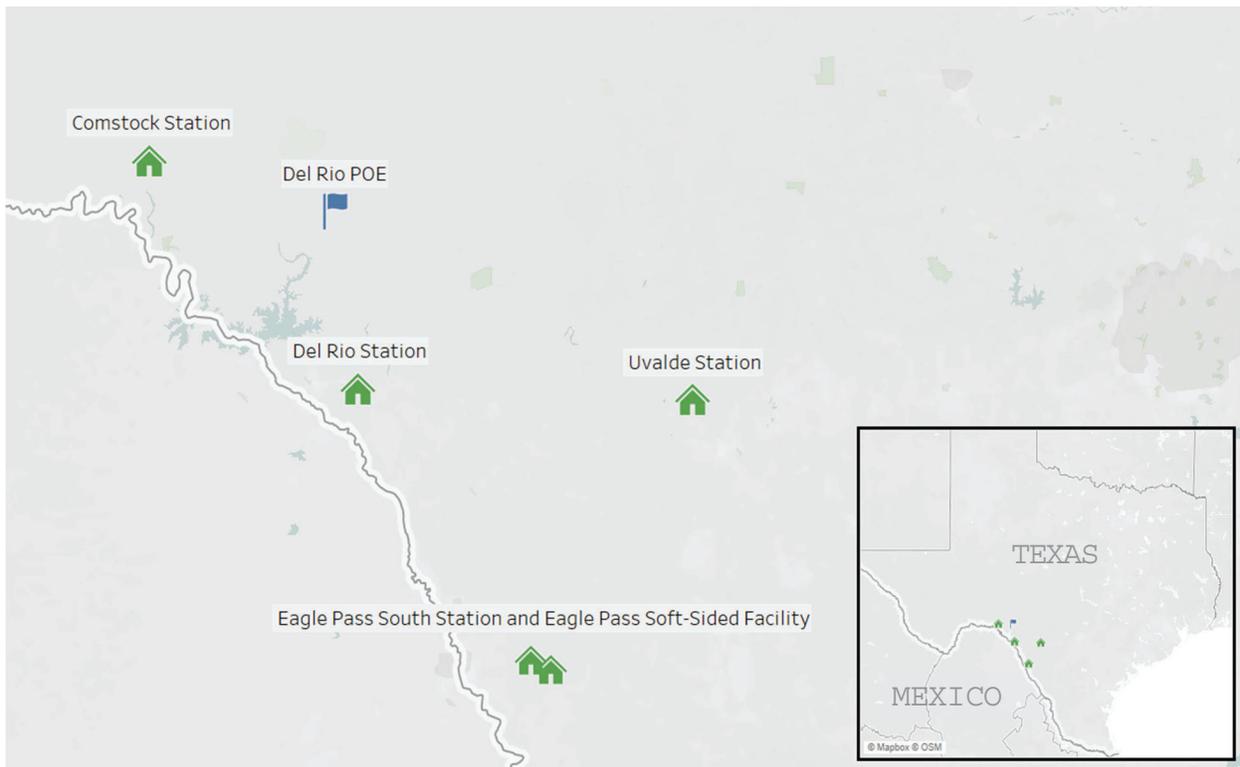
³ *CBP Border Patrol Stations and Ports of Entry in Southern California Generally Met TEDS Standards*, OIG-22-26, Feb. 7, 2022.

⁴ *Yuma Sector Border Patrol Struggled to Meet TEDS Standards for Single Adult Men but Generally Met TEDS Standards for Other Populations*, OIG-22-38, Apr. 14, 2022.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Figure 1. Locations of CBP Facilities Visited in March 2022



Source: DHS Office of Inspector General

Background

CBP's OFO manages U.S. ports of entry, where officers perform immigration and customs functions, inspecting people who present valid documents for legal entry, such as visas or legal permanent resident cards, and goods permitted under customs and other laws. Between ports of entry, CBP's 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. Because CBP facilities are only equipped for short-term detention, CBP may repatriate, release, or transfer detainees to other agencies. CBP coordinates, as appropriate, with U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) to place migrants in long-term detention facilities managed by ICE ERO. CBP also coordinates with the U.S. Department of Health and Human Services' Office of Refugee Resettlement (ORR), the agency responsible for the placement of unaccompanied children (UC).



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

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 in CBP custody. According to the TEDS standards, every effort must be made to promptly transfer, process, release, or repatriate detainees within 72 hours of being taken into custody, as appropriate and operationally feasible.⁵ CBP has an obligation to provide detainees in its custody with drinking water, meals and snacks, access to toilets and sinks, basic hygiene supplies, bedding, and under certain circumstances, showers.⁶ CBP must also ensure that holding facilities are kept clean and are temperature controlled and adequately ventilated.⁷

The TEDS standards also outline general requirements for detainee access to medical care. In late December 2019, CBP enhanced these requirements by adopting CBP Directive No. 2210-004,⁸ 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)⁹ and a Medical Summary Form (CBP Form 2501) to document detainee health conditions, referrals, and prescribed medications.

