

U.S. Department of Homeland Security

# Office for Civil Rights and Civil Liberties

Fiscal Year 2023 Annual Report

November 2024



**Homeland  
Security**

# 01 FOREWORD

Pursuant to congressional requirements 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) presents this Fiscal Year (FY) 2023 Annual Report to the following Members of Congress:

**The Honorable Kamala D. Harris**  
President of the Senate

**The Honorable Patty Murray**  
Chair, U.S. Senate Committee  
on Appropriations

**The Honorable Susan Collins**  
Vice Chair, U.S. Senate Committee  
on Appropriations

**The Honorable Gary C. Peters**  
Chairman, U.S. Senate Committee  
on Homeland Security and Governmental  
Affairs

**The Honorable Rand Paul**  
Ranking Member, U.S. Senate Committee  
on Homeland Security  
and Governmental Affairs

**The Honorable Mark Warner**  
Chairman, U.S. Senate Select Committee  
on Intelligence

**The Honorable Marco Rubio**  
Vice Chairman, U.S. Senate Select  
Committee on Intelligence

**The Honorable Richard J. Durbin**  
Chair, U.S. Senate Committee  
on the Judiciary

**The Honorable Lindsey Graham**  
Ranking Member, U.S. Senate Committee  
on the Judiciary

**The Honorable Mike Johnson**  
Speaker of the House  
of Representatives

**The Honorable Tom Cole**  
Chairman, U.S. House  
of Representatives Committee  
on Appropriations

**The Honorable Rosa L. DeLauro**  
Ranking Member, U.S. House  
of Representatives Committee  
on Appropriations

**The Honorable Mark E. Green**  
Chairman, U.S. House  
of Representatives Committee  
on Homeland Security

**The Honorable Bennie G. Thompson**  
Ranking Member, U.S. House  
of Representatives Committee  
on Homeland Security

**The Honorable Michael Turner**  
Chairman, U.S. House  
of Representatives Permanent Select  
Committee on Intelligence

**The Honorable Jim Himes**  
Ranking Member, U.S. House  
of Representatives Permanent Select  
Committee on Intelligence

**The Honorable Jim Jordan**  
Chairman, U.S. House  
of Representatives Committee  
on the Judiciary

**The Honorable James Comer**  
Chairman, U.S. House  
of Representatives Committee  
on Oversight and Accountability

**The Honorable Jerrold Nadler**  
Ranking Member, U.S. House  
of Representatives Committee  
on the Judiciary

**The Honorable Jamie Raskin**  
Ranking Member, U.S. House  
of Representatives Committee  
on Oversight and Accountability

Please direct inquiries regarding this report to CRCL at 866-644-8360 or [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov).  
This report and other information about CRCL are available at [www.dhs.gov/crcl](http://www.dhs.gov/crcl).

## 02 MESSAGE FROM THE OFFICER

I am honored to serve as the Department's Officer for Civil Rights and Civil Liberties. In this role, it is a privilege to lead CRCL's dedicated staff and to work with communities across the country to advance the homeland security mission while preserving individual liberty, fairness, and equality under the law. CRCL's piece of this mission is to ensure that civil rights and civil liberties are not diminished as DHS carries out its programs and activities. In this work, CRCL partners with every DHS entity to protect the Nation while integrating constitutional and civil rights and liberties protections in every aspect of the Department.



I am pleased to present our FY 2023 Annual Report to Congress, which outlines CRCL's priorities and activities focused on supporting the Department's efforts to prevent terrorism and enhance security; secure and manage our borders; enforce and administer our immigration laws; safeguard and secure cyberspace; and ensure resilience to disasters. Since joining CRCL in April 2023, it has been my honor to lead this unique office with diverse missions across the homeland security enterprise—yet with a common foundational goal of ensuring that civil rights and civil liberties considerations are incorporated into all the Department's activities.

In FY 2023, CRCL's presence continued to grow with the addition of more than 30 new employees focused on achieving CRCL's strategic priorities which align with the Department's overarching goals. As you'll read in the pages that follow, our dedicated staff led monumental efforts to advance equity across the Department, develop policies for the responsible use of artificial intelligence, launch an Alternatives to Detention pilot program, oversee Department-wide equal employment opportunity (EEO) and diversity programs and process EEO complaints, process record levels of advice and recommendations involving allegations of violations of civil rights from the public, and lead a number of Department-wide civil rights-positive policies and practices, among many other achievements. Our staff's dedication and work ethic truly embody the DHS mission to safeguard the American people, our homeland, and our values with honor and integrity.

We value feedback from our many stakeholders and partners; if you have questions or comments about our FY 2023 Annual Report, or would like more information about CRCL, please contact us at [CRCL@hq.dhs.gov](mailto:CRCL@hq.dhs.gov) or visit our website at [www.dhs.gov/CRCL](http://www.dhs.gov/CRCL) for more information.

Respectfully submitted,

A handwritten signature in blue ink that reads "Shoba Sivaprasad Wadhia".

Shoba Sivaprasad Wadhia  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## 03 EXECUTIVE SUMMARY

Created by the Homeland Security Act of 2002, CRCL has a statutory mission “to ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland.” CRCL resides within the Office of the Secretary and provides proactive policy advice to the Secretary and other leaders across the Department to integrate civil rights and civil liberties protections into all DHS activities. An office of more than 150 people in a Department with more than 260,000 employees, CRCL supports DHS as it secures the Nation while preserving individual liberty, fairness, and equality under the law. Every day, CRCL staff administer the Department’s diversity and equal employment opportunity programs; receive and investigate complaints from the public; and participate in policy creation, oversight, and outreach to individuals and communities impacted by DHS policies, programs, and activities.

In response to congressional requirements, this Annual Report details CRCL’s priorities and activities in FY 2023 covering the period from October 1, 2022, through September 30, 2023. Significant updates to content that postdate this period will be provided in subsequent Annual Reports. A few of our key accomplishments, listed below, are described in further detail throughout this Report:

### ***DHS Intelligence Product Reviews***

On February 7, 2022, Secretary Mayorkas issued a memorandum reminding those doing intelligence work within the Department of their duties to protect individual rights and privacy. It reinforced the oversight roles assigned to CRCL and restored CRCL’s role in the review and clearance of finished intelligence products for external dissemination to partners outside the Department. It extended the revised reporting standards requiring DHS agency leadership to establish similar processes within their respective agencies. CRCL worked with the following 10 DHS agencies and offices that have relevant intelligence personnel who are engaged in, or could potentially be engaged in, this type of intelligence activity and are expected to institute these processes:

- U.S. Citizenship and Immigration Services (USCIS)
- Countering Weapons of Mass Destruction Office (CWMD)
- Homeland Security Investigations (HSI)
- Federal Emergency Management Agency (FEMA)
- Cybersecurity and Infrastructure Security Agency (CISA)
- U.S. Customs and Border Protection (CBP)
- Transportation Security Administration (TSA)
- U.S. Coast Guard (USCG)
- Management Directorate - Federal Protective Service (FPS)
- U.S. Secret Service (USSS)

CRCL entered into formal bilateral Memoranda of Agreements (MOA) between each of the 10 DHS agencies and offices. These MOAs are tailored to the agency missions and outline policies and procedures governing their respective intelligence processes to ensure that civil rights and civil liberties are protected. The agency processes include the use of the revised standards of review and, in coming months and years, will be institutionalized through training and periodic review.

### ***Community Engagement Growth***

FY 2023 was a year of growth and expansion for CRCL's Community Engagement (CE) Section resulting in an increase of engagements in new geographic regions. Post-pandemic engagement grew the CRCL in-person program from nine to 20 metropolitan cities resulting in a 122 percent increase in outreach and engagement efforts. During FY 2023, CE coordinated and participated in more than 120 engagements on strategic topics impacting stakeholders. These events, driven by local stakeholder interests and Department-wide priorities, enabled CRCL to share information on DHS activities and initiatives and mitigated challenges at the local level, often avoiding misperceptions of DHS policies. Notable engagements include seven meetings on Worksite Deferred Action, resulting in the attendance of more than 600 participants. CRCL also developed and executed a strategic engagement plan to share information and amplify DHS messaging to diverse stakeholder audiences.

### ***Compliance Branch Investigation: Operation Vigilant Sentry***

In FY 2023, Compliance initiated a cross-cutting investigation into DHS's maritime interdiction and protection screening processes under Operation Vigilant Sentry. Compliance issued a Retention Memorandum to U.S. Immigration and Customs Enforcement (ICE), USCG, USCIS, and CBP on January 10, 2023.<sup>1</sup>



***A CRCL onsite investigation team observes the setup of temporary shelter space on the deck of a USCG Cutter***

To investigate, Compliance observed intraagency maritime migration operations firsthand. In January 2023, Compliance met with the Homeland Security Task Force–Southeast and CBP, and then boarded a USCG cutter to understand interdiction processing and screening. In March 2023, Compliance traveled to the Migrant Operations Center (MOC) at U.S. Naval Station Guantanamo Bay to observe ICE operations, including the care and custody of interdicted migrants. In May 2023, Compliance returned to Key West to board a USCG cutter to observe maritime interdictions. Compliance issued three Action Memoranda

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<sup>1</sup> “Retention Memo Concerning Maritime Interdiction, Protection Screening, and Custody of Migrants in the Caribbean,” available at <https://www.dhs.gov/publication/retention-memo-concerning-maritime-interdiction-protection-screening-and-custody>.

to USCG, USCIS, and ICE with requested actions aimed at enhancing policies, practices, and procedures impacting the health, safety, security, and due process rights of migrants.

Work continues and we appreciate the cooperation and collaboration with the agencies on this investigation and are pleased to note that the following have already been implemented: USCG increased its contract for Haitian interpreters; USCG updated its policy on the quantity of food provided to migrants; ICE purchased an additional automated external defibrillator and ligature cutting knife for a second building at the MOC; and ICE developed a sexual abuse prevention and reporting flier for posting at the MOC.

### ***Compliance Branch Launches New Online Complaint Portal***

In FY 2023, CRCL's Compliance Branch launched a new [online complaint portal](#)<sup>2</sup> where members of the public can submit allegations about possible violations of civil rights, civil liberties, or human rights by DHS programs, activities, personnel, or contractors. The online portal is a one-stop shop, offered in 10 languages, to submit allegations and other pertinent information related to interactions with DHS. Through the portal, individuals can conveniently submit information about their allegations (including attachments) directly to CRCL and automatically receive a confirmation message and reference number. The new portal also provides easy access for mobile device and tablet users. Additionally, the portal helps streamline CRCL's intake and review of allegations. In FY 2023, a total of 708 complaints were filed by the public through the online complaint portal.

### ***Recipient Oversight***

In FY 2023, CRCL greatly increased its capacity, through technological advancements and staffing increases, to ensure that the thousands of recipients of DHS grants and other types of financial assistance are meeting their nondiscrimination obligations under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other authorities. CRCL reviewed and provided feedback to hundreds of recipients on their Civil Rights Evaluation Tool submissions, provided training and technical assistance to recipients through its monthly webinar series, and carried out other compliance activities. CRCL coordinated with FEMA on review of the data that recipients submitted and assisted these entities on addressing gaps identified through the creation of new Web resources, monthly webinars, a quarterly resource email, and one-on-one support.

### ***Development of the Worksite Deferred Action Centralized Process***

On January 13, 2023, DHS announced the beginning of an enhancement to existing policies on deferred action as related to investigations into companies by labor agencies that may involve noncitizen workers. The enhancement included a process by which federal, state, and local labor agencies could submit a Statement of Interest (SOI) to DHS for the purpose of establishing a need to obtain testimony or other cooperation from noncitizen workers involved with companies alleged to have participated in illegal employment practices.

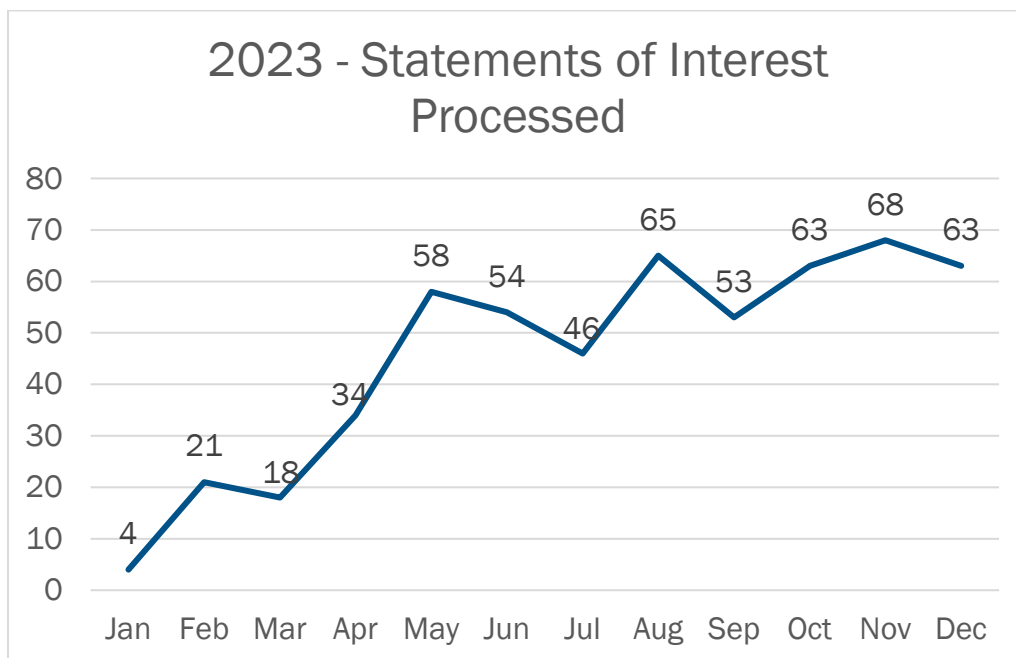
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<sup>2</sup> <https://engage.dhs.gov/crcl-complaint>



Through this process, the affected noncitizen workers may request deferred action. Affected noncitizen workers granted deferred action may be eligible for employment authorization during the period of deferred action.

CRCL was designated as the lead to provide technical support on policy development for the Deferred Action Centralized Process. The team took on the responsibility of managing the email box, which labor agencies use to submit their SOIs, and acts as the coordinator to ensure review of SOIs by USCIS and ICE, as well as timely communication with the labor agencies regarding the content and use of their SOIs. In FY 2023, CRCL’s Immigration Section and Community Engagement Section planned and held more than 50 stakeholder engagements, including large information sessions with labor agencies and non-governmental advocacy groups, and held technical advice discussions with individual agencies or small groups. The Immigration Section has led the revision of a memorandum of agreement between DHS agencies and offices regarding their roles and functions, which is under review and expected to be completed in FY 2024. The Deferred Action Centralized Process has proven to be effective; in FY 2023, DHS reviewed more than 300 SOIs from labor agencies across the U.S., which led to hundreds of individual workers obtaining deferred action.



### ***Artificial Intelligence***

CRCL played a pivotal role in crafting the Department’s inaugural artificial intelligence (AI) governance policy, Policy Statement 139-06, titled “Acquisition and Use of Artificial Intelligence and Machine Learning Technologies by DHS Components.” This policy, aligning with the FY 2023 National Defense Authorization Act (NDAA) Section 7224(b), underscores the significance of prioritizing privacy, civil rights, civil liberties, and security in DHS’s AI implementation. As mandated by the NDAA, CRCL is tasked with assessing the impacts of the Department’s AI activities. Policy Statement 139-06 also established the AI Policy



Working Group, a collaborative effort to formulate enterprise policy ensuring responsible and trustworthy AI deployment at DHS. This initiative further enforces the NDAA's requirements and upholds the safeguards outlined in Executive Order 13960, *Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government*.



In tandem with DHS Office of the Chief Information Officer (OCIO), the DHS Privacy Office (PRIV), and the DHS Science and Technology Directorate (S&T), CRCL actively participated in the Artificial Intelligence Task Force (AITF), established by the Secretary to leverage AI for enhancing DHS effectiveness in critical missions. The AITF adheres to rigorous testing of AI implementation projects to ensure efficacy, prevent biases, and align with DHS policy, which mandates the safeguarding of privacy, civil rights, and civil liberties.

As the AITF Vice Chair for Responsible Use, the CRCL Officer led the Responsible Use Group (RUG) within the AITF. The RUG, comprising oversight offices, information technology (IT) professionals, and managers, focuses on providing coordinated advice and oversight to DHS agency AI implementers. It aims to develop policies concurrent with technology advancements, assess risks and impacts, prescribe mitigations, and foster a risk management environment. In late FY 2023, the RUG initiated these responsible use goals and began regularly bringing in external experts on AI governance to provide insights and offer approaches for AI risk management. The RUG helped to foster a shared understanding of policy enforcement and compliance policy challenges posed by AI, and informed policy decisions. The RUG also played a vital role in addressing the unique challenges presented by AI, offering expertise to the oversight, technical, and security workforce.

### ***Advancing Equity at DHS***

CRCL leads DHS in its commitment to center equity in policy and decision-making. Over the course of FY 2023, CRCL coordinated across the Department to deliver on the commitments set forth in [DHS's Inaugural Equity Action Plan \(2022\)](#), as well as identify opportunities to extend DHS's commitment to advance equity in a broader array of programs and activities.

In addition to working across DHS's operational agencies and offices, CRCL also focused on cultivating cohesive partnerships with the communities DHS serves. In particular, CRCL led and supported listening sessions focused on understanding barriers experienced by specific communities and gathering insights on how to deliver more equitable outcomes.

As a result of this work, DHS made significant equity-based accomplishments in a wide spectrum of programs, including but not limited to increasing accessibility to immigration benefits and services, protecting noncitizen workers from threats of immigration-related retaliation from exploitative employers, providing stakeholders with information and

resources to prepare for and prevent targeted violence and terrorism, improving screening technology capabilities to reduce the possibility of bias against travelers and increase safety, hosting vendor outreach sessions to underserved groups, and advancing equity considerations in grant funding.

### ***EEOD Conference: TSA Headquarters, Springfield, VA***

CRCL hosted its third Equal Employment Opportunity and Diversity (EEOD) Conference for DHS EEO and Diversity, Equity, Inclusion, and Accessibility practitioners across DHS. The event brought together the entire DHS EEO and Diversity workforce for the first time in five years. Over the course of three days, 350 participants engaged in plenary sessions, cutting-edge breakout workshops, and trainings on EEO counseling, investigations, and alternative dispute resolution.



***Secretary Mayorkas provides keynote remarks at the DHS 2023 EEOD Conference***

Participants heard remarks from Secretary Alejandro Mayorkas; TSA Assistant Administrator for Civil Rights and Civil Liberties, Ombudsman, and Traveler Engagement, Christine Griggs; CISA Director, Jen Easterly; and CRCL's Officer for Civil Rights and Civil Liberties, Shoba Sivaprasad Wadhia.

### ***DHS Implementation Plan to Prevent and Respond to Gender-Based Violence Globally***

CRCL led the effort in developing the first DHS Implementation Plan to Prevent and Respond to Gender-Based Violence Globally. The Implementation Plan highlighted DHS programs and policies aimed at the prevention of gender-based violence by decreasing risk and improving protective factors.

### ***Implementation of the Pregnant Workers Fairness Act***

CRCL successfully implemented the requirements of the Pregnant Workers Fairness Act (PWFA) in June 2023 by providing informational resources consistent with the guidance from the Equal Employment Opportunity Commission (EEOC) so that DHS employees could easily understand the law. In addition, CRCL worked with the DHS Office of Accessibility and Usability (AU) to modify the Accessibility Compliance Management System (ACMS) so that accommodation requests based on the PWFA could be accepted starting on June 27, 2023. These collective actions allowed DHS to be fully compliant with the PWFA.

### ***New U.S. Department of Justice Racial Profiling Guidance***

CRCL led the Department's work, in collaboration with the U.S. Department of Justice (DOJ), to address section 9(e) of Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*. These efforts included issuing an updated Guidance for Federal Law Enforcement Agencies Regarding the

Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, Gender Identity, and Disability. This updated guidance prohibiting profiling by federal law enforcement agencies sets forth limited circumstances when federal law enforcement agents or officers may consider a protected characteristic, adds disability as a protected characteristic, expands application of the guidance beyond sworn law enforcement officers to all federal law enforcement personnel engaged in or supporting federal law enforcement activities, and sets benchmarks and timelines for the development and implementation of training, data collection, and accountability provisions.

The updated 2023 Guidance supersedes DOJ's 2014 Guidance. It builds upon and expands the framework of the 2014 Guidance, reaffirms the Federal Government's deep commitment to ensuring that its law enforcement agencies gather and depend on information that is reliable and trustworthy, and promotes unbiased conduct during federal law enforcement and intelligence activities.

# 04 LEGISLATIVE LANGUAGE

## 6 U.S.C. § 345. Establishment of Officer for Civil Rights and Civil Liberties.

*Homeland Security Act of 2002* (HSA), Pub. L. No. 107-296, § 705, 116 Stat. 2135, 2219-20, as amended by the *Intelligence Reform and Terrorism Prevention Act of 2004*, Pub. L. No. 108-458, 8303, 118 Stat. 3638, 3867 (amending § 705(a) of the HSA).

(a) In general. The Officer for Civil Rights and Civil Liberties, who shall report directly to the Secretary, shall—

- (1) review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department;
- (2) make public through the Internet, radio, television, or newspaper advertisements information on the responsibilities and functions of, and how to contact, the Officer;
- (3) assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities;
- (4) oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities of the Department;
- (5) coordinate with the Privacy Officer to ensure that—
  - (A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and
  - (B) Congress receives appropriate reports regarding such programs, policies, and procedures; and
- (6) investigate complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.

(b) Report

The Secretary shall submit to the President of the Senate, the Speaker of the House of Representatives, and the appropriate committees and subcommittees of Congress on an annual basis a report on the implementation of this section, including the use of funds appropriated to carry out this section, and detailing any allegations of abuses described under subsection (a)(1) of this section and any actions taken by the Department in response to such allegations.

**42 U.S.C. § 2000ee-1. Privacy and Civil Liberties Officers.**

*Implementing Recommendations of the 9/11 Commission Act of 2007*, Pub. L. No. 110-53, § 803, 121 Stat. 266, 360-362 (amending § 1062 of the National Security Intelligence Reform Act of 2004, Pub. L. No. 108-458, 118 Stat. 3688), as amended by the *Intelligence Authorization Act for Fiscal Year 2014*, Pub. L. No. 113-126, title III, § 329(b)(4), 128 Stat. 1390, 1406.

**(a) Designation and functions**

... [T]he Secretary of Homeland Security... shall designate not less than one senior officer to serve as the principal advisor to—

(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

(A) that the need for the power is balanced with the need to protect privacy and civil liberties;

(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

(C) that there are adequate guidelines and oversight to properly confine its use.

**(b) Exception to designation authority**

...

**(2) Civil liberties officers**

In any department, agency, or element referred to in subsection (a) [of this section] ... which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) of this section with respect to civil liberties.

**(c) Supervision and coordination**

Each privacy officer and civil liberties officer described in subsection (a) or (b) of this section shall—

(1) report to the head of the department ... ; and

(2) coordinate their activities with the Inspector General of such department ... to avoid duplication of effort.

**(d) Agency cooperation**

The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

(1) has the information, material, and resources necessary to fulfill the functions of such officer;

(2) is advised of proposed policy changes;

(3) is consulted by decision makers; and

(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

**(f) Periodic reports**

(1) In general.

The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) of this section shall periodically, but not less than semiannually, submit a report on the activities of such officers—

(A) (i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

(ii) to the head of such department, agency, or element; and

(iii) to the Privacy and Civil Liberties Oversight Board; and

(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

**(2) Contents**

Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

(A) information on the number and types of reviews undertaken;

(B) the type of advice provided, and the response given to such advice;

(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

**(g) Informing the public**

Each privacy officer and civil liberties officer shall—

(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

**(h) Savings clause**

Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.



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# 06 BACKGROUND

## A. Mission

The Office for Civil Rights and Civil Liberties supports the Department of Homeland Security as it secures the Nation while preserving individual liberty, fairness, and equality under the law.

CRCL integrates civil rights and civil liberties into all of the Department's activities by:

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;
- Investigating civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel; and
- Leading the Department's equal employment opportunity programs and promoting workforce diversity and merit system principles.

## B. Authorities

Authorities under which CRCL supports the Department are embodied in a variety of legal sources, including statutes passed by Congress, regulations issued by the Department, Executive Orders signed by the President, and delegations and directives issued by the Secretary of Homeland Security. Some of those authorities are listed in [Appendix A](#) of this Report, and others are posted at [www.dhs.gov/crcl](http://www.dhs.gov/crcl).

## C. Leadership

**Shoba Sivaprasad Wadhia** joined the Department as the Officer for Civil Rights and Civil Liberties in April 2023. Prior to joining DHS, Ms. Sivaprasad Wadhia was the Associate Dean for Diversity, Equity, and Inclusion; the Samuel Weiss Faculty Scholar; and Clinical Professor of Law at Penn State Law at University Park. Her research focuses on the role of prosecutorial discretion in immigration law and the intersections of race, national security, and immigration. Her work has been published in numerous law journals and cited by several federal circuit courts.

Ms. Sivaprasad Wadhia also previously served as Deputy Director for Legal Affairs at the National Immigration Forum, where she provided legal and policy expertise on multiple legislative efforts, including forming the Department of Homeland Security. Ms. Sivaprasad Wadhia was an Associate with an immigration law firm, where she represented individuals and families on a wide range of immigration matters. She has received numerous awards,

including the 2019 Elmer Fried Excellence in Teaching Award by the American Immigration Lawyers Association, and most recently the 2023 W. LaMarr Kopp International Faculty Achievement Award from Penn State University. Ms. Sivaprasad Wadhia was elected to the American Law Institute in 2021. She holds a Juris Doctor degree from Georgetown University Law Center and a Bachelor of Arts degree from Indiana University Bloomington. Read her full biography here: [Shoba Sivaprasad Wadhia](#).

**Peter Mina** serves as Deputy Officer for CRCL's Programs and Compliance Division. Before joining CRCL, Mr. Mina served as Chief of the Labor and Employment Law Division in the Office of the Principal Legal Advisor for ICE. Before entering federal service with ICE in 2011, Mr. Mina spent nearly six years in private practice representing federal employees in disciplinary actions, EEO complaints, and claims of whistleblower reprisal. Mr. Mina has experience practicing before the EEOC Merit Systems Protection Board, and in federal courts. In addition, he has published articles on whistleblower law and the rights of federal contractors. Mr. Mina holds a Bachelor of Arts degree from the University of Virginia and a Juris Doctor degree from Boston College Law School.

**Veronica Venture** serves as Deputy Officer for Civil Rights and Civil Liberties and the Director for Equal Employment Opportunity and Diversity at the Department. She brings significant expertise on the federal EEO process and diversity initiatives to DHS, particularly as it relates to law enforcement, having served as EEO Director for the Federal Bureau of Investigation (FBI) for nine years before joining DHS. Ms. Venture began her career with the EEOC, where she held positions as Trial Attorney, Administrative Judge, Acting Director for the San Diego Field Office, Special Assistant to the Chair, and finally as EEO Director. Ms. Venture holds a Bachelor of Arts degree from Connecticut College and a Juris Doctor degree from the Washington College of Law at American University.

**Dana Salvano-Dunn** serves as the Executive Director of the Compliance Branch where she oversees CRCL's statutory investigations related to alleged civil rights and civil liberties violations throughout the Department. Ms. Salvano-Dunn began her career as an Immigration Trial Attorney with DOJ in New York City. Following that, she joined the Department as an Attorney Advisor at ICE Headquarters for the Office of the Principal Legal Advisor's Enforcement Law Division. Ms. Salvano-Dunn came to CRCL in 2006, where she has served as a Senior Policy Advisor, Immigration Detention Lead, and Deputy Director for the Compliance Branch. Throughout her federal service, Ms. Salvano-Dunn has specialized in the intersection of immigration law and civil rights.

**Victoria Porto** serves as the Executive Director of the Programs Branch, where she leads four dynamic and high-performing teams in collaborative efforts to ensure that the protections of civil rights and civil liberties, as well as human rights, are woven into all DHS programs and activities. She is an award-winning senior-level executive with a more than 20-year track record of leading complex multi-mission programs with extensive experience in operational efficiency, immigration law and policy, external equity programs, customer service, and engagement within DHS. Ms. Porto joined the Senior Executive Service in June 2018 as the Chief of the Verification Division in USCIS. She led a multidisciplinary team of about 500 employees at five geographically dispersed locations in the managing and operations of two

DHS national-level programs: E-Verify and Systematic Alien Verification for Entitlements. Ms. Porto has served as a federal immigration professional since she began her career with the former Immigration and Naturalization Service in 2001 at the San Diego, California, District Office, and she helped manage the transition into USCIS after the passage of the Homeland Security Act of 2002. Ms. Porto holds a Master’s of Public Administration degree from American University in Washington, DC and a Bachelor’s of Business Administration degree from National University in La Jolla, California. Ms. Porto was the valedictorian of her Immigration Adjudications Officer Training cohort at the Federal Law Enforcement Training Center and is a graduate of the DHS Senior Executive Service Candidate Development Program.

## D. Organization

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Officer for Civil Rights and Civil Liberties reports directly to the Secretary. The Officer is supported by two deputies: the Deputy Officer for Programs and Compliance and the Deputy Officer for EEO and Diversity. CRCL’s staff is organized into the Programs and Compliance Division (further subdivided into two Branches—one for Programs and one for Compliance) and the EEO and Diversity Division.

At the close of FY 2023, CRCL employed 144 full-time employees and 28 contractors. The table below details CRCL’s operating budget and staff for the past five fiscal years.

### CRCL Operating Budget and Staffing, FY 2019–FY 2023

Fiscal Year	Enacted Budget	Federal Staff	Contract Staff
2019	\$25,312,000	97	15
2020	\$28,824,000	101	16
2021	\$34,094,000	103	18
2022	\$42,160,000	120	21
2023	\$46,636,000	144	26

The following pages provide an overview of major accomplishments in FY 2023, followed by detailed information about each CRCL functional unit’s activities during the year.

# PROGRAMS BRANCH

POLICY ADVICE, TRAINING,  
AND OUTREACH



# 07 PROGRAMS BRANCH

The Programs Branch offers comprehensive policy advice to the Department on matters concerning civil rights and civil liberties. Its operational scope includes providing training for DHS personnel and state and local law enforcement partners, as well as ensuring fair and equitable treatment of individuals served by recipients of DHS financial assistance and those impacted by any environmental program managed by DHS. In addition, it ensures responsible use of artificial intelligence by actively contributing to the formulation of policy and safeguards designed to establish proven and innovative ways to protect individual rights. The Programs Branch also leads engagement with communities whose civil rights and liberties might be impacted by DHS initiatives, upholds principles of environmental justice to support resilient communities, and supports the Department in the administration of immigration laws.

The Programs Branch comprises four dynamic and distinct Sections:

- A. Security, Intelligence, and Information Policy
- B. Community Engagement
- C. Antidiscrimination Group
- D. Immigration

The following pages discuss the structure of these Sections and their accomplishments in FY 2023.

## A. Security, Intelligence, and Information Policy Section

The Security, Intelligence, and Information Policy (SIIP) Section provides guidance and oversight designed to preserve civil rights and civil liberties during execution of homeland security programs and activities. The SIIP Section works with DHS agencies and offices to ensure appropriate protections and safeguards are incorporated into the Department's screening and vetting programs, information sharing and safeguarding activities, cybersecurity efforts, security technologies, law enforcement policies and practices, and intelligence programs and products.

### **FY 2023 Accomplishments**

#### ***National Vetting Center***

The National Vetting Center (NVC) is a collaborative interagency effort, established in accordance with White House Executive Orders and National Security Presidential Memorandum 9. Its purpose is to offer a more comprehensive understanding of potential threats to national security, border security, homeland security, and public safety presented

by individuals attempting to cross our borders or exploit our immigration system. The NVC strengthens, simplifies, and streamlines the intricate process of utilizing classified national security information, law enforcement, and other information to guide concerning threat actors and their networks operational decisions. It facilitates the collaboration of departments and agencies, allowing them to contribute unique information while adhering to applicable laws and policies. The NVC places a strong emphasis on preserving privacy, civil rights, and civil liberties protections. The CRCL Officer serves as co-chair of the Privacy, Civil Rights, and Civil Liberties Working Group in support of the interagency National Vetting Governance Board, leading efforts to integrate civil rights and civil liberties safeguards into both operational and proposed NVC program activities.

In FY 2023, CRCL conducted reviews of NVC proposals aimed at expanding the scope and scale of specific vetting programs. In May 2023, CRCL assessed and provided feedback on a proposal for the ongoing classified vetting of vulnerable Afghan nationals arriving at U.S. ports of entry following the U.S. withdrawal from Afghanistan in August 2021, with a focus on re-parole and reenrollment assistance. In June 2023, CRCL ensured that the NVC's proposal for the Advance Travel Authorization Program included incorporating initiatives like the Family Reunification Parole and ad hoc initiatives to assist certain noncitizens and their immediate family members in seeking authorization to travel to the U.S. to request humanitarian parole.

CRCL also assisted with the development of upcoming proposed and governance and oversight documents. NVC vetting programs. The USCIS Asylum Program helps review and assess foreign nationals physically present in the U.S. who are not in removal proceedings and who are seeking asylum in the U.S. through the affirmative asylum or Asylum Merits Interview processes. For this new vetting program, CRCL provided advice on protecting people's rights and liberties while reviewing proposals, operational concepts, vetting support, and governance and oversight documents. In FY 2023, CRCL actively participated in updating the National Vetting Governance Board Charter and the criteria for internal compliance reviews of all operational NVC vetting programs. CRCL also began efforts to establish more regular community outreach efforts to increase public awareness of NVC programs.

