

2022 ANNUAL REPORT



OIDO

Office of the Immigration
Detention Ombudsman



01 LETTER TO CONGRESS

Thursday, June 15, 2023

The Honorable Gary C. Peters (D-MI)

Chairman, Committee on
Homeland Security & Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Rand Paul (R-KY)

Ranking Member, Committee on
Homeland Security & Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Mark E. Green (R-TN)

Chairman, Committee on Homeland Security
United States House
Washington, DC 20515

The Honorable Bennie Thompson (D-MS)

Ranking Member, Committee on Homeland Security
United States House
Washington, DC 20515

The Honorable Chris Murphy (D-CT)

Chairman, Subcommittee on Homeland Security
United States Senate
Washington, DC 20510

The Honorable Katie Britt (R-AL)

Ranking Member, Subcommittee on Homeland Security
United States Senate
Washington, DC 20510

The Honorable Dave Joyce (R-OH)

Chairman, Subcommittee on Homeland Security
United States House
Washington, DC 20515

The Honorable Henry Cuellar (R-TX)

Ranking Member, Subcommittee on Homeland Security
United States House
Washington, DC 20515

The Honorable Dick Durbin (D-IL)

Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Lindsey Graham (R-SC)

Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Jim Jordan (R-OH)

Chairman, Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

The Honorable Jerrold Nadler (D-NY)

Ranking Member, Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

Dear Chairpersons and Ranking Members:

The Office of the Immigration Detention Ombudsman is pleased to submit its 2022 Annual Report pursuant to Sec. 106 of Division D of the Consolidated Appropriations Act, 2020, Public Law 116-93; 6 U.S.C. § 205. I am available to provide additional information upon request.

Sincerely,



David Gersten

Acting Immigration Detention Ombudsman

02 MESSAGE FROM THE ACTING OMBUDSMAN

It is my honor to present the U.S. Department of Homeland Security (DHS) Office of the Immigration Detention Ombudsman (OIDO) 2022 Annual Report to Congress.

During the past year, the resilience of our country's immigration system was once again tested as record numbers of newcomers sought protection, a new life, or an opportunity to contribute to the United States. As each surge of immigrants came to our border, the decision by Congress to establish an Ombudsman Office in December 2019 proved to be prescient. With OIDO's third year completed, I am proud to report that we have made progress in launching an office aimed at helping detainees, their families, and the broader community of immigration stakeholders, including U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP). Our charge requires a combination of compassion, diligence, and pragmatism to ensure every individual who interacts with our Nation's immigration detention system is kept safe and treated in accordance with the ideals on which our country was founded.

Two years ago, I arrived on a temporary assignment to cultivate and grow OIDO. At the time, the Office had only four permanent employees. By the end of 2022, we had grown to 60 Federal personnel, along with dozens of contractors supporting our mission. Our presence throughout the United States in facilities and in front of stakeholders was more evident than ever. We established a visual identity, created informational materials in 17 different languages and, most importantly, established foundational protocols for interacting with detainees, including the planned rollout of a web-based portal for detainee complaints to be completed this year. With our accelerated outreach efforts, OIDO has quickly become a recognized resource for immigration detainees, their families, the Department, and various advocates. During the past year, we discovered our potential and capabilities; our value to the custody, transport, and detention process; and our specific growth needs to enable us to have a positive impact on the conditions of immigration detention. We stand ready to continue evolving the organization and demonstrating our value to Congress and the American people.

I am proud of the comprehensive and lasting approach this Office has implemented around immigration detention oversight to ensure that a more humane and effective system comes into existence. In 2022, we made key and unique advances in areas such as case management, compliance inspections, external engagement, and policy and standards.



First, our Office is committed to providing a persistent presence in immigration detention facilities nationwide, and accordingly, we expanded our regions to empower teams in the field to conduct more frequent and regular visits, while working hand in hand with our Federal partners to resolve most complaints in an equitable and efficient manner. We also made access to our programs and activities by persons of limited English proficiency a priority and successfully produced a case intake form, available on OIDO's website in multiple languages.

Second, our Office published six oversight reports, including the Limestone County Detention Center Final Report, which was commissioned at the request of ICE. In addition, all our recommendations for improving detainee care and respect for standards at Limestone County were agreed to by ICE Enforcement and Removal Operations.

Third, we focused on outreach and relationship-building to ensure that OIDO is receiving feedback from a range of viewpoints about its performance and issues generally. To that end, OIDO staff and I completed more than 130 engagements with key stakeholders and visited immigration detention centers throughout the country. OIDO has also attempted to discover ways in which its work can help the Department become more efficient in its use of resources.

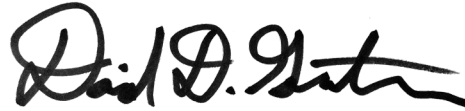
Fourth, from a policy perspective, our Office established victim-centered policies regarding interactions with detainees, initiated workforce assessments across the DHS detention workforce, and laid the groundwork for future detention data analysis across multiple DHS Components.

We are building awareness and trust among the immigration detention community in support of our position as an independent and reliable source of information and guidance for ICE, CBP, the Secretary, and Congress.

Our vision for the future focuses on increased capabilities, values, and impact. Regardless of the challenges that may lie ahead in 2023, OIDO stands ready to continually monitor and assess the

immigration detention environment and report our findings and recommendations to the Secretary. I hope after reading this report you will join me in saluting OIDO staff for their extraordinary service and incredible efforts during another year of the office's maturation and expansion.

Sincerely,

A handwritten signature in black ink, appearing to read "David D. Gersten". The signature is fluid and cursive, with a prominent initial "D" and "G".

David Gersten
Acting Ombudsman
Office of the Immigration Detention Ombudsman

03 EXECUTIVE SUMMARY

The Office of the Immigration Detention Ombudsman (OIDO) 2022 Annual Report contains:

- ◆ An introduction to the Ombudsman's Office (Section V)
- ◆ A detailed narrative of the Office's activities and findings in 2022 (Section VI)
- ◆ A preview of the Office's anticipated activities and goals for 2023 (Section VII)

Ombudsman Office Overview

OIDO is independent of DHS's agencies and offices, and the Ombudsman reports directly to the Secretary. The Ombudsman is neutral; its mission is to independently examine immigration detention to promote safe, humane conditions. The Office engages with immigration detainees and their representatives, Department personnel, and other stakeholders to seek solutions.

In 2019, OIDO was established to resolve problems related to, and improve conditions of, individuals and families in immigration detention.¹ In 2020, OIDO formed an office, identified challenges to oversight and the provision of redress, and began conceiving case management and detention oversight processes. In 2021, the Office expanded its presence with staff throughout the country, developed its case management and detention oversight processes, built out operational capabilities, and created a strategic plan to achieve its vision to become an objective, credible resource for those impacted by immigration detention.

In 2022, the Office continued to develop as an institution with a unique and holistic understanding of the detention landscape. We saw an incredible expansion of OIDO's case management footprint in the field. OIDO identified operational practices best suited to accomplishing case management, all while accounting for fluctuations in detainee populations, facility closures and openings, and novel cases. By the end of 2022, our case managers maintained a persistent presence at nearly 100 detention facilities

around the United States and reviewed nearly 6,000 concerns from individuals in custody.

Activities and Accomplishments in 2022

At the end of 2021, OIDO had 12 case managers in the field, completed 13 facility inspections, and held 40 outreach events. By the same time in 2022, the Office had increased its case managers almost four-fold to 47 (Federal employees and contractors) in over 90 detention facilities, handling over 6,000 cases in 22 different states. We completed 22 facility inspections and published five formal inspection reports alongside one observation report and one Ombudsman's Alert. These published reports found on OIDO's public-facing website include recommendations and Component responses regarding improvements to detention conditions across the country. The Office also completed over 150 external engagement events, meeting with approximately 136 stakeholders, and laid the policy groundwork for integration of language access and victim-centered approaches across all operations. Finally, OIDO released case intake Form 405 on its website in May 2022, significantly improving the public's access to OIDO for submission of complaints.

Congress tasked OIDO with a broad ombudsman role that encompasses detention oversight, traditional advocacy ombudsman service, and freedom to independently recommend improvements in immigration detention conditions. In 2022, the Office continuously engaged in testing different models of staff deployment, data gathering and analysis, and internal and external stakeholder engagement to assess how OIDO can best achieve its mission—developing a synergistic detention oversight model with a strong commitment to having a continuous presence in the field and providing practical solutions to problems, challenges, and gaps in the immigration detention system. This effort continues to be a work in progress, and OIDO intends on remaining agile and dynamic in its operations based on feedback received from stakeholders on its progress toward this goal.

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

Anticipated Activities and Goals for 2023

In 2023, the Office intends on building and improving upon the foundation laid in 2022. Due to those prior investments, OIDO is poised to reach the following goals:

- ◆ Maintain our efforts in case management and detention oversight and improve the safety and welfare of immigration detainees by helping Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) adopt the Office’s recommendations from inspection reports.
- ◆ Make on-site observations via case managers in over 90 ICE facilities, supplemented by facility inspections by trained investigators with expertise in detention standards and medical services.
- ◆ Ensure all immigration detainees can readily access an OIDO case manager at each detention facility where OIDO has a presence, whether in person

or through an electronic portal, to help detainees receive quick resolution.

- ◆ Bring awareness to the ombudsman’s mission to promote and support safe and humane conditions in detention by placing OIDO informational materials and videos in ICE and CBP facilities and providing informational presentations to Department personnel.
- ◆ Continue developing internal office policies to provide a foundation for advancing our operations, and continue to propose solutions to DHS in the form of recommendations, training and education, or policies and standards to address problems, challenges, and gaps impacting the immigration detention system.

OIDO also intends to continue to work toward these other goals, as represented in the chart below. Throughout this report, OIDO’s activities and findings are described in detail as they relate to these goals.



Figure 1: OIDO’s Strategic Goals

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OIDO OVERVIEW

05 OIDO OVERVIEW: OUR CONGRESSIONAL CHARGE

Legislative Requirement

On December 20, 2019, Congress created OIDO through the enactment of the Consolidated Appropriations Act, 2020.² This statute requires the ombudsman to serve as a neutral immigration detention oversight authority. As such, OIDO is an independent office within DHS headquarters; it is not a part of U.S. Immigration and Customs Enforcement (ICE), nor is it a part of U.S. Customs and Border Protection (CBP). The Ombudsman reports directly to the Secretary of Homeland Security.

A Brief History of OIDO: Three Years in the Making

In 2020,³ OIDO focused on forming an office, identifying areas of need and priorities for action, and exploring how to establish the most effective case management and detention oversight processes.

In 2021,⁴ the Office continued to build its foundation. We grew from merely six to over 60 full-time employees and formed divisions to carry out our mission. Our Office established case management processes for intaking and addressing individual complaints and facility oversight processes for assessing immigration detention standards compliance; we also laid groundwork for the establishment of capabilities in policy and standards development and external relations.

In 2022, OIDO reached its third year of existence—we achieved another year of growth while effectively carrying out our mission and meeting our statutory obligations. In 2022, we expanded our presence in facilities around the country, built out our capabilities, and added a sixth division (Program Integration).⁵ Significantly, on May 9, 2022, OIDO formally released to the public its case intake form (DHS Form 405), which facilitated access to OIDO’s ombudsman services by legal representatives and members of the public.

² Sec. 106 of [Public Law 116-93](#); codified as 6 U.S.C. § 205 and included as Appendix A of this report. See also Appendix B for the legislative requirement in flow chart form.

³ Department of Homeland Security, “2020 OIDO Annual Report to Congress,” January 19, 2021, accessed April 19, 2023, https://www.dhs.gov/sites/default/files/publications/dhs_oido_2020_annual_report_updated.pdf.

⁴ Department of Homeland Security, “2021 OIDO Annual Report to Congress,” April 29, 2022, accessed April 19, 2023, https://www.dhs.gov/sites/default/files/2022-05/OIDO_2021AnnualReport_5-10-22_508compliant.pdf.

⁵ Organizational chart included in Appendix C.

2019

OIDO was established on December 20.



2020

OIDO formed an office and identified challenges to oversight and the provision of redress.



2021

OIDO expanded its presence at facilities throughout the country, built out its operational capabilities, launched pilot activities, conducted observations of key detention events, performed its first unannounced inspections, and introduced the Office to non-governmental organizations.



2022

In OIDO's first full year of operationalization, the Office grew to 60 staff regularly monitoring 90 facilities, handled over 6,000 cases, published six oversight reports, and assessed 26 facilities.



