

GAO Highlights

Highlights of [GAO-14-38](#), a report to congressional requesters

Why GAO Did This Study

In 2003 Congress passed the Prison Rape Elimination Act (PREA) to protect individuals against sexual abuse and assault in confinement settings, including persons potentially subject to removal from the United States housed in DHS's detention facilities. GAO was asked to review DHS efforts to address issues of sexual abuse and assault in immigration detention facilities. This report examines (1) what DHS data show about sexual abuse and assault in immigration detention facilities, and how these data are used for detention management; (2) the extent to which DHS has included provisions for addressing sexual abuse and assault in its detention standards; and (3) the extent to which DHS has assessed compliance with these provisions and the results.

GAO reviewed documentation for 215 sexual abuse and assault allegations reported to ICE headquarters from October 2009 through March 2013; analyzed detention standards and inspection reports; and visited 10 detention facilities selected based on detainee population, among other things. The visit results cannot be generalized, but provided insight.

What GAO Recommends

GAO recommends that DHS (1) develop additional controls to ensure all allegations are reported to headquarters, (2) coordinate OIG access to hotline connectivity data, (3) document and maintain reliable information on detention standards, and (4) develop a process for performing oversight of SAAPI provisions consistently across facilities. DHS concurred and reported actions to address the recommendations.

View [GAO-14-38](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

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IMMIGRATION DETENTION

Additional Actions Could Strengthen DHS Efforts to Address Sexual Abuse

What GAO Found

The Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE) sexual abuse and assault allegations data are not complete, a fact that could limit their usefulness for detention management. ICE's data system described 215 allegations of sexual abuse and assault from October 2009 through March 2013 in facilities that had over 1.2 million admissions; however, ICE data did not include all reported allegations. For example, GAO was unable to locate an additional 28 allegations detainees reported to the 10 facilities GAO visited—or 40 percent of 70 total allegations at these 10 facilities—because ICE field office officials did not report them to ICE headquarters. ICE issued guidance on reporting sexual abuse and assault allegations, but has not developed controls to ensure that field office officials responsible for overseeing all facilities are reporting allegations to ICE headquarters. Detainees may also face barriers to reporting abuse, such as difficulty reaching the DHS Office of Inspector General (OIG) telephone hotline, one of various means for reporting abuse. For example, GAO's review of data maintained by ICE's phone services contractor for fiscal years 2010 through 2012 showed that approximately 14 percent of calls placed to the hotline from about 210 facilities did not go through because, for example, the call was not answered. OIG officials were not aware that the OIG could monitor hotline connectivity through these data. Developing additional controls to better ensure reporting of allegations and coordinating with the OIG to better ensure OIG access to hotline connectivity data in accordance with federal internal control standards could better position ICE to assess its sexual abuse and assault prevention and intervention (SAAPI) efforts.

DHS included various SAAPI provisions in three of four sets of detention standards it uses at detention facilities, but does not have reliable and consistent information to determine which provisions apply to which individual facilities. For example, GAO's review of a nonprobability sample of 20 facility contracts and agreements showed inconsistencies in ICE's data on which detention standards should be in place for almost half of the facilities. Documenting and maintaining reliable information about which detention standards apply to which facilities in accordance with federal internal control standards could better ensure that ICE officials, facility administrators, and other stakeholders have a reliable and consistent understanding of facility requirements and position ICE to plan for SAAPI program operations.

DHS focused its sexual abuse and assault oversight on 157 of approximately 250 facilities that housed about 90 percent of detainees and found most facilities compliant with SAAPI provisions from fiscal years 2010 through 2013. ICE used various oversight mechanisms, such as inspections, onsite supervision, and facility self-assessments, and identified SAAPI-related deficiencies. However, facility inspection reports did not consistently assess all SAAPI provisions expected by inspection protocols. For example, during 27 percent of inspections performed during this time period inspectors did not assess whether facilities met the provision to have sexual abuse statistics and reports readily available for review. Developing a process for ensuring consistency across and completeness in how SAAPI inspections are performed in accordance with federal internal control standards could help ensure that ICE management has complete information about SAAPI compliance across all detention facilities.