Security, Intelligence, and  
Information Policy Section  
**BY THE NUMBERS**

 In-person  
engagements  
**436** fusion center  
personnel trained

**562**   
Interactions with  
fusion center personnel

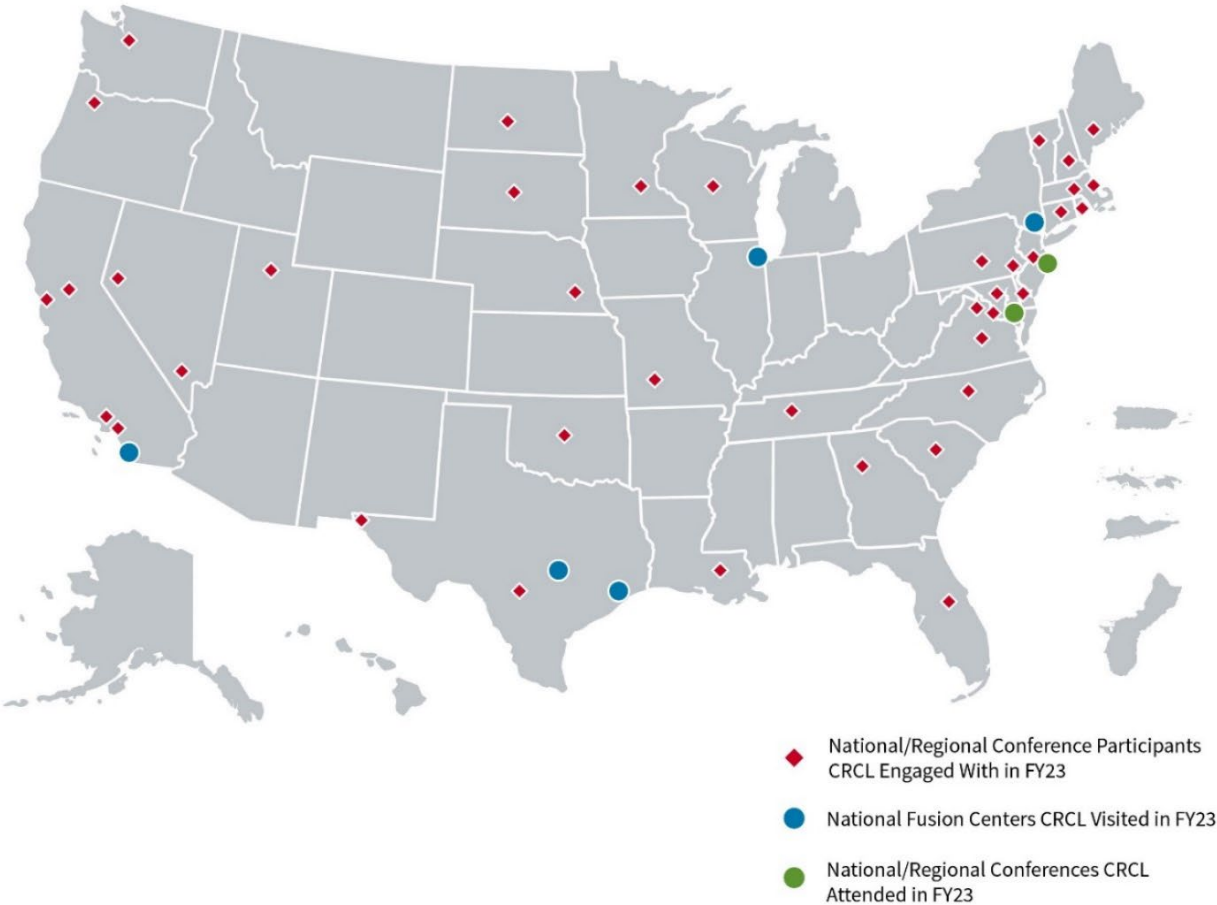
Conducted the **FIRST**  
comprehensive  
compliance review of  
the Insider Threat  
Operations Center



***Support, Communication, and Collaboration with National Network of Fusion Centers***

State and major urban area fusion centers were created by the Implementing Recommendations of the 9/11 Commission Act of 2007, and the network of 80 serve as focal points for the receipt, analysis, gathering, and sharing of threat-related information among the Federal Government and state, local, tribal, territorial, and private sector partners. CRCL leads the collaborative effort among the DHS Office of Intelligence and Analysis (I&A) and the DHS Privacy Office (PRIV) to deliver training on applicable DHS civil rights, civil liberties, and privacy policies, along with providing technical support to personnel at these centers. This effort is aligned with the Department’s responsibility outlined in the Implementing Recommendations of the 9/11 Act.

**Fiscal Year 2023 Fusion Center Participation**



CRCL has actively broadened its routine engagements with fusion center personnel nationwide, reinforcing the Department’s overarching mission. In FY 2023, CRCL successfully conducted seven in-person engagements with fusion centers, delivering impactful training to approximately 436 fusion center personnel. This proactive engagement strategy contributes to fostering collaboration and understanding while advancing the Department’s objectives.

Each fusion center engagement leveraged a regional approach, welcoming Civil Liberties and Privacy Officers (CLPO) and other personnel from nearby fusion centers to ensure the widest effort of engagement. This is in addition to CRCL's participation in the annual training event of the National Fusion Center Association (NFCA), held over three days in April 2023. During that NFCA event, CRCL participated in numerous briefings and training panels, as well as provided technical support to personnel from across the National Fusion Center Network and to our federal partners.

Throughout FY 2023, CRCL actively participated in more than 562 interactions with fusion center personnel, showcasing its continuous dedication to upholding its commitment to safeguarding civil rights and civil liberties within the fusion centers. CRCL and the Privacy/Civil Rights and Civil Liberties Sub-Committee of the National Fusion Center Association have continued to develop and refine features to the Fusion Center CLPOs Community of Interest (COI). The COI is for fusion center CLPOs, and it is hosted on the Homeland Security Information Network. This COI facilitates open communication, collaboration, information, and material sharing among fusion center personnel by providing model policies, training material, best practices, and advice pertaining to privacy, civil rights, and civil liberties protections and practices. In FY 2023, CRCL achieved the milestone of having at least one representative from each fusion center, boasting a COI membership of well over 200 individuals.

### ***Information Sharing***

CRCL supports the Department's commitment to sharing timely, accurate, and complete information internally and externally with federal, state, local, tribal, territorial, private sector, and international partners ensuring information-sharing agreements and arrangements further DHS's core mission of securing the homeland while also preserving civil rights and civil liberties. In FY 2023, CRCL actively participated in the Data Access Review Council to incorporate civil rights and civil liberties protections into the Department's information sharing and safeguarding policies, agreements, and programs. As a member of the Council, CRCL helped to negotiate and draft appropriate safeguards for interagency information sharing agreements involving bulk data transfers of personally identifiable information, U.S. person information, and confidential and special protected class information, such as refugee/asylee and Section 1367 data. Through the Council, CRCL worked to incorporate terms and conditions in executed agreements that safeguarded sensitive information and enabled responsible data sharing between DHS and its mission partners. CRCL also contributed to the development of letters of intent to enable information sharing to assist Intelligence Community partners and respond to exigent vetting activities. CRCL also reviewed computer matching agreements as a member of the Data Integrity Board. CRCL removed dehumanizing terms in the immigration mission space from DHS agreements and included limited English proficiency provisions.

### ***Nationwide Suspicious Activity Reporting Initiative***

CRCL maintained its oversight activities with the Nationwide Suspicious Activity Reporting Initiative in FY 2023. Building on the work from FY 2022, the SIIP Section supported the development of the National Threat Evaluation and Reporting Program Master Trainer Program, Threat Evaluation and Reporting Course, and Threat Evaluation and Reporting

Overview. This comprehensive program aimed to assist state, local, tribal, and territorial partners in recognizing, evaluating, assessing, and sharing threat/suspicious behavior information within their areas of responsibility, particularly regarding individuals planning targeted violence or a mass attack. In addition, SIIP contributed to the Department's updated "See Something, Say Something" campaign material, addressing potential civil rights concerns. SIIP continued to provide support for the Department's Soft Target–Crowded Places Executive Steering Committee, focusing on safety measures for schools, places of worship, and other public venues.

### ***Insider Threat Program Oversight***

CRCL actively engages in the Department's Insider Threat Oversight Group to ensure that activities aimed at detecting and preventing insider threats align with Department policy and do not result in retaliation against whistleblowers or individuals who have filed employee grievances or EEO complaints. In FY 2023, CRCL continued its oversight activities in accordance with Department directives. This involved reviewing and approving the use of updated tools and techniques by the Insider Threat Program and supporting its planned operational expansion to cover the entire DHS workforce and additional mission areas, such as workplace violence and Domestic Violent Extremism (DVE).

CRCL continued its collaboration with the Insider Threat Program, conducting the first comprehensive compliance review of the DHS Insider Threat Operations Center. The oversight included providing policy guidance on the Implementation Strategy for "Trusted Workforce 2.0" to ensure that CRCL's equities were appropriately addressed during the update and implementation of workforce vetting across the entire government. In addition, CRCL maintained oversight and participation in a Department-wide DVE Internal Review Implementation Working Group. This group ensures that CRCL's interests are accounted for in the Department's processes for assessing and addressing DVE threats. The working group is responsible for implementing the 15 recommendations outlined in the, [Report to the Secretary of Homeland Security Domestic Violent Extremism Internal Review](#) (March 2022).

### ***Automated Targeting System Rules***

CRCL, in collaboration with DHS PRIV and the DHS Office of the General Counsel, continued its quarterly reviews of the Automated Targeting System's risk-based targeting rules employed by CBP and TSA. The Automated Targeting System is an intranet-based decision support tool designed to enhance the collection, analysis, and dissemination of information. Its primary goal is to facilitate legitimate trade and travel while effectively managing potential threats to the homeland posed by individuals and cargo requiring additional scrutiny upon entry into or exit from the U.S. These reviews align with the Federal Aviation Administration Reauthorization Act of 2018, Public Law 115-254.

### ***Watch-listing Guidance***

CRCL plays a proactive role in the governance of terrorist watch-listing, contributing valuable civil rights and civil liberties-focused expertise during interagency discussions on watch-listing activities. Moreover, CRCL actively contributes to the ongoing development of policies and procedures for transnational organized crime watch-listing within the Federal Government. In FY 2023, CRCL continued its collaboration with DHS and interagency

partners to revise the concept of operations (CONOPS) ensuring the inclusion of robust civil rights and civil liberties protections. This collaborative effort resulted in the completion of the first CONOPS, officially transitioning the pilot into a program. CRCL played a pivotal role in updating the program's nomination policies, providing expertise and oversight guidance. These updates encompassed guidance for nominating and handling certain categories of Special Protected Classes and enhancing quality controls.

### ***Unmanned Aircraft Systems***

In FY 2023, CRCL, in collaboration with the DHS Privacy Office, undertook comprehensive reviews of Unmanned Aircraft Systems (UAS) policies and procedures submitted by state, local, and tribal FEMA grant applicants intending to acquire UAS technology. This initiative aimed to ensure strict adherence to the 2015 Presidential Memorandum, “Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems.”

### ***Biometrics***

CRCL remains actively involved in overseeing the Department’s utilization of biometrics to ensure that related policies are comprehensive and protective of civil rights and civil liberties. Efforts include a thorough examination of the use of face-recognition technologies and the integration of body-worn cameras, aligning with the principles outlined in Section 13 of Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*.

Throughout FY 2023, CRCL played a pivotal role in shaping the Department’s directive regarding the use of face-recognition and face-capture technologies. This directive mandates a rigorous testing process for all applications of these technologies to ensure there is no unintended bias or disparate impact, adhering to national standards. It further requires a comprehensive review of all existing uses of these technologies and establishes procedures for ongoing testing and evaluation.

### ***Intelligence Product Review and Training***

Since FY 2009, CRCL has been collaborating with DHS I&A to scrutinize both classified and unclassified intelligence products. This ongoing, real-time operational service operates 365 days a year, responding promptly to requests for the review of intelligence products crafted to address immediate threats and planned intelligence requirements. In FY 2023, CRCL reviewed more than 1,000 requests to share information, ensuring that intelligence and other information disseminated to state, local, tribal, territorial, and international partners covering topics from domestic terrorism to malign foreign interference, maintained sensitivity, and safeguarded civil rights and civil liberties.

CRCL extended its efforts to work with DHS intelligence agencies and offices, formulating tailored civil rights and civil liberties review processes akin to the I&A review process for products shared beyond DHS. In this context, CRCL provided updated guidance to the DHS intelligence enterprise on applying civil rights and civil liberties principles to intelligence analysis.

## B. Community Engagement Section

Public engagement is an essential priority for CRCL. Community Engagement Section leverages its expertise and relationships with diverse communities whose civil rights may be affected by Department activities. The CE Section facilitates many types of engagements, interagency conferences, community meetings, civil society stakeholder listening sessions, and public town halls—all of which are designed to promote inclusive, policy-oriented, and solution-focused dialogue with diverse communities who feel their civil rights or civil liberties may be affected by DHS activities. These engagements regularly involve community and faith-based leaders and federal, state, and local government officials. In recent years, CRCL has regularly convened engagements with stakeholders in numerous cities across the country.

Throughout FY 2023, CRCL conducted extensive activities integrating the work of multiple DHS partners into CRCL’s mission, as well as collaborating with both DHS partners and external stakeholders to ensure public engagement with diverse communities across the U.S. Partnerships and collaborative relationships with DHS agency colleagues have led to successful proactive intervention to help mitigate and often resolve stakeholder concerns. Specific successes have occurred through CE’s facilitated engagements with civil society stakeholders and partners from across DHS and the interagency.

The CE Section responded to many community concerns and provided wide-ranging information on Department programs, activities, and issues through communicating reliable information about federal programs and policies, obtaining feedback about community concerns and on-the-ground impacts of Department activities, and deepening channels of communication between communities and DHS partners to facilitate solution-oriented outcomes.

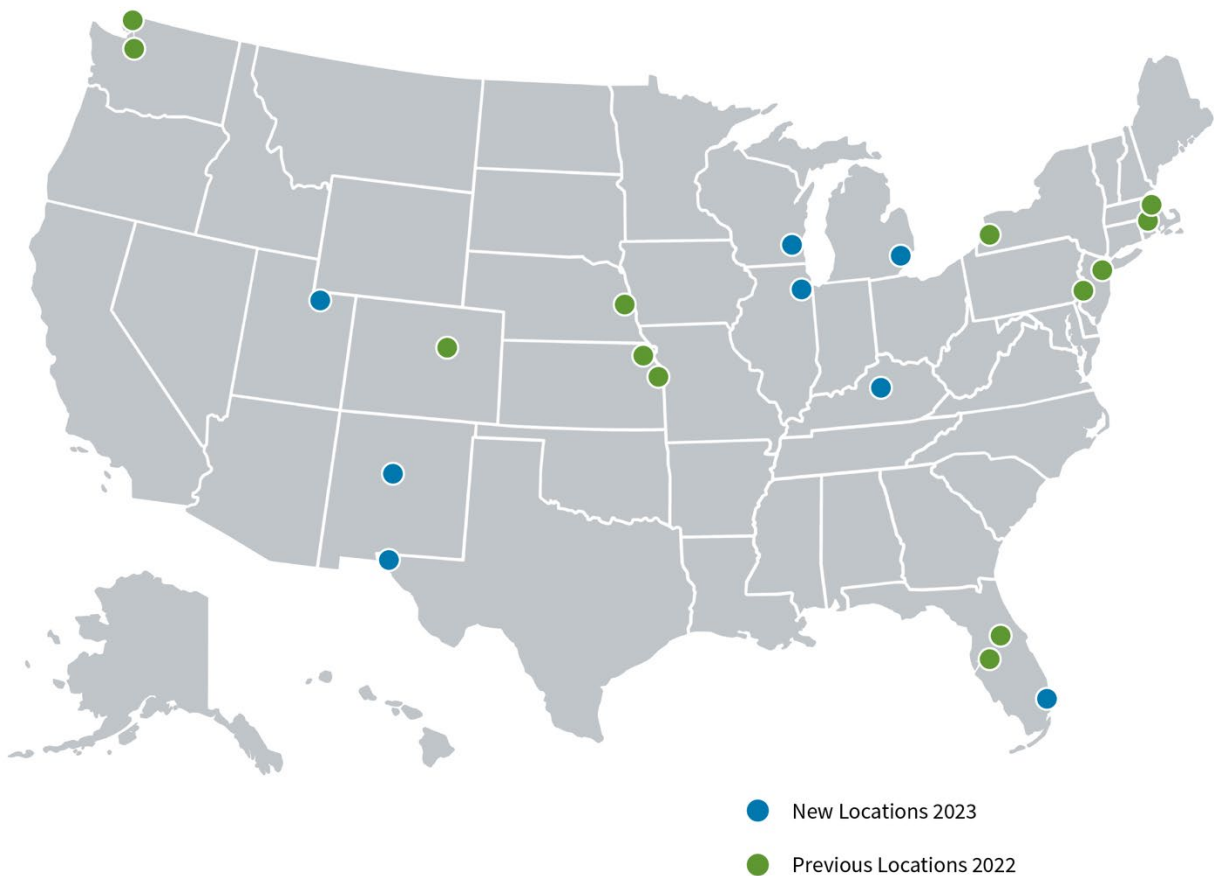


## FY 2023 Accomplishments

### *Engagement Expansion*

FY 2023 was a year of growth and expansion for the CE Section. Many historically served geographic locations were reengaged in person or with a hybrid virtual model following the reopening activities associated with the COVID-19 pandemic. In addition, many new locations were added to CE's area of operations, and successful engagements quickly followed. Locations for expansion were assessed and determined in consultation with DHS partners, as well as civil society stakeholders. This expanded footprint increased CE's geographic regions of engagement from nine to 22 metropolitan cities, resulting in a 122 percent increase.

### **Fiscal Year 2023 CRCL Community Engagement Locations**



The CE Section maintains regular, ongoing awareness of and communication with relevant federal agency contacts and has worked across the Federal Government to respond to community concerns and provide relevant resources. In FY 2023, this included notifying more than 100 stakeholders of available resources and other pertinent information on DHS policies, programs, and activities and connecting stakeholders to additional federal resources when necessary.

CE initiated several new engagement programs while resuming existing in-person outreach and engagements across the nation. These activities involve a wide range of issues of

LOCATION	ISSUE(S)
Kentucky	Immigration, processing times
San Antonio	Access to legal services, immigration detention, language access, Title 6
Austin	Access to legal services, immigration detention, language access, Title 6
Omaha	Access to legal services, immigration detention, language access, Title 6
New Mexico	Southwest border issues from initial encounter to detention of migrants
Boston	Immigration detention, transnational repression, cultural awareness, protection resources for faith communities
South Florida	Immigration detention, transnational repression, cultural awareness, protection resources for faith communities
New York City	Access to legal services, immigration detention, language access, LGBTQ+ concerns
Buffalo	Access to legal services, immigration detention, language access, LGBTQ+ concerns
Seattle	Access to legal services, immigration detention, language access
Bellingham	Access to legal services, immigration detention, language access
Spokane	Access to legal services, immigration detention, language access
Colorado	Prevention of domestic extremism, school safety issues, LGBTQI+ community engagement
San Diego and Imperial County	Issues associated with country's largest port of entry and related relevant stakeholders
Southwest Border, Texas	Southwest border issues from initial encounter to detention of migrants
Southwest Border, Arizona	Southwest border issues from initial encounter to detention of migrants

relevance to CRCL. Some of those locations and key issues included but were not limited to those listed in the table that follows:

Notable engagements facilitated by CE include the CRCL Officer's engagements in Kansas City, Missouri, and Topeka, Kansas, with local officials, community stakeholders, and legal providers. In both cities, the CRCL Officer introduced CRCL's mission and priorities and engaged with diverse stakeholders on issues relevant to CRCL.

***Addressing Strategic Topics***

In FY 2023, CE took on a leadership role in implementing multiple strategic topical areas involving CRCL equities across the Department. These strategic topics include but are not limited to artificial intelligence, deferred action for noncitizen workers, language access, environmental justice, advancing equity, and transnational repression.

In addition, CE identified, hosted, facilitated, and followed up on engagements among stakeholders and DHS partners addressing policy and strategic topics pertaining to religious



accommodations, the CBP One™ mobile application, the Circumvention of Lawful Pathways rule, reunification of family units and groups, child welfare in CBP custody, ICE detention conditions, the Credible Fear Process, and the updated USCIS Naturalization Test.

Notable outcomes from these engagements include the development and execution of a strategic engagement plan that provides for quarterly engagements with workers' rights groups, local labor agencies, and other relevant community stakeholders to enhance awareness and access to the Centralized Deferred Action Process. During FY 2023, CE hosted seven engagements on Worksite Deferred Action, which resulted in attendance of more than 600 participants. CE also developed and executed a strategic engagement plan to share information and amplify messaging related to language access. This resulted in six engagements with approximately 70 participants. These engagements help CRCL understand the concerns of stakeholders and share policy and other relevant information from DHS.

The CE Section briefed and supported CRCL's engagement at the DOJ Muslim, Arab, Sikh, South Asian, and Hindu Civil Rights Quarterly meeting by sharing the scope and history of civil rights and civil liberties concerns from community stakeholders, including the DHS Visa Waiver Program and CRCL's inaugural work to ensure equitable and responsible use of artificial intelligence in accordance with Executive Order 14901.

#### ***Effective Collaborations with DHS Partners and Stakeholders and Outcomes***

CE was pleased to collaborate with DHS partners in several significant outreach and engagement activities. Following is a summary of key activities and the important outcomes that resulted from DHS coordination.

CE relaunched in-person engagements in Chicago and held a hybrid (in-person and virtual) interagency and community stakeholder roundtable. The engagements successfully resulted in the following outcomes:

- A CRCL invitation to present best practices at the regional National Governors Association Conference;
- A CRCL invitation to give a keynote address on emerging technology and equity in Wisconsin at a privacy conference in May 2023; and
- A joint TSA Civil Rights and Liberties, CBP, and CRCL engagement with Arab and Muslim stakeholders to address watchlist and redress concerns.

In response to stakeholder concerns, CE convened a hybrid listening session featuring the CBP Senior Official Performing the Duties of the Commissioner for faith-based community stakeholders on religious accommodations pertaining to CBP search and custodial operations. The purpose of the engagement was to solicit concerns and feedback from diverse faith-based stakeholders regarding the handling of religious articles of faith and attire/headwear of religious significance. The engagement resulted in action taken by Border Patrol to ensure that staff understand and prioritize the respect of individuals' items of religious significance.

CE worked with DHS partners to respond to individual concerns shared by victims of transnational repression (TNR). This support included numerous meetings with USCIS to share concerns and advance solutions on issues that some communities face, including ensuring accurate training of asylum officers on TNR and associated country conditions. Support for victims of TNR has also included coordinating with CRCL leadership to ensure that CBP airport courtesies were extended to victims transiting throughout the U.S.

The initiation and recommencement of CRCL's engagement programs in Boston and South Florida included partnering with local ICE and TSA affiliates to provide cultural awareness training for DHS officers and protection resources for faith communities.

CE facilitated connection and fostered trust between local Kentucky stakeholders and local DHS ICE partners to address emergent issues, including reconnecting newly arriving migrants with personal identity documents.

CE introduced Muslim community stakeholders in South Florida to local ICE and CBP partners and familiarized stakeholders with local DHS operations. This effort led to the Muslim stakeholder organization providing a training on Islam and associated Muslim faith practices to around 100 TSA front-line screening supervisors.

CE collaborated internally to advise I&A and TSA on standing up community engagement initiatives to address key civil rights and civil liberties concerns. This work included advising TSA on the design and implementation of the TSA Traveler Redress Information Program engagement plan and supporting TSA stakeholder engagements on Mobile Redress.

## C. Antidiscrimination Group

The Antidiscrimination Group (ADG) works to ensure fair and equitable treatment of individuals and guard against discrimination based on race, color, national origin (including language proficiency), disability, sex, age, and religion in DHS programs and activities in accordance with federal nondiscrimination law and policy. ADG's work includes the following:

- Providing technical assistance to DHS agencies and recipients of DHS grants and other forms of financial assistance on meeting their obligations under federal nondiscrimination law.
- Coordinating with federal partners, including the U.S. Department of Justice Civil Rights Division pursuant to Executive Order 12250, *Leadership and Coordination of Nondiscrimination Laws* (November 2, 1980), to ensure consistent and robust implementation of applicable civil rights laws.
- Engaging with community members, with support of CRCL's Community Engagement Section, to receive input on protecting the rights of individuals with disabilities, members of faith-based communities, persons of all racial and ethnic communities, and individuals with limited English proficiency, in DHS programs and activities.

- Investigating complaints alleging discrimination based on race, color, national origin (including language proficiency), disability, sex, age, and religion in federally assisted programs and activities.

## FY 2023 Accomplishments

### *DHS Recipient Nondiscrimination Program*

CRCL has the responsibility to ensure all DHS programs adhere to federal nondiscrimination laws and related requirements. ADG, with the support of OCIO, spearheaded the development of a technology solution to strengthen the integrity of the DHS Recipient Nondiscrimination Program, which required the automation of the Civil Rights Evaluation Tool (CRET). The CRET is a data collection instrument to assist recipients of DHS grants and other forms of financial assistance in understanding and meeting their requirements under civil rights laws and regulations.

In FY 2023, approximately 5,000 recipients received more than \$36 billion in financial assistance from DHS. Through the CRET submission process, recipients provide data on their civil rights complaints and nondiscrimination policies and procedures to CRCL. In coordination with FEMA, CRCL review the data and provide detailed feedback and technical assistance to DHS recipients on how to address gaps. Through this process, many recipients established or improved basic civil rights policies and procedures related to nondiscrimination in recipients' external-facing programs and services, including processing complaints, subrecipient monitoring, disability access, and language access. CRCL leveraged technology to enhance data collection and streamline the review and feedback processes to assist recipients' submission of the CRET to DHS. Through strategic communication initiatives implemented during this period, we not only successfully raised awareness of the imperative to submit the CRET but also yielded a staggering 485 percent increase in CRET compliance. This substantial growth is evident when comparing the 94 initial submissions received in FY 2022 to an impressive tally of 549 by the end of the 2023 fiscal year.

## Antidiscrimination Group BY THE NUMBERS



Assisted

4

components in  
completing their  
self-evaluations for  
disability access

Reached OVER

11,000



state agencies  
and subrecipients  
with language access  
recipient programs

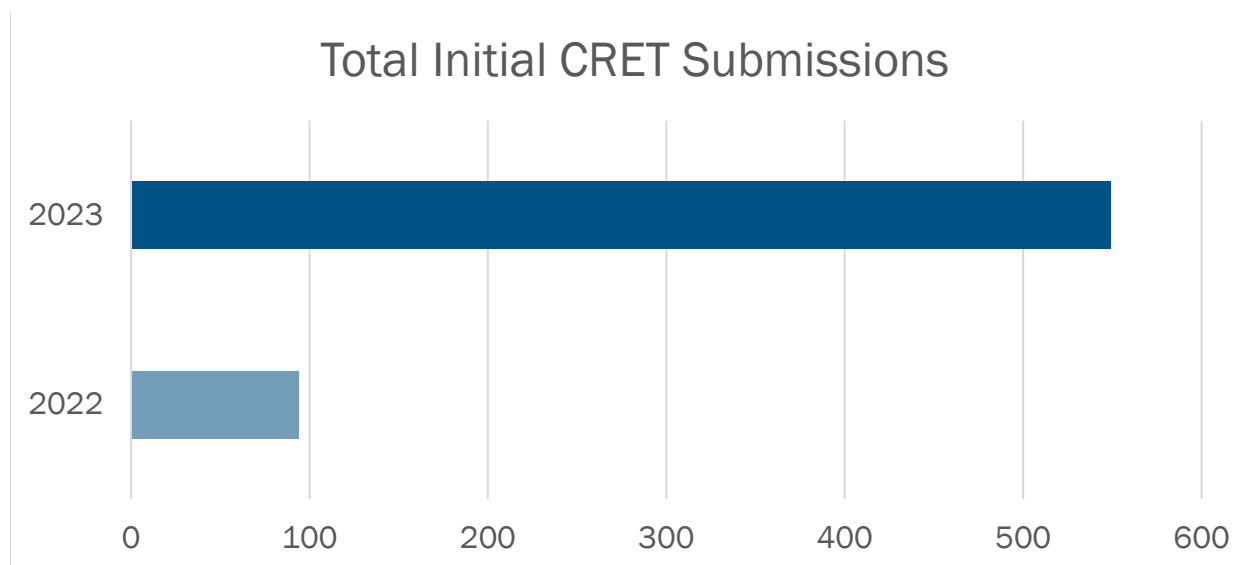


Updated the  
Department's  
Language  
Access Plan

last updated in

2012





***Title VI and Law Enforcement Agencies***

CRCL partnered with the DHS Office for State and Local Law Enforcement and FEMA to conduct a review pursuant to Section 20(b)(ii) of Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety* (May 25, 2022). The review examined the types of grants and other financial assistance DHS provides to Law Enforcement Agencies (LEA) and existing mechanisms within DHS to ensure LEA recipients comply with Title VI of the Civil Rights Act of 1964. DHS released a summary and conclusions of the review, which identified opportunities for DHS to enhance its Title VI oversight in several ways, including through improved LEA compliance with the requirement to submit the DHS Civil Rights Evaluation Tool, enhancements to civil rights compliance and enforcement processes, and increased technical assistance to LEAs regarding their civil rights obligations. CRCL continued to work on improving LEA compliance with Title VI throughout the fiscal year; this work is ongoing.

***Environmental Justice***

CRCL partnered with the DHS Office of the Chief Readiness Support Officer (OCRSO) to advance environmental justice (EJ) throughout DHS’s programs and activities that affect human health and the environment. As co-leads of the Department’s Environmental Justice Program, CRCL and the OCRSO began to implement a new Executive Order on Environmental Justice: Executive Order 14096, *Revitalizing Our Nation’s Commitment to Environmental Justice for All* (April 26, 2023). This Executive Order strengthens CRCL’s role in DHS’s EJ work through references to Title VI of the Civil Rights Act, civil rights law and compliance, disability, language access, and enhancing accessible community engagement. In FY 2023, CRCL and OCRSO also supported the publication of the DHS EJ Scorecard as part of the first-ever Federal Government’s Environmental Justice Scorecard. The scorecard presented a baseline assessment of DHS’s actions related to advancing environmental justice and provides detail on DHS’s performance in three areas: the Justice40 Initiative, environmental justice and civil rights protection, and institutionalizing environmental justice.

### ***Disability Access***

CRCL continued to oversee the implementation of DHS agencies' self-evaluations under DHS Directive 065-01, Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment) and compliance with

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended. Under the directive, DHS agencies reviewed their facilities, programs, policies, and practices to ensure program accessibility, physical access, effective communication, and reasonable modification procedures are in place. Twelve agencies and headquarters offices had already completed these self-evaluations, and CRCL worked with four additional agencies in FY 2023 to assist them in completing their self-evaluations.

# Rehabilitation Act

# 50

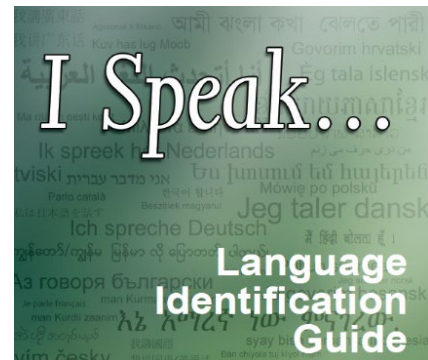
**Advancing Access and Equity – Then, Now and Next**

CRCL convened quarterly meetings of the DHS Disability Access Working Group to exchange best practices and advance implementation of the directive and Section 504. CRCL collaborated with DHS agencies to convene a listening session commemorating the 50th anniversary of the Rehabilitation Act of 1973 to hear directly from individuals and community leaders with disabilities to enhance disability access across DHS. CRCL also collaborated with DHS agencies and sought stakeholder feedback before publishing CRCL's updated *Guide to Interacting with People Who Have Disabilities: A Resource for DHS Personnel, Contractors, and Grantees* and plans to offer training on the guide within DHS.

### ***Language Access Across DHS and in Recipient Program***

CRCL continued to lead the Department's efforts to provide meaningful access for persons who have limited proficiency in English to DHS programs and activities pursuant to Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (LEP) (August 11, 2000). In FY 2023, CRCL worked with DHS agencies and DOJ on updating the Department's Language Access Plan, the first update of the plan since 2012.

In developing the draft, CRCL considered community input and the concerns raised to CRCL throughout the fiscal year and at a national listening session in March 2023. CRCL requested feedback from the public on topics such as gaps in language services at DHS; the quality of DHS translations and interpretation; and effective methods for reaching LEP communities about DHS information, programs, and activities. In FY 2023, CRCL also partnered with FEMA's Office of Civil Rights and the U.S. Department of Health and Human Services (HHS) Office for Civil Rights to provide resources and trainings to state grant recipients relating to Title VI of the Civil Rights Act. CRCL, in collaboration with OCR, and OCR delivered the trainings to state grant recipients to facilitate compliance with



This guide assists literate individuals who are not proficient in English to identify a preferred language.



**Homeland Security**

requirements under Title VI to provide meaningful language access to individuals with LEP. Following these sessions, each state was requested to disseminate the presented slide deck to other state agencies and subrecipients that provide public health and/or emergency response services to members of the public. By the onset of FY 2024, the slide deck had reached nearly 11,000 state agencies and subrecipients. This significantly amplified the reach of crucial information pertaining to language access obligations under Title VI.