CBP Migrant Encounters on the Southwest Border

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

⁵ TEDS 4.1, *Duration of Detention*. For DHS authority to detain individuals, see 6 United States Code (U.S.C.) § 211(c)(8)(B) and 6 U.S.C. § 211(m)(3). TEDS states that 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. The TEDS standards generally limit detention in CBP facilities to 72 hours, with the expectation that CBP will transfer UCs to ORR and repatriate or release families and single adults or transfer them to ICE long-term detention facilities or other partners as appropriate.

⁶ 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*.

⁷ TEDS 4.7, *Hold Room Standards: Temperature Controls*; and TEDS 5.6, *Detention: Hold Rooms – UAC*.

⁸ CBP Directive No. 2210-004, *Enhanced Medical Support Efforts*, Dec. 30, 2019.

⁹ The questions on CBP Form 2500 are used to determine whether a detainee has any injury, symptoms of illness, known contagious diseases, or thoughts of harming self or others. For seven of the questions, a positive response would automatically prompt a more thorough medical assessment of the detainee.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

TEDS standards for time in custody and can lead to facility overcrowding.¹⁰ As shown in Table 1, encounters¹¹ of migrant UCs, family units, and single adults on the Southwest border can vary widely by year.

Table 1. Border Patrol Total Encounters on the Southwest Border, FYs 2017 to 2022

Fiscal Year	UCs	Family Units	Single Adults	Totals
2017	41,435	75,622	186,859	303,916
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 to date*	137,569	438,303	1,421,897	1,997,769

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 2022 statistics are for October 2021 to August 2022.

Border Patrol encounters on the Southwest border have fluctuated each year. In FY 2019, DHS faced one of the largest surges of migrants crossing the Southwest border — until the coronavirus disease 2019 (COVID-19) outbreak caused a decline in FY 2020. In FY 2021, Southwest border encounters reached a new high of 1,659,206. This trend continues in FY 2022, with a 60 percent increase in migrant encounters in the first 8 months over the same period in FY 2021.

In FYs 2017 and 2018, the encounters in Del Rio made up 4 percent of the total Border Patrol encounters on the Southwest border, but in FY 2021, Del Rio encounters grew to 15 percent of the total, a fourfold increase. See Figure 2 (on the next page) for a comparison of the total encounters along the Southwest border and total encounters in the Del Rio sector.

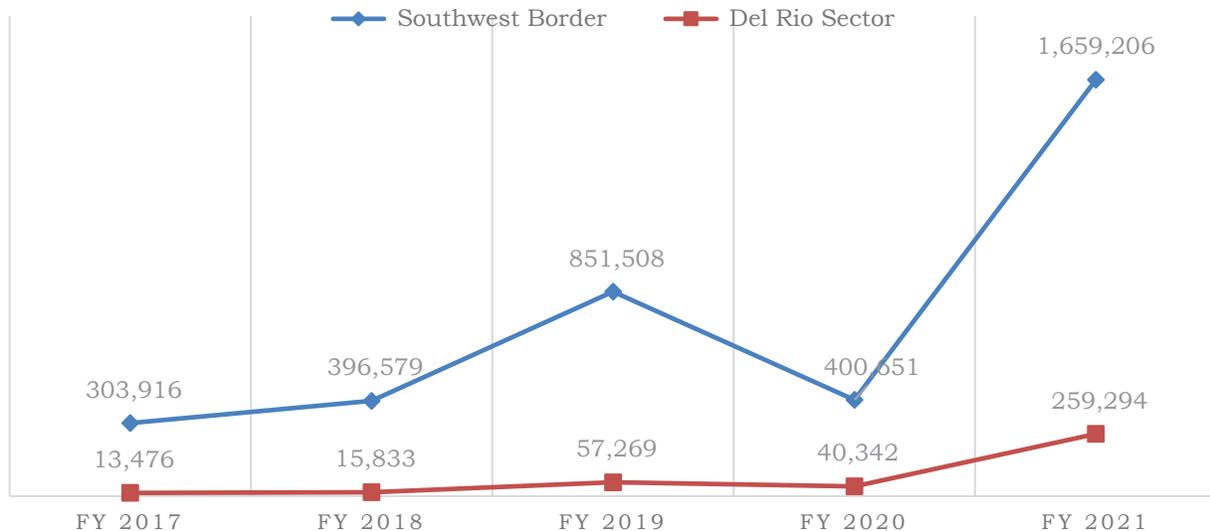
¹⁰ *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During 2019 Migrant Surge*, OIG-20-38, June 12, 2020, p. 8; *DHS’ Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge*, OIG-21-29, Mar. 18, 2021, pp. 11-12.

¹¹ The term “encounter” can refer to two separate actions: (1) apprehension, the physical control or temporary detainment of a person who is not lawfully in the United States, and (2) removals and expulsions, when migrants are removed or expelled to a last country of transit or home country under immigration or public health authorities.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Figure 2. Total Southwest Border Patrol Encounters and Encounters in the Del Rio Sector, FYs 2017 to 2021



Source: DHS OIG analysis of Border Patrol statistics

Border Patrol in the Del Rio sector processes most migrants it encounters at the Eagle Pass soft-sided facility, a short-term detention facility with a pre-COVID-19 capacity for 500 detainees.¹² Personnel at the facility also prepare administrative paperwork, store detainee personal property, conduct medical screenings, carry out criminal background checks, process migrants for removal procedures or other immigration outcomes, and coordinate the transfer of detainees to ICE ERO custody.

