

# Office of Inspector General

## Issue Brief

June 2020, OEI-05-19-00210



## Unaccompanied Alien Children Program Care Provider Facilities Do Not Include All Required Security Measures in Their Checklists

### Why OIG Did This Review

Protecting children in the Unaccompanied Alien Children (UAC) Program is an essential and ongoing responsibility of the Office of Refugee Resettlement (ORR). By law, ORR, which is within the Department of Health and Human Services' Administration for Children and Families (ACF), has custody of and must provide care for each child in the UAC Program.<sup>1</sup> To address the needs of the children in its custody, ORR enters into grants or contracts with care provider facilities (facilities) to house and care for the children.<sup>2</sup> ORR requires facilities to provide care in a child-friendly environment that does not pose a safety risk and has a non-institutional, home-like atmosphere.<sup>3, 4</sup>

To mitigate against safety risks, ORR requires facilities to employ three physical security measures: (1) controlled entry and exit, (2) alarm systems, and (3) video monitoring.<sup>5, 6</sup> Further, ORR requires facilities to use facility inspection checklists (hereafter referred to as inspection checklists) to ensure that these required physical security measures are present and working.<sup>7</sup> Similar to safety checklists used in other environments (e.g., hospitals and aircraft), these checklists can be used by facility staff to systematically check whether physical security measures are functioning and to self-identify concerns with measures that can leave children at risk for potential harm.<sup>8</sup>

This issue brief focuses on the extent to which selected facilities' inspection checklists included the ORR required physical security measures, as well as ORR's oversight of facilities' use of inspection checklists to identify and address safety concerns. Our review does not address whether the selected facilities had the required physical security measures.

To conduct this review, we analyzed inspection checklists submitted from 40 of the 45 selected facilities we visited, interviewed program directors and ORR Federal field specialists, and reviewed relevant ORR policy and guidance. (See the Methodology section for more information.) Office of Inspector General (OIG) staff briefed ORR staff on opportunities to improve physical security measures at facilities based on observations made during our onsite reviews.

Other OIG reports have addressed different aspects of children's safety when in HHS's custody and care, including facility compliance with background screening requirements for the facility employees who have

---

### Key Takeaways

- Almost all facilities' inspection checklists did not include checks of whether all ORR-required physical security measures were present and working.
  - When facilities included physical security measures in their inspection checklists, they did not always describe in detail what elements to check for those measures.
  - ORR does not provide guidance or routine oversight on facilities' use of inspection checklists.
-

direct contact with children<sup>9</sup> and the challenges facilities reported providing mental health services.<sup>10</sup> Another OIG report focuses on incidents reported to ORR by facilities and challenges in the significant incident reporting process.<sup>11</sup>

### **What OIG Found**

ORR relies primarily on facilities to self-identify and correct concerns with the physical security measures it requires. Inspection checklists provide a key tool for monitoring compliance with ORR's required security measures. However, we found that 39 of the 40 facilities that provided us with their inspection checklists did not include prompts in their inspection checklists to check for one or more of the physical security measures required by ORR. Additionally, facilities that included these measures in their inspection checklists did not always describe in detail what elements of the measures to check. Some facilities' inspection checklists also included checks of two additional measures not required by ORR—perimeters and exterior lighting—which work in conjunction with the required measures in controlling entry and exit from facilities.

ORR does not provide guidance on how frequently facilities should use inspection checklists to check whether the required physical security measures are present and working, nor does it routinely oversee inspection checklist results. If facilities do not regularly check that their security measures are functioning, children potentially could be exposed to safety risks. For example, if a facility has inadequate controlled entry and exit measures, it could lead to unauthorized individuals entering a facility or children leaving unnoticed.

### **What OIG Concludes and Recommends**

ORR and its facilities have an essential and ongoing responsibility to safeguard children in their care. To ensure that facilities routinely check all required physical security measures, we recommend that ACF work with ORR to (1) develop and implement methods to ensure that facilities' inspection checklists include all required physical security measures, (2) develop and implement methods to ensure that facilities regularly report inspection checklist results, and (3) conduct a review to determine whether to enhance required physical security measures. ACF concurred with all three of our recommendations.