### ***Focus on Indigenous Languages of Latin America***

CRCL released a draft of a DHS Indigenous Languages Plan after collaboration with DHS agencies and engagements with Indigenous migrant communities. With an increase in migration levels to the U.S. from Guatemala, Mexico, and other Central and South American countries with large Indigenous populations, CRCL identified the need to examine how DHS could strengthen the provision of language services for Indigenous migrants encountered and served in DHS programs and activities. To develop the plan, CRCL and DHS agencies examined current demographic data, as well as activities and challenges to provide meaningful access to Indigenous migrants in DHS programs. CRCL held a workshop on Indigenous languages and cultures, a program delivered by Comunidades Indígenas en Liderazgo, a leading Indigenous organization. CRCL also engaged with the leadership of the Los Angeles Police Department to hear about efforts to deepen its relationship with Indigenous migrant communities through greater awareness of the language diversity within the local community. Through these engagements, CRCL worked to strengthen language services for Indigenous migrants, as well as honor and respect the rich linguistic and cultural heritage of these Indigenous communities.

### ***Religious Liberties***

CRCL participated in White House–led meetings on countering antisemitism and Islamophobia and other forms of bias and discrimination. These meetings led to the development of the National Strategy to Counter Antisemitism, released in May 2023, which included the release of a DHS fact sheet, developed by CRCL, that clarified Title VI of the Civil Rights Act of 1964 protects against discrimination of faith-based communities, by prohibiting discrimination based on race, color, and national origin, which includes shared ancestry and ethnic characteristics. The White House later announced the creation of a national strategy to combat Islamophobia. In FY 2023, CRCL also coordinated with DHS agencies on the publication of a proposed rule, Nondiscrimination in Matters Pertaining to Faith-Based Organizations, to provide equal access to social services to America’s communities by ensuring that federal agencies (including DHS) do not discriminate on the basis of religion in selecting organizations that receive federal financial assistance, and that beneficiaries of social services from these organizations are not discriminated against on the basis of religion.



## D. Immigration Section

The Immigration Section is dedicated to delivering comprehensive technical support across the entire Department, covering policy development, rulemaking, training, program administration, and statutory proposals related to immigration. In addition, this Section manages various programs, including the Council for Combating Gender-Based Violence and Deferred Action Worksite Centralized Process. It actively supports the CRCL Officer in her capacity as the chief human rights officer for the Department. Leveraging its expertise as the go-to authority on civil rights and civil liberties in these domains, the Section proactively generates and issues policy advice on immigration matters to DHS agencies, ensuring the inclusion of CRCL equities.

### FY 2023 Accomplishments

#### CRCL Liaison with Joint Task Force–East/Homeland Security Task Force–Southeast

In November 2022, anticipating a potential mass migration in the Caribbean seas, the Immigration Section conducted a thorough review of key DHS mass migration contingency plans: the 2016 DHS Southern Border and Approaches Maritime Migration Contingency Plan and the 2019 Operation Vigilant Sentry Base Plan. During the review, the Immigration Section identified that CRCL was designated to be a liaison to the Joint Task Force–East/Homeland Security Task Force–Southeast (JTF-E/HSTF-SE). In response, the Section provided CRCL’s leadership with a detailed briefing on the mass migration contingency plans to enhance their understanding of the subject.

Recognizing the importance of effective liaison work, two members of the Immigration Section were designated as CRCL’s liaisons to JTF-E/HSTF-SE. In March 2023, in their liaison capacity, they visited HSTF-SE Headquarters in Miami, Florida. During the visit, the Section received a comprehensive overview of Operation Vigilant Sentry (OVS), attended daily mission update briefings and operational meetings, and toured the U.S. Coast Guard (USCG) District 7/HSTF-SE Command Center, as well as a 154-foot USCG cutter. In addition, they participated telephonically in three USCIS-conducted protection screenings.

Through this visit, the liaisons identified several areas of concern, including language access for Haitian migrants, conditions on the USCG cutter vessel, and other operational issues. They provided valuable suggestions on how to address these concerns. The Immigration Section’s efforts during this visit resulted in the successful establishment of effective and collaborative relationships with other members of the Task Force.

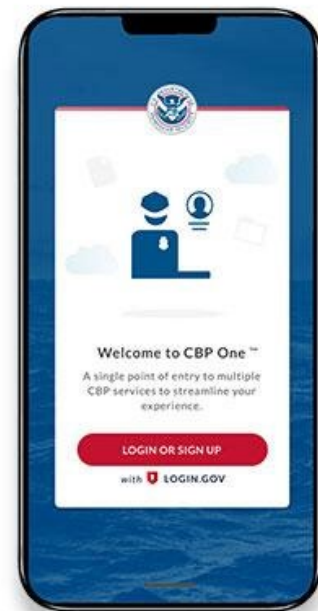




In September 2023, the Immigration Section organized a comprehensive briefing for CRCL by representatives of JTF-E, shedding light on the Task Force’s pivotal role in managing maritime migration. Attended by members of the CRCL Programs Immigration Section and CRCL Compliance Branch, this briefing served to cement the relationship between CRCL and JTF-E. The Immigration Section has been consistently participating in regular USCG-led OVS Mission Update Briefs and Unified Command briefings. This ongoing engagement ensures that the Section stays well informed about critical developments in maritime migration, allowing it to safeguard the civil rights and civil liberties of migrants interdicted at sea.

***Significant Civil Rights Considerations and Advice Regarding the Implementation and Use of the CBP One™ Mobile Application***

In April 2023, in response to stakeholder inquiries and news articles highlighting challenges with the CBP One™ application, the Immigration Section took proactive measures to observe how CBP managed the application’s use at the Southwest Border. The Section played a pivotal role in conducting thorough research on the matter. Three Sections within the Programs Branch—Immigration, Community Engagement, and the Antidiscrimination Group—collaborated to actively engage in stakeholder outreach and onsite observations at the Southwest Border in McAllen, Texas.



The Immigration Section integrated findings into a comprehensive summary and delivered briefings to CRCL leadership and colleagues, presenting key observations from the field. This valuable information was then synthesized into a memorandum titled “Significant Civil Rights Considerations and Advice Regarding the Implementation and Use of the CBP One™ Mobile Application.” This memorandum, transmitted to the CBP Acting Commissioner on September 20, 2023, articulated areas of concern related to the CBP One™ mobile app’s utilization. It not only addressed design and capability issues but also recommended clearer messaging on the app’s use for applicants and stakeholders. This proactive approach demonstrated the Immigration Section's commitment to ensuring the protection of civil rights and liberties in the implementation of technological tools at the border.

***Preventing and Addressing Gender-Based Violence Through a Victim-Based Approach***

CRCL continued leading the Department’s efforts to combat all forms of gender-based violence. The DHS Council for Combating Gender-Based Violence (CCGBV) has two permanent co-chairs appointed by the Secretary, including the CRCL Officer and the Chief of USCIS Office of Policy and Strategy. With support from the Immigration Section, the CCGBV successfully concluded the development of DHS’s inaugural Gender-Based Violence (GBV) Directive and Instruction. These comprehensive documents define GBV, elucidate the core tenets of the victim-centered approach, and outline how DHS can seamlessly integrate this approach into its anti-GBV initiatives. Specific responsibilities assigned include formulating and enforcing an internal anti-GBV training program, creating informational materials on

GBV for the DHS workforce, and facilitating the completion of crucial forms by offices for victims of criminal activity and human trafficking seeking immigration benefits. The Directive and Instruction lay a solid groundwork for future cross-Departmental endeavors.

To achieve this pivotal initiative, the CCGBV established a subcommittee that dedicated several months to drafting the Directive and Instruction, undergoing multiple rounds of meticulous review. Subsequently, CRCL submitted the drafts through DHS-wide clearance, ensuring concurrence and legal review at the department level. The Directive received endorsement from the DHS Undersecretary for Management, while the Instruction was signed by the CRCL Officer.



***DHS Presentation to the United Nations Human Rights Committee on the International Covenant on Civil and Political Rights***

The programs Immigration Section worked closely with the U.S. Department of State, other federal agencies, as well as DHS agencies to prepare DHS leaders to participate in the U.S. delegation to the United Nations Human Rights Committee on the International Covenant on Civil and Political Rights (ICCPR). The ICCPR is a core international human rights treaty that the U.S. has ratified. Throughout the fiscal year, the Immigration Section produced extensive preparatory materials for the CRCL Officer who led the DHS delegation of three DHS representatives. The Section also provided real-time support during several civil society consultations leading up to the two-day presentation before the Human Rights Committee, as well as during the presentation itself. The presentation took place October 17–18, 2023, in Geneva, Switzerland.

During the presentation, DHS’s representatives responded to various questions on topics including the former administration’s Zero-Tolerance policy and ongoing efforts to reunify families, the use of lawful pathways to enter the United States, efforts to address the effects of the previous administration’s bans on entry to the United States, the protections provided to survivors of human trafficking, investigations into the deaths of migrants in CBP custody, the use of segregation in immigration detention facilities, alleged racial disparities in removal proceedings, maritime migration manifestation of fear screenings, and privacy protections afforded to migrants, among others.



*U.S. Delegation to the Human Rights Committee on the International Covenant on Civil and Political Rights in Geneva*

### ***USCIS Asylum Officer Rule Monitoring Plan***

During FY 2023 the Immigration Section developed an oversight plan on the implementation of the USCIS Asylum Officer Rule Monitoring Plan. In close collaboration with USCIS and the Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman), a plan was formulated to observe and monitor the Asylum Officer Rule process to ensure asylum seekers were being treated equitably and that asylum applicants had timely access for processing and were provided access to Counsel as necessary. The plan included the development of a proactive policy advice paper. This paper was to be shared with USCIS leadership to provide findings and recommendations on how the implementation of the rule can be enhanced operationally. The plan was finalized and sanctioned by the CIS Ombudsman and USCIS senior executive leadership.

# COMPLIANCE BRANCH

PUBLIC COMPLAINTS

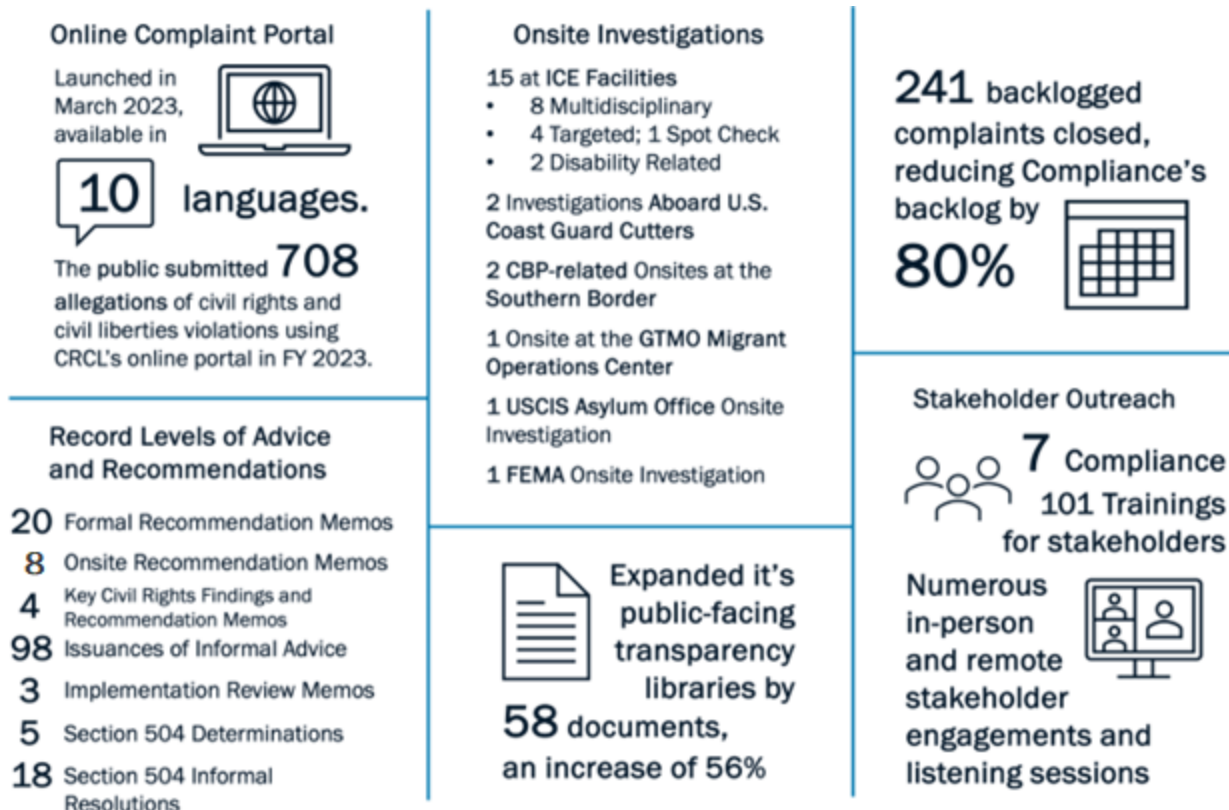


# 08 COMPLIANCE BRANCH

## A. Introduction to the Compliance Branch

The Compliance Branch reviews and investigates allegations of civil rights and civil liberties violations involving DHS policies, activities, and personnel. Such complaints may include allegations about any of the following areas:

- Racial, ethnic, or religious profiling;
- Disability discrimination prohibited by Section 504 of the Rehabilitation Act of 1973;
- Discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, or gender identity;
- Inappropriate use of force by DHS officers or agents;
- Inadequate conditions of detention;
- Violation of the right to due process, such as the right to timely notice of charges or access to a lawyer;
- Violation of the confidentiality protections of 8 U.S.C. § 1367, relating to Violence Against Women Act (VAWA), T non-immigrant status, and U non-immigrant status; or
- Any other civil rights or civil liberties violation related to a DHS program or activity, including human rights violations.





## B. Compliance Teams

### Process, Data, and Mission Support (PDMS) Section

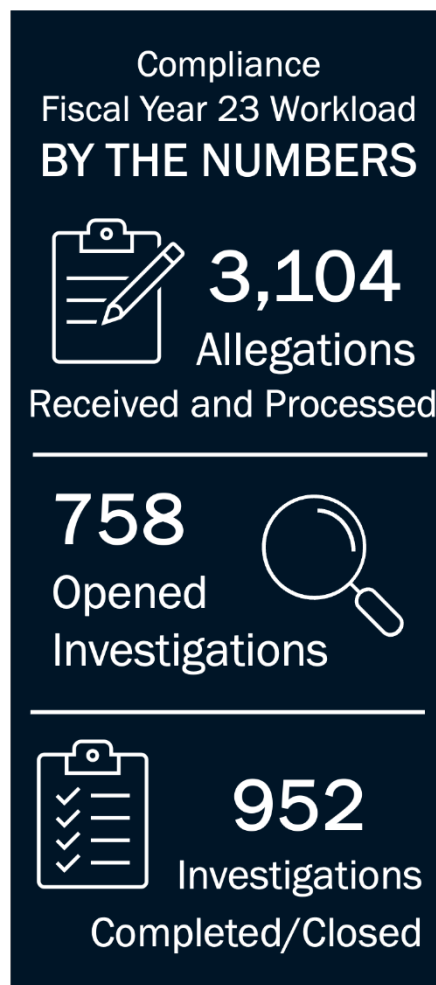
PDMS is responsible for the intake of all allegations received by the Compliance Branch, and the processing and entry of data in Compliance's complaint management system (CMS). This team performs data analysis and reporting and supports improvements to CMS, as well as manages CRCL's complaint portal: <https://engage.dhs.gov/crcl-complaint> and posts documents on CRCL's transparency website: <https://www.dhs.gov/transparency-civil-rights-investigations>.

### Immigration Enforcement and Detention (IEDS) Section

IEDS investigates allegations involving ICE and FPS. IEDS's portfolio includes investigating complaints of civil rights and civil liberties violations related to immigration detention, including medical and mental health care; bias, inequity, and discrimination; use of force; segregation; suicide prevention; legal access; language access; prolonged detention; sexual abuse; and religious accommodation for those in ICE custody. IEDS handles investigations arising out of ICE and FPS law enforcement activities, including gang designation, worksite apprehension, and First and Fourth Amendment concerns. IEDS also includes Compliance's Medical Referral group, which works with ICE Health Services Corps to address medical care complaints.

### Apprehensions, Custody, Vetting, and Force (ACVF) Section

ACVF addresses allegations related to CBP, USSS, CISA, and TSA. The majority of the ACVF's work is focused on CBP, comprising both USBP apprehensions, processing, hold room conditions and short-term custody issues, along with the Office of Field Operations (OFO) inspections process, questioning at land border ports of entry, and vetting of travelers. Additional work connects to CBP use of force issues that occur during apprehensions, deaths in custody, and vehicle pursuits. ACVF's work includes emerging technologies such as artificial intelligence and facial recognition and First Amendment issues that cut across



*See Section D for information about Compliance's Investigative processes*

ACVF's portfolio. ACVF includes Compliance's Rapid Response Team (RRT), which deploys quickly to address emergent civil rights and civil liberties concerns.<sup>3</sup>

## **Disability, Immigration and Emergency Management (DIEM) Section**

DIEM addresses allegations related to USCIS, FEMA, and USCG. DIEM also contains a Compliance group dedicated to handling allegations involving disability discrimination across all DHS agencies, including implementing the regulatory compliance procedures for processing, investigating, and resolving allegations of disability discrimination in violation of Section 504 of the Rehabilitation Act of 1973, as amended.<sup>4</sup> Finally, the DIEM team is responsible for effectuating Compliance's post-recommendation process, which includes final summaries and implementing the recommendation appeal process as needed.

## **C. FY 2023 Highlights**

### **Section 504 Informal Resolutions**

Where possible, CRCL strives to informally resolve Section 504 complaints to allow for an expedient resolution of complainants' concerns while providing DHS agencies an opportunity to collaborate with CRCL and implement corrective actions driven by the complainant. In FY 2023, CRCL successfully negotiated informal resolutions to 18 Section 504 disability complaints.<sup>5</sup>

Nine of the informal resolutions involved interactions between CBP officers and individuals at ports of entry (POE). Highlights include training officers at the Toronto Pearson International Airport Preclearance about questioning passengers with service animals, reminding staff at the Tampa International Airport of strategies for communicating with individuals with hearing impairments, and ensuring that Global Entry Kiosks are either retrofitted or replaced at Washington Dulles International Airport and Fort Lauderdale-Hollywood International Airport to provide access to individuals, such as little people and travelers with wheelchairs, whose disabilities prevent them from properly using the machines.

Several of the informal resolutions involving USCIS related to the reconsideration of Form N-648, Medical Certification for Disability Exceptions to the naturalization examination. In

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<sup>3</sup> In FY 2023, the RRT investigated CBP processing of unaccompanied children and family groups in El Paso, Texas.

<sup>4</sup> CRCL does not handle disability-related allegations involving TSA because of a memorandum of agreement delegating CRCL's Section 504 investigative authority to TSA's Disability and Multicultural Branch.

<sup>5</sup> CRCL has authority to process, investigate, and resolve disability-related complaints alleging violations of Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), in accordance with the compliance procedures described in 6 CFR Part 15.70. The regulations allow CRCL to conclude a complaint investigation either through (1) a letter to the complainant containing findings of fact, conclusions of law, a description of a remedy for each violation found, and a notice of the right to appeal or (2) a written informal agreement provided to the complainant describing the subject matter of the complaint and any agreed-upon corrective action.



three separate instances, complainants agreed to informally resolve their concerns after USCIS agreed to reconsider their requests for a disability exception.

While CRCL has a robust process for referring to ICE medical and mental health concerns of noncitizens in ICE custody through its medical referral process, CRCL also helped facilitate numerous disability modifications for individuals in ICE custody, including provision of a wheelchair cushion, installing shower grab bars, and placing a noncitizen on a special diet of soft foods to accommodate his inability to chew solid food.

Finally, CRCL worked with FPS to address concerns with an individual whose disability prevented him from standing for long periods of time. CRCL facilitated an agreement where FPS would remind officers that any individuals who state they have an appointment should be moved to the front of the line for screening and admittance and that officers will offer seats/chairs for visitors who state they have trouble standing.

### **Del Rio, Texas, RRT Investigation**

Compliance investigated alleged violations of primarily Haitian migrants' civil, legal, and human rights and dignity in and around Del Rio, Texas, in September 2021. Due to the emergent nature of the events, Compliance sent a member of its RRT onsite to observe activity while migrants were waiting to be transported and processed by CBP. Compliance communicated its initial findings to CBP within five days of the RRT onsite and to leadership at the Southern Border Coordination Center shortly thereafter.

CRCL's onsite involved direct observations and included discussions with USBP personnel on the ground, including the USBP Incident Commander and medical staff in the staging area. Based on the investigation, CRCL made recommendations to CBP in early FY 2023 regarding the development and implementation of additional tools, policies, and procedures to ensure appropriate civil rights and civil liberties protections for Haitian and other migrant populations during surge conditions. These include the identification of medical needs and at-risk populations, enhanced language access, non-discrimination training, and a review of the deployment of Horse Patrol Units to assess the need for additional training and/or a specialized unit to conduct non-routine tasks such as crowd control in urban environments.



***CRCL Compliance and Community Engagement staff meet with Lawyers for Civil Rights Boston and the Haitian Bridge Alliance in September 2023***

In September 2023, CRCL traveled to Boston, Massachusetts, and spoke with representatives from the Lawyers for Civil Rights–Boston, the Haitian Bridge Alliance, and a number of Haitian migrants who had been gathered in Del Rio during the time of CRCL’s investigation, waiting to be transported and processed by CBP. During this meeting, CRCL expressed thanks and appreciation to the Haitian migrants for their willingness to speak to CRCL staff and recall what were often difficult experiences in order to inform and shape CRCL’s recommendations.

## D. Compliance’s Investigative Process

Compliance reviews allegations and information about possible civil rights or civil liberties violations submitted from a variety of sources, including the public, members of Congress, non-governmental organizations (NGO), DHS agencies and offices, the DHS Office of Inspector General (OIG), and other government agencies. In FY 2023, Compliance reviewed 3,104 incoming allegations.



### OIG’s Role

Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, Compliance begins its process by referring all allegations it receives to the OIG, which then determines whether it will investigate. If the OIG retains the matter for investigation, Compliance will typically hold its investigation in abeyance until the OIG has completed its investigation.

### CRCL Complaints Opened and Retained by OIG, FY 2023

Primary Allegation	CBP	ICE	Total
Death	1		1
Sexual abuse or assault		1	1
Total	1	1	2

## CRCL Complaints Closed by OIG, FY 2023

Primary Allegation	CBP	ICE	Total
Abuse of authority		1	1
Conditions of detention		3	3
Death	4		4
Due process	1	2	3
Excessive or inappropriate use of force	4	4	8
Fourth Amendment (search and seizure)		1	1
Medical/mental health care	1	8	9
Retaliation		3	3
Sexual abuse or assault		2	2
Total	10	24	34

## Compliance Reviews Every Allegation Received Within Its Jurisdiction

Compliance weighs a variety of factors when determining whether to open a complaint investigation. These include, but are not limited to, how Compliance can best focus its investigative resources and whether:

- The allegations raise novel or important civil rights or civil liberties concerns;
- The allegations are particularly concerning or egregious;
- CRCL has ongoing or recent investigations of the same issues;
- The allegations indicate a pattern or trend of systemic civil rights or liberties concerns; or
- The allegations provide sufficient detail to fully investigate the allegations.

## Allegations Not Investigated Are Tracked

All allegations within CRCL’s jurisdiction that are not opened as complaint investigations are added to Compliance’s “information layer.” Compliance may open a complaint investigation at a later time, based on the establishment of a trend indicating systemic civil rights concerns in the information layer. Compliance also reviews allegations in the information layer related to specific facilities or offices when determining where to conduct onsite investigations.<sup>6</sup>

## How Compliance Investigates

Compliance may conduct the investigation itself or, in specific instances, refer the matter to the relevant DHS agency or agencies for investigation.<sup>7</sup> If Compliance keeps the complaint

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<sup>6</sup> For example, Compliance initiated a targeted onsite investigation into use of force at the Krome North Service Processing Center in February 2023 after identifying a pattern of use of force allegations in Compliance’s information layer.

<sup>7</sup> Investigations conducted by Compliance may be a fully retained investigation or a short-form investigation. Compliance’s short-form complaint processing procedures facilitate swifter action on complaints and expeditious resolution of allegations that are narrowly focused and require limited investigation. Short-form matters that subsequently require additional work are converted to more extensive investigations.

for investigation, Compliance conducts its own fact finding. Investigations that cover numerous complaints or systemic issues may be retained, meaning a formal memorandum is issued to agency leadership as additional notification. If a complaint is referred to an agency, the agency issues a Report of Investigation to Compliance for review.

## **Compliance IHSC Medical Referral Process**

Compliance has historically received, and continues to receive, a large volume of medical and mental health care complaints. Since 2012, Compliance has maintained a process with ICE where any urgent medical or mental health care allegations are immediately sent to the ICE Health Service Corps (IHSC) for further investigation and response. Compliance reviews the IHSC response to these complaints and may also have a contract medical subject matter expert (SME) review IHSC's response. Following this review, Compliance may follow up with IHSC with additional advice or recommendations.

## **Periodic Reviews**

Periodic reviews are an investigative mechanism that Compliance developed in FY 2020 to comprehensively assess whether systemic civil rights and civil liberties gaps exist in an agency's implementation of an established Departmental policy or program.<sup>8</sup>

## **Section 504 Investigations**

Compliance has authority to process, investigate, and resolve disability-related complaints alleging violations of Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), in accordance with the compliance procedures described in 6 C.F.R. Part 15.70. The regulations allow Compliance to conclude a complaint investigation either through a letter to the complainant containing findings of fact, conclusions of law, a description of a remedy for each violation found, and a notice of the right to appeal, or through a written informal agreement provided to the complainant describing the subject matter of the complaint and any agreed-upon corrective action.

# **E. Compliance Investigative Outcomes**

## **Recommendation Memoranda**

Compliance issues Recommendation Memoranda to address civil rights and civil liberties issues throughout the Department. These memoranda aim to enhance overarching DHS civil rights and liberties protections and typically recommend broad, systemic changes, such as the creation or revision of policies, alterations to practices and procedures, and modifications to training. In FY 2023, Compliance issued 20 formal Recommendation Memoranda.

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<sup>8</sup> Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is authorized to “periodically review Departmental policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated in Departmental programs and activities.”

## Onsite Recommendation Memoranda

Compliance uses contract SMEs when conducting multidisciplinary onsite investigations at DHS agency facilities or when specialized expertise is necessary. Areas of expertise for contract SMEs include medical care, mental health care, conditions of detention, suicide prevention, use of force, and environmental health and safety. When conducting a multidisciplinary onsite investigation, Compliance issues an Onsite Recommendation Memorandum to the agency. In FY 2023, Compliance issued eight Onsite Recommendation Memoranda.

## Key Civil Rights Findings and Recommendation Memoranda

Compliance conducts additional onsite investigations that are narrower in scope or focus than the multidisciplinary onsite investigations. These investigations may or may not involve the use of contract SMEs and include Spot Checks, Targeted Onsites, Rapid Response, and Disability-Focused Onsites.

- **Spot Checks** investigate immediate concerns, including health, safety, or due process.
- **Targeted** onsite investigations are similar to multidisciplinary onsite investigations but are more narrowly focused on one discipline, or the interplay between two disciplines.
- **Rapid Response** investigations involve an expedited onsite deployment to address emergent civil rights and civil liberties concerns, such as allegations relating to surges and overcrowding at the border.
- **Disability** onsite investigations relate to disability access and accommodations conducted by the Compliance Section 504 group to highlight concerns relating to the Department's disability-related obligations.

All four of these types of investigations result in Key Civil Rights Findings and Recommendations memoranda. CRCL issued seven Key Civil Rights and Civil Liberties Findings and Recommendations in FY2023: four related to Targeted Onsites; two related to Spot Checks; and one related to a Disability onsite. Examples are provided in [Appendix B](#) of this report.

## Informal Advice

In lieu of issuing formal recommendations, Compliance may conclude a complaint investigation by issuing Informal Advice to an agency. Informal Advice is appropriate for a narrow concern or request that is best addressed by communication to agency operations. These communications explain the issue or concern found and may offer suggested actions. Of the 952 complaints closed in FY 2023, Compliance closed 98 complaints (approximately 10 percent) by issuing Informal Advice to an agency. Examples are provided in [Appendix B](#) of this report.

## Complaints Closed without Recommendations

This typically occurs when allegations are unsubstantiated, when allegations do not warrant a recommendation because existing policy, procedures, and training are found to be

sufficient, or when the agency has already addressed the concerns that Compliance identified. Of the complaints closed in FY 2023, Compliance closed 792 complaint investigations (approximately 83 percent) without issuing any form of advice or recommendations.

## **Volume of Compliance Advice and Recommendations**

In FY 2023, the Compliance Branch issued a total of 653 individual recommendations, informal resolutions, and instances of informal advice. Compliance's contract experts provided 288 onsite recommendations, predominantly in the areas of civil rights violations relating to conditions of detention and medical and mental health care. The 133 formal recommendations issued by Compliance policy advisors and investigators covered a wide range of civil rights and civil liberties issues. The 232 instances of informal advice issued by Compliance policy advisors and investigators covered a wide range of civil rights and civil liberties issues.

## **What Happens After CRCL Issues Recommendations?**

### **Agency Responses to Recommendation Memoranda and Onsite Recommendation Memoranda**

Compliance requests that Agencies respond to Recommendation and Onsite Recommendation Memoranda within 120 days of receipt, either concurring with the recommendations and offering an implementation plan(s), or non-concurring with the recommendations and providing a rationale.

### **Commitment to Transparency**

Compliance notifies complainants of the results of an investigation whenever possible, shares copies of documentation and close summaries through its transparency library, and provides summaries of its investigative work product in CRCL's annual report.<sup>9</sup> Compliance's transparency library is available at <https://www.dhs.gov/transparency-civil-rights-investigations>. Compliance published 56 investigative work products on the transparency library in FY 2023, bringing the total number of available documents to 159, and is continuing to add additional work products as they are cleared for publication.

### **Implementation Reviews**

Following the issuance of formal recommendations, Compliance may conduct an implementation review to assess whether concurred with recommendations were effectuated. In FY 2023, Compliance issued three implementation review memoranda to ICE.

- **Medical Care at Pine Prairie ICE Processing Center:** Compliance conducted an implementation review of 11 recommendations related to medical care at Pine

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<sup>9</sup> Compliance posts certain final redacted investigative memos on the CRCL website. Compliance removes personally identifiable information, as well as other material protected under various privileges or protections, prior to posting. See: <https://www.dhs.gov/transparency-civil-rights-investigations>.



Prairie. Compliance found deficiencies in the implementation of four recommendations involving documentation of medication administration, maintenance of medical records, and access to specialty care. In December 2022, Compliance sent an Implementation Memorandum to ICE with five follow-up recommendations to assist ICE in fully complying with the prior recommendations. In May 2023, ICE responded, concurring and agreeing to implement the follow-up recommendations, including an electronic health record system for medication administration and enhanced tracking and timeliness for off-site medical care.

- **Prison Rape Elimination Act (PREA) and Sexual Abuse and Assault Prevention and Intervention (SAAPI) in the New Orleans ICE Area of Responsibility:** Compliance conducted an implementation review of four recommendations related to PREA/SAAPI at Pine Prairie and Richwood Correction Center (Richwood). Compliance found that ICE had implemented all three of the recommendations at Pine Prairie. However, ICE had not corrected all identified deficiencies at Richwood. In December 2022, CRCL sent an Implementation Memorandum to ICE with four follow-up recommendations. In May 2023, ICE responded, partially concurring with all follow-up recommendations. Of note, ICE agreed that the PREA risk classification assessments should be used to inform housing determinations.
- **Mental Health Care at St. Clair County Jail:** Compliance conducted an implementation review of four recommendations related to mental health care at St. Clair County Jail. Compliance found that the facility had changed mental health care providers and detention standards, thus the prior recommendations could not be fully implemented as originally written. However, Compliance identified several ongoing concerns related to mental health care and recommended that ICE take actions to implement the prior recommendations according to the ICE 2019 National Detention Standards (NDS).

### **Reconsideration and Appeals**

CRCL may request that an agency reconsider its response to formal recommendations issued by CRCL and, if necessary, CRCL may appeal the agency's response to the Deputy Secretary of Homeland Security. CRCL did not issue any reconsideration or appeals memoranda in FY 2023.

## **F. FY 2023 Investigations**

During FY 2023, Compliance opened 761 complaints, issued 15 memoranda concerning retained investigations, and closed 952 investigations. Of these 952 closed investigations, 241 were closed as part of a successful backlog reduction project. Compliance's investigations resulted in Compliance issuing 20 formal policy recommendation memoranda, eight onsite recommendation memoranda, two key civil rights findings and recommendation memoranda from targeted onsite investigations, two key civil rights findings and recommendation memoranda from spot checks, five action memoranda, 98 issuances of informal advice, five Section 504 determinations, 18 Section 504 informal resolutions, and three implementation memoranda.



The below describes major areas in which Compliance focused its investigations on in FY 2023 and provides summaries of Compliance investigations resulting in recommendation memoranda. Additional summaries of complaint investigations, including expert work in immigration detention resulting in key civil rights findings and recommendations and the informal advice we provided to DHS agencies, are in [Appendix B](#) of this report.

