



OIDO INSPECTION

Eagle Pass Soft-Sided Facility

OIDO-23-009

November 14, 2023



OIDO is an independent
office within the Department
of Homeland Security.



November 14, 2023

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

FROM: David D. Gersten DAVID D GERSTEN Digitally signed by DAVID
D GERSTEN
Date: 2023.11.14
14:27:52 -05'00'
Acting Ombudsman
Office of the Immigration Detention Ombudsman

SUBJECT: OIDO-23-009¹
Eagle Pass Soft-Sided Facility
February 7, 2023

Attached is the Office of the Immigration Detention Ombudsman's (OIDO) final report based on its inspection of Eagle Pass Soft-Sided Facility in Eagle Pass, Texas on February 7, 2023. We reviewed the facility's performance as well as compliance with U.S. Customs and Border Protection's National Standards on Transportation, Escort, Detention, and Search (TEDS).

The report contains one recommendation aimed at improving United States Border Patrol (USBP) and its compliance with TEDS standard 2.9, Emergency Situations During Transport. Your office concurred with this recommendation. Based on the information provided in your response to the draft report, OIDO considers the recommendation replies to be responsive and the recommendation open pending further action.

Attachment

¹ This updated report replaces the prior version issued on September 6, 2023.





**OIDO INSPECTION
OF
EAGLE PASS SOFT-SIDED FACILITY**
Eagle Pass, Texas

Executive Summary

Pursuant to its statutory responsibilities, the Department of Homeland Security (DHS) Office of the Immigration Detention Ombudsman (OIDO) Detention Oversight Division conducted an announced inspection of Eagle Pass Soft-Sided Facility in Eagle Pass, Texas on February 7, 2023. OIDO reviewed the facility's performance as well as compliance with U.S. Customs and Border Protection's National Standards on Transportation, Escort, Detention, and Search (TEDS). OIDO examined issues related to the video surveillance system, evacuation plans, detainee segregation, custodial action logging, detention conditions, and detainee transportation.

OIDO's inspection led to several findings. The facility complied with standards in all areas except transportation. The areas of compliance included: the video surveillance system, evacuation plans, segregation, custodial action logs, cleaning and sanitation, hygiene items, bedding and blankets, meals and snacks, and drinking water. However, the facility was non-compliant in one area. OIDO found that U.S. Border Patrol did not have a written transportation policy or written procedures to address emergencies during transport.

OIDO made one recommendation to improve facility conditions and to meet TEDS standards.

Table of Contents

Executive Summary	1
Table of Contents	2
Introduction.....	3
Background.....	3
Objective, Scope, and Methodology	4
Results of Inspection.....	4
A. Areas of Compliance.....	4
B. Area of Non-Compliance	9
Conclusion	9
Recommendations.....	10
Response from Inspected Component and OIDO Analysis.....	10

Appendices

Appendix A: Component Response.....	11
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Introduction

Pursuant to its statutory responsibilities, OIDO conducts independent, objective, and credible inspections of U.S. Customs and Border Protection (CBP) facilities throughout the United States. OIDO also reviews, examines, and makes recommendations to address concerns with or violations of contract terms regarding immigration detention facilities and services.

On February 7, 2023, OIDO inspected the United States Border Patrol (USBP) Eagle Pass Soft-Sided Facility located in Eagle Pass, Texas. OIDO reviewed the facility's performance and compliance with U.S. Customs and Border Protection's National Standards on Transportation, Escort, Detention, and Search (TEDS) and the CBP Physical Security Policies and Procedures Handbook (HB 1400-02C). The inspection focused on the video surveillance system, evacuation plans, detainee segregation, custodial action logging, detention conditions, and detainee transportation.