# Primer on Facility and ORR Oversight of Required Physical Security Measures

## ORR-Required Physical Security Measures

- **Controlled entry and exit from premises**
- **Communications and alarm systems for all residential areas**
- **Video monitoring**
  - in common and living areas, and
  - of building exterior and surrounding premises.

## Key Facility Monitoring Requirements

- **Facility Inspection Checklists.** ORR directs facilities to have facility inspection checklists, which must include the three key physical security measures. Facilities must adhere to relevant State licensing agency rules and guidance on the frequency in which inspection checklists should be completed.
- **Quarterly Safety Assessments.** ORR directs facilities to conduct quarterly assessments that are intended to document any deficiencies that could impact the safety of children, as well as corrective action plans to correct outstanding deficiencies.
- **Spot Inspections.** ORR directs facilities to conduct spot inspections to note safety concerns through day-to-day observations. Results are tracked and included in quarterly safety assessments.

## Key ORR Oversight Mechanisms

- **Desk Monitoring.** ORR reviews facilities' records and reports. Desk monitoring also includes calls with facilities to become knowledgeable about individual programs.
- **Routine Site Visits.** ORR guidance states that it conducts site visits to facilities monthly or twice a month to observe service delivery and review records and procedures, including whether facilities follow ORR policies, procedures, and guidelines. Visits may be either announced or unannounced.
- **Monitoring Visits.** ORR conducts formal monitoring visits at least once every 2 years. Facilities submit a completed Monitoring Site Visit Guide to ORR prior to these visits. ORR conducts inspections, interviews program staff, and reviews facilities' policies and procedures, reports, and case files, including inspection checklists. ORR also conducts walkthrough inspections using a standardized monitoring tool.

Source: Office of Refugee Resettlement, *ORR Guide: Children Entering the United States Unaccompanied*, §3.3.4, Safety Planning; §4.4.2, Video Monitoring; and §5.5.1, Monitoring and Compliance.

# RESULTS

## Almost all selected care provider facilities' inspection checklists did not include checks of whether all required physical security measures were present and working

ORR requires facilities to have inspection checklists that include the required physical security measures of controlled entry and exit, alarm systems, and video monitoring. Inspection checklists are intended to prompt facility staff to thoroughly review these measures to ensure they are in place at their facilities and functioning. If inspection checklists are missing prompts to check physical security measures, facilities may not identify when these measures need attention; therefore, they may not identify physical security concerns that could potentially harm children if a security issue were to occur.

## Thirty-nine of 40 facilities' inspection checklists were missing prompts to check one or more required physical security measures

We found that checklists from 39 of the 40 facilities that we reviewed were missing prompts to check at least one of the three physical security measures required by ORR.<sup>12</sup> Of these 39 facilities, 20 were missing prompts to check two or more physical security measures. Of the 40 facilities, only 1 included a prompt to check for all three required physical security measures in its inspection checklist.

Inspection checklists were most frequently missing prompts to check video monitoring. (See Exhibit 1 for the number of facilities missing prompts in their inspection checklists.)

---

### Exhibit 1: Selected Facilities' Inspection Checklists Were Missing Prompts To Check Required Security Measures

- Inspection checklists for 29 facilities were missing prompts to check video monitoring.
  - Inspection checklists for 19 facilities were missing prompts to check alarm systems.
  - Inspection checklists for 9 facilities were missing prompts to check controlled entry and exit measures.
- 

Source: OIG analysis of inspection checklists from 40 selected facilities.

**Inspection checklists for 29 facilities were missing prompts to check video monitoring.** ORR requires video monitoring in common and living areas of facilities where children interact with each other and staff (when allowed under applicable State and local licensing standards), building exteriors, and surrounding premises.<sup>13</sup> This requirement necessitates facilities having cameras installed and positioned to adequately video monitor these areas.

Video monitoring is compromised as a security measure if cameras are not present, functioning, or positioned correctly to provide complete coverage. If a facility's inspection checklist is missing a prompt to regularly check cameras, the facility may not detect whether its cameras and their positioning provide full visibility into all required interior and exterior areas of the facility, leaving potential blind spots. Facility cameras that are not positioned correctly will not capture video footage for conducting post-incident reviews to investigate allegations of incidents that might occur. (See Exhibit 2 for an incident reported by a facility involving video monitoring.)