In March 2020, in response to the COVID-19 pandemic, the Centers for Disease Control and Prevention issued a public emergency health order known as Title 42, which prohibited the introduction into the United States of certain people from foreign countries traveling from Canada or Mexico, regardless of their countries of origin.¹³ Subsequent orders continued and modified the Title 42 order, for example terminating it with respect to UCs. Many noncitizens encountered by CBP are not amenable to expulsion under Title 42. Noncitizens not expelled under Title 42 are processed by CBP pursuant to applicable immigration laws, which may result in their removal, entry into immigration proceedings, or referral for criminal prosecution.

¹² Holding capacities for Border Patrol stations reflect pre-COVID-19 capacities. At the onset of the pandemic, Border Patrol established cell capacity limits at about one-third of normal capacity, but with the high volume of apprehensions, in practice Border Patrol uses pre-COVID-19 capacity.

¹³ See Title 42 of the *Public Health Services Act* (42 U.S.C. § 265). Expulsions under Title 42 are a public health measure and not considered immigration enforcement.



Results of Inspection

We observed prolonged detention times and overcrowded facilities during our March 2022 inspections of five Border Patrol facilities and one OFO port of entry in the Del Rio area. We found that Border Patrol held 1,164 detainees in custody in four facilities longer than specified in the TEDS standards, which generally limit detention in these facilities to 72 hours. Three of the four Border Patrol facilities that experienced prolonged detention times were also overcrowded based on pre-COVID capacities. For example, Border Patrol's Eagle Pass soft-sided facility had a maximum capacity of 500 detainees but was holding 1,007 detainees during our visit, more than double its capacity. The increased number of migrants in custody exacerbated staffing challenges for Border Patrol in Del Rio and made compliance with some TEDS standards difficult. In addition to prolonged detention and some overcrowded facilities, Border Patrol did not consistently provide showers and interpretation services. However, Border Patrol met standards related to management of personal property, prescription medications, and basic amenities, such as a clean change of clothing, mats and blankets, meals three times a day, water, and snacks.

We also found data integrity issues at four of the five Border Patrol facilities we inspected. The information Border Patrol agents entered in CBP's electronic system of record, e3, related to the provision of supplies, showers, and meals to detainees in our sample was unreliable.

The Del Rio OFO port of entry had no one in custody when we visited and met the TEDS standards we could observe.

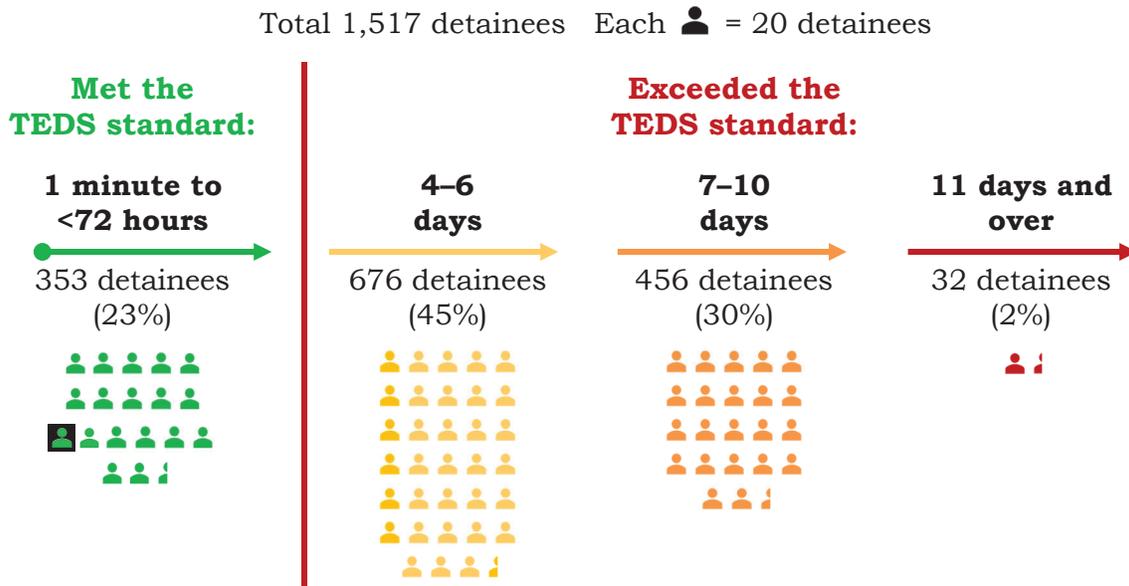
Detainees in Border Patrol Custody Experienced Prolonged Detention and Overcrowded Facilities

We observed prolonged detention times and overcrowded facilities in the Del Rio sector during our inspection. According to Border Patrol's roll calls, 1,517 detainees were in custody at four of the Border Patrol facilities we inspected. Detainees at four of five facilities experienced prolonged detention. We found that for 1,164 of the 1,517 detainees (77 percent), the total time in Border Patrol custody exceeded the 72 hours specified by the TEDS standards. Figure 3 (on the next page) summarizes the overall time detainees spent in Border Patrol custody in the Del Rio sector.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Figure 3. Overall Time Detainees Spent in Del Rio Border Patrol Custody, February to March 2022



Source: DHS OIG analysis of Border Patrol data

Most of the detainees held for prolonged times were single adult males, who experienced an average time in custody (TIC) of 5.85 days across the four facilities. Six family units with minors were held in Border Patrol custody longer than 72 hours, with two of these family units held by Border Patrol for 9 days after apprehension.¹⁴

Table 2 (on the next page) provides a summary of the four Border Patrol facilities that had prolonged detention times. The fifth Border Patrol facility we inspected was the Uvalde Border Patrol station, where nine UCs were held, all for less than 72 hours.