Background

CBP's Office of Field Operations (OFO) conducts immigration and customs inspections of all travelers and cargo entering the U.S. at 328 ports of entry (POEs) throughout the United States, and CBP's USBP secures U.S. borders between the POEs, detecting and apprehending individuals who have illegally entered the United States. USBP organizes its activities under a structure of 20 Border Patrol Sectors.²

In support of mission activities, CBP OFO and USBP have facilities throughout the United States. Many of these facilities include short-term hold rooms used to temporarily hold detained individuals. Hold rooms include processing areas, detention cells, or open areas within a facility. Hold rooms are intended for short-term detention, generally under 72 hours, while individuals are processed and/or transferred for removal, detention, or prosecution. TEDS Standards govern CBP's interactions with and care of individuals while they are detained in CBP short-term facilities, including medical care. TEDS reflects legal and regulatory requirements in the areas of transport, escort, detention, and search provisions, sexual abuse and assault prevention and response, care of at-risk individuals, and personal property.

The Eagle Pass Soft-Sided Facility was constructed in May 2022 and became operational in July 2022. The facility replaced a smaller soft-sided facility the USBP Del Rio Sector used. Historically, USBP agents at the nearby Eagle Pass and Eagle Pass South Border Patrol Stations apprehended most detainees processed at the Soft-Sided Facility. In the past, the facility also processed detainees from the El Paso Border Patrol Sector. Detainees could be processed via either a Title 8 pathway (or expelled pursuant to the CDC Title 42 Order as in effect at the time) through the local Eagle Pass, Texas Port of Entry or via flight to their country of origin. If processed via a Title 8 pathway, detainees are generally transferred to ICE custody or issued a Notice to Appear and released from custody.

The facility has capacity for 1000 detainees. There were 345 detainees at the facility when OIDO began its inspection. The detainee population can be placed in one of eight Pods. Inside a pod there

² See [Border Patrol Sectors | U.S. Customs and Border Protection \(cbp.gov\)](https://www.cbp.gov/about/structure/border-patrol-sectors).

are 8 “blocks,” or hold rooms. During the OIDO inspection, four of eight pods were occupied. Pods were organized into the following pattern: Pod A held females with children, and Pods B, D, and H held males. To handle large influxes of migrants, the facility converted the recreation area into a two-part intake site.

At the time of the inspection there were 167 USBP Agents and 41 Border Patrol Processing Coordinators assigned to the facility. All the agents were detailed; some were on 20-28-day details, and some were on 6-month details. The agents on the longer details were volunteered and held positions where they would teach and supervise agents detailed on shorter duration. In addition, the facility used detailed staff from other agencies to perform specific administrative duties that streamlined detainee processing time.³

Objective, Scope, and Methodology

OIDO inspected the Eagle Pass Soft-Sided Facility because USBP consistently used the facility to process detainees from other facilities within Del Rio Sector, including Eagle Pass and Eagle Pass South Station. The facility was built primarily to provide additional processing capacity for the Del Rio Sector. The detainee population had decreased since December 2022 and that enabled OIDO to inspect the facility in a theoretically optimal operational environment, as opposed to a period when detainee population exceeded personnel and space resources. OIDO inspected the facility to evaluate its compliance with TEDS and HB 1400-02C. OIDO limited its review to the following areas: the video surveillance system, evacuation plans, detainee segregation, custodial action logging, detention conditions, and detainee transportation.

OIDO’s inspection team consisted of three inspectors and one detention specialist. The inspection team interviewed facility staff, contractors, and detainees. The team also collected and reviewed video and photographic evidence, detainee detention files, and USBP and contractor-generated records.

Results of Inspection

OIDO’s inspection led to several findings. The facility complied with standards in all areas except transportation. The areas of compliance included: the video surveillance system, evacuation plans, segregation, custodial action logs, cleaning and sanitation, hygiene items, bedding and blankets, meals and snacks, and drinking water. However, the facility was non-compliant in one area. OIDO found that USBP did not have a written transportation policy or written procedures to address emergencies during transport.

A. Areas of Compliance

The Facility Complied with Requirements to Implement a Video Surveillance System

According to the CBP Physical Security Policies and Procedures Handbook (HB 1400-02C), Chapter 12 Video Surveillance System, Section 12.5.1(d), USBP is tasked with implementing a video surveillance system that is capable of storage, retrieval, and footage transfer of recorded

³ Staff were detailed from agencies such as the Forest Service, Homeland Security Investigations, Federal Protective Service, and CBP Office of Field Operations.

activities for at least a 30-day minimum for review and evidentiary purposes.

