



# Homeland Security

September 28, 2017

MEMORANDUM FOR: Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

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SUBJECT: Rio Grande Valley Sector Complaints<sup>1</sup>

Brownsville: 14-03-CBP-0129, 14-08-CBP-0180, 14-08-CBP-0191, 14-08-CBP-0206, 14-09-CBP-0243, 14-09-CBP-0252, 14-09-CBP-0256

Falfurrias: 14-07-CBP-0157, 14-09-CBP-0246

Harlingen: 14-09-CBP-0244, 14-09-CBP-0255

Kingsville: 14-01-CBP-0045

McAllen: 13-07-CBP-0315, 13-08-CBP-0183, 14-07-CBP-0165, 14-09-CBP-0240, 14-09-CBP-0241, 14-09-CBP-0251, 14-09-CBP-0257

Rio Grande City: 13-11-CBP-0310, 14-08-CBP-0181, 14-09-CBP-0245

Weslaco: 14-02-CBP-0173, 14-03-CBP-0037, 14-08-CBP-0164,

<sup>1</sup> CRCL also received the following complaints involving UAC treatment in the RGV Sector in 2013 and 2014. These complaints contain allegations that are similar or identical to the allegations in the complaints listed above, which CRCL investigated onsite.

- a. Excessive or Inappropriate Use of Force: 13-07-CBP-0182, 13-07-CBP-0185, 13-08-CBP-0180, 13-08-CBP-0206, 13-09-CBP-0204, 13-10-CBP-0272, 13-11-CBP-0308, 13-12-CBP-0294, 13-12-CBP-0296, 13-12-CBP-0319, 14-01-CBP-0087, 14-03-CBP-0028, 14-03-CBP-0036, 14-03-CBP-0046, 14-03-CBP-0047, 14-08-CBP-0206, 14-08-CBP-0215.
- b. Inadequate Medical Care: 13-08-CBP-0180, 13-08-CBP-0206, 13-10-CBP-0272, 13-12-CBP-0319, 14-01-CBP-0104, 14-03-CBP-0028.
- c. Inferior Hold Room Conditions: 13-02-DHS-0048, 13-07-CBP-0185, 13-08-CBP-0181, 13-09-CBP-0207, 13-11-CBP-0295, 14-03-CBP-0063, 14-08-CBP-0207.

As you are aware, the Office for Civil Rights and Civil Liberties (CRCL) conducted an onsite investigation of six of the seven Rio Grande Valley Sector (RGV) U.S. Border Patrol (USBP) Stations on July 15 to 18, 2014, based on complaint allegations we received from various immigration advocacy organizations, legal service providers, and the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). Of those complaints, 116 were submitted on June 11, 2014, by the National Immigrant Justice Center (NIJC) on behalf of several immigration advocacy organizations raising concerns about hold room conditions. CRCL chose to investigate 15 of the 116 complaints that best exemplified the total group. CRCL also selected 14 complaints from other sources, bringing the total number of complaints for this investigation to 29. Together, the complaints raised issues including hold room sanitation; snacks, food and water; medication administration and medical care; verbal and physical abuse; personal hygiene; hold room temperatures; sleeping provisions; family separation; separation of UAC from unknown adults; non-functioning restroom equipment; and, hold room capacity and composition. The complaints are listed by station, as follows.

### **Brownsville**

#### *Complaint No. 14-03-CBP-0129*

On December 16, 2013, CRCL received a complaint from the Children's South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of 17-year-old UAC (b) (6) (b) (6), who alleged a lack of food while in USBP custody for over 72 hours. During the entire night that the UAC was detained, he was not provided food or water despite his requests, and two USBP agents (BPAs) denied food to everyone in his hold room.