2023

OIDO will strive to assess and improve its existing field operations through continued partnership with DHS partners and frequent engagement with stakeholders, while establishing processes for leveraging its on-site presence through case management and detention oversight to make recommendations for systemic change.



Figure 2: A Brief History of OIDO

A New Breed of Detention Oversight and Ombudsman

OIDO is the first immigration detention ombudsman in DHS. The Office practices a hybrid of traditional immigration detention oversight and advocacy ombudsman services. OIDO’s audits, inspections, and deficiency resolution mechanisms resemble historical immigration detention oversight roles in DHS, while its complaint resolution, external engagement, listening, information gathering and sharing, issue framing, mediation, and issue identification practices all closely resemble those functions one would expect from an advocacy ombudsman. By harmonizing these functions, this hybrid model enables OIDO to seamlessly integrate into the operational landscape of the immigration detention system,⁶ bring parties together, provide complaint support, and propose new and innovative approaches to a myriad of issues.

OIDO’s Structure

To maximize efficiency and effectiveness in mission achievement, OIDO is organized into a front office and six divisions. Each division is tasked with a distinct set of responsibilities to accomplish the Office’s overarching objective to ensure safe and humane conditions in immigration detention facilities.

Case Management	Independently and impartially reviews cases submitted by or on behalf of individuals who are or were in immigration detention, aiming to mediate and resolve issues at the lowest level possible, while identifying systemic issues and trends through persistent presence at facilities.
Detention Oversight	Conducts independent, objective, and credible inspections of ICE and CBP facilities throughout the United States. Reviews, examines, and makes recommendations to ensure humane conditions and address concerns with or violations of detention standards and contract terms regarding immigration detention facilities and services.
Policy and Standards	Works on strategic structural change by using data-driven information to develop solutions such as recommendations, legislative proposals, policies, standards, and training/education for DHS and its Components.
External Relations	Works to increase awareness of OIDO’s presence among advocates, Congress, and the general public in order to build and maintain trust and keep the Office up to date on stakeholder concerns.
Operations and Resource Management	Provides the backbone support of OIDO, working to keep administrative actions invisible and manage contractor resources.
Program Integration	A new division for OIDO, created in November 2022; facilitates the flow of information between OIDO divisions and supports Office leadership in developing priorities, executing program plans, responding to Department taskers and Freedom of Information Act (FOIA) requests, and implementing training curricula for all divisions.

⁶ For a fuller depiction of how OIDO fits into the immigration detention system, see Appendix D.

As a newer entity, OIDO continues to evolve and actively innovate and establish best practices to serve its statutory mission most effectively. In 2022, OIDO continued to focus on building its capacity and prioritizing activities that would enhance its ability to achieve its mission, employing several strategies to execute its comprehensive approach to handling a detention matter. These ongoing activities include:

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

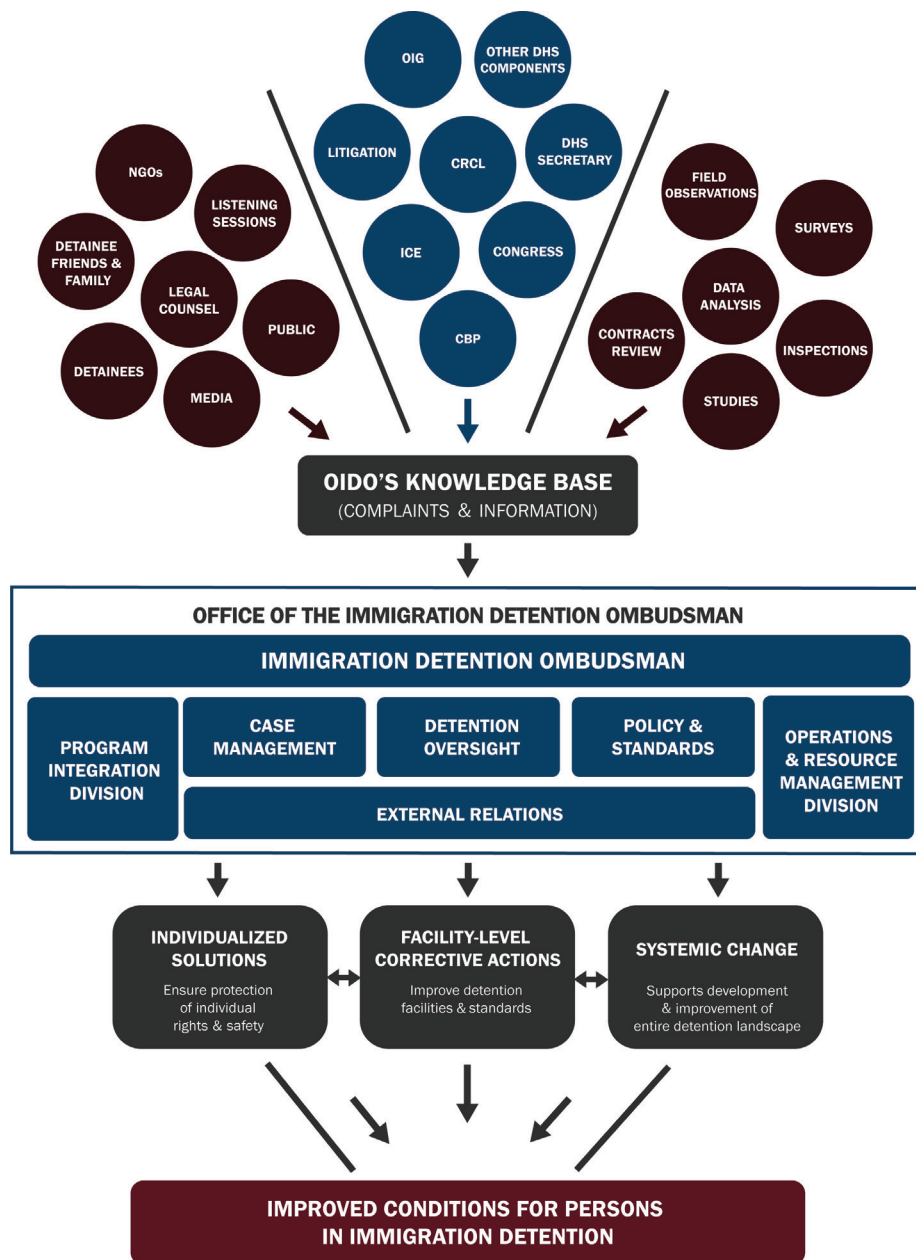


Figure 3: OIDO's Unique Role in Detention Oversight

Leveraging Diverse Sources of Information

OIDO brings a unique voice to immigration detention oversight in that it leverages diverse sources of information to gain a holistic perspective on immigration detention. OIDO develops new and innovative ways to facilitate gathering and sharing of pertinent information that is often less accessible through traditional oversight functions. The Office collects and analyzes both qualitative and quantitative data from numerous sources to inform decision makers and the public.

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



Photo: Acting Ombudsman David Gersten meeting with U.S. Border Patrol Chiefs.

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

Staying at the Forefront of Evolving Immigration Detention Issues

In addition, while OIDO sets and pursues its own priorities, it also maintains operational flexibility to

respond quickly to developing and urgent immigration detention issues nationwide, as well as to pertinent requests from DHS and non-DHS entities, including the Secretary and Members of Congress. Global and national events may impact fundamental issues related to immigration detention. In 2021 and 2022, litigation around the lifting of the Title 42 pandemic-related public health order is an example of a factor that affected immigration detention conditions in the United States by creating confusion and uncertainty that, in turn, impacted immigration detention conditions related to the management of surges. OIDO monitors current events and uses its subject-matter experts to prioritize the most pressing and pervasive areas of concern in immigration detention settings. Moreover, the Office continues to build an agile workforce and operating structure to respond to changing or emergent events swiftly and efficiently, gathering real-time data to inform decision makers and the public.

OIDO uses several strategies to further its mission to remain on the forefront of immigration detention issues, and thus be a unique voice to inform decision makers and the public. Specialized tools include unannounced inspections, internal and external engagements, on-site case management, field observations, and regular policy meetings with DHS Components.

Engaging in Cooperative Processes

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

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

seeks to build confidence and trust with non-governmental organizations, which serve as critical partners in understanding and facilitating improved conditions in immigration detention settings.

Generating Centralized Recommendations

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

OIDO seeks to improve conditions of detention for individuals in DHS custody by both ensuring that current detention standards and contract terms are being met and reviewing whether said standards and contracts are sufficient to ensure safe, humane conditions in immigration detention. OIDO has also attempted to discover ways in which its work can help the Department become more efficient in its use of resources.

OIDO's Unique Role in Detention Oversight—a Three-tiered Approach

OIDO's approach to improving conditions in immigration detention is composed of three basic levels of engagement: individual, facility, and systemic.

- ♦ **Individual:** On-the-spot complaint resolution and remedy of complaints from detainees and their advocates, Department employees, and other stakeholders.
- ♦ **Facility:** Review of facilities across the country for compliance and expected performance outcomes based on applicable standards.
- ♦ **Systemic:** Proposal of evidenced-based policy, educational, and technical solutions to address problems.

Each engagement level is implemented by a separate division and can involve different approaches, stakeholders, intelligence, change mechanisms, issues, and resolution timeframes. All these factors inform OIDO's work and enable positive change at multiple layers of the immigration detention enterprise.

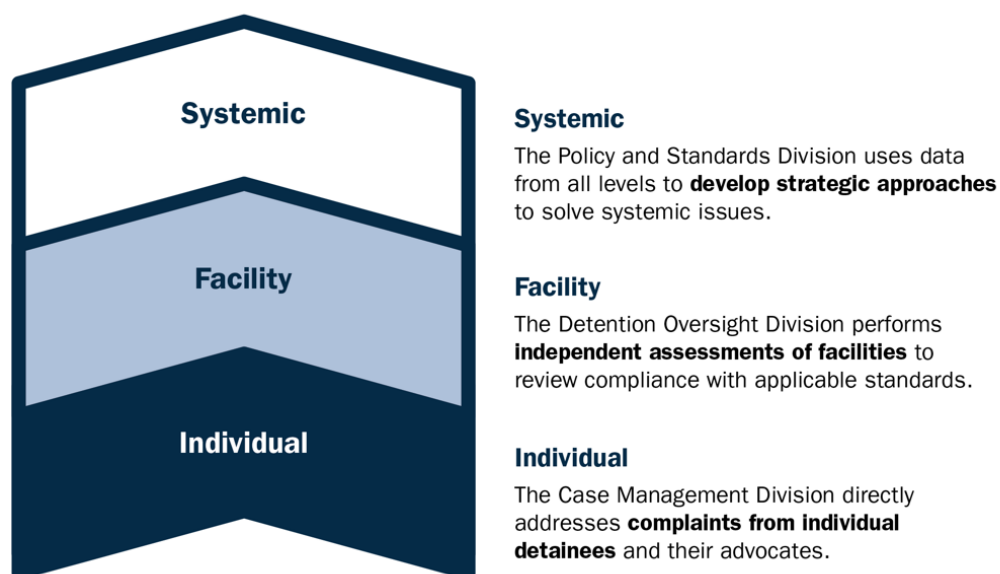
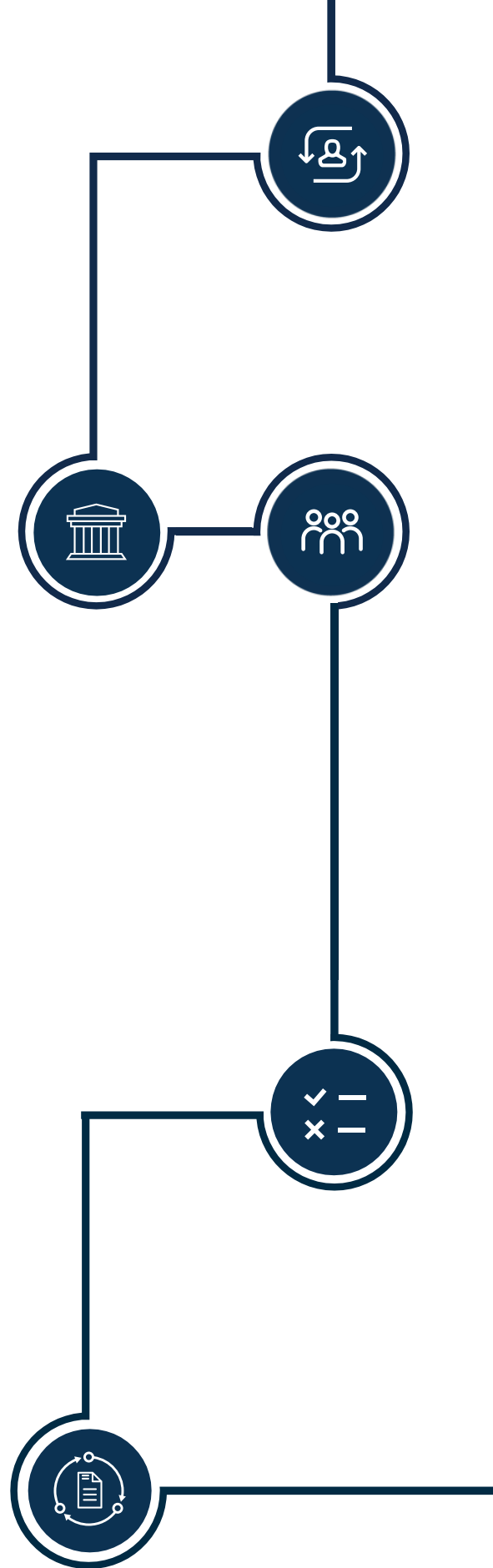


Figure 4: OIDO's Three-tiered Approach

As specified in OIDO's statute, the Office has always been mindful of being complementary to other oversight functions throughout DHS, avoiding unnecessary duplication, and using communication, coordination, and deconfliction strategies to prevent waste of taxpayer dollars. Since its inception, the Office has been dedicated to identifying areas where we can provide a unique, efficient, or more targeted approach.

