OFFICE OF INSPECTOR GENERAL

El Centro and San Diego Facilities Generally Met CBP's TEDS Standards but Struggled with Prolonged Detention and Data Integrity

Homeland Security

December 20, 2022

OIG-23-03

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

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

December 20, 2022

MEMORANDUM FOR: The Honorable Troy A. Miller
Acting Commissioner
U.S. Customs and Border Protection

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

JOSEPH V CUFFARI
Digitally signed by JOSEPH V CUFFARI
Date: 2022.12.20 10:37:13 -05'00'

SUBJECT: *El Centro and San Diego Facilities Generally Met CBP's TEDS Standards but Struggled with Prolonged Detention and Data Integrity*

Attached for your action is our final report, *El Centro and San Diego Facilities Generally Met CBP's TEDS Standards but Struggled with Prolonged Detention and Data Integrity.* We received technical comments from U.S. Customs and Border Protection (CBP) and incorporated them into the report where appropriate. We also incorporated the formal comments provided by your office.

The report contains two recommendations to improve management of, and conditions in, CBP short-term detention facilities in the El Centro and San Diego areas of California. Your office concurred with both recommendations. Based on information provided in your response to the draft report, we consider these recommendations resolved and open. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to OIGISPFollowup@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

El Centro and San Diego Facilities Generally Met CBP's TEDS Standards but Struggled with Prolonged Detention and Data Integrity

December 20, 2022

Why We Did This Inspection

As part of the Office of Inspector General's annual, congressionally mandated oversight of CBP holding facilities, we conducted unannounced inspections at four locations in the El Centro and San Diego areas to evaluate CBP's compliance with applicable detention standards.

What We Recommend

We made two recommendations to improve management of and conditions in CBP short-term detention facilities in the El Centro and San Diego areas.

For Further Information:
Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

In March 2022, we conducted unannounced inspections of four U.S. Customs and Border Protection (CBP) facilities in the El Centro and San Diego areas of California, specifically two U.S. Border Patrol stations and two Office of Field Operations (OFO) ports of entry. Our inspections and subsequent analysis showed instances of prolonged detention for migrants and overcrowding in some holding facilities. In one Border Patrol station, the prolonged custody times contributed to overcrowding in half of its holding rooms. Of the 447 detainees in custody during our site visits, CBP held 187 (or 42 percent) longer than prescribed by the *National Standards on Transport, Escort, Detention, and Search* (TEDS), which generally limit detention in these facilities to 72 hours. This prolonged detention and overcrowding put a strain on CBP's resources, resulting in inconsistent compliance with TEDS standards in the El Centro and San Diego areas. The facilities we inspected generally met standards related to providing drinking water, snacks, meals, and supplies, but Border Patrol's compliance with standards for access to showers, handling of personal property, and access to interpretation services was inconsistent. Finally, Border Patrol's and OFO's electronic systems of record had data integrity issues related to tracking of medical services, showers, welfare checks, and meals.

CBP Response

CBP concurred with both recommendations. We consider the recommendations resolved and open.

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Abbreviations

CBP	U.S. Customs and Border Protection
ERO	Enforcement and Removal Operations
ICE	U.S. Immigration and Customs Enforcement
OFO	Office of Field Operations
TEDS	*National Standards on Transport, Escort, Detention, and Search*
TIC	time in custody
TPS	Temporary Protected Status
UC	unaccompanied children
USEC	Unified Secondary System

Introduction

With holding facilities in many of its 328 ports of entry and 135 U.S. Border Patrol stations, U.S. Customs and Border Protection's (CBP) ability to meet the 2015 *National Standards on Transport, Escort, Detention, and Search* (TEDS)[1] and provide reasonable care for detainees in short-term holding facilities can vary greatly. Conditions can vary between facilities that operate under CBP's Border Patrol versus its Office of Field Operations (OFO) because of differences in mission, policies, and procedures of these two CBP sub-components. Facility conditions can also fluctuate considerably across Border Patrol sectors because of geography, infrastructure, and a variety of other factors.

In fiscal years 2020, 2021, and 2022, Congress mandated that the Office of Inspector General conduct unannounced inspections of CBP holding facilities. This report describes the results of our FY 2022 inspection of Border Patrol stations and OFO ports of entry in the El Centro and San Diego areas of California.

Border Patrol's El Centro sector and OFO's San Diego field office are in southern California along the international border between the United States and Mexico. The El Centro sector is responsible for 70 miles of the border and uses two Border Patrol stations.[2] OFO's San Diego field office facilitates lawful trade and travel through seven U.S. ports of entry located along the border. In March 2022, we inspected two Border Patrol stations — El Centro and Indio — and two OFO ports of entry — Calexico West and San Ysidro. Figure 1 shows the locations of the facilities we inspected.

[1] The TEDS standards govern CBP's interaction with detained individuals. CBP, *National Standards on Transport, Escort, Detention, and Search*, Oct. 2015.

[2] The El Centro sector has four Border Patrol stations within its area of operations: Calexico, El Centro, Indio, and Riverside. At the time of our inspection, officials at El Centro Border Patrol station said agents from Calexico were diverted to El Centro and Indio to focus operations, and Riverside has been closed since March 2014.