During its inspection, OIDO observed that the Eagle Pass Soft-Sided Facility had a functioning video surveillance system. The Vicon Net System had two visual indicators to show when cameras were not functioning through directory listing and timeline status indicators. OIDO found that 234 cameras were operational and had the capability to retrieve and transfer footage on a system workstation. OIDO observed that the workstation display indicated that all cameras had been functioning for the past 90 days.

To test the system’s capabilities for retrieval and transfer of footage, OIDO requested footage of an area of the facility on a date within 30 days prior to its inspection. OIDO reviewed the received footage from January 17, 2023, which included 20 minutes of footage with uninterrupted playback. OIDO found that the footage was clear enough to discern activity and movement.

The Facility Complied with Requirements to Post an Evacuation Plan in the Processing Area and Ensure Staff Are Familiar with the Procedures

The TEDS standard 4.3 on general detention procedures requires that every CBP facility have an evaluation plan posted in its processing area. Further, it states that the supervisor is responsible for ensuring that all staff members are familiar with evacuation procedures. During its inspection, OIDO found that the facility had a current Continuity of Operations Plan and Occupant Emergency Plan. Evacuation procedures were prominently posted in the processing area (*See Exhibit 1*). OIDO reviewed the Welcome Email the facility issued to new staff members and PowerPoint of the facility’s monthly muster module; the documents showed that the facility provided initial and ongoing information about its evacuation procedures.

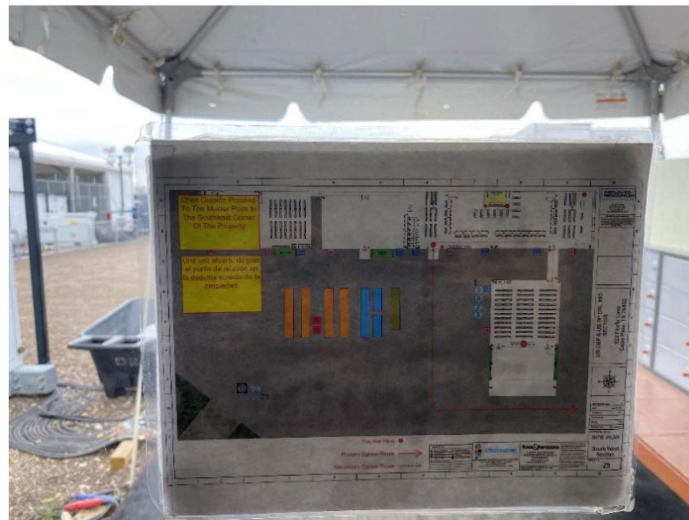


Exhibit 1. One of six evacuation plans posted in the processing area of Eagle Pass Soft-Sided Facility, as OIDO observed on February 7, 2023.

Source: OIDO

The Facility Complied with Requirements to Segregate Detainees by Gender, Juvenile/Adult, and Family Units

TEDS standard 4.3 on general detention procedures requires that male and female adult detainees

be segregated at all times when in hold rooms and that particular care should be afforded to at-risk populations. Further, detainees under the age of 18 years will not be held with adult detainees unless the adult is an immediate relative or legal guardian responsible for the care and custody of the juvenile, and no other adult detainees are present in the area. Finally, generally, family units with juveniles should not be separated.

OIDO observed occupied pods at the facility during its inspection and noted that adult detainees had been separated by gender. One of the pods contained all males and another contained all females and children. OIDO also reviewed the facility records in USBP's e3 Detention Module (e3DM)⁴ roll call printed on the day of inspection and did not find any instances when an opposite gender adult was placed in a gender-segregated blocks or pods. The print-out showed that the facility had segregated detainees by gender, juvenile/adult, and family units during initial processing and housed them accordingly in separate rooms throughout their stay.

The Facility Complied with Requirements to Log Custodial Actions in a System of Record

TEDS standard 4.5 on electronic system(s) of record requires that "all custodial actions, notifications, and transports that occur after the detainee has been received into a CBP facility must be accurately recorded in the appropriate electronic system(s) of record as soon as practicable."