With help from OIDO's administrative divisions of Operations and Resource Management and Program Integration, OIDO works toward ensuring that internal collaborations between all our divisions cut across all three distinct levels of intervention. For example, Case Management may detect a potential facility-level issue and share that with Detention Oversight, which uses its expertise to evaluate whether assistance with standards compliance is needed. Detention Oversight's findings at the facility level help drive change not only at each relevant facility, but provide key information to case managers and policy analysts to help those divisions to articulate solutions at the individual and systemic levels, as well. Further, all divisions regularly alert and inform External Relations, which can leverage its relations with detainee advocacy groups for more information and improved understandings of any situational complexities. In turn, Policy and Standards gathers evidence related to the intersectional issues inherent in the detention settings, regardless of where the issue began—from concerns shared by external stakeholders or individually filed complaints. Such information sharing may result in a Case Management review, a Detention Oversight assessment, or a Policy and Standards solution.



SAN YSIDRO
LAND PORT OF ENTRY
EAST PEDESTRIAN

YEAR IN REVIEW



06 YEAR IN REVIEW: 2022 ACTIVITIES

OIDO ON THE MOVE

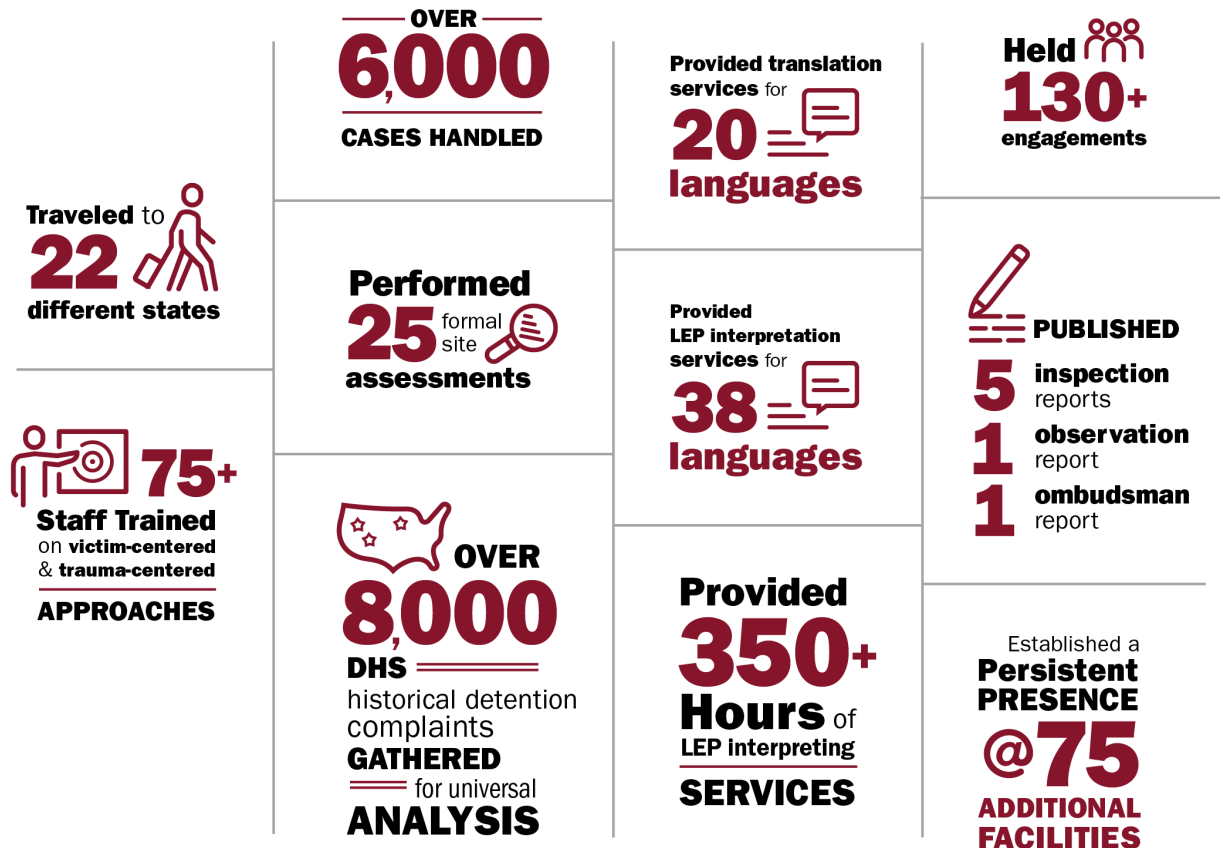


Figure 5: OIDO Outputs and Outcomes in 2022

The Context of Immigration for OIDO in 2022

Immigration was in the spotlight for much of 2022, statistically and politically, presenting DHS and OIDO specifically with a unique context and a new set of challenges. Mid-term elections, national healthcare worker shortages, increased drug cartel activity at the borders, and staggering increases in U.S. border

crossings have all pushed ICE, CBP, and local non-governmental organizations to their limits.⁷ Against this backdrop, the ongoing global COVID-19 pandemic continued,⁸ as did the legal debates over Title 42. Amid these challenging issues during a record year for immigration, OIDO stepped fully into its role as a trusted source that can effectively impact conditions for thousands of detainees.

⁷ U.S. Customs and Border Protection, “Southwest Land Border Encounters,” accessed April 17, 2023, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁸ See for example: World Health Organization, “Coronavirus (COVID-19) Dashboard with Vaccination Data,” accessed April 17, 2023, <https://covid19.who.int/region/amro/country/us>.

Continued Collaborations Within DHS

As a part of DHS, OIDO values good working relationships with partners in the immigration detention oversight community, including the DHS Office of Inspector General, DHS Office for Civil Rights and Civil Liberties (CRCL), ICE, CBP, and U.S. Citizenship and Immigration Services. Through participation in collaborative committees and working groups, facility visits, and community events, OIDO further established its unique position within DHS and improved intradepartmental relations in 2022.

As a result of successful collaborations, ICE and CBP agreed to share with OIDO detention-based data for analysis of trends and patterns. This represented a major step in OIDO gaining a comprehensive perspective into the frequency and pervasiveness of specific issues and establishing itself as a trusted and reliable source for detention-based reporting and analysis across the DHS enterprise. OIDO intends to use this data to inform operational decision making across the organization.

One of OIDO's key projects in 2022 was a partnership with CBP's Joint Intake Center. Cases involving CBP are now deconflicted by being redirected to OIDO for intake and processing using combined resources.

Learning From Collaboration

In July 2022, DHS CRCL hosted a multi-day indigenous cultural immersion event in the Los Angeles area, attended by OIDO and several DHS Components. The DHS group met with local organizations and business owners to discuss the impacts of migration on language and culture of indigenous Mexican and Central American communities, and the economic and environmental factors that continue to contribute to migration of those populations to the United States. As a result of this event, OIDO strengthened its language access plan to include emphasis on the need to provide meaningful access to indigenous populations.

OIDO also established foundational policies for interacting with detainees, such as a victim-centered and trauma-informed plan. As part of this Secretary-directed initiative plan, OIDO committed to using victim-centered and trauma-informed approaches during interactions with all individuals in custodial settings, regardless of knowledge of the individual's history. In addition, OIDO created the first-known lexicon within DHS for communicating with victims of crime and trauma to assist its workforce in overall implementation of this important DHS initiative.

Collaboration for Immigration Surges

In November 2022, OIDO joined CBP's Border Patrol and Office of Field Operations on a visit to five CBP and ICE sites. OIDO identified a number of issues related to a lack of employee and volunteer staffing, and CBP reported that these conditions had a significant impact on on-site morale. OIDO will continue close collaboration with CBP going into 2023 and use its platform to help alleviate the challenges seen in soft-sided facilities responding to overwhelming migrant surges.

OIDO as an Independent Function Within DHS

While collaboration within the Department of Homeland Security is vital, in 2022, OIDO focused on establishing itself as an independent office, separate from ICE and CBP. The Office is often assumed to be a part of these large agencies. To differentiate itself, the Office underwent a branding initiative, adding a new logo to new uniforms and making posters and flyers available to help solidify its unique role and purpose. External Relations' hard work to execute this rebranding is discussed in more detail later in this report.

Improving Access to Language Tools

When interacting with and providing help to detainees in detention centers, it is critical to ensure meaningful access to DHS’s program and activities. OIDO initiated the development of an office-wide Language Access Plan in 2022 in response to requirements contained within Executive Order 13166 and DHS Delegation 19003. A contract for language services was secured in April 2022, providing continuous, on-demand access to interpretation and translation services. By the end of 2022, OIDO provided translation and interpretation services for 41 languages. The OIDO website is now available in Spanish, and the case intake form (DHS Form 405) is available in eight languages on the website: English, Spanish, Portuguese, Haitian Creole, Russian, Turkish, Arabic, and Romanian. The Office also ensured access to support services for people with hearing loss.

Language Accessibility

In 2022, OIDO provided live, simultaneous interpretation during a formal external meeting—a first for the Office. In September, OIDO EXTRA met with the Peruvian Consulate and provided equipment (microphones, headphones, etc.) and a Spanish interpreter to allow for simultaneous interpretation.

NUMBER OF INTERPRETING REQUESTS IN 2022

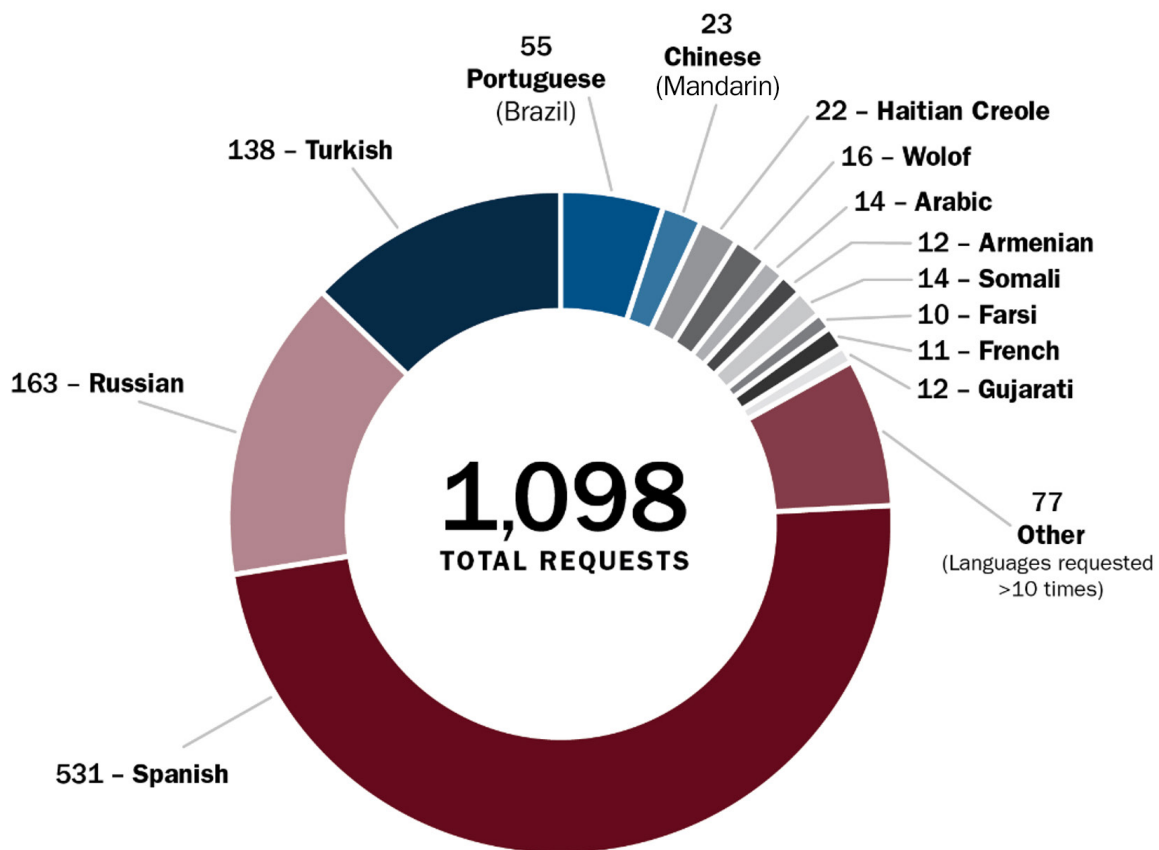


Figure 6: Number of Interpreting Requests

Increasing Access to Database Tools

In OIDO's first year of operations, the Office entered into an agreement with the DHS Office of the Chief Information Officer (OCIO) in August 2020 for the development of a case management system and database. In May 2021, the database deployed and underwent simultaneous and continual improvements to its functionality. Not only does it serve as a central place for case intake and management, but it also provides a single platform for fostering collaboration across all divisions of the Office.

