



U.S. DEPARTMENT OF HOMELAND SECURITY **OFFICE OF INSPECTOR GENERAL**

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July 16, 2024

FINAL REPORT

Results of October 2023 Unannounced Inspections of CBP Holding Facilities in the El Paso Area





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U.S. Department of Homeland Security

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

July 16, 2024

MEMORANDUM FOR: Troy Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection

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

**JOSEPH V
CUFFARI**

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CUFFARI
Date: 2024.07.16 08:37:29
-0700'

SUBJECT: *Results of October 2023 Unannounced Inspections of CBP Holding
Facilities in the El Paso Area*

Attached for your action is our final report, *Results of October 2023 Unannounced Inspections of CBP Holding Facilities in the El Paso Area*. We incorporated the formal comments provided by your office.

In the report we referred to one open recommendation and made three new recommendations to improve management of and conditions in CBP short-term holding facilities in the El Paso area. Your office concurred with the three new recommendations. Based on information provided in your response to the draft report, we consider the three new 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 and of the disposition of any monetary amounts.

Please send your response or closure request to OIGInspectionsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please contact me with any questions, or your staff may contact Thomas Kait, Deputy Inspector General for the Office of Inspections and Evaluations, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

Results of October 2023 Unannounced Inspections of CBP Holding Facilities in the El Paso Area

July 16, 2024

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 five short-term holding facilities in the El Paso area to evaluate CBP's compliance with applicable detention standards.

What We Recommend

We referred to one open recommendation and made three new recommendations to improve conditions and management of CBP short-term holding facilities in the El Paso area.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at:

DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

In October 2023, we conducted on-site, unannounced inspections at five U.S. Customs and Border Protection (CBP) facilities in the El Paso area, specifically three U.S. Border Patrol (Border Patrol) facilities and two Office of Field Operations ports of entry. At the time of our on-site inspection, CBP held 1,426 detainees in custody in the five facilities. We found that Border Patrol held some detainees in both the El Paso Hardened Facility and Santa Teresa station longer than specified in the *National Standards on Transport, Escort, Detention, and Search*, which generally limits detention to 72 hours. Additionally, Border Patrol experienced challenges staffing El Paso sector centralized processing centers during migrant surges. Overall, CBP generally met other applicable standards related to food, water, hygiene items, and availability of bedding, toilets, sinks, showers, and medical support to detainees. However, we found a few instances of non-compliance related to medical support, hygiene, and bedding. For example, at the Santa Teresa station, we found Border Patrol did not always refer detainees to onsite contract medical staff, make hygiene items available, or provide clean sleeping mats. In addition, we found data integrity issues with information in Border Patrol's electronic system of record, e3.

Border Patrol's Paso Del Norte satellite facility, Office of Field Operations Ysleta port of entry, and Paso Del Norte Border Crossing at the Port of El Paso did not hold detainees in custody longer than 72 hours and met other standards based on our observations.

CBP Response

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



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Abbreviations

CBP	U.S. Customs and Border Protection
CPC	Centralized Processing Center
ERO	Enforcement and Removal Operations
ICE	U.S. Immigration and Customs Enforcement
OFO	Office of Field Operations
Paso Del Norte POE	Paso Del Norte Border Crossing at the Port of El Paso
POE	port of entry
TEDS	<i>National Standards on Transport, Escort, Detention, and Search</i>
UC	unaccompanied children



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Background

As mandated by Congress,¹ we conduct unannounced inspections of U.S. Customs and Border Protection’s (CBP) holding facilities. This report provides the results of our October 2023 inspections in the El Paso area.

The Border Patrol El Paso area of responsibility covers the entire state of New Mexico and the two western most counties in Texas, which includes 264 miles of international boundary. In October 2023, we inspected five CBP facilities in the El Paso area, specifically three Border Patrol holding facilities, including the El Paso Hardened Facility, Paso Del Norte satellite facility, and Santa Teresa station; and two Office of Field Operations (OFO) facilities, Paso Del Norte Border Crossing at the Port of El Paso (Paso Del Norte port of entry [POE]) and Ysleta POE. Figure 1 shows the location of the five facilities we inspected.

Figure 1. Locations of CBP Facilities Visited in October 2023



Source: Department of Homeland Security Office of Inspector General

¹Joint Explanatory Statement Accompanying H.R. 2882, Further Consolidated Appropriations Act, 2024, Div. C, Department of Homeland Security Appropriations Act, 2024 (Pub. L. 118-47).



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We also visited the El Paso Modular Centralized Processing Center (CPC)² and the El Paso Soft-Side Facility. These facilities were not operational at the time of our visit, so we did not conduct inspections.

Border Patrol and OFO are components within CBP headed by a Chief Patrol Agent and Executive Assistant Commissioner, respectively, and are both responsible for border security. OFO manages POEs, where officers perform immigration and customs functions, inspecting people who arrive at the port with or without valid documents for legal entry, such as visas or lawful permanent resident cards, and goods permitted under customs and other laws. Between POEs, Border Patrol's mission is to detect and interdict people and goods entering the United States without inspection. OFO and Border Patrol are responsible for short-term detention, generally of people who are inadmissible or removable from the United States or subject to criminal prosecution.³

Because CBP facilities are only equipped for short-term detention, CBP aims to quickly repatriate, release, or transfer detainees⁴ to other partners. As appropriate, CBP coordinates with U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) to place migrants⁵ in long-term detention facilities managed by ICE ERO or release migrants while they await immigration hearings. Border Patrol also coordinates with nongovernmental organizations to aid migrants it releases. In the case of unaccompanied children (UCs), CBP works with the U.S. Department of Health and Human Services' Office of Refugee Resettlement, the agency responsible for the placement of UCs, to transfer UCs into the Office of Refugee Resettlement's custody.

