

2021 ANNUAL REPORT

OFFICE OF THE  
**Immigration  
Detention  
Ombudsman**



## I. Letter to Congress

April 29, 2022

The Honorable Gary C. Peters (D-MI)  
Chairman, Committee on Homeland  
Security & Governmental Affairs  
United States Senate  
Washington, DC 20510

The Honorable Rob Portman (R-OH)  
Ranking Member, Committee on  
Homeland Security & Governmental Affairs  
United States Senate  
Washington, DC 20510

The Honorable Bennie G. Thompson (D-MS)  
Chairman, Committee on Homeland Security  
United States House of Representatives  
Washington, DC 20515

The Honorable John Katko (R-NY)  
Ranking Member, Committee on  
Homeland Security  
United States House of Representatives  
Washington, DC 20515

The Honorable Dick Durbin (D-IL)  
Chair, Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Chuck Grassley (R-IA)  
Ranking Member, Committee on  
the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Jerrold Nadler (D-NY)  
Chairman, Committee on the Judiciary  
United States House of Representatives  
Washington, DC 20515

The Honorable Jim Jordan (R-OH)  
Ranking Member, Committee on  
the Judiciary  
United States House of Representatives  
Washington, DC 20515

Dear Chairmen and Ranking Members:

The Office of the Immigration Detention Ombudsman is pleased to submit its 2021 Annual Report pursuant to Sec. 106 of Division D of the Consolidated Appropriations Act, 2020, Public Law 116-93; 6 U.S.C. § 205. I am available to provide additional information upon request.

Sincerely,



**David Gersten**  
Acting Immigration Detention Ombudsman

## II. Message from the Acting Ombudsman

It is my honor to present the U.S. Department of Homeland Security (DHS), Office of the Immigration Detention Ombudsman (OIDO) 2021 Annual Report to Congress.

The following pages highlight the transformative measures OIDO has taken to grow and fulfill an important new mission that Congress intended when it established the Office in December 2019. With a full year of building and establishing our vision, OIDO is poised to assume a vital role overseeing our Nation's immigration detention and custody facilities. Our mission is clear: examine immigration detention to promote and support safe, humane conditions to create a more effective and equitable system.



I arrived in late January 2021 on a temporary assignment to build OIDO, which at that time had just four permanent employees. By December we grew to nearly 70 federal personnel with dozens of contracted personnel on the way, and my position in the leadership of this Office was made permanent. I hope my personal passion and experience in immigration and civil rights matters have served as a guidepost and encouraged this team to care as deeply as I do. In reading about what my colleagues and I have accomplished this year, you should be able to tell that we are all enthusiastic about our mission.


I'm proud to report that we met our 2021 benchmarks of creating an intake form, launching a pilot program to accept complaints in person at detention facilities in Georgia, California, and Arizona, and establishing a permanent presence of OIDO team members at CBP's Joint Intake Center to review complaints filed against CBP and ICE to ensure better responsiveness and impartiality. We are continuing to staff our field teams across the United States, and we are working to complete their extensive training and get them all into detention facilities in spring 2022.

If you have read annual reports from oversight offices before, you may notice something different about how OIDO is positioning itself to fulfill its role. Rather than just applying our investigative and problem-solving tools from afar, OIDO is establishing a network of field-based experts who will have a persistent presence inside detention and custody settings. By having independent oversight consistently present in ICE and CBP facilities, we can be proactive and timely in resolving detention issues.

Our goal for 2022 is to build on the substantial organizational growth we experienced in 2021, while fulfilling our role as an objective, independent watchdog and intermediary for complaints filed by immigration detainees. The four program divisions we have created within OIDO over the

past 12 months will serve as the cornerstones of our plan to be a trusted, yet neutral resource for the community of detainees, and their family members, legal representatives, and advocates. I want to acknowledge and thank OIDO staff for their contributions to this report as well as their incredible efforts during a year of rapid expansion. I look forward to further strengthening OIDO this year with additional dedicated and qualified staff to continue to meet our aggressive goals.

Submitted with an unwavering commitment to improving conditions for immigration detainees,

A handwritten signature in black ink, appearing to read "David D. Gersten". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

**David Gersten**

Acting Immigration Detention Ombudsman

## III. Executive Summary

The Office of the Immigration Detention Ombudsman (OIDO) 2021 Annual Report contains:

- An introduction to the Ombudsman's Office
- A detailed narrative of OIDO's activities and findings in 2021
- A preview of OIDO's anticipated activities and goals for 2022

### Ombudsman Office Overview

In 2019, OIDO was established to resolve problems related to and improve conditions of individuals and families in immigration detention. In 2020, OIDO formed an office, identified challenges to oversight and the provision of redress, and began conceiving case management and detention oversight processes. In 2021, the Office expanded its presence with staff throughout the country, developed its case management and detention oversight processes, built out operational capabilities, and created a strategic plan to achieve its vision to become an objective, credible resource for those impacted by immigration detention. OIDO envisioned and brought to life a comprehensive approach to handling individual detention complaints and engaging with detainees, detention facilities, and the detention system at large. In this way, OIDO provides a unique voice in oversight by garnering a holistic understanding of the detention landscape.

As an ombudsman's office, OIDO is independent of the DHS Components over which it conducts oversight. The Ombudsman is neutral; its mission is to independently examine immigration detention to promote safe, humane conditions. The Office engages with ICE and CBP as well as with detainees and their representatives to seek solutions that make sense for both parties. While sharing the details of a complaint makes the assessment of it easier, the Office will maintain the confidentiality of an individual who files a complaint if requested to do so.

### Activities and Accomplishments in 2021

In 2021, OIDO engaged in activities that established and expanded its capacity to execute its mission and vision and handle detention matters comprehensively. The Office brought on a staff of case managers to begin taking in complaints in the field and developed four pilot programs to determine how best to address detainee concerns. In addition, OIDO completed numerous observations and inspections of detention sites and facilities throughout the United States, strengthening its capabilities and field perspective, spreading public awareness of its purpose and activities, and building a cooperative network of stakeholders. Further, the Office educated OIDO staff in implementing victim-centered and trauma-informed communications. Finally, the Ombudsman conducted more than 40 outreach events with individuals and non-governmental organizations across the Nation to inform stakeholders of new initiatives and receive feedback on the Office's preliminary functions.

## Anticipated Activities and Goals for 2022

Congress established OIDO to effectively address complaints and allegations that impact a safe and humane immigration detention environment. OIDO is empowered to review violations of federal civil rights laws and statutes, DHS detention policy and standards violations, employee and contractor misconduct, and immigration detention contracts. OIDO sets itself apart from the other members of the detention oversight community through the provision of unique functions and services, such as providing a continued and persistent presence in select detention facilities nationwide; conducting priority-driven, focused, announced and unannounced inspections; reviewing detention contracts; and conducting studies and surveys to capture new and innovative perspectives on detention. Never has there existed an office within DHS devoted to both detention ombudsman's duties and detention oversight responsibilities.

OIDO established the following goals in 2021, and stakeholders can count on OIDO continuing to meet them in 2022:

**Goal 1:** Identify, develop, and deliver recommended solutions to improve conditions within immigration detention facilities.

**Goal 2:** Be a unique voice leveraging information and expertise to inform decision makers and the public.

**Goal 3:** Expand relationships and cooperation to ensure OIDO is complementary to other DHS functions.

**Goal 4:** Institutionalize OIDO's role in the Department, prepare staff to execute its mission, and create a culture that supports successful professionals.

Throughout this report, OIDO's activities and findings are described in detail as they relate to these goals.

## IV. Table of Contents

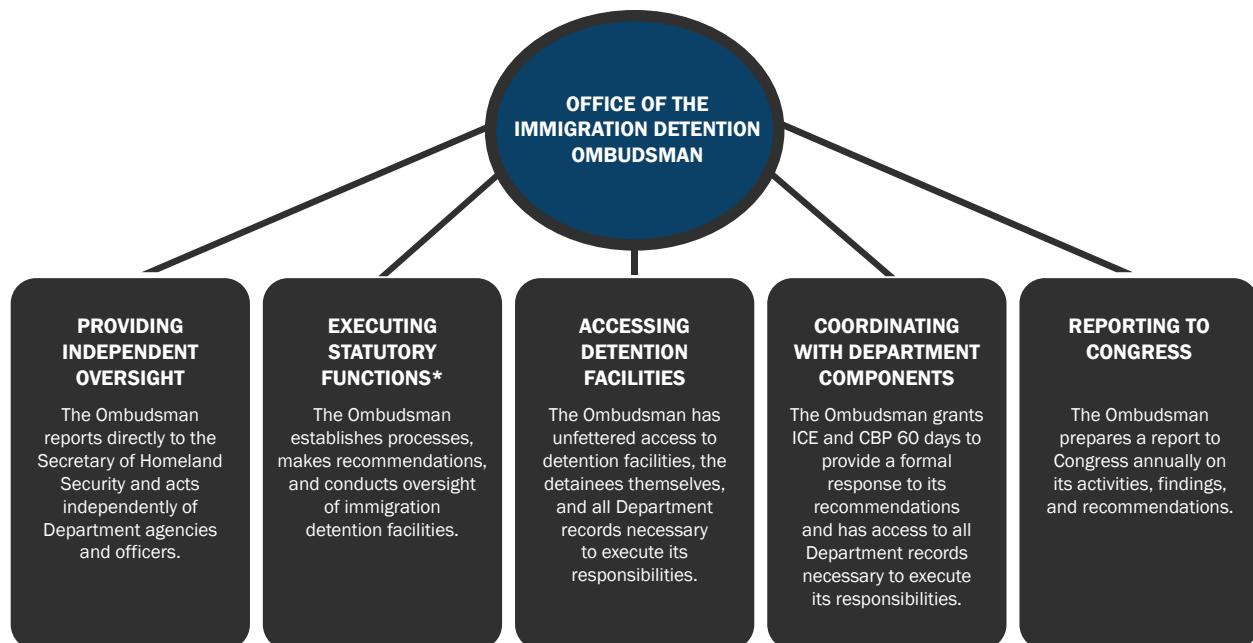
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## V. OIDO Overview

### Legislative Requirement

On December 20, 2019, OIDO was established through the enactment of the Consolidated Appropriations Act, 2020<sup>1</sup> to address concerns related to potential violations of detention standards in facilities where people are held in federal immigration custody. OIDO is an independent office within DHS headquarters; the Ombudsman reports directly to the Secretary of Homeland Security.

### Office of the Immigration Detention Ombudsman: An Independent Oversight Authority



\*See "Office of the Immigration Detention Ombudsman Statutory Functions" graphic for more insight related to statutory functions.

<sup>1</sup> Sec. 106 of [Public Law 116-93](#); codified at 6 U.S.C. § 205 and included as Appendix A of this report.



**Office of the Immigration Detention Ombudsman Statutory Functions****Office of the Immigration Detention Ombudsman Statutory Functions****RESOLVE COMPLAINTS**

With independence, neutrality, and confidentiality, OIDO will receive, investigate, resolve, and provide redress, as appropriate, for cases of misconduct against or rights violations of individuals in immigration detention.

**INSPECT DETENTION FACILITIES**

OIDO will conduct announced and unannounced inspections of facilities holding individuals in immigration custody.

**PROVIDE ASSISTANCE**

OIDO will assist individuals affected by potential misconduct, excessive force, or violations of law or detention standards by DHS officers or other personnel.

**REVIEW CONTRACT TERMS**

OIDO will analyze and make recommendations to address concerns with and violations of contract terms regarding the treatment of individuals in immigration detention.

**STANDARDIZE CASE PROCESSING**

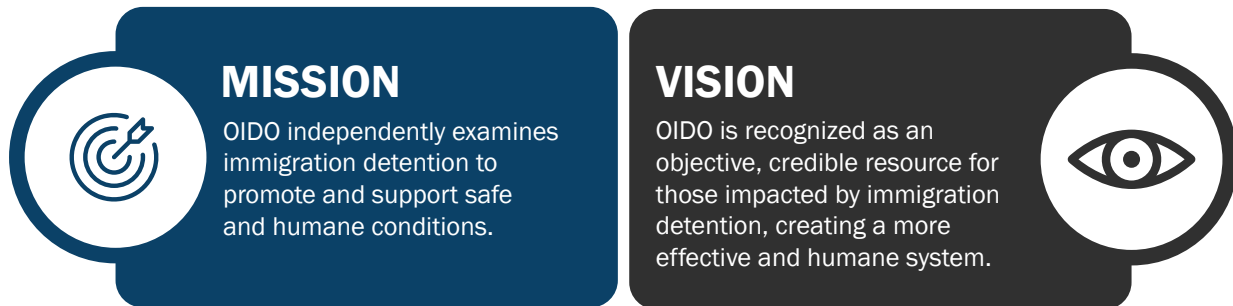
OIDO will establish an accessible and consistent approach for processing complaints.

**COMPLEMENT DHS COMPONENTS**

OIDO will foster a collaborative relationship within DHS.

## Mission, Vision, and Core Values

OIDO, its mission, and its vision are born from a commitment to resolve problems related to the detention of individuals and families in immigration detention.



OIDO's core values will always guide and influence the way the Office operates, delivers information, and executes its mission and vision. **These values are:**



## CORE VALUES

### INTEGRITY

OIDO will act honestly and fairly when engaging all stakeholders. We are guided by the highest ethical and moral principles. Our actions bring honor to ourselves and our office.

### RESPECT

OIDO will treat all stakeholders with respect and consideration throughout all interactions.

### COOPERATION

OIDO will cooperate with internal and external stakeholders on a regular basis to explore and accomplish mutual goals, leverage strengths, and assist in similar objectives.