¹⁴ According to TEDS standards (5.1 *At-Risk Populations*), family units are an at-risk population and should be processed expeditiously to minimize the length of time in custody.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table 2. Time in Custody for Detainees, by Border Patrol Facility

Facility	Population	Number over 72 hours	Percentage over 72 hours	Max TIC (in days)
Eagle Pass South Station	197	180	91%	13
Eagle Pass Soft-Sided Facility	1,007	843	84%	21
Comstock Station	137	107	78%	10
Del Rio Station	176	34	19%	13
Total	1,517	1,164	77%	

Source: DHS OIG analysis of Border Patrol data

Prolonged detention can often be a contributing factor for the overcrowding of Border Patrol’s short-term holding facilities. Three of the four Border Patrol facilities that experienced prolonged detention times also were overcrowded (namely the Eagle Pass soft-sided facility, Eagle Pass South station, and Del Rio station). Under TEDS standards, CBP must make every effort to ensure that holding cells do not exceed capacity.¹⁵

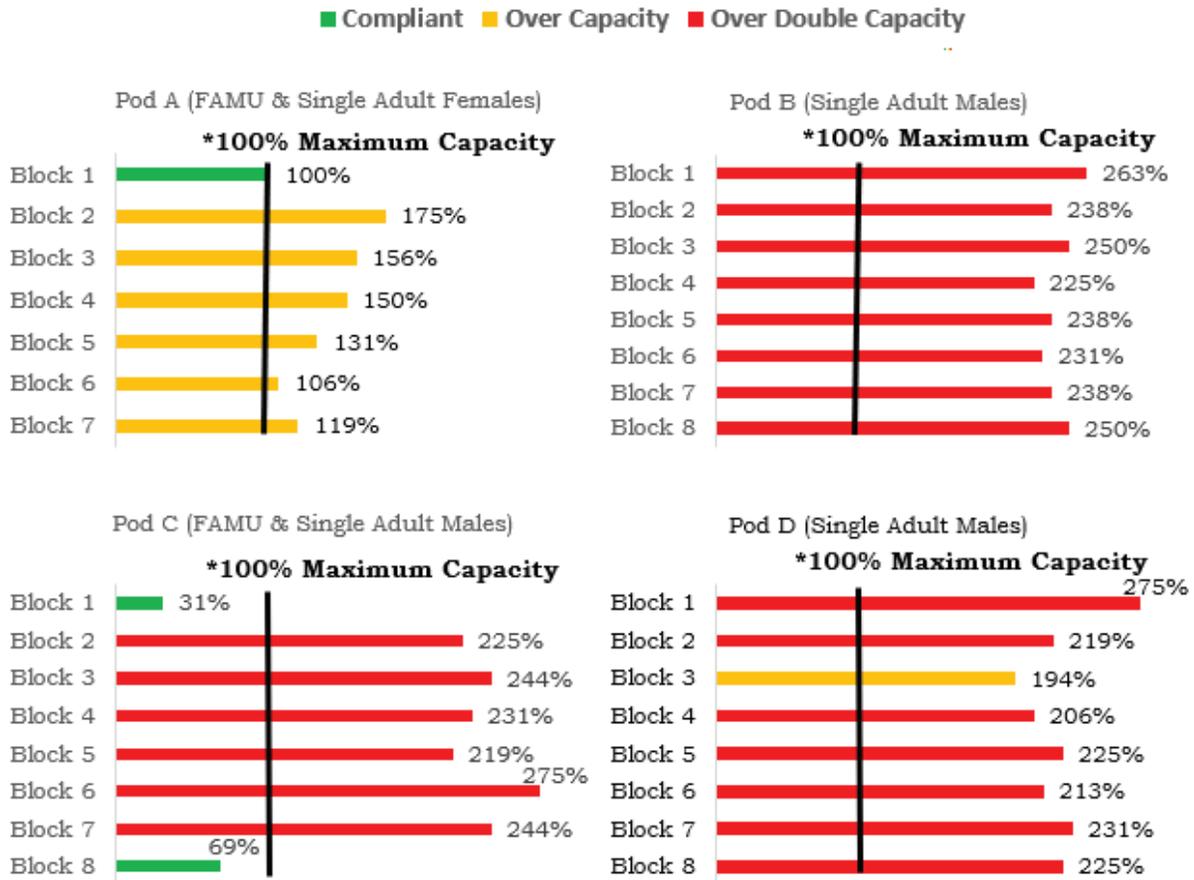
The Eagle Pass soft-sided facility, the Del Rio area’s largest processing facility, was over 200 percent capacity, with 1,007 detainees in a facility with the capacity to hold 500. This soft-sided facility has four holding pods (Pods A, B, C, and D) with 7 to 8 holding blocks in each pod, with a maximum capacity of 15 to 16 detainees per holding block. Twenty-eight of these holding blocks were over capacity, and only three were at or below capacity. Figure 4 (on the next page) shows block-by-block capacity and occupancy levels at the Eagle Pass soft-sided facility at the time of our unannounced inspection.

