

**Yuma Sector Border Patrol
Struggled to Meet TEDS
Standards for Single Adult
Men but Generally Met
TEDS Standards for Other
Populations**





OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

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

April 14, 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

SUBJECT: *Yuma Sector Border Patrol Struggled to Meet TEDS Standards for Single Adult Men but Generally Met TEDS Standards for Other Populations*

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CUFFARI
Date: 2022.04.13 20:16:26
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Attached for your information is our final report, *Yuma Sector Border Patrol Struggled to Meet TEDS Standards for Single Adult Men but Generally Met TEDS Standards for Other Populations*. We received technical comments from U.S. Customs and Border Protection (CBP) and incorporated them in the report where appropriate. We incorporated the formal comments provided by your office.

The report contains one recommendation aimed at improving data integrity. Your office concurred with this recommendation. Based on information provided in your response to the draft report, we consider this recommendation open and resolved. Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. 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

Yuma Sector Border Patrol Struggled to Meet TEDS Standards for Single Adult Men but Generally Met TEDS Standards for Other Populations

April 14, 2022

Why We Did This Inspection

As part of OIG's annual, congressionally mandated oversight of CBP holding facilities, we conducted unannounced inspections of five locations in the general area of Yuma, Arizona, to evaluate CBP's compliance with applicable detention standards.

What We Recommend

We made one recommendation to Yuma sector Border Patrol to monitor data integrity. We did not make recommendations on TEDS compliance because there are relevant outstanding recommendations from a prior review.

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

During our unannounced inspections of three U.S. Customs and Border Protection (CBP) locations in the Yuma area of Arizona in September 2021, we observed that all three U.S. Border Patrol facilities we inspected generally met *National Standards on Transport, Escort, Detention, and Search* (TEDS) standards for noncitizen unaccompanied children (NUC), families, and single adult women at the time of our observation. During the week of our inspection, NUCs were not held longer than 72 hours. Some families were held up to 6 days, and a few single adults up to 2 weeks. CBP also met TEDS standards at the two Office of Field Operations (OFO) ports of entry we visited. There were no detainees at the OFO facilities at the time of our site visit.

However, during our site visit, conditions for single adult men held at the Border Patrol's Yuma station did not always meet TEDS standards. Single adult men were held in crowded conditions, and those held in overflow military tents experienced temperatures exceeding 95 degrees.

We observed some data integrity issues in Yuma sector. For example, agents did not uniformly update their assignments when they were required to leave the field to assist with detainee transport or immigration processing. Yuma station's systems did not accurately reflect which detainees were being held in cells indoors and in overflow military tents outdoors. Information about access to supplies, showers, and medical screening was unreliable.

CBP Response

CBP concurred with our recommendation, which is resolved and open.



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Table of Contents

Introduction..... 3

Background 4

Results of Inspection..... 9

 Facing Growing Apprehensions, Yuma Sector Border Patrol Struggled
 to Meet TEDS Standards for Single Adult Men but Generally Met the
 Standards for Other Populations..... 9

 Border Patrol Experienced Data Integrity Issues 14

 Ports of Entry Met TEDS Standards 15

Conclusion..... 16

Recommendation 19

Management Comments and OIG Analysis 18

Appendixes

 Appendix A: Objective, Scope, and Methodology 19

 Appendix B: Management Comments to the Draft Report..... 21

 Appendix C: Office of Inspections and Evaluations Major Contributors
 to This Report 24

 Appendix D: Report Distribution..... 25



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Department of Homeland Security

Abbreviations

| | |
|----------|--|
| CBP | U.S. Customs and Border Protection |
| CDC | Centers for Disease Control and Prevention |
| COVID-19 | coronavirus disease 2019 |
| ICE | U.S. Immigration and Customs Enforcement |
| NUC | noncitizen unaccompanied children |
| OFO | Office of Field Operations |
| TEDS | National Standards on Transport, Escort, Detention, and Search |
| U.S.C. | United States Code |
| USCIS | United States Citizenship and Immigration Services |



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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) capability to meet the 2015 *National Standards on Transport, Escort, Detention, and Search* (TEDS) standards¹ and provide reasonable care for detainees from apprehension to transfer or repatriation can vary greatly. Facility conditions can vary between those operated by CBP's Border Patrol (sectors and stations) and those operated by Office of Field Operations (OFO) (field offices and ports of entry) because of differences in mission, policies, and procedures. Facility conditions can also fluctuate considerably across Border Patrol sectors because of geography, infrastructure, and a variety of other factors.

In 2019, through our unannounced inspections of CBP holding facilities, we identified significant issues, such as dangerous overcrowding and prolonged detention, at several locations along the Southwest Border.² We conducted a review of the causes of overcrowding and prolonged detention,³ and concluded that if the Department did not develop a DHS-wide framework for migration surges, CBP would continue to face these challenges. We made six recommendations in the report. CBP concurred with a recommendation to inventory the infrastructure enhancements used in 2019 and incorporate these into its response for future migrant surges; this recommendation is still open. DHS concurred with a recommendation to develop thresholds at which a whole-of-government approach is needed to address migrant surges; this recommendation is also still open. In fiscal year 2020, Congress mandated that we continue our unannounced inspections of CBP holding facilities. In our February 2020 inspections of the Laredo and San Antonio area, we determined that CBP facilities appeared to be operating in compliance with TEDS standards.⁴ In our July 2021 inspections of CBP facilities in the Rio Grande Valley area, we determined that Border Patrol struggled with high volumes of detainees and cases of prolonged detention but had taken measures to manage facility conditions. In our August 2021 inspections of CBP facilities in the San Diego area, we determined that CBP generally complied with TEDS standards. This report describes the results of our inspections of three short-term Border Patrol holding facilities, two near Yuma, Arizona, and one in

¹ The TEDS standards govern CBP's interaction with detained individuals. U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search*, October 2015.

