



# Office for Civil Rights and Civil Liberties

## Summary of CRCL's Recommendations and CBP's Response *Removal of Mobility Device*

On January 24, 2023, U.S. Customs and Border Protection (CBP) responded to a Recommendation Memorandum issued in September 2022 by the Office for Civil Rights and Civil Liberties (CRCL) about CBP's handling of a disability modification request by an individual with a mobility device in U.S. Border Patrol (USBP) custody. CBP concurred with CRCL's one recommendation.

### Background

In January 2022, CRCL opened a complaint alleging that CBP separated an unaccompanied minor from a crutch he was using to assist with his mobility disability. The complaint alleged that USBP took away the crutch upon apprehension and did not permit the minor to use the crutch or any other assistive device during detention.

### Investigation

CRCL investigated the alleged disability discrimination as a potential violation of Section 504 of Rehabilitation Act of 1973, as amended (Section 504). CRCL reviewed documents and written responses provided by CBP, including records related to the complainant's USBP detention. CRCL also reviewed CBP policies, procedures, and training materials related to disability modification requests and engaging in the interactive process. CRCL found that CBP was aware of the complainant's disability and that CBP denied the complainant's reasonable modification request when it took away his crutch and did not provide him with access to the crutch, or another assistive device while in CBP custody. CRCL also found that CBP did not engage in an interactive process to find a modification to address the complainant's disability. Accordingly, CRCL concluded that CBP discriminated on the basis of disability in violation of Section 504 by denying the complainant's reasonable modification request and failing to engage in an interactive process.

In accordance with federal regulations, CRCL notified the complainant of CBP's Section 504 violation and ordered a remedy to CBP requiring CBP to provide mandatory training to all USBP personnel in the Rio Grande Valley Sector about engaging in an interactive process with and providing reasonable modifications to individuals in its custody with disabilities who use mobility devices.

### Recommendation

In addition to notifying the complainant, on September 28, 2022, CRCL issued a Recommendation Memorandum notifying and explaining to CBP the Section 504 violation and remedy. The memorandum also included one additional recommendation. On January 24, 2023, CBP concurred with that recommendation and agreed to incorporate scenario-based learning elements into the required training on providing reasonable modifications to individuals with disabilities who use mobility and/or medical devices.

*CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.*

February 8, 2024