The database's case management side became well-developed in 2022; it now processes, tracks, and stores casework. Additional modules were developed in 2022 to facilitate the Office's ability to plan and perform facility inspections in an effective and timely manner. It provides a streamlined and straightforward approach to recordkeeping in compliance with government standards, facilitates an inspection team's collaboration and communication throughout the stages of the inspection lifecycle, and enables management review to ensure credibility, neutrality, and integrity throughout the process.

Finally, the database allows OIDO to aggregate observations and findings accrued over the course of numerous complaints and inspections, so it can track trends and systemic issues within the immigration detention context, derive reasonable conclusions from the data, and make recommendations. This tracking and data aggregation is essential to identifying systemic concerns in detention facilities and supporting evidence-based development of recommendations for policy solutions and improved detention standards. As such, the OIDO database now serves all three tiers of the Office's approach: **individual, facility, and systemic**.

Additionally in 2022, the Office released its case intake form, DHS Form 405, to the public. This form, submitted as a printed and completed paper form (via postal mail) or as an emailed PDF, is entered as a case into the OIDO case management database, and each case is assigned and tracked until it is resolved. This increased OIDO's accessibility to detainees and their advocates and is further discussed in the Case Management section of this report. To facilitate the intake of cases and speed up processing times, OIDO began work in 2022 to create an online portal for submitting the form on the OIDO website. This work will continue—look for **myOIDO** in 2023!

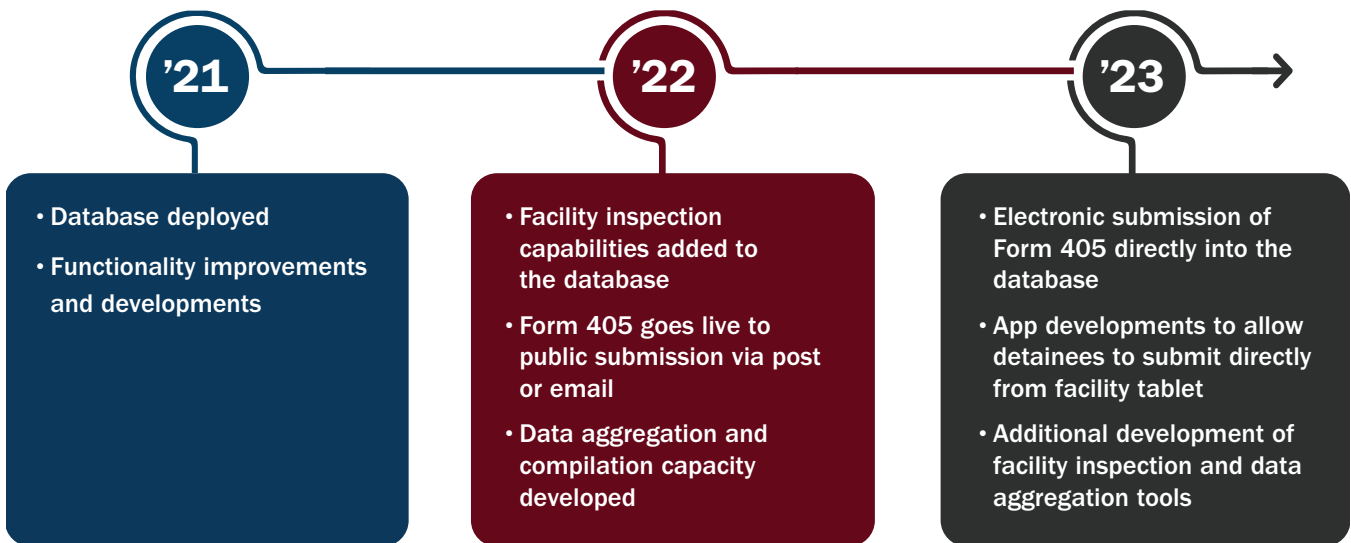


Figure 7: Development of OIDO's Database

Case Management Mission

OIDO is unique in its problem-solving approach in that its Case Management Division (CMD) is not centered in Washington, DC, but instead has a **persistent presence** in detention facilities throughout the country to engage directly with detainees, Federal staff, and contractors. Case Management addresses thousands of complaints in the field and gathers data to help prevent similar problems for countless more detainees in the future.

Summary of Activities and Accomplishments in 2022

The OIDO Case Management Division mission independently and objectively examines individual immigration detention concerns submitted by the public and works collaboratively with other OIDO divisions, our stakeholders, and our partners to address them efficiently and effectively. Our team of case managers in the field reviews individual concerns and, through mediation, seeks to find the best path to a resolution at the lowest level possible.⁹ In 2022, OIDO saw ever-increasing numbers of filed cases, ongoing introduction and exposure to the detention landscape, the development of new technologies, and refinement of case management practices.

For every case where we identified a potential violation of a detention standard, we not only highlighted a deficiency in the existing system, but we also addressed or sought to remedy the deficiency through mediation. OIDO's impact was most prevalent in addressing facility environment issues, which comprised the highest proportion of complaints. We identified and sought immediate remedies for a spectrum of issues, ranging from poor quality of food to insufficient quantities of food, to instances where the food led to individuals becoming ill. We also realized our value through cases that brought humanity to the world of detention through an emphasis on improving the wellbeing of individuals in custody. This year, we worked with facilities to encourage detainees to end hunger strikes, which often involved engaging with one or more individuals in distress, hearing their concerns, and focusing on the goal of mitigating



harm. We connected families. We conducted wellness checks on individuals whose loved ones could not reach or visit them. Our goal for this past year was to become operational and establish our footprint at facilities, but our real gain and inspiration came from making a difference one person at a time, in collaboration with facilities that were there to realize resolutions to problems.

Expansion of OIDO Footprint at DHS Immigration Detention Facilities



Photo: OIDO staff receiving a briefing and tour of holding facilities from U.S. Border Patrol in San Diego, California.

Throughout 2022, OIDO continued developing relationships fostered in 2021 and initiated additional ones with DHS partners, particularly ICE and CBP. In 2021, the Office visited each of ICE Enforcement and Removal Operations' 24 field offices to engage with local leadership and share our vision for case management, and case managers made rotational site visits to 15 different facilities. In 2022, we built upon these relationships and expanded operations from 15 to 90 unique facilities.

⁹ For a more detailed sense of what OIDO case managers do, see: Department of Homeland Security, "A Day in the Life of a Case Manager," accessed April 18, 2023, <https://www.dhs.gov/sites/default/files/2023-03/A%20Day%20in%20the%20Life%20of%20a%20Case%20Manager.pdf>.

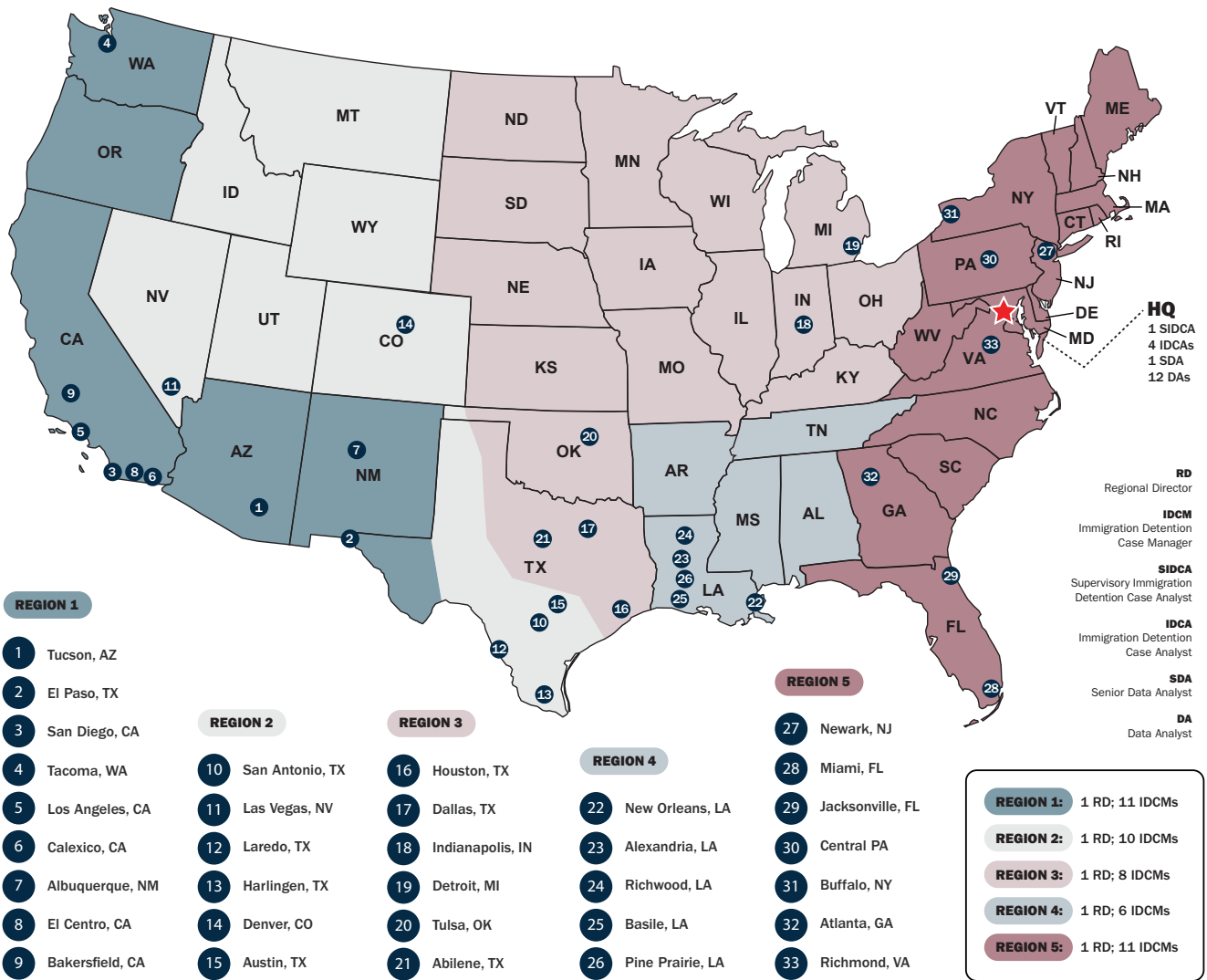


Figure 8: Case Management Division Headquarters and Field Operations Map

Increasing Caseload

OIDO's case management workload increased exponentially in 2022, from 38 cases in January to over 6,000 cases completed by the end of the year. This significant increase in the ability to take on detainee cases was the direct result of continued progress on multiple fronts: ongoing collaboration with DHS Components, the continued development of the internal case management database (begun in 2021), OIDO's release of the case intake form (DHS Form 405) to the public in May 2022, and OIDO's continued growth and development of its case management staff.

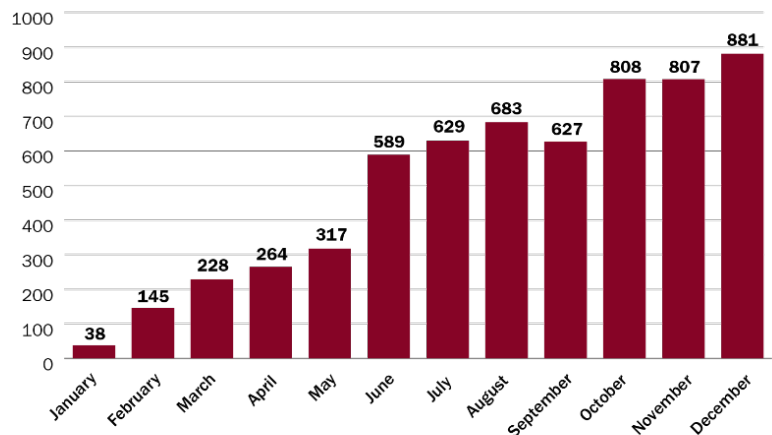


Figure 9: Increased Caseload

In September 2022, OIDO conducted usability testing on the paper version of the Form 405 in partnership with external stakeholders. Through these efforts, we ensured our form allows the public to effectively access our services.

OIDO Case Intake Form (DHS Form 405) Launch

In May 2022, OIDO released its case intake form (DHS Form 405) to the public via its website. This allowed anyone to download the form and submit a case directly to OIDO via postal mail or email. Until the form was released, complaints and concerns could only be relayed in person to case managers by detainees themselves. With the form's availability on the public website, the ability to file a complaint expanded to include advocates and any other members of the public. OIDO also demonstrated its commitment to accessibility by making the form available to download and submit in the eight languages case managers most frequently encountered in the field.

OIDO Web-based Case Intake Portal

OIDO Case Intake Form Deployment

March 2023:

- ◆ Initial “soft launch”

Future Releases:

- ◆ Full release for complaints related to all ICE and CBP facilities
- ◆ New feature to allow users to check on status of their complaints
- ◆ Build-out of supporting app to allow residents to file using tablets within facilities

OIDO and OCIO started work in 2022 on developing an external portal that enables users to file the case intake form (DHS Form 405) online. Significantly, this will be the first time DHS uses this particular portal technology to receive forms submitted online. Using this technology will be a direct and more efficient way to receive immigration detention complaint information and data and will enable us to move away from paper filings. In 2023, OIDO will launch the portal in a series of releases that will include user-friendly features such

as case status updates and applications to allow those in custody to connect with OIDO electronically.

We are currently planning for the initial release to the public to go live in early 2023, in the form of a soft launch and beta test limited to complaints from a small sampling of facilities. This will enable us to test for proper operations and allow staff to fine-tune their portal skills.

Improving Access to Detainees Through Tablets

Certain facilities provide electronic tablets to detainees, which may be used to access entertainment (e.g., games, movies, books), obtain grievance forms, engage in video conferences with their attorneys or loved ones, research information in law libraries, and more. CMD made great strides in 2022 toward improving our access to detainees by leveraging tablets as a means to request a meeting with an OIDO case manager. Under the “grievance” or “inmate request” tab, detainees can navigate to the “OIDO CMD” section and submit a request form to meet with an OIDO case manager.

OIDO Inclusion in Facility Handbooks

In 2022, CMD worked locally with six ICE detention facilities in Texas (El Paso, Houston, and San Antonio) to include information about OIDO in their local supplement to the detainee handbook. OIDO is currently working with ICE to have the Office's information included in the National Detainee Handbook, as well. The National Detainee Handbook and local supplements are distributed to all detainees as they arrive at the facilities and are updated regularly, as required by the detention standards, and include facility rules, regulations, instructions, detainee responsibilities, and detainee rights.

Identifying Best Practices for Case Management

In 2022, the Office completed exploratory rollouts intended to test various methods of case management. The Office seeks to build an effective solution that provides for a reliable and consistent presence in the field; these rollouts allowed us to observe on-site behaviors and have meaningful discussions regarding the presence of OIDO case managers at facilities. The goal of these rollouts was to help identify what

worked and what didn't work at different facilities and in different regions. Specifically, we sought to determine how to best customize our case management services throughout the country so that we could provide a persistent and consistent presence that, at the same time, is uniquely responsive to different needs and different operational realities.

Rollout 1 – On Location

At the invitation of the ICE El Paso Service Processing Center in El Paso, Texas, whose leadership expressed an interest in collaborating and supporting the efforts of OIDO, an OIDO case manager maintained a dedicated space within the facility. Through this rollout, Case Management hoped to expand upon our relationship with ICE and determine how permanent placement at a detention facility affects our case intake services.

The question Rollout 1 sought to answer:

How does having a space dedicated to an OIDO case manager within an ICE facility affect case management?

Conclusion: *A good relationship developed between OIDO and ICE, and cases were processed swiftly; however, detainees were, at times, unsure of OIDO's role, and the facility had limited physical space to dedicate to OIDO.*

In the first quarter of 2022, a case manager began reporting daily to a dedicated office within the facility and was allowed unescorted access throughout the facility. This case manager processed cases entirely on-site, including intake and triage, interviews, and resolution.

The continued presence of an OIDO case manager on-site at El Paso did help to facilitate a better collaborative working relationship between OIDO and ICE; however, it also muddled the relationship between OIDO and ICE in the eyes of detainees. As a result, detainees were, at times, uncomfortable disclosing complaints to OIDO, especially when they involved ICE staff. In addition, ICE operations were affected due to the limited physical space available on-site. Because OIDO has made efforts to emphasize the Office's independence within DHS in 2022, and because space at most sites is limited, Case Management terminated this rollout and recommended other methodologies for cultivating a persistent presence in the field

and maintaining freedom to engage in confidential communications. Case Management also concluded that interaction with detainees was more effective when it occurred in detainee housing areas or in neutral areas within facilities.

Rollout 2 – “Hot Zones”

Case Management looked to identify and develop strategies to address handling emergent situations, such as border surges or sudden and large increases in detainee populations, with a limited staff. Case Management defined the locations where these emergent situations were likely to occur as “hot zones.” The “hot zones” focused on the Harlingen, Laredo, and San Antonio, Texas, districts within Region 2. Through this model, we were able to ensure our case managers could conduct regular rotational visits while maintaining readiness to respond to emergent situations.

The question Rollout 2 sought to answer:

Does an operational model that prioritizes visits to facilities with high traffic or high-visibility issues, while still maintaining regular rotational visits at other facilities, achieve consistent presence across the board?

Conclusion: *Yes. Under this model, a single case manager takes an average of 10.2 days to complete case management activity. Increasing the staff dedicated to each facility reduced case resolution time to 6.8 days.*

Case Management found that the presence of additional case managers covering multiple facilities had a positive impact on case management. A single case manager covering their normally assigned facilities, while also shouldering visits to high-traffic facilities, took an average of 10.2 days to complete case management activity on a case. A team of two case managers working independently, by contrast, were able to complete case management activities on cases within an average of 6.8 days.

Rollout 3 – Rotational Site Visits

We looked at an approach using a regional team undertaking rotational site visits to a set of detention facilities. In this model, a regional team of the same staff all have shared responsibilities at several facilities within one geographical area, without any one case manager bearing sole responsibility for a given facility. Rotational site visits may allow a case manager to have a hands-on presence in more than one facility within a geographical region. Case managers obtain greater exposure to different facilities, and detainees have the opportunity for contact with multiple case managers, often with different backgrounds and skill sets.

The question Rollout 3 sought to answer:

If a core team of case managers frequently rotates between a subset of regional sites in order to maintain a consistent presence throughout multiple facilities, how is case management affected?

Conclusion: A

rotational mechanism enables flexibility in allocating resources while supporting timely processing of cases.

OIDO selected facilities in the southeastern United States for three main reasons: 1) familiarity with detention facilities in this area; 2) existing staff in the area; and 3) the area’s proximity to the Federal Law Enforcement Training Center (FLETC) and its training resources.

This rollout consisted of:

- ◆ Having a fully staffed regional team.
- ◆ Conducting visits at ICE facilities with an average daily population of 50 or more persons.¹⁰
- ◆ Testing models of on-site case management, including the use of partners and teams.
- ◆ Allowing new team members to shadow more seasoned case managers.

Specifically, OIDO case managers focused on:

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

Case Management’s review of this rollout determined that a rotational mechanism enables flexibility in allocating resources and timely processing of cases.

Summary

With respect to these three rollouts geared to test different operational models for regional operations, the objectives were to:

- ◆ Assess different ways to perform case intake and management.
- ◆ Determine what approaches best support a persistent and consistent field presence.
- ◆ Maintain independence and objectivity in case reviews.

All three of the regional operation rollouts ended in 2022. We determined that a case management-specific co-located office space (Rollout 1) will not be pursued further. The “hot zones” (Rollout 2) and rotational site visits (Rollout 3) methods proved most beneficial. While one case manager per facility would be ideal (depending on facility occupancy level), lack of resources and ongoing regional expansion means it is not feasible at this time. Thus, combining the rotational site visit concept with the “hot zone” staffing model was the most promising way to maintain a constant presence in detention sites while retaining the ability to quickly respond to critical events.

¹⁰ Facilities in the southeastern United States with an average daily population of more than 50 persons in detention included Stewart Detention Center (GA), Etowah County Jail (AL), Glades County Detention Center (FL), Krome Service Processing Center (FL), Broward Transitional Center (FL), Folkston ICE Processing Center (GA), and Baker County Facility (FL).

OIDO Partnership With the U.S. Customs and Border Protection Joint Intake Center

CMD is engaged in a partnership with CBP's Office of Professional Responsibility (OPR) to review cases involving conditions of immigration detention that come through the CBP Joint Intake Center (JIC). Our goal is to introduce a deconfliction option for cases involving CBP by redirecting them to OIDO for case management, and to assist in addressing cases in a timelier manner using combined OIDO and CBP resources.

The question this partnership sought to answer: How does OIDO collaboration with CBP OPR help both OIDO Case Management and CBP OPR?

Conclusion: Preliminary results are promising; OIDO continues this partnership with CBP into 2023.

OIDO received access to the Joint Intake Case Management System (JICMS), the database used by CBP OPR, in March 2022. Only specially trained case analysts on the Intake and Analysis team have access to the JICMS, and they work with CBP OPR to receive cases that have been declined by other DHS Components such as the Office of Inspector General and Office for Civil Rights and Civil Liberties.

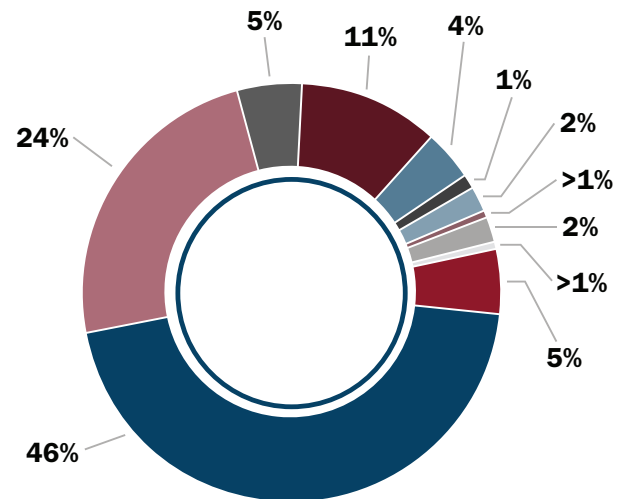
These OIDO case analysts review the submissions and conduct initial research and analysis on the potential case. Once this has been completed and the complaint has been verified, the OIDO analysts enter the case into both the CBP and OIDO databases and the cases are assigned to the appropriate region. Once the cases have been assigned to a region, the local case managers review them and provide case assistance or redress at the lowest level possible—that is, by working with detainees directly.

Case intake started in May 2022. Seven months later, at the end of 2022, Case Management had reviewed more than 400 cases through JICMS. Preliminarily, OIDO finds that this partnership improves the efficiency of case processing and allows CBP to focus on other cases within its purview. This program is ongoing as a regular part of the daily intake process for the Intake and Analysis branch within Washington, DC. This is a great example of collaborative work within DHS Components to further the Department's mission and goal.

Other Models for Increasing Persistent Presence—Nights and Weekends

Also in 2022, Case Management explored adding nights and weekends to its roster of duty hours. The purpose of this effort was to: 1) identify any differences in operations and, specifically, conditions of immigration detention outside of normal business hours; 2) test our own ability to operate outside of normal business hours; and 3) introduce ourselves to both facility staff and individuals in custody who we may not otherwise interact with during our regular schedules. All night and weekend assignments were accepted by staff on a completely voluntary basis.