### FLEXIBILITY

OIDO will treat all stakeholders with respect and consideration throughout all interactions.

### HUMILITY

OIDO will demonstrate constant humility to put those in detention and those who serve them first.

### MAGNANIMITY

OIDO will practice magnanimity to have confidence that we can make a significant and lasting difference for individuals and for detention setting as a whole.

## **OIDO Organizational Structure: Who We Are**

OIDO is a new office of the U.S. Department of Homeland Security (DHS) but is quickly building its capacity to carry out its mission and fulfill its statutory obligations. As indicated in the Office's 2020 Annual Report,<sup>2</sup> OIDO's first year of activities focused on forming an office, identifying areas of need and priorities for action, and exploring how to establish the most effective case management and detention oversight processes.

In 2021, OIDO concentrated on expanding its presence around the country, building out its capabilities, and becoming fully operational. Its case management and detention oversight processes began as site visits increased and new challenges arose at the border. In addition, OIDO stood up two new divisions to advance its comprehensive approach to immigration detention oversight.

To maximize efficiency and effectiveness in mission achievement, OIDO is organized into a front office and five divisions: Case Management, Detention Oversight, Policy and Standards, External Relations, and Operations and Resource Management. Each division is tasked with a distinct set of responsibilities to accomplish the Office's overarching objective to ensure safe and humane conditions in immigration detention facilities.

### **Case Management Division**

Case Management is responsible for independently and impartially reviewing cases submitted by, or on behalf of, individuals affected by potential misconduct, excessive force, or violations of law, rights, policy, or standards in immigration detention settings. Its case review results in remedy or redress as appropriate.

### **Detention Oversight Division**

Detention Oversight ensures safe and humane conditions exist in immigration detention through independent, objective, and credible inspection and analysis of ICE and CBP facilities throughout the United States, which result in reasonable and realistic recommendations. Its inspections include review to determine whether a facility has taken corrective action to resolve violations or concerns identified during another oversight office's prior inspection, audit, or investigation.

### **External Relations Division**

External Relations engages directly with stakeholders where they are to build trust with and provide information to the public with respect to the Office's mission and activities. OIDO engagement occurs at the local level so stakeholders supporting people in detention near a particular facility do not have to come to Washington to have their voices heard. Through communication and connection, the division also gains awareness and solicits information about stakeholder concerns as they relate to immigration detention, working with other OIDO divisions to determine the appropriate method of resolution.

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<sup>2</sup> [2020 OIDO Annual Report to Congress | Homeland Security \(dhs.gov/OIDO\)](#)

### **Policy and Standards Division**

Policy and Standards analyzes data collected from other OIDO divisions and DHS Components as well as various external sources to identify systemic trends and opportunities for improving detention standards, strengthening facility contractual obligations, and highlighting best practices. Its analyses result in recommendations, training, technical assistance, and consultations, as appropriate, to better immigration detention conditions.

### **Operations and Resource Management Division**

In all of OIDO's activities and operations, the Operations and Resource Management Division serves as the backbone, providing centralized administrative and operational support to all staff. One of the core tasks of building and institutionalizing a new organization is that of recruiting a highly capable workforce equipped to envision and bring to life the OIDO mission.

A historical timeline and organizational chart on the following pages depict the evolution and current organizational structure of the Office.

In 2021, OIDO saw the growth of the Office from just seven personnel in January to 57 by the end of the year, an eight-fold increase. Additionally, the Office used contracts to bring on subject matter experts from a myriad of fields. Through these efforts, OIDO is well placed to further institutionalize and expand its activities to carry forward its mission in 2022.

#### *A Wealth of Experience and Expertise*

OIDO focused its development efforts in 2021 on building teams representative of the communities OIDO serves, cultivating an environment inclusive of different backgrounds and perspectives, and inspiring innovative approaches to solve old problems. Efforts made to create an inclusive culture will translate to positive and effective stakeholder interactions and outcomes. Beginning in 2022, OIDO will benefit from the knowledge and experience of independent subject matter experts in the areas of medical and mental healthcare, security, environmental health and safety, food service, and other disciplines, including through a partnership with the U.S. Public Health Service. These experts are intended to support OIDO's policy, case management, and detention oversight responsibilities with their expertise and innovation.

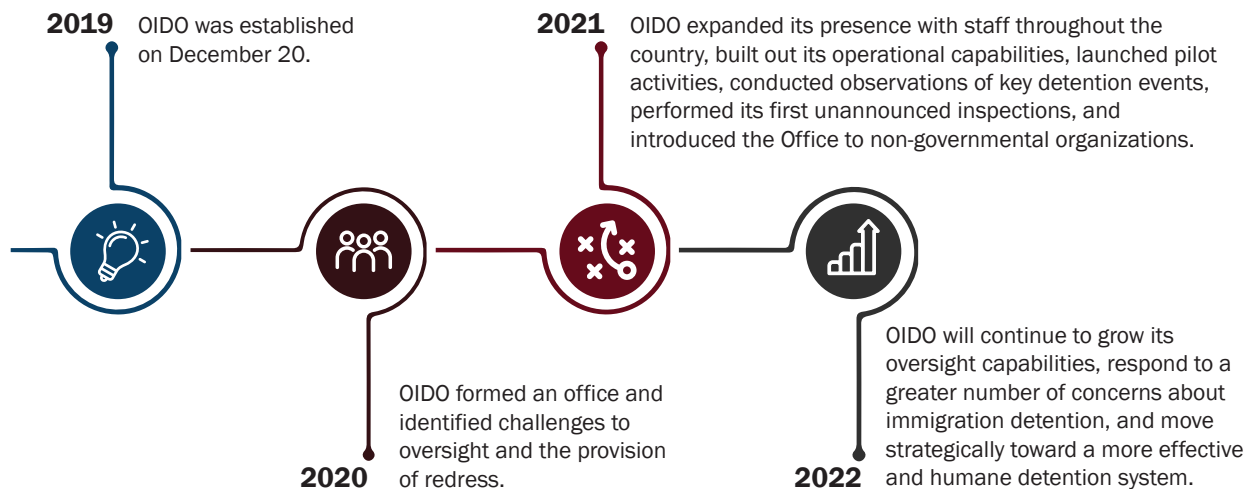
#### *Investments in the Success of Staff*

Training and development are essential to success, particularly for organizations like OIDO that have roles and responsibilities touching multiple agencies and disciplines. In 2021, OIDO invested in training opportunities to prepare staff to navigate the immigration detention system effectively and credibly. Training curriculums included topics such as: civil rights and civil liberties; detention standards and policy; ombudsman standards and ethics; effective communication; medical care in detention settings; regulatory writing; and more.

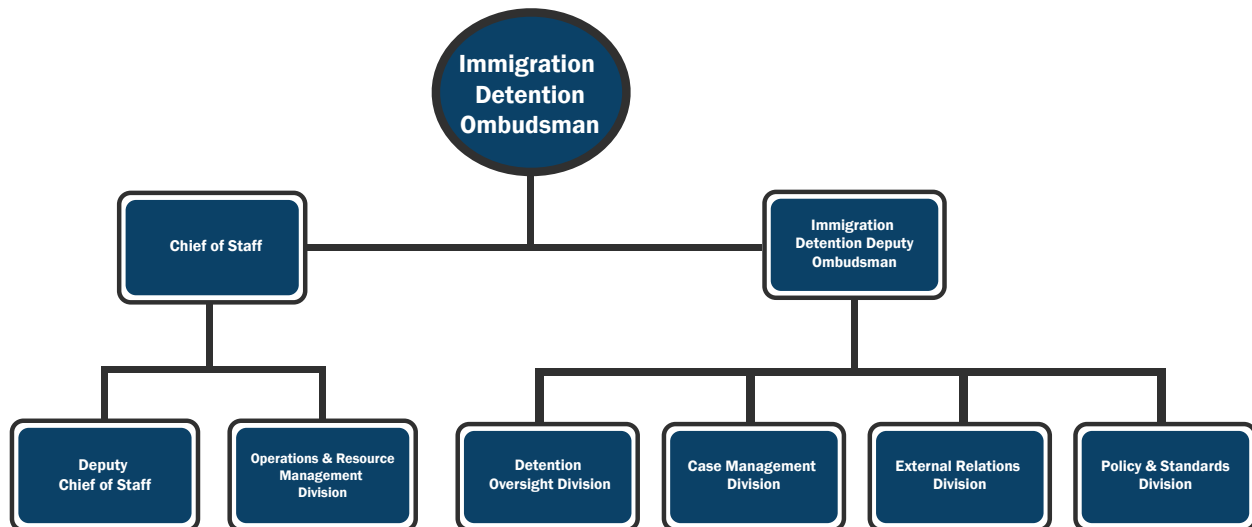
### Training and Education Collaborations

OIDO designed, developed, and implemented its New Employee Onboarding (NEO) Training program, which consists of ten separate modules delivered over the course of four days. In addition, OIDO entered a partnership with the DHS Federal Law Enforcement Training Center (FLETC) in 2021, giving OIDO complete and unfettered access to certified law enforcement-related training courses at any of FLETC's campuses nationwide. OIDO assigned a permanent training liaison to FLETC in Glynco, GA. Further, OIDO spearheaded the conception and creation of a FLETC-owned and -delivered Center Advanced Training Program called "Detention Standards Training Program" that is currently under development. To date, four offices within ICE have joined forces to develop this program in a collaborative and transparent process. This approach helps establish a common language for coordinating and communicating immigration detention concerns while preserving OIDO's unique obligation to provide an independent, neutral, and confidential process for carrying out its ombudsman role.

### Historical Timeline of OIDO's Founding and Growth



## OIDO Organizational Chart



### A Unique Role in Detention Oversight: How OIDO Handles a Detention Matter

OIDO's approach to improving conditions in immigration detention is composed of three basic levels of engagement: individual, facility, and systemic. **Individual detainees** and their advocates have access to the Ombudsman through the complaint intake process overseen by the Case Management Division. Case managers investigate individual-level complaints and facilitate resolution and redress for the detainee, as appropriate, at the lowest level possible. Some complaints are shared with OIDO's Detention Oversight division, which is responsible for addressing misconduct or rights violations.

In addition, the Detention Oversight Division performs independent assessments of **facilities** to review compliance and expected outcomes against performance metrics as determined by applicable standards and contracts. By collecting and analyzing facility-level data in this manner, Detention Oversight reports findings and makes recommendations that impact all detainees held within the relevant detention site.

At the **systemic** level, the Policy and Standards Division studies the entire immigration detention landscape to identify patterns of success or failure in providing safe and humane conditions for detainees. Policy and Standards analyzes individual complaint data, examines facility reports, and mines information gleaned by External Relations to produce system-wide solutions to issues in immigration detention.

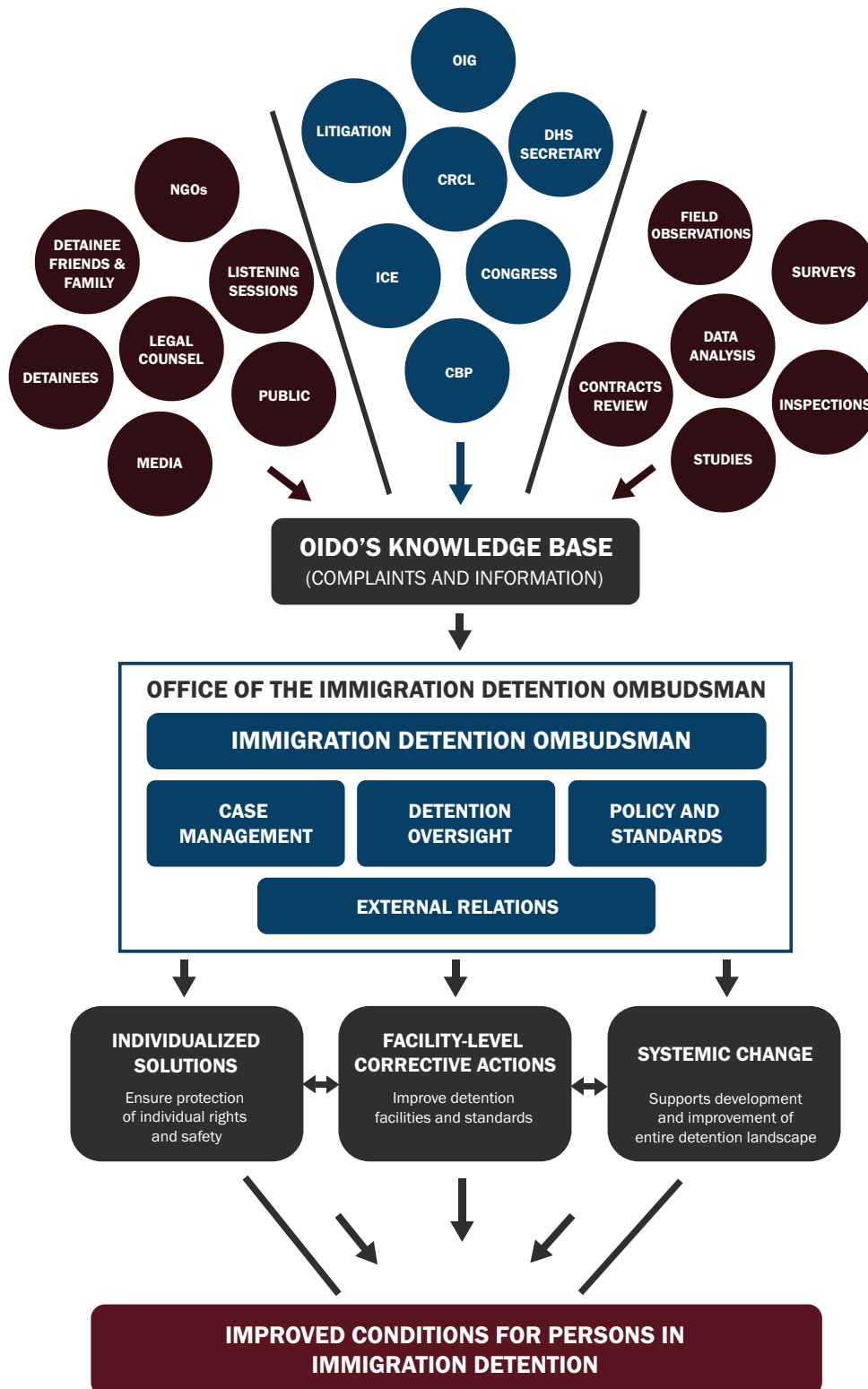
Whereas Case Management, Detention Oversight, and Policy and Standards complement each other with respect to individual, facility, and system-level issues, the External Relations division performs cross-cutting functions that overlap with all three divisions, fostering communication

and building relationships with stakeholders. It educates the public about OIDO's activities, findings, and recommendations and collects information about immigration detention-related concerns to promote a culture of information sharing and trust with the public.