Figure 1. Locations of CBP Facilities Visited in March 2022

Source: DHS OIG
Abbreviation: POE = port of entry

Background

CBP's OFO performs immigration and customs functions, conducts inspections at ports of entry to safeguard the United States from terrorism and illegal entry of persons, and facilitates the flow of legitimate travelers and trade under immigration, customs, and other laws. Between ports of entry, CBP's Border Patrol detects and interdicts people and goods suspected of entering the United States without inspection. OFO and Border Patrol are generally responsible for short-term detention of people who are inadmissible or deportable from the United States or subject to criminal prosecution.[3] Because CBP facilities are only equipped for short-term detention, CBP may repatriate, release, or transfer detainees to other agencies. As appropriate, CBP coordinates with U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) to place migrants in long-term detention facilities managed by ICE ERO. CBP also coordinates with the U.S. Department of Health and Human Services' Office of Refugee Resettlement for the placement of unaccompanied children (UC).

[3] Short-term detention is defined as "detention in a U.S. Customs and Border Protection processing center for 72 hours or less, before repatriation to a country of nationality or last habitual residence," see 6 U.S.C. § 211(m)(3).

CBP Standards for Detention at Short-Term Holding Facilities

TEDS standards govern CBP's interactions with detained individuals and specify how detainees should be treated while in CBP custody. According to TEDS, every effort must be made to promptly transfer, process, release, or repatriate detainees within 72 hours of being taken into custody, as appropriate and operationally feasible.[4] 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.[5] CBP must also ensure that holding facilities are kept clean and are temperature controlled and adequately ventilated.[6]

The TEDS standards also outline general requirements for detainee access to medical care. In late December 2019, CBP enhanced these requirements by adopting CBP Directive No. 2210-004,[7] 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)[8] and a Medical Summary Form (CBP Form 2501) to document detainee health conditions, referrals, and prescribed medications.

CBP Migrant Encounters on the Southwest Border

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

[4] TEDS 4.1, *Duration of Detention.* TEDS states that every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation, as appropriate and as operationally feasible. The TEDS standards generally limit detention in CBP facilities to 72 hours, with the expectation that CBP will transfer UCs to the Office of Refugee Resettlement and repatriate or release families and single adults or transfer them to ICE ERO long-term detention facilities or other partners as appropriate. For DHS authority to detain individuals, see 6 U.S.C. § 211(c)(8)(B) and 6 U.S.C. § 211(m)(3).
[5] TEDS 4.14, *Drinking Water;* TEDS 4.13, *Food and Beverage: Meal Timeframe* and *Snack Timeframe;* TEDS 5.6, *Detention: Meals and Snacks – Juveniles, Pregnant, and Nursing Detainees*; TEDS 4.15, *Restroom Facilities*; TEDS 5.6, *Detention*: *Hold Rooms – UAC*; TEDS 4.11, *Hygiene;* and TEDS 4.12, *Bedding.* Under TEDS standards, reasonable efforts must be made to provide showers to juveniles approaching 48 hours and adults approaching 72 hours in CBP custody; see TEDS 4.11, *Hygiene: Basic Hygiene Items,* and TEDS 5.6, *Detention: Showers – Juveniles.*
[6] TEDS 4.7, *Hold Room Standards: Temperature Controls;* and TEDS 5.6, *Detention*: *Hold Rooms – UAC.*
[7] CBP Directive No. 2210-004, *Enhanced Medical Support Efforts*, Dec. 30, 2019.
[8] The questions on CBP Form 2500 are used to determine whether a detainee has any injury, symptoms of illness, known contagious diseases, or thoughts of harming self or others. For seven of the questions, a positive response would automatically prompt a more thorough medical assessment.

standards for time in custody (TIC) and can lead to facility overcrowding.[9] As shown in Table 1, encounters[10] of migrant UCs, family units, and single adults on the Southwest border can vary widely by year.

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

Fiscal Year	UCs	Family Units*	Single Adults	Totals
2017	41,435	75,622	186,859	303,916
2018	50,036	107,212	239,331	396,579
2019	76,020	473,682	301,806	851,508
2020†	30,557	52,230	317,864	400,651
2021	144,834	451,087	1,063,285	1,659,206
2022 to date‡	137,554	438,383	1,422,902	1,998,839

Source: CBP enforcement statistics

* A family unit is a group of detainees that includes one or more noncitizen juveniles accompanied by their parent or legal guardian.

† Beginning in March 2020, CBP included both Title 42 expulsions and Title 8 apprehensions in its encounter numbers. (Under the U.S. Code, Title 42 is a public health authority and Title 8 is an immigration authority.)

‡ FY 2022 statistics are for October 2021 to August 2022.

