



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

OIG-25-14

January 30, 2025

## FINAL REPORT

# Results of May 2024 Unannounced Inspections of CBP Holding Facilities in the Tucson Area (REDACTED)





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## OFFICE OF INSPECTOR GENERAL

U.S. Department of Homeland Security

Washington, DC 20528 | [www.oig.dhs.gov](http://www.oig.dhs.gov)

January 30, 2025

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

FROM: Joseph V. Cuffari, Ph.D. **JOSEPH V CUFFARI** Digitally signed by  
Inspector General JOSEPH V CUFFARI  
Date: 2025.01.30  
14:48:36 -05'00'

SUBJECT: *Results of May 2024 Unannounced Inspections of CBP Holding  
Facilities in the Tucson Area REDACTED*

Attached for your action is our final report, *Results of May 2024 Unannounced Inspections of CBP Holding Facilities in the Tucson Area*. We incorporated the formal comments provided by your office.

In the report we made four recommendations to improve management of and conditions in CBP short-term holding facilities in the Tucson area. Your office concurred with the four recommendations. Based on information provided in your response to the draft report, we consider recommendations 1, 2, and 3 resolved and closed. Recommendation 4 remains resolved and open, pending further documentation from CBP. Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions.

Please send your response or closure request to [OIGInspectionsFollowup@oig.dhs.gov](mailto: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 a redacted version of the report on our website.

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

*OIG Project No. 24-001-ISP-CBP(b)*

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# DHS OIG HIGHLIGHTS

## Results of May 2024 Unannounced Inspections of CBP Holding Facilities in the Tucson Area

January 30, 2025

### 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 Tucson area to evaluate CBP's compliance with applicable detention standards.

### What We Recommend

We made four recommendations to improve management of and conditions in CBP short-term holding facilities in the Tucson area.

**For Further Information:**

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

[DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov).

### What We Found

In May 2024, we conducted on-site, unannounced inspections at five U.S. Customs and Border Protection (CBP) facilities in the Tucson area, specifically four U.S. Border Patrol (Border Patrol) facilities and one Office of Field Operations port of entry. At the time of our on-site inspections, Border Patrol held 1,381 detainees in custody in the Tucson Coordination Center, Tucson Soft-sided Facility, Nogales Processing Facility, and Ajo station. In all four facilities, we found Border Patrol held detainees longer than specified in the *National Standards on Transport, Escort, Detention, and Search*, which generally limits detention to 72 hours. Overall, Border Patrol met other applicable standards to provide or make available amenities such as food, water, and medical care to detainees. However, we found Border Patrol did not follow standard procedures for managing detainee property in one holding facility, instances where agents did not document welfare checks for detainees with medical conditions, holding cells that were over capacity, and insufficient medical staffing. In addition, we found data integrity issues with information in Border Patrol's electronic system of record, e3.

The Office of Field Operations held two detainees in the Nogales port of entry for less than 72 hours and met the standards we observed.

### CBP Response

CBP concurred with our recommendations. We consider recommendations one, two, and three resolved and closed. We consider recommendation four resolved and open.



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## Abbreviations

APIP	Amenities, Property, and Identification Program
CBP	U.S. Customs and Border Protection
ERO	Enforcement and Removal Operations
GOM	Government of Mexico
ICE	U.S. Immigration and Customs Enforcement
NPF	Nogales Processing Facility
OCMO	Office of the Chief Medical Officer
OFO	Office of Field Operations
POE	port of entry
TCC	Tucson Coordination Center
TEDS	<i>National Standards on Transport, Escort, Detention, and Search</i>
TSSF	Tucson Soft-sided Facility
UAC	unaccompanied alien children
UC	unaccompanied children

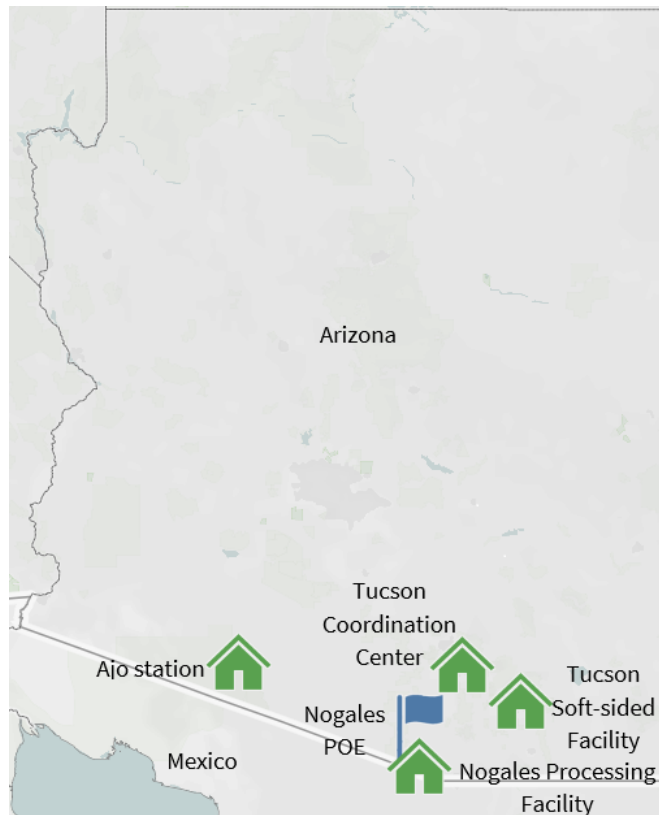


## Background

As mandated by Congress,<sup>1</sup> we conduct unannounced inspections of U.S. Customs and Border Protection (CBP) holding facilities. This report provides the results of our May 2024 inspections in the Tucson area of Arizona.