² *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During 2019 Migrant Surge*, OIG-20-38, June 2020, p. 8.

³ *DHS' Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge*, OIG-21-29, March 2021, pp. 11-12.

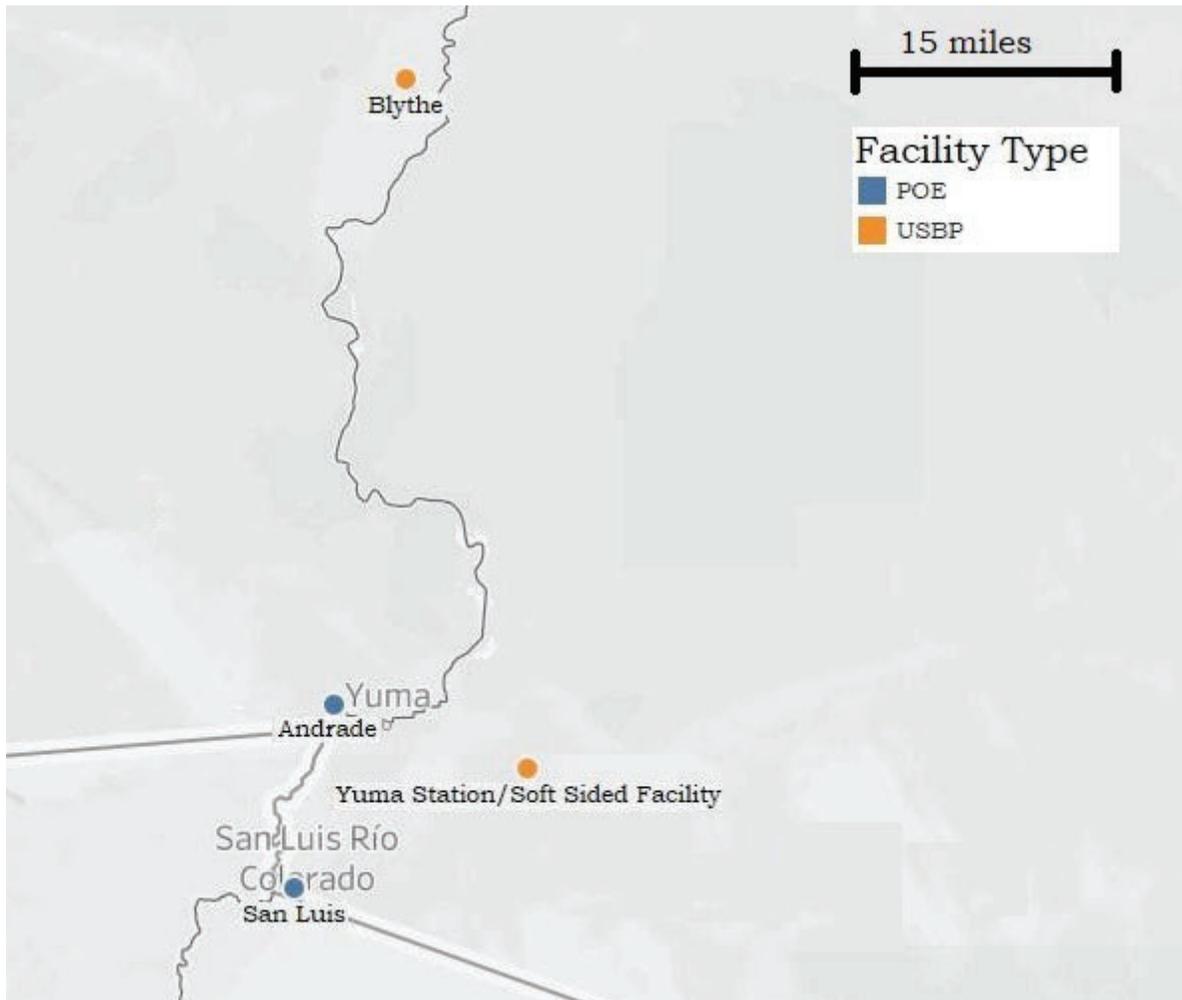
⁴ *Five Laredo and San Antonio Area CBP Facilities Generally Complied with the National Standards on Transport, Escort, Detention, and Search*, OIG-20-67, September 2020, p. 3.



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Blythe, California, and two ports of entry, in San Luis, Arizona, and Winterhaven, California, that we visited in September 2021, as shown in Figure 1.

