



# OIDO

Office of the Immigration  
Detention Ombudsman

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*The Office of the Immigration Detention Ombudsman independently examines immigration detention to promote and support safe, humane conditions.*

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## **A Note from the Acting Ombudsman, David Gersten:**



*Artwork of a hummingbird, created by an immigration detainee (photo: OIDO staff)*

It's nearly summer! As our office continues to grow, I am pleased to see a lot of exciting developments. As an upstart organization, we experienced the same challenges as many government agencies, as COVID-19 affected hiring, contracting issues, and technical support, and created many other obstacles. Nevertheless, we

were able to launch our office and establish operations across the country, with most of us never meeting once in person! What we are seeing now within OIDO are the fruits of our labor and the dedication of our staff. You will read more about these exciting developments highlighted below.

Recently, the OIDO team and I visited CBP facilities across the Southwest Border to observe changes after the end of the CDC's temporary Title 42 public health order. Just like the detention environment, our work must be dynamic, always finding innovative ways and solutions for handling immigration detention concerns and OIDO will continue its efforts to ensure safe and humane conditions everywhere people are held in DHS's custody.

This spring I completed a trip to Nogales, both the Arizona and Mexico sides. The trip was an opportunity for OIDO to further our relationships with the Mexican Government, non-governmental organizations serving those in U.S. detention, and our partners at the U.S. Department of State. Because our mission takes place entirely in custody settings, our work occurs within the United States. Extending our outreach across the border is an effort OIDO is undertaking to better understand the circumstances that lead to people to migrate and to educate those that may be affected by the conditions of the detention environment. We want to bring clarity and reassurance to those who have family in detention or those who wish to notify OIDO of concerns within U.S. detention facilities.



Special thanks to Claire Mark (pictured to the left), Political and Economic Associate, U.S. Consulate General Nogales, who was given an OIDO Challenge Coin for her expertise and assistance. Challenge Coins are sometimes issued by those holding leadership positions for special achievement or for going above and beyond in fulfilling an agency's mission. Claire facilitated our entry into Mexico, as well as transportation and translation. In addition, she contacted local migrant shelters

on our behalf and organized a meeting for us to get to know them and their work. Without Claire's efforts, our trip would not have been possible. This is another great example of the premium OIDO places on working across organizational lines.

We hope that our ability to meet the community where they are will provide better working relationships and help broker trust—something so important to our office we included it in our vision statement! I recognize the importance of having inclusive exchanges of information, and to that end I want to highlight that we are happy to accommodate anyone who may need assistance in reading or viewing our materials or may need captioning or another assistive service to attend our roundtable events.

Our efforts to launch this office, improve our processes, and develop our programs have been bolstered by your engagement, and we appreciate the time you have spent with us, whether alerting us to important issues via email, through our case submission process, or in person.

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## The myOIDO Online Complaint Form is Here

In March, OIDO launched our [online complaint form](#) (DHS Form – 405)! This will streamline the complaint intake process. The PDF version is still available online in multiple languages if you would prefer to print and mail or email a complaint. We anticipate expanding the online form’s use to all other facilities in the future, but the online form can now be used to file complaints related to the following locations:



- Baker County Facility—Macclenny, FL
- Central Louisiana ICE Processing Center—Jena, LA
- Eloy Federal Contract Facility—Eloy, AZ
- Florence Service Processing Center—Florence, AZ
- Krome North Service Processing—Miami, FL
- Montgomery ICE Processing Center—Conroe, TX
- Otay Mesa Detention Center— San Diego, CA
- South Louisiana ICE Processing Center—Basile, LA
- Stewart Detention Center—Lumpkin, GA
- Webb County Detention Center (CCA)—Laredo, TX

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## Recent OIDO Inspection Reports

### Denver Contract Detention Facility



In July 2022, OIDO conducted an announced inspection of the Denver Contract Detention Facility (DCDF) in Aurora, Colorado to assess its performance and compliance with the U.S. Immigration and Customs Enforcement (ICE) detention standards and contract terms. OIDO's inspection led to several findings. DCDF complied with standards in seven areas, had violations in three areas, and had one area of concern. The non-compliance areas included: use of force techniques, kitchen safety, and law library access. The area of concern was in the facility's medical staff training. In the three areas of non-compliance, the facility acknowledged and took corrective action during or soon after OIDO's inspection to address the deficiencies. To address the area of concern, ICE indicated that it would develop a training schedule for health services staff to ensure they complete the required training by the end of Fiscal Year 2023.