To encourage the use of legal and orderly immigration pathways, beginning on January 12, 2023, DHS, through the CBP One™ mobile application, permitted migrants to schedule appointments at participating Southwest border POEs for CBP to determine their admissibility into the United States.⁶ Migrants without visas or travel documents can schedule an arrival time in advance at

² CPCs are typically temporary, tent structures used by Border Patrol to hold migrants while they are processed, store migrant personal property, conduct medical evaluation and treatment, and provide basic amenities such as restrooms, showers, food service, and bedding. The holding capacity of Border Patrol's CPCs varies by location from 500 to 2,500. The El Paso Modular CPC, Hardened Facility, and Soft-Side Facility were the CPCs in the El Paso sector at the time of our inspection.

³ 6 United States Code (U.S.C.) § 211(m)(3) defines short-term detention as "detention in a U.S. Customs and Border Protection processing center for 72 hours or less..."

⁴ A detainee is defined as "any person detained in an immigration detention facility or holding facility." See 6 Code of Federal Regulations § 115.5 General Definitions.

⁵ DHS defines a migrant as "a person who leaves his or her country of origin to seek temporary or permanent residence in another country." DHS, *Reporting Terminology and Definitions*, Aug. 2022.

⁶ The initial release of the CBP One™ application on Oct. 28, 2020, was designed to streamline appointments for inspections of imported goods. Beginning on Jan. 12, 2023, CBP adapted the application to include immigration



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participating POEs. Through this mobile application, migrants also submit biographic and biometric information to OFO prior to their appointment. Within CBP's El Paso area of responsibility, OFO processes CBP One™ applicants who arrive for appointments in the Paso Del Norte POE.

CBP Standards for Detention at Short-Term Holding Facilities

The *National Standards on Transport, Escort, Detention, and Search* (TEDS)⁷ govern CBP's interactions with detainees and specify how staff should care for detainees while in CBP custody. According to TEDS, CBP should generally not hold detainees longer than 72 hours (3 days) after being taken into custody.⁸

Additionally, CBP must provide to detainees, or make available basic amenities such as drinking water, meals, access to toilets and sinks, hygiene supplies, and under certain circumstances, bedding, and showers.⁹ CBP must ensure that holding facilities are clean, temperature controlled, and adequately ventilated.¹⁰ CBP must provide regularly scheduled meals and should remain cognizant of detainees with religious or dietary restrictions.¹¹ CBP must maintain age-appropriate supplies and snacks such as diapers, baby bottles, baby formula, and baby food.¹²

TEDS standards also outline general requirements for detainees' access to medical care.¹³ CBP Directive No. 2210-004,¹⁴ requires "deployment of enhanced medical support efforts to mitigate

appointments at participating POEs, including Brownsville, Eagle Pass, Hidalgo, Laredo, El Paso, Nogales, Calexico West, and San Ysidro. On Aug. 31, 2023, we initiated a separate project, *Evaluation of CBP's Implementation of CBP One™ for Southwest Border Undocumented Noncitizens*, with the objective to assess whether CBP adequately planned and implemented CBP One™ application to process undocumented noncitizens arriving at the Southwest border.

⁷ CBP, *National Standards on Transport, Escort, Detention, and Search*, Oct. 2015.

⁸ TEDS 4.1, *Duration of Detention*. Detainees should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities. 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. For DHS authority to detain individuals, see 6 U.S.C. § 211(c)(8)(B); and 8 U.S.C. § 1357(a)(2).

⁹ TEDS 4.14, *Drinking Water*; 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: Basic Hygiene Items*, and TEDS 4.12, *Bedding*. Under TEDS standards, reasonable effort must be made to provide showers to juveniles approaching 48 hours and adults approaching 72 hours in CBP custody; see TEDS 4.11, *Hygiene: Basic Hygiene Items*, and TEDS 5.6, *Detention: Showers – Juveniles*.

¹⁰ TEDS 4.7, *Hold Room Standards: Temperature Controls and Cleanliness*; TEDS 5.6, *Detention: Hold Rooms – UAC*.

¹¹ TEDS 4.13, *Food and Beverage*.

¹² TEDS 5.6, *Detention: Age and Capabilities Appropriate Food*.

¹³ TEDS 4.10, *Medical*.

¹⁴ CBP Directive No. 2210-004, *Enhanced Medical Support Efforts*, Dec. 30, 2019.



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risk to and sustain enhanced medical efforts for persons in CBP custody along the Southwest Border.”

CBP Migrant Encounters on the Southwest Border

In fiscal year 2023, CBP encounters¹⁵ with migrants on the Southwest border reached a new high of 2,473,134. Table 1 shows total CBP encounters on the Southwest border as well as encounters for UCs, family units, and single adults from FY 2021 to 2024.¹⁶

Table 1. CBP Encounters on the Southwest Border, FYs 2021–2024

Fiscal Year	UCs	Family Units	Single Adults	Total
2021	146,925	479,728	1,105,925	1,732,578
2022	152,057	560,646	1,663,278	2,375,981
2023	137,275	821,537	1,514,322	2,473,134
2024 to date*	82,615	652,355	955,172	1,690,142

Source: CBP enforcement statistics

*Border Patrol and OFO month ending reporting for FY 2024 through June 6, 2024.