The U.S. Border Patrol (Border Patrol) Tucson area of responsibility covers 262 border miles of Arizona from the New Mexico state line to the Yuma, Arizona county line. In May 2024, we inspected four Border Patrol holding facilities, including the Tucson Coordination Center (TCC), Tucson Soft-sided Facility (TSSF), Nogales Processing Facility (NPF), and Ajo station; and one Office of Field Operations (OFO) port of entry (POE), the Nogales POE. Figure 1 shows the locations of the five facilities inspected.

**Figure 1. Locations of CBP Facilities Inspected in May 2024**



Source: Department of Homeland Security Office of Inspector General

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



Border Patrol and OFO, components within CBP, are responsible for border security. OFO manages POEs, where officers perform immigration and customs functions. These functions include inspecting people who arrive at the port with or without valid documents for legal entry, such as visas or lawful permanent resident cards. They also inspect goods to ensure compliance with 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,<sup>2</sup> generally of people who are inadmissible, removable from the United States, or subject to criminal prosecution.

Because CBP facilities are only equipped for short-term detention, CBP aims to quickly repatriate, release, or transfer detainees<sup>3</sup> to other partners quickly. As appropriate, CBP coordinates with U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO) to place migrants<sup>4</sup> 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 the migrants it releases. In the case of unaccompanied children (UC), 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.

On January 12, 2023, DHS began permitting migrants to schedule appointments to present themselves for inspection at participating Southwest border POEs, through the CBP One™ mobile application.<sup>5</sup> Migrants without visas or travel documents schedule an arrival time in advance at participating POEs. Through this mobile application, migrants also submit biographic and biometric information to OFO prior to their appointment. Within CBP's Tucson area of responsibility, OFO processes CBP One™ applicants who arrive for appointments in the Nogales POE.

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<sup>2</sup> Short-term detention is defined as "detention in a U.S. Customs and Border Protection processing center for 72 hours or less[...]" See 6 United States Code (U.S.C.) § 211(m)(3).

<sup>3</sup> 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.

<sup>4</sup> DHS defines a migrant as "a person who leaves [his or her] country of origin to seek temporary or permanent residence in another country." See DHS, *Reporting Terminology and Definitions*, Aug. 2022.

<sup>5</sup> The initial release of the CBP One™ application on Oct. 28, 2020, was designed to streamline appointments for inspection of imported goods. Beginning on Jan. 12, 2023, CBP adapted the application to include immigration appointments at participating POEs, including Brownsville, Eagle Pass, Hidalgo, Laredo, El Paso, Nogales, Calexico. Effective January 20, 2025, CBP discontinued the use of CBP One™ for undocumented aliens to submit advance information and schedule appointments at eight Southwest border POEs and cancelled existing appointments. West, and San Ysidro. We previously reported on CBP One™ in, [CBP Did Not Thoroughly Plan for CBP One™ Risks, and Opportunities to Implement Improvements Exist](#), OIG-24-48, Aug. 2024.



## CBP Standards for Detention at Short-Term Holding Facilities

The *National Standards on Transport, Escort, Detention, and Search* (TEDS)<sup>6</sup> 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.<sup>7</sup>

Other TEDS standards state that 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;<sup>8</sup>
- ensure that holding facilities are clean, temperature controlled, and adequately ventilated;<sup>9</sup>
- provide regularly scheduled meals and accommodate detainees with religious or dietary restrictions;<sup>10</sup>
- maintain age-appropriate supplies and snacks such as diapers, baby wipes, baby formula, and baby food;<sup>11</sup> and
- accurately record all custodial actions in the appropriate electronic system of record.<sup>12</sup>

In addition, TEDS standards<sup>13</sup> and CBP internal operating procedures<sup>14</sup> require CBP to safeguard, itemize, and document all detainee property discovered during law enforcement actions and

<sup>6</sup> CBP, *National Standards on Transport, Escort, Detention, and Search*, Oct. 2015.

<sup>7</sup> TEDS 4.1 *Duration of Detention* states 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).

<sup>8</sup> See TEDS 4.14 *Drinking Water*; 4.13 *Food and Beverage: Meal Timeframe and Snack Timeframe*; 5.6 *Detention: Meals and Snacks – Juveniles, Pregnant, and Nursing Detainees*; 4.15 *Restroom Facilities*; 5.6 *Detention: Hold Rooms – UAC*; 4.11 *Hygiene*; and 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 4.11 *Hygiene: Basic Hygiene Items* and 5.6 *Detention: Showers – Juveniles*.

<sup>9</sup> TEDS 4.7 *Hold Room Standards: Temperature Controls and Cleanliness*; and 5.6 *Detention: Hold Rooms – UAC*.

<sup>10</sup> TEDS 4.13 *Food and Beverage*.

<sup>11</sup> TEDS 4.11 *Hygiene: Basic Hygiene Items*; 5.6 *Detention: Age and Capabilities Appropriate Food*.

<sup>12</sup> TEDS 4.5 *Electronic System(s) of Record*.

<sup>13</sup> Per TEDS 7.1, *General: Personal Property*.

<sup>14</sup> Memorandum From: Rodney S. Scott, Chief U.S. Border Patrol, For: All Chief Patrol, All Directorate; Subject: *Personal Effects Internal Operating Procedure*, Apr. 22, 2021, was in effect at the time of our inspections. CBP released updated guidance on management of property, CBP Directive No. 5240-010, *U.S. Customs and Border Protection Short-Term Holding Facilities Handling, Storage, Transference, and/or Return of Detainee Personal Property*, Aug. 2024, which states, “[t]he maintenance of a detainee’s personal property is a secondary priority to immigration





move property with detainees when the latter is transferred to another agency, repatriated, or released. CBP procedures also require agents and officers to conduct welfare checks on detainees in custody who are pregnant with medical conditions, have a contagious disease, physical or mental illness, or are isolated or quarantined.<sup>15</sup>

TEDS standards outline general requirements for detainees’ access to medical care.<sup>16</sup> CBP Directive No. 2210-004<sup>17</sup> 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 uses contracted medical personnel, local health systems, or other available health care providers for medical support to detainees while in custody.