Figure 1. Locations of CBP Facilities Visited in September 2021



Source: DHS Office of Inspector General (OIG)

Background

CBP's OFO manages U.S. ports of entry where officers perform immigration and customs functions, admitting people who have valid documents for legal entry, such as U.S. passports, visas, or lawful permanent resident cards, and goods permitted under customs and other laws. Between ports of entry, CBP's Border Patrol detects and interdicts individuals and goods suspected of entering the United States without inspection. OFO and Border Patrol are



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Department of Homeland Security

responsible for short-term detention, generally of persons who are inadmissible or deportable from the United States or subject to criminal prosecution.

CBP's holding facilities are required to comply with TEDS standards, which specify how detainees should be treated in CBP custody. According to TEDS, every effort must be made to promptly transfer, transport, process, release, or repatriate detainees, as appropriate and as operationally feasible, within 72 hours after being taken into custody.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, temperature-controlled, and adequately ventilated.⁷

TEDS standards also outline general requirements related to detainee access to medical care in emergencies. In late December 2019, CBP enhanced these requirements by adopting CBP Directive 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 health conditions, referrals, and prescribed medications. CBP also expanded its use of onsite medical contract staff to provide basic medical care to detainees. The same contractor provided

⁵ TEDS standards generally limit detention in CBP facilities to 72 hours, with the expectation that CBP will transfer noncitizen unaccompanied children (NUC) to the Department of Health and Human Services, Office of Refugee Resettlement, and promptly transfer, transport, release, or repatriate non NUC, as appropriate. TEDS standards refer to unaccompanied children as unaccompanied alien children. In an April 19, 2021, CBP memorandum from the Senior Official Performing the Duties of the Commissioner, *Updated Terminology for CBP Communications and Materials*, the term "unaccompanied alien children" was changed to "noncitizen unaccompanied children."

⁶ TEDS 4.14 *Secure Detention Standards: Drinking Water*; TEDS 4.13 *Secure Detention Standards: Food and Beverage, Meal Timeframe and Snack Timeframe*; TEDS 5.6 *Detention: Meals and Snacks – Juveniles, Pregnant, and Nursing Detainees*; TEDS 4.15 *Secure Detention Standards: Restroom Facilities*; TEDS 5.6 *Detention: Hold Rooms – UAC*; TEDS 4.11 *Secure Detention Standards: Hygiene*; TEDS 4.12 *Secure Detention Standards: Bedding*. Under TEDS standards, reasonable effort will be made to provide showers to juveniles approaching 48 hours, and adults approaching 72 hours, in CBP custody. TEDS 4.11 *Secure Detention Standards: Hygiene: Basic Hygiene Items*; and 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](#), December 30, 2019.

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



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medical personnel at the two Border Patrol facilities we visited with medical staffing and used the same medical records.

As shown in Table 1, migrant apprehensions on the Southwest Border can vary widely by year.

Table 1. Border Patrol Southwest Border Total Apprehensions by Year, Fiscal Years 2014 – 2021 (YTD)

| Apprehensions | NUC | Family Units | Adults | Totals |
|----------------|---------|--------------|-----------|------------------|
| FY 2014 | 68,541 | 68,445 | 342,385 | 479,371 |
| FY 2015 | 39,970 | 39,838 | 251,525 | 331,333 |
| FY 2016 | 59,692 | 77,674 | 271,504 | 408,870 |
| FY 2017 | 41,435 | 75,622 | 186,859 | 303,916 |
| FY 2018 | 50,036 | 107,212 | 239,331 | 396,579 |
| FY 2019 | 76,020 | 473,682 | 301,806 | 851,508 |
| FY 2020 | 30,557 | 52,230 | 317,864 | 400,651 |
| FY 2021 | 144,834 | 451,087 | 1,063,285 | 1,659,206 |

Source: CBP enforcement statistics

Following a year of a high volume of apprehensions in 2019, numbers dropped in the first half of FY 2020 and, at the start of the coronavirus disease of 2019 (COVID-19) pandemic, initially fell further. To limit the spread of COVID-19, CBP tried to reduce the number of individuals detained in its holding facilities and the number of individuals traveling through ports of entry. According to 42 United States Code (U.S.C.) Section 265 (Title 42), the Surgeon General shall have the power to prohibit the introduction of individuals from foreign countries, to avert the danger of the spread of communicable diseases.¹⁰ On March 20, 2020, under that authority and in response to the COVID-19 pandemic, the Centers for Disease Control and Prevention (CDC) issued an order temporarily prohibiting the introduction of certain persons from foreign countries traveling from Canada or Mexico, regardless of their countries of origin, and who would otherwise be introduced into congregate settings.¹¹ A subsequent CDC order superseded this order on August 2, 2021.¹²

¹⁰ 42 U.S.C. § 265, [Suspension of Entries and Imports from Designated Places to Prevent Spread of Communicable Diseases](#).

¹¹ U.S. Department of Health and Human Services Centers for Disease Control and Prevention, Order Under § 362 & § 365 of the *Public Health Service Act* (42 U.S.C. § 265, § 268), *Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists*. The original CDC order was extended for 30 days on April 20, 2020, and indefinitely on May 19, 2020. For more information, see [Early Experiences with COVID-19 at CBP Border Patrol Stations and OFO Ports of Entry](#), OIG-20-69, September 2020, pp. 4–5.