Results of Inspection

In October 2023, we conducted onsite, unannounced inspections of five CBP short-term holding facilities in the El Paso area, specifically three Border Patrol facilities and two OFO POEs. Table 2 (on the next page) provides a summary of our findings.

¹⁵ An encounter is defined by DHS as an encounter by CBP with a noncitizen who is apprehended by USBP or determined to be inadmissible by OFO.

¹⁶ Table 1 does not include ‘accompanied minors’ demographics, which are a class of inadmissible tracked only by OFO.



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Table 2. Summary of Findings



Border Patrol held some detainees in custody at both the El Paso Hardened Facility and Santa Teresa station longer than the 72-hour TEDS standard.



Border Patrol experienced challenges staffing CPCs during migrant surges.



Overall, CBP generally met other applicable standards related to food, water, hygiene items, and availability of bedding, toilets, sinks, showers, and medical support to detainees. However, we found a few examples of non-compliance related to medical support, hygiene, and bedding.



Data integrity issues existed in Border Patrol's electronic system of record, e3.

DHS OIG analysis of key findings

Border Patrol Held Some Detainees in Custody Longer than the Required Standard

In previous inspections, we reported¹⁷ on prolonged time in custody¹⁸ observed in the El Paso sector. During this inspection, Border Patrol held 1,426 detainees in custody in the five facilities. We again found Border Patrol held some detainees in both the Border Patrol's El Paso Hardened Facility and Santa Teresa station in custody longer than specified in TEDS, which generally limits detention to 72 hours. One detainee custody log we reviewed onsite at the El Paso Hardened Facility showed Border Patrol held this detainee for more than 30 days. We randomly sampled¹⁹ records for 299 of the 1,340 detainees in the El Paso Hardened Facility. According to our analysis of this sample, Border Patrol held 230 (77 percent) detainees longer than the TEDS 72-hour

¹⁷ [Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area](#), OIG-23-50, September 15, 2023. [El Paso Border Patrol Struggled with Prolonged Detention and Consistent Compliance with TEDS Standards](#), OIG-22-57, Aug. 9, 2022.

¹⁸ Time in custody is the period a detainee is under arrest or is detained by CBP to when CBP transfers the detainee into the custody of a partner or releases the detainee from custody.

¹⁹ See Appendix A: Objective, Scope, and Methodology for more information on the time in custody data analysis methodology.



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standard,²⁰ with 138 (46 percent) of those held over 10 days. Also, in the El Paso Hardened Facility, Border Patrol held one UC, who CBP considered an at-risk detainee, for 4 days. An El Paso Border Patrol official explained the UC was in custody longer due to hospitalization while in custody.

At the Santa Teresa station, Border Patrol held 6 of the 66 detainees (9 percent) in custody longer than 72 hours, with a maximum time in custody of 9 days. Border Patrol officials stated the Santa Teresa station generally did not hold many detainees longer than 72 hours and expeditiously transferred its detainees to the El Paso Hardened Facility or local jails for prosecution. Figure 2 shows the time detainees spent in CBP custody at the El Paso Hardened Facility and Santa Teresa station.

Our previous fieldwork on the Southwest border showed that interdependencies among CBP and Federal partners limit Border Patrol's ability to unilaterally address prolonged detention in its holding facilities. Border Patrol officials told us many detainees held over 72 hours were either awaiting transfer to ICE ERO's long-term detention facilities, or repatriation flights.