---

**Exhibit 2: Video Monitoring Incident**

Video footage was requested to investigate an incident that occurred in a facility's classroom. The classroom had a camera as required by ORR; however, it did not provide coverage of the entire classroom. As a result, the camera failed to capture the activities that occurred. Thus, the facility's video footage was not useful in the investigation of the incident.

The facility was missing a prompt to check video monitoring in its inspection checklist. Since the incident occurred, the facility has fixed the camera positioning in the classroom.

---

**Inspection checklists for 19 facilities lacked prompts to check alarm systems.** ORR policy requires facilities to have alarm systems (e.g., security alarms) in places where children reside. Alarms are intended to alert facilities—via a siren or other mechanisms—to any detected breach, such as an individual trying to enter or exit a facility without authorization.

If inspection checklists lack prompts to routinely check that alarm systems are functioning, facilities may be unaware that alarms were mistakenly turned off or are malfunctioning. If alarms do not function properly, facilities may not be alerted to unauthorized individuals entering the facility's perimeter or children leaving a facility without authorization. If a child runs away from a facility, ORR, as the legal custodian, cannot account for the child's whereabouts and thus cannot ensure their safety.

**Inspection checklists for nine facilities lacked prompts to check controlled entry and exit measures.** ORR requires facilities to have controlled entry and exit (e.g., secure doors and windows) to ensure that children remain within facility perimeters and to prevent unauthorized access to facilities. If facilities do not regularly check to ensure that their controlled entry and exit measures are working, intruders could enter the facility.

**Facilities that included physical security measures in inspection checklists did not always describe in detail what elements to check.** Facilities that do not comprehensively specify in inspection checklists what elements of security measures

should be checked depend on facility staff to interpret what elements are necessary to check to ensure ineffective checks of necessary security equipment, leading to safety concerns not being identified.

Among the 31 facilities that included controlled entry and exit measures in their inspection checklists, all included prompts to check the security of their doors; only 18 had prompts to also check the security of their windows. Additionally, 21 facilities included at least one other prompt to check controlled entry and exit in their inspection checklists, such as checking key or access card inventory. However, inspection checklists that do not specify all elements of controlled entry and exit may not consistently help facilities identify security concerns that need to be resolved.

Checklists also varied in how specifically they described how to check whether exit and entry measures were properly functioning. Among the 21 facilities that included alarm systems in their inspection checklists, 20 included prompts to test the alarms to ensure that sensors and sirens function properly. One facility's inspection checklist did not prompt staff to test the alarm system. Of the 20 facilities that included prompts to test the alarms, some facilities' inspection checklists went further and specified checking alarm panel batteries and key pad functions.

Among the 11 facilities that included video monitoring in their inspection checklists, 9 had prompts for staff to check whether cameras and monitoring equipment were operational and 3 had prompts for staff to check recorded footage. However, none of these facilities' inspection checklists had specific prompts for staff to check that cameras are positioned correctly or that video monitoring images are clear.

**Some facilities' inspection checklists included prompts to check two additional security measures.** In addition to the three physical security measures required by ORR, some facilities' inspection checklists included prompts to check one or both of two additional measures: (1) perimeters and (2) exterior lighting. Although not required by ORR, these two measures work in conjunction with the required physical security measures to help facilities control entry and exit to facilities to deter and detect threats to ensure the safety of children residing in their care.

Six facilities' inspection checklists included prompts to check the perimeter around the facility structure, including checking gates and fences. Systematically checking facility perimeters can help facilities detect areas that individuals could use to enter or exit the facility. Additionally, two facilities' inspection checklists included prompts to check exterior lighting, including checking that lights outside of the facilities are in good repair and provide adequate lighting at night. Systematically checking exterior lighting can help facilities to limit non-visible areas and improve video image quality of the facility perimeter.

## ORR does not provide guidance or routine oversight on care provider facilities' use of inspection checklists

ORR does not appear to have visibility into whether facilities are regularly checking that their physical security measures are present and working. Although ORR requires facilities to include physical security measures in inspection checklists, almost all facilities' inspection checklists we reviewed were missing prompts to check at least one of the three ORR required physical security measures. Further, ORR mechanisms to monitor facilities do not typically focus on physical security (including whether facilities are routinely checking all physical security measures) and inspection checklist results are not required to be reported to ORR.