¹² U.S. Department of Health and Human Services Centers for Disease Control and Prevention, Order Under § 362 & § 365 of the *Public Health Service Act* (42 U.S.C. § 265, § 268), [Public Health Reassessment and Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists](#).



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Pursuant to 42 U.S.C. § 265 and § 268, CBP is required to assist with enforcing and implementing the CDC orders; as such, DHS generally has expelled thousands of inadmissible noncitizens apprehended at or near the southern border back to Mexico or to their country of origin. However, in FY 2021, Border Patrol’s apprehensions increased; by July 2021 the number of apprehensions exceeded the volume for FY 2019. Many noncitizens apprehended are not amenable to expulsion under Title 42. For example, NUCs are not subject to expulsion by the text of the CDC order and are therefore not processed under Title 42. In addition, Mexico places limitations on nationalities which can be expelled into Mexico but accepts migrants from the Northern Triangle (Guatemala, El Salvador, and Honduras). Mexico also implements limits based on its capacity to house families. Additionally, the CDC order includes an exception for those whom CBP determines, “with approval from a supervisor, should be excepted from this Order based on the totality of the circumstances, including consideration of ... humanitarian, and public health interests.”

As shown in Table 2, Yuma sector experienced the greatest percentage increase in apprehensions from the previous year of any Border Patrol sector. As shown in Table 3, many of the detainees in custody during our site visit to Yuma were from nationalities not amenable to expulsion under Title 42 and required detention for processing.

Table 2. Year-to-Date Border Patrol Apprehensions by Sector¹³

| Border Patrol Sector | October 2019 to August 2020 | October 2020 to August 2021 | Percent Change in Encounters |
|--|------------------------------------|------------------------------------|-------------------------------------|
| San Diego | 47,119 | 129,697 | 175.3% |
| El Centro | 24,433 | 54,227 | 121.9% |
| Yuma | 8,069 | 91,841 | 1,038.2% |
| Tucson | 57,703 | 173,476 | 200.6% |
| El Paso | 46,496 | 176,102 | 278.7% |
| Big Bend | 7,224 | 34,694 | 380.3% |
| Del Rio | 33,988 | 214,993 | 532.6% |
| Laredo | 43,951 | 103,632 | 135.8% |
| Rio Grande Valley | 76,897 | 493,993 | 542.4% |
| Grand Total Apprehensions/ Percent Change in Encounters | 345,880 | 1,472,655 | 325.8% |

Source: CBP enforcement statistics

¹³ Statistics accessed from CBP website on September 29, 2021, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-by-component>.



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Table 3. Country or Region of Citizenship for Migrants at Yuma Area CBP Facilities OIG Visited in September 2021

| Citizenship | Number of Detainees |
|---|---------------------|
| Mexico | 36 |
| Northern Triangle (El Salvador, Guatemala, Honduras) | 46 |
| Nicaragua | 82 |
| Cuba | 255 |
| South America (excluding Brazil) | 461 |
| Brazil only | 544 |
| Haiti | 136 |
| Former Soviet Union | 27 |
| South Asia (Bangladesh, India, Nepal) | 50 |
| Other | 11 |
| Grand Total | 1,648 |

Source: DHS OIG analysis of CBP roll call information

Our previous fieldwork on the Southwest Border indicates that the rate of apprehensions affects Border Patrol’s ability to meet the TEDS standards on time in custody and overcrowding.¹⁴ In one of these reviews, we concluded that if the Department did not develop a DHS-wide response framework, CBP would continue to face challenges during migration surges.¹⁵ CBP concurred with a recommendation to inventory the infrastructure enhancements used in 2019 and incorporate these into its response for future migrant surges; this recommendation is still open. DHS concurred with a recommendation to develop thresholds at which a whole-of-government approach is needed to address migrant surges; this recommendation is also still open. In addition, during the FY 2019 surge, CBP described having to divert between 40 and 60 percent of its staff away from the border security mission to provide humanitarian care to families and children, impacting its ability to prevent drugs and criminals from entering the United States, even as Border Patrol worked with local, state, and Federal law enforcement partners to try to address enforcement gaps.¹⁶

¹⁴ [Capping Report: CBP Struggled to Provide Adequate Detention Conditions During 2019 Migrant Surge](#), OIG-20-38, June 2020, p. 8.

[DHS’ Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge](#), OIG-21-29, March 2021, pp. 11–12.

¹⁵ [DHS’ Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge](#), OIG-21-29, March 2021, pp. 11–12.

¹⁶ [DHS’ Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge](#), OIG-21-29, March 2021, p. 7.



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Results of Inspection

During our unannounced inspections of three U.S. Customs and Border Protection locations in the Yuma area of Arizona in September 2021, we observed that all three Border Patrol facilities we inspected generally met TEDS standards for NUCs, families, and single adult women at the time of our observation. During the week of our inspection, NUCs were not held longer than 72 hours. Some families were held up to 6 days, and a few single adults up to 2 weeks.

However, during our site visit, conditions for single adult men held at the Border Patrol's Yuma station did not always meet TEDS standards. Single adult men were held in crowded conditions, and those held in overflow military tents experienced temperatures exceeding 95 degrees.