### **CBP Migrant Encounters on the Southwest Border**

In fiscal year 2023, CBP encounters<sup>18</sup> with migrants on the Southwest border reached a new high of 2,473,134 but started to decline in FY 2024. Table 1 shows total CBP encounters on the Southwest border as well as encounters for UCs, family units, and single adults from FYs 2021 to 2024.

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

<b>Fiscal Year</b>	<b>UCs</b>	<b>Family Units</b>	<b>Single Adults</b>	<b>Total</b>
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*	103,478	770,862	1,157,409	2,031,749

Source: CBP enforcement statistics

\*Border Patrol and OFO month ending reporting for FY 2024 as of September 5, 2024.

processing activities, however CBP Short-Term Holding Facilities must allow detainees to keep as much of their personal property as physical capacity, safety considerations, transport limitations, and personnel availability allow.”

<sup>15</sup> U.S. Customs and Border Protection Policy Statement and Required Actions Regarding Pregnant, Postpartum, Nursing Individuals, and Infants in Custody, Nov. 2021; Memorandum From: John P. Sanders Chief Operating Officer and Senior Official Performing the Functions and Duties of the Commissioner, For: Chief, U.S. Border Patrol, et. al., Subject: Clarification Memorandum of At-Risk Population and Hold Room Monitoring Provisions in the CBP National Standards on Transport, Escort, Search, and Detention, May 24, 2019.

<sup>16</sup> TEDS 4.10 Medical Care.

<sup>17</sup> CBP Directive No. 2210-004, [Enhanced Medical Support Efforts](#), Dec. 30, 2019.

<sup>18</sup> DHS defines a “CBP encounter” as an encounter by CBP with a noncitizen who is apprehended by Border Patrol or determined to be inadmissible by OFO.



## Results of Inspection

In May 2024, we conducted on-site, unannounced inspections at five CBP facilities in the Tucson area, specifically four Border Patrol facilities and one OFO POE. Table 2 summarizes our findings.

**Table 2. Summary of Findings**

	Border Patrol held some detainees in custody longer than the 72-hour TEDS standard. Various factors contributed to this prolonged detention, including ICE ERO could not receive and house the number of detainees Border Patrol required to transfer, and the Government of Mexico (GOM) limited the number of daily voluntary returns through Nogales to 30 per day.
	CBP generally complied with other applicable standards, such as providing hygiene items, food, and beverages, drinking water, and restroom facilities. CBP facilities also had access to telephonic interpretation services for staff to communicate with non-English-speaking detainees.
	Border Patrol did not always meet standards related to managing detainee property and welfare checks for detainees with medical conditions, potentially resulting in loss of detainee property and escalated medical conditions.
	CBP's medical contract staffing levels were below the staffing requirements at all five CBP facilities we visited, potentially reducing the quality of medical support provided to detainees.
	Staff at the Border Patrol facilities we inspected did not always maintain accurate custody logs, leading to data integrity issues.

### Border Patrol Held Some Detainees in Custody Longer Than the 72-hour Standard

We previously reported on prolonged time in custody observed in the Tucson sector and recommended Border Patrol refine current and identify new strategies and solutions to manage delays in detainee transfers to partner agencies.<sup>19</sup> Subsequently, Border Patrol implemented strategies to manage delays including lateral transfers of detainees to less busy Border Patrol sectors. In addition, Tucson sector Border Patrol coordinated with ICE ERO to expand ground

<sup>19</sup> [Results of Unannounced Inspections of CBP Holding Facilities in the Yuma and Tucson Areas, OIG-23-29, June 23, 2023.](#)



and air transportation of detainees from Border Patrol to ICE ERO detention facilities as well as flights to repatriate detainees to their home countries. Tucson sector Border Patrol also noted efforts to streamline the staging and transfer of detainees to ICE ERO flights by embedding ICE ERO at Border Patrol facilities.

During our on-site inspection, Border Patrol held 1,381 detainees in the four facilities we inspected in the Tucson area. We randomly sampled<sup>20</sup> records for 277 of the 993 detainees in the TSSF (excluding UCs).<sup>21</sup> Our analysis showed Border Patrol held 148 (53 percent) of those 277 detainees longer than the TEDS 72-hour (3-day) standard,<sup>22</sup> with 36 (13 percent) of those sampled held over 7 days. Figure 2 (on the next page) shows the sample of detainees from the TSSF at the time of our inspection and their ultimate time in Border Patrol custody.

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<sup>20</sup> See Appendix A: Objective, Scope, and Methodology for more information on the time in custody data analysis methodology.

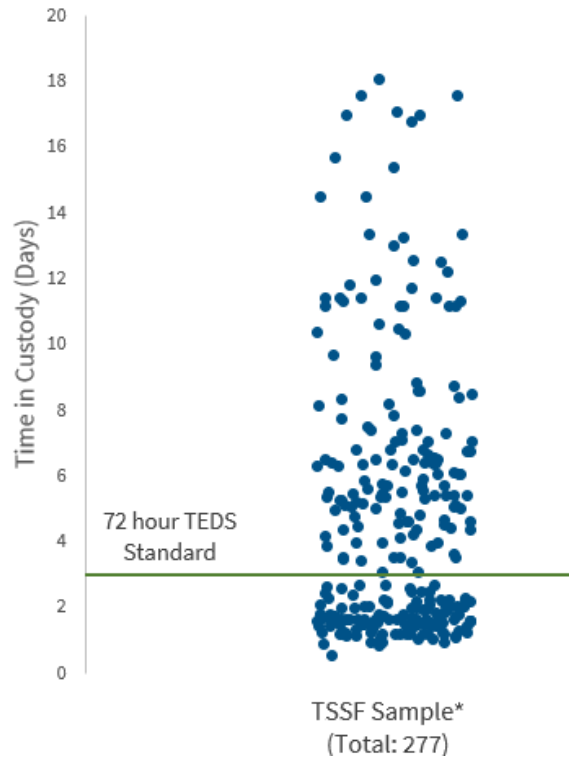
<sup>21</sup> We separately analyzed time in custody for 86 UCs held at the TSSF and found Border Patrol did not hold any of these UCs over 72 hours.