Case Management observed multiple benefits to visiting facilities on nights and weekends, including the ability to interact with detainees during a different time of day, as well as meeting facility staff who work outside of regular business hours, thus introducing the OIDO mission to different facility staff.



COMPLAINT CATEGORY

- 46% Quality of Life/Living Conditions/Facility Environment
- 24% Medical/Mental Health Issues
- 5% Abuse & Assault
- 11% Property
- 4% Legal Access
- 1% Religious
- 2% Translation & Interpretation
- >1% Disability Accommodations
- 2% Special Considerations for Children & Families
- >1% Detainee Locator
- 5% Other

Figure 10: Complaint Categories

Due to the benefits of having case manager and supervisors visiting facilities outside of standard business hours, Case Management will continue to leverage evening and weekend visits where warranted.

Case Manager Observations: Notes From the First Year of Being Fully Operational in the Field

As 2022 was the first year that OIDO was fully operational, one of its top priorities was to establish as much of an on-site physical presence in as many facilities as possible through its Case Management Division. Case Management's continuous on-site presence, unique for immigration detention oversight, led to observations of a range of complaint types, including recurring issues that were raised to facility staff.

The largest percentage of cases (by category) reviewed by OIDO in 2022 were about quality of life, living conditions, and facility environment for detainees, making up nearly half of all cases. Medical and mental health issues followed, making up a quarter of all cases. The next largest categories were property, abuse and assault, and legal access. Although the complaint categories exist to help triage and organize cases, OIDO understands and expects each case to be unique, and, as such, handles each case accordingly—uniquely and humanely.

1. Harassment and Vulnerable Populations

An OIDO case manager received complaints from three individuals within the same living unit about harassment from another detainee due to their sexual orientations. Because of the harassment, the detainees did not feel safe going to the cafeteria, using the recreation area, or showering. The detainees all stated that they had reached out to their ICE detention officers and to the facility's counselor, but had not yet heard back from them. The same day that OIDO received the complaints, the case manager spoke with the facility's counselor about the concerns, and the counselor agreed to speak individually and privately with each detainee. After being moved to different pods, the detainees reported back to the OIDO case manager that they all felt safe and were able to return to their normal activities.

2. Detainee Orientation

In early June 2022, approximately 90 female detainees arrived at a facility recently set up to receive and house women for the first time. An OIDO case manager delivered a standard presentation to introduce the detainees to OIDO's resources and then asked questions to determine if the detainees had any concerns or issues. Through this dialogue, the case manager learned that the detainees were experiencing disorientation about where they were and how to access electronic tablets at the facility. The case manager devoted additional time to supplement the facility's orientation process, helping both this specific group and a second group of female detainees who arrived a week later to gain access to facility services.

3. Commissary Funds

OIDO received a complaint from a detainee who stated that he was missing funds in his commissary account. After an OIDO case manager brought this to the facility's attention, the facility account coordinator was able to create a new PIN for the detainee's commissary card, and upon investigating the situation, discovered that another detainee had accessed multiple detainees' accounts without permission. The complaining detainee's missing funds were ultimately returned.

4. Personal Property

A detainee requested assistance from an OIDO case manager, stating that he was not granted access to the immigration-related paperwork that he had in his possession when he first arrived at the facility. He also stated that he had made several requests for the paperwork but still had not received them. The OIDO case manager relayed the allegation to facility staff, who then promptly provided the detainee with his documentation in the presence of the case manager. According to the ICE 2011 Performance-based National Detention Standards, immigration detention facilities shall allow detainees to retain their personal legal material upon admittance. Once detainees are in custody, facilities should allow them to request access to these materials, and facilities should respond to this request in less than 24 hours.¹¹

¹¹ PBNDS 2011. Rev. 2016. 6. Justice. 6.3. Law Library and Legal Materials.V Expected Practices. J. Personal Legal Materials.

5. Environmental Health and Safety

OIDO spoke with a detainee who stated her pod had biting insects. The detainee requested that OIDO help ensure something be done to eliminate the insects, and she showed OIDO the marks on her arm that were allegedly from insect bites. OIDO was able to work with the facility to bring in an outside pest control company to address the insect problem. The complaint was resolved within two weeks, solving the issue for both the detainee who complained, as well as for others in the facility.

6. Legal Access

For security purposes, immigration detention facilities conduct population counts to ensure that individuals are present.¹² In one instance, a detainee alleged that he was not able to complete his telephonic court hearing because it conflicted with the facility's population count. Specifically, he stated that a half-hour into his court hearing, the facility staff turned off his, and all other calls, to conduct the formal count. Our on-site case manager relayed the allegation to facility staff, who then promptly rescheduled the detainee's court hearing during a time that did not coincide with a population count.

7. Staff-Detainee Communication

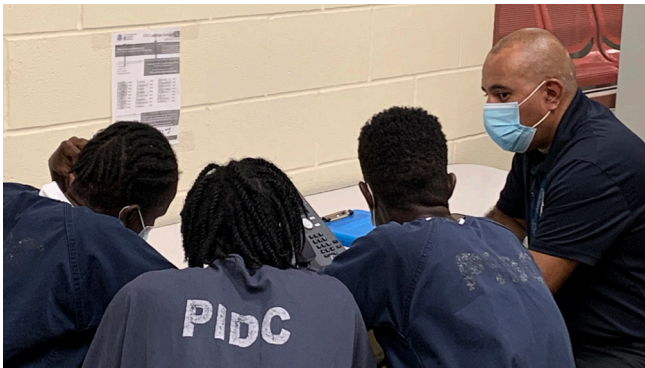


Photo: An OIDO Case Manager utilizing telephonic interpretation services to assist detainees with a complaint at the Port Isabel Service Processing Center.

Six detainees approached an OIDO case manager during his routine introductory presentation, stating that they had been served release papers three weeks prior, but were not released. They also noted that other detainees served at the same time had been released. The detainees stated that they had made a number of verbal requests to ICE and the facility, but had not received a response. The OIDO case manager coordinated with the ICE Assistant Officer in Charge, who arranged the detainees' release after final medical clearance, and also indicated that he would add a procedural step into this specific facility's processing to ensure that released

detainees are appropriately released within a specific time frame and with travel arrangements. The case manager verified that all six detainees were released within 24 hours of their initial approach, and that ICE staff were working to further refine and resolve staff-detainee communication processes.

8. Wellness Check

OIDO received a complaint from a former detainee requesting assistance for his wife who was still detained. According to the complaint, the man's wife was not receiving routine updates regarding her immigration case, and any updates provided were not in her native language. Additionally, the man stated that he was worried about his wife's mental health status in detention. OIDO's local case manager visited the facility, performed multiple wellness checks on the detainee, and continued to check on the detainee's wellbeing until her release.

9. Hunger Strike Mitigation

OIDO received a complaint from a female detainee who alleged that the facility did not provide her with appropriate vegetarian meal substitutions, and therefore she refused to eat. OIDO brought together both facility management and local ICE officials to determine the best way to first address this individual's concerns, but ultimately discuss ways in which the facility could mitigate further hunger strikes and ensure the availability and diversity of special diets for all detainees at the facility. As a result of OIDO's intervention, the facility agreed to provide the detainee with appropriate vegetarian meal substitutions and assign a member of the supervisory staff to confirm that she received her requested meals, and that the meals meet all dietary guidelines. Additionally, the facility created ID cards for detainees on special diets to display to the dining staff to ensure that they receive appropriate meals and agreed to explore further diversifying vegetarian alternatives.

10. Staff-Detainee Communication Improvement

OIDO case managers received allegations from detainees that facility security staff were communicating with them in a disrespectful and demeaning manner, resulting in tension between all parties. OIDO case managers gathered information and corroborated some of the detainee's allegations. Case managers elevated their findings to facility leadership, who worked with OIDO to address the situation. As a result, all facility security staff were retrained on how to effectively communicate, and supervisors were directed to increase staff monitoring. Since being addressed, OIDO noticed a reduction in complaints from detainees at this facility on this topic.

¹² PBNDS 2011-2016 2.8 Population counts: "There shall be no movement of detainees during formal counts. All detainee movements into, out of, and within the facility must cease before the count begins. Detainee movement shall not resume until the complete facility count has been cleared."

Detention Oversight Mission

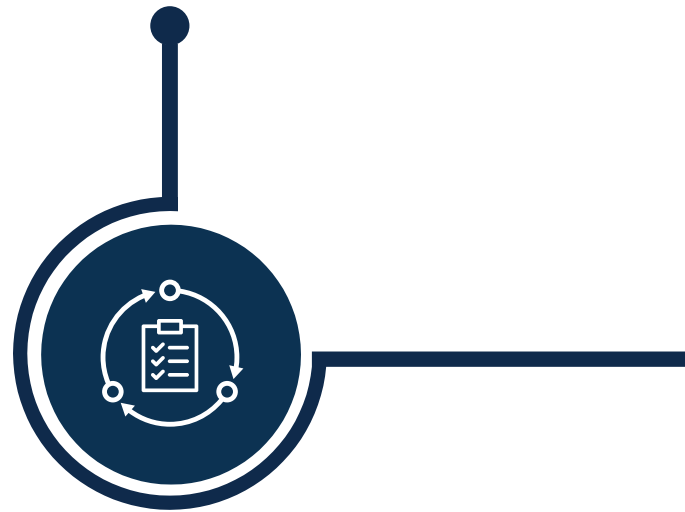
Within the broader OIDO landscape, the Detention Oversight Division ensures humane conditions exist in immigration detention by conducting independent, objective, and credible assessments of ICE and CBP facilities throughout the United States. OIDO examines immigration detention conditions as they relate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

In addition to conducting inspections and reviews, Detention Oversight actively engages DHS Components and contract staff on the significant issues we observe while in the field. OIDO looks to partner directly with DHS Components to address compliance and performance issues long before we issue a written report. Detention Oversight's assessment and report generation process incorporates several points for the Component to review our findings and provide comment to encourage partnership and timely corrective action to improve detention conditions. This includes issuing preliminary findings and holding of an exit conference to promote early review and discussion of assessment results.



Photo: Acting Ombudsman David Gersten and OIDO staff observing ICE Air operations at the Alexandria Staging Facility.

OIDO's inspections, investigations, and reviews focus on areas of concern identified and prioritized based on reported occurrences, rather than on evaluating



each facility on a fixed annual schedule and duplicating existing oversight efforts. For example, OIDO both conducts follow-up assessments at individual facilities to determine whether a facility took corrective action to resolve violations or concerns identified during a prior inspection and evaluates whether such findings and referrals from other oversight entities suggest larger scale issues in immigration detention. From OIDO's vantage point, many of the problem areas cut across facilities, providers, and contracts. OIDO seeks to identify the root causes of violations across these areas to make more effective recommendations.

Summary of Assessment Activities in 2022

To further Detention Oversight's mission noted above and in accordance with OIDO's statutory mandate to review, examine, and make recommendations to address concerns or violations of contract terms, in 2022, OIDO prioritized reviewing contractor performance and contract terms. In doing so, OIDO focused on areas of review that had a direct impact on the quality of contractor performance under applicable detention standards. OIDO examined contract terms and contractor performance specific to individual detention sites and applicable to multiple facilities. When looking at multiple facilities, OIDO was able to compare a range of site-specific outcomes. This assessment method allows us to notice common concerns, as well as best practices, and thereby identify a range of solutions. This will be reflected in our upcoming reports.

As an example, in examining CBP sites, OIDO observed significant understaffing on an existing contract that greatly impacted the level of medical services received by detainees in CBP custody. While the full contract audit was ongoing, OIDO issued an Ombudsman Alert, described in detail below, to expeditiously bring the issue to awareness at the highest levels. Meanwhile,

Detention Oversight’s staff, including its Public Health Service medical experts, frequently engaged CBP’s Office of the Chief Medical Officer, component contract staff, and CBP Front Office leadership to actively seek CBP’s cooperation in getting the contractor to increase the medical staffing levels. These efforts have resulted in significant cooperation between CBP and OIDO in addressing medical care issues.

Overall, in 2022, OIDO completed 26 assessments of facilities. The Office evaluated 13 CBP sites, completing four observations and nine announced inspections.¹³ We also reviewed 13 ICE sites, including six announced inspections and seven unannounced inspections. In addition, the Office published seven reports in 2022: five inspection reports, one observation report, and one OIDO Ombudsman Alert.