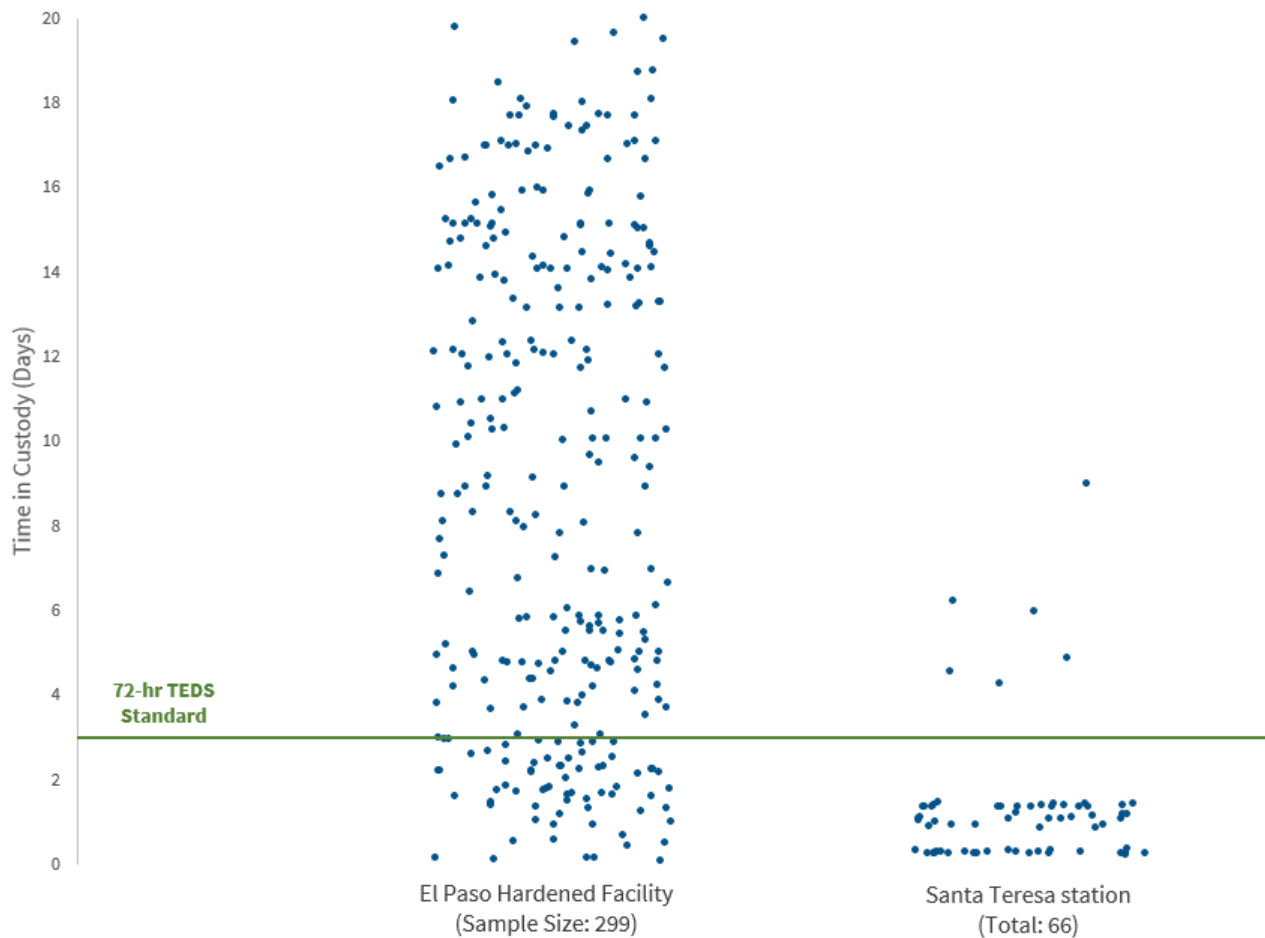
Border Patrol held 2 detainees for less than 72 hours in the Paso Del Norte satellite facility while they awaited transfer to the El Paso Hardened Facility; OFO held 6 detainees in the Ysleta POE and 12 detainees in the Paso Del Norte POE for less than 72 hours. At the Paso Del Norte POE, we observed some migrants who arrived for their pre-scheduled CBP One™ appointments. These migrants were not subject to our inspection because OFO did not enter them into its detention module within Unified Secondary because they did not consider them 'in custody.'²¹ OFO officials told us they processed and released the CBP One™ migrants within a few hours.

²⁰ Inferring this sample result to the total population, we estimate with 95 percent confidence that between 967 and 1,095 detainees were held over 72 hours at the El Paso Hardened Facility during October 2023.

²¹ Unified Secondary is OFO's system of record used to store information related to inadmissible individuals encountered at POEs.



Figure 2. Time Detainees Spent in El Paso Border Patrol Custody by Facility, October 2023



Each dot represents one detainee.
Source: DHS OIG analysis of CBP data

Border Patrol Experienced Challenges Staffing CPCs During Migrant Surges

We previously reported²² that Border Patrol in the El Paso sector could not sufficiently staff CPCs during migrant surges and Border Patrol’s solutions to respond to immediate staffing needs are not sustainable long term. We also previously recommended the El Paso Sector Chief, Border Patrol, “review sector-wide staffing levels, determine staffing requirements, and develop and implement additional strategies for staffing temporary processing facilities during migrant

²² [Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area](#), OIG-23-50, Sept. 15, 2023. [Intensifying Conditions at the Southwest Border Are Negatively Impacting CBP and ICE Employees’ Health and Morale](#), OIG-23-24, May 3, 2023.



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surges.”²³ As of February 2024, Border Patrol took corrective actions on staffing the El Paso sector, and we closed the recommendation. However, during this inspection, we found Border Patrol continued to experience challenges staffing CPCs during migrant surges.

Border Patrol maintains three CPCs in the sector—El Paso Hardened Facility, El Paso Soft-Side Facility, and the Modular CPC—with a total capacity of 4,540 detainees.²⁴ During this inspection, the El Paso Hardened Facility was the only operational CPC and was at 54 percent of its maximum capacity with 1,340 detainees in custody. Under these conditions, we observed sufficient staffing.

However, Border Patrol did not dedicate staff to the three CPCs commensurate with the increased migrant holding capacity created within the sector. Border Patrol uses the El Paso Hardened Facility as its primary CPC and staffs it almost entirely with temporary details from stations across the sector. Border Patrol agents told us that the week before our inspection, a migrant surge required them to also open the El Paso Soft-Side Facility for additional holding capacity. To staff the El Paso Soft-Side Facility, Border Patrol implemented operational procedures that include temporarily detailing additional agents from sector stations when the El Paso Hardened Facility exceeds established capacity thresholds. Despite implementing these procedures, Border Patrol agents told us when the migrant surge occurred, and the El Paso Hardened Facility and El Paso Soft-Side Facility were at or over capacity, agents could not effectively manage the processing and supervision of detainees. As far as operating the third facility, Modular CPC, Border Patrol agents told us El Paso sector could not concurrently operate it using these operational procedures with current sector staffing levels.