¹⁵ In response to the COVID-19 pandemic, Border Patrol established cell capacity limits at about one-third of normal capacity, but these limits were never implemented given the high number of encounters on the Southwest border. The holding capacities reported for Border Patrol stations reflect pre-COVID-19 capacities.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Figure 4. Eagle Pass Soft-Sided Facility Holding Block Capacity and Occupancy on March 2, 2022



Source: DHS OIG analysis of Border Patrol data

* Each block had a capacity to hold 15–16 detainees.

An adjacent facility, the Eagle Pass South station, was not over capacity overall, but some holding cells exceeded capacity limits. We observed detainees in some cells without sufficient room to lie down or spread out, as shown in Figure 5 (on the next page).

Finally, the Del Rio station was over 150 percent capacity, with 176 detainees in a facility with the capacity to hold 117. We found that 8 of the 10 holding cells at the Del Rio station were over capacity.



Figure 5. Detainees in Overcrowded Cells at Border Patrol’s Eagle Pass South Station, Observed March 2, 2022

Source: DHS OIG photo

Border Patrol officials told us they coordinate transfers of detainees from Border Patrol’s short-term detention facilities to long-term detention facilities managed by ICE ERO. However, ICE ERO did not consistently have available bed space in its facilities. When ICE ERO bed space is unavailable, Border Patrol relies on nongovernmental organizations to accept detainees, and those organizations have limited capacity to accept released detainees. These factors resulted in Border Patrol having to keep many detainees for longer than 72 hours. Border Patrol officials also explained that overcrowding in certain cells can result from the requirement to separate unrelated men, women, and children. This requirement¹⁶ can lead to some cells being overcrowded with one demographic while other cells are under capacity.

At the time of our inspection, the Uvalde station (which detains UCs) was under capacity, with only nine UCs in custody. The Comstock Border Patrol station (which primarily detains single adult males) was below capacity by 37 percent, and its holding cells were not overcrowded.

Prolonged Migrant Detention and Overcrowding Exacerbated Staffing Challenges for Del Rio Border Patrol

Border Patrol struggled to meet some TEDS standards during our March 2022 inspection, in part, because of insufficient staff. Border Patrol is authorized for

¹⁶ TEDS 4.3, *General Detention Procedures: Juvenile/Adult Segregation*.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

1,700 agents in the Del Rio sector. However, at the time of our inspection, 1,538 of those positions were filled. Border Patrol officials told us that at times they do not have sufficient staff to fully perform some functions. For example, the volume of detainees taken into custody often exceeds Border Patrol's capacity to process them in a timely manner for transfer to ICE ERO.¹⁷

We also found other ways in which staffing shortages affected Border Patrol's ability to meet TEDS standards. For example:

- TEDS standards require that reasonable efforts be made to provide showers, soap, and clean towels to juvenile detainees who are approaching 48 hours and adult detainees who are approaching 72 hours in detention.¹⁸ We found that detainees were not always receiving showers in that timeframe. Border Patrol agents said that often not enough agents were on duty to escort and supervise detainees for showers, but they make a reasonable effort to provide showers when staffing is sufficient.
- TEDS standards require that searches and medical examinations be conducted by the same gender, gender identity, or declared gender as the detainee being searched, when operationally feasible.¹⁹ Border Patrol agents at the Eagle Pass soft-sided facility said that a lack of female agents made it infeasible to provide female agents for intake searches of female migrants.
- TEDS standards require that actions taken while migrants are in custody, such as medical care, some types of searches, storing of personal property, and provision of food, water, and hygiene items, be accurately recorded in the electronic system of record.²⁰ Border Patrol agents explained that when they are short-staffed and facilities are overcrowded, they are often too busy to record all custodial activities fully and accurately in e3. We describe the issues with the data integrity resulting from inaccurate electronic records later in this report.

Del Rio Border Patrol officials told us that historically the sector has had fewer encounters and, therefore, fewer staff than other busier Southwest border sectors, such as the Rio Grande Valley or Yuma sectors. However, the Del Rio sector experienced a 216 percent increase in migrant encounters in FY 2022 prior to our March inspection compared to the same time the previous fiscal year — 48,592 encounters compared to 153,670, respectively. Border Patrol

¹⁷ ICE ERO requires detainees to be fully processed by Border Patrol before it will take them into custody.

¹⁸ TEDS 4.11, *Hygiene*.

¹⁹ TEDS 3.4, *Gender of Searching Officer/Agent*.

²⁰ TEDS 4.5, *Electronic System(s) of Record*.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

agents told us the increase was difficult to manage given their existing staffing levels.

To augment staffing in the Del Rio area, Border Patrol details agents from the northern border, uses agents in other sectors to remotely process migrants, employs DHS Volunteer Force staff to assist with non-law enforcement related activities, and requires every Del Rio agent to work 8 hours per week of mandatory overtime.