## ORR does not provide facilities with specific guidance on incorporating physical security measures into inspection checklists

Although ORR requires facilities to include physical security measures in inspection checklists, it does not provide specific guidance on what content facilities should include in inspection checklists. For instance, ORR does not provide facilities with a template for the inspection checklist that includes the minimum physical security requirements that it sets out in its policy. Additionally, ORR does not provide facilities with guidance on what specific prompts they could incorporate into inspection checklists to comprehensively check that elements of each physical security measure are present and working.

## ORR does not routinely monitor whether facilities use inspection checklists that include required physical security measures

ORR has multiple mechanisms available for monitoring facilities. However, we found that ORR typically does not use these mechanisms to ensure that facilities conduct inspections of physical security measures using their inspection checklists. (See Exhibit 3.)

- ORR stated that its biannual monitoring visits have an onsite monitoring tool to check whether facilities comply with safety and security requirements, including the three required physical security measures. ORR stated that monitors can notify a facility if an inspection checklist is discovered deficient during a monitoring visit. However, our review of ORR's onsite monitoring tool found that the monitoring staff decides whether a review of inspection checklists is necessary.
- According to ORR policy, ORR's desk monitoring reviews and routine site visits generally monitor facilities' compliance with policies and procedures.<sup>14</sup> However, these mechanisms typically do not address whether inspection checklists contain prompts to check the required physical security measures or whether facilities are using checklists to identify and correct physical security concerns.

- ORR stated that it does not require facilities to report physical security concerns identified by their use of inspection checklists. ORR policy instructs facilities to incorporate spot inspection results in the quarterly safety assessments.<sup>15</sup> However, ORR does not require facilities to report the quarterly safety assessments to ORR.

---

### **Exhibit 3: ORR’s Limited Visibility Into Facilities’ Use of Inspection Checklists**

- ORR does not require reviews of inspection checklists during its facility site visits.
  - ORR’s desk monitoring reviews do not address whether inspection checklists include required physical security measures.
  - Facilities are not required to report physical security concerns that they identify to ORR.
-

# CONCLUSION AND RECOMMENDATIONS

ORR has an essential, ongoing responsibility to protect the children in its care. Facilities are required to have security measures in place to keep children safe while ensuring that they receive care in a child-friendly residential structure in the least restrictive environment. This issue brief demonstrates that facilities may not be systematically checking that required security measures are present and working and that increased oversight is needed by ORR to better protect children against the risk of potential harm. Thirty-nine of the 40 facilities' inspection checklists that we reviewed were lacking one or more of the physical security measures required by ORR. Additionally, even when facilities included prompts to check required security measures, they vary in how comprehensively they described what elements of each measure to check.

Although ORR has several potential mechanisms for oversight of facilities' inspection checklists, ORR did not ensure that facilities' checklists included all required physical security measures. Further, ORR does not provide guidance on incorporating the required measures into inspection checklists, nor routinely oversees facilities' use of inspection checklists. To better protect children in ORR's custody, we recommend that ACF work with ORR to:

## **Develop and implement methods to ensure that care provider facilities' inspection checklists include all required physical security measures**

ORR should ensure that facilities routinely use inspection checklists that include all ORR-required physical security measures. ORR should review all facilities' inspection checklists to determine whether they include all required physical security measures and require changes as necessary. ORR might also assist facilities by creating an inspection checklist template that includes, at a minimum, the required physical security measures. ORR could work with security experts to develop this template. Facilities could adapt the template to meet their unique needs and State licensure requirements.

## **Develop and implement methods to ensure that care provider facilities regularly report inspection checklist results to ORR**

To improve ORR's visibility into whether facilities are routinely identifying and documenting any physical security concerns, ORR should require that inspection checklist results are reported to ORR in some fashion. One option would be to require facilities to include inspection checklist results in quarterly safety assessments, which then could be submitted to ORR. ORR could also consider requiring its staff to request inspection

checklist results from facilities during monthly onsite visits and biannual monitoring visits. ORR could use the information gathered to monitor facilities' efforts to address physical security concerns reported in inspection checklist results.

## Conduct a review to determine whether to enhance required physical security measures

Our analysis of inspection checklists found that some facilities' inspection checklists included prompts to check additional security measures that work in conjunction with the required physical security measures. We recommend that ORR evaluate whether to enhance its physical security expectations for facilities. Any physical security enhancement plan should take into consideration the security needs of different types of facilities and Federal law that requires the safe placement of children in the least restrictive setting that is in the best interest of the child.