During our inspection, El Paso Border Patrol agents told us an assessment was in progress to determine staffing requirements for the centralized processing centers. At our request, Border Patrol later provided the assessment, which recommended the sector stop staffing the El Paso Hardened Facility through temporary details and establish a permanent staffing model to appropriately address the scope and complexity of processing operations. The assessment concluded the current staffing model, which relied on temporary details, was not sustainable and could have detrimental effects on the El Paso Hardened Facility as well as stations’ field operations. The assessment identified optimal staffing requirements for the El Paso Hardened Facility at 1,098 agents, but as of October 22, 2023, the agent staffing at the facility was at 720. El Paso Border Patrol’s assessment concluded staffing the facility at optimal levels would place additional strain on field operations. The assessment recommended agent staffing only be

²³ See recommendation 2 on page 26, [Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area](#), OIG-23-50, Sept. 15, 2023.

²⁴ Border Patrol established the Modular CPC in fall 2020 with a capacity of 1,040 after an unprecedented migrant surge in 2019. Border Patrol continues to experience record migrant encounters in recent years (see Table 1 above) and established CPCs across the Southwest border including the El Paso Soft-Side Facility in January 2023 with a capacity of 1,000, and the El Paso Hardened Facility in June 2023 with a capacity of 2,500.



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increased to 788 (a 28 percent reduction from the optimal staffing level) with 320 additional contractors to support.²⁵ The contract support allowed agents to focus on processing immigration enforcement actions, but insufficient agent staffing resulted in delays in such actions and contributed to prolonged time in custody for detainees.

El Paso Border Patrol officials told us they cannot implement the recommendation of the staffing assessment and increase agent staffing at the sector level because Border Patrol headquarters decides the allocation of agents across the sectors.

CBP Generally Complied with Other Applicable Standards

CBP generally met other applicable standards at all five facilities we inspected in the El Paso area. However, we found Border Patrol did not always refer detainees to onsite contract medical staff, make available hygiene items, or provide sleeping mats to detainees during their time in custody.

All five facilities we inspected were clean, temperature controlled, and adequately ventilated. CBP provided regularly scheduled meals and snacks (including accommodations for those with religious and dietary needs), water, and other beverages. The facilities had age-appropriate supplies and snacks such as baby bottles, diapers, baby formula, and baby food. CBP maintained access to toilets, sinks, and showers as necessary and to telephonic interpretation services for staff to communicate with non-English speaking detainees.

At Santa Teresa station, we found Border Patrol agents sometimes did not refer detainees with potential medical issues to onsite contract medical staff²⁶ or make available hygiene items²⁷ for detainees during their time in custody. One detainee we interviewed stated he had ear pain, but despite notifying agents about the pain, agents did not take him to be examined by onsite contract medical staff.

Additionally, the station had supplies of hygiene items such as sanitary napkins, but Border Patrol did not place them in the restroom area or make clear to detainees they could request those items. One female detainee we interviewed needed sanitary napkins and was unaware she

²⁵ Border Patrol uses contract staff to perform non-law enforcement-related functions at the CPCs, including medical services, catering and food service, cleaning, transportation, shower services, laundry services, data entry, caretaking of UC, and security duties.

²⁶ CBP Directive No. 2210-004, *Enhanced Medical Support Efforts*, Dec. 30, 2019, Section 7.2.1 states that persons brought into custody will be advised to alert CBP personnel or medical personnel of medical issues of concern. Section 7.2.2 states that persons identified with medical issues of concern will receive a health interview or medical assessment or be referred to the local health system for evaluation.

²⁷ TEDS 4.11, *Hygiene, Restrooms*. Detainees using the restroom will have access to toiletry items, such as toilet paper and sanitary napkins. Whenever operationally feasible, soap may be made available.



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could request them from agents. The entire facility had two posters demonstrating the items that detained individuals could request. However, one was torn and faded and not within sight of each cell. Figure 3 shows the torn poster listing items that detained individuals can ask for at Santa Teresa station.

Figure 3. Torn Poster at Santa Teresa Station, Observed October 19, 2023



Source: DHS OIG Photo

We also found Border Patrol agents at Santa Teresa station did not provide sleeping mats²⁸ to detainees during their time in custody. We observed sleeping mats in storage, but agents had not provided them to detainees at the station, including UCs who must receive clean bedding according to TEDS. One Border Patrol agent stated the station does not provide sleeping mats because of detainees' limited time in custody. However, as noted previously, Border Patrol held some detainees at this station longer than the 72-hour standard. Figure 4 shows detainees in a Santa Teresa station holding cell without sleeping mats.

²⁸ Internal Border Patrol guidance related to the *Flores v. Garland* case dated Aug. 15, 2022, states that all El Paso facilities must maintain an adequate supply of mats and blankets and provide a mat and (mylar) blanket during sleep hours to juveniles in CBP custody. TEDS, 4.12, *Bedding*, states "Clean bedding must be provided to juveniles. When available, clean blankets must be provided to adult detainees upon request."