Border Patrol encounters on the Southwest border fluctuate annually. In FY 2019, the Department of Homeland Security faced one of the largest surges of migrants crossing from the Southwest border, until the COVID-19 outbreak caused a decline in FY 2020. In FY 2021, Southwest border encounters reached a new high of 1,659,206. This trend continued in FY 2022, with a 36 percent increase in migrant encounters in the first 11 months compared with the same period in FY 2021.[11]

Between FY 2017 and FY 2021, Border Patrol encounters in the El Centro sector, on average, made up 6 percent of the total encounters on the Southwest border. In the same period, encounters in the San Diego field office ports of entry made up an average of 34 percent of OFO's total encounters on the

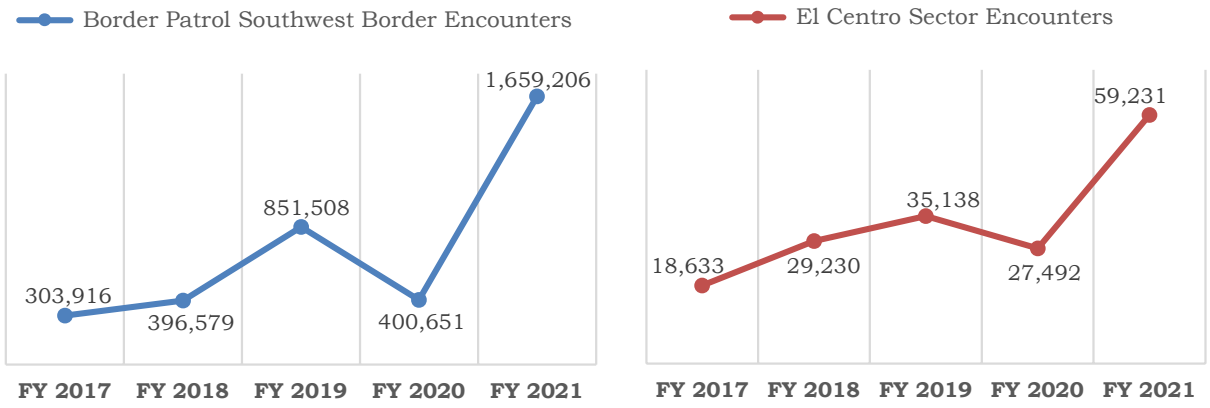
[9] *Capping Report: CBP Struggled to Provide Adequate Detention Conditions During 2019 Migrant Surge,* OIG-20-38, June 12, 2020, p. 8; *DHS' Fragmented Approach to Immigration Enforcement and Poor Planning Resulted in Extended Migrant Detention during the 2019 Surge,* OIG-21-29, Mar. 18, 2021, pp. 11–12.

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

[11] CBP Stats and Summaries: *Southwest Land Border Encounters (By Component)*, Sept. 3, 2022.

Southwest border. See Figures 2 and 3 for comparisons of the encounters along the Southwest border overall with the totals for the El Centro sector stations (Figure 2) and San Diego field office ports of entry (Figure 3).

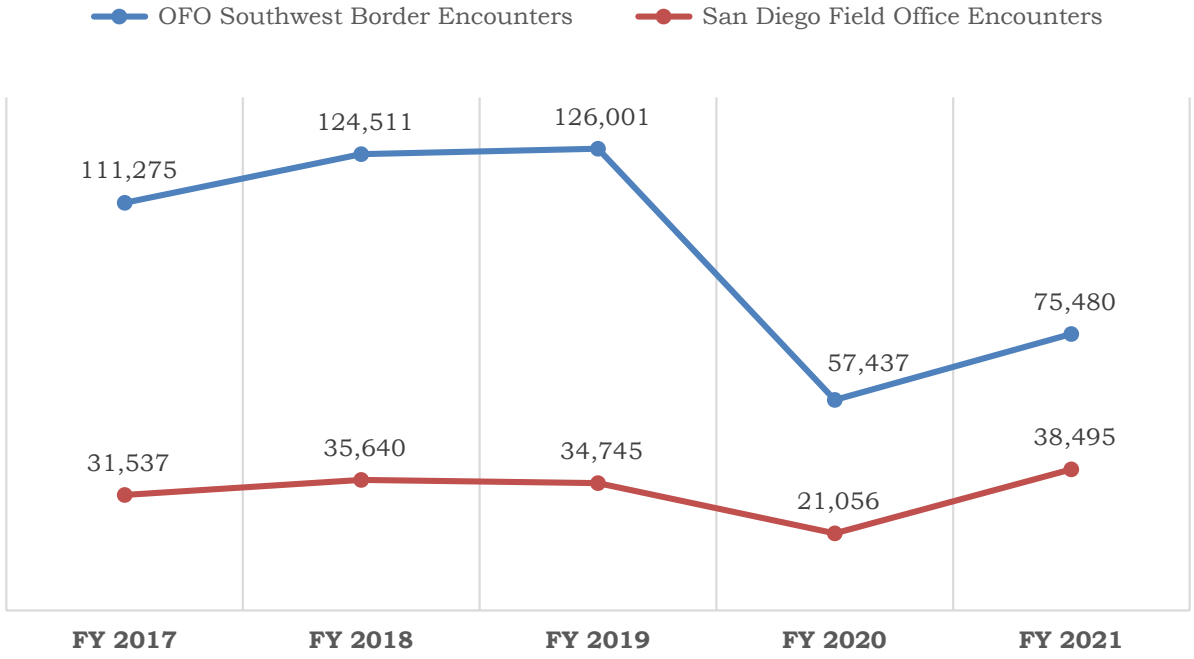
Figure 2. Total Border Patrol Encounters on the Southwest Border and in the El Centro Sector, FYs 2017 to 2021



Source: DHS OIG analysis of Border Patrol statistics

Note: The scales in each graph differ for easier comparison of trends over time.