OIDO interviewed five detainees and reviewed the associated e3DM Subject Activity Log for each. OIDO focused on the following custodial actions: receipt of personal belongings, screening for trafficking and medical, provision of bedding, meals, snacks, and showers, and completion of visual checks.

OIDO found that the facility utilized the Amenities, Property, and Identification Program (APIP) to record and track custodial actions. During the initial receiving procedure at the facility, detainees were issued a bracelet that was placed on their wrists. Detainees would wear the bracelet throughout the duration of their stay. Contractors or agents would scan the bracelets equipped with a bar code to account for a specific custodial action.

APIP is an application used for detainee roll call, property accountability, and amenities tracking. It also helps with shift change accountability, property inventory, detainee movement, property movement, and detainee identification. APIP utilizes hospital-style wristbands and barcode scanners. Prior to the development of APIP, USBP personnel had to print out roll call sheets and verify and/or update information line-by-line; this process was both time consuming and a safety risk. The use of APIP has since streamlined the process for more efficient and accurate tracking of detainee information.

After the initial receiving procedure, contractors offered detainees a hot meal regardless of the

⁴ USBP's e3 Detention Module is an internal system that captures all custodial actions and transportation for detainees.

time of day (See Exhibit 2). The staff recorded each detainee meal in e3DM. Staff also recorded and tracked detainee property using APIP. Then, once detainees had showered, a contractor would log the action and issue dental and hygiene kits. The facility also recorded in the system when detainees received bedding. Finally, contractors logged hold room checks approximately every 15 to 20 minutes while the detainees were sleeping. In short, OIDO found that each of the detainee logs reviewed had a record of the TEDS-mandated custodial actions.

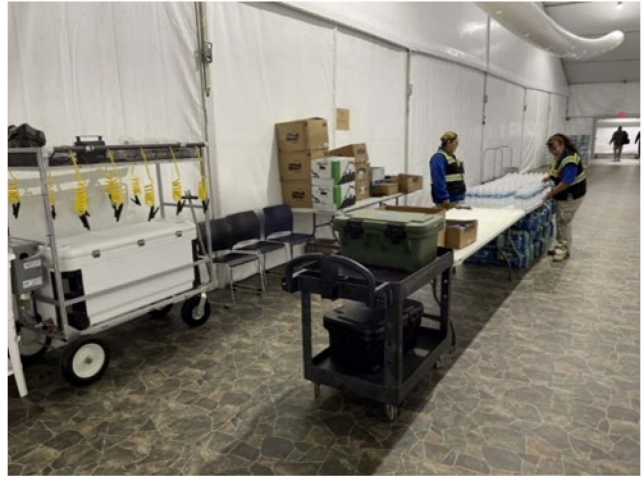


Exhibit 2. Eagle Soft-Sided Facility hallway near receiving area with hot food available, as OIDO observed on February 7, 2023. Source: OIDO

The Facility Complied with Requirements to Regularly and Professionally Clean and Sanitize the Facility and Hold Rooms



OIDO observed on February 7, 2023. Source: OIDO

TEDS standard 4.7 on hold rooms requires that all facilities or hold rooms used to hold detainees be regularly and professionally cleaned and sanitized. Officers/Agents or detainees will not be expected nor required to perform such tasks.

OIDO found that employees of a contracted housekeeping company cleaned and sanitized rooms of the facility that were used to process and house detainees. A supervisory staff member reported that these tasks were performed each shift, and there were three shifts per day. OIDO observed cleaning staff cleaning the Pod’s floor and one Block within the Pod (See Exhibit 3). During cleaning, detainees were escorted outside the Block.

Exhibit 3. Contractors cleaning a block at Eagle Soft-Sided Facility, as

The Facility Complied with Requirements to Provide Detainees with Personal Hygiene Items

TEDS standard 4.11 on hygiene states that detainees must be provided with basic personal hygiene items consistent with short term detention and safety and security needs. Families with small children will be provided diapers and baby wipes. Further, restrooms will be stocked with toilet paper and sanitary napkins as well as soap, whenever operationally feasible. Finally, reasonable efforts will be made to provide showers, soap and a clean towel to detainees approaching 72 hours in detention.