We observed some data integrity issues in Yuma Border Patrol sector. For example, agents did not uniformly update their assignments when they were required to leave the field to assist with transit or immigration processing. Yuma station's systems did not accurately reflect which detainees were being held in cells indoors and in overflow military tents outdoors. Information about access to supplies, showers, and medical screening was also unreliable.

In contrast to Border Patrol, which cannot control the number of undocumented migrants apprehended, CBP OFO ports of entry have limited the number they process. CBP met all TEDS standards at the two ports of entry we visited. There were no detainees at the ports of entry at the time of our site visit.

Facing Growing Apprehensions, Yuma Sector Border Patrol Struggled to Meet TEDS Standards for Single Adult Men but Generally Met the Standards for Other Populations

All three Border Patrol facilities we inspected in the Yuma area generally met TEDS standards for NUCs, families, and single adult women. These populations were transferred to large white soft-sided facilities which were air conditioned and had plastic dividers to limit COVID-19 exposure. As shown in Figures 2 and 3, detainees had access to showers and a change of clothing. They also had catered meals, bottled water, snacks, and fresh fruit. Contract medical staff were on site to provide medical care. DHS volunteers and contract cleaners were on site to assist with distribution of supplies, facilitate showers, and clean holding areas.



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Figures 2 and 3. Showers and Clothing for Migrants at the Centralized Processing Center (Observed on September 14, 2021)

Source: DHS OIG

In contrast, conditions for single adult men held at Yuma station did not always meet TEDS standards. Some single adult men were held in crowded conditions. Efforts to hold detainees who spoke the same language together — allowing detainees who also speak English or Spanish to interpret for those who do not — resulted in more crowded conditions for some detainees. Specifically, although Haitian males were held in one of the largest available cells, as shown in Figures 4 and 5, the cell housing Haitians was more crowded than cells housing other nationalities.

Figures 4 and 5. Haitian Male Migrants in Crowded Conditions (Observed on September 14, 2021)



Source: DHS OIG

Detainees held in overflow military tents, shown in Figures 6 and 7, experienced temperatures exceeding 95 degrees; at the time of our site visit, outdoor temperatures were hotter than 105 degrees. Border Patrol personnel said they tried to place longer-term detainees indoors. They said they had



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Department of Homeland Security

installed industrial fans in outdoor areas and said they had called for maintenance to fix the equipment several times a week.



Figures 6 and 7. Male Migrants in Overflow Military Tents (Observed on September 14, 2021)

Source: DHS OIG

The two facilities housing adult males, Yuma station and Blythe stations, had fewer amenities than those housing families, NUCs, and single adult females. The adult men had access to hygiene supplies, catered meals, snacks, and fresh fruit. Property storage was well organized; some detainees were offered access to their property to obtain documents and medications. However, there were no DHS volunteers available to assist with supplies and care. One facility had a single shower trailer with four stalls; with 503 adult men on site, access to showers was limited. Contract medical staff were on site to provide medical care, but the facility did not appear to be cleaned on a regular basis. The other facility, to which adult men were transported for short periods to facilitate immigration processing, was clean but did not have medical staff on site.

Of the 1,648 detainees held in the three Border Patrol facilities we visited, 280 (17 percent) were held in these facilities longer than 72 hours. Of the 55 family members held longer than 72 hours, all had been held less than a week. Of the 225 single adults held longer than 72 hours, 5 had been held for longer than a week, including 1 held for 12 days. No NUCs were held longer than 72 hours. CBP relied on U.S. Immigration and Customs Enforcement (ICE) for assistance with transportation and detention space for single adults and some families but was releasing other families not amenable to expulsion into the community. Table 4 shows the capacity and demographics of the Border Patrol facilities we visited.



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**Table 4. Total Detainees Held at Yuma Area CBP Facilities
OIG Visited in September 2021**

| Facilities | NUC | Family Units | Single Adults | Grand Total | Holding Capacity ¹⁷ |
|----------------------------|-----------|--------------|---------------|--------------|--------------------------------|
| Yuma Soft-Sided Facilities | 35 | 764 | 311 | 1,110 | 500 |
| Yuma Station | 0 | 0 | 503 | 503* | 264 |
| Blythe Station | 0 | 0 | 35 | 35 | 33 |
| San Luis Port of Entry | 0 | 0 | 0 | 0 | 23 |
| Andrade Port of Entry | 0 | 0 | 0 | 0 | 10 |
| Total | 35 | 764 | 849 | 1,648 | |

*503 includes detainees held in cells indoors and in four military tents outdoors.

Source: DHS OIG analysis of CBP roll call information

All standards for NUCs were met, and comparable amenities were provided to children in family units. Among other requirements under TEDS standards, functioning drinking fountains or clean drinking water must always be available to detainees;¹⁸ snacks and meals must be provided at regularly scheduled intervals;¹⁹ detainees must have access to toilets and sinks, basic hygiene supplies, and bedding.²⁰ CBP met all of these standards for all detained children at the time of our site visits. As shown in Figures 8 and 9, the facility had supplies, including feminine hygiene products, diapers, wipes, and snacks, stored on tables in the soft-sided facilities. Children could leave their pods to obtain supplies, as well as to use toilets with sinks, and migrants were assisted by Border Patrol personnel, as shown in Figures 10 and 11. In addition, for all children, CBP met standards for providing access to medical care and maintaining reasonable temperatures and ventilation.²¹ Also, we observed Border Patrol personnel assisting and processing migrants.