While OIDO fulfills its oversight functions by operating within three discrete levels of intervention, its divisions interact strategically to deliver meaningful and effective solutions across all detention settings. The following suggests three potential avenues of interaction across the divisions:

- Case Management may identify a facility-level trend via its intake and tracking of individual detainee complaints. This information is shared with Detention Oversight, which analyzes and evaluates whether an assessment of the facility is warranted to determine if the complaint data is the result of a failure to comply with contractual obligations and/or detention standards. In addition, the Case Management-generated complaint data may inform External Relations of a need to approach detainee advocacy groups to better understand the scope of the issue at hand and collect additional data.
- As Detention Oversight completes facility assessments nationwide, its findings may reveal more systemic concerns that can be further addressed through additional inspections and recommendation. Additionally, these findings are relayed to Policy and Standards and may inspire more comprehensive evidence gathering focused on the potential issue.
- Through listening sessions with detainee advocacy groups, External Relations may learn of concerns as they relate to a specific detainee, facility, or geographic region. This information is referred as appropriate to the division that operates on the relevant level of interaction, whether individual, facility, or systemic. Upon review, such information sharing may result in a Case Management review, a Detention Oversight assessment, or a Policy and Standards recommendation.

### How We Do It





As a new entity, OIDO is evolving and, as such, is actively innovating and establishing best practices to serve its statutory mission most effectively while complementing existing detention oversight functions within DHS. In 2021, OIDO focused on building its capacity and prioritizing activities that would enhance its ability to achieve its mission, employing several strategies to execute its comprehensive approach to handling a detention matter. These include:

- Leveraging information from diverse sources.
- Maintaining operational flexibility to stay at the forefront of emergent or urgent immigration detention issues throughout the United States.
- Coordinating its actions and cooperating with other DHS counterparts to complement existing oversight activities.
- Identifying trends and systemic challenges in detainee conditions across the entire immigration detention landscape.

### **Leveraging Diverse Sources of Information**

OIDO is developing new and innovative ways to facilitate gathering and sharing information that is pertinent but often less accessible through traditional means. The Office collects and analyzes both qualitative and quantitative data from numerous sources to inform decision makers and the public.

OIDO's data is collected through various means. OIDO conducts in-person observations and inspections that are inspired by a variety of intake methods, including trends identified through individual case intake; inconsistent, incomplete, or outstanding results of audits conducted by other inspection entities; current events; DHS and non-DHS Component referrals; or other factors.

Finally, OIDO proactively engages within the community to build partnerships and trust among stakeholders and the public. In this way, the Office gains valuable information about the most salient issues and challenges affecting those held in immigration detention spaces by cultivating diverse methods of information gathering and prioritizing activities that align with the pressing issues it uncovers in this process. With this comprehensive understanding, OIDO offers a unique voice to inform decision makers and the public on immigration detention matters. The Ombudsman's goal is to provide credible and comprehensive information about immigration detention conditions.

### **Staying at the Forefront of Evolving Immigration Detention Issues**

In addition, while OIDO sets and pursues its own priorities, it also maintains operational flexibility to respond quickly to developing or urgent immigration detention issues nationwide, as well as to pertinent requests from DHS and non-DHS entities, including the Secretary. Global and national events may alter fundamental issues related to immigration detention. In 2021, the evolution of the Coronavirus (COVID-19) pandemic and the environmental and political shifts in migrant patterns are just two examples of factors that affected immigration detention conditions in the United States. OIDO monitors current events and uses its subject matter experts to prioritize the most pressing and pervasive areas of concern in immigration detention settings. Moreover, the

Office continues to build an agile workforce and operating structure to respond to changing or emergent events swiftly and efficiently, gathering real-time data to inform decision makers and the public.

OIDO uses several strategies to further its mission to remain on the forefront of immigration detention issues and thus be a unique voice to inform decision makers and the public. One of the specialized tools available to OIDO is its unannounced inspections. OIDO designs these inspections to be limited in scope, targeting and observing specific areas of concern. They are an agile tool, employing a streamlined planning process with the objective to deliver a product within a short timeframe. Moreover, unannounced inspections allow OIDO to gauge compliance and performance in the normal, everyday environment of the detention facility.

A second strategy the Office uses is the persistent on-the-ground presence of its case managers in detention facilities. OIDO stations case managers across the country to facilitate open communication with and accessibility to detainees. This persistent presence supports the evaluation of issues at the lowest level possible, allowing OIDO to respond to and address challenges in the field quickly and efficiently to deliver on its mission to improve conditions within immigration detention facilities. Throughout 2021, OIDO worked to expand its avenues for complaint intake. This included developing its intake form<sup>3</sup> and beginning to build a public-facing online portal to support the submission of individual cases by or on behalf of individuals in immigration detention. OIDO placed case managers at a few ICE facilities in the last quarter of 2021 to begin discussing matters and receiving complaints in person as part of its pilot phase.

### **Engaging in Cooperative Processes**

Pursuant to its statutory requirements, the Office ensures that its activities are complementary to the existing functions within DHS. OIDO believes that cooperation with government and non-government stakeholders is critical to advancing its mission. OIDO achieves this objective through several strategies.

First, OIDO conducts research and deconfliction on issues, complaints, and referrals it receives to ensure that its work does not duplicate existing oversight efforts. OIDO also uses research and deconfliction to identify gaps in existing activities, identifying specific areas which warrant further research, follow up, and possible re-inspection. Second, OIDO has formally established relationships with Departmental stakeholders to facilitate information sharing, set expectations on roles and responsibilities, and establish methods of coordination. These connections in the field and at headquarters help resolve issues quickly and capably. Finally, OIDO uses public outreach, with a particular focus on engaging non-governmental stakeholders, to increase knowledge of the conditions of detention. By addressing feedback and concerns and building awareness about how to report concerns, OIDO seeks to build confidence and trust with non-governmental

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<sup>3</sup> The intake form is reproduced in Appendix B, "DHS Form 405."

organizations, which serve as critical partners in understanding and facilitating improved conditions in immigration detention settings.

### **Generating Centralized Recommendations**

OIDO tracks complaints, violations, and concerns across the entire immigration detention landscape to build a central repository of issues related to immigration detention conditions. As more information becomes available, the Office will use this aggregate data for multiple purposes. First, it will analyze the data to identify trends and systemic challenges in detention conditions. Second, it will prioritize assessments that address the most pervasive and problematic issue areas. Third, it will analyze the data to make reasonable conclusions from the evidence, report on systemic concerns, and issue achievable, specific, cost-effective, and measurable recommendations. By aggregating and analyzing data on complaints, violations, and concerns, OIDO is in a unique position to make centralized recommendations and policy guidance.

OIDO seeks to improve conditions of detention for individuals in DHS custody by both ensuring that current detention standards and contract terms are being met and reviewing whether said standards and contracts are sufficient to ensure safe, humane conditions in immigration detention.

In 2021, OIDO engaged in activities that established and expanded its capacity to execute its strategic vision and address detention matters comprehensively. The activities and accomplishments of OIDO's divisions are described in detail in the following section.

## VI. Year in Review: 2021 Activities

### Case Management Mission

OIDO is unique in its problem-solving approach, in that its Case Management Division is not centered in Washington, D.C., but has a **persistent presence** in detention facilities throughout the country to engage directly with detainees, Federal staff, and contractors. A chat with a case manager at a facility is all that is needed to start a case.<sup>4</sup> Case managers in the field review the concerns and find the shortest path to a resolution. This approach prioritizes resolution at the lowest level possible. Moreover, its outcomes inform OIDO's Detention Oversight and Policy and Standards Divisions, which review and analyze aggregate complaint data to identify and inform facility-level and systemic concerns, respectively.

### Introducing OIDO to Existing DHS Detention Services

Throughout 2021, OIDO took steps to launch a successful case management operation by developing relationships with other DHS partners, particularly ICE and CBP. OIDO sought to provide an understanding of its mission, activities, and unique approach to detention oversight. The initial focus of relationship building was with ICE, due to its having been entrusted with the longer-term care of detainees. Accordingly, between June and December 2021, OIDO visited each of ICE Enforcement and Removal Operations' (ERO) 24 field offices and toured facilities around the country. These visits provided both offices with an opportunity to learn from and about each other and establish positive working relationships.

### Initiating and Deploying a Case Management Database

OIDO entered an agreement with the DHS Office of the Chief Information Officer in August 2020 for the development of a case management system and database. The database deployed in May 2021 and continually undergoes improvements to its functionality. The database provides a unified platform for promoting collaboration and transparency across all office divisions. Users can efficiently take in, prioritize, and process complaints, email case submitters and facility staff, and track a variety of metrics. OIDO has also begun work to create an external web portal enabling users to submit complaints directly to OIDO online.

The database will also process, track, and store inspection case work. It facilitates OIDO's ability to plan and perform inspections in an effective and timely manner and provides a streamlined and straightforward approach to record keeping in compliance with government standards, facilitates an inspection team's collaboration and communication throughout the stages of the inspection lifecycle, and enables management review to ensure credibility, neutrality, and integrity throughout the process.

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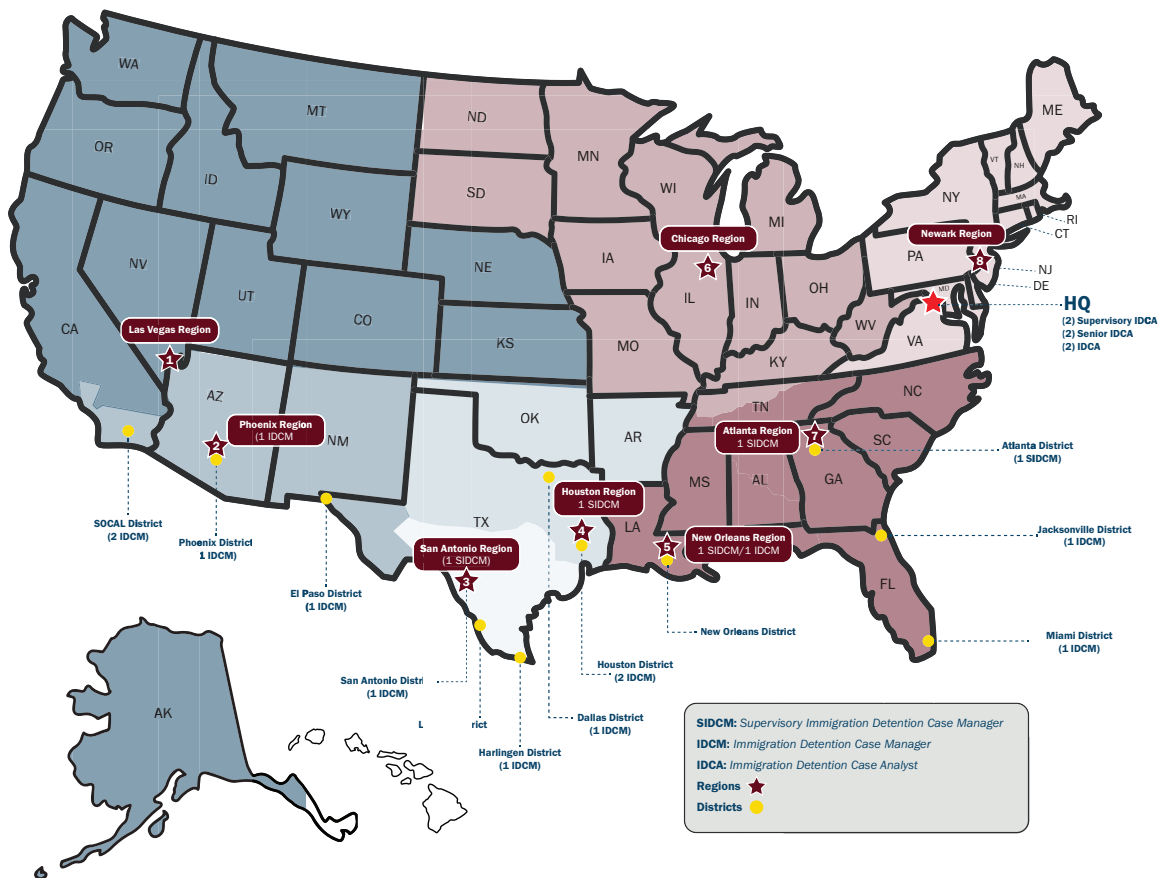
<sup>4</sup> An online intake form and online portal for submitting complaints will be shared with the public in 2022.