During its inspection, OIDO observed that the facility provided access to clean and sanitized showers and distributed hygiene kits, which consisted of a combination shampoo and body wash, a disposable toothbrush with toothpaste on it, a hair comb, lotion, and deodorant. Families with small children received diapers and baby wipes. In addition, the facility provided clean and sanitized restrooms stocked with toilet paper, sanitary napkins, and soap.

The Facility Complied with Requirements to Provide Clean Bedding to Juveniles and Clean Blankets to Adult Detainees Upon Request

TEDS standard 4.12 on bedding states that clean bedding must be provided to juveniles. In addition, clean blankets must be provided to adult detainees upon request when available. During its inspection, OIDO observed pods and reviewed e3DM Subject Activity Logs. OIDO found that the facility provided a bed mat and three cloth blankets to juveniles and a bed mat and mylar blankets to adult detainees.

The Facility Complied with Requirements to Provide Edible, Regular Meals and Snacks Between Mealtimes

TEDS standard 4.13 on food and beverage requires that food provided to detainees must be in an edible condition. Officer/Agents should remain cognizant of a detainee’s religious or other dietary restriction. Adult detainees will be provided with snacks between regularly scheduled mealtimes.

OIDO found that the food service department prepared food daily for the facility. The Food Service Manager described that the facility served hot meals for breakfast and lunch and served a cold meal, a sandwich, for dinner. The facility also provided an apple and snack with each meal. Hot meals were made in an air-conditioned room in the dining facility and transported in stay hot



containers with “serve by” times noted on them. OIDO observed the serving of lunch to the detainees in Pods A and B of the facility (*See Exhibit 4*). The contractors set up water, hot food, snacks, and fruit on a table. The staff would line up detainees one Block (hold room) at a time to pick food items. OIDO observed a USBP Agent requesting nine vegetarian meals for his Pod. OIDO asked the agent how these special meal requests were documented, and he indicated that they were not documented but were added to the total count of meals provided.

Exhibit 4. Detainees being served lunch in Pod A of Eagle Pass Soft-Sided Facility, as OIDO observed on February 7, 2023.

Source: OIDO

OIDO interviewed five detainees regarding food. Detainees stated that they were provided food regularly; the detainees did not report any concerns with food at the facility. OIDO also reviewed APIP records for the detainees and found that each had been provided a hot meal as soon as they

were issued an APIP wristband, ensuring that detainees did not have to wait for a regularly scheduled meal time to receive a hot meal. In addition, OIDO reviewed Subject Activity logs for five detainees and found that all had been provided snacks. The facility had snacks available to detainees upon request 24 hours a day.

The Facility Complied with Requirements to Provide Clean Drinking Water and Drinking Cups Available at All Times

TEDS standard 4.14 on drinking water states that functioning drinking fountains or clean drinking water along with clean drinking cups must always be available to detainees. During its inspection, OIDO observed large amounts of bottled water in storage and available in common areas accessible to detainees throughout the facility (*See Exhibit 5*). The facility did not have drinking fountains; the piped water in the facility was only for bathing and washing.

Exhibit 5. Bottled water outside receiving area at Eagle Pass Soft-Sided Facility, as OIDO observed on February 7, 2023.

Source: OIDO



B. Area of Non-Compliance

The Facility Did Not Have a Policy or Procedure for Emergency Situations during Transport

TEDS standard 2.9 on emergency situations during transport states that “operational offices will establish a written policy to address emergency situations. This policy must direct local offices, ports or stations to establish written procedures for transporting staff to follow in an en-route emergency and proper documentation procedures after such an emergency.”

OIDO attempted to review the Eagle Pass Soft-Sided Facility procedures for emergency situations during transport while onsite; however, USBP stated that USBP did not have a national policy, and Eagle Pass Soft-Sided Facility did not have any written procedures. The facility did not have a dedicated transportation fleet or dedicated transportation staff and had to request transportation vans from the two nearest USBP Stations, Eagle Pass and Eagle Pass South. OIDO found that these stations did not have written procedures for emergencies during transport either.