#### *Complaint No. 14-07-CBP-0157*

On April 13, 2014, CRCL received a complaint from ProBAR on behalf of 17-year-old UAC (b) (6) (b) (5), (b) (7)(E) (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E) Moreover, the UAC alleged that his prescription medications were lost when he was transferred to the Brownsville Station and were replaced with an over-the-counter pain medication rather than his prescribed medication. Finally, the UAC reports that he did receive crutches at Brownsville, but alleged that he had to sleep on the floor with only a thin mattress.

#### *Complaint No. 14-08-CBP-0180*

On May 6, 2014, CRCL received a complaint from the Florence Immigrant and Refugee Rights Project on behalf of 16-year-old UAC (b) (6) alleging that he was verbally abused and strip searched by BPAs during his processing interview on April 20, 2014. The UAC alleged that two BPAs accused him of lying about his age and falsifying his Guatemalan identification and birth certificate and that the BPAs disposed of his documents. Per the complaint, a BPA instructed the UAC to remove his clothing, searched him, and then

continued to interview him about his age while he remained unclothed. He further alleged that the BPAs threatened him by saying he would be sexually abused by an adult male detainee if he was not truthful.

*Complaint No. 14-08-CBP-0191*

On May 27, 2014, CRCL received a Significant Incident Report (SIR) from HHS ORR on behalf of 13-year-old UAC (b) (6) who alleged that while she was in USBP custody, three male BPAs verbally abused her, denied her a phone call to her mother, and threw her food on the ground which she described as “ice cold bologna with a yellow center.” Additionally, the UAC reported that the BPAs denied her request for additional sanitary napkins, and medication when she complained of stomach pain (the result of surgery two months prior). She stated that she had to remain in blood-stained pants during the time she was detained.

*Complaint No. 14-08-CBP-0206*

On May 28, 2014, CRCL received a SIR from HHS ORR on behalf of 16-year-old UAC (b) (6) (b) (6) who alleged that a BPA was verbally abusive and called him a “dog” when he was apprehended May 4, 2014, near Mission, Texas. Per the complaint, the same BPA threatened to kick those aliens who did not respond when spoken to. The UAC alleged that while at the Brownsville Station he witnessed a BPA lift up a minor by the neck, push him against a glass structure which caused the minor to bleed, and threaten to use an Electronic Control Weapon (ECW) against the bleeding minor's brother. Finally, the UAC alleged that, after the same? BPA threatened the minors with sexual abuse by an adult male detainee, an adult Mexican detainee was brought into the juvenile hold room and immediately began using derogatory and intimidating language toward the UAC.

*Complaint No. 14-09-CBP-0243*

On June 11, 2014, CRCL received a complaint on behalf of 17-year-old UAC (b) (6) (b) (6) alleging that he was not provided with food or drinks for two full days of his several day stay in USBP custody. The UAC also related that he did not receive medical care after becoming ill after consuming food and juice at the station. Per the complaint, the UAC further alleged that the hold room was cold, personal hygiene items were not provided, and that his property was not returned. Records indicate the UAC was in USBP custody for 9 days before being transferred to HHS ORR on May 16, 2014.

*Complaint No. 14-09-CBP-0252*

On June 11, 2014, CRCL received a complaint on behalf of 16-year-old UAC (b) (6) (b) (6) alleging that she and her two-year-old son received inedible food, and that she was not provided with diapers for her child or allowed to make phone calls while they were detained by USBP at the Brownsville Station. The UAC also reported that she requested medication after becoming ill but the BPAs ignored her requests or told her there was no medication. Per the complaint, the UAC's son also became ill and developed a fever but the BPAs did not transport them to the hospital until several days after Maricely first reported feeling ill.



*Complaint No. 14-09-CBP-0256*

On June 11, 2014, CRCL received a complaint on behalf of 13-year-old UAC (b) (6) (b) (6)). The UAC alleged that when he was apprehended by USBP on May 1, 2014, near Brownsville, Texas, a BPA pulled him out from underneath a car (where he was hiding) and the BPA's canine scratched the right side of his face, causing his eye to bleed. Per the complaint, the BPAs did not provide the UAC with medical care for his readily apparent eye injury at either of the two stations where he was detained over the course of five days. The UAC also alleged that, while at the second station, he witnessed a male minor being taken outside and subjected to an ECW deployment which caused the minor to fall to the ground, shake, and his eyes to roll back. Afterwards, the same male minor was allegedly returned to a hold room, placed in a chair, and restrained at his wrists and ankles.

**Falfurrias**

*Complaint No. 14-07-CBP-0157*

See description in the above Brownsville section (same complaint number).

*Complaint No. 14-09-CBP-0246*

On June 11, 2014, CRCL received a complaint on behalf of 16-year-old UAC (b) (6) (b) (6) who alleged that BPAs verbally abused her after apprehending her and accused her of lying about her age. Per the complaint, the UAC also alleged that during her nine days in detention the hold rooms were cold, no blankets were provided, and the hold room toilet areas were unclean with used sanitary napkins and soiled toilet paper covering the floor. Further, she alleged that the food included moldy bread that made her ill (b) (6) and she was denied medication. The UAC stated that a BPA became angry with her and verbally abused her after she vomited and accused her of being pregnant.

**Harlingen**

*Complaint No. 14-09-CBP-0244*

On June 11, 2014, CRCL received a complaint on behalf of 15-year-old UAC (b) (6) (b) (6) who alleged that he was placed in 3-point shackles during transport to ORR. (b) (5), (b) (7)(E) (b) (6)

*Complaint No. 14-09-CBP-0255*

On June 11, 2014, CRCL received a complaint on behalf of 11-year-old UAC (b) (6) (b) (6) who alleged that the water at the Harlingen Station was undrinkable and tasted like chlorine. He also alleged that he received only one container of juice, that the holding cell temperature was cold, and that he did not receive any hygiene items while in USBP custody. Per the complaint, the UAC also alleged that the food caused him to have stomach pain for two days and that a BPA was verbally abusive when he reported feeling ill.



## Kingsville

### *Complaint No. 14-01-CBP-0045*

On October 16, 2013, CRCL received a complaint from ProBAR on behalf of 17-year-old UAC (b) (6) who alleged that a BPA had physically and verbally abused him during apprehension and repeatedly tightened his handcuffs. The UAC further alleges that the BPA yelled at him when he complained that the handcuffs were too tight. He also alleged that a BPA used an ECW on his friend, who was also a minor, and that BPAs refused to provide him and other minors with water after they were apprehended.

## McAllen

### *Complaint No. 13-07-CBP-0315*

On April 26, 2013, CRCL received a SIR from HHS ORR on behalf of 17-year-old UAC (b) (6) who alleged that when he walked away from the BPA during apprehension, the BPA deployed an ECW in his left hip.

### *Complaint No. 13-08-CBP-0183*

On May 9, 2013, CRCL received a complaint from ProBAR on behalf of 17-year-old UAC (b) (6) who alleged that BPAs piled two other minors on top of him when he was on the ground during apprehension and one BPA sang, "I'm going to deport you." The UAC also alleged that while he was still on the ground underneath the other two minors, a BPA approached him with an ECW and asked him if he knew what it was. Per the complaint, when the UAC replied -"no," the BPA deployed the ECW in the UAC's right arm, resulting in pain and a lack of sensation and control of his arm until the following day. The UAC's e3DM records did not reflect whether the UAC received medical care following the deployment. These same allegations were reported to CRCL via a SIR from HHS ORR on April 26, 2013.

### *Complaint No. 14-07-CBP-0165*

On April 21, 2014, CRCL received a complaint from ProBAR on behalf of 17-year-old UAC (b) (6) who alleged that he remained in custody for approximately nine days at two different BP stations after his apprehension. The UAC also alleged that BPAs refused to assist at the second station after a toilet overflowed in the hold room. Per the complaint, while the toilet was later repaired, the hold room was not cleaned until the next day, during which time the hold room continued to smell badly.