Figure 3. Total Encounters at OFO Southwest Border Ports of Entry and OFO San Diego Field Office Ports of Entry, FYs 2017 to 2021



Source: DHS OIG analysis of OFO statistics

In March 2020, as a response to the COVID-19 pandemic, the Centers for Disease Control and Prevention issued a public health emergency order known as Title 42, which prohibited entry into the United States by certain people from foreign countries traveling from Canada or Mexico, regardless of their countries of origin.[12] Subsequent orders continued the Title 42 expulsions, with some modifications such as an exemption for UCs. Many migrants encountered by CBP are not amenable to expulsion under Title 42. Migrants who cannot be expelled under Title 42 are processed by CBP pursuant to applicable immigration laws, which may result in their removal, placement in immigration proceedings, or referral for criminal prosecution.

Results of Inspection

During our unannounced inspection in the El Centro and San Diego areas in March 2022, we observed instances of prolonged detention and overcrowding in some holding facilities. In one Border Patrol station, the prolonged custody times contributed to overcrowding in half of its holding rooms. Of the 447 detainees in custody during our site visits, CBP held 187 (or 42 percent) longer than prescribed by the TEDS standards, which generally limit TIC to 72 hours. This prolonged detention and overcrowding strained CBP's resources, resulting in inconsistent compliance with TEDS standards in the El Centro and San Diego areas. The facilities we inspected generally met standards related to providing drinking water, snacks, meals, and supplies, but Border Patrol's compliance with standards for access to showers, handling of personal property, and access to interpretation services was inconsistent. Finally, Border Patrol's and OFO's electronic systems of record had data integrity issues related to tracking of medical services, showers, welfare checks, and meals.

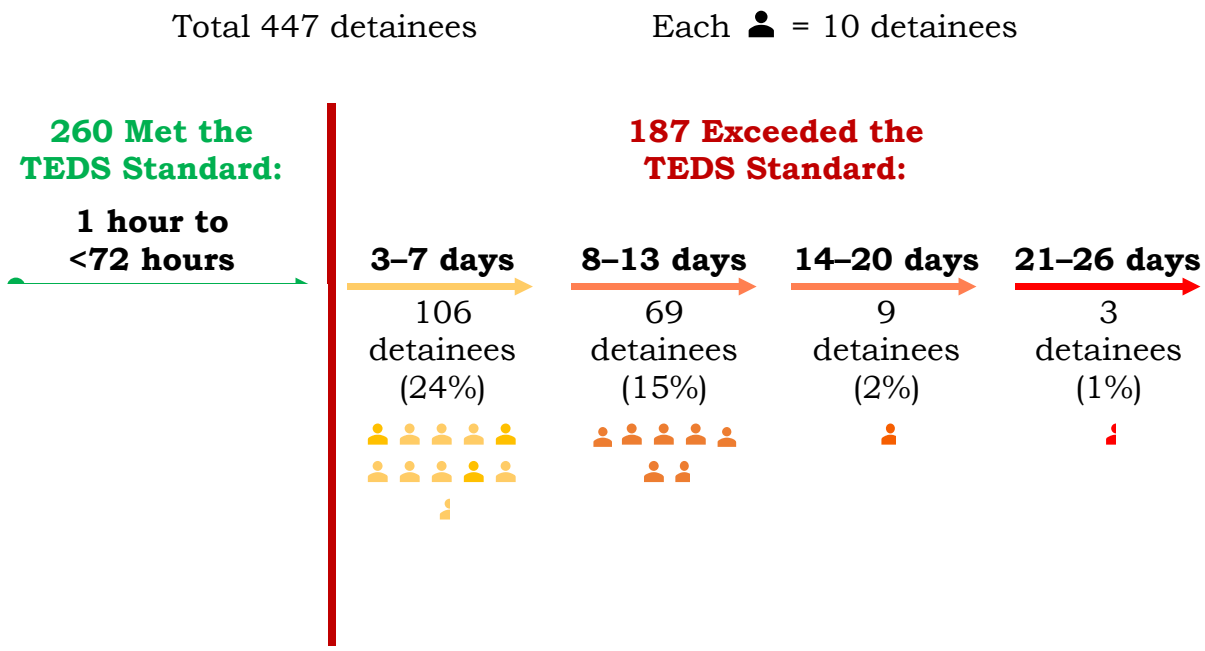
Detainees in CBP Custody Experienced Prolonged Detention and Overcrowding

At the time of our inspection, the San Diego field office was experiencing a 539 percent increase in encounters for this fiscal year compared with the same time the previous fiscal year, and the El Centro sector was experiencing a 31 percent increase in encounters during the same time. As we observed in previous inspections, as border encounters increase, so do detention times. The four CBP facilities we inspected in the El Centro and San Diego areas generally complied with the TIC standard for UCs, families, and single adult women. However, single adult men at the El Centro Border Patrol station and San Ysidro port of entry experienced prolonged detention. We also observed instances of overcrowded holding rooms.