<sup>22</sup> Inferring this sample result to the total population, we estimate with 95 percent confidence that between 481 and 580 of the 993 detainees held in the TSSF (excluding UCs) at the time of our inspection were held over 72 hours during May 2024.



**Figure 2. Time in Custody of Detainees in the TSSF, May 2024**

Each dot represents one detainee.



Source: DHS OIG analysis of Border Patrol data  
\*The TSSF had 993 detainees in custody at the time of our inspection, excluding UCs. The TSSF data in Figure 2 represents a sample of the 993 non-UCs in custody.

We reviewed all detainee records for the other three Border Patrol facilities inspected and found Border Patrol ultimately held 10 of the 43 (23 percent) detainees at the TCC, 35 of the 121 (29 percent) detainees at the NPF, and 72 of the 129 (56 percent) detainees at Ajo station longer than the 72-hour (3-day) standard. Border Patrol agents explained that while detainees may have initially spent time in custody at one of the smaller facilities with fewer resources, Border Patrol would then transfer them to another facility where they spent most of their time in custody. Additionally, Tucson sector transferred detainees to other Border Patrol sectors for final processing and disposition due to the number of apprehensions within Tucson sector at the time. For example, Border Patrol held one detainee at the smaller Ajo station for 15 hours, but ultimately transferred them to the larger TSSF with additional resources, where the detainee remained in custody for over 20 days. In addition, Border Patrol transferred many detainees it



initially booked and held at the NPF to the TCC or TSSF where they spent additional time in custody.

Border Patrol agents told us various factors contributed to prolonged detention in the Tucson sector. For example, Border Patrol relies on ICE ERO to transfer detainees out of Border Patrol short-term holding facilities and into ICE ERO long-term detention facilities. At the time of our inspection, ICE ERO often could not receive and house the volume of detainees Border Patrol requested to transfer and bed space constraints at local ICE ERO facilities limited the number of transfers to its long-term detention facilities. Additionally, Border Patrol must hold some detainees with a criminal history while additional security processes take place, which can result in prolonged detention. Border Patrol agents explained the GOM also limited the number of detainees Border Patrol could return through the Nogales POE each day. This caused Border Patrol to hold detainees at the NPF for over 72 hours while waiting to return them to Mexico through the Nogales POE.

The Nogales OFO POE held two detainees in custody for less than 72 hours while one awaited transfer to ICE ERO and one awaited removal to Mexico. We also observed noncitizens who arrived at the Nogales POE for their pre-scheduled CBP One™ appointments. The OFO Tucson Field Office did not consider these noncitizens 'in custody' and processed them for release within a few hours.

### **CBP Did Not Always Meet Detention Standards**

We found Border Patrol did not always meet standards related to detainee property and welfare checks, and some facilities were over capacity. CBP's medical contract staffing levels were below staffing requirements at all five facilities we inspected in the Tucson area. Finally, custody logs we reviewed from TCC, TSSF, NPF, and Ajo station had data integrity issues.

CBP generally complied with other applicable standards at all five facilities we inspected in the Tucson area. All 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 telephone interpretation services for staff to communicate with non-English speaking detainees. Figures 3 (next page) shows a designated child play area at TSSF and Figure 4 (next page) shows age-appropriate supplies at NPF.



**Figures 3 and 4. Child Play Area at TSSF (Left), and Age-Appropriate Supplies at NPF (Right), both Observed May 16, 2024**



Source: DHS OIG photo

### Property and Welfare Checks

At the TSSF, we found Border Patrol did not always meet standards for managing detainees' property.<sup>23</sup> TEDS standards, CBP internal operating procedures, and a Tucson sector-specific standard operating procedure<sup>24</sup> require CBP to safeguard detainees' personal property discovered during law enforcement actions. Additionally, CBP should ensure personal property moves with the detainee when transferred to another agency, repatriated, or released. At TSSF Border Patrol agents permitted detainees to place documents, money, and phones in small plastic bags for temporary storage while in custody and returned these items when transferred. However, for larger property such as backpacks and luggage, Border Patrol gave detainees the

<sup>23</sup> During our previous inspection of the TSSF in July 2022, we found that Border Patrol maintained larger property at the TSSF and returned it to detainees upon transfer or release. See *Results of Unannounced Inspections of CBP Holding Facilities in the Yuma and Tucson Areas*, OIG-23-29, June 23, 2023.

<sup>24</sup> Memorandum From: John R. Modlin Chief Patrol Agent Tucson Sector, For: Command Staff et.al., Subject: *Tucson Sector Detainee Personal Property Standard Operating Procedure (SOP4100-235)*, Dec. 19, 2023.



option to discard their property or place it in storage and reclaim it later.<sup>25</sup> In instances where Border Patrol stored larger property, they did not return it to detainees when transferred. Border Patrol officials explained buses and flights used to transport detainees could not accommodate both detainees and their larger property. In contrast to TSSF, staff at Nogales POE, Ajo station, NPF, and TCC followed CBP procedures by documenting, storing, and returning detainee property when released or transferred.