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Figure 4. Detainees in a Santa Teresa Station Holding Cell Without Sleeping Mats, Observed October 19, 2023



Source: DHS OIG Photo

Border Patrol's Detention Records Had Data Integrity Issues

We found data integrity issues in some custody logs we collected from Border Patrol's electronic system of record, e3. Our review of 11 custody logs for detainees at the El Paso Hardened Facility showed the following:

- In 10 custody logs, staff did not always record welfare checks,²⁹ as indicated by gaps in entries from 6 to 18 hours despite our observations that staff were stationed outside of and continuously observing each holding cell.
- In all 10 custody logs, staff did not always record service of lunch or dinner to detainees. In 10 custody logs, Border Patrol staff did not always record service of breakfast to detainees, including a child. Border Patrol agents told us contract staff

²⁹ *USBP Clarification Memorandum for At-Risk Populations, Hold Room Monitoring Provisions, and National CBP Standards on Transport, Escort, Detention, and Search*, June 6, 2019, *Hold Room Monitoring*: Under TEDS (4.6 and 5.1), hold rooms are required to be monitored on a "regular and frequent manner." Individuals of any age held in a CBP facility with a known or reported contagious disease, illness, and/or injury and or/who have been isolated/quarantined are required to be checked at least once every 15 minutes.



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prepare all meals onsite, and detainees received regularly scheduled two warm meals and one cold meal each day.

- In 10 custody logs, staff recorded they provided feminine hygiene products to male detainees.

Having accurate, complete, and consistent data is critical for Border Patrol to monitor care of detainees in custody and to ensure compliance with TEDS and other applicable standards.

We did not find data integrity issues in custody logs from the Paso Del Norte and Ysleta POEs or Santa Teresa station and Paso Del Norte satellite facility.

Conclusion

Although Border Patrol held some detainees in custody longer than the 72-hour standard, interdependencies among CBP and Federal partners limit Border Patrol's ability to unilaterally address prolonged detention in its short-term holding facilities. Additionally, while CBP facilities in the El Paso area otherwise generally met TEDS and other standards for providing amenities to detainees in custody, we observed instances of non-compliance. Border Patrol should ensure that agents meet standards related to making hygiene items available, and providing sleeping mats and medical care to detainees, while also improving its documentation of the provision of amenities in e3.

Recommendations

We previously recommended "the El Paso Sector Chief, Border Patrol, U.S. Customs and Border Protection: Develop additional strategies and solutions to manage delays in detainee transfers to partners and implement these improvements throughout the El Paso sector when the holding facilities in the sector are over capacity."³⁰ We observed similar findings during this inspection, and, therefore, refer to the previous recommendation, which as of June 2024 remains resolved and open pending further corrective action by Border Patrol.

We also recommend the Chief, Border Patrol, CBP:

Recommendation 1: Review El Paso sector staffing levels, determine staffing requirements, and develop and implement additional strategies for staffing centralized processing centers during migrant surges.

We recommend the El Paso Sector Chief, Border Patrol, CBP:

³⁰ See recommendation 1 in, [Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area](#), OIG-23-50, Sept. 15, 2023.



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Recommendation 2: Develop, implement, and regularly monitor quality assurance mechanisms at the Santa Teresa station to ensure compliance with standards related to providing hygiene items, sleeping mats, and medical care to detainees.

Recommendation 3: Oversee a data integrity review at the El Paso Hardened Facility to verify that staff are accurately recording custodial actions. If the problem we identified persists, implement a quality assurance plan, and continue to monitor data integrity.

Management Comments and OIG Analysis

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

CBP's management response acknowledged the open recommendation from our September 15, 2023, inspection report.³¹ CBP noted efforts to address the September 15, 2023, recommendation and reduce prolonged detention, including Border Patrol command staff monitoring and focusing on detainees experiencing longer time in custody as well as new processing methods to expedite processing. However, we observed continued prolonged detention during our October 2023 inspections. On June 7, 2024, CBP provided additional documentation of corrective actions taken since our October 2023 inspection including coordination with the Movement Coordination Cell at Border Patrol Headquarters, ICE ERO, and non-governmental organizations to manage detainees' time in custody. We consider these actions responsive to our September 15, 2023, recommendation.

CBP Response to Recommendation 1: Concur. CBP noted actions taken addressing this recommendation, such as Border Patrol implementing operational procedures in the El Paso sector to allocate personnel from stations across the sector to the El Paso Hardened Facility when there are increases of detainees in custody to assist with their care and processing. In addition, Border Patrol in the El Paso sector used remote agents to virtually process immigration enforcement actions for detainees held in the El Paso Hardened Facility.

OIG Analysis: We consider the actions taken by El Paso sector Border Patrol responsive to the recommendation, which we consider resolved and open. However, the recommendation's intended recipient is the Chief, Border Patrol. We will close this recommendation when CBP

³¹ [Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area](#), OIG-23-50, Sept. 15, 2023.



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submits documentation showing the Chief, Border Patrol, reviewed El Paso sector staffing levels, determined staffing requirements, and developed and implemented additional strategies for staffing centralized processing centers in the sector during migrant surges.

CBP Response to Recommendation 2: Concur. CBP noted actions taken addressing this recommendation, such as displaying posters in each holding cell at the Santa Teresa Border Patrol station to inform detainees they can ask for food, water, sleeping mats, hygiene products, and medical assistance. Border Patrol at Santa Teresa station assigned a Detainee Care Agent to each shift and incorporated quality assurance checks at shift changes to ensure staff provide required amenities and record all actions appropriately. The Detainee Care Agent, in coordination with the Watch Commander and Processing Supervisor, ensures staff address identified deficiencies.

OIG Analysis: We consider the actions taken by Border Patrol at Santa Teresa station responsive to the recommendation, which we consider resolved and open. We will close the recommendation when CBP submits documentation of Detainee Care Agent shift assignments, amenities monitored, and corrective actions addressing deficiencies at the Santa Teresa station as described in its management response.