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

A total of 447 migrants were detained across three of the four facilities we inspected in the El Centro and San Diego areas.[13] From the time of apprehension to final book-out, the TIC for 42 percent (or 187) of the total detainees in custody exceeded the 72-hour TEDS standard. See Figure 4 for a summary of time spent in custody across the facilities we inspected.

Figure 4. Overall Time Detainees Spent in CBP Custody March 2022



Source: DHS OIG analysis of CBP data

Most of the cases of prolonged detention were in the El Centro Border Patrol station, where detainees whose TIC exceeded 72 hours spent an average of 5.5 days in custody. At the San Ysidro port of entry that average was 9.9 days in custody, and at the Calexico West port of entry it was 8 days. We also found that family units experienced prolonged detention. According to TEDS, whenever operationally feasible, family units will be processed expeditiously to minimize their TIC.[14] At the El Centro Border Patrol station, we found nine individuals who were a part of four family units and held in Border Patrol custody longer than 72 hours, five of whom were minors.

[13] The fourth facility we inspected, the Indio Border Patrol station, serves as an outbound processing facility for the El Centro Border Patrol station, where migrants are either transferred to ICE ERO custody or released and transported by Riverside County to a nongovernmental organization. As such, to count the migrants on the Indio roll call would have led to a double count for some migrants. The migrants in custody at the Indio Border Patrol station were at the El Centro Border Patrol station the day we inspected that facility and obtained its roll call information.
[14] TEDS 5.6, *Detention: Expeditious Processing.*

Table 2 provides a summary of the three CBP facilities with prolonged detention times.

Table 2. Time in Custody for Detainees, by CBP Facility

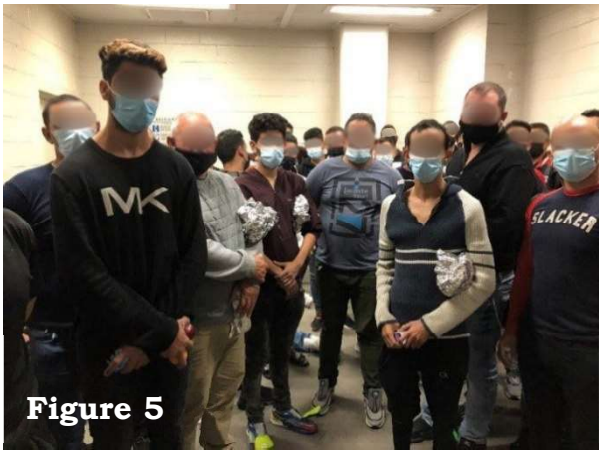
Facility	Detainee Population	Number over 72 Hours	Percentage over 72 Hours	Max TIC (in Days)
El Centro Border Patrol Station	297	112	37%	26
San Ysidro Port of Entry	131	72	55%	21
Calexico West Port of Entry	19	3	16%	13
Total	**447**	**187**	**42%**	

Source: DHS OIG analysis of CBP data

In addition to prolonged detention, we also observed overcrowding in the El Centro Border Patrol station. Specifically, more than half of its holding rooms exceeded maximum capacity levels. TEDS states that under no circumstances should the maximum occupancy rate, as set by the fire marshal, be exceeded.[15]

The El Centro Border Patrol station has eight holding rooms with a maximum capacity of 191 and two tents with a total additional capacity of 100. At the time of our inspection, the station was at 102 percent of its detention capacity, with 297 migrants in custody. Although the overcapacity in the facility overall was not excessive, some holding rooms exceeded capacity limits significantly. Specifically, we observed overcrowding in individual holding rooms for single adult males. Conditions were cramped, without sufficient room for all detainees to lie down or spread out, as shown in Figures 5 and 6.

