



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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JUL 30 2014

**MEMORANDUM FOR:** The Honorable Jeh C. Johnson  
Secretary

**FROM:** John Roth *John Roth*  
Inspector General

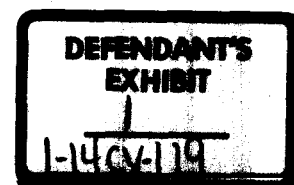
**SUBJECT:** Oversight of Unaccompanied Alien Children

We are performing ongoing unannounced site visits to determine the conditions of detention for unaccompanied alien children (UAC) in DHS custody. Site visits are taking place along the southern border in facilities where Customs and Border Protection (CBP) temporarily house UAC. This report covers fieldwork performed from July 1 - 16, 2014. Site visit locations are included as Attachment 1.

To accomplish this effort, we developed a checklist that incorporates requirements of (1) The *Flores v. Reno* Settlement Agreement and (2) CBP's internal policies that address the 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA). The *Flores v. Reno* Settlement Agreement governs the policy for the treatment of unaccompanied alien children in federal custody. CBP internal policies address additional requirements of the Homeland Security Act of 2002 and TVPRA. Requirements include:

- operable and sanitary toilets and sinks;
- potable drinking water and adequate food;
- emergency medical care; adequate temperatures and ventilation;
- adequate supervision and access to telephones;
- notification to United States Citizenship and Immigration Services asylum officers when UAC raise protection concerns;
- notification to Department of Health and Human Services (HHS) for placement; and,
- UAC held in DHS custody for less than 72 hours before transfer to HHS except in exceptional circumstances.

We used the checklist, along with observations and interviews, to assess the treatment of UAC in DHS custody. When feasible, we ensured that immediate action was taken to correct deficiencies noted during site visits. The checklist is included as Attachment 2.





OFFICE OF INSPECTOR GENERAL

We also initiated investigations based on a June 11, 2014, American Civil Liberties Union (ACLU) complaint to the DHS Officer for Civil Rights and Civil Liberties (CRCL) and the DHS Office of Inspector General (OIG). The ACLU filed this complaint on behalf of 116 UAC alleging criminal behavior; violations of civil rights and liberties; and violations of laws, regulations and policies in the treatment and processing of UAC. DHS is investigating each of these allegations as follows:

- **OIG - 16 allegations**
- **Immigrations and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) - 1 allegation**
- **CBP Office of Internal Affairs (IA) - 99 allegations**

The OIG is monitoring ICE and CBP investigations and will review the results. DHS CRCL identified 38 of the 116 allegations as potential CRCL violations, and will conduct separate reviews as appropriate.

During this reporting period, we conducted 87 unannounced site visits to 63 locations, including CBP ports of entry, U.S. Border Patrol (USBP) checkpoints, stations, and holding facilities; ICE detention centers; and the Federal Law Enforcement Training Center Artesia. We visited selected sites on multiple occasions.

We developed the checklist after completing 18 of our initial site visits. Therefore, this initial report includes information from the 69 site visits where checklists were completed. Our subsequent reports will include information documented on checklists for all site visits. The following section represents our overall conclusions. A detailed summary of our site visit results is included as Attachment 3.

**Allegations of Inappropriate Conduct**

- **OIG, ICE, CBP, and CRCL investigations of allegations of misconduct are ongoing.**
- **We did not observe misconduct or inappropriate conduct by DHS employees during our unannounced site visits.**
- **We did not receive new complaints during our random interviews of UAC.**

**Compliance With UAC Laws, Regulations, Policies**

- **A September 2010 OIG report emphasized the need for CBP to establish a procedure to document required UAC information such as the times meals are served, phone usage, detainee medical conditions, and detainee arrests and releases from CBP custody. As such, E3 is the data system CBP uses to document compliance with UAC guidelines. Border Patrol issued directives in**



OFFICE OF INSPECTOR GENERAL

2012 and 2013 requiring that E3 be used to the fullest extent to capture required UAC information with appropriate updates. However, the system is unreliable due to frequent system outages which have resulted in inconsistent reporting. As a result, E3 is not a reliable tool for CBP to provide increased accountability for UAC's safety and well-being during all phases of CBP's custody process.

- DHS is holding UAC longer than 72 hours because no permanent shelter is available. Employee-to-UAC ratios are inconsistent. For example: (1) one station had more than 25 UAC for each employee while other facilities ranged from 0 to 3 UAC for each employee; (2) not all facilities post copies of UAC policies in English and Spanish; and (3) not all facilities are systematically maintaining an inventory of UAC property.
- Temperatures in DHS facilities were inconsistent. In some facilities, DHS employees cannot adjust thermostats.
- In one location, we observed that contractors did not provide an adequate amount of food. We brought this issue to the attention of CBP officials who corrected it during our site visit.

**Additional Observations**

- Many UAC and family units require treatment for communicable diseases, including respiratory illnesses, tuberculosis, chicken pox, and scabies.
- UAC and family unit illnesses and unfamiliarity with bathroom facilities resulted in unsanitary conditions and exposure to human waste in some holding facilities. Contract cleaners and DHS employees are working to maintain sanitary conditions.
- DHS employees reported exposure to communicable diseases and becoming sick on duty. For example, during a recent site visit to the Del Rio USBP Station and Del Rio Port of Entry, CBP personnel reported contracting scabies, lice, and chicken pox. Two CBP Officers reported that their children were diagnosed with chicken pox within days of the CBP Officers' contact with a UAC who had chicken pox. In addition, USBP personnel at the Clint Station and Santa Teresa Station reported that they were potentially exposed to tuberculosis.
- DHS employees are donating clothing, toys and games to UAC and family units.
- DHS employees are purchasing food, in some instances with their own money, to supplement contract food supplies.



OFFICE OF INSPECTOR GENERAL

**Suggestions for Consideration**

***To the Principal Deputy Assistant Secretary, U.S. Immigration and Customs Enforcement:***

Identify resources necessary for ICE to ensure the E3 data system functions reliably

***To the Commissioner, U.S. Customs and Border Protection:***

Develop, in consultation with DHS CRCL, a "Know Your Rights and Responsibilities" video for UAC and family units. The video should include, but need not be limited to: hygiene while in custody; appropriate use of DHS facilities, including toilets and showers; DHS processing procedures, such as medical screenings and vaccinations; the right to food and potable water; procedures for access to emergency medical care, telephones, and consular notification; and procedures for raising concerns. The video should be available in Spanish and translated to other languages as needed.

Ensure that all DHS facilities that house unaccompanied alien children post the Unaccompanied Alien Child Policy in English and Spanish.

Until E3 is functioning properly, DHS facilities should complete a property checklist for each unaccompanied alien child or family unit in custody.

We appreciate the courtesies and cooperation extended to our staff by CBP personnel during our onsite reviews.

cc: The Honorable Thomas S. Winkowski, Principal Deputy Assistant Secretary  
U.S. Immigration and Customs Enforcement  
The Honorable R. Gil Kerlikowske, Commissioner  
U.S. Customs and Border Protection  
The Honorable Megan H. Mack, Officer for Civil Rights and Civil Liberties

Attachment 2

Name of INV Officer:
Date of observation:
Time of observation:
Name of OBP Unaccompanied Minor Coordinator: