



Office for Civil Rights and Civil Liberties

Summary of CRCL Recommendation Memorandum and CBP's Response *Behavior Management of Unaccompanied Children in USBP Custody*

On February 27, 2023, U.S. Customs and Border Protection (CBP) responded to a *Recommendation Memorandum* issued in September 2022 by the Office for Civil Rights and Civil Liberties (CRCL) about policies concerning behavior management of unaccompanied children (UC) in U.S. Border Patrol (USBP) custody. CBP concurred with one of CRCL's recommendations and partially concurred with two.

Background

Between 2019 and 2021, CRCL received 11 allegations related to disciplinary actions taken against UC during their time in USBP custody. CRCL opened five representative complaints to examine CBP's approach to behavior management of UC. These included allegations that Border Patrol Agents denied mattresses to UC, held UC in isolation, denied bathroom requests made by UC, and forced UC to stand for long periods of time as punishment.

Investigation

CRCL reviewed custody records of the five minors who alleged that they were subject to discipline while in USBP custody. CRCL also reviewed CBP policies and procedures contained in the National Standards on Transport, Escort, Detention, and Search related to the care of UC in CBP custody, and location-specific policies and procedures for the El Paso, Yuma, and Rio Grande Valley Sectors. While CRCL did not substantiate any of the individual allegations made by the UC, CRCL found that CBP lacks policy, guidance, and training directly addressing behavior management practices for UC in CBP custody.

Recommendations

On September 13, 2022, CRCL sent CBP a *Recommendation Memorandum* with three recommendations regarding behavior management of UC in USBP custody. On February 27, 2023, CBP concurred with one recommendation and partially concurred with two.

CBP agreed to issue a reminder to its personnel reaffirming existing policies and procedures relating to the care of UC in CBP custody.

CBP did not agree with CRCL recommendations related to developing additional policy, guidance, and training to supplement existing policy and procedure about behavior management practices.