### *Complaint No. 14-09-CBP-0240*

On June 11, 2014, CRCL received a complaint on behalf of 15-year-old UAC (b) (6) who alleged that both the Hidalgo and McAllen Stations where she was held were cold, the water tasted of chlorine and was undrinkable, and that she was provided food only twice a day, which made her ill. The UAC also alleged that she was separated from her family (siblings and cousins) and that BPAs hit their batons inside the hold room to prevent the UACs from sleeping.

*Complaint No. 14-09-CBP-0241*

On June 11, 2014, CRCL received a complaint on behalf of 11-year-old UAC (b) (6) who alleged that the McAllen and Brownsville Stations' water tasted like chlorine and the food made him ill: however, he did not receive medical care. The UAC also alleged that he was separated from his brother, and the hold rooms were cold. He further alleged that he was not allowed to use the restroom and he was not provided with any personal hygiene items. Finally, he alleged that BPAs verbally abused him and failed to return his personal property.

*Complaint No. 14-09-CBP-0251*

On June 11, 2014, CRCL received a complaint on behalf of 16-year-old UAC (b) (6) who alleged that USBP transferred her and her son from one station to another, eventually placing them in a hold room with several other minors and approximately twenty five adults. Per the complaint, during the time the UAC was detained, none of the detainees received blankets and her son became ill and developed a fever. The UAC stated that she told a BPA that her child was ill but the BPA only commented that the child didn't look sick and said he would ask someone else about it. The UAC reported that another BPA eventually arrived and told the UAC that she and her son would only be taken to the hospital if the child was very ill; the BPA then left them both in a locked room. The UAC further alleged that on the same day her that son had a fever, a BPA verbally abused her after he insisted the son's birth certificate was invalid because it lacked a photo and Yessi attempted to explain that Honduran birth certificates don't include photos.

*Complaint No. 14-09-CBP-0257*

On June 11, 2014, CRCL received a complaint on behalf of 16-year-old UAC (b) (6) who alleged that she and her infant son were detained by USBP at the McAllen Station in a hold room where she was unable to sit due to overcrowding. The UAC also alleged that neither she nor her infant were provided with a blanket for most of their time in BP custody. Further, the UAC reported that BPAs did not provide milk to those mothers who requested it for their infants and, as a result, the children in the hold rooms cried from hunger.

**Rio Grande City**

*Complaint No. 13-11-CBP-0310*

On August 25, 2013, CRCL received a complaint from ProBAR on behalf of 17-year-old UAC (b) (6) who alleged that during his apprehension, a BPA restrained his wrists tightly, ignored his pleas to loosen them, and instead tightened them further. The UAC also alleged that, while he was restrained, the BPA repeatedly pushed his shoulder into the ground causing it to bleed. Per the complaint, the UAC reported cleaning his own shoulder wound while at the Rio Grande City Station until he was transported to the hospital two days later for hand and shoulder injuries. The UAC identified the BPA who hurt him as the driver of the vehicle that transported him to the Rio Grande City Station.



*Complaint No. 14-08-CBP-0181*

On May 12, 2014, CRCL received a complaint from ProBAR on behalf of 16-year-old UAC (b) (6) who alleged that she and her prematurely born infant were held in inappropriate conditions at the Rio Grande City Station. Per the complaint, the UAC was pregnant at the time of her apprehension on April 19, 2014. Several hours after processing, she began having abdominal pain and BPAs transported her to the hospital where she gave birth to a four-pound baby on the April 21<sup>st</sup>. Prior to her hospital release 10 days later, the doctor allegedly told a BPA that the premature infant could not be around other people, to which the BPA replied that he must follow orders and returned the UAC and her infant to the Rio Grande City Station. The UAC reported that she and her newborn spent 2 days in a hold room that was dirty, filled with garbage, full of sick detainees, and without an appropriate or clean space to change her newborn's diapers. Notwithstanding her pregnancy and the premature birth, EARM records state the UAC "appears to be in good health," and reports an incorrect date for the infant's birth.