Full reports are available on our website [here](#).

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## Case Management

### Case Management Data (2/1/2023 - 4/30/2023)

Since OIDO started taking in cases in late 2021, we have received many different complaints from people in detention, as well as their friends, families, and representatives. Complaints come from people who are currently or were previously held in administrative immigration custody on the authority of the U.S. Department of Homeland Security (DHS). Between February 1, 2023 and April 30, 2023, OIDO received a total of 2,748 complaints. Most complaints concerned the facility environment, contact and communication, or medical/mental health care.



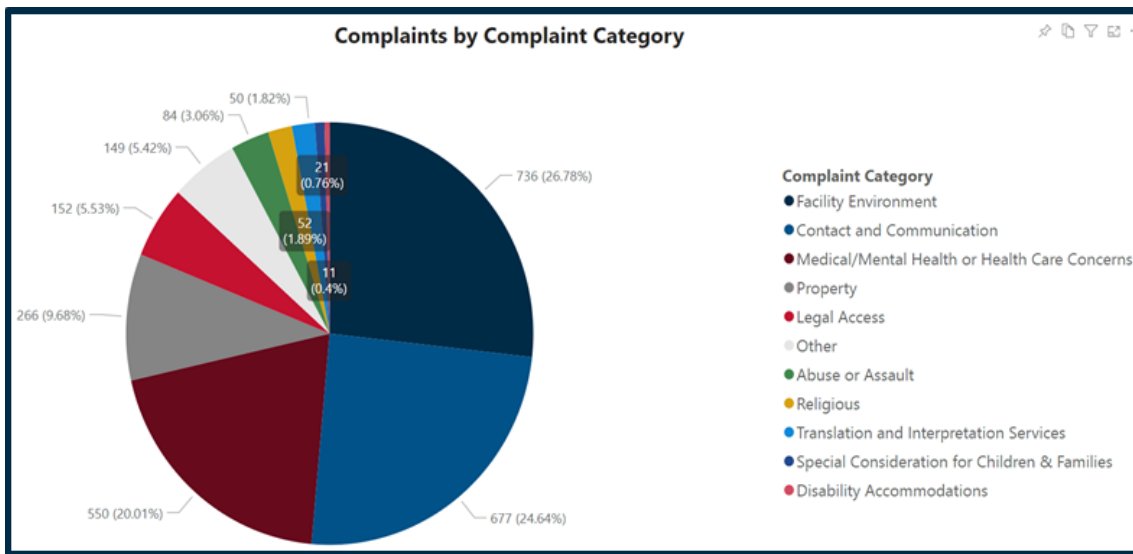
Case management data is one of many elements we look at to make recommendations on improving immigration conditions, to focus inspections, and even to be more intentional about our outreach efforts.