Options ORR could explore include, but are not limited to:

- evaluating whether additional physical security measures should be required among the safety and security requirements that facilities are required to address when safety planning;
- determining current security measures that need attention and work with facilities to strengthen them;
- creating training materials for facility staff to enhance their understanding of the importance of having and maintaining physical security measures;
- providing technical assistance to facilities regarding their physical security equipment, procedures, and oversight; and
- developing specific policy guidance on security measure requirements.

# AGENCY COMMENTS AND OIG RESPONSE

ACF concurred with all of our recommendations.

In response to the first recommendation, ORR stated that it has developed an updated Site Visit Work Sheet that guides monitors to check that inspection checklists include all required physical security measures and visually inspect that these measures are in place and functioning properly. It also instructs monitors to note areas of concern and any conditions that compromise the effectiveness of existing safety measures. ORR indicated that it has piloted the Site Visit Work Sheet with certain facilities; however, it has not yet fully implemented it across all facilities due to the current coronavirus disease 2019 (COVID-19) public health emergency.

In response to the second recommendation, ORR stated that it is preparing updated guidance directing field specialists (Federal or contract) to review facilities' inspection checklists with local Program Directors. The guidance will require the specialists to complete walkthrough inspections to review and confirm physical security information reported by Program Directors and enter results into a database to record facilities' compliance with physical security requirements. ORR expects to release the updated guidance in conjunction with its updated Site Visit Work Sheet after the COVID-19 public health emergency has subsided.

In response to the third recommendation, ORR stated that it is endeavoring to identify an appropriate resource to advise it on enhancements to its existing physical security requirements for facilities, taking into consideration the demographics of the children in ORR's care, variations in facilities' physical structures, and State and local licensing requirements. Additionally, ORR plans to enhance training for facility personnel on the importance of ensuring physical security in facilities.

OIG appreciates that ORR is already taking steps to implement our recommendations. We encourage ORR to verify that all facilities are including required physical security measures in inspection checklists and regularly reporting checklist results to ORR. We also encourage ORR to continue developing methods to mitigate physical security risks for children at facilities after the recommendations have been implemented. For instance, ORR's addition to the security enhancement plan of training facility staff is crucial for increasing awareness of physical security for all facilities and requires continuing its effort to successfully help facilities better protect children against the risk of potential harm.

For the full text of ACF's comments, see Appendix A.

# METHODOLOGY

We based this issue brief primarily on a review of documents we collected from the 45 selected facilities we visited and ORR headquarters staff. We also conducted interviews with program directors and Federal field specialists and made observations during our site visits. To determine the extent to which facilities' inspection checklists include the physical security measures required by ORR, we analyzed the content of inspection checklists submitted from 40 of the selected facilities we visited. Our review of ORR's oversight of facilities' use of inspection checklists focused on how its guidance and activities related to the contents and use of the checklists.

## Site Visits to ORR Care Provider Facilities

In August and September 2018, OIG conducted site visits and collected documents at 45 of the 102 ORR-funded facilities that were in operation across the country at the time of our review. We used a purposive selection process to achieve wide coverage of facilities participating in the UAC Program. To ensure a diverse set of facilities, our selection included facilities that:

- varied in size,
- operated in different geographic locations,
- operated as shelters or as specialty facilities,
- cared for children of varying ages, and
- cared for separated children.<sup>16</sup>

The 45 visited sites included facilities that cared for 72 percent of the children in ORR custody at the time of our review.<sup>17</sup> Of the facilities that we visited, about two-thirds (28) were shelter facilities, the most common type of facility in ORR's network. We also visited every residential treatment center (two), staff secure (nine), secure (two), and influx (two) facility in ORR's network at the time.

Multidisciplinary teams of OIG staff conducted each site visit.<sup>18</sup> Onsite activities included, among other things, interviewing key facility personnel and conducting structured assessments of facility premises.

## Analysis of Inspection Checklists

In July 2018, in advance of our site visits, we requested that all 45 facilities provide copies of their most recent inspection checklists. In response to our document request, 40 facilities submitted at least one inspection checklist.<sup>19</sup> Checklists varied in how often (i.e., daily, weekly, monthly, and quarterly) they were to be completed.