## 1. Protecting Civil Rights and Civil Liberties in the Use of Emerging Technologies and Social Media

Compliance has continued to grow its capacity to investigate alleged civil rights and civil liberties violations relating to the Department's use of data and emerging technologies.<sup>10</sup> In FY 2023, Compliance issued formal recommendations relating to investigations of DHS agencies' collection and use of DNA samples and commercially available geolocation data. Compliance also conducted investigations relating to the Department's use of facial-recognition systems (FRS) in a variety of contexts and locations, issuing advice on the use of FRS by ICE HSI and TSA. Compliance also issued advice related to ensuring appropriate signage regarding biometric photo collection in Global Entry.

### *Agency Collaboration Highlight*

In a meeting with CBP policy staff, Compliance and other CRCL staff suggested that CBP explore the possibility of revising the CBP One app data structure and algorithm to allow for the priority queueing of undocumented noncitizens who are members of a vulnerable population.

## Recommendation Memoranda

### *CBP DNA Collection*

Compliance investigated two complaints alleging that CBP collected DNA samples from individuals in its custody, including a traveler who had withdrawn her application for admission and an unaccompanied child at a USBP station. Compliance found that CBP expanded its DNA sample collection populations to include individuals who withdrew their applications for admission in lieu of expedited removal and individuals transferred from CBP custody to the custody of another federal agency, such as unaccompanied children (UC) between the ages of 14-17 who are transferred to the U.S. Department of Health and Human Services. In July 2023, Compliance issued a Recommendation Memorandum to CBP with eight recommendations including limiting CBP's DNA collection, ensuring sufficient transparency, revising training, and updating operating procedures.

### *CBP Use of Geolocation Data*

Compliance conducted an investigation into allegations that a CBP contract provided CBP

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<sup>10</sup> This includes the collection of data and information on persons for ingest into DHS analytical systems and the corresponding use of that information to identify potential national security, criminal, or public safety threats.

with location data allowing them to search for information collected from smartphones across the country. CBP allegedly used the data to track individuals' locations without a search warrant, using the data to focus on enforcement efforts. In September 2023, Compliance issued a Recommendation Memorandum to CBP with five recommendations related to ensuring necessary oversight by CBP of its use of the data, including establishing appropriate Rules of Behavior, audit protocols, and training on civil rights and civil liberties protections needed for staff accessing geolocation data.

## Agency Responses to Prior Fiscal Year Recommendation Memoranda

### ICE Use of Maryland Facial-Recognition Database

CRCL opened a complaint based on a *Washington Post* article that reported ICE had conducted facial-recognition searches on millions of driver's license photos in a Maryland database without approval from either the state or a court. According to the article, immigrant rights groups alleged that ICE used this information for enforcement actions. CRCL concluded that both ICE Enforcement and Removal Operations (ERO) and HSI accessed the Maryland Image Repository System only to advance a lead in a specific investigation, not to generate a lead in an enforcement action. ICE also informed CRCL that facial recognition was removed from the Maryland Dashboard in July 2021 and that ERO did not have access to any other facial-recognition software. That said, CRCL found that ERO's use of the Maryland database generally lacked procedures for oversight and accountability. In September 2022, CRCL issued ICE a Recommendation Memorandum with three recommendations regarding ICE's use of facial-recognition databases: <https://www.dhs.gov/publication/crcl-recommendation-memo-ice-regarding-ice-use-maryland-database-and-facial-recognition>. In January 2023, ICE concurred with one recommendation and non-concurred with two. <https://www.dhs.gov/publication/summary-crcl-recommendation-memo-and-ices-response-use-facial-recognition-databases>. ICE agreed that HSI should fulfill supervisory audit requirements that are established in HSI's policy governing the use and access of facial-recognition databases.

## 2. Preserving Constitutional Compliance and Overseeing Agency Accountability

Compliance regularly investigates allegations relating to DHS's compliance with Constitutional requirements, such as providing due process, as well as the integrity of agencies' internal processes.

For example, in FY 2023, Compliance issued formal recommendations relating to the Fourth Amendment and warrantless searches. Compliance also issued recommendations involving due process concerns triggered by internal agency processes.



In addition to these formal recommendations, Compliance issued informal advice in a wide range of areas relating to due process and investigative procedures. These include issues relating to legal access, the misuse of government systems, delays in providing mandatory notifications to Compliance of significant events, and failures to conduct timely investigations of agency misconduct.

### *Agency Collaboration Highlight*

Over the past several years, CRCL has engaged with ICE OPR to improve the timeliness and quality of OPR's investigations into CRCL's referred complaint investigations. In FY 2023, CRCL noticed a marked improvement in ICE OPR's timeliness and quality of reports as a result of this collaborative engagement.

## Recommendation Memoranda

### ICE

#### ***Fourth Amendment: Probable Cause, Consent, Ruses***

Compliance opened an investigation involving allegations that an ERO officer misrepresented himself as working with a Multnomah County probation office without the consent of Multnomah County officials and that ERO officers entered a private residence where the complainant was working without a warrant and arrested him. Compliance agreed with the determination of the OIG that ICE violated the Fourth Amendment protections owed to the complainant. Compliance also found that ICE's ruse violated ICE policy requiring the approval of a law enforcement entity prior to falsely representing them in a ruse. In August 2023, Compliance issued a Memorandum recommending that ICE update relevant policy and training relating to ICE's execution of ruses and compliance with the Fourth Amendment.

#### ***ICE HSI Investigative Detention Procedures***

Compliance opened an investigation into allegations that HSI special agents racially profiled an individual during a vehicle stop. The complaint alleged that ICE violated the Fourth Amendment. Compliance found that HSI's interactions with the complainant rose to the level of an investigative detention yet did not meet the reasonable suspicion threshold required. Additionally, Compliance was concerned with HSI's documentation and had concerns with general awareness of Fourth Amendment requirements. In September 2023, Compliance recommended that HSI develop additional training about the constitutional protections of the Fourth Amendment and that HSI agents document all investigative detentions and provide refresher training or guidance on documentation requirements.

#### ***ICE Bond Determination Process***

Compliance opened a complaint on behalf of 43 individuals in ICE detention facilities within the New Orleans Area of Responsibility alleging a pattern of excessive and arbitrary ICE bonds for noncitizens seeking release from immigration detention. Compliance's investigation found deficiencies in documentation, including inconsistent and inaccurate

recordkeeping resulting in insufficient justification for the setting of bond amounts. Without documentation, Compliance was unable to fully investigate, however, given the lack of transparency and recordkeeping, Compliance issued a memorandum to ICE in September 2023 recommending the development of a graduated scale to provide consistency in determining bond amounts and the expansion of current guidance related to required bond documentation and recordkeeping.

#### ***Expiration of Voluntary Departure for Noncitizens in ICE Custody***

Compliance opened complaints from three formerly detained noncitizens alleging due process violations when they were unable to effectuate the immigration judge's order granting voluntary departure during the prescribed period due to factors outside their control related to COVID-19. This caused the issuance of final orders of removal. Compliance found that ICE does not have guidance or policies to protect detained noncitizens who are unable to voluntarily depart within the prescribed time period due to events that are outside of their control, as they are in ICE's custody and control. In August 2023, Compliance issued a memorandum to ICE recommending that ICE issue guidance and training to field offices on expediting voluntary departure plans for noncitizens detained in ICE custody.

### **CBP**

#### ***Cancellations of F-1 Visas for Iranian Nationals***

Compliance opened several complaints alleging that CBP inappropriately considered nationality when determining admissibility and denying entry for Iranian nationals, leading to wrongly canceled F-1 visas and expedited removal. Compliance found that CBP lacks sufficient policies, procedures, and guidance regarding the implementation of the standard that noncitizens must both meet the requirements for admission in their nonimmigrant visa classification and overcome the presumption of immigrant intent. In March 2023, Compliance issued a memorandum to CBP recommending that CBP issue a reminder to CBP officers to document the articulable objective facts supporting a determination that such noncitizens did not meet their burden to establish they were seeking to enter as F1 nonimmigrants and overcome the presumption of immigrant intent. The memo also recommended that CBP coordinate with CRCL to develop policies, procedures, guidance, and training regarding the implementation of relevant legal standards. The memo also recommended that CBP develop an internal civil rights and civil liberties audit process to assess the operational implementation of DHS protections of civil rights and civil liberties. In August 2023, CBP concurred with one of Compliance's recommendations and partially concurred with two. CBP agreed to issue a memo and muster reiterating the appropriate documentation to support CBPO determinations and to provide Compliance with an annual assessment and analysis of inadmissibility cases by country of citizenship.

#### ***NCIC Misidentifications***

Compliance opened three complaints as a representative sample of allegations related to CBP referring travelers at land ports of entry to secondary inspection because of misidentification in the National Crime Information Center.<sup>11</sup> In these complaints, CBP

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<sup>11</sup> NCIC is centralized database maintained by the FBI that tracks crime-related information.

misidentified travelers with similar biographical information as individuals subject to an NCIC record and referred them to secondary inspection where CBP was able to verify their actual identities. CBP treated two of the misidentified individuals as armed and dangerous, which resulted in heightened interactions. Compliance concluded that the NCIC misidentifications place a substantial burden on the misidentified individuals, particularly those misidentified as armed and dangerous.<sup>12</sup> In July 2023, Compliance issued a memorandum to CBP recommending that CBP review the algorithms used for NCIC matches and that CBP collect data on the number and type of NCIC misidentifications.

### ***Cryptocurrency in CBP Financial Solvency Determinations***

Compliance investigated a complaint alleging that CBP Officers did not consider money available to a traveler in his Coinbase Visa debit card when making CBP's financial solvency determination, refusing his entry into the U.S. Compliance determined that CBP does not have written policy or training that specifically addresses whether and how CBP will consider cryptocurrency, including convertible virtual currency. Compliance found that this lack of notice may cause confusion to travelers, especially those travelers coming from countries that recognize cryptocurrency as official currency, and result in CBP Officers making inconsistent financial solvency determinations at POEs. In April 2023, Compliance issued a Recommendation Memorandum to CBP recommending the development of a cryptocurrency policy and posting information to the public about recognized currencies.

## **Agency Responses to Prior Fiscal Year Recommendation Memoranda**

### ***Erroneous Removal of Guatemalan National***

CRCL opened a complaint alleging that ICE removed a Guatemalan national to his country of origin before a final removal order was issued by an immigration judge and prior to his immigration court hearing. CRCL found that ICE lacks a clear process for individuals erroneously removed to seek redress and that ICE does not track the number of individuals erroneously removed from the U.S. In June 2022, CRCL sent ICE a Recommendation Memorandum with four recommendations regarding erroneously removed individuals. In March 2023, ICE concurred with two recommendations and partially concurred with two. ICE agreed to provide a refresher training on case management, processing, and removal for all ICE officers upon deployment to the field; to begin tracking erroneous removals; and to provide the affected individual's attorney with paperwork and guidance on requesting significant public benefit parole for his client.

### ***Notification About Hospitalization***

CRCL opened a complaint alleging that ICE withheld information for several weeks about the hospitalization of two detained noncitizens from their families and legal counsel when they were hospitalized for COVID-19.<sup>13</sup> CRCL found that ICE violated the NDS when it did not

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<sup>12</sup> CRCL found CBP has taken steps to reduce the number of false positive and negative matches by enhancing its Global Name Recognition algorithm; however, the resulting determination to lower the name matching threshold has resulted in higher NCIC misidentifications.

<sup>13</sup> The noncitizens were formerly detained at Glades County Detention Center.

inform counsel for the complainants that their clients had been transferred to the hospital for treatment for approximately two weeks, rather than as soon as practicable, and no later than 24 hours after the detainee was transferred as required. In September 2022, CRCL sent ICE a Recommendation Memorandum with three recommendations. In July 2023, ICE partially concurred with one recommendation and non-concurred with two. ICE agreed that noncitizens should have access to a telephone when hospitalized and be able to notify family members and/or legal representatives.

### ***Labor Exploitation Operations***

CRCL reviewed several newspaper articles about a series of labor exploitation operations conducted by ICE HSI in poultry plants across five different communities in Mississippi in August 2019, resulting in the apprehension of 680 workers and the detention of roughly 400 noncitizens. The articles raised concerns about the effect of labor exploitation operations on vulnerable populations, including parents of infants and small children, breastfeeding mothers, and noncitizens with limited English proficiency. CRCL found that HSI's actions during the planning and execution of the labor exploitation operations in Mississippi did not follow ICE's Guidelines for Identifying Humanitarian Concerns When Conducting Worksite Enforcement Actions and ICE's Worksite Enforcement Strategy memorandum, both of which outline procedures to effectively identify and process individuals who have humanitarian needs. CRCL's investigation also identified areas of concern regarding the planning and execution of labor exploitation operations to ensure that the civil rights and civil liberties of the impacted populations are adequately protected. In April 2022, CRCL sent ICE a Recommendation Memorandum with 13 recommendations. In July 2023, ICE concurred with ten of CRCL's recommendations, partially concurred with two, and non-concurred with one. ICE agreed with CRCL's recommendations regarding the protection of vulnerable populations and language access.

### ***Implementation of ICE's Segregation Oversight Program***

CRCL initiated a periodic review to evaluate ICE's use and oversight of segregation for detained noncitizens. CRCL examined how ICE Headquarters and ERO field offices have implemented requirements in ICE Directive 11065.1: Review of the Use of Segregation for ICE Detainees (Segregation Directive). CRCL found that ICE's oversight of segregation requires renewed focus, funding, and expertise to enhance the effectiveness and quality of segregation oversight at both the field and headquarters levels and that greater limitations should be placed on the use of segregation. In September 2022, CRCL sent ICE a Recommendation Memorandum with 31 recommendations. In July 2023, ICE concurred with four recommendations, partially concurred with 14, and non-concurred with 13. ICE agreed to develop an enhanced data tracking system and to track all segregation placements in order improve the effectiveness of ICE's tracking, oversight, and trend analysis of segregation placements. ICE also agreed to integrate findings from inspections into segregation tracking and reform efforts, and to solicit and implement dedicated funding to support segregation oversight efforts.

### 3. CBP Apprehensions and Processing at the Southern Border

In FY 2023, Compliance investigated a wide range of allegations involving the apprehension and processing of noncitizens at or near the border. These allegations include USBP and OFO activities. Highlights include long-standing investigations and advice concerning CBP's implementation of expulsions under Title 42. Compliance's RRT was deployed in FY 2023 during the influx of migrants at El Paso, Texas, and Compliance offered advice concerning the treatment of undocumented migrants in the "open-air corridor" at San Ysidro, California. Compliance also issued advice to CBP about the provision of health care while noncitizens are in CBP custody, access to humanitarian protection, preserving family unity, and how to manage migrants' documents and personal property.

#### *Agency Collaboration Highlight*

- Coordinated with OFO and USBP to observe CBP's custody operations in El Paso in June 2023. This included the intake and processing of noncitizens with CBP One app appointments as well as of noncitizens who arrived at Paso Del Norte POE without scheduled appointments.
- Toured the USBP El Paso Centralized Processing Center and the newly opened Enhanced Hard-Sided Facility during which CRCL staff had an opportunity to observe intake and processing and conditions of detention while in CBP custody including medical care. USBP also provided CRCL staff with tours of the Paso Del Norte and Santa Teresa stations and provided CRCL information regarding station operations, capacity, and processing of family units and family groups.

### Recommendation Memoranda

#### *CBP/DHS Response to Migrant Activity Near Del Rio, Texas*

Compliance opened three complaints related to CBP's response to a surge of primarily Haitian migrants near Del Rio, Texas (under the Del Río–Ciudad Acuña International Bridge). The complaints alleged discriminatory treatment of Haitian migrants based on race and nationality, including related to the deployment of the USBP Horse Patrol Unit (HPU). Compliance deployed its RRT in September 2021 and provided feedback to DHS. In December 2022, Compliance issued a Recommendation Memorandum. Compliance did not find conclusive evidence of discrimination towards Haitian migrants by CBP. Compliance did have concerns regarding the conditions, including overcrowding, inadequate sanitation, and a lack of sufficient food and water, as well as concerns related to medical screening and language access. Compliance also found issues regarding the use of the HPU, particularly in situations involving surging crowds and families. In April 2023, CBP concurred with five of Compliance's recommendations, partially concurred with one, conditionally concurred with one, and non-concurred with one. CBP agreed to increase engagement between CRCL and the DHS Southwest Border Coordination Center, issue an internal Operating Procedure to provide meaningful language access to individuals during exigent circumstances, conduct an evaluation of USBP's Horse Patrol Program (HPP) training and certification for its HPU,



revise HPP policies for deployment of HPUs in non-routine matters, and reissue CBP's current non-discrimination law enforcement policy.

#### 4. Protecting Civil Rights and Civil Liberties in ICE Custody

Compliance investigates allegations of civil rights or civil liberties violations in ICE custody. These investigations take a variety of forms, including onsite investigations that may be targeted or broad in scope. Examples of overarching systemic civil rights investigations in ICE custody include allegations of racial discrimination, retaliation for filing civil rights complaints, provision of medical and mental health care, and gender equity.



##### *Agency Collaboration Highlight*

- CRCL regularly meets with ICE staff and leadership to share information about individual investigations, discuss broader policy objectives, and elevate any allegations that may require immediate action from ICE.
- CRCL participates in training sessions for ICE personnel on Compliance's role and responsibilities to increase collaboration.

#### Recommendation Memoranda

##### *ICE Oversight of the New Orleans Field Office*

Between October 2017 and December 2022, Compliance received over 200 allegations regarding the care and treatment of noncitizens at detention facilities within ICE's New Orleans Area of Responsibility (AOR). To investigate these concerns, Compliance conducted nine onsite investigations at New Orleans AOR facilities,<sup>14</sup> involving allegations related to conditions of detention, medical care, legal access, and racial discrimination. Compliance found five systemic concerns across four facilities.<sup>15</sup> In September 2023, Compliance issued a Recommendation Memorandum to ICE with nine recommendations related to provision of critical services to noncitizens while in medical isolation and quarantine, language access, accuracy of mental health documentation, suicide prevention and intervention training, and chemical control training. Additionally, CRCL issued recommendations related to improving the effectiveness of ICE's multilevel system of detention oversight.

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<sup>14</sup> The nine onsites included: LaSalle ICE Processing Center, Etowah County Jail, Pine Prairie ICE Processing Center, Richwood Correctional Center, Winn Correctional Center, and Jackson Parish Correctional Center.

<sup>15</sup> Jackson Parish Correctional Center, Allen Parish Public Safety Complex, South Louisiana ICE Processing Center, and Adams County Detention Center.

### ***Medical Care and Conditions of Detention at Glades County Detention Center***

In December 2021, Compliance conducted an onsite investigation at the facility during which Compliance found significant health and safety concerns and requested ICE reduce the population while protecting those currently detained at the facility. In March 2022, ICE publicly announced that it would limit its use of Glades. In August 2023, Compliance issued a Recommendation Memorandum to ICE with four recommendations to implement in the event ICE resumes housing detained noncitizens at the facility, including notifying Compliance prior to detaining any noncitizens.

## **Onsite Recommendation Memoranda**

### ***Caroline Detention Facility***

In June 2022, Compliance conducted a multidisciplinary onsite investigation at the facility with SMEs. Allegations included retaliation, medical care, and inadequate food. In December 2022, Compliance issued ICE an Onsite Recommendation Memorandum with 19 recommendations in the areas of conditions of detention (insufficient staffing, lack of video monitoring, verbal abuse and disrespect, lack of religious services or space for religious worship, attorney-client confidentiality), medical care (limited sick call availability, improper mask usage, delays in dental care, lack of privacy in medical screenings), mental health care (documentation, emergency mental health care access, use of restraint chairs), and environmental health and safety (greasy floors, lack of chemical inventory and chemical training, air quality concerns). ICE responded to CRCL's recommendations in May 2023. In response, ICE agreed to investigate and subsequently discipline a staff member, ICE agreed to ensure that all facility staff received training specific to respectfully treating noncitizens in custody, ICE hired a chaplain for the facility, and ICE installed new cameras in two units in January 2023 to address PREA concerns.

### ***Seneca County Jail***

In July and September 2022, Compliance conducted multidisciplinary onsite investigations at the facility with SMEs. In April 2023, Compliance sent ICE an Onsite Recommendation Memorandum with 64 recommendations addressing issues, including medical care (staffing, chronic care, medical records, and family planning), mental health care (intake screening, assessment and referral, and suicide prevention), conditions of detention (language access, legal access, and staff-detainee communications), and environmental health and safety (clothing and laundry, food service, housekeeping, and chemical control) .

### ***Central Louisiana ICE Processing Center***

In January 2023, Compliance conducted a multidisciplinary onsite investigation at the facility with SMEs. In June 2023, Compliance issued ICE an Onsite Recommendation Memorandum with 16 recommendations addressing issues including medical care (delays in subspecialty care, sick call process, and inadequate clinical space), mental health care (access to mental health care, concerns with the mental health documentation, language access, and suicide prevention and intervention), conditions of detention (religious practices, after-action review reports, and disciplinary system), and environmental health and safety (spill kits and cleanup processes) .

### ***Orange County Jail***

In October 2022, Compliance conducted a multidisciplinary onsite investigation at the facility with SMEs. In July 2023, Compliance issued ICE an Onsite Recommendation Memorandum with 49 recommendations addressing issues including medical care (sick calls, dental care, and intake screening); mental health care (intake screening, staffing, and discharge planning); conditions of detention (use of force, communication, language access, legal access, recordkeeping, and PREA); and environmental health and safety (food service, use of personal protective equipment, and personal hygiene) .

### ***Folkston Processing Center***

In April 2023, Compliance conducted a multidisciplinary onsite investigation at the facility with SMEs. In August 2023, Compliance issued ICE an Onsite Recommendation Memorandum with 15 recommendations addressing issues including medical care (detox screenings, medical assessments, and plan of care); mental health care (suicide proofing cells); conditions of detention (SAAPI screenings, language access, and grievances); and environmental health and safety (use of personal protective equipment, sanitation, and chemical control).

### ***Boone County Jail***

In May 2023, Compliance conducted a multidisciplinary onsite investigation at the facility with SMEs. In June 2023, CRCL sent ICE an Action Memorandum with two recommendations related to mental health concerns. ICE responded to CRCL's recommendations in August 2023. In September 2023, Compliance issued ICE an Onsite Recommendation Memorandum with 34 recommendations addressing issues including medical care (privacy, language services, timely screenings, and medical diets); mental health (monitoring and treatment of noncitizens on suicide watch, training, and staffing); conditions of detention (language access, use of force, classification, religious practices, recreation, disciplinary policies and practices, grievances, legal materials, emergency plans and evacuation routes, and body-worn cameras); and environmental health and safety (personal hygiene).

## **Agency Responses to Prior Fiscal Year Recommendation Memoranda**

### ***Housing Classification at Clay County Jail***

CRCL opened a complaint about a noncitizen who reportedly had no significant criminal history but had allegedly been housed in a single cell for more than a month with criminal inmates in violation of ICE's 2008 Performance Based National Detention Standards (PBNDS). CRCL found that the facility violated 2008 PBNDS by improperly reclassifying the noncitizen from a Level 1 (Low) to a Level 2 (Low/Medium) due to a housing shortage. In so doing, the facility housed her with multiple inmates and detained noncitizens with significant criminal histories, including aggravated felonies, for more than a month. During this time her housing classification was never reviewed by a supervisor, as required under the standard. In August 2022, CRCL sent ICE a Recommendation Memorandum with eight recommendations regarding criminal and housing classifications in detention facilities. In December 2022, ICE concurred with six recommendations, partially concurred with one, and non-concurred with one. ICE agreed to cease the practice of reclassifying individuals solely on the basis of housing needs and to ensure that classification training at all ICE facilities

included a discussion of the dangers of improper classifications. ICE also agreed to actively oversee housing classifications at the facility to ensure they are being properly performed, reviewed by supervisors, documented, and reviewed on a regular basis, as required by the standard.

## **Agency Responses to Prior Fiscal Year Multidisciplinary Onsite Memoranda**

### ***July 2021, Winn Correctional Center***

In July 2021, CRCL conducted a virtual onsite investigation at the facility. In November 2021, CRCL issued ICE an Onsite Recommendation Memorandum with 88 recommendations in the areas of conditions of detention, medical and mental health care, and environmental health and safety. In October 2022, ICE responded, concurring with 57 recommendations, partially concurring with 15, and non-concurring with 16. CRCL found that the facility did not have onsite mental health staff. Following the onsite investigation, ICE contracted with a mental health care provider for onsite mental health services. A clinical supervisor and mental health clinician were hired, and a remote psychiatrist provided clinical supervision. CRCL noted that the Louisiana Office of State Fire Marshall found that smoke barrier doors were not functioning properly. ICE notified CRCL that a proposal was submitted to the State Fire Marshal's office for altering housing unit doors to comply with state building codes. CRCL also found that firearms were issued to at least one officer who did not have the required firearms training and to multiple staff without completed background checks. As a result, ICE sent the one officer for required firearms certification and counseled a supervisor to check certification reports before assigning posts.

### ***December 2021, Krome North Service Processing Center***

In December 2021, CRCL conducted an onsite investigation at the Krome facility. In July 2022, CRCL sent ICE an Onsite Recommendation Memorandum with 33 recommendations in the areas of conditions of detention, environmental health and safety, medical care, and mental health care. In November 2022, ICE responded, concurring with 20 recommendations, partially concurring with four, and non-concurring with nine. Highlights of recommendations that ICE agreed to implement include updating the grievance process to include the translation and maintenance of grievance responses, increasing the variety of food options, ensuring proper sanitation of water coolers, creating a structured treatment plan for follow-up on identified suicide risks, installing a proper cut-down tool for staff to use during an attempted suicide, and instituting a pill line to improve timely medication administration.

### ***February 2022, Plymouth County Correctional Center***

In February 2022, CRCL conducted an onsite investigation at the facility. In September 2022, CRCL sent ICE an Onsite Recommendation Memorandum with 70 recommendations in the areas of conditions of detention, medical care, mental health care, and environmental health and safety. In June 2023, ICE responded, concurring with 44 recommendations, partially concurring with 13, and non-concurring with 13. CRCL determined that suicide watch occurred in the booking area, a nontherapeutic setting, which required medical staff to access three locked doors in the event of an emergency. ICE agreed to change the cell

utilized for suicide watch. CRCL found that Plymouth did not have a reliable sick call process. ICE agreed to have regularly scheduled times when medical personnel were available to see individuals who requested sick call. CRCL found that Plymouth required individuals to sign critical facility and medical forms without any notation that translation or interpretation services were provided. ICE agreed to make notations indicating which service was provided.

***March 2022, Henderson Detention Center***

In March 2022, CRCL conducted an onsite investigation at the facility. In September 2022, CRCL sent ICE an Onsite Recommendation Memorandum with 49 recommendations in the areas of conditions of detention, medical care, mental health care, and environmental health and safety. In July 2023, ICE responded, concurring with five recommendations, partially concurring with seven, and non-concurring with 37. CRCL found that the facility had minimized reports of sexual victimization by a noncitizen with possible mental health issues. CRCL recommended that whenever an individual appears confused and reports a sexual assault, mental health staff should be contacted, conduct a psychiatric evaluation, and offer treatment. ICE agreed that staff must take seriously all statements from noncitizens claiming to be victims of sexual assault and must offer medical and mental health evaluations and treatment when appropriate. CRCL found that the facility was providing only 20 minutes of visitation for detained noncitizens and recommended that the facility revise its policies, procedures, and practices to ensure a minimum of 30 minutes. ICE concurred and noted that the facility now allows 40 minutes for general visits. CRCL found that the facility allowed noncitizens approximately two hours of out-of-cell time per day and did not provide outside recreation. After CRCL's onsite investigation, ICE noted that the limitation on out-of-cell time and outside recreation was remedied with noncitizens in general population receiving nine hours per day of out-of-cell time and one hour per day, five days a week, of outside recreation.

***March 2022, South Louisiana ICE Processing Center***

In March 2022, CRCL conducted a virtual onsite investigation at the facility. In June 2022, CRCL sent ICE an Onsite Recommendation Memorandum with 47 recommendations in the areas of medical care, mental health care, conditions of detention, and environmental health and safety. In December 2022, ICE responded, concurring with nine recommendations, partially concurring with three, and non-concurring with 35. CRCL determined that the facility was not documenting how orientation materials were being provided to LEP noncitizens. ICE agreed to update its orientation checklist to include documentation of the use of the Language Line and to identify interpreters. CRCL found that the SAAPI/PREA complaints were not forwarded to the facility's PREA Coordinator. ICE agreed to provide additional staff training on documenting and reporting SAAPI/PREA allegations. CRCL found that hot water was not available in the kitchen's hand sink or in the bathroom sink. ICE agreed to ensure that the handwashing and bathroom sinks are at the required hot water temperature.

***May 2022, Adams County Detention Center***

In May 2022, CRCL conducted a virtual onsite investigation at Adams County. In July 2022, CRCL sent ICE an Onsite Recommendation Memorandum with 17 recommendations in the

areas of medical care, mental health care, conditions of detention, and environmental health and safety. In November 2022, ICE responded, concurring with one recommendation, partially concurring with three, and non-concurring with 13. CRCL determined that the noncitizens at the facility were improperly laundering their personal clothing items with bathing soap and shampoo. ICE agreed to hold town halls meeting to educate the noncitizens on the importance of proper laundering procedures.

***May 2022, Imperial Regional Detention Facility***

In May 2022, CRCL conducted an onsite investigation at the facility. In September 2022, CRCL sent ICE an Onsite Recommendation Memorandum with 38 recommendations in the areas of conditions of detention, medical care, mental health care, and environmental health and safety. In May 2023, ICE responded, concurring with ten recommendations, partially concurring with one, and non-concurring with 27. CRCL determined that the facility did not refer noncitizens for mental health care after there was an indicated history of abuse during intake screening. ICE agreed to refer noncitizens to the mental health team for further assessment when they provide affirmative responses to the behavioral health screening questions during intake. CRCL found that the facility conducted PREA/Sexual Assault Victim/Predator assessments in a public area. ICE agreed to have the facility provide training to staff about confidentiality, to continue to monitor the screening procedures, and to ensure PREA assessments are conducted in a private setting. CRCL found that the facility placed male and female noncitizens in the same housing unit when quarantining recently arrived non-citizens due to COVID-19 protocols. ICE agreed to ensure that female noncitizens were moved into a separate housing unit from male noncitizens during quarantine.

***June 2022, Torrance County Detention Facility***

In June 2022, CRCL conducted an onsite investigation at Torrance. In September 2022, CRCL sent ICE an Onsite Recommendation Memorandum with 42 recommendations in the areas of conditions of detention, medical care, mental health care, and environmental health and safety. In June 2023, ICE responded, concurring with 21 recommendations, partially concurring with one, and non-concurring with 20. CRCL determined that the facility lacked an accessible cut-down tool to respond immediately to suicide attempts in the segregation unit. ICE agreed and obtained a cut-down tool for use in the facility. CRCL found there was a large population of noncitizens who spoke languages other than English and Spanish, and these noncitizens were often unaware that tablets could be used to request mental health and medical services. ICE addressed this concern immediately and conducted a town hall in all housing units to discuss tablet capabilities. CRCL found that noncitizens with abnormal vital signs, such as high blood pressure, are not rechecked or sent to higher level of care. ICE agreed and held a training to set parameters and plans based on noncitizens' needs when housed in medical, including determining when to send a noncitizen out for a higher level of care or to notify the medical provider.

## 5. Medical Referrals and Access to Medical and Mental Health Care

Compliance investigated a significant number of allegations that ICE and CBP provided inadequate medical, mental health, and dental care to individuals in their custody.



### *ICE Medical Referral Process*

For allegations of inadequate medical care for noncitizens currently in ICE detention there is an immediate triage process directly between CRCL and IHSC to ensure medical care needs are addressed quickly. CRCL reviews all IHSC responses to medical referrals and most of the over 30 occasions of informal advice resulting from investigations into inadequate medical and dental care stem from this process.

### *Agency Collaboration Highlight*

- CRCL flags cases with urgent medical or mental health concerns for IHSC Leadership to ensure care for noncitizens in custody.
- CRCL regularly meets with the ERO CRCL Liaison and IHSC Leadership to discuss individual cases and systemic issues.
- CRCL conducted reciprocal training sessions with IHSC about their respective procedures in FY 2023.

## Recommendation Memoranda

### *Hospital Discharge into CBP Custody*

Compliance opened five complaints related to noncitizens in CBP custody who required medical care from local hospitals and follow-up care and monitoring after their discharge back to CBP custody. The complaints alleged that CBP poorly communicated with the hospital care teams, that noncitizens were unaware that they would be removed shortly after discharge, and that noncitizens and hospital staff did not know that necessary follow-up care and monitoring would not be provided. The complaints also allege that CBP did not obtain appropriate hospital paperwork or retain the paperwork in the appropriate system of record. Compliance found gaps in policy and training related to the hospital discharge process. Compliance also found that CBP inconsistently obtained or ensured the receipt of necessary hospital paperwork upon hospital discharge and that CBP did not always maintain hospital paperwork in an electronic medical record system. In September 2023, Compliance issued a Recommendation Memorandum to CBP recommending that CBP develop, and update written policies and guidance about hospital discharge, post-discharge care, and document retention.



## Agency Responses to Prior Fiscal Year Recommendation Memoranda

### **Mental Health Concerns at Montreal Preclearance Inspection**

CRCL investigated a complaint alleging that CBP denied entry to a traveler because of his mental health condition during his preclearance inspection at the Montreal Trudeau International Airport. CRCL did not find a civil rights or civil liberties violation in CBP's inadmissibility determination, but identified concerns about the interaction between CBPOs and the traveler. In August 2022, CRCL sent CBP a Recommendation Memorandum with three recommendations. In November 2022, CBP concurred with the three recommendations. CBP agreed to issue guidance to its workforce about showing sensitivity when discussing mental health conditions, to incorporate scenario-based training about interacting with individuals with mental health conditions, and to ensure the training is conducted at regular intervals.