*Complaint No. 14-09-CBP-0245*

On June 11, 2014, CRCL received a complaint on behalf of 16-year-old UAC (b) (6) who alleged that he was not provided with water during his four-day detention at the Rio Grande City Station, and that his limited twice-a-day meals consisted of frozen food that made him ill. The UAC also alleged that BPAs ignored his requests to see a doctor, that BPAs yelled at him and hit him when he tried to fall asleep, and that his personal belongings were not returned to him when he departed the station.

**Weslaco**

*Complaint No. 14-02-CBP-0173*

On November 14, 2013, CRCL received a SIR from HHS ORR on behalf of 17-year-old UAC (b) (6) who alleged that he was mistreated by a BPA at the Weslaco Station. Per the complaint, a BPA tried to pressure the UAC into signing a document and, when he refused to sign (for fear of signing a deportation document), the BPA ordered him to remove all of his clothing (except for his underwear) and told him he would remain in the unclothed state if he did not sign the document. The UAC stated that he signed the document because he was afraid and cold.

*Complaint No. 14-03-CBP-0037*

On December 29, 2013, CRCL received a complaint from ProBAR on behalf of 16-year-old UAC (b) (6) who alleged that BPAs physically abused him with an ECW during apprehension. The UAC reported that he was lying on his back behind a bush when a BPA approached and deployed an ECW on his stomach. When the UAC tried to stand the BPA allegedly stood on top of his leg and pressed down with force. Per the complaint, the BPA then pushed the UAC, kned him twice in his stomach, kicked him several times (in the same leg the BPA had stood on), and then pushed and kicked him into a thorn bush causing

injuries to the UAC's neck. The UAC alleges that he had to clean his own wounds while at the Weslaco Station because he did not receive medical care.

*Complaint No. 14-08-CBP-0164*

On May 6, 2014, CRCL received a SIR from HHS ORR on behalf of 13-year-old UAC (b) (6) who alleged that he was separated from his older sister and verbally abused when he asked a BPA to remain with his sibling at the Weslaco Station.

*Complaint No. 14-08-CBP-0205*

On May 28, 2014, CRCL received a SIR from HHS ORR on behalf of 14-year-old UAC (b) (6) who claimed that Weslaco Station BPAs denied her initial requests for medical care. Per the complaint, a BPA accused the UAC of lying about her pain as a way to get released to her family. It was later determined that, in fact, the UAC was in labor preceding a still birth.

*Complaint No. 14-09-CBP-0247*

On June 11, 2014, CRCL received a complaint on behalf of 15-year-old UAC (b) (6) who alleged that USBP mistreated her over the course of two days in custody. Per the complaint, the water tasted like chlorine, the hold rooms were cold but the UAC did not receive blankets, BPAs yelled at her, and the UAC did not receive medical care for stomach pain that was preventing her from eating. The UAC also reported that she cared for a four-year-old girl because BPAs had separated the girl from her brother who was her caretaker.

*Complaint No. 14-09-CBP-0249*

On June 11, 2014, CRCL received a complaint on behalf of 10-year-old UAC (b) (6) who alleged that BPAs separated him from his older sister at the Weslaco Station and placed him in a hold room with approximately 40 older teenage boys. The UAC relayed that BPAs did not explain why they were separating him from his sister who was caring for him, or when he would see her again.

*Complaint No. 14-09-CBP-0250*

On June 11, 2014, CRCL received a complaint on behalf of 17-year-old UAC (b) (6) who alleged that she and her one-year-old daughter were held for nine days by USBP at three different facilities. The UAC alleged that she was only allowed to change her daughter's soiled diapers one time during the entire day at the first station. Per the complaint, the UAC stated that her daughter cried throughout the day because of the soiled diaper and lack of warm clothing. She also alleged that neither she nor her daughter ever received a blanket and that her one-year-old received nothing but milk until they were transported to the second station. The UAC further alleged that when she requested medical care for her daughter, BPAs told her no medical staff was available. Finally, while at the third USBP station, the UAC asserted that she received food for her baby only twice a day.