We reviewed the inspection checklists to determine whether they included the three physical security measures required by ORR: controlled entry and exit, alarm systems, and video monitoring. We also analyzed whether the checklists included checks for two additional, but not required, security measures—perimeters and exterior lighting. To review the inspection checklists, we developed a set of review criteria that aligned with ORR’s broad policy guidance. We used the review criteria to determine whether each checklist included a prompt to check whether each required physical security measure was present.

## Document Review

We collected and reviewed relevant safety and security planning and oversight policies and procedures from ORR headquarters staff between June 2018 and June 2019. We also requested and reviewed written responses from ORR headquarters staff to questions clarifying ORR policies and procedures.

## Interviews

We conducted interviews with program directors while onsite. After conducting site visits, OIG staff also interviewed the 28 ORR Federal field specialists who worked directly with each of the 45 selected facilities. During these interviews, we gathered information and insights from the ORR Federal field specialists about any challenges affecting facilities’ efforts to ensure the physical security of children in their care, including efforts to implement and monitor physical security measures. The interviews were conducted using standardized interview protocols.

## Limitations

Because the facilities we visited were purposively selected, the facilities may not represent the practices of all ORR-funded facilities operating at the time of our review. Thus, the extent to which the inspection checklists we reviewed included required physical security measures does not represent the practices of all facilities.

Our review did not address whether the selected facilities had the required physical security measures, nor did it address other methods facilities may use to identify physical security concerns, such as spot inspections. Additionally, we did not review other safety checks or additional State licensing requirements that facilities may include in their inspection checklists.

## Standards

We conducted this study in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

# APPENDIX A

## Agency Comments



### ADMINISTRATION FOR CHILDREN & FAMILIES

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034  
Washington, D.C. 20201 | www.acf.hhs.gov

Christi A. Grimm  
Principal Deputy Inspector General  
Office of Inspector General  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Ms. Grimm:

The Administration for Children and Families (ACF) thanks the Office of Inspector General (OIG) for the opportunity to respond to the OIG report entitled, *Unaccompanied Alien Children Program Care Provider Facilities Do Not Include All Required Security Measures in Checklists* (OEI-05-19-00210). ACF also thanks OIG for previously sharing certain interim findings from this engagement in October 2019, which allowed the Office of Refugee Resettlement (ORR) to make immediate improvements to the physical security of certain care provider facilities identified by OIG.

As the agency entrusted with the care and custody of unaccompanied alien children (UAC), ORR takes its responsibility to ensure the physical security of the facilities in its network of care providers seriously, while being mindful of its obligation to place each UAC in the least restrictive setting appropriate to the minor's age and special needs. *See* 8 U.S.C. § 1232(c)(2)(A), *see also Flores Settlement Agreement*, ¶ 11.

To that end, as described in the report, ORR has implemented policies regarding safety planning at care provider facilities that require, among other things, controlled entry and exit, alarm systems, and video monitoring, as well as policies regarding the monitoring of facilities' compliance with these requirements. *See* ORR Policy Guide § 3.3.4, Safety Planning; *see also* ORR Policy Guide § 5.5.1, Monitoring and Compliance. ACF is committed to continually improving all aspects of the UAC Program, including ORR's monitoring and oversight of UAC care provider facilities' compliance with required physical security measures. Accordingly, ACF concurs with OIG's recommendations and is working toward implementing the recommended changes.

The following are ACF's specific responses to each of OIG's recommendations:

**Recommendation 1:** Develop and implement methods to ensure that care provider facilities' inspection checklists include all required physical security measures.

**Response:** ACF concurs with this recommendation.

ORR's Federal Field Specialist (FFS) Team has developed an updated Site Visit Work Sheet to guide monitoring visits and ensure that each care provider facility's inspection checklists include all required physical security measures. The updated Site Visit Work Sheet expressly

directs monitors to verify that each facility’s inspection checklist is completed, and that all points are marked “satisfactory.” *See* UAC Manual of Procedures § 3, Appx. 3.