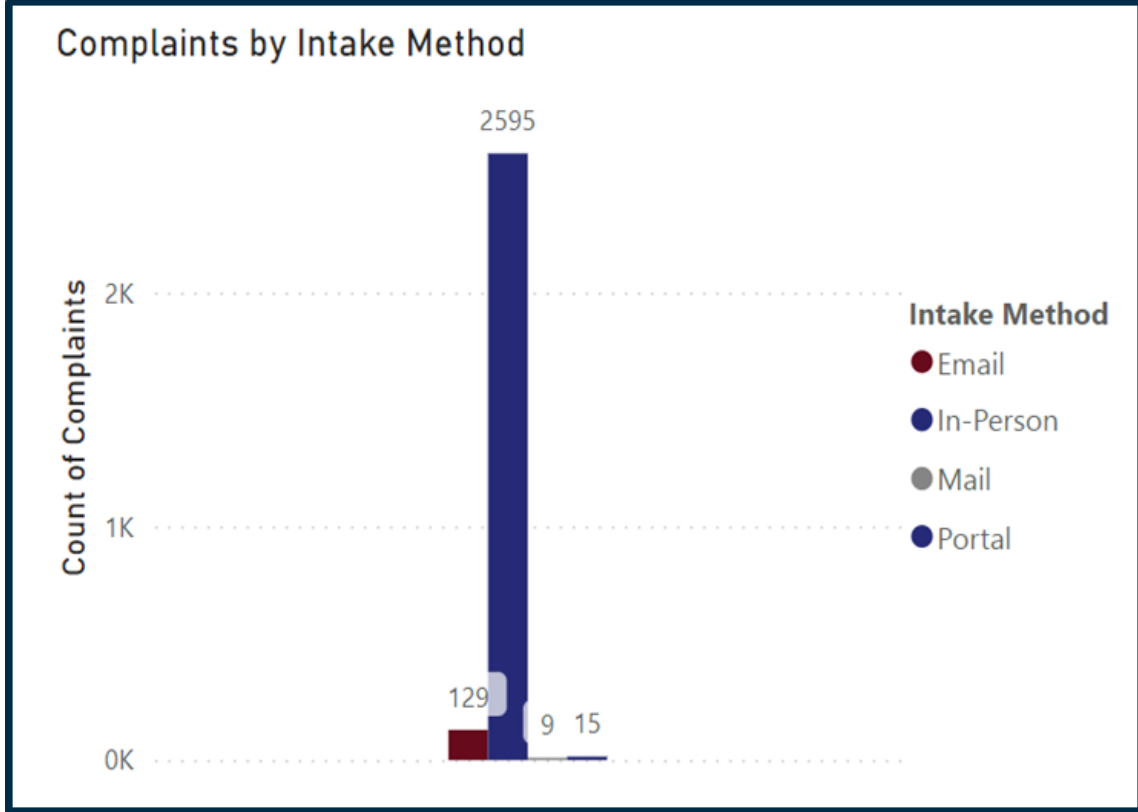
### Case Management Complaint Snapshot

## Number of Resolved Complaints

# 2588

OIDO has made some modifications to case management data since our last newsletter was published. The case management team has addressed approximately 210 more cases than were taken in the previous reporting period. Further, to better describe the issues faced by individuals in immigration detention, OIDO has modified its categories of complaints to include the new category of Contact and Communication. This new category covers both communication between detainees and staff, and between detainees and people outside of facilities, which were previously included in the category of facility environment. Lastly, as noted above, we now have an additional route to take in cases—the online version of the Form 405 that can be found at [myOIDO.dhs.gov](https://myOIDO.dhs.gov).





## DHS Secretary's Award for Innovation



On March 21, 2023, DHS Secretary Alejandro Mayorkas (pictured on the left) bestowed the [Secretary's Award for Innovation](#) upon OIDO's Detention Oversight Division. This award recognizes individuals or teams that employ a strategic and enterprise-wide approach to strengthening the DHS mission and its operations. The winners exhibit an ongoing record of high standards of achievement and innovation. The work of the winner may have resulted in superior performance and/or significant operational improvements.

OIDO's Detention Oversight division created an Ombudsman Alert to notify DHS Components promptly, so that significant and time sensitive information could be communicated to DHS components and leadership without a full inspection or audit report. OIDO staff traveled across the Southwest Border of the United States,



during times with high COVID-19 transition rates. This allowed our office to gain a field perspective of current Customs and Border Protection (CBP) custody operations and conditions. As a direct result of this field experience, OIDO had the opportunity to assess the provision of medical care at numerous CBP locations and the challenges posed by staffing shortages.