CBP Response to Recommendation 3: Concur. CBP noted actions taken addressing this recommendation, such as a Detention Data Management Team conducting monthly reviews of randomly selected custody logs at the El Paso Hardened Facility to ensure staff recorded required amenities appropriately as well as conducting daily reviews and correcting identified data entry errors.

OIG Analysis: We consider the actions taken by El Paso Sector Border Patrol responsive to the recommendation, which we consider resolved and open. We will close this recommendation when CBP submits documentation of corrective actions addressing deficiencies identified by the Detention Data Management Team reviews.



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Appendix A: Objective, Scope, and Methodology

DHS OIG was established by the *Homeland Security Act of 2002* (Pub. L. No. 107–296) by amendment to the *Inspector General Act of 1978*.

We initiated this inspection at Congress’ direction to conduct unannounced inspections at CBP short-term holding facilities. We analyzed various factors to determine which facilities to inspect. We reviewed prior inspection reports, and current and future inspection, evaluation, and audit schedules from internal and external organizations. We monitored ongoing conditions in the field and considered location, historical apprehension numbers, facility capacity, and facility type (e.g., temporary processing centers, permanent stations, POEs).

Our objective was to determine whether CBP complied with TEDS, and when applicable, with other standards, policies, and directives related to conditions of detention for those in custody at CBP short-term holding facilities in the El Paso area of Texas and New Mexico. From October 17 to October 19, 2023, we inspected three USBP facilities (El Paso Hardened Facility, Paso Del Norte satellite facility, and Santa Teresa station) and two OFO POEs (Paso Del Norte and Ysleta). Our inspections were unannounced. We did not inform CBP we were in the area until we arrived at the first facility. At each facility inspected, we observed conditions and reviewed electronic records and paper logs as necessary. We also interviewed CBP personnel and medical contractors. We interviewed detainees using language assistance services to provide interpretation. We photographed examples of compliance and noncompliance with TEDS and other standards.

We requested electronic roll calls (spreadsheets containing demographic and CBP encounter data) for all individuals in custody in the El Paso Hardened Facility, Santa Teresa station, Paso Del Norte satellite facility, and Paso Del Norte and Ysleta POEs. We drew a statistically valid random sample from the El Paso Hardened Facility’s roll call. Following our on-site inspections, we requested book-out times (the time a detainee is transferred into the custody of a partner or released from CBP custody) for the random sample from El Paso Hardened Facility’s roll call and book out times for the complete roll calls of the other facilities (Santa Teresa station, Paso Del Norte satellite facility, Paso Del Norte and Ysleta POEs). We calculated time in custody for each detainee as the time between the “Arrest Date/Time” field and the “Book out Date/Time” field in the data provided by CBP. For the El Paso Hardened Facility, based on the statistically valid, randomly drawn sample of 299 detainees, 230 (77 percent) of the detainees were held over 72 hours. Inferring this sample result to the total population of 1,340 detainees in custody at the El Paso Hardened Facility at the time of our inspection in October of 2023, we estimate with 95 percent confidence that between 967 and 1,095 of were held over 72 hours. For the other facilities, we reviewed each detainee’s arrest and book-out dates and times to determine time in custody.



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

We conducted this review under the authority of the *Inspector General Act of 1978*, 5 U.S.C. §§ 401-424, and in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

DHS OIG's Access to DHS Information

During this inspection, CBP provided timely responses to our requests for information and did not delay or deny access to the information we requested.



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Appendix B: CBP Comments on the Draft Report

1300 Pennsylvania Avenue, NW
Washington, DC 20229



U.S. Customs and
Border Protection

June 20, 2024

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

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

SUBJECT: Management Response to Draft Report: “Results of October 2023 Unannounced Inspections of CBP Holding Facilities in the El Paso Area,” (Project No. 24-001-ISP-CBP(a))

6/20/2024

x 

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

CBP is pleased to note the OIG’s positive recognition that the unannounced inspections Found CBP facilities at the El Paso Sector (EPT) generally met the National Standards on Transport, Escort, Detention, and Search (TEDS), specifically, those related to food, water, hygiene items, and availability of bedding, toilets, sinks, showers, and medical support. CBP remains committed to complying with TEDS and related policies and procedures by providing reasonable and appropriate care for persons in its custody.

For example, EPT implemented a flexible Centralized Processing Center (CPC) Operations Level Detention Plan designed to address the various waves of migrant surges and help mitigate detainees’ time in custody (TIC). Each tier is delineated with procedures for sector-wide allocation of personnel and equipment to meet the needs of the number of detainees (e.g., virtual processing, augmenting personnel from each station on a shift-to-shift basis, augmenting personnel as short to mid-term work assignments). In addition, in May 2021, EPT implemented a Detention Data Management Team (DDMT) that reviews custodial action logs daily and monthly. In doing so, the DDMT identifies data entry errors and discrepancies and makes notifications to the El Paso Hardened Facility (EHF) command staff for immediate correction.

The Santa Teresa Station (STN) assigns designated medical contract personnel and meal service providers with the sole task of providing for the well-being of all in custody. These personnel ensure all detainees in custody are provided with all necessities (e.g., medical assessments, meals, snacks, drinks, hygiene supplies such as sanitary napkins,



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diapers, clothing). Additionally, STN has incorporated quality assurance checks into their End of Shift Report to ensure these custodial actions are recorded appropriately in the U.S. Border Patrol e3 Detention Module (e3DM).