Conclusion

OIDO’s inspection led to several findings. The facility complied with standards in all areas except transportation. The areas of compliance included: the video surveillance system, evacuation plans, segregation, custodial action logs, cleaning and sanitation, hygiene items, bedding and blankets, meals and snacks, and drinking water. However, the facility was non-compliant in one area. OIDO found that USBP did not have a written transportation policy or written procedures to address emergencies during transport.

Complying with TEDS is essential to ensuring the health, safety, and rights of detainees. CBP must ensure that USBP and Eagle Pass Soft-Sided Facility comply with the detention standards and take meaningful corrective action to address deficiencies.

Recommendations

Recommendation 1: USBP should develop a national written policy and instruct its facilities to develop local procedures to address emergencies during transport.

Response from Inspected Component and OIDO Analysis

CBP Officials concurred with the recommendation and provided a proposed corrective action. OIDO considers the response to the recommendation responsive and open. Below is a summary of CBP's response and OIDO's analysis thereof. CBP's full response is available in Appendix A.

Component Response to Recommendation 1: Concur. CBP's TEDS policy, to which USBP adheres, is the national policy regarding detainee transport. USBP will issue a policy memorandum that directs USBP sectors to create a local policy to address the language in TEDS Section 2.9 Emergency Situations during Transport. All sectors will be required to complete their own local policy to address emergencies during transport as outlined in TEDS. Estimated Completion Date: December 29, 2023.

OIDO Analysis: OIDO finds these actions to be responsive to the recommendations and considers the matter addressed and open pending USBP's issuance of the policy memorandum and local policies to be created by the USBP sectors.

Appendix A: Component Response

1300 Pennsylvania Avenue, NW
Washington, DC 20229

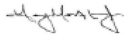


**U.S. Customs and
Border Protection**

October 30, 2023

MEMORANDUM FOR: David Gersten
Immigration Detention Ombudsman
Department of Homeland Security

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

X 

10/30/2023

Signed by: HENRY A MOAK JR

SUBJECT: Management Response to Draft Report: OIDO Inspection:
Eagle Pass Soft-Sided Facility (23-001103)

Thank you for the opportunity to comment on this draft report. U.S. Customs and Border Protection (CBP) appreciates the work of the Office of Immigration Detention Ombudsman (OIDO) in planning and conducting its review and issuing this report.

CBP is committed to ensuring the health and safety of all individuals in its custody in accordance with the October 2015 National Standards on Transportation, Escort, Detention, and Search (TEDS). CBP is pleased to note OIDO's positive recognition of the Eagle Pass Soft-Sided Facility's overall compliance with TEDS, regarding video surveillance, evacuation plans, segregation, custodial action logs, cleaning and sanitation, hygiene items, bedding and blankets, meals, snacks, and drinking water. CBP remains committed to improving our written procedures and policies to address emergencies during detainee transport.

The draft report contained one recommendation, with which CBP concurs. CBP previously provided technical comments addressing accuracy, contextual, and other issues under separate cover for OIDO's consideration.

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

Attachment

Management Response to Draft Report: OIDO Inspection: Eagle Pass Soft Sided Facility
(23-001103)

**Attachment: Management Response to Recommendations
Contained in (23-001103)**

OIDO recommended:

Recommendation 1: USBP should develop a national written policy and instruct its facilities to develop local procedures to address emergencies during transport.

Response: Concur. CBP's TEDS policy, to which USBP adheres, is the national policy regarding detainee transport. However, USBP will issue a policy memorandum that directs USBP sectors to create a local policy to address the language in TEDS Section 2.9 Emergency Situations during Transport. All sectors will be required to complete their own local policy to address emergencies during transport as outlined in TEDS. Estimated Completion Date: December 29, 2023.

Additional Information and Copies

To view any of our other reports,
please visit:
www.dhs.gov/OIDO.

For further information or questions, please contact the Office
of the Immigration Detention Ombudsman at:
detentionombudsman@hq.dhs.gov.