[15] TEDS 4.7, *Hold Room Standards: Capacity.*

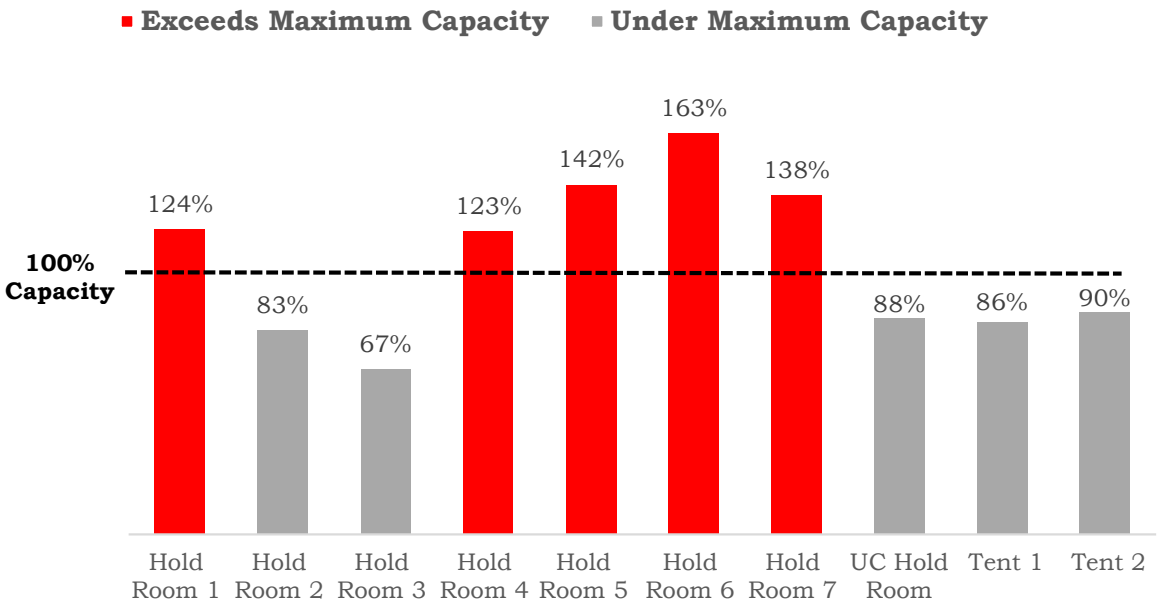


Figures 5 and 6. Detainees in Overcrowded Holding Rooms at the El Centro Border Patrol Station, Observed March 29, 2022

Source: DHS OIG photos

Five of the eight holding rooms at the El Centro Border Patrol station were overcrowded during our visit. For example, one holding room that was designed for a maximum capacity of 24 persons was holding 39 detainees — exceeding its intended capacity level by 63 percent. All five held single adult males, who made up most detainees and occupied seven holding rooms in total. The holding room for UCs and the two tents holding family units and single adult females were under capacity. See Figure 7 for an analysis of capacity of holding rooms and tents at the El Centro Border Patrol station.

Figure 7. Half of El Centro Border Patrol Station Holding Rooms and Tents Were Over Capacity



Source: DHS OIG analysis of Border Patrol data

When we remarked on overcrowding in the El Centro Border Patrol station holding rooms, agents immediately began shifting detainees to balance holding room capacity. Agents explained they try to separate detainees by nationality, when possible, which can result in overcrowding in some holding rooms, depending on the population in custody. For example, Cubans occupied the three most crowded holding rooms. That is why the seven holding rooms for adult single males at El Centro had different occupancy levels, with five over capacity and two under capacity. We interviewed a detainee who said there was no room to sit or sleep in the holding room at El Centro until we arrived and agents spread detainees among other holding rooms.

Border Patrol officials told us they coordinate transfers of detainees from Border Patrol's short-term detention facilities to long-term detention facilities managed by ICE ERO. However, as officials told us, the influx of migrants traveling to the border has outpaced the availability of ICE ERO facility bed space, resulting in Border Patrol having to keep many detainees for longer than 72 hours and contributing to overcrowding.

At the time of our inspection, the San Ysidro port of entry was experiencing high volumes of Ukrainian nationals seeking entry into the United States. According to OFO officers, approximately 800 to 1,200 Ukrainians were traveling per day to Tijuana, Mexico, to cross the border into the United States through the San Ysidro port of entry. As shown in Figure 8, we observed

Ukrainian nationals on the Mexico side of the limit line,[16] waiting for their turn to enter the United States, where officers were processing 150 to 200 migrants a day.

Figure 8. Ukrainian Nationals at the Limit Line Waiting to Enter the United States at San Ysidro OFO Port of Entry, Observed March 31, 2022

Source: DHS OIG photo

On March 11, 2022, CBP issued a memorandum that authorizes OFO to consider Title 42 exceptions on a case-by-case basis for Ukrainian nationals arriving at the U.S. land border ports of entry.[17] OFO officials explained that because Ukrainian nationals are considered refugees they were quickly processed and generally granted asylum or humanitarian parole.[18] Despite the surge of migrant encounters, the San Ysidro port of entry was operating under capacity at the time of our visit.

[16] The limit line along the Southwest border is a position at or near the international border at a port of entry where CBP officers stand to control the flow of undocumented migrants entering the United States for processing.
[17] CBP Headquarters Memorandum to OFO Headquarters and Field Offices on *Title 42 Exceptions for Ukrainian Nationals*, Mar. 11, 2022. This guidance was superseded by the Uniting for Ukraine program, which was announced on Apr. 21, 2022.
[18] Individuals may request parole for themselves or on behalf of another individual who is outside the United States based on urgent humanitarian or significant public benefit reasons. Parole allows an individual to temporarily enter the United States and apply for employment authorization, but it does not confer immigration status or provide a path to lawful immigration status.

The Calexico West port of entry and the Indio Border Patrol station were under capacity and did not face any overcrowding issues at the time of our inspection.

Border Patrol Compliance with Other TEDS Standards Was Inconsistent

We found CBP facilities complied with TEDS standards to provide drinking water, juice, snacks, fresh fruit, hot meals, and clean holding rooms kept at appropriate temperatures with access to toilets and sinks. Further, we observed agents assisting medical personnel treating detainees and providing play equipment for children at their own expense. Facilities had sufficient supplies of over-the-counter medicine, clothing, diapers, formula, as well as mats and blankets. However, we identified instances where standards for showers, maintaining detainee property, and language services were not met.

We found that Border Patrol did not consistently provide showers, soap, and clean towels to detainees approaching 72 hours in detention, as required by TEDS.[19] At one facility, Border Patrol agents explained they did not always have sufficient staff to supervise detainees taking showers and would provide wet wipes in their holding rooms in lieu of showers. These agents elaborated that the station's focus is detainee processing, which includes collecting biographical and biometric information, performing immigration and criminal history checks, verifying the individual's claimed identity, and completing a health interview or medical assessment for urgent medical issues. Consequently, prioritizing those duties affected their ability to help ensure all detainees received showers.