*Complaint No. 14-09-CBP-0253*

On June 11, 2014, CRCL received a complaint on behalf of 14-year-old UAC (b) (6). The UAC reported that BPAs confiscated her personal jewelry and her asthma medication during her apprehension. After arriving at the station, when the UAC alerted BPAs that she was having a worsening asthma attack, the BPAs allegedly threatened her with punishment if she was lying. After eventually receiving medical care, which included an inhaler and pills, the UAC alleges that BPAs took those away from her too. Per the complaint, the UAC experienced multiple asthma attacks during her five days in detention at the Weslaco Station, but BPAs only allowed her to use the inhaler when the attacks became obviously serious. The UAC also reported that when she told the BPAs that she had not received food she was told to “suck it up.” According to records, the UAC was apprehended on April 19, 2014, and was taken to the hospital for “chest pain” on April 20.

It should be noted that during the time CRCL conducted the onsite investigation, USBP was handling an unprecedented surge of UACs entering the United States (U.S.). Accordingly, rather than investigate each individual complaint, CRCL reviewed the broader issues that were common among the complaints and evaluated each RGV Sector Station’s compliance with the relevant USBP policies and procedures and U.S. laws which were pertinent to those broader issues. Subsequent to CRCL’s RGV onsite, CBP Headquarters issued the National Standards on Transport, Escort, Detention, and Search (TEDS) in October 2015,<sup>2</sup> and a class action lawsuit was filed on behalf of Tucson Sector detainees.<sup>3</sup> This memorandum is therefore limited in its scope to discussing issues of language access, property, sibling unity, and leadership involvement and oversight. The remaining issues raised in the complaints have been, and continue to be, the subject of ongoing litigation.

Based on CRCL’s onsite interviews with RGV Sector leadership, and each station’s management and agents, record reviews, and direct onsite observations, this Recommendation Memorandum discusses findings and conclusions regarding: language access; the separation of family members, to include siblings; personal property; and leadership involvement and oversight.

We greatly appreciate the assistance provided by BPA (b) (6), (b) (7)(C) who organized our onsite agenda and accompanied CRCL during the investigation. Additionally, we thank Sector leadership, station management, and frontline BPAs for their cooperation and willingness to work with us onsite.

## **SUMMARY OF FINDINGS:**

### **Processing**

- **Language Access:**

When questioned, BPAs reported that most UAC speak either English or Spanish to some degree or have someone interpret who was apprehended with them. However, recognizing

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<sup>2</sup> CRCL was a member of the CBP workgroup tasked by then CBP Commissioner R. Gil Kerlikowske, to develop a set of joint standards that would apply broadly to CBP’s Office of Border Patrol (OBP) and Office of Field Operations (OFO).

<sup>3</sup> *Doe v. Johnson*, Case No. 4:15-cv-250 (D. Ariz., filed June 8, 2015)



the sizeable number of indigenous speakers crossing the border in 2014, we asked what would happen when a BPA is processing a UAC who speaks an indigenous language? In response, we heard varying levels of knowledge about the existence of a language line and how to access it. Some stations had posted language line access information, but most did not. We also observed this information posted on the walls of some interview rooms. However, we requested, but did not receive, any records demonstrating language line usage. We highlight the posting of this information in the processing area and interview rooms as a best practice. The lack of appropriate language access and recording its use is of concern to CRCL and is therefore addressed in the Recommendations section of this memorandum.