Border Patrol Compliance with Other TEDS Standards Was Inconsistent

Border Patrol compliance with other TEDS standards in the Del Rio sector was inconsistent. We found instances of noncompliance when standards for providing showers and interpretation services were not met, but we also observed that Border Patrol met standards for providing basic amenities and prescription medications as well as managing personal property.

We found that Border Patrol did not always comply with the TEDS requirement that reasonable efforts be made to provide showers, soap, and clean towels to juvenile detainees who are approaching 48 hours and adult detainees who are approaching 72 hours in detention. Our review of a sample of detainee activity logs from the Eagle Pass soft-sided facility, Eagle Pass South station, and Del Rio raised data integrity issues related to showers. Our review of a sample of activity logs for detainees at the Comstock station found that all eight detainees in the sample were provided with wet wipes in their cells in lieu of an actual shower. The practice was corroborated by detainee interviews, and Border Patrol agents explained they did not always have sufficient staff to supervise detainees taking showers.

We also found that Border Patrol did not always comply with the TEDS requirement that all instructions and relevant information be communicated to a detainee in a language or manner the detainee can comprehend.²¹ One detainee we interviewed in the Senegalese language Wolof (with the assistance of contracted interpretation services) said that in his case, efforts were not made by Border Patrol agents or medical staff to provide interpretation services. The detainee indicated that he had asthma and was having shortness of breath but was not able to effectively communicate this. He also said that he had a religious dietary need and was not able to make this known to agents. However, Russian family members we interviewed at a different facility said that they were provided interpretation services.

²¹ TEDS 1.7, *Reasonable Accommodations and Language Access*.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Border Patrol met standards related to management of personal property, prescription medications, and basic amenities at the time of our visit. For example, the Eagle Pass soft-sided facility implemented a bar-coded wristband system to track the handling, retention, retrieval, and return of detainee personal property. In February 2022, the Eagle Pass soft-sided facility also implemented procedures to supplement Border Patrol Headquarters' April 2021 national guidance on managing the personal property of detainees. The facility's supplemental procedures clarified the handling and secure storage of personal property, along with cash management and disposal of contraband, with requirements to communicate with detainees about their property while in custody and at their eventual departure. The supplemental procedures also included requirements to reunite departed migrants with left-behind personal property. This approach is one of the best practices we have observed during our CBP facility inspections. Figure 6 shows the storage area for securely handled and stored personal property at the Eagle Pass soft-sided facility.



Figure 6. Securely Handled and Stored Detainee Personal Property at Border Patrol's Eagle Pass Soft-Sided Facility, Observed on March 2, 2022

Source: DHS OIG photo

An example of proper handling of prescription medications is the Eagle Pass soft-sided facility, which obtained the medications detainees needed to treat a variety of conditions, including high blood pressure, diabetes, seizures, anxiety, malaria, and bacterial infections. The e3 roll call we obtained onsite for the facility indicated 83 of 1,007 detainees had been identified during intake medical screening as requiring prescription medications. We reviewed a sample of 21 activity logs from these detainees and found that all 21 detainees received their prescription medications while in Border Patrol custody.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Finally, all facilities we inspected provided basic amenities such as a clean change of clothing, mats and blankets, meals three times a day, water, and snacks.

Border Patrol's Detention Records Had Data Integrity Issues

We found data integrity issues at four of the five Border Patrol facilities we inspected. Detainee activity logs maintained in Border Patrol's e3 system inaccurately recorded that some amenities were provided to detainees. The e3 system also recorded amenities were provided when they had not been. Having accurate, complete, and consistent data is critical for Border Patrol to monitor care of detainees in custody and to ensure compliance with TEDS and other applicable standards.

A common data integrity issue we found in activity logs was entries showing that showers were provided to detainees when they had not been. In some instances, we found that agents were logging showers in activity logs but later explained that detainees were provided wet wipes in lieu of a shower. Two activity logs inaccurately recorded that detainees received two showers in one day and another detainee received three showers in one day, when neither had received a shower as agents explained they were not providing showers during that time due to staffing shortages. Additional examples of unreliable data that we found in Border Patrol activity logs included:

- Male detainees were recorded as receiving feminine hygiene products and diapers.
- Meals and showers were recorded as provided to detainees at early morning hours, along with entries stating that the migrants are sleeping.
- Multiple showers were recorded as provided to detainees at the same time.

Border Patrol agents told us they try to maintain electronic records, but when they are short-staffed and facilities are overcrowded, they are often too busy to record all custodial activities fully and accurately in e3.

Del Rio Port of Entry Met TEDS Standards

In contrast to Border Patrol, which cannot control the number of migrants it apprehends, OFO limits the number of migrants processed at ports of entry. The Del Rio OFO port of entry had no detainees in custody when we visited and met TEDS standards for toilets, food, water, blankets, and hygiene products.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

The facility was clean and equipped with items for children, including baby formula, diapers, juice boxes, cereal, and comfort items such as toys. The facility also had contract medical staff available to conduct medical screenings of migrants.