During our custody log review, we found that Border Patrol agents did not record welfare checks for 12 detainees with medical conditions at TCC, TSSF, and NPF, including one UC detainee who was 24 weeks pregnant and others who had documented medical conditions such as human immunodeficiency virus, hypertension, diabetes, gastritis, and vomiting. Border Patrol's hold room monitoring procedures<sup>26</sup> require welfare checks for medically at-risk detainees every 15 minutes. In addition, medical process guidance<sup>27</sup> followed by onsite medical service contract providers requires monitoring every 4 hours for detainees with high-risk medical conditions, including human immunodeficiency virus and pregnant women above 20 weeks of gestation. The two detainees with these conditions noted above were not identified for enhanced monitoring in the electronic medical records system by onsite medical service contract providers. Border Patrol guidance also requires agents to process detainees with elevated medical risks expeditiously to minimize time in custody.<sup>28</sup> We found that Border Patrol held some of these detainees with medical conditions between 7 and 11 days, longer than the 72-hour (3-day) standard.

### **Two of Five Border Patrol Facilities Were Over Maximum Capacity**

During our inspection, the TSSF and Ajo station were over capacity. The TSSF held 658 detainees in the holding area for single adults, which has a 500-person maximum capacity. Of the 32 holding cells in the single adult area of the TSSF, 19 were over capacity. Ajo station held 129 detainees in custody at the facility with a 100-person maximum capacity and one holding cell with a 50-person capacity held 67 detainees. Border Patrol agents explained the holding cell was over capacity because detainees were staged there for transfer out of the facility. Overcrowding and prolonged detention represent an immediate risk to the health and safety of DHS agents and officers, and to those detained.

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<sup>25</sup> Border Patrol documented decisions to store larger property with a "hold harmless" agreement. Detainees signed a "Authorization for Release of Personal Property Hold Harmless Agreement" waiving Border Patrol's liability for the stored property if unclaimed after 30 days. Border Patrol discarded property if unclaimed after 30 days.

<sup>26</sup> *U.S. Customs and Border Protection*; Memorandum From: John P. Sanders, *Clarification of At-Risk Population and Hold Room Monitoring Provisions in the CBP National Standards on Transport, Escort, Detention, and Search*, May 24, 2019.

<sup>27</sup> *Medical Process Guidance, Annex A, Elevated in-Custody Medical Risk (ECMR)*, Oct. 2023.

<sup>28</sup> *U.S. Customs and Border Protection*, Memorandum From: Troy A. Miller, *Custodial Considerations for Medically At-Risk Individuals*, May 19, 2023.



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## Medical Staffing

All five facilities had contract medical staff onsite to provide medical screenings and care to detainees. Contract medical providers at CBP facilities generally include advanced practice providers (nurse practitioner or physician assistant), who can diagnose medical conditions and prescribe medication, and assistant-level providers (emergency medical technician, certified nursing assistant, certified medical assistant, or paramedic), who provide medical support. Contract medical staff at CBP facilities told us advanced practice providers are not always onsite and some shifts are not fully staffed with advanced practice or assistant-level provider medical staff.

Our analysis of staffing records, which CBP's Office of the Chief Medical Officer (OCMO) provided in June 2024, confirmed the contract medical service provider did not meet staffing requirements at the TCC, TSSF, Nogales POE, NPF, and Ajo station during the week of our inspection.

The medical services contract statement of work states:

Onsite staff for each site location are expected to maintain a 95% adherence to schedule, not including planned/scheduled absences. Certain locations may tolerate a lower (for instance, 90%) adherence to schedule at the discretion of the COR [contracting officer's representative] and/or the OCMO Program Manager based upon constraints and operational priority shifts.<sup>29</sup>

Table 3 (next page) shows CBP's medical contract staffing levels (expressed as a percentage of the contracted medical staff required to be onsite) were below the medical services contractor's scheduled staffing requirements.

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<sup>29</sup> *Statement of Work (SOW) for Medical Services Contract (MSC) Bridge II, Nov. 15, 2023.*





**Table 3. CBP Contract Medical Staffing Levels by Facility Inspected, May 12–18, 2024**

<b>Facility</b>	<b>Contract Medical Advanced Practice Providers</b>	<b>Contract Medical Assistant-Level Providers</b>
Tucson Coordination Center	14.29%	50.00%
Tucson SSF West*	36.48%	28.37%
Tucson SSF East*	214.29%	203.57%
Nogales POE	0.00%	92.86%
Nogales Processing Facility	92.86%	75.30%
Ajo Station	87.50%	55.95%

Source: CBP’s medical services contract provider vacancy report data  
Percentages reflect level of adherence to scheduled staffing requirements calculated with the shifts required per week and the actual shifts filled per week.

\*Tucson SSF had a west side for single adults and an east side for UCs and family units.

In two letters to the contract medical service provider, CBP’s OCMO stated, “[i]nsufficient staffing places the health and welfare of those in CBP custody at risk [...]” and that staffing challenges “present a risk to the health and welfare of those in CBP custody.” CBP’s inability to ensure the contract medical service provider meets the staffing requirements under CBP’s medical contract could reduce the quality of medical support provided to detainees while in CBP custody.

**Border Patrol’s Detention Records Had Data Integrity Issues**

We reviewed 43 detainee custody logs from the TCC, TSSF, NPF, and Ajo station, as well as the Nogales POE.<sup>30</sup> We found data integrity issues in some custody logs we collected from Border Patrol’s electronic system of record, e3. For example:

<sup>30</sup> TEDS 5.3 *Documentation*, requires CBP accurately record all custodial actions, notifications, and transports that occur after it receives a detainee in a CBP facility in the appropriate electronic system of record as soon as practicable.