Finally, the database allows OIDO to aggregate observations, findings, and results accrued over the course of numerous complaints and inspections so it can track trends and systemic issues within the immigration detention context, derive reasonable conclusions from the data, and make recommendations. This tracking and data aggregation is essential to identifying systemic concerns in detention facilities and supporting evidence-based development of recommendations for policy solutions and improved detention standards.

### Identifying Best Practices for Case Management

To determine how best to identify effective practices and approaches to case management in the field, OIDO is currently conducting four pilot programs. All four pilots work together and mutually inform one another, with the goal of providing OIDO with the clearest possible picture of what organizational strategies work best to evaluate individual complaints most efficiently and effectively within the many detention facilities around the country. For example, these pilot programs will allow OIDO to determine whether to staff every single facility with an on-site, full-time case manager(s), employ a rotational model, or perhaps implement a hybrid of the two approaches depending upon the size of the

#### Management Division Headquarters Operations Map



### Pilot 1 – Rotational Site Visits: Developing and Maintaining a Persistent Presence

OIDO seeks to build an effective solution that provides for a reliable and consistent presence in the field. Rotational site visits may allow a case manager to have a hands-on presence in more than one facility within a geographical region. For this pilot, OIDO selected facilities in the southeast United States for three main reasons: (1) OIDO’s familiarity with detention facilities in this area; (2) existing OIDO staffing in the area; and (3) the area’s useful proximity to FLETC and its training resources. This pilot program (still underway in 2022) consists of:

- A fully staffed regional team.
- Conducting visits at least four times a month to ICE facilities with an average daily population of 50 or more persons<sup>5</sup>.
- Testing models of on-site case management, including the use of partners and teams.
- New team members shadowing more seasoned case managers.

In the last four months of 2021, OIDO staff spent over 250 hours in these seven ICE facilities, conducting meetings with local ICE leadership teams and operations support staff to discuss the logistics of maintaining a consistent presence in the field. Specifically, OIDO case managers focused on:

- Observing and analyzing potential concerns and issues facing detainees.
- Speaking with detainees, taking in cases, and performing initial triage.
- Evaluating concerns on-site, bringing potential violations to facility staff, and engaging staff to determine potential fixes that ensure fair processes and humane treatment.



Acting Immigration Detention Ombudsman David Gersten (upper right) looks on as an OIDO case manager gives a presentation to detainees at Port Isabel Service Processing Center, informing them of what OIDO is and what services OIDO offers.

Source: OIDO

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<sup>5</sup> Facilities in the southeast United States with an average daily population (ADP) of more than 50 persons in detention included Stewart Detention Center, Etowah County Jail, Glades County Detention Center, Krome Service Processing Center, Broward Transitional Center, Folkston ICE Processing Center, and Baker County Facility.

### Pilot 2 – On Location

This pilot seeks to develop, improve, and fine-tune the daily, integrated presence of case management within a detention facility as part of its daily operations. It was initiated at the invitation of the ICE El Paso Service Processing Center in El Paso, TX, whose leadership expressed an interest in collaborating and supporting the efforts of OIDO. In the first quarter of 2022, a case manager began reporting daily to OIDO office space within the facility and holding case intake sessions on-site.



**Many OIDO case managers have dedicated workspace within detention facilities to meet with detainees and research their complaints.**

Source: OIDO

### Pilot 3 – Hot Zone

The third pilot program seeks to identify and develop strategies to address emergent situations within immigration detention such as border surges or large increases in detainee populations. OIDO defines these emergent situations as “hot zones.” Through this pilot in the San Antonio, TX region (with a focus on the Harlingen district), OIDO hopes to learn effective case management strategies during surges by visiting high-priority facilities that see heavy traffic during such times. Case Management staff for San Antonio, TX and Harlingen, TX onboarded in early 2022.

### Pilot 4 – OIDO Partnership with the U.S. Customs and Border Protection Joint Intake Center

Based in OIDO’s headquarters in Washington, D.C., the fourth pilot involves a partnership with CBP to review cases involving conditions of immigration detention that come through the CBP Joint Intake Center (JIC). This pilot seeks to deconflict review of complaints for which there may be overlapping responsibility. Through this partnership, OIDO and CBP will coordinate the review and assignment of these complaints, monitor trends, and resolve complaints on-site where appropriate. This partnership will enable OIDO to have real time access to complaints received by the JIC and to resolve and address them in a timely manner.



## A DAY IN THE LIFE OF A CASE MANAGER

Chris' story – a fictional account of what OIDO's case team might do in a day

OIDO's unique mission space—focused entirely on the conditions of detention—allows its case managers to bring humanity and personal connection to the context of civil immigration detention. While system-wide problems in immigration detention can be addressed by policy changes, and facility-specific problems can be addressed by enforcing existing policies and standards, problems at the individual level call for human-to-human engagement. OIDO case managers address individual concerns about the conditions of their detention, providing an objective evaluation of each complaint. It is important to consider that many detainees may be new to detention, confused about the process, and may have limited English proficiency; at the same time, it must be determined whether complaints are based on actual violations of detention standards or perhaps a misunderstanding of detention practices.

What does a case manager do? Case Managers objectively evaluate complaints raised by individual detainees, to ensure humane conditions and a fair process. To break that down and give a feel for what it is like to be a case manager, OIDO offers Chris'<sup>6</sup> story—a fictional account of what OIDO's case team might do in a day.

All over the country, complaints are coming in from detainees, their legal representatives, or others concerned about how an individual is being treated while in immigration detention. Chris has been assigned to work at a single large facility and takes cases originating there as they are assigned. Other case managers rotate among several facilities. His facility is in a remote area with few amenities, so Chris packs lunch every day.

*At the end of 2021, OIDO fully staffed 3 facilities like Chris', and 12 additional facilities were served by rotating case managers.*

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<sup>6</sup> OIDO's case managers serve in several different types of facilities, and sometimes rotate among facilities in a single region. Chris is not a specific case manager and the situations described are not real, but rather a composite intended to capture the typical collective experiences of case managers all over the country.



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*In October 2021, DHS Secretary Mayorkas asked that each component develop a victim-centered approach for interacting with detainees.*

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Chris has been well prepared for the job. In addition to the necessary basic skills, Chris has been trained on how to incorporate a victim-centered and trauma-aware approach to working with administrative detainees. After all, most of the people he engages with are being detained while decisions are made as to their status in the United States.

Immigration detention is not punitive but dictated by administrative considerations including legal requirements requiring custody in certain circumstances. Chris is also trained on immigration law and policy, detention standards, the core principles of an ombudsman's office, privacy, and professional conduct.

Gaining appropriate access to the detention facility itself is Chris' first priority, and it involves several layers. Although Congress gave case managers like Chris unfettered access to detention facilities and detainees as well as to the information needed to do their jobs, OIDO's role is new to some facilities. Chris is happy that he has developed a mutually respectful relationship with detention facility staff. They know why Chris is there, and they are responsive. They have found private space for Chris to interview detainees, and they cooperate in trying to resolve problems as best they can. He's heard from colleagues managing cases in other parts of the country that they are still establishing a rapport with the facility staff.

When selecting which cases to handle first, the triage process makes medical care a priority. Chris' first case of the day involves a detainee who alleges that she had not received her prescription medicine. As usual with any new case, Chris evaluates all angles by asking what steps the detainee has taken to seek redress and then by working with the facility to discuss its medical care and approach to the case. Chris learns that the facility had not yet received the medical file from her previous location, which has caused the delay in prescribing the appropriate medicine. He sorts things out after a few phone calls and will follow up to make sure the medicine reaches her.

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*Approximately 24% of complaints received by OIDO involve medical needs.*

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*On several occasions in 2021, the Detention Oversight team chose to inspect a facility based on data provided by case managers.*

Concern about COVID-19 is constant. Chris, facility staff, and detainees are all aware that precautions need to be taken. Yet, two of the complaints for that day involve an inability to social distance due to crowding. During lunch, Chris learns that two other case managers heard the same complaint at

other facilities. The detention standards applicable to the facility date from before the pandemic and do not explicitly or comprehensively cover COVID-19 protocols, but Chris knows that the contract for this facility requires adherence to Centers for Disease Control and Prevention (CDC) guidelines adopted by ICE. When engaging with facility management about these complaints, Chris learns that the overcrowding is due to a temporary increase in detainee numbers while arranging transfers to another facility. Chris works with the individuals and the facility to ensure that they are housed appropriately and then refers the issue to OIDO's Detention Oversight Division because this "temporary" issue has been a recurring one at this facility.

*Access to legal counsel comprises approximately 8% of complaints.*

A common concern among detainees at this facility has been the inability to communicate with legal counsel. Chris learns that the latest complaint—that many telephones in the facility don't work—is not an isolated one. With the cooperation of the staff, Chris can inventory all

the telephones, determine which ones are working, make facility staff aware of the issues, and arrange for telephone calls for the individuals who complained.

While managing a variety of cases, Chris makes note of patterns, trying to identify possible systemic issues that might contribute to common complaints. Chris will raise these observations at the next meetings with OIDO's Detention Oversight Division, which may decide to do a site visit, and with its Policy and Standards team, which might have relevant experts available to eventually develop recommendations to ICE for strengthening detention standards. OIDO's External Relations Division conducts "listening sessions" with local and national non-governmental organizations representing and providing social services for detainees, and Chris makes a note to raise any issues to their attention that might require follow up with stakeholders.

*Any recommendations OIDO makes are informed by what is happening on the ground.*

Over the course of the day, Chris reviewed a variety of case types, from medical care to facility environment to legal access and also spent time engaging with facility staff and detainees. Driving home, Chris mulls over his efforts to listen empathetically, relieve some of the detainees' stress, and work with the detention facility staff to be part of simple and effective solutions.

## Detention Oversight Mission

Within the broader OIDO landscape, the Detention Oversight Division ensures humane conditions exist in immigration detention by conducting independent, objective, and credible assessments of ICE and CBP facilities throughout the United States. OIDO examines immigration detention conditions as they relate to violations of detainee rights, law, detention standards, contract terms, and/or policies and procedures. Assessments consider the whole immigration detention setting to determine whether detention standards and contractual obligations are being met as well as whether these regulatory tools are working as intended to protect the safety, security, and well-being of detainees. Following an assessment, OIDO provides analysis and offers strategic recommendations to improve the integrity of the immigration detention system.

### Assessment Types

OIDO deploys a variety of assessment types, identified and defined as follows:

- **Request for Information:** A formal or informal written or oral request for information. This process can be used to evaluate a new issue, clarify a topic or recommendation from a previous report, or address a matter of concern.
- **Observation:** A situational, broad-scope visit that serves as a method of information gathering and is primarily designed to better understand a Department Component's perspective and the challenges that are associated with matters relating to facilities.
- **Inspection:** Evaluation designed to determine the extent to which an inspected entity, program, process, or action adheres to or meets the relevant detention standards, contracts, and expected goals.
- **Focused Inspection:** Inspection of limited scope, designed to target and observe a specific area of concern.
- **Review:** Examination of concerns or violation of contract terms identified in audits, investigations, or detainee interviews regarding immigration detention facilities and services.
- **Investigation:** Concentrated examination of law, regulation, policy, standards, pattern, or practice related to potential misconduct or excessive force.

Within these overarching types, OIDO completes both performance and compliance assessments; the former is used to evaluate the efficacy or efficiency of a policy, program, or contract, while the latter is used to determine the extent to which a facility, program, process, or action adheres to the relevant detention standard.

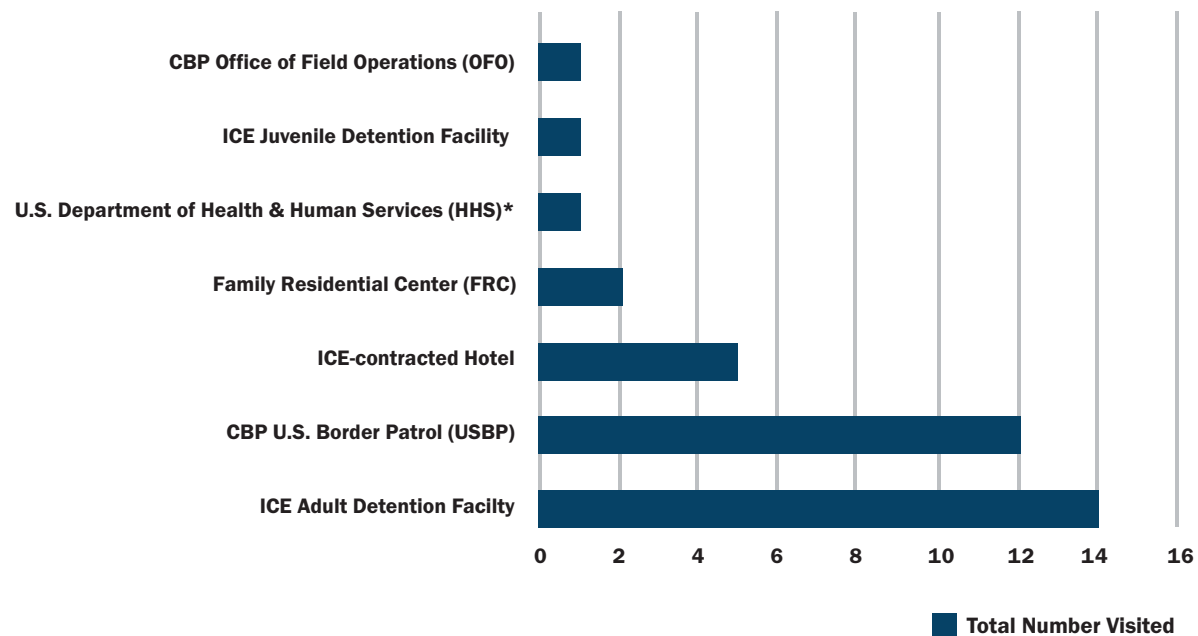
### Summary of Assessment Activities in 2021

Throughout 2021, OIDO carried out assessments with the goal of ensuring safe and humane conditions at immigration detention facilities in the United States. The Office designed its assessments to strengthen its capabilities and field perspective of detention conditions in the current climate, spread public awareness of its purpose and activities, and build a cooperative network of stakeholders.