### **Medical Care at the Irwin County Detention Center**

From 2018 to 2021, CRCL received a number of allegations concerning medical care at Irwin. In September 2020, CRCL scheduled an onsite investigation at the facility for June 2021; however, Secretary Mayorkas announced in May 2021 that ICE would discontinue use of the facility. As a result, CRCL canceled its onsite investigation. Despite the cancellation, CRCL's contract SMEs reviewed the facility's policies and procedures and made findings related to both the facility and LaSalle Corrections, which operates the facility, as well as other ICE facilities. In September 2022, CRCL sent ICE a Recommendation Memorandum with two overarching recommendations, which ICE agreed to implement. ICE agreed to notify CRCL at least 30 days in advance if ICE decides to resume detaining noncitizens at the facility. ICE also agreed that it would review the expert findings and recommendations to consider their applicability to other detention facilities operated by LaSalle Corrections.

### **Critical Services During Isolation and Quarantine**

In February 2019, CRCL initiated five facility investigations focused on ICE's medical isolation and quarantine practices related to individuals diagnosed with, or exposed to, a communicable disease while in ICE custody to address systemic concerns.<sup>16</sup> Using these investigations as a representative sample, CRCL found that ICE detention facilities' plans to address communicable diseases and infectious control did not address how detained individuals in medical isolation and quarantine receive the required equal access to programs and services as detained individuals in the general population, including access to court hearings, legal counsel, the law library, and visitation. In July 2022, CRCL sent ICE a Recommendation Memorandum with four recommendations. In February 2023, ICE partially concurred with one of CRCL's recommendations and non-concurred with three. In its partial concurrence, ICE acknowledged that it does not provide formal training on its PRR but said that information in the PRR is disseminated with all stakeholders and ICE facility staff.

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<sup>16</sup> The investigations involved complaints at five ICE detention facilities: Pine Prairie Detention Center, Folkston ICE Processing Center, La Palma Correctional Center, Port Isabel Service Processing Center, and South Louisiana Detention Center.

## 6. DHS Custody and Treatment of Unaccompanied Children (UC)

In FY 2023, Compliance investigated various civil rights concerns related to UC, including CBP's ability to ensure that UCs remain safe and healthy while in the Department's custody before transfer to the Department of Health and Human Services Office of Refugee Resettlement (ORR). Highlights include recommendations and advice regarding ICE's hoteling of UCs and CBP's medical intake screening of UCs, and ensuring UCs have access to necessary medication. Compliance also investigated issues raised by CBP's use of social media as related to UCs, ensuring adherence to Department social media guidelines and policies.



### *Agency Collaboration Highlight*

During FY 2023, CRCL participated in an ICE working group to develop new detention standards to govern ICE's use of hotel rooms for UCs. CRCL raised many of Compliance's findings and recommendations in the working group. As a result, in July 2023, ICE issued the new standards, many of which addressed Compliance recommendations.

## Recommendation Memoranda

### *ICE Hoteling of UCs*

Compliance opened three representative complaints involving ICE's hoteling of UCs during their removal or voluntary departure. The complaints raised allegations related to ICE's adherence to the Flores Settlement Agreement and ICE's implementation of PREA/SAAPI protocols. Compliance reviewed ICE's contract for transportation which also encompasses hoteling, finding a disconnect between the contract's focus on transportation duties and the custody and care services that hoteling of UCs entails. Compliance also found that the contractor was not complying with ICE detention standards listed in its contract and that oversight of the contract was lacking. In January 2023, Compliance sent ICE a Recommendation Memorandum with 12 recommendations. In September 2023, ICE concurred with two of Compliance's recommendations, partially concurred with six, and non-concurred with four. ICE concurred and partially concurred with recommendations related to strengthening the contractor's requirement to comply with detention-related services, including PREA/SAAPI implementation, telephone access, attorney visitation, establishing an infectious disease policy, and enhancing oversight. During FY 2023, CRCL participated in an ICE working group to develop new detention standards to govern ICE's use of hotel rooms. CRCL raised many of Compliance's findings and recommendations in the working group. As a result, in July 2023, ICE issued the new standards, many of which addressed Compliance's recommendations.

## Agency Responses to Prior Fiscal Year Recommendation Memoranda

### *Behavior Management of UCs*

CRCL opened five representative complaints to examine CBP's approach to behavior management of UCs in USBP custody. These included allegations that Border Patrol agents denied mattresses to UCs, held UCs in isolation, denied bathroom requests made by UCs, and forced UCs to stand for long periods of time as punishment. While CRCL did not substantiate any of the individual allegations made by the UCs about inappropriate conduct by agents, CRCL found that CBP lacks policy, guidance, and training directly addressing behavior management practices for UCs in CBP custody. In September 2022, CRCL sent CBP a Recommendation Memorandum with three recommendations. In February 2023, CBP concurred with one recommendation and partially concurred with two. CBP agreed to issue a reminder to its personnel reaffirming existing policies and procedures relating to the care of UCs in CBP custody.

## 7. Confidentiality Protections: VAWA and Asylum

Compliance investigated several allegations that ICE and USCIS did not safeguard information protected by 8 U.S.C. § 1367 (VAWA Statutory Confidentiality and Nondisclosure Provisions for Noncitizen Victims of Crime) and 8 C.F.R. § 208.6 (Regulatory Asylum Confidentiality Provisions). Highlights of advice provided include issuing ICE a USCIS training and ensuring ICE removals do not violate confidentiality.

### *Agency Collaboration Highlight*

Through investigations and collaborative work, Compliance has supported ICE's implementation of ICE Directive 10036.2, Implementation of §1367 Protections for Noncitizen Victims of Crime.

## 8. Prison Rape Elimination Act and Sexual Abuse and Assault Prevention

While DHS OIG, DHS agency investigators, and local law enforcement agencies investigate allegations to determine whether sexual abuse or assault occurred, Compliance's investigations relating to PREA look at the implementation of policies, procedures, implementation, training, and oversight and make recommendations for enhanced protections against sexual abuse or assault in DHS custody. Compliance conducted several PREA-related investigations in FY 2023 resulting in both informal advice and a formal Recommendation Memorandum to DHS agencies.

ICE highlights included Compliance's Recommendation Memorandum related to the privacy of noncitizens detained by ICE at an immigration detention facility. Advice involved concerns regarding staff at ICE detention facilities and compliance with the requirements of DHS PREA Standards during investigations by ICE. With regard to CBP, Compliance investigated

allegations involving sexual harassment at POEs and concerns that PREA investigators' reports were insufficient.

### *Agency Collaboration Highlight*

- CRCL strongly supported FY 2023 improvements to the ICE Agency Prevention of Sexual Abuse Coordinator.
- CRCL actively participates with the DHS PREA Working Group and DHS's collaboration with the U.S. Department of Justice on PREA issues.
- CRCL meets with ICE ERO, ICE OPR, and CBP PDO colleagues to collaborate on sharing of information and investigations.
- CRCL participated in ICE OPR's annual PREA investigator training course.
- CRCL uses PREA information requests for allegations it receives to coordinate with ICE and CBP, limiting duplication of investigations.
- CRCL regularly provides feedback and support to ICE and CBP on matters such as the ICE SAAPR reporting worksheet, the CBP annual report, addressing questions related to background investigations for detainees, and circulating job announcements for vacancies.

## Recommendation Memoranda

### *Voyeurism and Privacy at the Baker County Facility*

In FY 2023, Compliance received multiple allegations alleging voyeurism and privacy concerns for noncitizens detained at the facility. CRCL issued requested actions to the facility on these issues in October 2023 through an Action Memo following its September 2022 Spot Check. ICE responded, detailing several corrective actions; however, Compliance continued to receive allegations. In May 2023, Compliance returned to the facility to evaluate the privacy concerns firsthand and found that the privacy concerns continued to persist and that these concerns were creating the risk of voyeurism under the DHS PREA Standards. In September 2023, Compliance issued a Recommendation Memorandum to ICE with 15 recommendations. The recommendations related to structural modifications to protect noncitizens' privacy and additional notification to noncitizens.

## 9. Protecting Religious Freedom

Compliance investigated allegations involving the protection of and accommodations for the free exercise of religion in various complaint investigations. Highlights include addressing the use of religious headwear and requirements for religious meals for individuals in both ICE and CBP custody. Also, novel work was completed related to the intersection of DHS programs and Native American religions.

## Recommendation Memoranda

### *Articles of Faith and Religious Meals*

Compliance opened three complaints alleging that CBP improperly removed turbans from Sikh individuals held in USBP custody in the Yuma Sector and failed to provide individuals with meals that comported with religious dietary requirements. Compliance found that existing CBP policy and guidance was insufficient to provide adequate instruction to USBP personnel related to the treatment of articles of faith during encounters with Sikh migrants. Compliance also concluded that USBP does not have a specific policy or plan to document requests for religious meals in its system of record or to ensure that meals meeting religious dietary requirements are available. In September 2023, Compliance issued a recommendation memo to CBP with five recommendations, including develop and train on a religious accommodation policy that addresses articles of faith, develop guidance on the provision of replacement headwear when religious headwear must be discarded, and issue guidance on providing meals that follow religious dietary restrictions. Compliance also recommended that CBP develop a collection of resources that provide background information on the religions most commonly encountered by CBP officers and agents.

### **10. Use of Force Investigations and Oversight**

Compliance investigated allegations that ICE and CBP used excessive force against individuals in their custody. This work spanned investigations into ICE's use of restraints (including the "WRAP"), accuracy of ICE use-of-force reporting, and force used to obtain fingerprints. Compliance also investigated complaints involving CBP focused on systemic concerns, including addressing enhancements for CBP's National Use-of-Force Review Board (NUFRB).



Compliance was also instrumental in researching, developing, and circulating *Best Practices for Addressing Complaints of Improper Profiling or Bias*. Per Section 9(c) of Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, DHS agencies are required to ensure that effective procedures are in place for receiving, investigating, and responding meaningfully to complaints alleging improper profiling or bias by DHS law enforcement officers and agents. Given the equities involved, Compliance took the lead in researching and drafting guidance that aids agencies in their assessment of internal procedures to address actual or perceived discrimination and improper bias.



### *Agency Collaboration Highlight*

- CRCL is a voting member of the CBP National Use of Force Review Board, which reviews CBP uses of deadly force.
- CRCL drafted guidance to aide agencies in assessing internal procedures pursuant to Executive Order 14074 §9(c).

## Recommendation Memoranda

### ICE

#### *ICE's Use of the WRAP*

Compliance opened a complaint alleging ICE inappropriately used the WRAP, a restraint device used instead of handcuffs and leg shackles for individuals who are noncompliant or pose a safety risk, during removals. The complaint alleged that ICE did not use the device in accordance with the manufacturer's instructions, which caused breathing difficulty and pain, failed to consider medical and psychological conditions prior to use, and lacked sufficient monitoring. Compliance found that ICE does not have sufficient policies or operational guidance governing its use of the WRAP, contributing to concerns in the way it was used. In September 2023, Compliance issued a Recommendation Memorandum to ICE recommending development of a policy governing use of the WRAP, documentation, and new expanded and specific training.

#### *ICE Fingerprinting of Noncompliant Individuals*

Compliance opened six complaints alleging that ICE used excessive force to obtain fingerprints from noncitizens in ICE custody who refuse to provide them. According to the complaints, the noncitizens who refused to provide their fingerprints mistakenly believed that doing so was agreeing to their removal. Compliance found that current guidance lacks reporting, documentation and training requirements and that ICE is not conducting fingerprinting of noncompliant individuals in accordance with ICE's detention standards. Lack of required de-escalation and language access were also concerns. In September 2023, Compliance issued a Recommendation Memorandum to ICE recommending numerous updates and revisions to ICE Directive 10089.1, Obtaining Required Fingerprints from Noncompliant Individuals.

## Agency Responses to Prior Fiscal Year Recommendation Memoranda

#### *Local CBP Use-of-Force Boards*

CRCL investigated a CBP report involving the drowning death of a Haitian national off the coast of West Palm Beach, Florida. While CRCL found the CBP Local Use-of-Force Review Board (LUFRRB) properly reviewed the death, CRCL also found that a letter from the LUFRRB to CBP employees misrepresented the principal objective of the board to review less than lethal uses of force. In September 2022, CRCL sent CBP a Recommendation Memorandum with three recommendations. In October 2022, CBP concurred with all three recommendations. CBP agreed to evaluate CBP Directive No. 4510-038 relative to CBP use-of-force policies, titles, responsibilities, procedures, board structure, and voting members; to

ensure the language and guidance in CBP Directives 4510-038 and 1420-012 align; and to evaluate the *Use-of-Force Incident Guide* to ensure it aligns with current processes, practices, and procedures.

### ***CBP Vehicular Pursuits***

CRCL investigated 11 vehicle pursuits by CBP that resulted in 16 deaths and numerous instances of severe injury to the passengers. CRCL found insufficient policy and dangerous practices associated with CBP's vehicle pursuits. In September 2022, CRCL sent CBP a Recommendation Memorandum with 21 recommendations. In January 2023, CBP concurred with 17 recommendations and partially concurred with four. CRCL recommended that CBP comprehensively review its vehicular pursuit policies and practices by identifying hazards and mitigating factors including overloaded vehicles with unrestrained passengers, vehicle speed, pursuit initiation, follow-on practices, pursuit termination, traffic law considerations, vehicles where the only suspected crime is fleeing, expanding pursuit prohibitions, the use of vehicle immobilization devices, formally reviewing all pursuits, reporting standards, limiting the use of the Precision Immobilization Technique maneuver unless deadly force is authorized, conducting regular analysis and after-action reviews, and defining the objectively reasonable standard during pursuits.

### ***August 2023, Use of Force at Clay County Jail***

In August 2022, CRCL conducted a targeted investigation on the use of force at the facility. In September 2022, CRCL issued ICE an Onsite Recommendation Memorandum with 12 recommendations related to use of force. CRCL determined the facility does not provide 24/7 onsite health care coverage. ICE responded to CRCL's recommendations in March 2023. ICE agreed to update the facility's use-of-force policy and procedures to notify the medical care provider of any use-of-force incidents that occur outside of health care coverage hours. CRCL also found that the facility lacked a video retention policy related to use-of-force incidents. ICE agreed to update the facility's Use of Deadly Force Policy and created a new policy to enforce and protect the retention of audio and visual recordings. CRCL found that the facility does not document testing of Electric Muscular Disruption Devices (EMDD) issued to employees, as required by relevant detention standards. ICE agreed to ensure immediately that facility staff is documenting EMDD testing in a log. CRCL determined the after-action report for a use-of-force incident at the facility was lacking. ICE agreed to ensure that after-action reports for any use-of-force incidents at the facility will contain all required information detailing any policy violations identified and the implementation of remedial actions deemed reasonable and appropriate to comply with applicable policies and standards.

## **11. Language Access**

Compliance investigated allegations that a variety of DHS agencies were denying language access to noncitizens during encounters and interactions with the agencies. Compliance offered advice to USCIS regarding the provision of interpreters during credible fear screenings, and to CBP for lack of language services in various instances of processing.



## 12. Disability Access and Accommodations (Including Section 504 Investigations)

In FY 2023, Compliance issued five determination letters to complainants under the regulations implementing Section 504. During FY 2023, Compliance also completed 18 informal resolutions under the regulations implementing Section 504.

In addition to its Section 504 authorities, Compliance conducts disability-related investigations and issues disability-related advice and recommendations to DHS agencies and offices under its 6 U.S.C. § 345 and 42 U.S.C. §2000ee-1 authorities. In FY 2023, Compliance issued three recommendation memoranda to DHS agencies under these authorities.

### *Agency Collaboration Highlight*

- CRCL coordinated with ICE to conduct first disability-focused onsite investigation at Boone County Jail.
- CRCL partnered with ICE to ensure reasonable modifications for noncitizens in custody (e.g., providing a wheelchair cushion, installing shower grab bars, and offering special diet).
- CRCL worked with USCIS to ensure the re-adjudication of numerous requests for disability exceptions to naturalization examinations.

## Recommendation Memoranda

### *USCIS Interactive Process for a Disability Modification*

Compliance investigated a complaint alleging that USCIS failed to respond to a request for modification from an applicant for an extension of status. An attorney for the applicant, who has an intellectual disability, including severe developmental delays and impaired communication, alleged that USCIS did not respond to a request related to the applicant's biometrics appointment. Compliance found that USCIS did not respond to the complainant's request for modification or engage in the interactive process in a timely manner. In December 2022, Compliance sent USCIS a Recommendation Memorandum with three recommendations. In May 2023, USCIS concurred with one recommendation and non-concurred with two. USCIS agreed to take appropriate measures to ensure it captures and responds to all disability modification requests in a timely manner.

### *Interacting with Passengers with Disabilities at Miami International Airport*

Compliance opened a complaint from a traveler at the airport alleging that a CBPO inappropriately questioned her use of a wheelchair while undergoing primary inspection. Among many concerns, it was alleged that the CBPO asked her to show proof of her disability. Compliance found questioning about complainant's disability and physical appearance inappropriate. Subsequent to Compliance initiating the investigation, CBP took corrective measures in response to this incident and to address the issues raised by the complaint. CRCL commends this work. In September 2023, Compliance issued a Recommendation Memorandum to CBP with one additional recommendation about

guidance and resources for disability access and nondiscrimination at the airport. CBP concurred with Compliance's recommendation to distribute additional guidance and resources relating to disability access and nondiscrimination at the airport.

## Key Civil Rights Findings and Recommendations Memoranda

### ***Boone County Jail Disability-Related Recommendations***

In May 2023, Compliance conducted an onsite investigation relating to disability access and accommodations alongside the multidisciplinary onsite investigation at the facility. Compliance issued ICE a Disability-Related Key Civil Rights Findings and Recommendations Memorandum with four recommendations related to disability identification and reasonable modification requests. Compliance raised these concerns separately from the broader onsite recommendation memorandum to emphasize the disability-related issues relevant to ICE's obligations under Section 504 of the Rehabilitation Act of 1973. ICE responded to CRCL's Action Memorandum recommendations in August 2023. In September 2023, Compliance issued an Onsite Recommendation Memorandum with 34 recommendations.

## Section 504 Determinations

### ICE

#### ***Use of Restraints during Transport***

Compliance investigated a complaint alleging that ICE did not properly accommodate a detained noncitizen when using leg restraints during transport. In June 2023, Compliance issued a letter to the complainant finding that ICE violated Section 504. Compliance found that ICE was aware of the complainant's mobility disability, that the complainant's requests to remove his leg restraints were reasonable, that ICE denied the requests, and that ICE did not engage in an interactive process to help identify an appropriate alternative. Pursuant to DHS CRCL's authority under 6 C.F.R. § 15.70(g)(1)(ii) and DHS Delegation No. 19001, Delegation to the Deputy Officer for Civil Rights and Civil Liberties Programs and Compliance (Feb. 28, 2008), DHS CRCL ordered the remedy that ICE update the ICE ERO policy Use of Restraints (ICE ERO Number 11155.1) to account for situations when an individualized assessment of a noncitizen with disabilities is required prior to the use of restraints. The ordered remedy included that the amended policy be disseminated to appropriate personnel and be incorporated into existing training for ICE ERO and detention facility staff.

#### ***Request for Orthotic Shoes and Compression Socks at El Paso Service Processing Center***

Compliance investigated a complaint alleging ICE staff and contractors at the facility denied the complainant's request for new orthotic shoes and compression socks, that the complainant had to walk a far distance to the medical facility, and that the complainant was required to lift a heavy mattress. In September 2023, Compliance issued a letter to the complainant finding that ICE did not violate Section 504. Compliance found the complainant's request to ICE to provide new orthotic shoes and compression socks was not reasonable, that there was no record that complainant was required to lift a heavy mattress, and that there was no record that the complainant requested a housing modification to alleviate the far distance to the medical facility.

### ***Modifications for Hearing Disability at Golden State Annex***

Compliance investigated a complaint alleging ICE staff and contractors at the facility did not provide the complainant with a sign language interpreter at doctor appointments and failed to provide him with hearing aids. In September 2023, Compliance issued a letter to the complainant finding that ICE did not violate Section 504. Compliance found that the facility had provided the complainant with a tablet to access Video Remote Interpreting services and a dry-erase board with markers to write questions or concerns. Compliance also found that ICE provided the complainant with timely evaluation of his hearing aids and replacements as recommended during his custody at the facility.

## **USCIS**

### ***Modification Requests for Biometrics Appointments***

Compliance investigated a complaint alleging that USCIS failed to respond to a request for modification from an applicant for an extension of status. An attorney for the applicant, who has an intellectual disability that includes severe developmental delays and impaired communication, alleged that USCIS did not respond to a request related to the applicant's biometrics appointment. In December 2022, Compliance issued a letter to the complainant finding that USCIS violated Section 504. Compliance found that USCIS did not respond to the complainant's request for modification or engage in the interactive process in a timely manner. Compliance required USCIS to issue a reminder to the relevant staff on the appropriate procedures to identify, document, and respond to any request for a disability modification made in connection to a biometrics appointment. In addition, Compliance issued a Recommendation Memorandum related to this complaint, which is noted in the summary *USCIS Interactive Process for a Disability Modification*.

### ***Denial of Naturalization Application***

Compliance investigated a complaint alleging that USCIS discriminated against an individual with learning disabilities when it denied his application for naturalization. In September 2023, Compliance issued a letter to the complainant finding that USCIS did not violate Section 504. Compliance found that USCIS approved the complainant's request to be excepted from the writing requirement of the naturalization exam due to his documented disability. USCIS denied the complainant's naturalization application on unrelated grounds.

## **Agency Responses to Prior Fiscal Year Recommendation Memoranda**

### ***Removal of Mobility Device Without Interactive Process***

CRCL investigated a complaint alleging that CBP separated a UC from a crutch he was using to assist with his mobility disability while in CBP custody. In September 2022, CRCL found that CBP violated Section 504 and issued a remedy ordering that CBP provide training to USBP personnel in the RGV Sector about engaging in an interactive process and providing reasonable modifications to individuals with disabilities who use mobility and/or medical devices. In September 2022, CRCL also issued a Recommendation Memorandum with one recommendation specific to the ordered training. In January 2023, CBP concurred with this recommendation. CBP agreed to develop and incorporate scenario-based learning components into the ordered training, including by presenting situations that USBP

personnel may encounter when interacting with the public and/or migrants who have mobility disabilities.

# CASE MANAGEMENT PILOT PROGRAM



# 09 CASE MANAGEMENT PILOT PROGRAM

The Case Management Pilot Program (CMPP) establishes a program through which the Department provides critical services for eligible noncitizens in ICE's Alternative to Detention (ATD) program. CMPP was created by Congress in FY 2021 by providing \$5 million to FEMA<sup>17</sup> to issue grants to provide case management and other services to noncitizens enrolled ATD in the geographic areas served by the pilot program.<sup>18</sup> CMPP launched initial sites in New York City and Houston, Texas in FY 2023.

There are many novel aspects required by CMPP, including that it is a grant program run through FEMA and administered by CRCL and that immigration enforcement and services are not connected. Key elements of CMPP are:

- The CMPP grant program is administered by CRCL and managed and overseen by the CMPP National Board.
- CMPP services are trauma informed and client directed; participation is voluntary.
- Participants are served through local coalitions of service providers.
- In FY 2022 Congress provided an additional \$15 million for CMPP and provided an additional \$20 million for the CMPP in FY2023, for a total of \$40 million available for the program. CMPP Phase 2 sites started program enrollments in FY 2024 and include locations in Los Angeles, Baltimore, Washington DC, and Houston.

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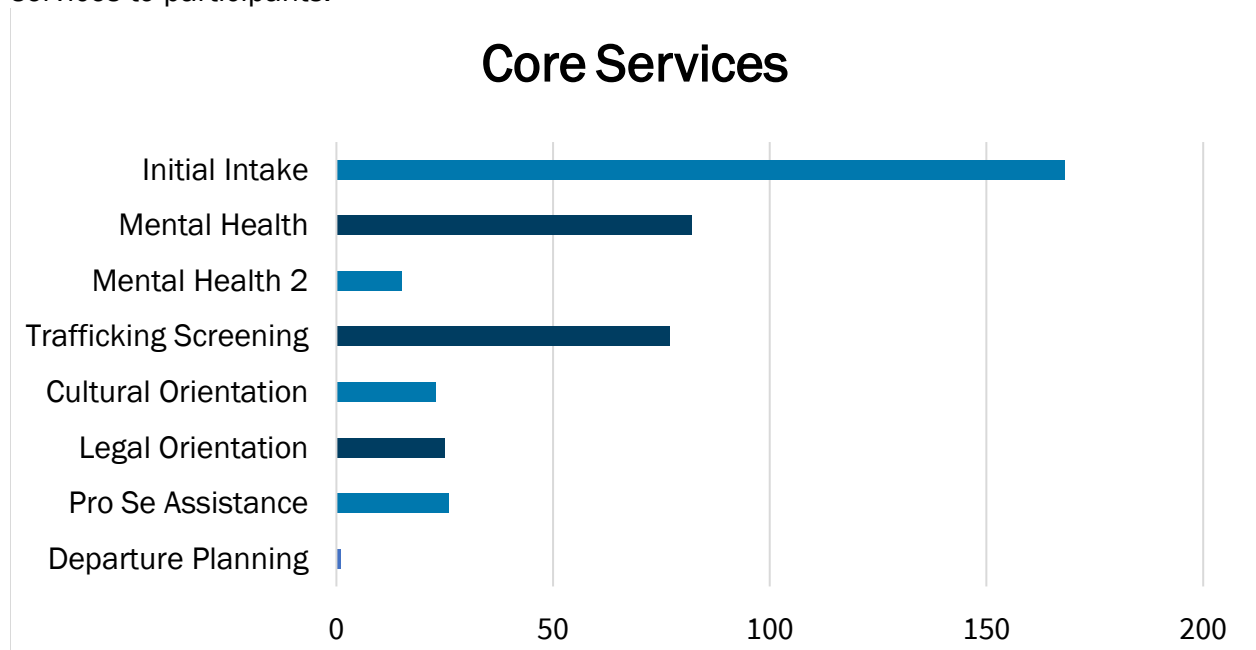
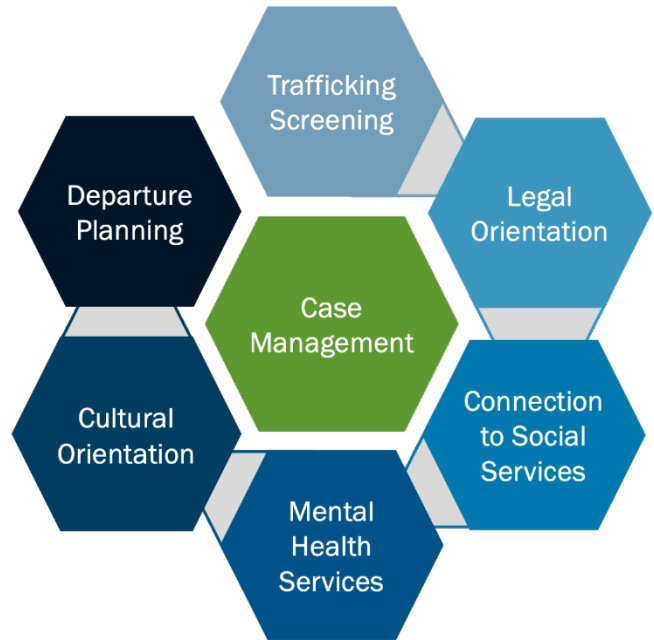
<sup>17</sup> Per the Act, the funds are first awarded to the Office of the Secretary to be transferred to FEMA.

<sup>18</sup> Specifically, Congress established CMPP in the FY 2021 Department of Homeland Security Appropriations Act.

CMPP services include case management, mental health services, trafficking screening, legal orientation programs, cultural orientation programs, connections to social services, and, for individuals who will be returning to their home countries, departure planning and reintegration services.

CMPP services are voluntary and are intended to be trauma-informed and linguistically and culturally responsive. Per the program design, CMPP participants will identify the services that are a priority for them and CMPP funds may be used flexibly to support participants' immediate needs.

At the close of FY 2023, CMPP service providers had provided over 417 core CMPP services to participants.



In addition to core CMPP services shown above, CMPP service providers have provided referrals and helped participants access English language classes, food resources, housing services, and health care. Multiple CMPP clients also have been helped with safety planning.

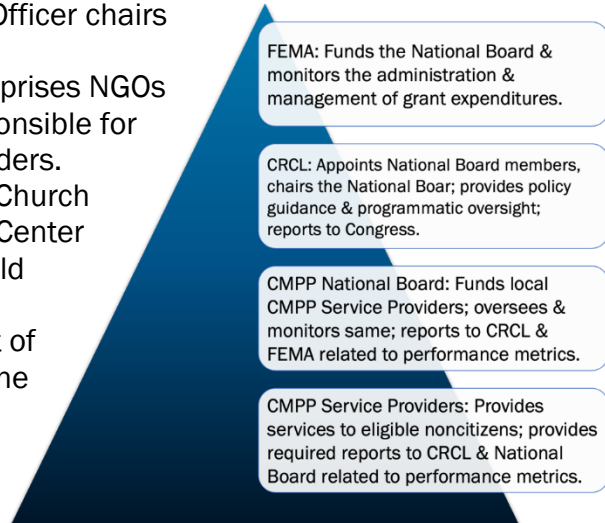
Appropriations Act	CMPP Grant Amount
FY 2021	\$5 million
FY 2022	\$15 million
FY 2023	\$20 million



**FEMA:** CMPP is a grant program funded through FEMA and administered by CRCL.

**CRCL:** Administers the program and the CRCL Officer chairs the National Board.

**CMPP National Board:** The National Board comprises NGOs with case management experience and is responsible for selecting and funding local CMPP service providers. National Board member organizations include Church World Service, Catholic Charities USA, and the Center for Migration Studies of New York. Church World Service serves as the Board’s Fiscal Agent and conducts programmatic and financial oversight of the CMPP local service providers on behalf of the Board.



On November 30, 2022, the CMPP National Board selected the first two CMPP sites and service providers: to International Rescue Committee in New York, New York, and BakerRipley in Houston, Texas (CMPP Phase 1). These organizations represent a consortia of community-based service providers and support a whole-community approach to providing case management and other needed services to CMPP participants. With this first tranche (FY 2021) of CMPP funds, CRCL anticipates that at least 700 individual participants will be served through the program.

The National Board initiated the solicitation and selection process for CMPP sites and service providers for the next tranche of CMPP funds (FY 2022). Selections for CMPP Phase 2 sites will be finalized at the start of FY 2024.

CMPP Tranche 1 Lead Grantees	Location
International Rescue Committee	New York, New York
BakerRipley	Houston, Texas

At the close of Fiscal Year 2023, 100 percent of CMPP participants who had a scheduled immigration court hearing had attended their scheduled hearing.

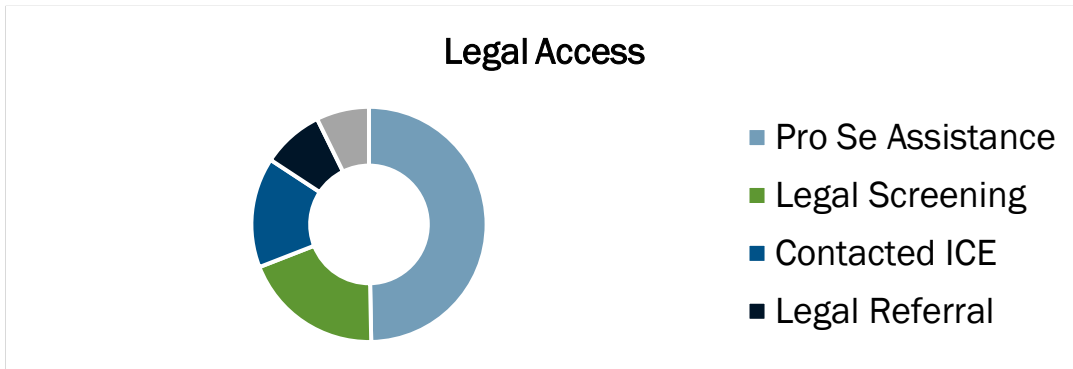
## FY 2023 Accomplishments

### *Collaboration, Support, and Services through CMPP*

Fiscal Year 2023 has been a year of rapid expansion of CMPP with the program becoming operational. Highlights in Fiscal Year 2023 include:

- **Privacy Impact Assessment (PIA):** Collaborated with ICE and PRIV to outline programmatic privacy protections and published a PIA for CMPP;
- **National Board:** Developed selection criteria for CMPP service providers and selected and awarded grants to the first two CMPP grantees;

- **Began CMPP Enrollment:** CRCL developed program enrollment initiatives, including facilitating CMPP program enrollments through onsite trips to ICE field offices in locations served by CMPP;
- **Notice of Funding Opportunity (NOFO):** Released the NOFO for the National Board for the second tranche of CMPP grant funds;
- **Provided Core Services:** Provided over 417 core CMPP services to program participants and assisted participants with identified needs; and
- **Improved Legal Access and Immigration Court Compliance:** CMPP frequently requested legal information and help navigating the immigration legal process. Legal orientation programs provided through CMPP include legal information, legal screenings, legal referrals, and pro se assistance.



# EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY DIVISION



# 10 EMPLOYMENT OPPORTUNITY AND DIVERSITY DIVISION

The Equal Employment Opportunity and Diversity Division (EEO) leads the Department's efforts to ensure that all employees and applicants are provided equal opportunity in all employment decisions and a workplace free from unlawful harassment by maintaining effective EEO and diversity programs under various federal laws, regulations, executive orders, and directives, including the following:

- Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*;
- Section 501 of the Rehabilitation Act of 1973, 29 U.S.C. § 791, *et seq.*;
- Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621, *et seq.*;
- Equal Pay Act of 1963, 29 U.S.C. § 206(d)(1);
- Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff *et seq.*;
- Pregnant Workers Fairness Act, 42 U.S.C. § 2000gg, *et seq.*;
- Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 (Pub. L. No. 107-174);
- Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020, Pub. L. No. 107-174, 116 Stat. 566 (2002); Pub L. No. 116-283, div. A, tit. XI, subtit. B, §§ 1131-38, 134 Stat. 3388, 3900-05 (2021);
- Executive Order 11478, *Equal Employment Opportunity in the Federal Government* (as amended by Executive Order 13152) prohibiting discrimination based on status as a parent;
- 29 C.F.R. § 1614;
- EEOC Management Directive 110; and
- EEOC Management Directive 715.

EEO is responsible for adjudicating EEO complaints for all DHS agencies and offices; overseeing management of the EEO complaint process at agencies; developing and monitoring EEO and diversity program policies, plans, and guidance; managing the Department's Alternative Dispute Resolution (ADR) program; overseeing management of DHS agency anti-harassment programs; and delivering training, conducting oversight, and administering EEO and diversity programs for DHS Headquarters and its 6,200 employees. In addition, the Division generates a variety of annual progress reports relating to the Department's diversity and EEO activities.

The Deputy Officer for EEO and Diversity also chairs the DHS EEO Directors Council, composed of agency EEO Directors and a human capital representative. The Council advances a Department-wide unity of effort by providing leadership and coordination, sharing information, promoting best practices, preparing and implementing strategic plans, streamlining operations, and eliminating redundancies in the Department's EEO and diversity programs.

## A. Complaints Management and Adjudication Section

The Complaints Management and Adjudication Section (CMAS) leads the administrative processing and adjudication of EEO complaints throughout the Department. CMAS prepares final actions on all formal EEO complaints filed by DHS employees, former employees, and applicants for employment who allege discrimination in violation of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Equal Pay Act of 1963, the Genetic Information Nondiscrimination Act of 2008, the Pregnant Workers Fairness Act, and Executive Orders prohibiting discrimination on the bases of parental status. CMAS also prepares the following Departmental reports:

- Annual No FEAR Act of 2002 Report
- Quarterly No FEAR Act data postings
- Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints

### FY 2023 Accomplishments

#### *Issuance of Final Agency Actions*

In FY 2023, CMAS issued a total of 884 final merit-based actions, including 464 final agency decisions (FAD). Seven of these final actions were merit FAD findings, and 20 were implemented findings made by EEOC Administrative Judges. Ninety-seven percent of the final actions were timely issued, and 95 percent of the FADs were timely issued, a marked increase from FY 2021 when 48 percent of the FADs were timely issued. In addition, the average processing days for FADs decreased from 191 days in FY 2022 to 44 days in FY 2023. The CMAS FAD workload decreased in FY 2023, with 485 requests for FADs received in FY 2023, compared to 525 requests received in FY 2022. CMAS also issued 376 procedural dismissal decisions compared to 129 in FY 2022.

#### *Report of Investigation Feedback Tool*

Throughout FY 2023, CMAS provided DHS agencies an objective assessment of the quality of their EEO Reports of Investigation (ROI) through the ROI Feedback Tool. Launched in FY 2016, the feedback tool enables CMAS to provide agencies quarterly feedback on the quality (i.e., legal sufficiency, organization, documentation) of their ROIs, whether prepared by internal personnel or by contractors. In addition, CMAS continued to disseminate aggregate information on the quality of contractor-produced ROIs within the DHS EEO program, which provides agencies with a snapshot of CMAS assessments of the quality of ROIs issued by all contract firms and allows agencies to make strategic decisions regarding their future ROI contractual needs. Throughout FY 2023, CMAS also provided the agencies with monthly reports on cases coming due for action to ensure the CMAS received timely FAD requests.

#### *Collaboration with DHS Agencies and other Stakeholders*

Along with EEO Directors' Council monthly meetings, CMAS led quarterly meetings with the Agency EEO Complaint Managers, providing opportunities for agencies' input on agenda topics, facilitating discussions, strengthening relationships, and enabling managers within this community to share challenges and provide input on solutions and best practices.

The CMAS EEO compliance program monitors agencies' implementation of remedial relief following findings of discrimination and reports compliance progress to the EEOC for EEOC-issued decisions in which discrimination was found. CMAS continued its collaboration with the EEOC's compliance officer to effectively address the Department's oldest cases pending full implementation.

CMAS staff developed, delivered, and attended training at a three-day CRCL EEO training conference, a key accomplishment pursuant to the EEO Directors' Council Strategic Plan. Attendees at this conference included more than 200 EEO professionals from DHS agencies and offices, and the conference, which included plenary sessions with opening remarks from Secretary Mayorkas and a panel discussion led by agency leaders, strengthened CRCL's commitment to unity of effort across the DHS EEO program.

## B. Diversity Management Section

The Diversity Management Section (DMS) provides leadership, guidance, and technical assistance to DHS agencies and offices on the Department's EEO and Diversity initiatives and the Women, Peace, and Security (WPS) initiatives. DMS leads the Departmental Special Emphasis Programs, which includes an American Indian/Alaska Native employment program; an Asian American, Native Hawaiian, and Pacific Islander employment program; a Black/African American employment program; Disability employment program; a Federal Women's program; a Hispanic employment program; and an LGBTQ+ employment program.

Special emphasis programs are integral to the success of the Department's EEO and diversity efforts to identify, mitigate, and eliminate potential barriers for employees in historically underrepresented groups in certain occupations, grades, or organizations. On behalf of the Department, DMS also prepares and submits mandatory annual EEO and diversity reports to the EEOC and to the U.S. Department of Education's White House Initiative on Historically Black Colleges and Universities. DMS also prepares the DHS input for the annual WPS Report to Congress.

### FY 2023 Accomplishments

#### *Reporting Requirements*

Throughout FY 2023, DMS prepared and submitted the following reports:

- DMS prepared and submitted to the EEOC the DHS Management Directive 715 Equal Employment Opportunity Program Status Report, which outlines the progress DHS has made in developing effective EEO programs as required by Title VII of the Civil Rights Act and the Rehabilitation Act.
- DMS prepared the Department of Homeland Security Annual Historically Black Colleges and Universities Plan, which requires DHS to identify existing programs and activities in which HBCUs could participate along with DHS's Department-wide projected plans.

- DMS prepared the annual WPS Report to Congress as mandated by the WPS Act of 2017. DMS also contributed significantly to the new 2023 WPS Strategy and National Action Plan, which will be released in FY 2024.

### ***Leadership, Guidance, and Technical Assistance***

DMS held quarterly meetings with DHS agencies and offices to review and discuss EEOC Management Directive 715 (MD-715) reporting requirements, workforce data, Special Emphasis programs, the Disability Employment program, Minority Serving Institutions and HBCU initiatives, EEO training plans, and emerging issues. DHS agency one-on-one meetings were held to discuss EEO Compliance metrics and barrier analysis efforts. The results of these activities increased compliance with EEOC MD-715 requirements from 92 percent in FY 2017 to 95 percent in FY 2023. In addition, the barrier analysis performance metric increased from 70 percent to 80 percent for analyses based on race, ethnicity, and gender from FY 2021 to FY 2022; for disability-related barrier analyses, the barrier analysis performance metric increased from 67 percent to 71 percent over this same period.

### ***Departmental Special Emphasis Programs***

In FY 2023, CRCL hosted several special emphasis observances with senior leadership participation.

- National Hispanic Heritage Month (October 2022)—*Unidos: Inclusivity for a Stronger Nation* featured keynote speaker María Luján, Director of Public Engagement, Office of Personnel Management.
- National Disability Employment Awareness Month (October 2022)—The theme, *Disability: Part of the Equity Equation*, reflects the important role people with disabilities play in a diverse and inclusive American workforce.
- National Native American Heritage Month (November 2022)—The theme, *Celebrating Respect, Culture, and Education*, invites us to celebrate the many vibrant cultures that comprise Indian Country and educational opportunities that enhance understanding of native issues and the government-to-government relationship.
- National Black History Month (February 2023)—The theme, *Black Resistance*, acknowledges the struggle, promotes the pride, and celebrates the achievements of the Black diaspora to gain equal rights in America.
- National Women’s History Month (March 2023)—The theme, *Celebrating Women Who Tell Our Stories*, is a tribute to women, past and present, who have devoted their lives to producing art, pursuing truth, and reflecting the human condition decade after decade.
- National Asian American, Native Hawaiian, and Pacific Islander Heritage Month (May 2023)—The theme, *Visible Together*, reminds us that the terms AA and NHPI do not encompass singular demographics but represent a powerful coalition because of its vastness and complexity.
- LGBTQI+ Pride Month (June 2023)—The theme *Voices for Change: Advocating for Inclusivity*, reminds us there is strength in solidarity and that we must use our voices, give a voice to the voiceless, and be an ally for the LGBTQI+ community.



DMS worked with DHS agencies and offices to form a Barrier Analysis Working Group to develop a barrier analysis bench strength across the Department, to share best practices in conducting barrier analyses and developing action plans, and to provide technical assistance and support to agencies.

The DMS Statistician prepared workforce data tables and shared the data with agency Special Emphasis Program Managers.

DMS participated in events and activities sponsored by the Department of Education's White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities. DMS staff served as the central point of contact for all Initiative-related programs, activities, and reports. DMS also sponsored DHS career webinars with Minority-Serving Institutions and partnered with other DHS agencies and office to increase exposure of DHS careers to Minority-Serving Institutions.

DMS successfully coordinated and completed the FY 2023 Women in Law Enforcement Mentoring Program Cohort. Launched in 2018, the program matches DHS female law enforcement officers with suitable mentors to provide support, feedback, and guidance on career growth and professional development mentees.

#### ***Departmental Disability Employment and Reasonable Accommodation Program***

The Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals with Disabilities continued to be a major effort in every DHS agency during FY 2023. The Department continued its recruitment initiatives for persons with disabilities and collaborated with the Office of the Chief Human Capital Officer (OCHCO) Strategic Talent Recruitment, Inclusive Diversity, and Engagement on the development of FY 2023 DHS disability hiring goals.

DMS convened quarterly meetings with DHS disability employment program leaders to review policies and programs. DMS reviewed, analyzed, and disseminated quarterly Schedule A hires and conversions data to all DHS agencies to increase career and career-conditional conversions after meeting the necessary requirements.

DMS worked with the Office of Accessibility and Usability (AU) to implement reasonable accommodation requests related to the Pregnant Workers Fairness Act (PWFA) into the Accessibility Compliance Management System (ACMS). This action allowed DHS to be compliant with the PWFA when it became law on June 27, 2023.

DMS instituted a quarterly reasonable accommodation reporting requirement for DHS agencies to identify reasonable accommodation programs that may need additional assistance prior to the previous annual reporting requirement.

In FY 2023, the Department hired 3,170 persons with disabilities out of 23,130 new hires (16.04 percent). In FY 2022, DHS hired 467 employees under the Schedule A Hiring Authority representing 3.67 percent of all new hires in non-law enforcement and non-

transportation security officer positions (DHS goal is 2.00 percent) and converted 217 eligible Schedule A employees from career-conditional to career status.

DMS successfully coordinated and completed the FY 2023 Disability Mentoring Program, which provides an opportunity for DHS employees with disabilities to connect with mentors who can offer critical insight and career advice to help support and navigate the next stages of their careers.

### ***Women, Peace, and Security Program***

Around the world, conflict and disasters adversely and disproportionately affect women and girls, yet women remain underrepresented in efforts to prevent and resolve conflict and in post-conflict peacebuilding or recovery efforts. Research has shown that peace negotiations are more likely to succeed and result in lasting stability when women participate. The Women, Peace, and Security Act of 2017 was signed into law on October 6, 2017. The Act recognizes the benefits derived from creating opportunities for women and girls to serve as agents of peace via political, economic, and social empowerment.

CRCL leads the DHS WPS program and oversees Department-wide efforts to increase WPS in every aspect of the Department's work. Throughout FY 2023, the WPS program led the following initiatives:

- Coordinated the following WPS observances: Anniversary of United Nations Security Council Resolution 1325 on WPS (October 2022), Sixteen Days of Activism Against Gender-Based Violence (November–December 2022), National Women's History Month (March 2023), Sexual Assault Awareness Month (April 2023), Equal Pay Day (June 2023), Women's Equality Day (August 2023).
- Established a WPS internship program to train undergraduate students on WPS. Four undergraduate students were selected for internships in FY 2023.
- Provided monthly trainings to DHS personnel on WPS and gender policy through the DHS Gender Policy Working Group.
- Represented DHS at national and international WPS focal point meetings where the WPS team advocated and educated attendees about the implementation of WPS at DHS. CRCL and DMS also represented DHS at meetings with the Congressional WPS Caucus to discuss the WPS accomplishments and alignment to the WPS Strategy and National Action Plan.
- Coordinated with the White House Gender Policy Council and provided DHS's input on the National Action Plan to End Gender-Based Violence. DMS also developed the DHS Implementation Plan to Prevent and Respond to Gender-Based Violence Globally.

## **C. Alternative Dispute Resolution Program**

DHS is committed to effectively and efficiently resolving EEO complaints by providing civilian employees access to ADR methods. As a model employer, DHS recognizes early resolution of EEO complaints through mediation provides faster, less expensive, and longer-lasting results in comparison to litigation. The DHS Headquarters Alternative Dispute Resolution Program

helps individuals resolve workplace disputes and provides an alternative to the traditional EEO complaint process through mediation.

In FY 2023, the ADR program saw a significant increase in mediator requests across the Department. The program received 481 requests from DHS agencies (an increase of 14 percent from 422 in FY 2022) and 45 mediation requests from Headquarters in FY 2023. The program also saw an increase in settlements across the Department (146 settlements in FY 2023, compared to 52 settlements in FY 2022).

Mediators on the DHS Shared Neutrals roster, a group of DHS-trained collateral duty mediators, participated in two refresher training courses: the EEO process and drafting settlement agreements in mediation. DHS mediators also participated in a weeklong training course offered by the Federal Mediation and Conciliation Service during Conflict Resolution Month in October. ADR coordinated the Department-wide recognition of Conflict Resolution Month through video vignettes, print media, and advertising promoting the use of ADR to address workplace conflict.

In FY 2023, the ADR Section held its first ADR Symposium, bringing together all DHS ADR professionals for a day of skill building, exchanging of ideas, and networking.

## **D. Anti-Harassment Unit**

The DHS Headquarters Anti-Harassment Unit (AHU) is responsible for conducting inquiries into reports of harassment brought by DHS Headquarters employees. The process is separate from the EEO complaint process. AHU received an unprecedented 91 new complaints in FY 2023. AHU also closed 76 complaints, and the average processing time was 226 days.

In FY 2023, AHU conducted “Preventing Workplace Harassment” training to several DHS agencies and office to educate supervisors and managers on their roles and responsibilities when receiving a report of harassment, AHU’s process in conducting inquiries into reports of harassment, and the role employee relations plays in addressing reports of harassment. In addition, CRCL is responsible for ensuring that all DHS employees take mandatory annual training through the departmental learning management systems on preventing workplace harassment. Finally, AHU updated the Department’s Anti-Harassment Policy and is currently awaiting front office signature.

## **E. Headquarters Equal Employment Opportunity Office**

The DHS Headquarters EEO Office (HQ EEO) provided EEO services to more than 6,200 DHS Headquarters employees and program offices by enforcing compliance with EEO laws, regulations, and mandates; providing guidance to Headquarters management officials and employees on EEO and diversity; preventing and addressing unlawful employment discrimination; and ensuring that all Headquarters employees have a working environment which is free from unlawful discrimination, harassment, or reprisal and which will support them in the fulfilling the mission to protect the homeland.

## **FY 2023 Accomplishments**

### ***Complaint Processing***

In FY 2023, HQ EEO completed a total of 96 pre-complaint counseling sessions, of which 98 percent (94 out of 96) were completed timely. HQ EEO also completed a total of 45 EEO investigations of which percent (44 out of 45) were completed timely. Despite significant reductions in staff, HQ EEO increased investigation timeliness by 35 percent. In FY 2023, HQ EEO ceased processing CISA's EEO complaints, which led to a slight decrease in overall complaint processing.

### ***Services and Proactive Engagement***

In FY 2023, HQ EEO maintained a regular training cadence, informing employees about EEO and diversity issues. HQ EEO provided EEO briefings at New Employee Orientations for all incoming employees. HQ EEO staff also provided EEO and reasonable accommodation trainings during the quarterly Human Resources Essentials training courses aimed at developing new HQ supervisors. HQ EEO staff also provided reasonable accommodations trainings to I&A, S&T, the Office of the Chief Security Officer, and the Office of the Chief Procurement Officer. In addition, HQ EEO provided trainings and presentations at a variety of HQ Town Halls, all-staff meetings, and supervisor and manager meetings, as requested. The trainings covered the following topics: EEO updates, complaint processing refreshers, and diversity and inclusion concepts such as dignity and respect. HQ EEO also provided executive-level briefings on program-wide EEO activities.

HQ EEO also continued to make strides in FY 2023 in growing its Reasonable Accommodation (RA) program. In addition to handling daily contacts from employees and managers seeking advice and guidance on the RA process and disability rights and responsibilities, HQ EEO processed RA requests from 193 employees, applicants for employment, and contractors at DHS Headquarters. The RA Program also engaged in an active training tempo, including providing the following: RA trainings for supervisors and managers, as well as for employees at several Headquarters offices; and trainings on Reassignment as Reasonable Accommodation of Last Resort to OCHCO, HR staff. Quarterly Disability Dialogues Sessions were provided to all Headquarters employees including the following: Career Development and Advancement for Employees with Disabilities, Accessibility-AT and Software Types of Accommodations, Reasonable Accommodation Process, and Reassignment as Reasonable Accommodation of Last Resort. Moreover, the RA program assisted in various programs that advance the disability programs at the Departmental level, including participation in the Department's Individuals with Disabilities/Individuals with Targeted Disabilities Barrier Analysis team meetings and contributing to the drafting, editing, and data analysis of documents.

# 11 CONCLUSION

CRCL staff work with dedication and vigor each day to secure the country while protecting our freedoms, including core civil rights values of liberty, fairness, and equality under the law. For more information, including prior congressional reports, testimony, training materials, and additional information, please visit CRCL's website at [www.dhs.gov/crcl](http://www.dhs.gov/crcl).

# APPENDIX A: DHS CIVIL RIGHTS AND CIVIL LIBERTIES AUTHORITIES

## Statutes

- **6 U.S.C. § 111; Section 101, Homeland Security Act of 2002 (as amended)—DHS Mission.** Requires that the Department ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland.
- **6 U.S.C. § 113; Section 103, Homeland Security Act of 2002 (as amended)—Other Officers.** The Officer for Civil Rights and Civil Liberties is appointed by the President.
- **6 U.S.C. § 345; Section 705, Homeland Security Act of 2002 (as amended)—Establishment of Officer for Civil Rights and Civil Liberties.** Authorizes the CRCL Officer to investigate complaints, provide policy advice to Department leadership and agencies on civil rights and civil liberties issues, and communicate with the public about CRCL and its activities. The statute also requires coordination with the DHS Chief Privacy Officer and Inspector General and directs submission of this annual Report to Congress.
- **42 U.S.C. § 2000ee-1; Section 803, Implementing Recommendations of the 9/11 Commission Act of 2007—Privacy and Civil Liberties Officers.** Provides additional authority to investigate complaints, review Department activities and programs for their civil liberties impact, and communicate with the public about CRCL and its activities. This statute also ensures CRCL's access to information and individuals needed to carry out its functions, forbids reprisal against complainants, requires general coordination with the Inspector General, and directs the Officer for Civil Rights and Civil Liberties to report, semi-annually, to Congress.
- **20 U.S.C. § 1681 et seq. (Title IX); Education Amendments Act of 1972—Nondiscrimination Based on Sex.** Under Delegation 19003 (see below), CRCL is responsible for ensuring all federally assisted and federally conducted programs or activities of the Department comply with Title IX.
- **29 U.S.C. § 794 (Section 504); Rehabilitation Act of 1973 (as amended)—Nondiscrimination Under Federal Grants and Programs.** Prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance or under any program or activity conducted by DHS. Under Delegation 19003 (see below), CRCL is responsible for ensuring all federally assisted and federally conducted programs or activities of the Department comply with the Rehabilitation Act of 1973, as amended.
- **42 U.S.C. §§ 2000d to 2000d-7 (Title VI); Civil Rights Act of 1964.** Prohibits against exclusion from, participation in, denial of benefits of, and discrimination under federally assisted programs on the grounds of race, color, or national origin. Under Delegation 19003 (see below), CRCL is responsible for ensuring all federally assisted and federally conducted programs or activities of the Department comply with Title VI.

- **42 U.S.C. §§ S 6101-6107 (Age Act); Age Discrimination Act of 1975 (as amended).** Prohibits discrimination in federally supported activities on the basis of age.

## Regulations

- **6 C.F.R. pt. 15.** Forbids discrimination on the basis of disability in programs or activities conducted by the Department of Homeland Security. This regulation effectuates Section 504 of the Rehabilitation Act of 1973 (as amended), 29 U.S.C. § 794.
- **6 C.F.R. pt. 17.** Forbids discrimination on the basis of sex in education programs or activities receiving federal financial assistance. This regulation effectuates Title IX of the Education Amendments of 1972 (as amended), 20 U.S.C. § 1681 et seq.
- **6 C.F.R. pt. 19.** Affirms that faith-based organizations are able to seek and receive DHS financial assistance to administer social service programs on the same basis as other organizations and assures nondiscrimination against beneficiaries of those programs; complaints of violations may be considered by CRCL. This regulation effectuates Executive Orders 13279 and 13559.
- **6 C.F.R. pt. 21.** Forbids discrimination on the basis of race, color, or national origin (including limited English proficiency) in programs or activities receiving federal financial assistance from the Department of Homeland Security. This regulation effectuates the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
- **6 C.F.R. pt. 115.** Sets forth standards to prevent, detect, and respond to sexual abuse in DHS immigration detention facilities and holding facilities. This regulation effectuates the Prison Rape Elimination Act of 2003, 42 U.S.C. § 15601 et. seq.

## Executive Orders

- **Executive Order 11478 (as amended by Executive Orders 11590, 12106, 13087, 13152, and 13672), *Equal Employment Opportunity in the Federal Government* (August 8, 1969).** Prohibits federal employment discrimination on the basis of race, color, religion, sex, national origin, handicap, age, sexual orientation, or status as a parent.
- **Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994).** Requires each federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the U.S.
- **Executive Order 13107, *Implementation of Human Rights Treaties* (December 10, 1998).** Requires the Secretary to designate a single official as the interagency point of contact for coordination of human rights treaties implementation; the Secretary has so designated the Officer for Civil Rights and Civil Liberties.
- **Executive Order 13145, *To Prohibit Discrimination in Federal Employment Based on Genetic Information* (February 10, 2000).** Prohibits federal employment discrimination on the basis of protected genetic information.



- **Executive Order 13160, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs (June 23, 2000).** Holds the Federal Government to the same nondiscrimination principles relating to educational opportunities as those that apply to the education programs and activities of state and local governments, and to private institutions receiving federal financial assistance.
- **Executive Order 13163, *Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government* (July 28, 2000).** Promotes increasing opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal Government, and supports the goals articulated in section 501 of the Rehabilitation Act of 1973, 29 U.S.C. § 791.
- **Executive Order 13164, *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation* (July 26, 2000).** Requires federal agencies to establish procedures to facilitate the provision of reasonable accommodation, and to submit a plan to do so to EEOC within one year.
- **Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000).** Requires federal agencies to take reasonable steps to promote meaningful access to federally conducted and federally funded programs and activities for people with limited English proficiency.
- **Executive Order 13256, *President's Board of Advisors on Historically Black Colleges and Universities* (February 12, 2002).** Establishes Board of Advisors on Historically Black Colleges and Universities.
- **Executive Order 13270, *Tribal Colleges and Universities* (July 3, 2002).** Establishes Board of Advisors on Tribal Colleges and Universities and the White House Initiative on Tribal Colleges and Universities.
- **Executive Order 13279, *Equal Protection of the Laws for Faith-based and Community Organizations* (December 12, 2002).** Establishes baseline principles for participation of faith-based organizations in funded social service programs.
- **Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness* (July 26, 2004).** Promotes the safety and security of individuals with disabilities in emergency and disaster situations. The Executive Order also created an Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities, which is chaired by the Secretary of the Department of Homeland Security. The Officer for Civil Rights and Civil Liberties was designated by the Secretary to carry out these duties from 2004-2012. In January 2012, the Secretary transferred the leadership from CRCL to FEMA's Administrator and designee, the Office of Disability and Integration Coordination.
- **Executive Order 13515, *Increasing Participation of Asian Americans and Pacific Islander in Federal Programs* (October 19, 2009).** Establishes an Advisory Commission as well as a White House Initiative on Asian Americans and Pacific Islanders, and requires participating agencies, including DHS, to prepare plans to increase those populations' participation in federal programs where they may be underserved.

- **Executive Order 13559, *Fundamental Principles and Policymaking Criteria for Partnerships with Faith-based and Other Neighborhood Organizations* (November 17, 2010).** Amends Executive Order 13279, providing new religious liberty protections for beneficiaries of federally funded social service programs, while adding new protections for the ability of religious providers to compete for government funds on the same basis as any other private organization.
- **Executive Order 13636, *Improving Critical Infrastructure Cybersecurity* (February 12, 2013).** Directs Executive Branch efforts to enhance the security and resilience of the Nation’s critical infrastructure and to maintain a cyber environment that, among other things, incorporates strong civil liberties and privacy protections into every initiative to secure our critical infrastructure.
- **Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (January 20, 2021).** Requires agencies to pursue a comprehensive approach to advancing equity for all, including people of color and those who have historically been underserved, marginalized, and adversely affected by persistent poverty and inequality.
- **Executive Order 13988, *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* (January 20, 2021).** Establishes that the official policy of the Administration “to prevent and combat discrimination on the basis of gender identity or sexual orientation, and to fully enforce Title VII of the Civil Rights Act of 1964 and other laws that prohibit discrimination on the basis of gender identity or sexual orientation.”
- **Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (January 20, 2021).** Directs agencies to review, and take action to address, Federal regulations that conflict with national objectives to improve public health and the environment; ensure access to clean air and water; limit exposure to dangerous chemicals and pesticides; hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; reduce greenhouse gas emissions; bolster resilience to the impacts of climate change; restore and expand our national treasures and monuments; and prioritize both environmental justice and employment.
- **Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021).** Places the climate crisis at the forefront of foreign policy and national security planning. “The United States will work with other countries and partners, both bilaterally and multilaterally, to put the world on a sustainable climate pathway. The United States will also move quickly to build resilience, both at home and abroad, against the impacts of climate change that are already manifest and will continue to intensify according to current trajectories.”
- **Executive Order 14010, *Creating a Comprehensive Regional Framework to Address the Causes of Migration, To Manage Migration Throughout North and Central America, and To Provide Safe and Orderly Processing of Asylum Seekers at the United States Border* (February 2, 2021).** Implements a three-part plan for safe, lawful, and orderly migration across the Southern Border, as well as to review the Migrant Protection Protocols program. The order also directs a series of actions to restore the U.S. asylum system.

- **Executive Order 14011, *Establishment of Interagency Task Force on the Reunification of Families* (February 2, 2021).** Establishes an Interagency Task Force on the Reunification of Families to facilitate and enable the reunification of children who were separated from their families at the U.S.–Mexico border between January 20, 2017, and January 20, 2021.
- **Executive Order 14012, *Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans* (February 2, 2021).** Affirms that the Federal Government should develop welcoming strategies that promote integration and inclusion.
- **Executive Order 14015, *Establishment of the White House Office of Neighborhood Partnerships* (February 18, 2021).** Establishes a White House Office of Faith-Based and Neighborhood Partnerships to establish policies, priorities, and objectives for the federal government’s effort to enlist, equip, enable, empower, and expand the work of community-serving organizations.
- **Executive Order 14019, *Promoting Access to Voting* (March 7, 2021).** Requires agencies to expand access to, and education about, voter registration and election information, and to combat misinformation, in order to enable all eligible Americans to participate in our democracy.
- **Executive Order 14020, *Establishment of the Gender Policy Council* (March 8, 2021).** Requires agencies to advance equal rights and opportunities, regardless of gender or gender identity, by promoting workplace diversity, fairness, and inclusion across the federal workforce and military.
- **Executive Order 14031, *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders* (May 28, 2021).** Establishes a White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, as well as a Presidential Advisory Commission, both of which aim to advance equity, justice, and opportunity among these groups.
- **Executive Order 14041, *White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities* (September 3, 2021).** Advances educational opportunities and reduces barriers to expand programming for Historically Black Colleges and Universities (HBCU), as well as strengthen capacity to participate in Federal programs.

## Delegations and Directives

- **Management Directive 3500.** Operationalizes Roles of the Officer for Civil Rights and Civil Liberties and the Office of the Chief Counsel.
- **Management Directive 4010.2.** Establishes the DHS Section 508 Program Management Office within the DHS Office of the Chief Information Officer and establishes policy regarding Electronic and Information Technology accessibility.
- **Delegation 19000.** Delegation to the Deputy Officer for Equal Opportunity Programs.
- **Delegation 19001.** Delegation to the Deputy Officer for Civil Rights and Civil Liberties Programs and Compliance.
- **Delegation 19003.** Delegation to the Officer for CRCL for Matters Involving CRCL, Including EEO and Workplace Diversity.

- **Delegation 19004.** Delegates authority to provide DHS-wide guidance and oversight on the implementation of 8 United States Code (U.S.C.) Section 1367 confidentiality and prohibited source provisions (relating to applicants and petitioners for and beneficiaries of VAWA, T nonimmigration status, or U nonimmigration status protections) in accordance with 8 U.S.C. 1367(d) and Section 810 of the Violence Against Women Reauthorization Act of 2013.
- **Delegation 19005.** Delegation of Authority to Disclose Section 1367 Information to National Security Officials for National Security Purposes.
- **Directive 002-02.** Implementation of Section 1367 Information Provisions.
- **Directive 046-01.** Directive, Office for Civil Rights and Civil Liberties.
- **Directive 065-01.** Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment).
- **Directive 065-02.** Establishes the Department's Special Emphasis Program policy and requirements.
- **Directive 065-04.** Establishes the Department's Equal Employment Opportunity Alternative Dispute Resolution Program.
- **Directive 256-01.** Anti-Harassment Policy.
- **Directive 259-01.** Provides Reasonable Accommodations for Employees and Applicants with Disabilities.
- **Directive 262-01.** Effectuates a Data Integrity Board for the Department of Homeland Security and provides policies for engaging in and approving Computer Matching Agreements that fall under the Privacy Act of 1974, as amended (5 U.S.C. § 552a).

# APPENDIX B: ADDITIONAL COMPLIANCE INVESTIGATION SUMMARIES

The below provides additional summaries of complaint investigations, including expert work in immigration detention resulting in key civil rights findings and recommendations and the informal advice we provided to DHS agencies to supplement the formal recommendations provided in the main body of this annual report.

## FY 2023 Additional Investigation Summaries

### 1. Protecting Civil Rights and Civil Liberties in the Use of Emerging Technologies and Social Media (Continued)

#### Informal Advice

##### *ICE's Use of Commercial Facial-Recognition Systems*

Compliance opened an investigation into concerns regarding ICE HSI's use of Clearview AI, specifically that the use of a commercial FRS had not been independently tested and/or verified. In February 2023, Compliance advised that ICE HSI require third-party validation of all commercial FRS to verify the reported face-recognition accuracy. Similarly, Compliance also requested that ICE HSI conduct operational testing of commercial FRS prior to use to assess the performance of the FRS in an operational environment and any potential disparate impacts based on demographic differences.

##### *Notification of TSA's Use of Facial Recognition Technology*

Compliance investigated allegations that TSA used facial-recognition technology as part of its Credential Authentication Technology-2 (CAT-2) Proof of Concept to screen airline travelers without providing them adequate notice, securing their consent, or allowing them to opt out and be screened manually. Compliance found that TSA's policies and standard operating procedures were designed so that passengers could affirmatively opt in or opt out. In September 2023, Compliance requested that local airport leadership ensure that signs about the program be posted and visible at the entrance to screening checkpoint queues and at each CAT-2 unit location and that all TSOs receive up-to-date training to ensure that passengers can opt out.

##### *Notification of Facial Recognition Technology at San Ysidro Port of Entry (POE)*

Compliance received a complaint from a U.S. Customs and Border Protection Officer (CBPO) alleging he was subject to discrimination, specifically, that the insistence that he, a U.S. citizen, have a Global Entry photo taken, was due to discrimination. Compliance did not find evidence of discrimination; however, Compliance advised CBP that as U.S. citizens are not required to have their photo taken during Global Entry inspections, CBP should ensure that "signage in clear language is displayed where all passengers and travelers can see them and stay informed about the process and technology" as required by CBP policy. Compliance

also advised that San Ysidro issue a muster reminding officers of current CBP policy and review the location and visibility of required signage.