Regarding the OIG draft report reference to a previously issued recommendation that “The El Paso Sector Chief, Border Patrol, CBP develop additional strategies and solutions to manage delays in detainee transfers to partners and implement these improvements throughout the El Paso Sector when the holding facilities in the sector are over capacity,”¹ it is important to note, that although EPT strives to maintain TIC to be within 72-hours or less, extended detention is usually attributed to other factors beyond CBP’s control, for example, cases in which a detainee requires advance or specialized medical care, detainees claiming to be adults but are proven to be of minor age, or involvement with the Credible Fear Interview process. CBP has since taken actions to address OIG’s prior recommendation, including command staff utilizing the Unified Immigration Portal (UIP) to monitor TIC and communicate with staff to focus on detainees with a high TIC. In addition, EHF command staff instituted new processing methods to expeditiously process detainees as fast as feasible, which increased throughput. On June 7, 2024, CBP provided the OIG documentation corroborating actions taken to meet the 72-hour TEDS standard and requested that the OIG consider this recommendation closed as implemented.

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

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

Enclosure

¹ See recommendation 1 in, [Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area](#), OIG-23-50, Sept. 15, 2023.



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Enclosure: Management Response to Recommendations

OIG recommended that the Chief, Border Patrol, CBP:

Recommendation 1: Review El Paso Sector staffing levels, determine staffing requirements, and develop and implement additional strategies for staffing centralized processing centers during migrant surges.

Response: Concur. The EHF is the primary processing center and holding facility for EPT. The EHF also serves as the transportation hub to neighboring sectors for their decompression efforts. All El Paso Sector stations are responsible for processing their own apprehensions that are amenable to prosecutions, and the EHF is responsible for all other apprehensions, to include family units and unaccompanied children.

As of October 2023, EPT implemented a flexible CPC Operations Level Detention Plan for the EHF that addresses the various increases in migrant surges within the EPT Area of Operation. Comprised of five tiers, each tier is activated based on the number of detainees in custody; each tier is defined with a clear outline of operational procedures; and each tier is provided with instruction on sector-wide allocation of personnel and equipment to meet the needs of the number of detainees.

Depending on the current tiered level, decompression and mitigation efforts may include the activation of virtual processing, the allocation of personnel from each station to the EHF on a shift-to-shift basis, or allocation of personnel from each station to the EHF on a short to mid-term work assignment.

On June 20, 2024, CBP sent the OIG documentation corroborating these actions and requested that the OIG consider this recommendation resolved and closed as implemented.

OIG recommended that the El Paso Sector Chief, Border Patrol, CBP:

Recommendation 2: Develop, implement, and regularly monitor quality assurance mechanisms at the Santa Teresa Station to ensure compliance with standards related to providing hygiene items, sleeping mats, and medical care to detainees.

Response: Concur. STN has designated personnel with the sole role of providing for the well-being of all those in custody. For example, CBP has a contracted on-site medical provider who performs medical assessments and monitoring, and a contracted meal service provider at STN. In addition, CBP has used the DHS Volunteer Force cadre (comprised of two volunteers for each shift) for care in custody support. The Volunteer



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Force is used to assist U.S. Border Patrol agents with providing detainee care and well-being actions (e.g., feeding, providing snacks and drinks, mats, and hygiene supplies such as sanitary napkins, diapers, clothing) when the numbers of in custody persons rise steeply.

STN has also incorporated quality assurance checks into their daily End of Shift Reports to identify that all actions are recorded appropriately. Aside from the Watch Commander (WC) and Processing Supervisor (PS) on each shift, STN has implemented the use of a Detainee Care (DC) agent assignment for each shift. The DC works with other agents, contract personnel, and volunteers to ensure all amenities and actions are provided and documented appropriately. Should there be a need for corrective action, or deficiencies have been identified, the DC works closely with the WC and PS to ensure that they are promptly addressed and corrected.

The shift WC and PS review custodial action logs at the end of each shift to correct any deficiencies, update e3DM, and record actions on the End of Shift Reports. Additionally, random monitoring checks are conducted to ensure compliance.

On June 20, 2024, CBP sent the OIG documentation corroborating these actions and requested that the OIG consider this recommendation resolved and closed as implemented.

Recommendation 3: Oversee a data integrity review at the El Paso Hardened Facility to verify that staff are accurately recording custodial actions. If the problem we identified persists, develop, and implement a quality assurance plan, and continue to monitor data integrity.

Response: Concur. On October 30, 2023, Acting Assistant Chief Patrol Agent implemented a monthly DDMT review of custodial action logs at the EHF. The review requires that each month the DDMT review 10-15 randomly selected non-citizen migrant apprehensions who had been in custody within the last 30 days to ensure custodial actions were logged within acceptable timeframes. EPT also implemented a quality assurance plan where the DDMT reviews and identifies data entry errors daily to determine if custody actions were logged appropriately into e3DM. The DDMT then annotates discrepancies and makes the proper notifications to the EHF command staff for immediate correction.

The DDMT Supervisor monitors the team's noted deficiencies and notifications to the EHF command staff, ensuring the DDMT performs quality control. The EHF command staff in turn discusses the noted deficiencies and respective data requirements verbally during musters with their respective shifts.



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On June 20, 2024, CBP sent the OIG documentation corroborating these actions and requested that the OIG consider this recommendation resolved and closed as implemented.



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Appendix C: Report Distribution

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