In addition, we identified inconsistencies with the management of detainee property, specifically money. According to TEDS, detainee property, including money, legal papers, and personal items, must be properly handled, retained, retrieved, and returned to the detainee.[20] Further, in April 2021, Border Patrol headquarters issued national guidance to standardize the management of personal property and required agents to inventory personal effects in the presence of detainees, when operationally feasible.[21] One station we visited allowed detainees to keep currency with them. Conversely, at another station, a detained family we interviewed said their cash was not counted in front of them during the intake process and they were not allowed to keep any money or identification documents with them in the holding rooms.

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[19] TEDS 4.11, *Hygiene.* For adults, TEDS states, "Reasonable efforts will be made to provide showers, soap, and a clean towel to detainees who are approaching 72 hours in detention." For juveniles, TEDS 5.6, *Detention*, states these efforts are taken when approaching 48 hours in detention.

[20] TEDS 7.0, *Personal Property.*

[21] U.S. Border Patrol Headquarters Memorandum to all Sectors with *Personal Effects Internal Operating Procedures,* Apr. 22, 2021.

We also found that Border Patrol did not always communicate all instructions and relevant information in a language or manner detainees can comprehend, as required by TEDS.[22] Specifically, we interviewed an unaccompanied 16-year-old from India in Border Patrol custody who said that interpretation services were not provided during intake and health interview processes.

Border Patrol and OFO Had Data Integrity Issues

We found data integrity issues in the electronic systems of record at all four facilities we inspected. Detainee custody logs maintained in Border Patrol's e3 and OFO's Unified Secondary System (USEC) systems inaccurately recorded that some amenities were provided to detainees or did not properly account for actions that should be documented on the custody logs.[23] According to TEDS,[24] "[a]ll custodial actions, notifications, and transports that occur after the detainee has been received into a CBP facility must be accurately recorded in the appropriate electronic system(s) of record as soon as practicable." Having accurate, complete, and consistent data is critical for CBP to monitor the care of detainees and to ensure compliance with TEDS and other applicable standards.

Some of the most significant or common data integrity issues we found in the custody logs included the following:

- At one facility, a roll call report listing all detainees in custody included the names of 11 migrants who were no longer at the facility during the time of our inspection. Agents corrected this error in their system of record before our departure.
- Multiple records at all four facilities inaccurately showed detainees received duplicate meals or did not document that the detainees had received meals.
- Custody logs at two of the four facilities contained inaccurate reporting of showers due to officer or agent input.
- None of the facilities properly documented health interviews or medical assessments.

Data integrity has been a recurring issue for CBP. We observed unreliable data in detainee custody logs in our prior inspections as recently as March 2022 in the Del Rio area of Texas and September 2021 in the Yuma area of Arizona.

[22] TEDS 1.7, *Reasonable Accommodations and Language Access.*
[23] The e3 and USEC systems are CBP's primary systems for collecting biographic, encounter, and biometric data for migrants encountered or apprehended.
[24] TEDS 4.5, *Electronic System(s) of Record.*

Conclusion

As we noted in a 2021 report, migrant surges at the Southwest border require a whole-of-government approach.[25] Interdependencies among CBP, ICE, U.S. Citizenship and Immigration Services, and other agencies, including the Department of Justice, limit CBP's ability to unilaterally address overcrowding and prolonged detention in its holding facilities. With increases in migrant encounters in the El Centro and San Diego areas, CBP continues to have issues with prolonged detention and compliance with TEDS standards. In addition, CBP's unreliable data could result in inaccurate information about conditions of detention.

Recommendations

We recommend the El Centro Sector Chief, Border Patrol, U.S. Customs and Border Protection, and Director of Field Operations, San Diego Field Office, Office of Field Operations, U.S. Customs and Border Protection:

Recommendation 1: Refine current, and identify new, strategies and solutions to manage delays in detainee transfers to partner agencies and communicate those improvements throughout the El Centro sector and San Diego field office.

Recommendation 2: Conduct refresher training on recording information in custody logs, highlighting the importance of accurately accounting for all actions completed by CBP and contract personnel, such as health interviews, meals, and showers.

Management Comments and OIG Analysis

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

CBP Response to Recommendation 1: Concur. CBP described actions taken to address the recommendation. For example, CBP stated that the Movement Coordination Cell, which is a component of the DHS Southwest Border Coordination Center, helps Border Patrol sectors and OFO field offices coordinate transfers to ICE ERO. CBP also stated the Border Patrol has implemented strategies and solutions to transfer detainees to less crowded facilities.

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

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

CBP Response to Recommendation 2: Concur. CBP noted actions it will take to address the recommendation, such as conducting refresher training and communication on CBP's TEDS requirements and recording completed actions.

OIG Analysis: We consider these actions responsive to the recommendation, which we consider resolved and open. We will close this recommendation when CBP submits documentation of completed training and communication on recording information in custody logs.