OIDO's assessments consisted of observations as well as focused inspections at a total of 36 detention sites and facilities in the United States. These included CBP Office of Field Operations (OFO) and U.S. Border Patrol (USBP) border stations, processing centers, and headquarters; ICE Family Residential Centers (FRCs) and hotels; ICE Adult Detention Facilities; an ICE Juvenile Detention Facility; and a U.S. Department of Health and Human Services (HHS) Unaccompanied Children's (UC) care facility. OIDO also observed and reviewed operations at three Ports of Entry (POEs): Ciudad Acuña International Bridge in Del Rio, TX; Paso del Norte in El Paso, TX; and Andrade in Yuma, AZ.

OIDO personnel gained firsthand knowledge of the issues, engaging in direct interaction and open communication with many actors in a wide range of detention environments, from management to staff to detainees to advocates, to strengthen relationships and networks. OIDO also used these observations to further develop its priorities, processes, and best practices to better serve its mission.

### Types of Detention Sites Visited in 2021



OIDO strives to perform its functions as an independent, neutral inspection entity. Therefore, it has adopted the December 2020 Council of the Inspectors General on Integrity and Efficiency's Quality Standards for Inspection and Evaluation, also known as the Blue Book, as the guiding framework for its inspection work.<sup>7</sup> The Blue Book provides critical guideposts to help

\* OIDO does not have jurisdiction over HHS facilities. The visit noted in the table above was made at the invitation of HHS to develop a holistic understanding of what happens to unaccompanied children after they leave CBP custody.

<sup>7</sup> [Council of the Inspectors General on Integrity and Efficiency's Quality Standards for Inspection and Evaluation \(Blue Book\), December 2020.](#)



#### A. Southwest Border Observations: March, August, and September 2021

In March 2021, OIDO traveled to the Southwest Border of the United States with CBP staff to gain a field perspective of current custody operations and conditions at CBP OFO and USBP sites, ICE Adult and Juvenile Detention Centers, and an HHS facility.<sup>8</sup> The observation highlighted current challenges associated with increased unlawful migrant border crossings and shed light on how DHS entities responded to these conditions. OIDO focused on the following areas: facility capacity, DHS staffing, COVID-19 protocols, and noncitizen processing.

Given ongoing immigration detention challenges on the Southwest Border throughout the year, OIDO returned to the area at the end of August through the beginning of September 2021 to review the status of conditions. At that time, the team followed up on issues documented in March and examined DHS responses. During the site visit, USBP provided an overview and field perspective of detention facilities, helping OIDO better understand how USBP handles detention-related issues including the detention of adults, family units, and children.

OIDO returned a third time, specifically to the Del Rio–Ciudad Acuña International Bridge, on September 21, 2021. Over the course of three weeks from the end of August to September 17, thousands of migrants crossed the border into Del Rio, TX and gathered under the bridge in makeshift shelters as they waited for USBP to process them.<sup>9</sup> The situation reached its peak on September 17, 2021, when officials temporarily closed the bridge so that USBP could focus resources and staff on processing the large gathering of migrants in the encampment.<sup>10</sup> Three OIDO personnel traveled to the Del Rio bridge encampment on September 2, 2021, at the beginning of the migration and again on September 21, 2021, to observe and report firsthand on immigration conditions and efforts to address the migrant surge.

Through the course of these four observations in March, April, and September, OIDO was able to track the changing status of conditions as well as CBP's response. By assessing the situation throughout the year, OIDO was able to report in real-time on an evolving and significant issue area within the immigration detention system.

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<sup>8</sup> OIDO does not have jurisdiction over HHS facilities. The visit noted in the table above was made at the invitation of HHS to develop a holistic understanding of what happens to unaccompanied children after they leave CBP custody

<sup>9</sup> [Thousands of Migrants Huddle in Squalid Conditions Under Texas Bridge - The New York Times \(nytimes.com\)](https://www.nytimes.com/2021/09/17/us/politics/migrants-texas-bridge.html)

<sup>10</sup> [DHS Outlines Strategy to Address Increase in Migrants in Del Rio | Homeland Security](https://www.dhs.gov/immigration-strategy-address-increase-migrants-del-rio)



**Photos taken at the Del Rio bridge encampment on September 21, 2021.**

Source: OIDO

#### *B. ICE Family Residential Centers and Emergency Family Staging Centers: April 2021*

In April 2021, OIDO completed an observation of two ICE Family Residential Centers (FRCs), including the Karnes County Residential Center in Karnes City, TX, and the South Texas Family Residential Center in Dilley, TX, as well as three ICE Emergency Family Staging Centers (EFSCs): Casa Estrella and Casa Consuelo in El Paso, TX, and Casa de la Luz in Chandler, AZ. OIDO selected the locations because ICE was in the process of changing its family detention model to include short-term EFSCs to complement the existing FRCs. ICE reports that it uses the FRCs and EFSCs to maintain unity as families await immigration proceedings or return to their home countries.<sup>11</sup>

OIDO's observations focused on issues such as evening safety checks, medical/mental health checks, and staffing compliance. Through these efforts, OIDO gained critical on-the-ground knowledge of ICE's efforts to process the growing number of migrant families in immigration detention.<sup>12</sup> Following the April 2021 FRC and EFSC observations, OIDO worked with ICE to move forward with corrective actions it recommended during the visit.

#### *C. Colorado Observations of ICE Adult Detention Facilities: June 2021*

In June 2021, OIDO completed observations at two ICE adult detention facilities: Teller County Jail (TCJ) and the Aurora Contract Detention Facility (Aurora CDF) in Divide and Aurora, CO, respectively. The Aurora CDF is owned and operated by the GEO Group Inc. and must comply with the 2011 Performance-Based National Detention Standards (PBNDS), as modified in 2016. According to ICE, this facility can house a maximum of 1,320 detainees. TCJ is a county facility operated by the Teller County Sheriff and is contracted to comply with the 2000 National Detention Standards. At the time of our visit, the Aurora CDF had a population of 796 ICE

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<sup>11</sup> [Detention Management | ICE](#)

<sup>12</sup> ICE reports an average daily population of 321 individuals held in Family Residential Centers in October 2020. This number rose over three times to 1,076 in September 2021. ([Detention Management | ICE](#))

detainees. TCJ accepts ICE detainees on an as-needed basis. At the time of the visit, there were no immigration detainees housed at TCJ due to COVID restrictions. However, ICE had received COVID testing equipment for dedicated placement at TCJ and was planning to resume usage of the jail to house ICE detainees.

The purpose of the observations was to follow-up on an Office of the Inspector General (OIG) report dated June 3, 2019, which focused, in part, on the Aurora CDF and provided a series of recommendations that ICE concurred with and committed to correcting by September 30, 2019.<sup>13</sup> OIDO selected TCJ as a second observation location due to its contrasting size, location, and applicable detention standards as compared to Aurora. These key differences provided OIDO with an opportunity for immersive training and program development.

During the observations, OIDO focused on the following areas: (1) environmental health and safety (e.g., cleanliness, sanitation, security); (2) detainee searches, segregation (Special Management Units), and disciplinary system; (3) detainee care such as food service, medical care, and personal hygiene; and (4) activities such as visitation and recreation. Investigators interviewed ICE employees and facility management. They also observed operational practices and reviewed ICE documentation related to medical visits and staff-detainee communications.

### **Summary of Inspections in 2021**

In the second half of 2021, OIDO executed inspections of a more focused nature intended to advance specific Office priorities. Inspections were inspired by several sources, including requests from ICE and the Immigration Detention Ombudsman as well as a review of prior inspection reports. Each inspection was designed to review and respond to current priorities and concerns in immigration detention. OIDO completed inspections of adult detention facilities and ICE FRCs and EFSCs. In several cases, OIDO made use of its statutory authority to conduct unannounced inspections, allowing investigators to observe conditions in a normal, everyday environment.

After each inspection, investigators noted significant findings and prepared a report of conclusions. OIDO prepared four inspection reports of this nature in 2021. Throughout the reporting process, OIDO maintained open dialogue using on-site debriefs and exit conferences with the inspected entity and ICE to move toward meaningful, effective, and timely corrective actions to address concerns.

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<sup>13</sup> [OIG Report 19-47](#).



## OIDO Inspection Sites in 2021



- |  |  |  |
|--|--|--|
| <b>1</b> Bluebonnet Detention Facility,<br>Anson, TX         | <b>5</b> IAH Polk Adult Detention<br>Facility, Livingston, TX  | <b>9</b> La Quinta Inn & Suites,<br>Cotulla, TX                |
| <b>2</b> La Palma Correctional Center,<br>Eloy, AZ           | <b>6</b> South Texas ICE Processing<br>Center, Pearsall, TX    | <b>10</b> La Quinta Inn & Suites,<br>Pearsall, TX              |
| <b>3</b> Northwest Detention Center,<br>Tacoma, WA           | <b>7</b> Limestone County Detention<br>Center, Groesbeck, TX   | <b>11</b> Adams County Correctional<br>Facility, Natchez, MS   |
| <b>4</b> Torrance County Detention<br>Facility, Estancia, NM | <b>8</b> Imperial Regional Detention<br>Facility, Calexico, CA | <b>12</b> Jackson Parish Correctional<br>Center, Jonesboro, LA |
|  |  | <b>13</b> Richwood Correctional Center<br>Monroe, LA           |

### A. Surging to Meet the Department's Demands: July 2021

OIDO, along with the DHS Office for Civil Rights and Civil Liberties (CRCL), conducted a series of joint inspections to assess not only compliance with laws, standards, and policies but also readiness to accommodate potential surges in detention populations. Several critical topic areas formed the basis of these inspections.

- COVID-19 Pandemic Response
- Grievance Procedures
- Law Libraries and Legal Material
- Medical Care

- Sexual Assault and Abuse Prevention and Intervention
- Significant Self-harm and Suicide Prevention and Intervention
- Special Management Units
- Legal Access
- Language Access

In response to the Secretary's charge, OIDO completed 6 of the total 13 site visits at the following locations:

- Bluebonnet Detention Facility in Anson, TX
- La Palma Correctional Center in Eloy, AZ
- Northwest Detention Facility in Tacoma, WA
- Torrance County Detention Facility in Estancia, NM
- IAH Polk Adult Detention Facility in Livingston, TX
- South Texas ICE Processing Center in Pearsall, TX

OIDO also participated in CRCL's site visits in the following locations:

- Adams County Correctional Facility in Natchez, MS
- Jackson Parish Correctional Center in Jonesboro, LA
- Richwood Correctional Center in Monroe, LA

It is anticipated that these inspections will provide ICE decision-makers with new and enhanced information critical to making operational decisions to ensure the safety and well-being of both detainees and staff in these environments. Following the inspections, OIDO reported on findings and made recommendations for corrective action, distributing the results verbally and in writing through Department channels and to the DHS Secretary.

#### *B. Limestone County Detention Center: October 2021*

In August 2021, the ICE/ERO Houston Field Office requested that OIDO conduct an inspection of the Limestone County Detention Center to assess the status of detention operations because it had recently acquired oversight of the facility from another field office. Pursuant to its statutory responsibilities, OIDO conducted an announced, in-person inspection of the facility from October 19 through 20, 2021. OIDO's objective was to assess the overall conditions of detention, including the operational efficiency and effectiveness of the facility.

OIDO relied on the 2000 National Detention Standards to measure facility operational performance. With respect to assessing issues related to the Coronavirus (COVID-19) pandemic, OIDO used ICE's ERO COVID-19 Pandemic Response Requirements (PRR). OIDO's inspection focused on the following detention issues: staff-detainee communications, environmental health and safety, medical care, and COVID-19 protocols. Investigators collected both quantitative and qualitative data, including interviews, observations, and reviews of logbooks, video surveillance, photographs, standard operating procedures (SOPs), and contracts. Investigators also reviewed detention files and medical records of current and previous detainees.

At the time of writing, OIDO has issued findings and recommendations for corrective action to ICE/ERO for comment. Per statutory requirement, the agency is given a 60-day period to provide a formal response, which will be incorporated into OIDO's formal report.<sup>14</sup> The report will be made available upon completion and publication.

#### *C. Imperial Regional Detention Facility: November 2021*

In November 2021, OIDO conducted a focused inspection of the Imperial Regional Detention Facility in Calexico, California. The facility's contract requires adherence to ICE's 2011 Performance-Based National Detention Standards (2011 PBNDS). In addition, in 2018, the OIG completed an inspection of the facility, finding that it did not meet ICE detention standards in the areas of segregation, facility conditions, medical grievances, and detainee communication. OIDO's objective during its 2021 inspection was both to document facility compliance with the 2011 PBNDS and contract terms as well as to follow up on the OIG's prior inspection to review whether and how the facility took corrective action. Accordingly, OIDO's inspection included follow-up on issues related to the OIG findings as well as several additional areas of OIDO priority interest. In total, OIDO reviewed conditions related to: segregation, facility conditions, medical care, food safety, staff-detainee communications, environmental health and safety, COVID-19 protocols, and staffing levels.