## **2. Preserving Constitutional Compliance and Overseeing Agency Accountability (Continued)**

### **Informal Advice**

#### **ICE**

##### ***Legal Mail Confiscation at Eloy Federal Contract Facility***

Compliance investigated a complaint alleging that the facility was withholding noncitizens' legal mail. Compliance found that confiscation of legal mail without providing a certified copy of the documents did not comply with the 2011 Performance-Based National Detention Standards (2011 PBNDS, as revised in 2016). In June 2023, Compliance requested that ICE require the facility to implement a process that ensures certified copies of confiscated legal mail are provided promptly to noncitizens and work with the field office and facility to provide training and/or guidance on legal mail procedures and requirements.

##### ***Due Process and Notice to Counsel***

Compliance investigated two complaints related to timely notice to attorneys when noncitizens are transferred between ICE facilities and AORs. In one investigation, Compliance found that ICE did not comply with ICE Policy 11022.1, Detainee Transfers,<sup>19</sup> because ICE did not notify a noncitizen's attorney of her client's transfer or document the notification in ICE's database. In the second investigation, Compliance found that ICE complied with the policy but unnecessarily delayed the complainant's legal proceedings by transferring him on the day of his immigration court hearing. Compliance requested that ERO provide refresher training on ICE Policy 11022.1 to ICE ERO officers and leadership in the Philadelphia, Houston, and Detroit AORs and implement quality assurance practices.

##### ***Effective Communication with the Legal Representative of a Detained Noncitizen Who Is on a Hunger Strike***

Compliance investigated a complaint alleging that ICE failed to respond to requests from the legal representative of five hunger-striking noncitizens, including about their medical status and that ICE did not properly engage in requests for independent medical reviews. Compliance determined that ICE's response to providing medical information was incomplete. In November 2022, Compliance requested that ICE issue a broadcast to the field offices to remind officers of the importance of supporting a noncitizen's legal access and highlighting certain situations, such as hunger strikes and medical events, where enhanced and timely communication is particularly important.

##### ***Legal Access at the Florence Correctional Center***

Compliance investigated a complaint alleging barriers to legal calls and in-person visitation

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<sup>19</sup> ICE Policy 11022.1: Detainee Transfers, January 4, 2012.

at the facility. Compliance found that the facility did not fully comply with the legal access requirements in the governing 2008 PBNDS. In March 2023, Compliance requested that ICE work with the facility to establish adequate private meeting space for legal visits and develop a new process for scheduling legal calls and in-person visitation that meaningfully accommodates interpretation services.

#### ***Operation Whistle Pig: Misuse of Government Systems and First Amendment Violations***

In December 2021, Compliance initiated an investigation alleging a CBP employee misused government systems and committed First Amendment violations related to Operation Whistle Pig. In a March 15, 2022, memo, the Acting CBP Commissioner ordered a 45-day review of CBP's Counter Network Division (CND) operations in response to the issues raised by the 2017 Operation Whistle Pig incident involving a journalist where CBP personnel misused their positions and access in violation of CBP policies. As per the direction of the Commissioner, the review was conducted with input from DHS oversight offices, including CRCL. CRCL's SIIP section advised CBP on incorporating all appropriate civil rights and civil liberties protections into CND operations. In March 2022, Compliance also referred the case to CBP's Office of Professional Responsibility (OPR). In August 2023, Compliance requested that CBP OPR furnish additional information, including any concerns identified in their investigation, and report them to Compliance.

#### ***Gang Member Identification***

Compliance investigated a complaint alleging that a noncitizen had been incorrectly classified as a gang member. Compliance found that ICE had flagged the noncitizen as a gang member in its database despite ICE finding that there were no indications of the noncitizen being in a gang. In February 2023, Compliance requested that ICE remove the gang member flag or properly document the basis for classifying the noncitizen as a gang member.

#### ***ICE OPR's Investigative Practices***

Compliance found delays related to three ICE OPR referred investigations and that the quality of investigations was inconsistent. In March 2022, Compliance requested that ICE OPR conduct random sampling of the investigative reports issued to Compliance over the previous two years and develop a training for OPR investigators addressing best practices for conducting investigations into complaint allegations referred to OPR by Compliance.

#### ***Allegations of Retaliation at the Imperial Regional Detention Facility***

Compliance investigated a complaint alleging that facility staff retaliated against a detained noncitizen. Shortly after, other allegations of retaliation at the facility were received. In January 2023, Compliance issued informal advice to ICE suggesting that it monitor the facility for instances of retaliation for a 90-day period to appropriately gauge and assess the ongoing claims raised against the facility.

#### ***Removals During Board of Immigration Appeals Stay***

Compliance investigated two complaints alleging ICE wrongfully removed noncitizens during their appeal period with the Board of Immigration Appeals. In February 2023, Compliance



requested ICE issue guidance with specific procedures that ICE personnel follow before executing removals.

## CBP

### ***Tardy CBP Death Notifications***

Compliance investigated a complaint alleging a vehicle pursuit resulting in the death of two non-citizens, with another eight suffering injuries. The death notification was received from CBP more than a month after the incident, which does not adhere to House Report 116-458, which requires CBP to notify Compliance within 24 hours of an in-custody death or when CBP personnel are involved in the death. In April 2023, Compliance requested CBP abide by House Report 116-458 regarding death notifications.

### ***CBP Inadmissibility Determinations***

Compliance investigated allegations that, despite a noncitizen presenting with a current I-94 stating that the noncitizen had been admitted to the U.S. as a refugee, USBP determined the noncitizen not admissible, resulting in detention of the noncitizen. Compliance found that USBP did not query and review all available internal and interagency systems prior to making its inadmissibility determination. In June 2023, Compliance advised CBP to strengthen its internal and interagency checks to confirm the immigration status of encountered individuals.

### ***Processing H-1B1 Visa Holders at Airports***

Compliance investigated a complaint alleging that CBP discriminated based on gender and ethnicity when a CBP Officer allegedly demanded a Form I-797 Notice of Action despite the complainant's possession of an H-1B1 nonimmigrant specialty occupation employment visa, resulting in a referral to secondary inspection. Compliance did not substantiate allegations of discrimination; however, Compliance determined that the CBP Officer should not have requested a copy of an I-797, per guidance. On June 1, 2023, Compliance advised CBP to reiterate prior guidance to CBP Officers at Logan International Airport.

### ***Cancellation of Global Entry Privileges***

Compliance initiated an investigation related to CBP's Trusted Traveler Vetting program. Compliance determined that the program does not have sufficient processes and procedures in place to ensure that adverse determinations are made based on appropriate security concerns. Compliance suggested that CBP clarify the standards CBP uses to determine denials or revocations based on national security concerns.

## **3. CBP Apprehensions and Processing at the Southern Border (Continued)**

### **Informal Advice**

#### ***Late Returns Under Title 42***

Compliance investigated a complaint alleging that CBP was expelling young children to Mexico after midnight under the Title 42 public health order. Compliance found little consistency from sector to sector in the timing of expulsions. CBP allowed some expulsions,

including those of families with children, at late hours, putting noncitizens at risk. In July 2023, Compliance requested that if CBP reimplements Title 42 (or another similar program) that CBP take measures to ensure the safety of noncitizens to the greatest extent possible during expulsions.

#### ***Preventing Unnecessary Family Separation***

Compliance investigated complaints alleging that CBP separated families upon encounter near the Southern Border and utilized different immigration processing pathways for family members, resulting in family separations. Compliance found that a lack of written guidance instructing agents to ask specific questions about family relationships at the time of encounter made identifying and documenting apprehended family units and family unreliable, possibly resulting in unnecessary family separation. On July 21, 2023, Compliance strongly encouraged that—at the time of encounter and again during processing—CBP inquire about and record whether individuals traveled with a spouse or minor child and whether minors traveled with a parent/legal guardian. Compliance further advised that CBP keep family units and spouses together during transport and during processing at CBP facilities. Finally, Compliance encouraged CBP to explore ways to facilitate reunification or put claimed family members in the same processing pathway.

#### ***Expulsion of Noncitizens Who Are Pregnant or Who Have a Disability***

Compliance investigated complaints involving expulsion under the Title 42 public health order of a family with a child with severe physical and mental disabilities and of a woman who was in her third trimester of pregnancy. Compliance found that although CBP policy identified pregnancy and disability as factors weighing in favor of an exception to expulsion under Title 42, there was no indication that these were considered. In September 2023, Compliance requested that CBP reissue guidance reminding CBP personnel to follow all applicable policies and procedures during encounters with pregnant persons. Compliance also encouraged CBP to consider mechanisms for identifying at-risk populations for prioritizing access to processing. Finally, Compliance advised, should Title 42 or a similar program be reinstated, CBP to require a totality of the circumstances assessment for persons with a disability or during a third-trimester pregnancy.

#### ***Equal Opportunities to Seek Humanitarian Protection***

Compliance investigated a complaint alleging that, in the wake of Russia's war against Ukraine, Ukrainian migrants appeared to be given more access to opportunities to seek humanitarian protection in the U.S. than noncitizens from other countries experiencing high levels of conflict and violence. In December 2022, Compliance suggested that, in future development of policies impacting access to humanitarian protection programs and other immigration processing, CBP take special care to ensure equal access to immigration processing and expressly consider the potential for perceived disparity based on immutable characteristics such as nationality and race.

#### ***Handling of Nursing Mother in Custody***

Compliance investigated a complaint alleging that a nursing mother being detained overnight by CBP at the Calexico West POE was denied use of a breast pump her husband tried to deliver to the facility. Compliance found that CBP staff interviewed were not familiar

with relevant CBP policy and did not refer the complainant to medical personnel as CBP policy requires for all nursing women. In March 2023, Compliance requested that CBP issue a muster to all Calexico West personnel regarding breastfeeding individuals, inform personnel that individuals in custody should be permitted use of a breast pump if one is provided, and clarify in relevant policies that “nursing” includes using a breast pump.

### ***Migrant Protection Protocols (Court-Ordered) Complaints***

Compliance investigated multiple complaints alleging that the court ordered reimplementing of Migrant Protection Protocols (MPP) raised serious civil rights concerns. Compliance found numerous instances where vulnerable populations, such as Black, Indigenous, and LGBTQ+ people, all of whom face discrimination in Mexico were placed in MPP, that the principle of *non-refoulement* was implicated. In January 2023, Compliance suggested a “Remain in Mexico” program cannot be implemented consistent with the Department’s civil rights and civil liberties obligations. Compliance requested that if CBP considers reimplementing such a program in the future civil rights concerns be taken into account.

### ***Public Charge Rule***

Compliance investigated two complaints alleging that CBP Officers found B-1/B-2 visa holders inadmissible on public charge grounds for attempting to obtain COVID-19 vaccines. The complaints further alleged that officers improperly canceled, or threatened to cancel, the complainants’ visas. Compliance found that the officers’ actions were inconsistent with Department guidance on public charge determinations. In February 2023, Compliance requested that CBP ensure training and guidance on the revised public charge rule reiterate that treatments or preventive services related to COVID-19, including vaccinations, should not be considered in public charge determinations.

### ***Conditions at the San Ysidro Open-Air Corridor***

Compliance investigated a complaint alleging that CBP was violating CBP policy and international human rights by failing to provide water, food, shelter, sanitation, and medical assistance to migrants detained in the open-air corridor between the primary and secondary walls west of the San Ysidro POE. Compliance expressed concern about the conditions at the site, and Compliance requested that CBP have humanitarian assistance plans for emergent circumstances.

### ***Handling Identity Documentation at the Otay Mesa POE***

Compliance investigated a complaint alleging that CBP violated the rights of two U.S. citizens. Complainants alleged they were racially profiled and referred to secondary inspection at the Otay Mesa POE, where CBP Officers confiscated their identity documents and failed to return them after inspection. Compliance found that the allegation of racial discrimination was unsubstantiated. However, Compliance also found that by failing to document the possession and eventual return of Complainants’ personal identity documents, CBP officers did not follow OFO policy. In September 2023, Compliance advised CBP to remind officers of the procedures for handling personal property to ensure proper documentation.

### ***Discarded Personal Property at Yuma***

Compliance investigated two separate complaints alleging, among other things, that USBP discarded the complainants' excess personal property, including one of the complainant's foreign medications and dietary supplements. In July 2023, Compliance sent informal advice to CBP suggesting that the facility modify its personal property procedures and review the medical care practices relating to prescription medication and dietary supplements.

## **4. Protecting Civil Rights and Civil Liberties in ICE Custody (Continued)**

### **Key Civil Rights Findings and Recommendations:**

#### ***Moshannon Valley Processing Center***

In August 2022, Compliance conducted a spot check at the facility with one SME in response to a high number of use-of-force incidents and sexual assault allegations. In November 2022, Compliance issued a Key Civil Rights Findings and Recommendation Memorandum with 29 recommendations. In May 2023, ICE concurred with nine recommendations, partially concurred with seven, and non-concurred with 13. ICE agreed to take the following actions as a result of Compliance's recommendations: training on After-Action Reviews following use-of-force incidents; reviewing use-of-force incidents captured on video to identify areas for improvement; reviewing cost assessments for additional camera coverage; providing the facility's Prevention Against Sexual Assault Coordinator specialized PREA and SA-API training; and reminding staff of the availability of language line interpretation services and to avoid using other noncitizens for translation and interpretation.

#### ***Baker County Sheriff's Office***

In September 2022, Compliance conducted a spot check at the facility with SMEs. The spot check followed a multidisciplinary onsite investigation that Compliance conducted ten months prior in November 2021 after Compliance opened 25 complaints alleging numerous previously identified concerns, including verbal, emotional, and physical abuse by staff; racial discrimination; language access; and legal access. The complaints also raised new concerns, such as inadequate medical care and retaliation by staff. In December 2022, Compliance issued a Key Civil Rights Findings and Recommendation Memorandum with 19 recommendations. In June 2023, ICE concurred with eight recommendations, partially concurred with five, and non-concurred with six. ICE agreed to provide preventive health education and care for women as part of comprehensive and annual health appraisals; ICE agreed to improve the medical triage process; and ICE and the facility agreed to hire a full-time chaplain and spiritual counselor and acquired religious materials for non-Christian denominations in languages other than English.

#### ***Krome North Service Processing Center***

In February 2023, Compliance conducted a targeted onsite investigation at the facility focused on the intersection of use of force and mental health with two SMEs. In August 2023, Compliance issued a Key Civil Rights Findings and Recommendation Memorandum with 14 recommendations addressing issues including use-of-force policies, use-of-force equipment, After-Action Reports, and quality of mental health care.

## Informal Advice

### ***Land Transportation Issues***

Compliance investigated a complaint alleging that a noncitizen was detained in a van for about six hours during transit to an immigration court hearing. The noncitizen alleged that he was only given one bottle of hot water and a sack lunch during the transit, which occurred in July in Laredo, Texas. Compliance found that the facility failed to record the meal provided to the noncitizen during his transfer and failed to provide the noncitizen with a constant supply of drinking water and ice, as required by 2011 PBNDS (as revised in 2016), Section 1.3. In August 2023, Compliance suggested that ICE instruct transportation officers to record any meals or snacks provided to noncitizens in transit as required and ensure that training is provided to HQ and Field Office staff.

### ***Safe Transportation of Noncitizens to and from Offsite Appointments***

Compliance investigated a complaint alleging that, during contract transport from an off-site medical appointment, a noncitizen was injured and required medical care as a result. Compliance found the officer's incident report lacked critical information, including whether the van had seat belts, whether the noncitizen was secured using a seat belt, and whether the officers witnessed the noncitizen's alleged fall. In February 2023, Compliance requested that ICE issue a Field Broadcast reminding personnel to properly use seat belts or other restraints to prevent injury in the event of sudden stops and to fully document any transportation accidents in incident reports.

## Agency Responses to Key Civil Rights Findings and Recommendations Memoranda from Prior Fiscal Years

### ***September 2021, Pine Prairie Detention Center***

In September 2021, CRCL conducted a virtual, targeted onsite investigation at the facility. In June 2022, CRCL sent ICE a Key Civil Rights Findings and Recommendations Memorandum with four recommendations in the area of conditions of detention. In October 2022, ICE partially concurred with two recommendations and non-concurred with two. Highlights of recommendations that ICE agreed to implement include providing translation or interpretative services of documents, such as grievance responses, to noncitizens with LEP.

### ***May 2022, Orange County Jail***

In May 2022, CRCL conducted a spot check investigation at the facility. In January 2022, CRCL issued ICE a Key Civil Rights Finding and Recommendation Memorandum with 16 recommendations related to conditions of detention and medical care. In December 2022, ICE concurred with 12 recommendations, partially concurred with one, and non-concurred with three. CRCL found that noncitizens with reported acute or chronic medical conditions during intake screening were not consistently evaluated by a medical provider quickly. ICE agreed to assign a designated provider to track and monitor all noncitizen compliance measures to include 14-day dental screening, chronic care appointments, and health service requests. Further, the ICE IHSC Field Medical Coordinator (FMC) assigned to the facility will follow up to ensure compliance with the recommendation through onsite and remote review of records with the medical vendor. CRCL found outdated, expired medication

in medication storage areas. ICE agreed to direct the vendor providing medical services to properly dispose of any medication that is past the expiration date and ensure continued compliance with the recommendation via monthly onsite spot checks by the IHSC FMC.

## **5. Medical Referrals and Access to Medical and Mental Health Care (Continued)**

### **Informal Advice**

#### ***Corrective Action Plan (CAP) for Mental Health Care at the Otay Mesa Detention Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate mental health care to a noncitizen suffering from significant mental distress. Pursuant to the medical referral process, IHSC issued a CAP to the facility. However, the CAP lacked critical information. On January 4, 2023, Compliance suggested that ICE revise its CAP to include a timeframe for the completion of the plan, information about how the plan would be implemented and monitored, and information about how the plan would be supervised.

#### ***Independent Medical and Mental Health Exams with External Providers at the Otay Mesa Detention Center***

Compliance investigated a complaint alleging that the facility denied a noncitizen access to an outside medical clinic for an exam required as part of the noncitizen's application to adjust status. Compliance found that ICE had no responsibility to provide a doctor or transportation to an external doctor's office for the exam but that the facility detainee handbook does not provide adequate guidance for detained noncitizens to coordinate external medical and mental health exams. On November 7, 2022, Compliance suggested that ICE update the facility's detainee handbook to include guidance on how to coordinate medical and mental health exams with external providers. In addition, Compliance suggested that the handbook be revised to include language from Standard 4.3, Medical Care, of the 2011 PBNDS (as revised in 2016) to ensure that detained individuals know how to request an independent medical or mental health examination.

#### ***Medical Care at the Otay Mesa Detention Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical care to a noncitizen who was experiencing kidney pain. Compliance SMEs found that the noncitizen did not receive timely initial or follow-up care. Specifically, there were delays in submission and approval of medical appointment requests and scheduling. Compliance encouraged IHSC to review the SME's findings and work with the health care program manager or designee to conduct a process study on the timeliness of approvals for specialist appointments, ensuring compliance with 2011 PBNDS (as revised in 2016), Standard 4.3, Medical Care.

#### ***Medical Care at the Otay Mesa Detention Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical care to a noncitizen with paraplegia. Further, the facility allegedly failed to treat him for ulcers he obtained from his wheelchair. ICE issued a CAP; in addition, Compliance's

medical SME suggested the CAP establish measures to monitor compliance and monitor wound care for a minimum of six months.

***Medical Care at the Otay Mesa Detention Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical care for a noncitizen's hernia, foot fungus/sores, and stomach issues. Compliance's medical SME noted concerns related to the development of treatment plans, timely diagnostic testing, medication administration, and patient education. Compliance shared the SME's findings with ICE to assist IHSC with the oversight of medical care at the facility.

***Medical Care at the Krome North Service Processing Center***

Compliance investigated a complaint alleging that Krome North Service Processing Center failed to provide adequate medical and mental care to a noncitizen suffering from schizophrenia, visual and auditory hallucinations, tinnitus, severe anxiety, depression, and high cholesterol. Compliance found that the facility provided appropriate medical and mental health care to the noncitizen but did not provide additional education on techniques for coping with anxiety. On November 8, 2022, Compliance suggested that ICE provide detained noncitizens experiencing anxiety with education on coping with anxiety, such as teaching about good sleeping hygiene.

***Postoperative Care at the Krome North Service Processing Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical care to a noncitizen following hip surgery. Compliance's SME determined that adequate and timely care was not provided after the surgery. Compliance advised ICE to ensure proper postoperative medical care at the facility.

***Mental Health Monitoring at the Krome North Service Processing Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical and mental health care following a use-of-force incident. Compliance reviewed video footage of the use-of-force incident provided by ICE and found no evidence of excessive force. Compliance's medical SME found one outstanding issue related to the timeliness of mental health monitoring and follow-up appointments. Compliance shared the SME's findings with IHSC to assist with the oversight of mental health care services provided to noncitizens at the facility.

***Medical Privacy at the Imperial Regional Adult Detention Facility***

Compliance investigated a complaint alleging medical staff at the facility improperly shared a noncitizen's history of substance abuse with ICE after assuring the noncitizen confidentiality. Compliance found that the sharing of his medical information was permissible under ERO's Pandemic Response Requirements (PRR) and information sharing exceptions under Health Insurance Portability and Accountability Act (HIPAA) of 1996. However, in February 2023, Compliance issued informal advice identifying that medical staff did not document which exception the information was shared under and that the noncitizen was not adequately informed about the exceptions to his medical confidentiality. Compliance requested that ICE IHSC issue guidance on documenting how medical information sharing exceptions have been met before making such disclosures, and that the



facility update its Medical Consent Form to ensure that noncitizens are appropriately informed of all medical information sharing exceptions.

#### ***Mental Health Care at the Prairieland Detention Facility***

Compliance investigated a complaint alleging a noncitizen detained at the facility was in need of immediate mental health intervention to address his medication management for concurrent diagnoses of schizophrenia, bipolar disorder, major depressive disorder, and posttraumatic stress disorder (PTSD), as well as suicidal ideation. Compliance found that the noncitizen had not received appropriate, effective medication; nor had he received a mental health screening or appropriate psychiatric care since his transfer to the facility 12 days prior. In March 2023, Compliance requested that IHSC ensure the noncitizen received an immediate mental health screening, appropriate and effective medications, and ongoing psychiatric care. Compliance also requested that IHSC ensure full compliance with ICE Policy 11067.1, *Identification of Detainees with Serious Mental Disorders or Conditions* (April 11, 2022), prior to the noncitizen's removal.

#### ***Medical Care at the Baker County Facility***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical care to a noncitizen suffering from a serious heart condition. Compliance's SME found concerns with the medical care. In March 2023, Compliance requested that ICE perform the tests recommended by the cardiologist noted during the noncitizen's prior medical appointment pursuant to NDS 2019, Standard 4.3, with which the facility is contractually obligated to comply.

#### ***Compliance with Medical Specialists' Recommendations at the Baker County Facility***

Compliance investigated a complaint alleging that the Baker County Facility failed to provide adequate medical care to a noncitizen suffering various medical issues, including back pain. Per the medical referral process, a CAP was created related to the back pain. However, Compliance's medical SME determined that follow-up was needed from prior gastroenterologist and neurosurgeon recommendations. On July 5, 2023, Compliance requested that ICE comply with those medical consult recommendations.

#### ***Maternal Health Care in ICE Custody***

Compliance investigated a complaint alleging that ICE's pregnancy-related standards were insufficient, inconsistently applied, and routinely violated, particularly for detained pregnant Black women and children. Compliance found that the issuance of ICE's Directive 11032.4: *Identification and Monitoring of Pregnant, Postpartum, or Nursing Individuals* addressed some but not all of Compliance's concerns, such as timely and clinically appropriate access to care and use of interpreters. In April 2023, Compliance issued informal advice and emphasized the unique needs facing pregnant women and the additional vulnerabilities facing Black pregnant women. Compliance encouraged ICE to consider placing pregnant, postpartum, and breastfeeding mothers on Alternatives to Detention instead of in detention and to consider incorporating research on racial disparities in maternal health into any training that has been developed to carry out Directive 11032.4.

### ***Inadequate CAP at Seneca County Jail***

Compliance investigated a complaint alleging that the facility failed to provide dental care for a noncitizen's "terrible toothache for two continuous weeks." Pursuant to the medical referral process, IHSC issued a CAP. Compliance's SME, however, found that the CAP needed to incorporate how to track medical staff's adherence to the NDS 2019 Dental Standards. On April 28, 2023, Compliance suggested that the facility conduct a monthly audit of five to ten records to determine if medical staff is adhering to the Dental Standards and send the audit report to IHSC to independently verify.

### ***Training at Moshannon Valley Processing Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical care for a noncitizen's heart disease. Although medical care was deemed appropriate, Compliance's medical SME found that nurses failed to notify an appropriate medical provider when the noncitizen experienced chest pains. Compliance requested that ICE provide training to nurses at the facility regarding assessment and follow-up for chest pain and related serious medical conditions.

### ***Diabetes Medication During ICE Transport***

Compliance investigated a complaint alleging that a noncitizen with diabetes missed an insulin dose during an attempted removal because he was unable to access his property, where his medication was stored. In June 2023, Compliance requested that appropriate ICE staff review a noncitizen's Medical Transfer Summary to ensure awareness of circumstances when medication may be required during transport and ensure custody staff responsible for transport can provide medication access.

### ***Specialty Care at the Florence Service Processing Center***

Compliance investigated a complaint alleging that a noncitizen in ICE custody at the facility with a history of severe hip and back pain was not appropriately referred to specialists. Compliance's medical expert found that the noncitizen had not received timely and appropriate care for his severe back pain. In June 2023, Compliance requested that ICE refer the noncitizen to an orthopedic surgeon or neurosurgeon who specializes in back surgery, as well as to a pain management specialist.

### ***Dental Care at the Florence Service Processing Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate dental care to a noncitizen. Compliance's SME found that the noncitizen experienced a significant delay in dental treatment and that the facility treated his dental pain as routine when it should have been treated as emergent per NDS 2019, Standard 4.3, Medical Care. Compliance advised ICE IHSC to develop a CAP to address the significant delays in dental care, including refresher training for staff on the NDS Medical Care Standard related to dental needs.

### ***Diagnostic Testing at the Dodge County Jail***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical care to a noncitizen suffering from nerve pain. Compliance's SME reviewed the information provided and found that an MRI was needed to assess the severity and

determine next steps. The noncitizen was soon removed; however, Compliance suggested ICE IHSC follow up with the facility to prevent future issues.

#### ***Medical Triage at South Texas ICE Processing Center***

Compliance investigated a complaint from a noncitizen at the facility alleging that the complainant was not receiving adequate care for a psychological condition, heart problems, and poor vision. Following review by CRCL's medical SME, Compliance suggested that ICE provide additional follow-up care for the noncitizen's ongoing medical issues.

#### ***Competency Concerns in Protection Screening***

Compliance investigated several complaints alleging that ICE and USCIS failed to recognize mental health conditions in detained noncitizens during their protection screening interviews, resulting in negative determinations. Compliance did not substantiate the allegations. In August 2022, Compliance requested that in instances where ICE is aware of detained noncitizens with competency concerns, ICE should consider options such as a Notice to Appear to refer the individual to an immigration judge.

#### ***Mental Health Care at the Winn Correctional Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate mental health care to a noncitizen experiencing anxiety and depression. Compliance's medical SME determined that the facility used non-urgent referrals and infrequent meetings with mental health providers to address the noncitizen's mental health conditions. In August 2023 Compliance shared the SME's findings with ICE to assist IHSC with the oversight of mental health care services provided to noncitizens at the facility.

#### ***Timely Medical Care at the Buffalo Service Processing Center***

Compliance investigated a complaint alleging that the facility failed to provide medical care to a noncitizen for reported gastrointestinal pain and bloody stool. Compliance's SME found a delay in completing a gastroenterology appointment as ordered. Compliance requested that IHSC expedite the noncitizen's gastroenterologist appointment; review the escalation process when outside appointments and consults are not completed in a timely manner; and review the specialty consultation process to see if this was an isolated incident or systemic.

#### ***Treatment for Seizures at the Central Louisiana ICE Processing Center***

Compliance investigated a complaint from a noncitizen at the facility with a history of suicide attempts and seizures. Compliance's SME found that the noncitizen had not received appropriate psychiatric services or appropriate treatment for seizure disorders while at the facility. Compliance requested IHSC ensure the noncitizen receive follow-up appointments and treatment from a neurologist, that all ordered tests and recommendations from specialists are scheduled and completed, that a psychiatrist or psychiatric facility see the noncitizen, that medications are provided timely, and that facility staff receive related training.

### ***Timeliness of Medical Referral Responses***

Compliance submitted a number of medical referrals to ICE during the COVID-19 pandemic that never received a response. Compliance followed up on some occasions, but after the medical referrals were more than one year old and the noncitizens had been released from custody or removed and no longer had any ongoing medical issues to address, Compliance closed these complaints. In the informal advice sent in September 2023, Compliance drew these complaints to IHSC's attention and suggested that IHSC assess what happened with them to determine if any changes are needed with their review and response procedures to ensure that timely responses are provided to all CRCL medical referrals.

### ***Medical Care at the La Palma Correctional Center***

Compliance investigated a complaint alleging that the facility failed to provide epilepsy medication to a noncitizen despite repeated requests. Compliance's SME reviewed ICE's CAP and suggested that the facility include a timeline on corrective plans of action to ensure measurable work and that ICE monitor medical staff compliance with policies or detention standards.

### ***Human Immunodeficiency Virus (HIV) Care***

Between 2019 and 2021, Compliance opened six complaints concerning the provision of HIV-related care for detained noncitizens, including medication interruptions, changes, and a lack of access to HIV specialists. Compliance issued informal advice noting numerous systemic deficiencies involving continuity and administration of medication; timeliness of evaluations and implementing HIV specialist recommendations; and delayed diagnosis of HIV/Acquired Immunodeficiency Syndrome (AIDS). Compliance strongly encouraged ICE to conduct a review studying the quality of care provided to noncitizens with HIV and to designate a primary unit or point of contact within IHSC to track and monitor noncitizens in ICE custody with HIV.

### ***Medical Care for Back Pain at the Montgomery Processing Center***

Compliance investigated a complaint from a noncitizen at the facility who alleged that they received inadequate care for a back condition. Compliance's SME found that the medical care in general was appropriate, but there was a delay in physical therapy. Compliance advised IHSC to begin physical therapy as soon as possible, follow all recommendations made by the physical therapists, and investigate the delay.

### ***Medical Care at the Northwest ICE Processing Center***

Compliance investigated a complaint alleging that the facility failed to provide adequate medical care to a noncitizen suffering from right-sided medical neuropathy at the wrist. Compliance's medical SME determined that there was a delay in the care provided and CRCL notified IHSC for future awareness.

### ***Orthopedic Care at the Buffalo Service Processing Center***

Compliance investigated a complaint from a noncitizen at the facility who alleged that he made multiple complaints about a possible broken knee. He indicated he was only provided medical attention in January 2023 when medics informed him that he needed emergency knee surgery, but the facility did not provide him any more information about whether

surgery would be scheduled. IHSC's response indicated that the complainant's allegations were not substantiated, but upon further review by Compliance's medical SME, CRCL noted several issues and suggested through informal advice that the complainant's knee issue be immediately escalated to a medical supervisor to investigate, problem solve, create an action plan, and provide training to medical staff on relevant issues.

#### ***Timely Medical Care at Plymouth County Correctional Facility***

Compliance investigated a complaint alleging that a noncitizen at the facility who alleged that he suffered from immobility in and bone and joint issues in his arm that required an MRI. ICE responded to the medical referral and found the allegations to be unsubstantiated. Compliance's SME found that the noncitizen had not received timely care in completing an MRI as recommended by a rheumatologist. Compliance requested that the facility investigate the cause of delay in completing the MRI as well as investigate if there were additional delays.

#### ***Specialty Care at the Stewart Detention Center and Folkston Annex ICE Processing Center***

Compliance investigated a complaint alleging that both facilities failed to provide nasal structure repair and/or reconstruction surgery to a noncitizen. Compliance's medical SME found there were delays in following the medical recommendations to resolve the noncitizen's facial pain. Compliance shared the SME's findings with ICE to assist IHSC with the oversight of specialty medical services.

#### ***Dental Care at the Webb County Detention Center***

Compliance investigated a complaint alleging that Webb failed to provide adequate dental care to a noncitizen who was experiencing severe dental pain. Compliance's medical SME found that there was not an adequate plan of care after the noncitizen's dental assessment revealed he needed extensive dental work, and the noncitizen's dental pain and/or infection should have been labeled emergent. Compliance shared the findings with IHSC to assist with the oversight of dental care services provided to noncitizens at Webb.

## **6. DHS Custody and Treatment of Unaccompanied Children (Continued)**

### **Informal Advice**

#### ***Medication for UCs at El Paso Central Processing Center***

Compliance investigated a complaint alleging that a UC was unable to take his prescribed daily diabetes medication while held at the facility. In January 2023, Compliance requested that CBP issue a muster or reminder about requirements related to access to UC medications and responsibilities to obtain U.S. equivalent medication.

#### ***Return of Birth Certificates to UCs***

Compliance opened an investigation involving two UCs alleging their birth certificates were not returned upon transfer to ORR. Compliance acknowledged that USBP has policies in place to govern the treatment of personal property, including identification documents, but found deviations from the policies in these cases. Compliance requested that CBP holding facilities in El Paso ensure that UCs' birth certificates are transferred to ORR along with

documents and other property, and to provide UCs verbal instructions in their primary language and in writing regarding property retrieval.

### ***Hospital Discharge of UCs***

Compliance investigated a complaint alleging that UCs who received hospital treatment while in CBP custody were not provided with copies of their discharge instructions. Compliance requested that CBP instruct relevant CBP personnel in writing that UC can be provided with copies of their hospital discharge instructions.