The updated Site Visit Work Sheet also directs monitors to visually inspect the relevant areas of the facility to ensure that the inspection checklist has been completed accurately. Specifically, monitors are directed to determine whether video cameras cover all areas of the facility, are functioning properly, and footage is reviewed/monitored by facility personnel; all means of entering or exiting the facility have appropriate safety measures, such as perimeter barriers and lighting and alarms to indicate unauthorized entry/exit; and that entry/exit alarms for both doors and windows are tested to ensure they are functioning properly.

The updated Site Visit Work Sheet further instructs monitors to note areas of concern, such as ensuring that blind spots are identified and monitored, and that conditions do not compromise the effectiveness of existing safety measures, such as allowing cars to park too close to perimeter fencing. The updated Site Visit Work Sheet also requires monitors to review the appearance of the facility to ensure that it is clean and organized, the number of staff present meet applicable child-to-staff ratios, and staff are engaged and attentive to the UAC environment.

The updated Site Visit Work Sheet has been drafted and piloted on a limited basis at certain facilities. However, full implementation across the entire care provider network has been limited due to the current COVID-19 pandemic. ORR anticipates full implementation once the COVID-19 pandemic has subsided and care provider facilities are able to resume normal operations.

**Recommendation 2:** Develop and implement methods to ensure that care provider facilities regularly report inspection checklist results to ORR.

**Response:** ACF concurs with this recommendation.

ORR is currently preparing updated guidance directing FFS or contract field specialists (CFS) to review the Shelter Checklist with the local Program Director. The FFS or CFS will complete a walk-through inspection to review and confirm the information on the facility’s physical security that was reported by the Program Director. The FFS or CFS will enter their findings into a database in order to create a permanent and ongoing record of each facility’s compliance with physical security requirements.

ORR anticipates releasing the updated guidance in conjunction with the implementation of the updated Site Visit Work Sheet after the COVID-19 pandemic has subsided and care provider facilities have resumed normal operations.

**Recommendation 3:** Conduct a review to determine whether to enhance required physical security measures.

**Response:** ACF concurs with this recommendation.

ORR is endeavoring to identify an appropriate resource to advise it on potential enhancements to the existing physical security requirements. Once the appropriate resource has been identified, it will be necessary to brief the resource on the demographics of the UAC population in ORR care, the variations in the physical plant structure and layout of care provider

Page 3 – Principal Deputy Inspector General

facilities, and state and local licensing requirements. In addition, ORR intends to enhance training for facility personnel to emphasize the importance of physical security and the crucial role of personnel in ensuring the physical security of care provider facilities.

A precise timeline is contingent on ORR's ability to identify an appropriate resource that is both willing and able to work with ORR on security enhancement.

Again, thank you for the opportunity to review this report. ACF takes its responsibilities to ensure the safety and well-being of the UAC in ORR care seriously. We look forward to continuing to improve all aspects of the UAC Program, including the monitoring and oversight of UAC care provider facilities' compliance with required physical security measures. Please direct any follow-up inquiries on this response to Scott Logan, Office of Legislative Affairs and Budget, at (202) 401-4529.

Sincerely,

A handwritten signature in blue ink that reads "Lynn A. Johnson".

Lynn A. Johnson,  
Assistant Secretary for Children and  
Families

# ACKNOWLEDGMENTS AND CONTACT

## Acknowledgments

Office of Inspector General staff who conducted the study and were primary contributors include Christina Price, Jon Paul Correia, and Seta Hovagimian. Key advisors included Laura Canfield, Lonie Kim, Blaine Collins, and Les Hollie, with support from Lyndsay Patty.

We would also like to acknowledge other significant contributors without which this effort would not have been successful. Staff from each Office of Inspector General component contributed, including the Immediate Office, the Office of Audit Services, the Office of Counsel, the Office of Evaluation and Inspections, the Office of Investigations, and the Office of Management and Policy. Contributions included planning and conducting fieldwork, data and administrative support, and report production and distribution.

This report was prepared under the direction of Thomas Komaniecki, Regional Inspector General for Evaluation and Inspections.

## Contact

To obtain additional information concerning this report or to obtain copies, contact the Office of Public Affairs at [Public.Affairs@oig.hhs.gov](mailto:Public.Affairs@oig.hhs.gov). OIG reports and other information can be found on [oig.hhs.gov](http://oig.hhs.gov).