¹⁷ Holding capacities for ports of entry are approximate, as waiting areas can be used for less restrictive detention. Holding capacities for Border Patrol stations reflect pre-COVID 19 capacities. At the onset of COVID-19, Border Patrol established cell capacity limits at about one-third of normal capacity, but with the high volume of apprehensions some cells held near their pre-COVID-19 capacity.

¹⁸ TEDS 4.14 *Secure Detention Standards: Drinking Water*.

¹⁹ TEDS 4.13 *Secure Detention Standards: Food and Beverage, Meal Timeframe and Snack Timeframe*; TEDS 5.6 *Detention: Meals and Snacks – Juveniles, Pregnant, and Nursing Detainees*.

²⁰ TEDS 4.15 *Secure Detention Standards: Restroom Facilities*; TEDS 5.6 *Detention: Hold Rooms – UAC*; TEDS 4.11 *Secure Detention Standards: Hygiene*; TEDS 4.12 *Secure Detention Standards: Bedding*.

²¹ As noted in Appendix A, the *Flores Settlement Agreement* of 1997 and subsequent Federal court decisions include standards of care for detained children.



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Figures 8 and 9. Migrant Supplies (Observed on September 14, 2021)
Source: DHS OIG



Figures 10 and 11. Toilets with Sinks and Border Patrol Personnel Assisting Migrants (Observed on September 14, 2021)
Source: DHS OIG

As shown in Figures 12 and 13, the facility had phone booths, which offered telephone access to NUCs, as well as video teleconferencing equipment. As shown in Figures 14 and 15, Border Patrol had obtained toys for the children, including large building blocks, play equipment, and beach balls. We observed children playing with the toys.



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Figures 12 and 13. Telephones with Video Teleconferencing Equipment for Migrant NUCs (Observed on September 14, 2021)

Source: DHS OIG



Figures 14 and 15. Building Blocks and Play Equipment for Migrant Children (Observed on September 14, 2021)

Source: DHS OIG

Border Patrol Experienced Data Integrity Issues

We found issues with data integrity during our site visit, not only regarding CBP staffing at stations, but also regarding migrants' locations and care. For example, a senior Border Patrol official at the Yuma station explained that the sector may start each shift with many agents assigned to the field. However, when there are apprehensions in the field, those agents may be pulled into detainee transportation and immigration processing. Unless agents update their assignments to reflect their changed status, statistics may misleadingly indicate the agents are still operating in the field. Therefore, a senior Border Patrol official said it is difficult for the Border Patrol to demonstrate with statistics the effects of increased apprehensions on its overall operations.



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We observed that the Yuma station, which houses single adult men, did not accurately reflect which detainees were being held in cells and which detainees were being held outdoors in overflow military tents. Without accurate information about where in the station these men were being held, and for how long, it was difficult to monitor crowding or limit the time detainees spent in hot outdoor conditions.

In addition, at Yuma station and the Yuma white soft-sided facilities, information about detainee access to showers and medical screening was unreliable. Some detainees we interviewed did not recall receiving medical screening or showers even though it was noted in their custody logs.

Information about supplies provided to detainees was also unreliable. For example, one Border Patrol agent routinely selected all available amenities in completing the activity logs; as a result, the activity logs indicated that adult and teenage male detainees were receiving diapers and feminine hygiene products. In follow-up comments, Border Patrol personnel stated that several cells and housing pods at the Yuma soft-sided facilities have supplies, including tables with diapers, baby supplies, and also have feminine hygiene products readily available to the detainees at all times. Border Patrol personnel stated that following our site visit, leadership sent out emails directing agents to cease applying actions “en masse” to all subjects in custody.

We raised this data integrity issue with senior Border Patrol leadership at Yuma station, who stated that they would implement a process to correct this matter. We received documentation that senior leadership sent an email the following day to correct record-keeping on supplies and medical screening, noting that if a medical emergency occurred before the initial screening was recorded in the data system, there would be no record of the screening. In written comments, Border Patrol headquarters leadership also stated that local leadership routinely reviews activity logs to ensure TEDS compliance and that Yuma Sector’s Office of Policy and Compliance also conducts unannounced inspections of all detention facilities within the sector on a quarterly basis.

Ports of Entry Met TEDS Standards

In contrast to Border Patrol, which cannot control the number of undocumented noncitizens it apprehends, OFO has limited the number of undocumented noncitizens processed at ports of entry. The two ports of entry we visited met TEDS standards for toilets, food, water, blankets, and hygiene products. The ports were well stocked with items for children. One port had one contract medical staff member to conduct medical screening. The other port, which is open from 6:00 a.m. to 2:00 p.m., relies on local hospitals to



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provide emergency medical care to detainees. Detainees at this port are transported quickly to a larger port of entry for immigration processing. At the time of our unannounced visit, there were no detainees being held at either of these two ports of entry.