### **Property**

CRCL observed property storage areas and asked about property processes in all seven of the RGV Sector Stations we reviewed. At those stations where a specific BPA was assigned to manage the property process, we interviewed them about property intake, storage, and return. There was a wide variation in property procedures among those stations. The stations with the fewest property concerns had designated a secure property room that was controlled by a specific BPA assigned to manage alien property during a shift, and that BPA held the only access key. Some stations' property areas consisted only of shelves that were piled with backpacks and bags, and were accessible to anyone, while the more impressive property rooms had locked entry-doors, with rows of lockers inside that were secured to the walls. In one station, the lockers were made of mesh metal that allowed the assigned BPA to see the property inside. Attached to each locker door was one-half of a numbered property tag and the alien owning the property had the other half. The more impressive property rooms were also situated close to the sally port door which made collecting and returning property more effective. CRCL considers these impressive efforts to manage property a best practice. However, the lack of process consistency among the RGV Sector Stations is of concern to CRCL and is therefore addressed in the "Recommendations" section of this memorandum.

### **Sibling Unity**

CRCL observed that several RGV Sector Stations had made significant efforts to ensure that family members, including siblings who entered the U.S. together, were placed in the same hold rooms and, when appropriate, were transferred together. CRCL observed that one station rubber-banded family members' files together as a notice to BPAs that family members were in custody at that station. In that way, when one file was pulled for transfer/transport, the banding notified BPAs of the need to include the family member(s) in the same plans when possible. Although e3DM has an area to note siblings in custody, CRCL was aware from previous investigations that all stations do not require BPAs to record this information and, therefore, banding provided a visual safeguard that many RGV Sector BPAs reported was effective. Accordingly, we highlight this as a best practice. However, the lack of process consistency among the RGV Sector stations is of concern to CRCL and is therefore addressed in the "Recommendations" section of this memorandum.

### **Leadership Involvement and Oversight**



When CRCL found a problematic issue onsite and we asked BPAs on the processing floor who was responsible for oversight of that particular matter we were consistently told it was a Supervisory Border Patrol Agent's (SBPA) responsibility. However, in every station we reviewed, we observed that SBPAs commonly perform their duties in an office, or are stationed at computers in the "bubble," which overlooks the processing and hold room area, and are busy answering BPA's questions inside the bubble, or are on the telephone. When we asked BPAs how often their SBPAs were on the processing floor or inside the hold rooms, we learned that they are rarely present in either area, especially when the station is busy.

CRCL found discernable variations in management and operating procedures among the RGV Sector Stations; even among those with similar occupancy levels and occupancy histories. In those stations where we noted best practices, we also saw that station leadership was more involved in and aware of their station's daily activities and practices. Those were also the stations where leadership was more able to answer our questions. In those Sector stations where CRCL found more concerns, the station's leadership was less knowledgeable of the station's general and daily procedural details. Upon our arrival at one station, leadership could not be located and, although we later learned they were at lunch, none of the BPAs we spoke to were aware of their location or when they would return, which the BPAs stated was often the case.

During our exit-briefing with RGV Sector Headquarters, Sector leadership indicated they were unaware of their stations' best practices or the problems that we identified. We therefore suggested that Sector leadership should consider the potential benefits of regularly scheduled meetings between Sector and station leadership in order to learn about and standardize the best practices developed by some RGV Sector Stations, and to foster an improved awareness and communication flow. We then asked Sector leadership to provide increased leadership guidance and oversight regarding those standardized practices, as well as regarding the concerns discussed in this memorandum.

## **RECOMMENDATIONS**

### **Processing**

1. RGV Sector leadership should reissue the language access memorandum to all RGV Sector Stations, require station leadership to ensure their BPAs are aware of the requirements to use the language line when interacting with aliens, and require the stations to maintain records on its use. (TEDS: 1.7 Reasonable Accommodations and Language Access (p.4); 3.3 Communication (p.9); 4.5 Electronic System(s) of Record (p.15); 5.2 UAC Screenings (p.19); 5.3 Documentation (pp.19-20); Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (LEP) (August 11, 2000); U.S. Department of Homeland Security, U.S. Customs and Border Protection, *Language Access Plan* (November 18, 2016).
2. OBP Headquarters should add the language access memorandum to the e3 suite's policy section so that it is readily accessible to BPAs.