- Border Patrol did not always record welfare checks in 15 custody logs with gaps in entries from 6 to 13 hours; in 11 custody logs they recorded duplicate entries at the same time or within minutes for welfare checks.
- Border Patrol told us that the Amenities, Property, and Identification Program (APIP) allows for the automatic logging of amenities provided to detainees and should improve the accuracy of information recorded in detainee custody logs, but in four custody logs, staff completed duplicate entries at the same time or within minutes for “Property was Inventoried via APIP” and for “Property Moved via APIP.”
- Staff completed duplicate entries at the same time or within minutes for showers provided in 10 custody logs.
- Border Patrol did not record a shower for a pregnant UC held for longer than 48 hours at the time of our inspection despite providing her a shower.

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.

In contrast, when we reviewed two custody logs from Nogales POE, collected from OFO’s electronic system of record, Unified Secondary, we did not find data integrity issues.

## Conclusion

While Border Patrol held some detainees in custody longer than the 72-hour standard, interdependencies among Border Patrol and ICE ERO limited its ability to unilaterally address prolonged detention in its short-term holding facilities. Additionally, while CBP facilities in the Tucson area generally met standards for providing amenities to detainees in custody, we observed instances of noncompliance. CBP should ensure it meets standards related to management of detainee property, documenting welfare checks for detainees with medical conditions, holding cell capacity, medical staffing requirements, and accurate documentation of custodial actions.

## Recommendations

**Recommendation 1:** We recommend the Tucson Sector Chief, Border Patrol, CBP, in coordination with partner agencies, regularly and continuously refine current strategies and identify new strategies to manage delays in detainee transfers to partners to meet time in custody standards throughout the Tucson sector.

**Recommendation 2:** We recommend the Tucson Sector Chief, Border Patrol, CBP implement and regularly monitor quality assurance mechanisms at the TSSF to ensure detainees’ property is inventoried and stored, and it transits with detainees when they are transferred, repatriated, or released.



**Recommendation 3:** We recommend the Tucson Sector Chief, Border Patrol, CBP, implement and regularly monitor quality assurance mechanisms at the TCC, TSSF, and NPF to ensure compliance with standards related to welfare checks for detainees with documented medical conditions to include pregnant detainees.

**Recommendation 4:** We recommend the Tucson Sector Chief, Border Patrol, CBP, oversee a data integrity review at Tucson sector facilities of detainee custody logs, to ensure that the information recorded is accurate. 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 recommendations and provided corrective actions to address the issues we identified. We consider recommendations one, two, and three resolved and closed. We consider recommendation four 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 Response to Recommendation 1:** Concur. CBP provided documentation of actions taken addressing this recommendation, such as implementing the Automated Processing Toolkit, which has reduced detainee processing time by 98 percent, and increasing coordination with ICE ERO to arrange increased detention and removal flights. In addition to reducing processing time and increasing coordination with ICE ERO, the sector communicates daily with the GOM, nongovernmental organizations, and local/state governments, as appropriate, to refine and improve movement of individuals out of short-term custody. The sector also has a Local Repatriation Agreement with the GOM through the Nogales POE, which minimizes delays in transfers by establishing reporting procedures and timelines for repatriation, designating specific ports for repatriation, and defining special needs or exemptions.

**OIG Analysis:** We consider these actions responsive to the recommendation. We will continue to monitor time in custody in our inspection work and may issue similar recommendations in the future. No further reporting on this recommendation is necessary, which is now resolved and closed.

**CBP Response to Recommendation 2:** Concur. CBP provided documentation of actions taken addressing this recommendation, such as the recently rewritten Tucson sector property standard operating procedures that align with CBP's updated 2024 property directive, to include formalizing the process for detainees to elect whether Border Patrol will store or dispose of their property. CBP also provided documentation of new quality assurance mechanisms, including



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the assignment of designated property coordinators to resolve property issues, as well as an example of how they track and document missing property claims.

**OIG Analysis:** We consider these actions responsive to the recommendation. We will continue to monitor property management in our inspection work and may issue similar recommendations in the future. No further reporting on this recommendation is necessary, which is now resolved and closed.

**CBP Response to Recommendation 3:** Concur. CBP provided documentation of actions taken addressing this recommendation, including assigning designated medical liaisons who complete checks for amenities, medical inventories, and End of Shift Reports. These medical liaisons use status checks of Border Patrol's electronic system of record, e3, to identify detainees requiring elevated levels of care, including welfare checks every 15-minutes, and medical screenings every 4 hours, as required by CBP's Medical Process Guidance. The medical liaisons' End of Shift Reports document whether detainees received required status checks and amenities and are subject to supervisors' review for completeness, accuracy, and quality control.

**OIG Analysis:** We consider these actions responsive to the recommendation. We will continue to monitor amenity provisions and welfare checks in our inspection work and may issue similar recommendations in the future. No further reporting on this recommendation is necessary, which is now resolved and closed.

**CBP Response to Recommendation 4:** Concur. CBP noted actions taken addressing this recommendation, such as reviewing regular amenity status check reports, and discussing reoccurring errors and how to resolve them, as appropriate. CBP also noted an effort by Tucson sector to develop a random custody log review and remediation process, to include dedicated data management teams for facilities. Estimated completion date: March 31, 2025.

**OIG Analysis:** We consider these actions responsive to the recommendation, which is resolved and open. We will close the recommendation when CBP submits documentation showing Tucson staff's regular review and remediation of amenity status check reports as well as the implementation of Tucson's formal custody log review and remediation process.



## **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 immigration detention facilities. We analyzed various factors to determine which facilities to inspect. We reviewed prior inspection reports and both 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, and POEs).

Our objective was to determine whether CBP complied with TEDS standards 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 Tucson area of Arizona. From May 14 to 17, 2024, we inspected four Border Patrol facilities (TSSF, TCC, NPF and Ajo station) and one OFO POE (Nogales).