- | | | |
|--|---|--|
| 1 Yuma Soft-sided Facility
Yuma, AZ | 6 Nogales Port of Entry
Nogales, AZ | 11 Van Horn Border Patrol Station
Van Horn, TX |
| 2 Tucson Sector Coordination Center
Tucson, AZ | 7 Paso Del Norte Port of Entry
El Paso, TX | 12 Presidio Border Patrol Station
Presidio, TX |
| 3 Tucson Soft-sided Facility
Tucson, AZ | 8 Bridge of the Americas Port of Entry
El Paso, TX | 13 Central Processing Center – E.
Alpine, TX |
| 4 Sonoita Station
Nogales, AZ | 9 Ysleta Port of Entry
El Paso, TX | |
| 5 Nogales Station
Sonoita, AZ | 10 Central Processing Center – W.
Sierra Blanca, TX | |

Figure 11: CBP Sites Inspected by OIDO in 2022

¹³ OIDO Detention Oversight defines an observation as a broad-scope visit focused on information gathering; an inspection, by contrast, is defined as an evaluation of a facility against its applicable standards, contracts, and performance goals.



- | | | |
|--|--|--|
| 1 Mesa Verde ICE Processing Center
Bakersfield, CA | 5 Denver Contract Detention Facility
Aurora, TX | 9 Pine Prairie ICE Processing Center
Pine Prairie, LA |
| 2 Florence Correctional Center
Florence, AZ | 6 Eden Detention Center
Eden, TX | 10 Folkston ICE Processing Center & Annex
Folkston, GA |
| 3 Cibola County Correctional Center
Milan, NM | 7 El Valle Detention Facility
Raymondville, TX | 11 Broward Transitional Center
Pompano Beach, FL |
| 4 Torrance County Detention Facility
Estancia, NM | 8 South Louisiana ICE Processing Center
Basile, LA | 12 Moshannon Valley Processing Center
Phillipsburg, PA |

Figure 12: ICE Facilities Inspected by OIDO in 2022 [OIDO inspected Pine Prairie twice in 2022 (#9 on the map)]

Summary of Published Inspection and Observation Reports in 2022

OIDO Detention Oversight published six inspection and observation reports in 2022.

Moshannon Valley Processing Center

In February 2022, OIDO conducted an announced inspection of the Moshannon Valley Processing Center (MVPC) in Philipsburg, Pennsylvania, to assess its compliance with ICE detention standards and contract terms. OIDO performed a general inspection, reviewing areas of priority interest, as well as areas ICE Enforcement and Removal Operations (ERO) had identified as being uniquely handled at the

facility. Specifically, OIDO reviewed issues related to healthcare, COVID-19 protocols, staff–detainee communication, segregation, food service, and legal access and communication. OIDO also reviewed the facility’s integration of new techniques intended to promote detainee health, safety, and wellbeing.

OIDO’s inspection led to several findings. Related to contract terms and performance standards, OIDO found that MVPC had violations in four areas and performed exceptionally well in three areas. The areas of concern included medical staffing levels and mental healthcare, emergency preparedness, detainee communication, and ICE ERO visitation processes. The areas of strong performance included food service, special management

units, and legal access and communication. Related to new communications technology, OIDO found that detainees at MVPC had regular access to facility tablets, which provide tools and resources such as grievance forms, reading materials, messaging, video, and law libraries. While OIDO did observe some challenges related to integrating the technology into the facility, overall, the tablets appeared to offer improvements to detainee communication and quality of life.

OIDO made six recommendations¹⁴ designed to improve operations at the facility and meet ICE detention standards and contract terms.

Emergency Family Staging Centers¹⁵

OIDO conducted unannounced inspections of two ICE Emergency Family Staging Centers (EFSCs) in the San Antonio Sector to assess their compliance with ICE detention standards and contract terms. OIDO performed focused inspections, reviewing areas of priority interest, as well as areas of concern that had been identified in prior inspections of these and similar facilities. Specifically, OIDO reviewed issues related to healthcare, COVID-19 protocols, admission and release, safety and security, environmental health and safety, behavior management, and legal access and communication.

OIDO's inspection led to several findings. Related to prior inspections, OIDO found two previously noted violations had improved, but three deficiencies remained in the areas of overnight safety checks, staff Post Orders,¹⁶ and intake health assessments. Related to additional topics evaluated, OIDO determined that the EFSCs followed the modified detention standards and contract terms, except in the areas of detainee communication, healthcare, cleanliness, food storage, and children's recreation.

OIDO made five recommendations designed to improve future operations at hotels or similar facilities that ICE uses to provide shelter and services to noncitizen families.

Emergency Immigration Conditions

The results of this inspection will help shape future contracts in cases where emergency immigration staging shelters may be used.

Imperial Regional Detention Facility¹⁷

OIDO conducted an unannounced inspection of the Imperial Regional Detention Facility (IRDF) in California to assess the facility's compliance with the ICE detention standards and contract terms. OIDO both performed a focused inspection and reviewed areas where the Office of Inspector General had previously found violations of the detention standards to evaluate whether ICE had taken corrective action to fix prior violations. Specifically, OIDO reviewed whether the facility had corrected issues related to segregation, facility conditions, medical grievances, and detainee communication.

Commendable Practice

IRDF provided detainees with written materials from their program, in 20 languages, to prevent sexual abuse and assault. IRDF also had a full-time instructor offering educational classes and offered English as a Second Language classes by video daily.

OIDO's inspection resulted in several findings. Related to the Office of Inspector General report, OIDO found that four previously noted violations were corrected, but two deficiencies remained in the areas of detainee communication and food service. Further, while the facility's responsiveness to medical grievances had improved, its process raised new concerns about its effectiveness in communicating responses to

¹⁴ Department of Homeland Security, "OIDO Final Inspection Report—Moshannon Valley Processing Center," accessed April 19, 2023, https://www.dhs.gov/sites/default/files/2022-10/OIDO%20Final%20Inspection%20Report%20-%20Moshannon%20Valley%20Processing%20Center_2.pdf.

¹⁵ Department of Homeland Security, "OIDO Final Inspection Report of Emergency Family Staging Centers," accessed April 19, 2023, https://www.dhs.gov/sites/default/files/2022-08/OIDO-22-004%20Inspection%20Report%20of%20Emergency%20Family%20Staging%20Centers_508.pdf.

¹⁶ Post Orders are written instructions of the duties of a post and instructions on how to perform the duties. Step-by-step procedures are intended to include enough detail to guide an officer newly assigned to the post.

¹⁷ Department of Homeland Security, "OIDO Final Inspection Report of Imperial Regional Detention Facility," accessed April 19, 2023, https://www.dhs.gov/sites/default/files/2022-08/OIDO-22-002%20Imperial%20Inspection%20Report%20-%20Signed_508.pdf.

detainees with limited English proficiency. Related to additional topics evaluated, OIDO determined that IRDF followed the detention standards and contract terms, except in the areas of monthly audits, training, medical staffing, and segregation determinations.

OIDO made six recommendations designed to improve operations at the facility and meet ICE detention standards and service contract terms.

Limestone County Detention Center¹⁸

OIDO conducted this inspection to assess and document the conditions of detention, including the operational efficiency and effectiveness of the Limestone County Detention Center (LCDC). ICE detains individuals at LCDC pursuant to a rider on an Intergovernmental Service Agreement (IGSA) between LCDC and the U.S. Marshals Service. This rider did not include a provision that required the facility to comply with ICE's National Detention Standards. While the facility was not contractually subject to any version of the ICE detention standards, OIDO measured and evaluated facility conditions against requirements outlined in ICE's 2000 National Detention Standards and produced a findings report designed to improve operations at the facility to meet ICE standards. OIDO made one recommendation for ICE to move LCDC to a specific version of the ICE detention standards so that its detention operations can be measured and accountability can be applied.

Tucson Sector Facilities¹⁹

OIDO conducted announced inspections on April 12–13, 2022, of four U.S. Border Patrol facilities in the Tucson Sector (TCA) in Arizona. OIDO inspected the Tucson Coordination Center, Tucson Soft-sided Facility, the Nogales Border Patrol Station, and the Sonoita Border Patrol Station. OIDO reviewed facility compliance with the National Standards on Transport, Escort, Detention, and Search (TEDS), as well as applicable contract terms. OIDO examined issues related to detention, transport, at-risk populations, personal property, and medical care.

Detainee Medical Information Safeguarded in CBP Electronic System

In response to OIDO's recommendation, CBP issued a contract modification requiring the service provider to input all detainee medical records produced under the contract into CBP's electronic system.

OIDO's inspections led to several findings. Regarding performance standards, OIDO found that TCA was generally compliant and exhibited especially strong performance in key areas given resource challenges. Nonetheless, OIDO found a few areas of noncompliance and several areas of concern in how the facilities processed, documented, and communicated with detainees about personal property. In addition, OIDO found several concerns related to documentation, privacy, and hand hygiene during the initial medical screenings of detainees. Finally, OIDO noted striking deficiencies in staffing levels by the medical services provider.

OIDO made three recommendations designed to improve operations and meet TEDS standards and contract terms.

¹⁸ Department of Homeland Security, "OIDO Final Inspection Report of Limestone County Detention Center," accessed April 19, 2023, https://www.dhs.gov/sites/default/files/2023-03/Final%20Report%20on%20the%20Limestone%20County%20Detention%20Center%20Inspection%20March%202022_1.pdf.

¹⁹ Department of Homeland Security, "OIDO Final Inspection Report—U.S. Border Patrol Tucson Sector Facilities," accessed April 19, 2023, <https://www.dhs.gov/sites/default/files/2022-10/OIDO%20Final%20Inspection%20Report%20-%20U.S.%20Border%20Patrol%20Tucson%20Sector%20Facilities-Updated.pdf>.

Yuma Soft-sided Facility²⁰

OIDO conducted an announced observation of the Yuma Soft-sided Facility (YSS) in Yuma, Arizona, on April 21, 2022. OIDO's review focused on the issue of detainee personal property. Specifically, OIDO reviewed YSS's processes for handling, storing, securing, and searching detainee property for compliance with TEDS, as well as U.S. Border Patrol's Personal Effects Internal Operating Procedures memorandum.

OIDO found that the facility had discarded large amounts of detainee personal property. OIDO made two recommendations designed to improve operations at the facility and meet CBP detention standards and policies.

Ombudsman Alert: Critical Medical Understaffing on the Border²¹

Medical Services

Ensuring appropriate levels of medical staffing is a critical piece of maintaining medical and mental health services at detention sites.

On July 12, 2022, OIDO published an Ombudsman Alert regarding a shortage of medical personnel at CBP facilities along the United States border in California, Arizona, New Mexico, and Texas. Medical units and services in this region were provided by Loyal Source Government Services (LSGS) pursuant to a contract signed in September 2020.

Between spring 2021 and May 2022, OIDO conducted numerous site visits and inspections at CBP facilities along the Southwest Border. These observations suggested medical understaffing by LSGS. Based on LSGS data alone, OIDO determined that the overall average staffing for the period reviewed reflected a significant staffing shortage.

Medical staffing shortages at CBP facilities could jeopardize the health and safety of noncitizens in CBP custody. As the COVID-19 pandemic continues, these shortfalls may also pose risks to officers, agents, and staff.

Personal Property

CBP began an evaluation to determine how to better handle detainee personal property while mitigating risks from the ongoing COVID-19 pandemic.

OIDO will continue to review staffing levels to determine if future contractual obligations are being met, as well as whether agency regulatory tools are working as intended to protect the safety, security, and wellbeing of noncitizens. Further, OIDO will continue to provide analysis and offer strategic recommendations to improve the integrity of the immigration detention system.



Photo: OIDO observing a quarantine area within a U.S. Border Patrol facility.

²⁰ Department of Homeland Security, "OIDO Final Observation Report—U.S. Border Patrol Yuma Soft-Sided Facility," accessed April 19, 2023, <https://www.dhs.gov/sites/default/files/2022-10/OIDO%20Final%20Observation%20Report%20-%20U.S.%20Border%20Patrol%20Yuma%20Soft-Sided%20Facility-Updated.pdf>.

²¹ Department of Homeland Security, "OIDO Ombudsman Alert—Critical Medical Understaffing at the Border," accessed April 19, 2023, https://www.dhs.gov/sites/default/files/2022-08/OIDO%20Ombudsman%20Alert%20CBP%20Medical%20Contract%20Final_508.pdf.

Policy and Standards Mission

Policy and Standards is positioned at the broadest level in OIDO's three-tiered approach by addressing systemic issues affecting safety and humane treatment in the Nation's immigration detention system for both those in custody and those who work in custody environments.