In July of 2022, with the support of Detention Oversight’s expert medical staff, inspectors, and auditors, OIDO issued an [Ombudsman Alert \(opens PDF\)](#) entitled “Critical Medical Understaffing on the Border” alerting CBP Management about critical shortages of medical services at CBP facilities. In addition, the alert identified that the understaffing could jeopardize the health and safety of noncitizens in CBP custody. This Alert, along with Detention Oversight’s continued engagement on the issue, resulted in increased staffing levels for contract medical personnel and emphasized the need for increased contract management on new CBP medical contracts. Detention Oversight’s complementary “team” approach is innovative in that traditional oversight offices do not normally partner with DHS components. This approach resulted in significant operational improvements while maximizing the Department’s limited resources.

Additionally, the Alert was an innovative new method for OIDO to present an urgent issue. Rather than waiting many more months for a full report with recommendations to be completed, reviewed by CBP, and published, OIDO was able to sound the alarm on a critical issue thanks to this innovation. Congratulations to Detention Oversight; job well done!

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## OIDO Language Access Plan

As part of seeking improvements to the Nation’s immigration detention system, OIDO routinely engages directly with persons in immigration detention, many of whom are primarily of limited English proficiency (LEP). OIDO believes focus on effective communication is critical to ensure that such persons can communicate needs and concerns about the detention environment they may face. The Language Access Plan establishes a system within OIDO for ensuring and improving access by LEP persons to the full range of OIDO’s



programs, services, information, and activities. Currently, there are two different tools OIDO frequently uses to accommodate LEP persons.

- Professional Interpretation and Translation Services - OIDO has a contract for third party provision of language interpretation and translation services. The contract supports translations of OIDO correspondence, print media, and other written communications. The contract also includes on-demand telephonic interpretation services and in person interpretation. Frequently our case managers utilize this service in the detention environment to better serve those who are detained.
- DHS Office for Civil Rights and Civil Liberties (CRCL) “I Speak” Language Identification Guide - All OIDO personnel and contractors who perform case management, detention oversight, external relations, and policy activities have been provided access to either a print or online version of the DHS CRCL “I Speak” Language Identification Guide (“I Speak” Guide) to assist with prompt identification of languages to assist LEP persons.

These two services continue to help OIDO personnel identify the preferred language of an individual and better understand the needs of those held in detention. The Language Access Plan can be found online on OIDO’s website or by clicking [here](#).

## Join us live!

Join us Wednesday June 14<sup>th</sup> at 3:00PM EST for a virtual presentation on the Language Access Plan. Please RSVP to [OIDO\\_Outreach@hq.dhs.gov](mailto:OIDO_Outreach@hq.dhs.gov) for the sign-on information.

## Check out all of our new materials!



New posters, one-pagers, and other materials for detainees and submitters are now available in 19 languages on our website! The materials reflect our new logo—matching our materials to our case managers’ uniforms—and contain information that is easier to decipher.

OIDO’s Case Intake Form ([Form 405](#)) is available in English, Spanish, Portuguese, Haitian Creole, Russian, Turkish, Arabic, and Romanian. People with questions or

concerns can contact the OIDO Outreach team (at [OIDO\\_Outreach@hq.dhs.gov](mailto:OIDO_Outreach@hq.dhs.gov)) in the language they’re most comfortable using; OIDO will handle translation and will respond in their language.



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## Follow OIDO on Twitter!

OIDO can now be found on Twitter! Follow us [@OIDOGov](https://twitter.com/OIDOGov). With this roll out, updates, links to frequently used forms, and OIDO publications will be made available to the public through Twitter. As our office continues to develop, we look forward to using social media as another form of communicating with you.

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## OIDO Case Managers in Action

Every day, OIDO case managers across the country provide services and assistance in detention facilities, focusing on problem-solving through a lens of neutrality and independence. Case managers focus on responding to individual complaints they receive from people in detention; they may also share some larger issues that arise with local ICE, CBP, or facility personnel. They also share this information internally to inform future inspections and/or policy recommendations. These are just a few stories from the field.