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 instances 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 TSSF, TCC, NPF, Ajo station, and Nogales POE. We drew a statistically valid random sample from the TSSF’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 TSSF’s roll call and book out times for the complete roll calls of the other facilities (TCC, NPF, Ajo station, and Nogales POE). 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 TSSF, based on the statistically valid, randomly drawn sample of 277 detainees, 148 (53 percent) of the detainees were held over 72 hours. Inferring this sample result to the total population of 993 detainees in custody at the TSSF (excluding UCs) at the time of our inspection in May of 2024, we estimate with 95 percent confidence that between 481 and 580 detainees were held over 72 hours. We separately analyzed time in custody for 86 UCs held at the TSSF and found Border Patrol did not



hold any of these UCs over 72 hours. For the other facilities, we reviewed each detainee's arrest and book-out dates and times to determine time in custody.

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.



**Appendix B:  
CBP Comments on the Draft Report**

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1300 Pennsylvania Avenue, NW  
Washington, DC 20229



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

BY ELECTRONIC SUBMISSION

December 16, 2024

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

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

12/16/2024

Signed by: HENRY A. MOAK, JR.

SUBJECT: Management Response to Draft Report: “Results of May 2024  
Unannounced Inspections of CBP Holding Facilities in the  
Tucson Area” (Project No. 24-001-ISP-CBP(c))

Thank you for the opportunity to comment on this draft report. The 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’s recognition that—following unannounced inspections of four U.S. Border Patrol (USBP) facilities and one Office of Field Operations (OFO) port of entry (POE) in the Tucson area—met applicable standards to provide or make available amenities such as food, water, and medical care to detainees, including the “National Standards on Transport, Escort, Detention, and Search,” (TEDS).<sup>1</sup> CCBP remains committed to complying with TEDS and related policies and procedures by providing reasonable and appropriate care for persons in its custody.

The draft report contained four recommendations with which CBP concurs. Attached 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, as appropriate.

<sup>1</sup> “National Standards on Transport, Escort, Detention, and Search,” dated October 2015; <https://www.cbp.gov/sites/default/files/assets/documents/2020-Feb/cbp-teds-policy-october2015.pdf>

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**OFFICE OF INSPECTOR GENERAL**

*U.S. Department of Homeland Security*

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

Attachment

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**Attachment: Management Response to Recommendations  
Contained in OIG 24-001-ISP-CBP(c)**

OIG recommended that the CBP USBP Tucson Sector Chief:

**Recommendation 1:** In coordination with partner agencies, regularly and continuously refine current strategies and identify new strategies to manage delays in detainee transfers to partners to meet time in custody standards throughout the Tucson sector.

**Response:** Concur. Since February 20, 2024, Tucson Sector (TCA) leverages Microsoft's Power Automate Application to operate the Automated Processing Toolkit (APT), which reduces processing times dramatically. Specifically, APT interfaces with USBP's e3 Review and Approve Portal (RAP)—which enables USBP Agents to review, digitally sign, and complete Electronic A-Files for subjects being processed—and USBP's e3 Next Gen Module—which is the primary arrest and seizure related information capture point—to automate repetitive and time-consuming tasks within the processing workflow and reduce file completion time. As a result, total processing time per detainee file has been reduced 98 percent prior to the transferring of detainees to another entity.

In addition to reducing processing time, TCA currently takes steps to expedite the transfer of individuals out of custody by communicating daily with U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO), the Government of Mexico (GOM), nongovernmental organizations (NGO), and local/state governments, as appropriate, to refine and improve movement of individuals out of short-term custody. For example, staff from TCA meet twice a week with NGOs and local and state organizations to discuss current operational tempo and mitigate any ongoing issues preventing the smooth transfer of any individuals bound for local release. TCA also has a Local Repatriation Agreement with GOM through the Nogales Port of Entry, which minimizes delays in transfers by establishing reporting procedures, timelines for repatriation, designated specific ports for repatriation, and defines special needs or exemptions.

Currently, the largest populations of detainees held within TCA are individuals bound for transfer to ICE ERO. To enhance movement from CBP to ICE, TCA and ICE ERO personnel collaborate to increase the tempo and overall numbers of detainees transported to ICE ERO interior holding facilities within and outside of Arizona, which assists in creating available bed space for rapid local placement. If subjects are ineligible for ICE ERO detention, TCA coordinates with ICE ERO to increase movements out of USBP

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custody by making “Alternatives to Detention” transports twice a day (placement into ICE custody for local release) and moving family unit heads of households into parole via the Family Expedited Removal Management program.

Once apprehended, other factors may impact an individual’s time in custody such as whether an individual is referred for prosecution of 8 U.S.C. § 1325, “Improper entry by alien,” or whether they go through the Credible Fear Interview process while in USBP custody. Overall, these efforts have effectively lowered detainees’ times in TCA custody, with the November 11, 2024, report showing █████ subjects in custody. Of these individuals, only █████ are over the 72-hour threshold (25 percent), as compared to the OIG’s May 14-17, 2024, total findings of 148 of 277 subjects in custody over the 72-hour threshold (53 percent).

On November 27, 2024, CBP sent the OIG documentation corroborating the completion of these actions. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

**Recommendation 2:** Implement and regularly monitor quality assurance mechanisms at the TSSF [Tucson Soft Sided Facility] to ensure detainees’ property is inventoried and stored and returned to detainees when they are transferred, repatriated, or released.