During the inspection, investigators conducted interviews with detainees as well as facility and ERO staff and management. They also reviewed logbooks, video surveillance, the detainee handbook, SOPs, segregation post orders, and correctional and medical staffing plans. Finally, investigators reviewed detention files and medical records of current detainees.

OIDO provided an onsite exit briefing immediately after the inspection, and later provided a formal brief to ICE with its factual findings. A draft report will be provided to ICE for review and comment.

#### *D. San Antonio Sector ICE Emergency Family Staging Centers: December 2021*

In December 2021, OIDO completed an unannounced, focused inspection of two EFSCs in the San Antonio Sector. OIDO's objectives were to determine whether the sites followed the applicable ICE Family Residential Standards, as modified for implementation at the specific sites, and complete an overall assessment of the facilities. OIDO also examined contract issues related to dedicated rooms and occupancy rates since initially holding immigration detainees at the sites.

During the inspection, OIDO reviewed files, documentation, contracts, training logs, and other relevant items. OIDO also interviewed residents as well as facility staff and ERO management. OIDO provided an onsite exit briefing immediately after each inspection.

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<sup>14</sup> 6 U.S.C. § 205(d)(1).

OIDO provided a formal out brief to ICE with its factual findings. A draft report will be provided to ICE for review and comment.

OIDO's activities demonstrate its emphasis on building a flexible operational model that allows it to respond to emerging immigration detention challenges. This model makes it an invaluable source of oversight in the immigration detention landscape. For example, by traveling to Del Rio, TX, in August and September, the Ombudsman gained critical information about CBP and ICE's ability to handle large migrant influxes, noting significant findings and recommendations to monitor and help the agencies plan for future events of this nature. The team completed a border tour of the Yuma Sector in December as well, anticipating similar large border crossing challenges. The observations provided the team with a background knowledge to facilitate its review of conditions in the area moving forward.

At each of the locations visited, OIDO personnel described the mission, vision, and activities of the Office to introduce this new oversight entity and build strong working relationships with stakeholders. These professional networks will be crucial in facilitating future inspections to support unfettered access to facilities, facility staff, and detainees as well as promote streamlined information-sharing. Wherever possible, OIDO strives to promote a cooperative environment to support its mission to ensure safe and humane conditions in immigration detention facilities. OIDO's assessment activities in 2021 furthered these strategic goals.

### **Successful Corrective Actions**

In all observation and inspection activities, OIDO strives to resolve complaints and violations effectively and efficiently, seeking redress and remedy at the lowest level possible. On several occasions during its 2021 field activities, OIDO was successful at facilitating immediate corrective action for issues identified. Two such examples are discussed below.

#### *Tablets*

During a March 2021 observation of the La Palma Correctional Center, OIDO learned that facilities in ICE's Phoenix Area of Responsibility were not making tablets available for detainees. The tablets, widely used in the detention environment, were developed by Talton Communications, Inc. (hereinafter referred to as "Talton") to serve as a single source for detainee communications needs, including access to grievance forms, reading materials, messaging, video, and law libraries.<sup>15</sup> The tablets have become even more valuable to detainees since the onset of the COVID-19 pandemic because access to the library has been limited.

While on site, investigators reported the lack of tablet accessibility to facility management. When OIDO visited again in July 2021, they were informed that tablets had been made available to detainees. At that time, however, OIDO noted detainee concerns that tablets were cutting off after 15 minutes, even on attorney/legal access calls. OIDO followed-up with ICE on the concern, and

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<sup>15</sup> For further information, see [Talton](#).

through communication and collaboration with Talton, ERO, and OIDO, ICE expanded the feature on the tablet to allow for calls up to 60 minutes throughout all ICE facilities. In this way, OIDO's observation and follow up on an issue at a single facility promoted awareness of and resolution to an area of concern across numerous facilities.

#### COVID-19 Protocols

On another occasion, when OIDO personnel visited ICE-contracted hotels in April 2021, they noted a non-compliance issue related to the COVID-19 PRR, specifically that the hotel was required to test individuals both at admission and release, but individuals were only being tested at the time of admission. OIDO recommended that the hotel test individuals for COVID-19 both at admission and release, and that ICE inform individuals when they had been in contact with another person who had tested positive for COVID-19. OIDO learned that ICE addressed this issue in July 2021. The corrective action serves to better protect the detainee population as well as DHS personnel from inadvertent exposure to the virus and is a meaningful process change to decrease incidents of transmission.

### **Policy and Standards Mission**

In earlier sections of this report, the two OIDO divisions responsible for driving change at individual and facility levels were introduced and explained in detail. At the DHS enterprise level, OIDO proposes evidence-based solutions to improve the care of immigration detainees through its Policy and Standards Division.

Policy and Standards is positioned at the broadest level in OIDO's tiered approach to addressing issues affecting detainee safety and humane treatment in the Nation's immigration detention system. This division supports the OIDO mission by analyzing detention incidents, data, and contracts to identify both positive and negative risk trends. When negative risk trends are identified, OIDO uses legislative and policy avenues to produce positive outcomes for people in immigration detention environments. OIDO also offers expert training and technical assistance solutions to mitigate risk and support integration of new policies, standards and/or practices.

### **OIDO's Evidence-Based Approach**

Proposed solutions pertaining to changes in policies and standards are intended to be timely and relevant to current and future detention conditions. Despite the need to move quickly on emerging issues, OIDO adheres to an evidence-based approach to identifying problems and proposing solutions. To ensure that OIDO's recommendations rest on a solid evidentiary foundation and on a realistic awareness of the detention environment in which they would be implemented, the Office will rely on information gleaned through its oversight and case management functions, as well as on comparable information collected by DHS Components; validate and enhance the reliability of the data through surveys, studies, and input from external stakeholders (including Members of Congress); and finally, seek guidance from relevant subject

matter experts. Its recommendations will be born from a transparent process in which appropriate DHS Components can have insight and offer collaborative input.

### **Summary of Activities in 2021**

#### *Surveyed the DHS Detention Oversight Community*

OIDO's statute requires that the Office's functions complement those of existing DHS oversight offices. OIDO surveyed the detention oversight community and identified more than 14 different offices with varying degrees of overlap in responsibilities. Additionally, it surveyed key data points for the Office, including resolution and deconfliction mechanisms, to fully understand how each contributes to the outcomes seen to date in the DHS immigration detention system. The result of this exploration led OIDO to design its functions and services in a way that bridge longstanding gaps in the areas of timeliness and post-recommendation support.

One example is OIDO's relationship with the DHS Office for Civil Rights and Civil Liberties (CRCL). OIDO and CRCL share roles and responsibility at the DHS enterprise level in identifying and addressing potential violations of standards in the immigration detention setting. In 2021, OIDO and CRCL were tasked with establishing a memorandum of understanding defining each office's authorities, functions, and approaches to resolving issues that arise in immigration detention settings. It is anticipated that this agreement will result in shorter response times for detainee complaints and allegations.

#### *Supported Technological Solutions to Oversight Deconfliction*

As previously mentioned, the DHS detention oversight community is broad: more than 14 different offices have varying degrees of responsibility in ensuring the integrity of the Nation's immigration detention system. With many offices having their own unique complaint intake and case management applications, deconfliction between offices can be complicated. In 2021, OIDO proposed to members of the DHS detention oversight community a collaborative approach to exploring technological solutions for streamlining the public complaint platforms and connecting the various case management platforms.

#### *Established a Foundation for Victim-Centered and Trauma-Informed Approaches*

In October 2021, DHS Secretary Mayorkas directed all DHS offices and divisions to develop victim-centered plans. OIDO responded by committing to integrate victim-centered and trauma-informed approaches into all operations, regardless of whether OIDO staff have evidence of or visibility into the detainee's victimization or trauma history. OIDO believes this strategy of developing a culture of attentiveness to others will result in more meaningful and effective communications with detainees. In collaboration with ICE's Victim Assistance Program, OIDO identified and made available education to assist staff in implementing victim-centered and trauma-informed communications.

## External Relations Mission

As a new office, an important part of OIDO's work is engagement with detainees, advocates, representatives, and visitation groups that work with detained individuals every day, as well as with other entities within the Department.

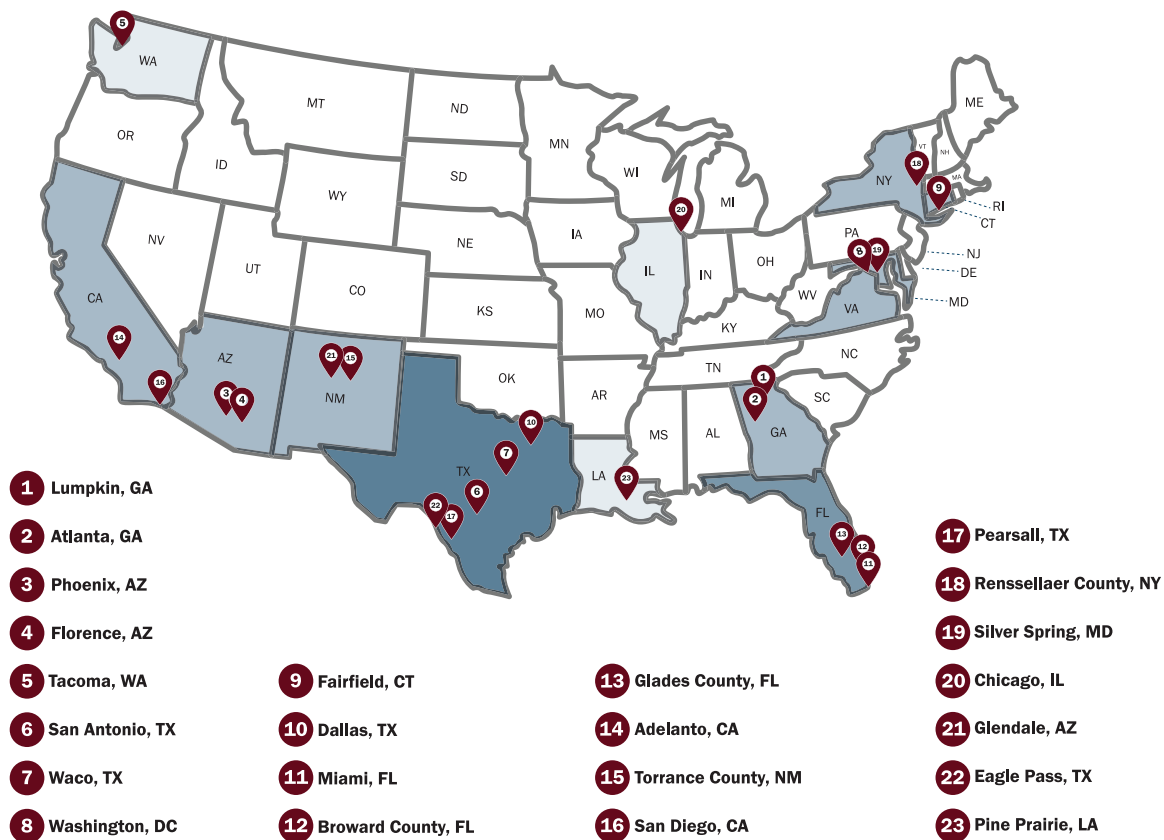
One of the Office's primary goals as it has grown through 2021 has been to expand relationships and cooperation within DHS to ensure that its work is complementary to other existing functions. There are several other offices within the Department that have detention oversight responsibilities, and OIDO has worked diligently to engage with them as the Office develops its programs and engages with stakeholders. The goal of such cooperation is to ensure transparency about the nature of OIDO's work and the ways it is both different from and complementary to other offices' functions.

OIDO regularly engaged with DHS Secretary Mayorkas throughout 2021, briefing him and his senior advisors on the Office's progress. The Ombudsman strives to be a source of candid messaging about the conditions of immigration detention based on our expertise and unique position in the Department.

In addition, OIDO works closely with the outreach offices of ICE and CBP to engage with local stakeholders. The Ombudsman has collaborated with colleagues at CRCL for roundtable discussions that let the Office introduce itself to groups it has not yet contacted and hear what they have asked of that Office.

## Summary of Activities in 2021

Since March 2021, the Ombudsman and staff met with 40 groups in eight states to introduce the Office and its mission. The Ombudsman shared the Office's vision with a variety of organizations with the goal of building awareness and trust in this new endeavor as well as hearing comments and concerns about immigration detention that help inform program development.

**OIDO 2021 Outreach Locations**

Engagements occurred in a variety of settings, including in person, virtual, one-on-one, small groups, national conferences, and webinars hosted by other DHS offices. OIDO staff visited with legal service providers and community advocates, toured migrant shelters, and spoke with groups that assist the families of detainees and conducted visitation in facilities before COVID-19. More than one group reported that OIDO's outreach was the first time a federal office had ever proactively contacted them. All were eager to learn about the office and its programs and share feedback about their detention-related concerns.

While OIDO aims to be responsive to anyone who contacts them for assistance with a detention issue, OIDO has focused its outreach on immigrant rights advocates, legal service providers, faith-based organizations, immigration policy and research organizations, and civil rights organizations.

In addition to engagement with advocates, representatives, and DHS colleagues, the Office also regularly engaged with Members of Congress and their staffs. A few months after joining the Office, Acting Ombudsman David Gersten met with Congresswoman Roybal-Allard, the Chair of the House Homeland Security Appropriations Committee that established the Office. Ombudsman Gersten spoke with the congresswoman and her staff about the new office and its role in immigration detention oversight. The Ombudsman meets quarterly with Homeland Security



Appropriations Committee staff to apprise them of the Office's efforts. Ombudsman Gersten has also recently briefed bipartisan staffers from the House subcommittees on Oversight, Management, and Accountability and Border Security, Facilitation, and Operations.