Conclusion

As we noted in our analysis in 2019, migrant surges at the Southwest Border require a whole-of-government approach. Interdependencies among CBP, ICE, United States Citizenship and Immigration Services (USCIS), and other agencies, including the Department of Justice, limit the Border Patrol's ability to unilaterally address overcrowding and prolonged detention.²² With sharp increases in apprehensions of migrants not subject to Title 42 expulsions in Yuma sector, Border Patrol struggled to comply with TEDS standards for overcrowding, prolonged detention, and adequate temperatures for single adult males. In addition, Yuma Border Patrol sector's unreliable data entry could result in inaccurate information about staffing at stations, migrants' locations, conditions of detention and access to medical care.

Recommendation

We recommend the Yuma Sector Chief, U.S. Customs and Border Protection:

Recommendation 1: Oversee a data integrity review at the Yuma Border Patrol station for a sampling of detainees' custody logs for 1 month, to ensure that the information reflected is accurate. If the problem persists, please provide additional training to Yuma station agents on how to document detainees' activity logs accurately.

In our review of the 2019 migration surge, we made six recommendations to DHS to better prepare for future surges.²³ Three of the recommendations have

²² [*DHS' Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge*](#), OIG-21-29, March 2021, p. 44.

²³ We recommend the Director, Immigration and Customs Enforcement:

Recommendation 1: Create a comprehensive surge detention capacity contingency plan that considers Customs and Border Protection apprehension levels, and ensure a process exists for its implementation during future surges. (Resolved and Closed)

Recommendation 2: Standardize documentation required in alien files that Customs and Border Protection needs to include for transfer of aliens from Customs and Border Protection to Immigration and Customs Enforcement, Enforcement and Removal Operations custody that will apply to all field offices. (Resolved and Open)

We recommend the Commissioner, Customs and Border Protection:



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Department of Homeland Security

been fully implemented. For example, in response to our recommendation to develop a surge detention capacity contingency plan, ICE has indicated that it had renegotiated the terms of multiple existing contracts to implement surge capacity at vendor facilities. The contract modifications are intended to allow ICE to quickly expand (and contract) utilization of surge beds on short notice. Additionally, CBP Border Patrol indicated that it has developed and continues to disseminate a daily report regarding the Southwest Border lines of effort. The daily report provides a regular update to leadership and stakeholders regarding Southwest Border activity, resources, and personnel deployments to increase officer safety and safe transportation, detention, and processing of those in CBP custody. There are two additional recommendations which, when implemented, should better prepare DHS to limit overcrowding and prolonged detention during migration surges. CBP agreed with a recommendation to inventory the infrastructure enhancements used in 2019 and incorporate these into its response for future migrant surges, and initially estimated a completion date of March 31, 2022. Finally, DHS agreed with a recommendation to develop thresholds at which a whole-of-government approach is needed to address migrant surges, which is also still open, and initially estimated a completion date of February 28, 2022.

Recommendation 3: Identify strategies and solutions Customs and Border Protection's Border Patrol sectors and Office of Field Operations field offices used during the 2019 surge to manage delays in detainee transfers to partner agencies, determine the best practices that can be implemented during future surges, and communicate these best practices across the organization, and ensure a process exists for their implementation during future surges. (Resolved and Closed)

Recommendation 4: Conduct an inventory of infrastructure enhancements acquired during the 2019 surge and incorporate these into planning and staging for future migrant surges. (Resolved and Open)

Recommendation 5: Provide guidance to Border Patrol sectors to incorporate Immigration and Customs Enforcement, Enforcement and Removal Operations and Health and Human Services capacity in risk assessments for future migrant surge planning. (Resolved and Closed)

We recommend the Secretary, Department of Homeland Security:

Recommendation 6: Ensure Customs and Border Protection and Immigration and Customs Enforcement establish, draft, and coordinate thresholds, in consultation with the DHS Office of Strategy, Policy, and Plans with approval from the Secretary, for when DHS will request a whole-of-government approach to address transportation, case processing, and detention gaps during migrant surges. (Resolved and Open)



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Management Comments and OIG Analysis

CBP officials concurred with our recommendation and described corrective actions to address the issues identified in this report. Appendix B contains CBP's management response in its entirety. We also received technical comments to the draft report and revised the report as appropriate. We consider our recommendation resolved and open. A summary of CBP's response and our analysis follows.

CBP Response to Recommendation 1: CBP officials concurred with the recommendation, stating that a senior Yuma CBP official will review custodial action logs three days a week for one month for randomly selected non-citizens in custody. These reviews will examine whether appropriate custodial actions were provided and recorded, for the non-citizens in custody. The Yuma official will either document this process or complete an after-action report with findings. If the issue persists, additional training will be provided. CBP estimates completion by August 31, 2022.

OIG Analysis: We consider this action responsive to the recommendation, which is resolved and open. We will close this recommendation when Yuma officials submit documentation showing the results of the review of custodial action logs, and any resulting training, if training needs are identified.



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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*.

Our objective was to determine whether CBP complies with the TEDS standards related to length of detention, and health and safety issues, for detained migrants.

Prior to our inspections, we reviewed relevant background information, including DHS OIG hotline complaints and information from congressional requests, non-governmental organizations, and media reports.

Between September 14 and 16, 2021, we visited three Border Patrol facilities in the Yuma area (Yuma large white soft-sided facilities, and Yuma station in Arizona, and Blythe station in California) and two ports of entry (San Luis in Arizona, and Andrade in California).