Appendix A
Objective, Scope, and Methodology

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

Our objective for this unannounced inspection was to determine whether CBP complied with the TEDS standards and other relevant policies and procedures related to length of detention and conditions of detention at CBP short-term holding facilities in the El Centro and San Diego areas of California.

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

Between March 29 and March 31, 2022, we conducted unannounced inspections of two Border Patrol stations in the El Centro sector — El Centro and Indio — and two ports of entry in the OFO San Diego Field Office area of responsibility — Calexico West and San Ysidro.

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

With the number of detainees arriving and departing each day, conditions at facilities could vary daily. Our conclusions are, therefore, limited to what we observed and information we obtained from detainees, CBP staff, and medical contractors at the time of our site visits. We conducted additional interviews with CBP staff and requested additional documentation after site visits to supplement our review.

Within the TEDS standards, we prioritized standards that protect children, derived from the *Flores* Agreement[26] and the *Trafficking Victims Protection Reauthorization Act of 2008*.[27]

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

[26] *Flores Settlement Agreement* of 1997.
[27] Pub. L. No. 110-457, § 235(b)(3), 122 Stat. 5044, 5077 (2008); see also 8 U.S.C. § 1232(b)(3).

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

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

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

Appendix B
CBP Comments on the Draft Report

1300 Pennsylvania Avenue, NW
Washington, DC 20229

U.S. Customs and Border Protection

November 29, 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

11/29/2022
X
Signed by: HENRY A MOAK JR

SUBJECT: Management Response to Draft Report: "El Centro and San Diego Facilities Generally Met CBP's TEDS Standards but Struggled with Prolonged Detention and Data Integrity" (Project No. 22-006-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 leadership is pleased to note the OIG acknowledgment that CBP enhanced the October 2015, National Standards on Transport, Escort, and Detention, and Search (TEDS) standards for persons in custody by adopting CBP Directive No. 2210-004, "Enhanced Medical Support Efforts,"[1] dated December 30, 2019, 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. CBP remains committed to complying with its policies, including but not limited to TEDS, by providing reasonable and appropriate care for persons in CBP's custody.

However, it is important to note that CBP faces ongoing challenges in managing detainee transfers to partner agencies due to the unprecedented migration surge currently being experienced. Regardless, U.S. Border Patrol (USBP) utilizes every means appropriate, and operationally feasible, to ensure detainees in custody are promptly processed, transferred, repatriated, and released within 72 hours to meet TEDS requirements. Additionally, using the Case Acceptance System, CBP coordinates on a daily basis with U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO), non-government organizations, and local stakeholders in the community to facilitate the orderly and timely release of people in CBP's custody.

[1] https://www.cbp.gov/document/directives/directive-2210-004-cbp-enhanced-medical-efforts

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

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

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

Enclosure

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

OIG recommended that the El Centro Sector Chief, USBP, CBP, and Director of Field Operations, San Diego Field Office, Office of Field Operations (OFO), CBP:

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

Response: Concur. The Movement Coordination Cell (MCC), which is a component of the DHS Southwest Border Coordination Center, provides support to USBP Sectors and OFO field offices by assisting in coordination with ICE ERO to provide air and ground movement of non-citizens into ICE ERO custody. Currently there are regularly scheduled air and ground transfers to ERO custody that support San Diego Sector (SDC) and El Centro Sector (ELC), as well as the San Diego field office. These sectors and field offices will request transfers to ICE ERO custody through their local ERO Field Office points of contact, after which local ERO Field Office staff will work directly with their ICE ERO counterparts at the ICE Detention Operations Coordination Center (DOCC), located at the MCC, to manage transport requirements. While the MCC staff does not make operational decisions on behalf of the field components, they will assist in coordinating transfers to ICE ERO upon request.

In addition, CBP's USBP implemented several ongoing strategies and solutions during fiscal year 2022, to decompress the most impacted sectors, such as lateral detainee transfers via ground and air transport to sectors that are not experiencing similar challenges. Due to the lateral decompression strategies used in other sectors, SDC and ELC receive detainee transfers from the most impacted sectors, which may increase detention time in SDC and ELC. USBP continues to assess all sectors and will make operational decisions based on the individual needs of each sector, as appropriate.

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

Recommendation 2: Conduct refresher training on recording information in custody logs, highlighting the importance of accurately accounting for all actions completed by CBP and contract personnel, such as medical screenings, meals, and showers.

Response: Concur. CBP's USBP ELC will conduct refresher training for all personnel classified as General Schedule (GS)-1896 "Border Patrol Agents" and

GS-1802 "Border Patrol Processing Coordinators" on CBP's TEDS requirements, as well as the importance of recording those actions into the appropriate system of record (logs). This training will stress the importance of capturing all actions completed by USBP and contract personnel into the system of record. The thirty-minute refresher training will cover custodial actions taken, to include but not limited to medical screenings, high risk detainee assessments, meals, showers, snacks, and wellness checks.

The San Diego Director, CBP OCO, and the CBP Office of the Chief Medical Officer will continue to message, via annual memos and musters, to CBP Officers the requirements and importance of proper execution and documentation of medical screenings and assessments that are required for persons in our custody.

Estimated Completion Date: March 31, 2023.

Appendix C
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Appendix D
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