### *Access to OIDO Case Managers*

To make sure as many detained people as possible can speak directly with case managers, our case managers use a variety of methods to make themselves available—they will walk around and introduce themselves, they will post paper sign-up sheets or have drop boxes for written complaints, and they may use electronic sign-up tools. In some facilities, tablets are available to request to speak with a case manager, but they're not available everywhere. We're always looking for alternatives and using the tools available to us. For example, a county jail in Pennsylvania has set up kiosks—similar to the ATM-like kiosks used to add funds to commissary accounts—for detainees to sign-up and meet with a case manager. The kiosks are available in all housing units and available for use by detainees at any time. In addition, OIDO's case management division is providing virtual interviews in some facilities where the technology for it is accessible. Virtual interviews are convenient when a case manager is unable to be physically present at the location.

### *Food/Beverage Quality*

A case manager contacted a detainee who complained of having gastrointestinal issues for two days after he drank expired juice. The detainee claimed he drank the juice before noticing it was expired. The case manager informed the Facility Administrator about the complaint and the medical concerns associated. When meeting with facility staff, the case manager showed a picture of several juices with an expired date. The case manager asked food service staff to stop serving expired

beverages. Additionally, the case manager worked with facility staff to throw away 60 cases of expired juices. Case management followed up with the non-citizen, who stated he had not received any more expired food.

#### *Discrimination / Harassment*

Several immigration detainees were having issues with inmates in the custody of the U.S. Marshals Service (USMS), held in the same county jail. Detainees stated that USMS detainees housed in their pod continuously made derogatory and racist verbal remarks against people of Hispanic origins, were physically obstructing access to certain services, intentionally making loud noises during overnight hours, accusing other detainees of stealing, and making verbal threats. The detainees indicated that they reported these incidents to facility staff, but only a verbal warning was given and the USMS detainees continued their behavior.

The detained noncitizens contacted OIDO for additional support in requesting the transfer of these detainees to a different pod. An OIDO case manager asked for assistance from facility staff to investigate the incidents, and was offered immediate support. During follow-up, detainees indicated that the USMS detainees involved in this behavior were transferred to a different pod less than 24 hours after the issue was reported to OIDO.

#### *Access to Medical Care*

A detainee made a complaint to an OIDO case manager regarding medical care. The detainee stated that he uses a Continuous Positive Airway Pressure (CPAP) machine. The noncitizen indicated that he approached medical staff at the facility to request a replacement of his CPAP mask, and the medical staff told the detainee he needed to make an additional request for authorization directly to ICE. The detainee then requested assistance from OIDO to understand the process and support to obtain a new mask. The OIDO case manager helped with communicating the request to ICE, followed up about the request, and confirmed the new mask was issued four days after the request for OIDO assistance.



OIDO's outreach team recently visited multiple cities across the country to give in-person introductions of the new online complaint intake form. We were lucky to be joined by our case managers in some cities, who could provide a first-hand account of what it is like to work with people in immigration detention and how the case managers work to resolve complaints. These tailored presentations were a chance for community members, nonprofits, advocates, and those interested in learning how to file a complaint online to see the myOIDO portal in action and get updates about our experiences in their areas. If you couldn't attend one of

these events and have questions on how to use the myOIDO portal, email us at our outreach mailbox ([OIDO\\_Outreach@hq.dhs.gov](mailto:OIDO_Outreach@hq.dhs.gov)). We would be more than happy to walk you through the process!

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## OIDO Medical Oversight

In 2021 and 2022, nearly 25 percent of complaints received by OIDO had a connection to medical or mental health care. To address these complaints, OIDO prioritized hiring a team of subject matter experts in medical and behavioral health care.

OIDO's Medical Support Program (MSP) consists of seven U.S. Public Health Service Commissioned Corps Officers detailed to OIDO. The MSP officers have correctional health care experience in investigations involving employee misconduct and noncitizen deaths; they also represent expertise in infectious diseases, forensic psychological examinations, pharmacy operations/management, quality improvement, and risk mitigation. The team is available for 24/7 consultation.