Office of Inspector General  
U.S. Department of Health and Human Services  
330 Independence Avenue, SW  
Washington, DC 20201

# ENDNOTES

<sup>1</sup> UAC are minors who have no lawful immigration status in the United States and do not have a parent or legal guardian available to provide care and physical custody. A child remains in ORR custody until an appropriate sponsor, usually a parent or close relative, is located who can assume custody. Children also leave ORR custody when they turn 18 and “age out” of the UAC Program, or when their immigration status is resolved. 6 U.S.C. § 279(g)(2). *Also see*, Flores v. Reno, No. 85-4544 (C.D. Cal. Jan. 17, 1997). *Also see*, Office of Refugee Resettlement, *ORR Guide: Children Entering the United States Unaccompanied* (ORR Guide), Introduction. Accessed at <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-0> on July 17, 2019.

<sup>2</sup> These facilities, generally, are State-licensed and must meet ORR requirements. Facilities provide housing, food, medical care, mental health services, educational services, and recreational activities.

<sup>3</sup> Office of Refugee Resettlement, *UAC Manual of Procedures*, Section 3, Appendix §3.1 Checklist for Child Friendly Environment.

<sup>4</sup> Federal law requires the safe and timely placement of children in the least restrictive setting that is in the best interest of the child. 8 U.S.C. § 1232(c)(2)(A). To that end, ORR has several different types of facilities in its network that provide different levels of care, including foster care, shelter, staff secure, secure, and residential treatment centers.

<sup>5</sup> ORR Guide, §3.3.4, Safety Planning. ORR policy also requires facilities to have windows in doors of rooms used for one-on-one meetings with children and systems regarding resident population movement and emergency situations (e.g., evacuations, medical and mental health emergencies).

<sup>6</sup> Video monitoring includes both interior areas such as living areas and exterior areas such as building perimeters. Some States prohibit the use of video monitoring of interior areas but do not prohibit its use of exterior areas. As such, facilities would still need to check whether exterior video monitoring was present and working.

<sup>7</sup> ORR Guide, §3.3.4, Safety Planning. Beginning in 2015, ORR required all facilities to have inspection checklists. Inspection checklists must include, along with other safety measures, the three physical security measures required by ORR. Facilities may also add other physical security features to their inspection checklists.

<sup>8</sup> According to ORR, these concerns can include general concerns related to a facility’s physical environment or existing condition that may have implications on child welfare or safety, as well as deficiencies (instances of non-compliance with a rule, policy, or instruction).

<sup>9</sup> *Unaccompanied Alien Children Care Provider Facilities Generally Conducted Background Checks but Faced Challenges in Hiring, Screening, and Retaining Employees*, A-12-19-20001.

<sup>10</sup> *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, OEI-09-18-00431.

<sup>11</sup> *The Office of Refugee Resettlement’s Incident Reporting System Is Not Effectively Capturing Data To Assist Its Efforts To Ensure the Safety of Minors in HHS Custody*, OEI-09-18-00430.

<sup>12</sup> Missing means the inspection checklist did not mention the physical security measure or the prompt does not meet OIG’s criteria developed to review the inspection checklists.

<sup>13</sup> Checking for video monitoring may cover interior and/or exterior video monitoring. While some States prohibit video monitoring to supervise children (i.e., interior video monitoring), we are not aware of any of the States in which these 29 facilities operate prohibiting video monitoring of building exteriors and surrounding premises. As such, these 29 facilities should, at a minimum, have checks of video monitoring of building exteriors and surrounding premises.

<sup>14</sup> ORR Guide, §5.5.1, Monitoring and Compliance.

<sup>15</sup> ORR Guide, §3.3.4, Safety Planning.

<sup>16</sup> The UAC Program serves children who arrive in the United States unaccompanied, as well as children who were separated from their parents or legal guardians by immigration authorities within the Department of

Homeland Security after entering the country.

<sup>17</sup> Most facilities (29 of the 45) cared only for teenagers, but we also visited 16 facilities that cared for younger children.

<sup>18</sup> Each team consisted of at least one evaluator, auditor, investigator, and attorney. These teams were trained in advance regarding their responsibilities specific to this fieldwork.

<sup>19</sup> We did not follow up with the other five facilities to request inspection checklists after our initial data request in July 2018. Therefore, we cannot verify whether these five facilities had inspection checklists.