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, when possible, we interviewed detainees with language assistance services to provide interpretation. We photographed examples of compliance with TEDS. For example, we took photographs to document the presence of food and supplies and photographed the conditions of cells.

With the number of detainees arriving and departing each day, conditions at facilities — including crowding and the presence of NUCs and families — could vary by day. Our conclusions are, therefore, limited to what we observed and to information we obtained from detainees and CBP staff at the time of our site visit.

Within TEDS, we prioritized standards that protect children. These standards are derived from the *Flores Agreement*²⁴ and the *Trafficking Victims Protection Reauthorization Act of 2008*.²⁵ For example, the *Flores Agreement* generally permits detention of minors for no longer than 72 hours, with a provision that in an emergency or influx of minors, placement should be as expeditious as

²⁴ *Flores Settlement Agreement* of 1997.

²⁵ Pub. L. No. 110-457, § 235(b)(3), 122 Stat. 5044, 5077 (2008); see also 8 U.S.C. § 1232(b)(3).
www.oig.dhs.gov 19 OIG-22-38



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possible. In addition, the *Trafficking Victims Protection Reauthorization Act of 2008* requires DHS to transfer the custody of all unaccompanied children to the U.S. Department of Health and Human Services within 72 hours of determining that a child is an unaccompanied child, absent “exceptional circumstances.” The *Flores* Agreement and subsequent Federal court decisions also require care for detained juveniles, including access to drinking water, meals, and snacks; to toilets and sinks; and to basic hygiene supplies and bedding, showers, and adequate temperatures and ventilation.

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

- 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).
- Have a process for medical emergencies (TEDS 4.10).
- 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 September 2021 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.



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Appendix B
CBP Comments to the Draft Report

1300 Pennsylvania Avenue, NW
Washington, DC 20229



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

March 15, 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

3/15/2022

X
Signed by: HENRY A. MOAK JR

SUBJECT: Management Response to Draft Report: “Yuma Sector Border Patrol Struggled to Meet TEDS Standards for Single Adult Men but Generally Met TEDS Standards for Other Populations” (Project No. 21-047-ISP-CBP(b))

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

CBP is devoted to the care and processing of individuals in custody with the utmost dignity and respect while performing our essential role in securing our Nation’s borders at, and between, ports of entry. CBP’s U.S. Border Patrol (USBP) has taken, and continues to take, measures to address and prevent the prolonged detention of individuals in custody at the Yuma (YUM) Sector.

The CBP USBP YUM Centralized Processing Center (CPC) staff recognizes the importance of documenting detainees’ activity logs accurately. Accordingly, in September 2021, YUM CPC management addressed the importance of accurate detainee logs via pre-shift briefings, as well as via email to all agents assigned to the YUM CPC. The YUM CPC management continues to emphasize the importance of contemporaneous documentation and data quality with the CPC agents.

From October 2021 through January 2022, USBP Headquarters sent several teams of custodial processing subject matter experts to the YUM CPC to examine all aspects of processing at the YUM CPC, to include the recording of custodial actions. Additionally, this team of experts trained Border Patrol Agents (BPA) on the procedures to record custodial actions, and supervisory BPAs were trained on how to verify if these actions have been completed.



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Department of Homeland Security

Further, on December 23, 2021, the YUM Sector Chief Patrol Agent signed the “Yuma Sector CPC Internal Operating Procedures” that defines the roles and responsibilities for personnel assigned to manage custodial actions. The responsibilities outlined in the IOP include ensuring that medical screenings and the amenities provided are documented accurately and in a timely manner in USBP’s processing system e3, and that migrants are assigned to the proper hold rooms. This IOP also describes, in detail, which custodial actions need to be performed and recorded for non-citizens in custody.

Finally, an expansion to YUM CPC’s Soft Sided Facility (SSF) is scheduled for completion in April 2022. This SSF expansion project will include reinforced pods capable of housing single adult detainees currently being housed at Yuma Border Patrol Station (YUS). To increase the accuracy of the recording of custodial actions, a minimum of two BPAs will be assigned to each pod to provide security and perform other custody-related tasks.

The draft report contained one recommendation for CBP, with which CBP concurs. Attached find our detailed response to the 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.

Attachment



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Attachment: Management Response to Recommendation Contained in 21-047-ISP-CBP(b)

OIG recommended that the Yuma Sector Chief, CBP:

Recommendation 1: Oversee a data integrity review at the Yuma Border Patrol Station for a sampling of detainees' custody logs for 1 month, to ensure that the information reflected is accurate. If the problem persists, please provide additional training to Yuma Station agents on how to document detainees' activity logs accurately.

Response: Concur. The Yuma Sector CPC Assistant Chief Patrol Agent, will review custodial action logs three days a week for one month for randomly selected non-citizens that are in custody at YUS. These reviews will examine whether appropriate custodial actions were provided, and recorded, for the non-citizens in custody. YUM CPC will document this process or complete an after-action report with findings. If the issue persists, additional training in the form of emails, muster modules, and one-on-one training will be used to train and correct BPAs in properly logging custodial actions in the e3 Detention Module. Estimated Completion Date: August 31, 2022.



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Appendix C
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Appendix D
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