### ***Conducting Personal Searches of UCs***

Compliance investigated a complaint alleging a male USBP agent conducted an improper personal search on a female UC. Compliance requested that USBP require all personnel at Boulevard Station undergo retraining on the parameters of different types of personal searches. Compliance also requested USBP review its training materials on search categories and how an individual's status as a juvenile should be factored into the conduct of a personal search.

### ***Images of Unaccompanied Minors on Official Social Media Accounts***

Compliance investigated a complaint alleging that a USBP Twitter account posted photos of UCs without adequately blurring their identities and also shared encounter information and politicized language. CRCL found concerns regarding adherence to social media guidelines and policies. Compliance suggested that CBP reiterate to relevant staff the principles, policies, and rules that govern official use of social media.

### ***Property of UCs in Rio Grande Valley (RGV) Sector***

CRCL opened a complaint on behalf of two UCs alleging that their personal property was not returned upon transfer to ORR. Compliance acknowledged that USBP has policies in place to govern the treatment of personal property but found deviations in these cases. Compliance previously issued recommendations to USBP regarding handling of personal property in stations in the RGV Sector. In its advice, Compliance requested that the RGV Sector record information about return of property in its electronic record system, provide UCs with verbal instructions in their primary language and in writing regarding the property retrieval process, and check on the custody status of UCs before discarding unclaimed personal effects.

## **7. Confidentiality Protections: VAWA and Asylum (Continued)**

### **Informal Advice**

#### ***ICE Third Party Disclosures Impacting Asylum Seekers and Victims of Crime***

Compliance opened a complaint alleging two separate unauthorized third-party disclosures impacting individuals' protected information. Compliance found concerns with the lack of awareness regarding the protection of sensitive information and issued informal advice to ICE, suggesting all ICE personnel (contractors and political appointees included) be immediately trained on the relevant procedures that ICE utilizes to protect information covered under 8 U.S.C. § 1367 and 8 CFR § 208.6, and the significance of protecting this information.

### ***VAWA Confidentiality Violation***

Compliance opened a USCIS complaint involving a denial of an individual's I-751 petition and waiver of the joint filing requirement, even though it was accompanied by a waiver based on battery and extreme cruelty. Based on Compliance's review of USCIS policies and procedures, Compliance found that USCIS violated VAWA protections when it denied the individual's I-751 petition as a result of relying on information previously supplied by an alleged abuser and issued informal advice to USCIS suggesting it reissue DHS Instruction 002-02-001, *Implementation of Section 1367 Information Provisions*, to officers who adjudicate I-751 petitions and provide additional training.

### ***Asylum Confidentiality***

Compliance investigated a complaint alleging that ICE violated the asylum confidentiality provisions during the removal and repatriation of several individuals by leaving sensitive documents in their property. Compliance found that while ICE has policies and protocols in place regarding the upholding of confidentiality provisions, these policies do not inform noncitizens that they may destroy or mail sensitive documents in their property prior to removal, leaving a gap which can lead to a violation of 8 CFR § 208.6. Compliance advised ICE to develop policy and protocols that provide individuals who are being removed with the information about disposing of or mailing sensitive documents to a safe address prior to removal and providing them with those options.

## **8. Prison Rape Elimination Act and Sexual Abuse and Assault Prevention (Continued)**

### **Informal Advice**

#### ***Sexual Assault of Transgender Woman at the Moshannon Valley Processing Center***

Compliance investigated a complaint alleging that a Case Manager at the facility sexually assaulted a transgender woman. Compliance found that the facility's PREA investigation was not adequately thorough and failed to follow required procedures. Compliance suggested that ICE OPR reevaluate procedures and training to ensure thoroughness and compliance with PREA and that the ICE SA-API Unit provide training to the facility staff on victim and LGBTQI+ sensitivity and services. Finally, Compliance suggested an expedited PREA audit of the facility and that it install monitoring technology to ensure sufficient supervision.

#### ***PREA Investigation at the Elizabeth Contract Detention Facility***

Compliance investigated a complaint alleging an individual at the facility was subjected to sexual harassment and abuse, as well as physical assault motivated by the complainant's sexual orientation. Compliance found that the facility did not conduct a proper investigation and that ICE did not correctly identify the allegations as PREA. Compliance requested ICE OPR conduct a PREA investigation, as well as review and address designation gaps.

#### ***Sexual Abuse Allegations at the Krome North Service Processing Center***

Compliance investigated a complaint alleging that a staff member at the facility slapped a



noncitizen on the buttock. Compliance found that the officer's action violated PREA and that several staff members failed to comply with the DHS PREA regulations when responding to the complaint. Compliance requested ICE develop and provide training at the facility regarding the proper handling of PREA allegations.

#### ***PREA Compliance at El Paso Service Processing Center***

Compliance investigated a complaint that USBP required a UC to change her clothes in an open area with a group of mixed-gender UCs present at El Paso. The allegation was not substantiated as no video was made available; however, Compliance found that the location noted, if used, was not private. Compliance requested that the facility should remind its staff about the requirement in the DHS PREA Standards about changing clothes without being viewed by staff of the opposite gender.

#### ***Sexual Harassment Training and Documentation of Sexual Abuse Allegations at the DeConcini POE***

Compliance investigated a complaint alleging that a woman was sexually harassed by a CBPO at a POE. Compliance found significant flaws in the CBP investigation into the allegations. Compliance requested that the CBPO undergo additional sexual harassment and PREA training that the allegations be documented.

#### ***Staff-on-Noncitizen Sexual Abuse***

Compliance investigated and found evidence to support allegations that a noncitizen detained at the Otero County Processing Center was disciplined after receiving and responding to a romantic letter from a staff member. Compliance found that the facility's response to the allegation did not comply with ICE's regulatory and policy requirements under the DHS PREA regulation. Compliance requested that ICE expunge the disciplinary charge from the noncitizen's record and provide refresher PREA training to facility staff.

#### ***Sexual Harassment by Repeat Offender***

Compliance investigated allegations from three unrelated complainants that the same CBPO at George Bush International Airport had sexually harassed them in primary inspection. CBP concluded that all three allegations were "sustained"; however, the investigations were not timely and lacked follow-up. Compliance requested that CBP issue musters on sexual harassment and abuse and refer the CBPO to Labor Employee Relations.

#### ***Invasive Personal Search of a Minor***

Compliance investigated a complaint alleging a minor U.S. citizen traveling without her parents was sexually abused by CBP officers during a strip search conducted without the consent of her parents. Compliance found that the minor had been improperly searched, that the investigative report had deficiencies, and that the CBPOs failed to follow policy. Compliance requested that CBP issue reminders to staff at the San Ysidro Pedestrian West POE regarding proper conduct and documentation of personal searches and noted areas of improvement in CBP PREA investigations.

## Agency Responses to Key Civil Rights Findings and Recommendations Memoranda from Prior Fiscal Years

### *August 2022, PREA Compliance at El Paso Service Processing Center*

In August 2022, CRCL conducted a targeted investigation of PREA allegations at the facility. In September 2022, CRCL issued ICE an Onsite Recommendation Memorandum with 13 recommendations related to PREA. In May 2023, ICE concurred with three recommendations, partially concurred with eight, and non-concurred with two. CRCL determined that the facility had insufficient camera coverage and that there were numerous blind spots around the facility. ICE agreed and provided CRCL information about the installation of an updated system at the facility that was completed in March 2023. ICE also agreed to make staffing plans to ensure constant line of sight supervision, to place roving officers to cover all possible blind spots, to institute one-way walking lanes, and to install several security mirrors to enable continuous visual monitoring. CRCL found that facility staff were preventing noncitizens from using the bathroom during the 15-minute period between when an opposite-gender staff member was announced and when that opposite-gender staff member entered the housing unit. ICE agreed and reminded staff to allow detainees the use of restrooms when needed, including during that 15-minute period. CRCL found limitations with respect to language access for Turkish speakers. ICE agreed to have several forms and the SAAPI/PREA pamphlet translated into the Turkish language.

## 9. Protecting Religious Freedom (Continued)

### Informal Advice

#### *CBP's Consideration of the Religious Liberties of Native People and/or Tribal Nations*

Compliance investigated a complaint alleging CBP violated the civil rights and civil liberties of Native American religious practitioners as a result of the construction of a portion of the border wall in Arizona in an area held sacred by those practitioners. Compliance requested that when CBP activities are alleged to impact the religious liberties of Native people and/or tribal nations, and where CBP can achieve substantially the same security effect (or other compelling government interest), CBP should (1) consider and mitigate the civil liberties impact and (2) consult with the relevant tribes regarding possible alternative routes or other mitigation measures.

## 10. Use of Force Investigations and Oversight (Continued)

### Informal Advice

ICE

#### *Omission of Critical Information in After-Action Reporting at Central Louisiana ICE Processing Center*

During CRCL's in-person onsite investigation of the Central Louisiana ICE Processing Center in Jena, Louisiana, CRCL learned of a use of force incident that occurred involving the deployment of oleoresin capsicum spray after a noncitizen committed an assault.

Compliance found that the use of force was within policy, but critical elements were omitted from the After-Action Review Report. Compliance requested that ICE investigate the incident and the facility's omission of critical details and reissue the After-Action Review Report.

#### ***Use of Force and Mental Health at Strafford House of Corrections***

Compliance investigated a use-of-force incident involving a noncitizen who attempted suicide while being held in ICE custody at the facility. Compliance found several violations of NDS Rev. 2019 regarding use of force, use of a restraint chair, and one-to-one monitoring. Compliance requested that the facility issue refresher training on use of force and suicide prevention and intervention requirements in NDS 2019 Standard 2.8 and Standard 4.5.

#### ***Use of Force Violation at Henderson Detention Center***

Compliance investigated a complaint related to use of force by a correction officer at the facility. Compliance found the force used by the officer was in violation of the 2000 NDS. Compliance requested that ICE provide feedback to facility's leadership regarding the violations and review the facility's use-of-force training to ensure it includes NDS requirements and is provided as required. In addition, Compliance suggested that ICE refer the incident video to ICE OPR for review, and that ICE implement a prior Compliance recommendation that the facility review its use-of-force policy to include after-action review procedures.

#### ***Use of Force on ICE Air***

Compliance investigated a complaint alleging that ICE contractors used excessive force against a noncitizen in full restraints aboard an ICE Air charter flight. Compliance found that the incident was not documented as a use-of-force incident. Compliance also found that the noncitizen visited a medical clinic shortly after arrival in his home country and had a diagnosis of contusions to his face, chest, and back despite having no medical conditions when he departed the U.S. Compliance sent informal advice to ICE suggesting that it retrain its contractors on applicable use-of-force policies, complete a use-of-force report for this incident, refer the allegation to ICE OPR, and consider equipping ICE Air flights with video surveillance.

### **CBP**

#### ***Reviews of Cases by the NUFRRB***

Compliance investigated nine allegations regarding lethal uses of force which should have been reviewed by the NUFRRB but which were not provided to the board. Compliance requested CBP reevaluate the frequency in which the NUFRRB meets to address outstanding cases and develop a plan to review the approximately 89 outstanding NUFRRB cases in FY 2023–2024.

## **11. Language Access (Continued)**

### **Informal Advice**

#### **USCIS and FPS**

### ***USCIS Coordination FPS for Interpreters Accompanying Individuals to Appointments***

Compliance opened a complaint specific to FPS guards denying entry to an interpreter who was accompanying an LEP beneficiary for an appointment at a USCIS facility. Based on Compliance's review of USCIS and FPS policies related to appointments and facility entry, Compliance had concerns with coordination efforts between USCIS and FPS. Compliance issued informal advice to USCIS, suggesting it reissue guidance to FPS on who can accompany beneficiaries to appointments held at USCIS facilities.

Compliance investigated a complaint alleging a language access violation and discriminatory treatment during a USCIS biometric appointment. Compliance found the FPS was using outdated guidance. Compliance requested FPS disseminate USCIS issued guidance related to interpreter assistance for application support centers and field offices to all FPS and local contract guard services. In addition, Compliance requested to ensure that FPS and local contract guard services have a local USCIS point of contact to escalate and resolve issues in real time.

## **USCIS**

### ***USCIS Language Access and Responses to Requests for Reconsideration (RFR)***

Compliance opened several complaints specific to noncitizens who alleged that during their credible fear screening, USCIS did not provide them with an interpreter that spoke their preferred language. Based on Compliance's review USCIS provided appropriate interpretive assistance; however, Compliance had concerns with the lack of information USCIS provided in its response to the RFRs. Compliance issued informal advice to USCIS, suggesting it should update its current template for responding to RFRs to include the reason USCIS has exercised its discretion to reconsider.

## **CBP**

### ***Language Access and Recordkeeping***

Compliance investigated a complaint alleging that a CBPO at the San Ysidro POE incorrectly recorded information in her immigration records and did not provide adequate language access during processing. Compliance found that the CBPO recorded incorrect information on the Form I-213 and did not use an interpreter at the time the noncitizen signed a sworn statement. Compliance requested that CBP remind CBPOs at the San Ysidro POE to use an interpreter during CBP encounters with LEP persons and properly record information on Forms I-213.

### ***Language Access at the Harry Reid International Airport***

Compliance investigated a complaint alleging that CBP failed to provide language access services to two travelers at the airport. The travelers spoke limited English, but their primary language was Spanish, and they requested an interpreter but did not receive one. Compliance sent informal advice to CBP suggesting that it show a video from LEP.gov to the CBP staff at the airport or provide training material addressing the issue.

## 12. Disability Access and Accommodations (Including Section 504 Investigations) (Continued)

### Informal Advice

#### *CBP's Commitment to Non-Discrimination of People with Disabilities and against People Regarding Race and Sexual Orientation at Queen Beatrix International Airport, Aruba*

Compliance investigated a complaint alleging that CBP and/or its contractors discriminated against a family while they were in preclearance at the airport in Aruba based on disability, race, and sexual orientation. Compliance was not able to substantiate the allegations or determine if the alleged comments were made by a CBP employee or contractor; however, Compliance found the allegations to be credible. Compliance found concerning allegations that a CBP employee or contractor inappropriately questioned the complainant's family makeup and ability to utilize the line for travelers with disabilities. In February 2023, Compliance requested that CBP discuss this incident with CBP staff and contractors at the airport and reiterate CBP's commitment to non-discrimination of people with disabilities and non-discrimination against people regarding race and sexual orientation.

### Section 504 Informal Resolutions

#### CBP

#### *Inappropriate Questioning During Inspection at Fort Lauderdale–Hollywood International Airport*

Compliance investigated a complaint alleging that a CBPO inappropriately questioned a traveler about her use of a wheelchair during inspection at the airport. In November 2022, CBP and the complainant agreed to informally resolve the complaint after CBP issued a letter of reprimand to the officer.

#### *Inspection of a Traveler with a Disability*

Compliance investigated a complaint alleging that a CBPO improperly asked a traveler at the San Ysidro POE for medical documentation of his disability and targeted him for secondary inspection based on him exhibiting epilepsy symptoms. In November 2022, CBP and the complainant agreed to informally resolve the complaint by CBP issuing a reminder to the CBP Officer who conducted the inspection that some disabilities may not be apparent, that behaviors caused by disabilities such as epilepsy may be misunderstood, and that officers should not ask for medical documentation or proof of an individual's stated disability.

#### *Accessibility of Global Entry Kiosks at Washington Dulles International Airport*

Compliance investigated a complaint alleging that the Global Entry kiosks at the airport were inaccessible to travelers with disabilities, including individuals with dwarfism and those who use wheelchairs. In November 2022, CBP informed Compliance that the existing kiosks are being replaced with new kiosks with the capability to photograph travelers between 2 feet 3 inches and 8 feet tall. CBP and the complainant agreed to informally resolve the complaint based on CBP's plans to replace the kiosks.

***Accessibility of Global Entry Kiosks at Fort Lauderdale–Hollywood International Airport***

Compliance investigated a complaint alleging that the Global Entry kiosks at the airport were inaccessible to individuals who use wheelchairs. In November 2022, CBP informed Compliance that the existing kiosks are being replaced with new kiosks with the capability to photograph travelers between 2 feet 3 inches and 8 feet tall. In December 2022, CBP and the complainant agreed to informally resolve the complaint based on CBP’s plans to replace the kiosks, CBP’s issuance of a muster reminding CBPOs how to assist Global Entry members at the kiosks, and CBP’s work request to retrofit existing kiosks at the airport with swivel cameras until the new kiosks are installed.

***Interacting with Travelers with Mental Health Concerns at Los Angeles International Airport***

Compliance investigated a complaint alleging that CBPOs discriminated against a traveler who has PTSD and anxiety during her secondary inspection at the airport. The complaint alleged that officers made fun of her tics and performed a pat-down that triggered her PTSD. In December 2022, CBP and the complainant agreed to informally resolve the complaint based on actions previously taken by CBP, including issuing guidance to its workforce that addresses strategies for communicating with individuals with mental health concerns, and CBP agreeing to update its disability-related training to include fact patterns involving interactions with individuals with mental health conditions.

***Disability Modifications at San Ysidro and Otay Mesa POEs***

Compliance investigated four complaints alleging that CBP did not provide disability modifications for individuals who were unable to stand in line for long periods of time at the San Ysidro and Otay Mesa POEs. In January 2023, CBP and the complainants agreed to informally resolve the complaints based on the following actions taken by CBP. CBP installed ten benches designated for individuals with disabilities at the primary pedestrian facilities. CBP issued musters to all CBP Officers at the facilities regarding how to respond to requests for reasonable modifications from the public, and Compliance will provide guidance about providing disability-related modifications to staff at the facilities.

***Interacting with Travelers with Service Animals at Toronto Pearson International Airport***

Compliance investigated a complaint alleging that CPBOs inappropriately questioned a traveler about their service animal at the airport. In February 2023, CBP and the complainant agreed to informally resolve the complaint by CBP providing training to the airport staff on interacting with individuals accompanied by service animals, including the appropriate scope of questioning concerning a service animal.

***Provision of Hearing Modifications at Tampa International Airport***

Compliance investigated a complaint alleging that after the complainant informed CBPOs at the airport of his hearing difficulties during his secondary inspection, they did not provide him with hearing modifications. In May 2023, CBP and the complainant agreed to informally resolve the complaint by CBP issuing a reminder to its workforce at the airport that addresses strategies for communicating with individuals with hearing impairments.

***Access to Prescription Eyeglasses at Bergstrom Austin International Airport***

Compliance investigated a complaint alleging that CBP officers at the airport did not allow

the complainant access to his dark lens prescription eyeglasses during secondary inspection. In September 2023, CBP and the complainant agreed to informally resolve the complaint. Specifically, CBP agreed to issue a reminder to its workforce at the airport that absent an articulable reason that a traveler either poses a danger to himself or others or is considered at risk of escape, CBP generally should allow the traveler held in secondary inspection to maintain possession of prescription eyeglasses.

## FPS

### ***Use of Masks at Federal Building***

Compliance investigated a complaint alleging that an FPS Officer denied a request from an individual with a disability that impairs breathing not to wear a mask inside a Social Security Administration (SSA) office. In November 2022, FPS and the complainant agreed to informally resolve the complaint by referring the matter to SSA to address the complainant's concerns about SSA's mask policy.

### ***Disability Modifications in FPS Screening***

Compliance investigated a complaint alleging that a security officer with FPS discriminated against an individual with a disability by directing him to stand in line for entry to an SSA office even though his disability prevented him from standing for long periods. In January 2023, FPS and the complainant agreed to informally resolve the complaint after FPS issued orders reminding officers at that SSA location that any individual who states that they have an appointment should be moved to the front of the line for screening and admittance. The orders also stated that accommodations are provided on an as-needed basis and officers will offer chairs for visitors who state they have trouble standing.

## ICE

### ***Access to Appropriate and Timely Follow-Up Care for Leg Prosthesis at Chase County Jail***

Compliance investigated a complaint alleging that staff at the facility did not provide a noncitizen in ICE custody with reasonable modifications related to the care and use of his leg prosthesis and to the use of a wheelchair. In January 2023, ICE and the complainant agreed to informally resolve the complaint with ICE implementing procedures to ensure appropriate and timely follow-up care with off-site providers, including the institution of weekly meetings to discuss disability-related cases. In addition, ICE provided the complainant with a wheelchair cushion and installed shower grab bars.

### ***Access to Disability Modifications at Central Arizona Florence Correctional Facility***

Compliance investigated a complaint alleging that staff at the facility did not provide an ICE detainee with a cane, medical shoes, and a wheelchair. In June 2023, ICE and the complainant agreed to informally resolve the complaint. ICE agreed to work with the facility to develop a process between the medical and housing units to ensure the timely distribution and receipt of special need items related to reasonable modifications approved for detainees in custody.

### ***Modification of Food Needs for Detained Noncitizen with No Teeth at Golden State Annex***



Compliance investigated a complaint alleging that the facility served apples, which the complainant found hard to eat because he did not have teeth. In April 2023, ICE and the complainant agreed to informally resolve the complaint by ICE noting awareness of complainant's needs for modifications regarding food at the facility and placing him on the Diet for Health Order Meal, which provides him with bananas and peaches rather than apples. In addition, ICE classified the complainant as requiring a soft diet to further accommodate his food needs.

## USCIS

### ***USCIS Readjudication of Form N-648***

Compliance investigated a complaint alleging that USCIS twice improperly denied Form N-648, Medical Certification for Disability Exceptions, of an 83-year-old naturalization applicant with severe dementia and memory loss due to Alzheimer's disease. In December 2022, USCIS and the complainant agreed to informally resolve the complaint through USCIS readjudicating the complainant's Form N-648 and allowing the applicant to move forward with the naturalization process.

### ***USCIS Readjudication of Form N-648***

Compliance investigated a complaint alleging that USCIS improperly denied Form N-648, Medical Certification for Disability Exceptions, of a naturalization applicant with PTSD and major depressive disorder. In January 2023, USCIS and the complainant agreed to informally resolve the complaint through USCIS readjudicating the complainant's Form N-648 and allowing the applicant to move forward with the naturalization process.

### ***Homebound Biometrics Appointment***

Compliance investigated a complaint alleging that USCIS did not respond to multiple requests for a homebound biometrics visit that was necessary because of the complainant's disability. In July 2023, USCIS and the complainant agreed to informally resolve the complaint after USCIS scheduled and completed a homebound visit.

### ***Reconsideration of a Form N-648***

Compliance investigated a complaint alleging that USCIS improperly rejected complainant's Form N-648. In November 2023, USCIS and the complainant agreed to informally resolve the complaint by USCIS noting awareness of complainant's disabilities and reconsideration and acceptance of complainant's Form N-648.

# APPENDIX C: COMPLIANCE DATA TABLES

## Data Table: Complaints Opened in FY 2023

Complaint Type	CBP	DHS	DHS HQ	FEMA	ICE	TSA	USCG	USCIS	USSS	Total
<b>Referred</b>	<b>15</b>				<b>19</b>			<b>1</b>		<b>35</b>
Abuse of authority/ misuse of official position	2				3					5
Civil rights violations relating to conditions of detention	2				2					4
Discrimination/profiling	2				2			1		3
Due process	8				2					4
Excessive force or inappropriate use of force										8
Intimidation/threat/ improper coercion					1					1
Legal access					2					2
Medical/mental health care					4					4
Retaliation					2					2
Sexual assault/abuse	1				1					2
<b>Retained</b>	<b>5</b>	<b>3</b>		<b>1</b>	<b>71</b>		<b>1</b>	<b>1</b>		<b>82</b>
Abuse of authority/ misuse of official position	1				1					2
Civil rights violations relating to conditions of detention					19			1		20
Disability discrimination				1	1					2
Discrimination/profiling					2					2
Due process	2	3			2					7
Excessive force or inappropriate use of force					2					2
Human rights	1						1			2
Intimidation/threat/ improper coercion					1					1
Language access					3					3
Legal access					3					3

Complaint Type	CBP	DHS	DHS HQ	FEMA	ICE	TSA	USCG	USCIS	USSS	Total
Medical/mental health care					28					28
Privacy					2					2
Religious accommodation	1				4					5
Sexual assault/abuse					3					3
<b>Short Form</b>	<b>130</b>	<b>32</b>	<b>6</b>	<b>2</b>	<b>446</b>	<b>4</b>	<b>1</b>	<b>19</b>	<b>1</b>	<b>641</b>
Abuse of authority/ misuse of official position	8	1			7					16
Civil rights violations relating to conditions of detention	6				31					37
Death	15	1			4					20
Disability discrimination	7				20			8		35
Discrimination/profiling	18	1			5			2	1	27
Due process	27	11			17		1	5		61
Excessive force or inappropriate use of force	16	4	1		19					40
First Amendment (free speech/association)	1	2	4							7
Fourth Amendment (search and seizure)	7	2			2					11
Human rights	3	1								4
Inappropriate questioning/inspection conditions	2									2
Inappropriate touch/search of person	2									2
Intimidation/threat/improper coercion	1									1
Language access	6	1	1	2	6			4		20
Legal access					5					5
Medical/mental health care	5	6			302					313
Privacy-related civil liberties violations	2	2			4	1				9
Religious accommodation					2					2
Retaliation					5					5
Sexual assault/abuse	4				17					21

Complaint Type	CBP	DHS	DHS HQ	FEMA	ICE	TSA	USCG	USCIS	USSS	Total
TSA AIT and TSA pat-downs						3				3
<b>Total by Agency</b>	150	35	6	3	536	4	2	21	1	758

## Data Table: Complaints Closed FY 2023

Complaint Type	CBP	DHS	DHS HQ	FEMA	ICE	TSA	USCG	USCIS	USSS	Total
<b>Referred</b>	17	4			28	1		2		52
Abuse of authority/misuse of official position	2	1			7					10
Civil rights violations relating to conditions of detention	3				4					7
Death					1					1
Discrimination/profiling		1			2	1		2		6
Due process	4	1			2					7
Excessive force or inappropriate use of force	2				2					4
Fourth Amendment (search and seizure)		1								1
Intimidation/threat/improper coercion					1					1
Language access	1									1
Medical/mental health care	2				5					7
Retaliation					1					1
Sexual assault/abuse	3				3					6
<b>Retained</b>	14	4			81	1		8		108
Abuse of authority/misuse of official position	2				1					3
Conditions of detention					22			1		23
Death	1				1					2
Disability discrimination								2		2
Discrimination/profiling	5				3					8
Due process	4	1			1			1		7
Excessive force or inappropriate use of force					8					8
Human rights							1			1

Complaint Type	CBP	DHS	DHS HQ	FEMA	ICE	TSA	USCG	USCIS	USSS	Total
Inappropriate touch/ search of person					1					1
Intimidation/threat/ improper coercion					1					1
Language access		1			1		4			6
Legal access					1					1
Medical/mental health care	2	2			34					38
Religious accommodation					1					1
Retaliation					2					2
Sexual assault/abuse					4					4
<b>Short Form</b>	<b>182</b>	<b>25</b>	<b>2</b>	<b>3</b>	<b>563</b>	<b>2</b>		<b>14</b>	<b>1</b>	<b>792</b>
Abuse of authority/ misuse of official position	8				9					17
Civil rights violations relating to conditions of detention	9			1	46					56
Death	21	1			7					29
Disability discrimination	19	2		1	16		9			47
Discrimination/profiling	24			1	7		3	1		36
Due process	35	6			36					77
Excessive force or inappropriate use of force	22	4			24					50
First Amendment (free speech/association)		4	1		4					9
Fourth Amendment (search and seizure)	6	1			4					11
Human rights	8	2			1					11
Inappropriate questioning/ inspection conditions	2									2
Inappropriate touch/ search of person	2									2
Intimidation/threat/ improper coercion	1									1
Language access	1	2	1		6		1			11
Legal access		1			9					10

Complaint Type	CBP	DHS	DHS HQ	FEMA	ICE	TSA	USCG	USCIS	USSS	Total
Medical/mental health care	16	2			359					377
Privacy-related civil liberties violations	4				5	1		1		11
Religious accommodation	1				6					7
Retaliation					5					5
Sexual assault/abuse	3				19					22
TSA AIT and TSA pat-downs						1				1
<b>Total by Agency</b>	<b>213</b>	<b>33</b>	<b>2</b>	<b>3</b>	<b>672</b>	<b>3</b>	<b>1</b>	<b>24</b>	<b>1</b>	<b>952</b>

# APPENDIX D: ACRONYMS

ACVF	CRCL Apprehensions, Custody, Vetting, and Force
ACMS	Accessibility Compliance Management System
ADG	CRCL Antidiscrimination Group
ADR	Alternative Dispute Resolution
AHU	CRCL Headquarters Anti-Harassment Unit
AI	Artificial Intelligence
AIDS	Acquired Immunodeficiency Syndrome
AITF	Artificial Intelligence Task Force
AOR	Area of Responsibility
ATA	Antiterrorism Assistance Program
ATD	Alternatives to Detention
AU	Office of Accessibility and Usability
CAP	Corrective Action Plan
CAT-2	Credential Authentication Technology-2
CBP	U.S. Customs and Border Protection
CBPO	U.S. Customs and Border Protection Officer
CCGBV	DHS Council on Combating Gender Based Violence
CE	Community Engagement
C.F.R.	Code of Federal Regulations
CISA	Cybersecurity and Infrastructure Security Agency
CLPO	Civil Liberties and Privacy Officers
CMAS	CRCL Complaints Management and Adjudication Section
CMPP	DHS Case Management Pilot Program
CMS	Complaint Management System
CND	CBP Counter Network Division
COI	Community of Interest
CONOPS	Concept of Operations
COVID-19	Coronavirus Disease 2019
CRCL	DHS Office for Civil Rights and Civil Liberties
CRET	Civil Rights Evaluation Tool
CWMD	Countering Weapons of Mass Destruction Office
DARC	Data Access Review Council
DIEM	CRCL Disability, Immigration and Emergency Management
DHS	U.S. Department of Homeland Security
DMS	CRCL Diversity Management Section
DNA	Deoxyribonucleic Acid
DOJ	U.S. Department of Justice
DPIS	Disability, Post-Recommendation, and Immigration Services
DVE	Domestic Violent Extremism
EEO	Equal Employment Opportunity
EEOD	CRCL Equal Employment Opportunity and Diversity Division
EEOC	Equal Employment Opportunity Commission
EJ	Environmental Justice



EMDD	Electric Muscular Disruption Device
ERO	ICE Enforcement and Removal Operations
FAD	Final Agency Decision
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FMC	Field Medical Coordinator
FPS	DHS Federal Protective Service
FRS	Facial-Recognition System
FY	Fiscal Year
GBV	Gender-Based Violence
HBCU	Historically Black Colleges and Universities
HHS	U.S. Department of Health and Human Services
HIPAA	Health Insurance Portability and Accountability Act
HIV	Human Immunodeficiency Virus
HPP	Horse Patrol Program
HPU	USBP Horse Patrol Unit
HQ EEO	CRCL Headquarters Equal Employment Opportunity Office
HSA	Homeland Security Act of 2002
HSI	ICE Homeland Security Investigations
HSTF-SE	Homeland Security Task Force-Southeast
I&A	DHS Office of Intelligence and Analysis
ICCPR	International Covenant on Civil and Political Rights
ICE	U.S. Immigration and Customs Enforcement
IEDT	CRCL Immigration Enforcement and Detention Team
IHSC	ICE Health Service Corps
INS	Immigration and Naturalization Service
IT	Information Technology
JTF-E	Joint Task Force–East
LEA	Law Enforcement Agency
LEP	Limited English Proficiency
LGBTQ	Lesbian, Gay, Bisexual, Transgender, and Queer
LUFRB	Local Use-of-Force Review Board
MD-715	EEOC Management Directive 715 Report
MOA	Memorandum of Agreement
MOC	Migrant Operations Center
MPP	Migrant Protection Protocols
MRI	Magnetic Resonance Imaging
NCIC	National Crime Information Center
NDAA	National Defense Authorization Act
NDS	National Detention Standards
NFCA	National Fusion Center Association
NGO	Nongovernmental Organization
No FEAR Act	Notification and Federal Employee Antidiscrimination and Retaliation Act
NOFO	Notice of Funding Opportunity
NUFRB	National Use-of-Force Review Board

NVC	National Vetting Center
OCHCO	Office of the Chief Human Capital Officer
OCIO	Office of the Chief Information Officer
OCR	HHS Office for Civil Rights
OCRSO	Office of the Chief Readiness Support Officer
OCR	FEMA Office of Civil Rights
OFO	Office of Field Operations
OIG	DHS Office of the Inspector General
OPR	Office of Professional Responsibility
ORR	HHS Office of Refugee Resettlement
OVS	Operation Vigilant Sentry
PBND	Performance-Based National Detention Standards
PDMS	CRCL Process, Data, and Mission Support
PIA	Privacy Impact Assessment
POE	Port of Entry
PREA	Prison Rape Elimination Act
PRIV	DHS Privacy Office
PRR	Pandemic Response Requirements
PTSD	Posttraumatic Stress Disorder
PWFA	Pregnant Workers Fairness Act
RA	Reasonable Accommodation
RFR	Request for Reconsideration
RGV	Rio Grande Valley
ROI	Report of Investigation
RRT	CRCL Rapid Response Team
RUG	Responsible Use Group
S&T	DHS Science and Technology Directorate
SAAPI	ICE Sexual Abuse and Assault Prevention and Intervention
SIIP	CRCL Security, Intelligence, and Information Policy Section
SME	Subject Matter Expert
SOI	Statement of Interest
SSA	Social Security Administration
TNR	Transnational Repression
TSA	Transportation Security Administration
UC	Unaccompanied Child
UAS	Unmanned Aircraft Systems
USBP	U.S. Border Patrol
U.S.C.	United States Code
USCG	U.S. Coast Guard
USCIS	U.S. Citizenship and Immigration Services
USSS	U.S. Secret Service
VAWA	Violence Against Women Act
WPS	Women, Peace, and Security