

# GAO Highlights

Highlights of [GAO-17-66](#), a report to the Chairman, Committee on Homeland Security, House of Representatives

## Why GAO Did This Study

To address smuggling along the U.S. southwest border, the U.S. Border Patrol developed CDS—a process to classify each apprehended alien into criminal or noncriminal categories and apply consequences, such as federal prosecution. Each Border Patrol sector ranks up to eight consequences from Most to Least Effective and Efficient to reduce recidivism. GAO was asked to review and assess Border Patrol’s implementation of CDS across the southwest border. This report examines the extent to which Border Patrol (1) has a methodology for calculating recidivism that allows it to assess CDS program effectiveness, (2) applied consequences it determined to be most effective and efficient in each southwest border sector and (3) established guidance and controls to monitor field implementation of CDS.

GAO analyzed Border Patrol’s recidivism rate methodology; apprehension data and CDS application along the southwest border for fiscal years 2013 through 2015, the most recently available data; and DHS’s U.S. Immigration and Customs Enforcement data on alien removals. GAO also interviewed Border Patrol personnel and reviewed CDS guidance.

## What GAO Recommends

GAO is making six recommendations to strengthen the methodology for measuring recidivism, assess reasons agents do not apply CDS guides’ Most Effective and Efficient consequence, and ensure performance management oversight. DHS concurred with all but one recommendation, which relates to strengthening its recidivism methodology, citing other means to measure CDS performance. GAO believes the recommendation remains valid, as discussed in the report.

View [GAO-17-66](#). For more information, contact Rebecca Gambler at (202) 512-8777 or [gambler@gao.gov](mailto:gambler@gao.gov).

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## BORDER PATROL

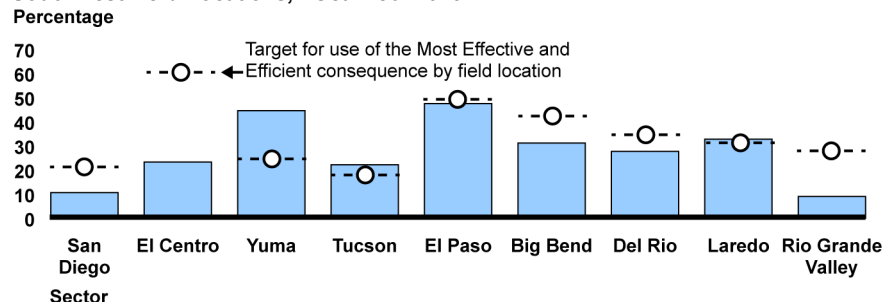
### Actions Needed to Improve Oversight of Post-Apprehension Consequences

## What GAO Found

The U.S. Border Patrol (Border Patrol), an office within the Department of Homeland Security’s (DHS) U.S. Customs and Border Protection, uses an annual recidivism rate to measure performance of the Consequence Delivery System (CDS)—a process that identifies consequences as Most Effective and Efficient to deter illegal cross border activity in each sector—however, methodological weaknesses limit the rate’s usefulness for assessing CDS effectiveness. GAO found that Border Patrol’s methodology does not account for an alien’s apprehension history beyond one fiscal year and neither accounts for nor excludes apprehended aliens for whom there is no record of removal after apprehension and who may have remained in the United States without an opportunity to recidivate. GAO’s analysis of recidivism for fiscal year 2015 considering these factors showed a 29 percent recidivism rate, compared to Border Patrol’s 14 percent recidivism rate. Border Patrol could more accurately assess recidivism and CDS effectiveness by strengthening its recidivism rate methodology, such as by using an alien’s apprehension history beyond one fiscal year and excluding aliens for whom there is no record of removal from the United States.

Agent application of consequences Border Patrol identified in CDS guidance as the Most Effective and Efficient has declined from 28 percent in fiscal year 2013 to 18 percent in fiscal year 2015 across the southwest border. In addition, Border Patrol has not assessed reasons for the relatively low application of consequences determined to be the Most Effective and Efficient consequence in each sector; but some agency officials stated that challenges include agents’ hesitation to apply consequences that require referral to federal partners facing capacity constraints, such as Department of Justice immigration courts. Assessing why agents do not apply the Most Effective and Efficient consequence could inform Border Patrol of actions needed to increase application of Most Effective and Efficient consequences to reduce recidivism. Border Patrol established some mechanisms to facilitate monitoring field implementation of CDS, but lacked controls to ensure effective performance management. For example, six of nine field locations missed performance targets for application of the Most Effective and Efficient consequences in fiscal year 2015 as shown in the figure below. Ensuring consistent oversight of performance management would provide greater assurance that Border Patrol is most effectively using CDS to address cross-border illegal activity.

**Target and Actual Use of the Most Effective and Efficient Consequence Across Border Patrol Southwest Field Locations, Fiscal Year 2015**



Source: GAO analysis of U.S. Border Patrol data. | GAO-17-66