## **Property**

3. RGV Sector Headquarters leadership should develop property procedures that ensure appropriate intake, storage, and return of aliens' property. This would include a proper inventory and receipt system, as well as a secure property room and secure receptacles that are only accessible by each shift's designated staff. There must be an effective cross-check mechanism in place to ensure that departing aliens' identity documents, money, and other belongings are returned to them. If the departing aliens are being transported in a vehicle that does not allow them to keep their property during transport or when they arrive at their next destination, they should be provided with a property receipt that effectively identifies them and links them to their property inside the transport vehicle. These property transactions should be entered in e3DM or other appropriate record system. (TEDS: 2.10 Transfer of Detainee Documents and Medication (p.8); 4.5 Electronic System(s) of Record (p.15); 5.1 General, *Personal Property and Legal Papers* (p.19); 5.3 Documentation (p.19))

## **Sibling/Family Unity**

4. RGV Sector Headquarters leadership should develop procedures for holding UAC siblings and family members, to ensure that family members are not placed in separate hold rooms unnecessarily, are not separated when they are being transported, and to ensure that UAC siblings are not separated when transferred to the custody of HHS ORR. CRCL further recommends that USBP Headquarters should require all USBP Sectors to ensure personnel receive training on the TEDS standards pertaining to the separation of family members. When family members are in custody at the same station, as well as when they depart, whether together or separately, each family member's information (full name and A#) must be recorded in e3DM. (TEDS: 1.9 Family Unity (p.4); 4.5 Electronic System(s) of Record (p.15); 5.3 Documentation (p.19); 5.6 Detention, *Least Restrictive Setting, Unaccompanied Juvenile Siblings, Family Units, and Nursing Mother and Children* (p.22))

## **Leadership Involvement and Oversight**

5. RGV Sector Headquarters leadership should become more involved in oversight of the Sector stations' daily operating activities and needs. This increased involvement should include oversight and development of policy and processes to ensure efficiency, quality, and consistency in operations.
6. Each station's leadership should evaluate workload constraints that can prevent their SBPAs from being fully aware of and involved in the station's daily operations, and, to the extent possible, take action to resolve those inefficiencies by staffing an additional SBPA who is assigned solely to monitor and assist on the processing floor. (Border Patrol Handbook: 1.1 Organization, 1.2 Responsibilities, and 1.3 Use of Personnel)

## **Best Practice Recommendation**

7. To foster an improved communication flow, CRCL suggests that the RGV Sector would benefit from regularly scheduled leadership forums, enabling Sector leadership to learn



about problems, develop solutions, and standardize the best practices that stations have instituted, which are discussed in this memorandum.

Some of the above recommendations may be best resolved during musters and follow-up musters. For those not able to be addressed effectively or solely through musters, CRCL offers to assist CBP Headquarters with implementation.

It is CRCL's statutory role to advise department leadership and personnel about civil rights and civil liberties issues, ensuring respect for civil rights and civil liberties in policy decisions and implementation of those decisions. Subsequent to sharing our initial findings with CBP Headquarters, CBP began providing CRCL with periodic updates of the RGV Sector's efforts to address those initial concerns, which we appreciated. With this formalized Recommendation Memorandum, we request that, for each listed recommendation, CBP provide a "concur" or "non-concur" response to CRCL within 60 days of your receipt of this document. If you concur, please include a Corrective Action Plan (CAP). Recognizing that USBP's efforts to address some the initial findings may satisfy some of the listed recommendations, please provide that relevant information in the CAP. You may send your response by email. If you have any questions, please contact Senior Policy Advisor (b) (6) by telephone at (b) (6) or by email at (b) (6).

Prior to our departure, RGV Sector leadership and station management requested copies of this CRCL Recommendations Memorandum. We pass this information on to CBP Headquarters to respond directly to those field requests.

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