The Medical Support Program contributes to other OIDO divisions by:

- *Case Management Division* – providing medical expertise to case managers to address health related complaints.
- *Detention Oversight Division* – participating in all inspections or investigations to review the quality and timeliness of medical care.

- *Policy and Standards Division* – advising on health care related policies and procedures governing the immigration detention system.

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## **OIDO Recent Events**

Since our last newsletter, OIDO has met with representatives from the Mexican Embassy to introduce our respective offices. Embassies and consulates have a special role in the detention environment: per international agreements and treaties between the U.S. Government and foreign governments, foreign government officials are entitled to communicate with their nationals to check on their welfare and provide consular assistance. Mexican consular officials routinely visit their nationals in both ICE and CBP facilities. Their frequent presence in these facilities and shared goal with OIDO to ensure safe and humane conditions has opened new opportunities for collaboration. The meeting resulted in furthering the relationship between OIDO and embassy staff. This relationship will help staff at the Mexican embassy, to include their consulates, inform those who are negatively affected by the detention environment about OIDO's services.

From February to May, OIDO held 48 virtual or in-person meetings with advocacy organizations, state offices, and other stakeholders to introduce OIDO and listen to emerging observations and concerns regarding immigration detention conditions. These meetings help increase awareness of OIDO's roles and responsibilities, provide clarity on the OIDO complaint process, and encourage further cooperation and information-sharing with these organizations.

OIDO held nine Lunch and Learn sessions for EOIR Immigration Judges in the western United States. These sessions gave OIDO a chance to share our work and how we can be a resource for judges, court staff, and the people who appear before them. Judges shared what they see and hear from detainees in their courtrooms. The courts offered to help spread the word about what OIDO can do when concerns with the detention environment are raised. This is an ongoing project; OIDO's goal is to meet with all Immigration Judges.

OIDO held two roundtables during the month of March: Release and Transfer and the Use of Segregation. The roundtables were open to the public and were joined by stakeholders who were given the opportunity to discuss issues faced, make recommendations, and ask questions. This resulted in OIDO gaining increased knowledge and understanding of the concerns regarding these discussion topics and will help OIDO make informed policy recommendations moving forward. In addition, a virtual training was held on how to complete the new myOIDO online complaint intake form.

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## To the Community

We want to hear from you! If you feel that your complaint has not been fully addressed, contact us—we are here to help. If you have concerns—or compliments!—about how a case was handled by OIDO, please contact us at [OIDO Outreach@hq.dhs.gov](mailto:OIDO_Outreach@hq.dhs.gov).

Our mailing address is:

Office of the Immigration Detention Ombudsman (OIDO)

Mail Stop 0134

Department of Homeland Security

Washington DC 20528-0134

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## About our Office

OIDO is an independent, neutral office operating within DHS, but not within either CBP or ICE. The Ombudsman's Office was established by Congress (Sec.106 of the Consolidated Appropriations Act, 2020, Public Law 116-93). Our vision is for OIDO to be recognized as an objective, credible resource for those impacted by immigration detention, creating a more effective and humane system.

### **OIDO can help with:**

- Violation of an individual detainee's rights
- Potential misconduct
- Excessive force
- Violation of law, standards of professional conduct, contract terms, or policy related to immigration detention committed by ICE or CBP staff or contractors

### **OIDO cannot:**

- Communicate with anyone but the detainee or representative about a case without written permission
- Review or adjudicate requests to reconsider a detention determination, the reasons for detention, the denial of a request for release or parole, or the standards for considering requests for release
- Review or adjudicate requests to reconsider determinations made by U.S. Citizenship and Immigration Services, such as credible fear determinations

For information on our structure and mission, please visit our website at [dhs.gov/OIDO](https://dhs.gov/OIDO).

## Keep in Touch

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