**Response:** Concur. Effective October 9, 2024, the TCA TSSF Property Standard Operating Procedure<sup>2</sup> (SOP) was rewritten, with minor revisions, to align with CBP Directive No. 1724-0422.<sup>3</sup> Specifically, the TSSF Property SOP was updated with updated forms including the CBP Form 5200<sup>4</sup> and DHS Form 6051R,<sup>5</sup> which give detainees the option of storing their property at the TSSF for 30 days or abandoning their property if they so choose. The TSSF SOP also requires property to be stored in a secure container in a secure property room and inventoried three times per day. When property is returned to detainees upon their departure from the TSSF, the TSSF must verify the detainee’s property with the I-77 property number listed on the departing manifest. Also, agents and contractors were advised and trained on the changes (e.g., use of CBP Form 5200 and DHS Form 6051R).

<sup>2</sup> “Tucson Sector Standard Operating Procedure Tucson Soft Sided Facility,” dated October 9, 2024.

<sup>3</sup> CBP Directive No. 1724-0422, “Short-Term Holding Facilities Handling, Storage, Transference, and/or Return of Detainee Personal Property,” dated August 2024.

<sup>4</sup> CBP Form 5200, “Authorization for Release of Personal Property Hold Harmless Agreement,” is used to notify detainees of their right to request the return or release of property that that CBP came into possession of, as a result of a seizure action, search warrant or arrest.

<sup>5</sup> DHS Form 6051R, “Receipt for Property” is used to document and track the return of detainee property that is not seized by the Government if the detainee is transferred out of CBP custody without their property or when property has been left at a CBP facility for more than 30 days.

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In addition, the TSSF improved quality assurance mechanisms using additional checks and multiple layers of monitoring that ensure detainees' property is inventoried, stored, and returned to detainees appropriately. For example, inventory is conducted three times a day through the Amenities, Property, and Identification Program, and any lost property is documented through Evolving Situation Reports. Further, additional staff is now within the property room, including staff assigned to monitor all medications, and any property found within the TSSF is followed up on by the TSSF property manager, who oversees all property issues, so that it can be reunited with its owner. Unclaimed property is generally held generally for a minimum of 45 days—exceeding the general TEDS requirement of 30 days. For complex movements, such as flights, TSSF also dedicates space and allots additional time to verify that all subjects leaving the sector have their property. With additional checks and multiple layers of monitoring, TCA has improved personal property maintenance and management.

On November 27, 2024, CBP sent the OIG documentation corroborating the completion of these actions. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

**Recommendation 3:** Implement and regularly monitor quality assurance mechanisms at the TCC [Tucson Coordination Center], TSSF, and NPF [Nogales Processing Facility] to ensure compliance with standards related to welfare checks for detainees with documented medical conditions to include pregnant detainees.

**Response:** Concur. TCA designates staff at each facility to monitor compliance related to welfare checks for all of those in custody, to include additional welfare checks for those with documented medical conditions such as pregnant detainees. Specifically, the TSSF assigns Detainee Action and Care Agents (DACA) to the medical room to liaise with medical contractor staff for medications and the monitoring of health conditions. These DACA use status checks of the e3 Detention Module (e3DM) to determine which detainees meet the criteria for Elevated in-Custody Medical Risk (ECMR), which triggers providing these individuals with welfare checks performed every 15-minutes, and also medical screenings every 4 hours, as required by the Medical Process Guidance, Annex A, ECMR.<sup>6</sup> Also, each End of Shift Report (EOSR) documents whether all status checks are accounted for, and whether amenity reports were completed. Supervisors then review the EOSR documents for completeness, accuracy, and quality control (e.g., all welfare action status summaries are current and not past due).

<sup>6</sup> CBP Office of the Chief Medical Officer Medical Process Guidance, "Annex A Elevated in-Custody Medical Risk (ECMR)," dated October 2023.

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The TCC and NPF experience lower volumes of detainees. Accordingly, at both facilities, the detention Supervisory Border Patrol Agents on each shift are responsible for ensuring compliance with amenity checks and may assign staff, as needed, to fulfill the requirement based on local operational tempo. The TCC and NPF do not place holds on migrants with medications or conduct a medication audit each shift. Rather, they use the e3DM for compliance (e.g., pop up e3DM system warnings that flag the entry for a potential data entry error).

On November 27, 2024, CBP sent the OIG documentation corroborating the completion of these actions. CBP requests that the OIG consider this recommendation resolved and closed, as implemented.

**Recommendation 4:** Oversee a data integrity review at Tucson sector facilities of detainee custody logs, to ensure that the information recorded is accurate. If the problem we identified persists, implement a quality assurance plan, and continue to monitor data integrity.

**Response:** Concur. Staff from each TCA shift check the “status checks” report from e3DM continuously to ensure that all amenities are provided, that status checks are up-to-date, and that any errors are corrected in the e3DM, as appropriate. TCA management at each of these facilities discuss any reoccurring errors in the “status check” reports and how to resolve these errors, as appropriate, such as through musters or individually with agents.

Currently, the TCA Central Processing Division is working with the TCA Data Management Branch (DMB) to develop a review process, to include a local data management team for the facilities. The process will include randomly selecting 10-15 detainees in custody within the last 30 days, and reviewing their custody logs to ensure custodial actions were logged appropriately. The TCA DMB will also run daily scripts to identify data entry errors, such as duplications. Data entry errors will be corrected through communication (including but not limited to verbal, telephonic, or email discussion of the noted error) during respective tours of duty, or via station management who will then verbally discuss the noted errors to shifts through musters for corrective action.

Estimated Completion Date: March 31, 2025.

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## **Appendix C:**

### **Office of Inspections and Evaluations Major Contributors to This Report**

Tatyana Martell, Chief Inspector

Jonathan Ban, Lead Inspector

John Lanca, Senior Inspector

Almas Khan, Senior Inspector

Ashley Wilder, Inspector

Dorie Chang, Communications Analyst

Anthony Crawford, Independent Referencer



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