### **Observations and Outcomes**

An overarching theme of the concerns raised by stakeholders in 2021 was communication. Legal representatives reported challenges gaining access to their clients and vice versa. Since facilities have implemented additional precautions due to COVID-19, many representatives have stated that legal calls have been limited in duration and hard to schedule. Concerns pre-COVID 19 included lack of space for confidential conversations and issues communicating with clients via mail and fax. Groups the Ombudsman met with also reported difficulties communicating with facility staff in response to case requests and other matters.

In some cases, the *ad hoc* communication solutions implemented during the initial phases of COVID-19, when visitation had to be limited, were not adequate for what has become a longer-term issue. In others, changes in business practices during this time created additional hurdles between attorneys and advocates on the outside and DHS personnel and contractors on the inside. As a neutral party, independent of ICE and CBP, the Ombudsman's Office can fill an important need by bringing groups together, helping to re-establish relationships in communities where they may have previously broken down. When traveling the country to meet with stakeholders, OIDO also takes the opportunity to meet with ICE's community relations staff. Both ICE and stakeholder groups have expressed a desire for the Ombudsman to engage in this manner.

Facility staff's treatment of individuals in detention was an issue consistently raised in stakeholder meetings, including allegations of detainee abuse and subsequent fear of retaliation for reporting it. OIDO's persistent presence in detention facilities allows for insights many other oversight groups do not have and may provide an additional protection against retaliatory behavior. Including local OIDO staff in outreach engagements has provided an important link between the reality of conditions inside facilities and overarching concerns from detainees' advocates.

Many groups alleged concerns related to medical and mental health treatment in facilities. Nearly all stakeholders OIDO spoke with mentioned facilities having fewer doctors and nurses than needed, leading to a perceived lack of medical attention. There were also concerns with continuity of medical care, such as medications and medical records not transferring with detainees across facilities. When detainees receive medications, diagnoses, and follow-up treatment, these issues are not always appropriately explained.

Groups also asserted concerns about the overuse of segregation, stating that they often see that segregation is used not only for disciplinary reasons, but also for medical and mental health issues. The latter was particularly concerning to advocates, as they are concerned segregation may result in deterioration of a detainee's medical or mental health.

## VII. Anticipated Goals and Objectives for 2022

OIDO's vision is that it will be seen by the Department, Congress, the public, and detained individuals as an independent, credible, and proficient oversight entity. As detailed in this report, the Office focused in 2021 on expanding its presence throughout the country, building its capabilities, and becoming fully operational. In furtherance of its core mission, OIDO will continue to prioritize the following four goals and structure its work in 2022 to advance them.

### Goal 1

OIDO will identify, develop, and deliver recommended solutions to improve conditions within immigration detention facilities. In 2022, OIDO will persist in its efforts to become an accessible and responsive entity to provide redress to individuals and families in immigration detention. OIDO will build a persistent presence in the field by expanding its placement of staff at detention facilities and learning from its case management pilot programs. In addition, OIDO will prioritize making pathways to redress accessible to the public by developing a public-facing portal and continuing to meet with detainees directly. These efforts will facilitate the Office's goal to support immediate and comprehensive case management.

Further, OIDO strives to improve the situational awareness of immigration detention conditions and provide actionable recommendations to support decision makers throughout the Department and Congress. To achieve this goal, in 2022, OIDO will build up to a full deployment of detention oversight staff. With capabilities in the field, the office will continue to review other oversight agency reports, set priorities, and execute its inspection plans. OIDO will perform regular, independent inspections and report on these activities in a timely, credible manner, providing leadership with accurate and up-to-date evidence, analysis, and findings to illuminate current concerns and challenges in immigration detention settings. The Ombudsman's impartial and evidence-based findings will be accompanied by achievable, specific, cost-effective, and measurable recommendations for corrective action.

### Goal 2

OIDO will be a unique voice leveraging information and expertise to inform decision makers and the public. OIDO is positioned to collect, analyze, and disseminate comprehensive and credible information. OIDO recognizes that to achieve this mission, it must have the access and ability to collect and assess valid detention metrics. In 2022, OIDO will grow its data collection methods through: (1) review of individual detainee cases; (2) expansion of formal relationships with Departmental stakeholders; (3) surveying DHS detention stakeholders to capture perspectives on the root causes of detention standards noncompliance and the effectiveness of current DHS detention oversight strategies; and (4) analyzing various detention data sets that identify trends and patterns previously unexplored and identify appropriate actions for mitigating risk. By aggregating individual case data, cooperating with existing oversight entities, and deploying

detention surveys, OIDO will accumulate the quantitative and qualitative evidence needed to identify and evaluate systemic issues that can be resolved through policy changes.

In addition to information gathering, OIDO will build its mechanisms to disseminate accurate and reliable information to the public. These actions will include developing its website, publishing a quarterly newsletter, planning stakeholder engagements, and issuing factual findings and recommendations through inspection reports. Through these communications, OIDO will promote transparency to increase the public's understanding of its activities and findings.

### Goal 3

The Ombudsman's Office will continue to build its communications plan, introducing the Office to detained individuals, legal service providers, and advocates. As our programs continue to grow, we will have more information to share within detention facilities, via the website and traditional and social media, and in in-person gatherings. More of our field staff will engage with our component partners as well as with stakeholders, and we will keep building relationships with Congressional staff. Our goal is to strengthen partnerships and earn trust within the community as we promote and support safe, humane conditions in immigration detention.



**OIDO Case Management staff meet with U.S. Border Patrol personnel at the Rio Grande Valley's Fort Brown Station to discuss OIDO's role in border issues.**

*Source: OIDO*

**Goal 4**

OIDO will further institutionalize the Office of the Immigration Detention Ombudsman to ensure that the Office is effectively and efficiently using its resources to achieve its mission. As a maturing organization, OIDO will continue to develop and refine policies, processes, and management tools to continue being good stewards of government resources. In addition, OIDO believes that a well-equipped, empowered, and engaged employee delivers the best services and achieves optimal results. OIDO aims to recruit and retain the most qualified individuals to execute its mission, creating a work culture that promotes trust and supports professional development. OIDO will invest in its staff through timely and appropriate job training and internal programs designed to retain staff and minimize turnover.

## Appendix A: Section 205 of Title 6 of the U.S. Code

### 6 U.S.C.

United States Code, 2020 Edition

Title 6 - DOMESTIC SECURITY

CHAPTER 1 - HOMELAND SECURITY ORGANIZATION

SUBCHAPTER IV - BORDER, MARITIME, AND TRANSPORTATION SECURITY

Part A - Border, Maritime, and Transportation Security Responsibilities and Functions

Sec. 205 - Ombudsman for immigration detention

From the U.S. Government Publishing Office, [www.gpo.gov](http://www.gpo.gov)

### §205. Ombudsman for immigration detention

#### a In general

Within the Department, there shall be a position of Immigration Detention Ombudsman (in this section referred to as the "Ombudsman" . The Ombudsman shall be independent of Department agencies and officers and shall report directly to the Secretary. The Ombudsman shall be a senior official with a background in civil rights enforcement, civil detention care and custody, and immigration law.

#### b Functions

The functions of the Ombudsman shall be to—

1 Establish and administer an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress, including referral for investigation to the Office of the Inspector General, referral to U.S. Citizenship and Immigration Services for immigration relief, or any other action determined appropriate, for cases in which Department officers or other personnel, or contracted, subcontracted, or cooperating entity personnel, are found to have engaged in misconduct or violated the rights of individuals in immigration detention;

2 Establish an accessible and standardized process regarding complaints against any officer or employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any contracted, subcontracted, or cooperating entity personnel, for violations of law, standards of professional conduct, contract terms, or policy related to immigration detention;

3 Conduct unannounced inspections of detention facilities holding individuals in federal immigration custody, including those owned or operated by units of State or local government and privately-owned or operated facilities;

4 Review, examine, and make recommendations to address concerns or violations of contract terms identified in reviews, audits, investigations, or detainee interviews regarding immigration detention facilities and services;

5 Provide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards by Department of Homeland Security officers or other personnel, or contracted, subcontracted, or cooperating entity personnel; and

6 Ensure that the functions performed by the Ombudsman are complementary to existing functions within the Department of Homeland Security.

# Appendix B: Complaint Form

DEPARTMENT OF HOMELAND SECURITY  
Office of the Immigration Detention Ombudsman

OMB Control No. 1601-0030  
Expiration Date: 12/31/2021

## CASE INTAKE FORM

The Office of the Immigration Detention Ombudsman (OIDO) reviews cases submitted by, or on behalf of, individuals affected by misconduct, excessive force, or violations of law, rights, policy, or standards in immigration detention settings by the U.S. Department of Homeland Security (DHS). Please note that OIDO cannot provide legal advice. It is an independent office within DHS and is not part of U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP).

### PURPOSE OF THIS FORM

To receive assistance regarding an incident that occurred while in immigration detention, please submit this form. OIDO will examine the case and, upon verification, seek to resolve the matter or provide redress as appropriate.

The incident for which this form is being submitted must be related to an allegation of:

- Misconduct,
- Excessive force,
- Violation of an individual detainee's rights, and/or
- Violations of law, standards of professional conduct, contract terms, or policy related to immigration detention.

OIDO does not review or adjudicate requests to reconsider the determination to detain an individual, the reasons for such immigration detention, the denial of a request for release from immigration detention (including parole), or the standards for considering requests for release.

### **AND**

The alleged misconduct or violation(s) must have been committed by:

- DHS (CBP or ICE) officers or employees, including,
  - o Contracted, subcontracted, or cooperating personnel or
  - o A contract service provider.

If your situation does not meet these criteria, or to view a list of other DHS avenues for providing feedback or filing a complaint, visit <https://www.dhs.gov/how-do-i/provide-feedback-dhs>.

### WHO SHOULD SUBMIT THIS FORM?

- A current or former detainee who is seeking assistance regarding an incident that occurred, or is occurring, while in DHS custody.
- An individual submitting this form on behalf of a current or former detainee, as his or her representative, to whom an incident occurred, or is occurring, while in DHS custody. This may include a family member or an attorney/accredited representative.
- An individual submitting the form anonymously.

DHS employees who wish to file complaints related to allegations of misconduct should do so with the DHS Office of Inspector General (OIG) and/or the DHS Office of Special Counsel. If a DHS employee submits an allegation to OIDO, the matter will be referred to OIG. DHS employees are reminded that it is unlawful for agencies to take, or threaten to take, a personnel action against an employee because she/he disclosed wrongdoing. DHS employees may contact the DHS Whistleblower Protection Coordinator at [Whistleblowerprotectioncoordinator@oig.dhs.gov](mailto:Whistleblowerprotectioncoordinator@oig.dhs.gov) for questions regarding protected disclosures or information regarding rights and remedies of whistleblowers.

### GENERAL INSTRUCTIONS FOR THIS FORM

- Type or print legibly in black or blue ink.
- If extra space is needed, you may attach additional pages to this form.
- For questions that do not apply, please write "N/A."
- Please attach **copies** of any documents or information that will help OIDO review the case. **Do not send original documents.**
- This form is not required to submit a case to OIDO, and it is not required that all fields be completed. However, a properly completed form ensures that OIDO receives the necessary information to assist with a case. If you do not use the form, or do not complete all fields, you may experience a delay in the processing of your case.
- There is no fee for submitting a request to OIDO.

<b>WHERE TO SUBMIT THIS FORM</b>		
<p>Please submit your completed, signed, and dated form, including any supporting documentation, to the Office of the Immigration Detention Ombudsman by one of the following means:</p> <ul style="list-style-type: none"> <li>• E-Mail: <a href="mailto:detentionombudsman@hq.dhs.gov">detentionombudsman@hq.dhs.gov</a></li> <li>• Fax: 202-282-8482</li> <li>• U.S. Mail and/or Expedited Delivery Services:</li> </ul> <p style="margin-left: 40px;">U.S. Department of Homeland Security Office of the Immigration Detention Ombudsman, Mail Stop #0134 2707 Martin Luther King Jr. Ave. SE Washington, DC 20528</p> <p>Due to security measures with the U.S. Government mail system, cases mailed (even those sent by expedited delivery services) may be delayed.</p>		
<b>CASE INFORMATION</b>		
<b>Information About the Person Submitting this Form</b>		
<p>1. I am: <input type="checkbox"/> A current or former detainee who is seeking assistance regarding an incident that occurred, or is occurring, while in DHS custody.</p> <p><input type="checkbox"/> An individual submitting this form on behalf of a current or former detainee, as his or her representative, to whom an incident occurred, or is occurring, while in DHS custody. This may include a family member or an attorney/accredited representative.</p> <p><input type="checkbox"/> An individual submitting the form anonymously.</p>		
<b>Information About the Detainee</b>		
2. Name (Prefix, First Name, Middle Name, Last Name):		3. Other names used or spelling variants:
4. Date of Birth:	5. Sex <input type="checkbox"/> Male <input type="checkbox"/> Other: _____ Female	6. Alien Registration Number (A-number) (if any):
7. Country(s) of Citizenship or Nationality:	8. Country of Birth:	9. Preferred Language:
<b>10. Location:</b>		
a. Is the individual currently in custody?		
<input type="checkbox"/> Yes: 1. Name of Detention Facility (If unsure of the name, provide general information, such as city or state, or descriptive information, such as large building or holding cell, or personnel uniform colors.) _____		
2. Date Range at Facility (If unsure of the exact dates, provide approximate dates.) _____		
3. What is the preferred method of contact after release from detention? Select one.		
<input type="checkbox"/> Mailing Address: Street Address, Apartment/Suite, City, State, Zip/Postal Code, Country _____		
<input type="checkbox"/> Email Address: _____		
<input type="checkbox"/> Phone Number: _____		
<input type="checkbox"/> No: 1. Current Mailing Address: Street Address, Apartment/Suite, City, State, Zip/Postal Code, Country _____		
2. Email Address: _____		
3. Phone Number: _____		