Conclusion

As we noted in a 2021 report, migrant surges at the Southwest border require a whole-of-government approach,²² while interdependencies among CBP, ICE, U.S. Citizenship and Immigration Services, and other agencies, including the U.S. Department of Justice, as well as the capacity of nongovernmental organizations to accept detainees, limit the Border Patrol's ability to unilaterally address overcrowding and prolonged detention in its holding facilities. With the sharp increases in apprehensions of migrants in the Del Rio sector, Border Patrol struggled to comply with standards for limiting prolonged detention and overcrowding as well as other TEDS standards. In addition, Del Rio Border Patrol sector's unreliable data could result in inaccurate understanding of the actual conditions of detention.

Recommendations

We recommend the Executive Assistant Commissioner, Operations Support, U.S. Customs and Border Protection:

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

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

Recommendation 2: Assess whether the Eagle Pass soft-sided facility's supplemental guidance on the management of detainee property can be developed and implemented sector-wide, and implement where operationally feasible.

Recommendation 3: Oversee a data integrity review at Del Rio Border Patrol facilities for a sampling of detainee activity logs for 1 month, to verify that the information recorded is accurate. If the problem we identified persists, implement a quality assurance plan and continue to monitor data integrity.

²² 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

Management Comments and OIG Analysis

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

CBP Response to Recommendation 1: Concur. CBP noted numerous actions taken to address this recommendation, including revising a memorandum of agreement with the Department of the Air Force, expanding ground transportation contracts, and activation of incident command systems.

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

CBP Response to Recommendation 2: Concur. CBP noted that several stations can implement the same procedures associated with the handling and storage of property. However, implementing at all stations sector-wide is not practicable. CBP requested the closure of this recommendation.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider resolved and open. We will close this recommendation when CBP submits documentation showing assessment analyses to determine which stations can implement enhanced property procedures and for which stations it is not practical to do so.

CBP Response to Recommendation 3: Concur. CBP noted Del Rio sector staff will conduct a review of custodial action logs for selected noncitizens in custody and will document the results. Following the review, CBP will implement remedial actions as needed.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider resolved and open. We will close this recommendation when CBP submits documentation showing efforts to review and remediate data reliability issues with custodial action logs.



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*.

Our objective for this unannounced inspection was to determine whether CBP complied with the TEDS standards and other relevant policies and procedures related to length of detention and conditions of detention at CBP short-term migrant holding facilities in the Del Rio area of Texas.

Prior to our inspection, we reviewed relevant background information from congressional mandates, nongovernmental organizations, and media reports.

Between February 28 and March 4, 2022, we visited five Border Patrol facilities (Eagle Pass soft-sided processing facility, Eagle Pass South station, Comstock station, Uvalde station, Del Rio station) and one OFO port of entry (Del Rio) in the Del Rio area.

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

With the number of detainees arriving and departing each day, conditions at facilities could vary by day. Our conclusions are, therefore, limited to what we observed and information we obtained from detainees, CBP staff, and medical contractors at the time of our site visits. We conducted additional interviews with CBP staff and requested additional documentation after site visits to supplement our review. Within the TEDS standards, we prioritized standards that protect children, derived from the *Flores Agreement*²³ and the *Trafficking Victims Protection Reauthorization Act of 2008*.²⁴

We also focused on the TEDS standards regarding medical care, including provisions to:

²³ *Flores Settlement Agreement* of 1997.

²⁴ Pub. L. No. 110-457, § 235(b)(3), 122 Stat. 5044, 5077 (2008); see also 8 U.S.C. § 1232(b)(3).



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

- ensure medical records and medications accompany detainees during transfer (TEDS 2.10);
- ask detainees about, and visually inspect for, any sign of injury, illness, or physical or mental health concerns (TEDS 4.3);
- take precautions to protect against contagious diseases (TEDS 4.3);
- identify the need for prescription medicines (TEDS 4.3);
- provide medical care (TEDS 4.10); and
- take precautions for at-risk populations (TEDS 5.0).

This review describes CBP's process for providing access to medical care but does not evaluate the quality of medical care provided to those in CBP custody.

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



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**

September 26, 2022

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

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

9/26/2022

x _____
Signed by: HENRY A. MOAK JR.

SUBJECT: Management Response to Draft Report: “Del Rio Area Struggled with Prolonged Detention, Consistent Compliance with CBP’s TEDS Standards, and Data Integrity” (Project No. 22-006-ISP-CBP(a))

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 recognition of U.S. Border Patrol (USBP) efforts to adhere to standards related to management of personal property, prescription medications and amenities such as providing a clean change of clothing, mats and blankets, meals three times a day, water, and snacks to individuals in CBP’s custody.

USBP remains committed to complying with CBP’s policies regarding reasonable and appropriate care for persons in its custody including, but not limited to, CBP’s National Standards on Transport, Escort, Detention, and Search (TEDS)¹. For example, USBP makes every effort to ensure detainees are processed and released within 72 hours pursuant to TEDS standards by coordinating daily with U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO), non-government organizations, and local stakeholders in the community to facilitate the orderly and timely release of people in CBP’s custody.

