

GAO Highlights

Highlights of [GAO-16-514](#), a report to the Ranking Member, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

DHS is responsible for providing safe, secure, and humane confinement for detained aliens who may be subject to removal or have been ordered removed from the United States. For example, during fiscal years 2014 and 2015, Border Patrol apprehended 823,768 aliens and held them temporarily in holding facilities. GAO was asked to examine DHS's management and oversight of holding facilities. This report examines the extent to which DHS has (1) standards in place for the short-term custody of aliens and monitors compliance with established standards and (2) processes in place for obtaining and addressing complaints from aliens in holding facilities.

GAO reviewed CBP and ICE data on time in custody and complaints. GAO also interviewed agency officials and visited 32 holding facilities selected based on geographical location and facility type, among other factors. The visit results are not generalizable, but provided insight to the oversight of holding facilities and management of complaints.

What GAO Recommends

GAO recommends that DHS establish a process to assess time in custody data for all individuals in holding facilities; issue guidance on how and which complaint mechanisms should be communicated to individuals in short-term custody; include a classification code in all complaint tracking systems related to DHS holding facilities; and develop a process for analyzing trends related to holding facility complaints. DHS concurred with the recommendations and identified planned actions.

View [GAO-16-514](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gablerr@gao.gov.

May 2016

IMMIGRATION DETENTION

Additional Actions Needed to Strengthen DHS Management of Short-Term Holding Facilities

What GAO Found

The Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) have standards for short-term holding facilities—which are generally designed to keep individuals in custody for 24 hours or less—and some processes to monitor compliance with the standards. For example, each component has policies governing the operation of holding facilities, and CBP has an annual Self-Inspection Program, which is designed to assess internal controls in all CBP operations, including holding facilities. However, U.S. Border Patrol, within CBP, and ICE do not have a process to fully assess data on the amount of time individuals are held in custody. Such a process could help these agencies in better understanding issues that GAO identified, such as data quality, level of compliance with agency standards, and factors impacting time in custody. For example, GAO identified potential irregularities with Border Patrol's fiscal year 2014 to 2015 time in custody data, due to, among other things, delays in agents recording individuals' "book-out" from holding facilities. In addition, although Border Patrol officials from 10 holding facilities GAO visited stated that time in custody rarely exceeds 72 hours, GAO noted that approximately 16 percent of Border Patrol's cases with complete data in fiscal years 2014 to 2015 exceeded this threshold. Developing and implementing a process to assess time in custody data, consistent with internal control standards, would provide Border Patrol and ICE with more visibility into the quality of their data, facility compliance with time in custody guidelines, and the factors impacting time in custody.

DHS has various mechanisms to obtain and address complaints related to holding facilities. Specifically, individuals can submit complaints directly to holding facilities or to one of various DHS entities, including the DHS Office of Inspector General (OIG) and Joint Intake Center (JIC). However, DHS and its components have not consistently communicated information to individuals in CBP and ICE holding facilities on these mechanisms. For example, during site visits to DHS holding facilities, GAO observed that the posters used to communicate DHS complaint mechanisms varied in their coverage. Providing guidance to holding facilities on which of DHS's various complaint mechanisms they should communicate to individuals in custody, consistent with internal control standards, would help DHS have better assurance that individuals in custody within holding facilities have received information on how to submit a complaint. DHS complaint mechanisms maintain data in various systems; however, most of these systems do not have a classification code for holding facilities to would allow users to readily identify the universe of complaints involving holding facilities and conduct trend analysis. For example, the JIC's complaint tracking system does not include a facility, facility type, or issue code related to holding facilities. GAO found that information identifying whether a complaint involved a holding facility may be located within narrative fields. Creating a classification code and conducting trend analysis on holding facility complaints, consistent with internal control standards, would provide DHS with useful information for management decisions, including targeting areas for compliance monitoring.