<b>Information About Where the Incident Occurred</b>	
11. Did the incident occur at a detention facility?	
<input type="checkbox"/> Yes:	a. Name of Detention Facility (If unsure of the name, provide general information, such as city or state, or descriptive information, such as large building or holding cell, or personnel uniform colors.) _____
	b. Date Range at Facility (If unsure of the exact dates, provide approximate dates.) _____
<input type="checkbox"/> No:	a. Provide explanation: _____ _____ _____
<b>Information About the Incident</b>	
12. Category (Select <u>one</u> category that best describes the incident.):	
<input type="checkbox"/> Abuse or Assault	<input type="checkbox"/> Medical/Mental Health or Health Care Concerns
<input type="checkbox"/> Detainee Locator	<input type="checkbox"/> Property
<input type="checkbox"/> Disability Accommodations	<input type="checkbox"/> Religious
<input type="checkbox"/> Facility Environment	<input type="checkbox"/> Special Consideration for Children and Families
<input type="checkbox"/> Legal Access	<input type="checkbox"/> Translation and Interpretation Services
13. Description of Incident (Please provide a detailed explanation of the incident and specify the preferred remedy or redress.)          	
14. Incident Date(s) (If unsure of the exact dates, provide approximate dates.)  	
<b>Actions Taken to Report the Incident and Seek a Remedy or Redress</b>	
15. Was the incident discussed with personnel at the facility?	
<input type="checkbox"/> Yes:	a. Was a grievance or formal complaint filed? <input type="checkbox"/> Yes <input type="checkbox"/> No
	b. If medical, was a sick call request made? <input type="checkbox"/> Yes <input type="checkbox"/> No
	c. Other: _____
<input type="checkbox"/> No	
16. Was the incident reported to one of the following?	
<input type="checkbox"/>	ICE Detention Reporting and Information Line (DRIL) (888-351-4024)
<input type="checkbox"/>	Office of Professional Responsibility Joint Intake Center (JIC) (877-2INTAKE)
<input type="checkbox"/>	DHS Office for Civil Rights and Civil Liberties (CRCL) (866-644-8360)
<input type="checkbox"/>	DHS Office of Inspector General (OIG) (800-323-8603)
<input type="checkbox"/>	U.S. Health and Human Services, Office of Refugee Resettlement (if incident occurred while in DHS custody)
<input type="checkbox"/>	Other (e.g., Chaplain): _____
<input type="checkbox"/>	None of the above



17. Describe any other offices contacted or actions taken to address the incident:

**Identity of the Person Submitting this Form**

18. I am:

- A current or former detainee who is seeking assistance regarding an incident that occurred, or is occurring, while in DHS custody.

a. Name (Prefix, First Name, Middle Name, Last Name): \_\_\_\_\_

b. Current Mailing Address (if not detained):  
\_\_\_\_\_  
\_\_\_\_\_

c. Date of Birth: \_\_\_\_\_ d. Place of Birth: \_\_\_\_\_

I certify, through my signature, under penalty of perjury under the laws of the United States of America, including 28 U.S.C. § 1746, that the information provided is true and correct, and that I am an individual who encountered or is encountering difficulties while in immigration detention with the U.S. Department of Homeland Security. I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. § 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. § 552a (i)(3) by a fine of not more than \$5,000.

e. Signature: \_\_\_\_\_ f. Date: \_\_\_\_\_

- An individual submitting this form on behalf of a current or former detainee, as his or her representative, to whom an incident occurred, or is occurring, while in DHS custody. This may include either a family member or an attorney/accredited representative. Please note that OIDO strongly recommends that it receive a notice of written consent, signed by the detainee (or the detainee's legal guardian if under the age of 18) for whom this Case Intake Form is submitted to allow OIDO to release information to you. If, however, you are unable to receive written consent from the detainee, your signature below certifies that, under penalty of perjury under the laws of the United States of America, including 28 U.S.C. § 1746, you are an individual submitting this form on behalf of a detainee, as his or her representative, to whom an incident occurred, or is occurring, while in DHS custody. You understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. § 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. § 552a (i)(3) by a fine of not more than \$5,000. Without proper consent, OIDO may not be able to inform the submitter of a case and/or outcome.

a. Representative Name (Prefix, First Name, Middle Name, Last Name):  
\_\_\_\_\_

b. Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_

c. Relationship to Detainee:

- Parent/Legal Guardian       An accredited representative of a religious, charitable, social service or similar organization established in the United States and recognized by the Department of Justice pursuant to 8 C.F.R. § 1292.1.
- Spouse
- Child       Other
- Attorney

d. Name (Prefix, First Name, Middle Name, Last Name): _____	
e. Mailing Address: Street Address, Apartment/Suite, City, State, Zip/Postal Code, Country: _____ _____	
f. Law Firm/Organization (if applicable): _____	
g. Mailing Address: Street Address, Apartment/Suite, City, State, Zip/Postal Code, Country: _____ _____	
h. Email Address: _____	i. Phone Number: _____
j. Signature: _____	k. Date: _____
<input type="checkbox"/> An individual submitting this form anonymously. Due to the anonymous nature of the submission, no information regarding the case and/or outcome will be provided to the submitter.	
LEGAL NOTICES	
Penalties for Submitting Incorrect Information	
Whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of false documents will be fined up to \$10,000, imprisoned for up to five (5) years, or both. 18 U.S.C. §1001. Requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. §552a(i)(3) by a fine of not more than \$5,000.	
Authority for Collecting Information	
The functions of the Office of the Immigration Detention Ombudsman are to:	
<ol style="list-style-type: none"> <li>(1) Establish and administer an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress, including referral for investigation to the Office of Inspector General, referral to U.S. Citizenship and Immigration Services for immigration relief, or any other action determined appropriate, for cases in which Department of Homeland Security (DHS) officers or other personnel, or contracted, subcontracted, or cooperating entity personnel, are found to have engaged in misconduct or violated the rights of individuals in immigration detention;</li> <li>(2) Establish an accessible and standardized process regarding complaints against any officer or employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any contracted, subcontracted, or cooperating entity personnel, for violations of law, standards of professional conduct, contract terms, or policy related to immigration detention;</li> <li>(3) Conduct unannounced inspections of detention facilities holding individuals in federal immigration custody, including those owned or operated by units of State or local government and privately-owned or operated facilities;</li> <li>(4) Review, examine, and make recommendations to address concerns or violations of contract terms identified in reviews, audits, investigations, or detainee interviews regarding immigration detention facilities and services;</li> <li>(5) Provide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards by DHS officers or other personnel, or contracted, subcontracted, or cooperating entity personnel; and</li> <li>(6) Ensure that the functions performed by the Ombudsman are complementary to existing functions within DHS Homeland Security Act of 2002, Pub. L. No. 107-296, § 405(b) (codified at 6 U.S.C. § 205(b)), as added by Consolidated Appropriations Act, 2020, Pub. L. No. 116-93, §106 (2019).</li> </ol>	

**Privacy Act of 1974**

All information submitted to the Office of the Immigration Detention Ombudsman (OIDO) is collected and protected under the provisions of the Privacy Act of 1974, 5 U.S.C. § 552a. By submitting this information to OIDO, your consent allows OIDO to investigate any potential misconduct or violations in relation to immigration detention.

**AUTHORITY:** DHS is authorized to collect the information requested on this form pursuant to section 405 of the Homeland Security Act of 2002, Pub. L. No. 107-296 (codified at 6 U.S.C. § 205), as added by Consolidated Appropriations Act, 2020, §106, Pub. L. No. 116-93, 133 Stat. 2504.

**PURPOSE:** DHS Office of the Immigration Detention Ombudsman (OIDO) is requesting this information to resolve cases brought forth by individuals or investigations regarding potential violations of law, individual rights, standards of professional conduct, contract terms, or policy related to immigration detention by any officer or employee of CBP, ICE, or any contracted, subcontracted, or cooperating entity personnel.

**ROUTINE USES:** The information requested on this form may be shared within DHS based on a need to know basis and externally pursuant to routine uses to assist the DHS in reviewing and resolving complaints. A complete list of the routine uses can be found in the system of records notices associated with this form, including DHS/ALL-020 Department of Homeland Security Internal Affairs and DHS/ALL-025 Law Enforcement Authority in Support of the Protection of Property Owned, Occupied, or Secured by the Department of Homeland Security System of Records. Additionally, DHS plans to publish a new SORN to cover the records and uses with OIDO's collection, named DHS/OIDO-001 Office of the Immigration Detention Ombudsman System of Records. For those individuals not covered by the Privacy Act, additional information can be found in the Privacy Impact Assessment, DHS/OIDO/PIA-001 Immigration Detention Case Management System. All can be found at: <https://www.dhs.gov/privacy>.

**CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION:** Providing this information is voluntary. However, failure to provide this information may result in the inability of DHS to process or investigate the complaint.

**Paperwork Reduction Act Notice**

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 1 hour per response, including the time for reviewing instructions, completing the form, and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Department of Homeland Security, Office of the Immigration Detention Ombudsman, Mail Stop #0134, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528, OMB No. 1601-NEW.

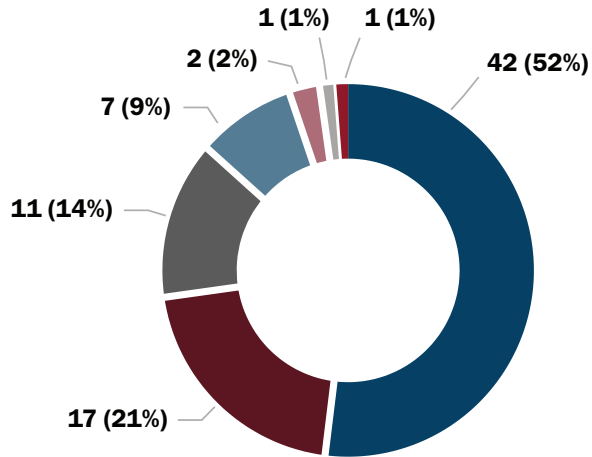
## Appendix C: Case Management Metrics 2021

Complaint Status	Complaints
In Progress	4
Resolved	77
<b>Total</b>	<b>81</b>

INCIDENT LOCATION	OPENED COMPLAINTS
Stewart Detention Center	<b>28</b>
Eloy Detention Center	<b>12</b>
Glades County Detention Center	<b>9</b>
Port Isabel Service Processing Center	<b>5</b>
Adelanto ICE Processing Center	<b>4</b>
Folkston ICE Processing Center (Main)	<b>3</b>
Unknown Location	<b>3</b>
Florence Service Processing Center	<b>2</b>
River Correctional Center	<b>2</b>
Torrance County Detention Facility	<b>2</b>
Bergen County Jail	<b>1</b>
Bureau of Prisons Custody	<b>1</b>
Imperial Regional Detention Facility	<b>1</b>
Krome North Service Processing Facility	<b>1</b>
La Palma Correctional Center	<b>2</b>
Montgomery Processing Center	<b>1</b>
Otay Mesa Detention Center	<b>1</b>
San Antonio Hold Room	<b>1</b>
San Diego District Staging	<b>1</b>
South Texas ICE Processing Center	<b>1</b>

\* Stewart Detention Center was the first facility where OIDO placed a case manager; the Office has been assessing complaints there longer than at any other facility. By the end of 2021, OIDO had placed case managers in Stewart, Adelanto, Eloy, Desert View, Mesa Verde, Florence, and Golden State facilities. All other cases were received via referral from other DHS offices or during stakeholder outreach, according to OIDO's ability to respond in the specific facility.

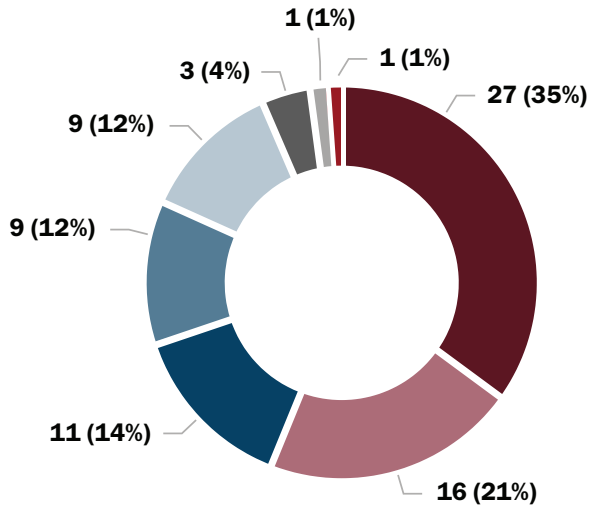
**Complaints by Complaint Category**



**COMPLAINT CATEGORY**

- Quality of Life/Living Conditions 42
- Medical Issues 17
- Abuse & Assault 11
- Legal Access 7
- Property 2
- Disability Accommodation 1
- Special Consideration for Children & Families 1

**Complaints by Resolution Type**



**RESOLUTION TYPE**

- Case Assistance 27
- Complaint Unfounded 16
- OIDO Internal Referral 11
- No Jurisdiction/No Referral 9
- Redress 9
- No Jurisdiction/Referral 3
- Incomplete 1
- Withdrawn Complaint 1