It is also important to note that USBP personnel in the Del Rio Sector (DRT) are employing several ongoing strategies and solutions to better manage delays in detainee processing and transfers to other agencies and/or release from custody and mitigate the risk of prolonged detention and overcrowding. For example, USBP personnel utilize all available processing pathways, including Notice to Appear or Alternatives to Detention.

¹ <https://www.cbp.gov/document/directives/cbp-national-standards-transport-escort-detention-and-search>



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

CBP takes its role in providing care and ensuring the health, safety, security, and welfare of each individual in its custody very seriously and will continue to strengthen its related activities whenever possible.

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

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

Enclosure



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

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

OIG recommended the Executive Assistant Commissioner, Operations Support, CBP:

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

Response: Concur. CBP's Movement Coordination Center (MCC) is a national initiative under the direction of CBP's Emergency Operations Center (EOC), to support efforts in reducing overall detention capacities and time in custody of detainees across the southwest border through a combination of monitoring, assisting with the placement of undocumented noncitizens (UDNC), and coordinating the expulsion or removal of amenable UDNCs consistent with Title 42, Code of Federal Regulations (CFR), "Public Health," and Title 8 CFR, "Aliens and Nationality." To accomplish this mission, the MCC relies on a whole-of-government approach and interagency collaboration. Partner agencies and components include ICE ERO, CBP's Office of Field Operations and USBP, Federal Emergency Management Agency, Department of Health and Human Services, Office of Refugee Resettlement.

Specific to USBP's DRT, the MCC has identified potential strategies and solutions to manage delays in detainee transfers to partner agencies, including but is not be limited to: (1) Engaging the Department of Defense to request revisions to the current Memorandum of Agreement (MOA) between Department of Air Force, 47th Flying Training Wing, Laughlin Air Force Base, Texas and DHS, CBP, U.S. Border Patrol-Del Rio Sector, Texas, and ICE ERO, dated June 22, 2022 (2) Expanding ground transportation resources by coordination with Southwest Border Coordination Center Logistics to expand ground transportation contracts; and (3) Expanding COVID-19 testing capability to allow additional subjects amenable to expulsion via air assets, as many do not carry evidence of full vaccination.

Additionally, DRT personnel have activated a local Incident Command Post to serve as the primary point of contact to facilitate communication for all decompression efforts, which are actions that USBP leverages to move detainees out of USBP's custody in an efficient manner. Specifically, decompression efforts includes transfers to other sectors, non-governmental organizations, other federal agencies, or ICE facilities. One example of this is the movement of detainees to other USBP sectors for processing.

Estimated Completion Date (ECD): June 30, 2023.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

OIG recommended the DRT Chief, USBP, CBP:

Recommendation 2: Assess whether the Eagle Pass soft-sided facility’s supplemental guidance on the management of detainee property can be developed and implemented sector-wide, and implement where operationally feasible.

Response: Concur. On February 11, 2022, Eagle Pass implemented an updated Internal Operating Procedure entitled, “Eagle Pass Centralized Processing Center Internal Operation Procedure Personal Effects,” (EPCPC), which addresses personal effects belonging to those in EPCPC custody, including the handling, storing, transferring, and/or destroying of items not seized or detained by the USBP. CBP provided the OIG documentation corroborating the completion of this action on September 19, 2022.

Although it is possible that several other stations can implement the same procedures associated with the handling and storage of property, due to its dependence on individual station resources, CBP believes that the assignment of volunteers and caregivers to this specific task at all stations sector-wide in DRT is not practicable. However, the EPCPC Internal Operation Procedure does align with most sector wide policies related to personal property currently in effect.

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

Recommendation 3: Oversee a data integrity review at Del Rio Border Patrol facilities for a sampling of detainee activity logs for 1 month, to verify that the information recorded is accurate. If the problem we identified persists, implement a quality assurance plan and continue to monitor data integrity.

Response: Concur. The USBP DRT Sector Central Processing Center Assistant Chief Patrol will review custodial action logs for randomly selected non-citizens that are in custody at the DRT facilities, including EPCPC. The custodial action logs review will take place three days a week for one month, and will include examining whether the appropriate custodial actions were provided and recorded for the noncitizens in custody. Documentation of this process, or an after-action report with findings, will be completed, as appropriate. If the issue persists, agents will be reminded of the requirement to complete the custodial action logs in the e3 Detention Module by a sector-wide: (1) email notification; (2) muster modules; and (3) on-the-job correction training.

Further, DRT will run weekly system checks of all DRT stations to assure completeness and accuracy of the data input in the e3 Detention Module. DRT will maintain onsite and classroom training that will be conducted at the stations to



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

emphasize that entered amenity actions need to occur as close to real time as operationally feasible, and that comments entered on these actions are to accurately explain why an action was or was not completed.

Further, data integrity checks and reports are generated weekly at the station and sector level to ensure complete and accurate required data records, to include amenity checks. Current data integrity amenity checks reports are related to welfare checks and meals; however, a recurring shower audit will be added in the future.

ECD: November 30, 2022.



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
Ryan Nelson, Senior Inspector
Ben Diamond, Senior Inspector
John Lanca, Inspector
Lisa Knight, Communications Analyst
Ian Stumpf, 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, GAO/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" tab. If you cannot access our website, call our hotline at (800) 323-8603, fax our hotline at (202) 254-4297, 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