Policy and Standards analyzes detention data from across the DHS landscape to identify systemic trends and opportunities for improving the immigration detention system. Using this evidence-based approach, Policy and Standards strives to develop solutions through mechanisms such as policy recommendations, guidance documents, legislative proposals, policy review, training and education, technical assistance, and other solutions as appropriate. These diverse mechanisms enable Policy and Standards to select and propose the right solution at the right time for the right impact.

Summary of Accomplishments and Activities for 2022

In 2022, Policy and Standards completed 17 major internal and external policy initiatives that established a foundation for many of OIDO's operational activities and were visible to the public and across the Department. Policy and Standards' initiatives spanned four key areas:

- ◆ Statutory, regulatory, and policy compliance
- ◆ Training and educational development
- ◆ Data and technology growth
- ◆ Solutions to systemic issues

Statutory, Regulatory, and Policy Compliance

1. Victim-centered and Trauma-informed Plan
2. OIDO Language Access Plan
3. OIDO Disability Access Plan
4. Annual Report to Congress 2021

Victim-centered and Trauma-informed Plan

In 2021, the DHS Secretary issued a memorandum titled, "Institutionalizing the Victim-centered Approach,"



directing all departmental Components to 1) assess and identify current and potential policies and programs that engage with victims of crime and to 2) develop plans to align all policies and activities with the "victim-centered approach." OIDO responded immediately by creating a plan inclusive of both victim-centered and trauma-informed approaches to be applied in all interactions with individuals in detention settings, regardless of OIDO staff having knowledge of the individual's history.

OIDO Language Access Plan

Policy and Standards initiated creation of a Language Access Plan pursuant to Executive Order 13166 and DHS Delegation 19003. Working in coordination with the DHS Office for Civil Rights and Civil Liberties (CRCL), Policy and Standards initiated a plan containing processes for providing individuals with limited English proficiency meaningful access to OIDO's programs and services. OIDO's plan includes the provision of interpretation and translation of commonly used and indigenous languages spoken across various geographical regions and DHS custodial environments. Additionally, to further support DHS's commitment to providing language access, Policy and Standards represented OIDO in a multi-day indigenous languages immersion event hosted by CRCL in Los Angeles in July 2022. As an outcome of this event, Policy and Standards ensured OIDO's language access plan included communication with speakers of indigenous languages from Mexico, Central America, South America, and beyond.

OIDO Disability Access Plan

Pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, and DHS Directive 065-01, Nondiscrimination for Individuals with Disabilities in DHS-conducted Programs and Activities (Non-employment), Policy and Standards initiated development of an office-wide Disability Access Plan in collaboration with CRCL. This initiative involves ensuring OIDO provides equal

access to its programs and services to individuals with disabilities, to include those in DHS custodial environments. In 2023, Policy and Standards intends to implement an internal assessment across all OIDO divisions to identify interactions with the public (to include those in custodial environments) and establish processes to ensure the Office provides equal access.

Annual Report to Congress 2021

OIDO's 2021 Annual Report to Congress symbolized the culmination of OIDO taking shape as an office and making bold steps to revolutionize the DHS immigration detention oversight environment. Policy and Standards played the lead role in bringing together OIDO's calendar-year accomplishments, activities, and recommendations to produce a report that spoke to a wide spectrum of stakeholders.

Training and Educational Development

- 1. Victim-centered and Trauma-informed Training**
- 2. Federal Mediation and Conciliation Service Ombudsman Standards of Practice Orientation and Conflict Management Training**
- 3. Sexual Abuse and Assault Prevention and Intervention Training**
- 4. Education and Technical Assistance Program**

Victim-centered and Trauma-informed Training

To support implementation of DHS's victim-centered initiatives, Policy and Standards collaborated with ICE's Homeland Security Investigations Division (HSI), Victim Assistance Program (VAP), to create and customize a training module specific to the work performed by OIDO staff. Policy and Standards and ICE HSI VAP integrated victim-centered and trauma-informed approaches together into an interactive, eight-hour training module that covered the following: 1) how the brain processes trauma; 2) avoidance of gender-biased communication in verbal and written communication; 3) victimology; and other related topics. As a result of this collaboration, all OIDO staff are now required to complete this training module within 90 days of entry on duty to ensure consistency in application of victim-centered approaches across interactions with all individuals in DHS custodial environments. In 2023, OIDO's Program Integration Division plans to develop a mechanism for tracking OIDO staff completion of this required module.

Federal Mediation and Conciliation Service: Ombudsman Standards of Practice Orientation and Conflict Management Training

In 2022, Policy and Standards coordinated with the Federal Mediation and Conciliation Service (FMCS) to assist OIDO in further exploring its identity as an ombudsman. Policy and Standards and FMCS collaborated to develop and deliver an eight-hour orientation to the OIDO workforce on basic ombudsman principles, standards, ethics, and conflict management. The information provided OIDO staff concepts for consideration in implementing work under an ombudsman umbrella. Additionally, FMCS underpinned the orientation and OIDO's victim-centered approach training with conflict management training. In 2022, Policy and Standards also coordinated with the greater Federal ombudsman community to provide its policy staff an ombudsman standards and practices refresher session to assist in further understanding the balance between ombudsman and detention oversight work.

Sexual Abuse and Assault Prevention and Intervention Training

Understanding the importance of consistency in application of policies and standards across DHS, Policy and Standards initiated steps in 2022 to make available to the OIDO workforce the same sexual abuse and assault prevention and intervention training currently afforded to other DHS employees in detention environments via DHS's learning management system. As a result of this effort, OIDO staff now have access to several training modules from different perspectives in understanding the DHS Prison Rape Elimination Act, and related policies and standards in both ICE and CBP. In 2023, OIDO's Program Integration Division plans to establish standards for requiring completion of these trainings by all OIDO staff.

Education and Technical Assistance Program

In 2022, Policy and Standards soft-launched its Education and Technical Assistance Program (ETAP). ETAP is a program that acknowledges the critical role that education and technical assistance play in the success of stakeholder cooperation and the implementation of policy and procedure across the immigration detention system. The long-term goal of ETAP is to offer detention-related education and/or technical assistance to ICE and CBP and their contractors to help bridge the gap between formal recommendations and actual system improvements. While these resources may not be the appropriate support or remedy for every problem in the system, they are key to ensuring consistency in policy and standards interpretation and application across the

DHS workforce. In 2023, Policy and Standards intends to evolve ETAP through design and delivery of an OIDO 101 educational module to facilitate internal stakeholder cooperation with OIDO's policy work. Also, should funding and resources become available, Policy and Standards intends to begin design and development of its initial detention-based education products.

Data and Technology Growth

Universal Detention Data Analysis

In 2022, Policy and Standards negotiated agreements with specific DHS Components to receive on a routine basis detention-based data to support OIDO's evidence-based approach to issue spotting and resolution of problems. Policy and Standards' goal is to use diverse sets of DHS detention data to generate routine analytical reports to provide OIDO a "universal" view of the types and location of issues occurring across the entire immigration detention system. Without this universal view of detention issues across the DHS landscape, OIDO arguably would be unable to have a true and comprehensive view of the volume, severity, frequency, or persistence of issues. In 2023, Policy and Standards intends to work to gain the necessary funding and resources to fully implement this critical initiative.

Solutions to Systemic Issues

5. DHS Detention Employee Assessment
6. Lexicon for Communicating With Victims of Violence and Trauma
7. Field Tours

DHS Detention Employee Assessment

Policy and Standards recognizes the importance of hearing the voices of all stakeholders in keeping immigration detention safe and humane. In 2022, Policy and Standards initiated a multi-month effort to assess Department employee perspectives on the effectiveness of current DHS detention oversight strategies and how OIDO can best help those Components meet the DHS mission. OIDO worked collaboratively with one DHS agency to develop and implement a mechanism for capturing candid personnel feedback. The effort led to discoveries that the Component's personnel desire more training, policies, standards, human resources, and facility modernization, among other desires. In 2023, OIDO intends to continue implementation of this assessment across other agency personnel and continue

identifying specific ways OIDO can assist in keeping immigration detention environments safe and humane.

Lexicon for Communicating With Victims of Violence and Trauma

To support implementation of OIDO's victim-centered and trauma-informed plan (referenced above), Policy and Standards designed and created development of the first-known lexicon in DHS for communicating with victims of crime and trauma. Titled "Communicating with Victims of Violence and Trauma," this lexicon provides OIDO staff guiding principles for effective victim-centered communication, as well as a list of individual and group-focused terms to consider and avoid when communicating with a variety of subpopulations. The lexicon is a tool to support trust, rapport, and cooperation with those populations OIDO may encounter in custody environments.

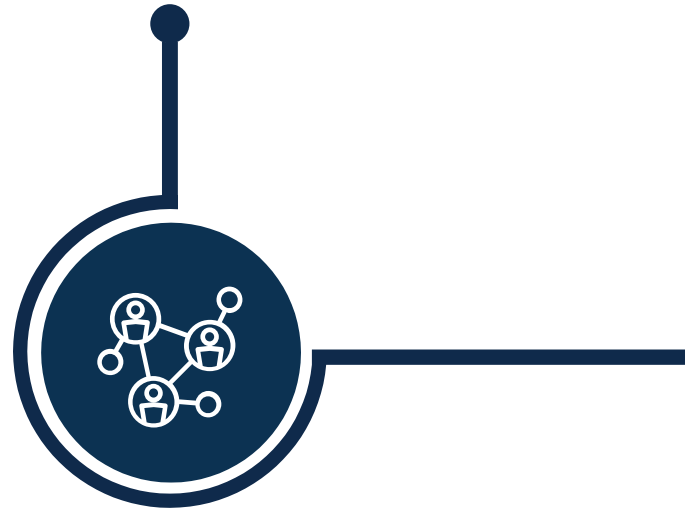
Field Tours

In 2022, the Policy and Standards team participated in numerous stakeholder meetings and Southwest Border field tours across the Nation to gain the operational, on-the-ground perspectives of both non-governmental organizations and DHS field employees. The meetings and tours provided greater understanding of daily operational routines and challenges and helped Policy and Standards identify potential opportunities to assist through one or more of Policy and Standards' tools. Policy and Standards intends to compare the outcomes of these tours with the results of the DHS detention employee assessment to determine how, where, and when OIDO can be of most help.



Photo: OIDO staff receiving an overview of U.S. Border Patrol operations in Nogales, Arizona.

External Relations (EXTRA) Mission




The hummingbird is a powerful symbol. In some cultures, they are believed to carry messages of respect, trust, and healing from loved ones and ancestors. According to an Aztec legend, it was a hummingbird that guided the Aztecs' long migration to the Valley of Mexico, also making it a symbol of independence, strength, and courage. The star represents OIDO's focus on advocating for each individual and incorporates the traditional five-pointed star of the U.S. flag. And finally, the hummingbird and star appear together on a shield—culminating in a powerful and culturally relevant image of protection and support.

Supporting OIDO's critical engagement work, EXTRA's mission is to ensure that families, representatives, and other advocates for immigration detainees recognize the Office as a trusted resource that hears the public's concerns and responds reliably and transparently. In 2022, OIDO held 136 engagements with stakeholders, including city, county, state, and foreign governments; non-governmental service providers and advocacy organizations; attorneys; university legal clinics; migrant shelters; and other Federal offices.

The Office has also worked to ensure people recognize our staff and our services by undergoing a branding campaign. OIDO's new logo—featured on our uniforms, website, and other materials—helps promote our unique identity and purpose in detention settings, distinguishing ourselves visibly from our DHS partners with missions in law enforcement, safety, or immigration benefits.



Figure 13: OIDO Uniform Shirts

Summary of Activities in 2022

This year, OIDO has prioritized making our office more accessible to the public and publicizing how best to reach us with concerns about detention conditions. With the launch of OIDO’s case intake form (DHS Form 405) in May 2022, we held four introductory sessions for stakeholders to learn more about the form and how to file complaints on behalf of people in detention. We also visited stakeholders in Louisiana, Michigan, Arizona, California, Texas, New Mexico, New York, New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, and held virtual engagements with stakeholders across the country.

OIDO issued quarterly newsletters letting stakeholders know about updates and activities in the Office. In addition, we posted three videos on our website spotlighting the personal histories, family roots, and experiences that led some of our case managers to their roles at OIDO. The Office’s website is now entirely available in both English and Spanish.

The External Relations team also visited detention and custody facilities in Arizona, California, Louisiana, Mississippi, Texas, and Washington to ensure that our public-facing statements align closely with conditions observed. While COVID-19 has made physical proximity more of a challenge, the External Relations team has focused on making itself available—leaving Washington, DC, to meet people throughout the country.

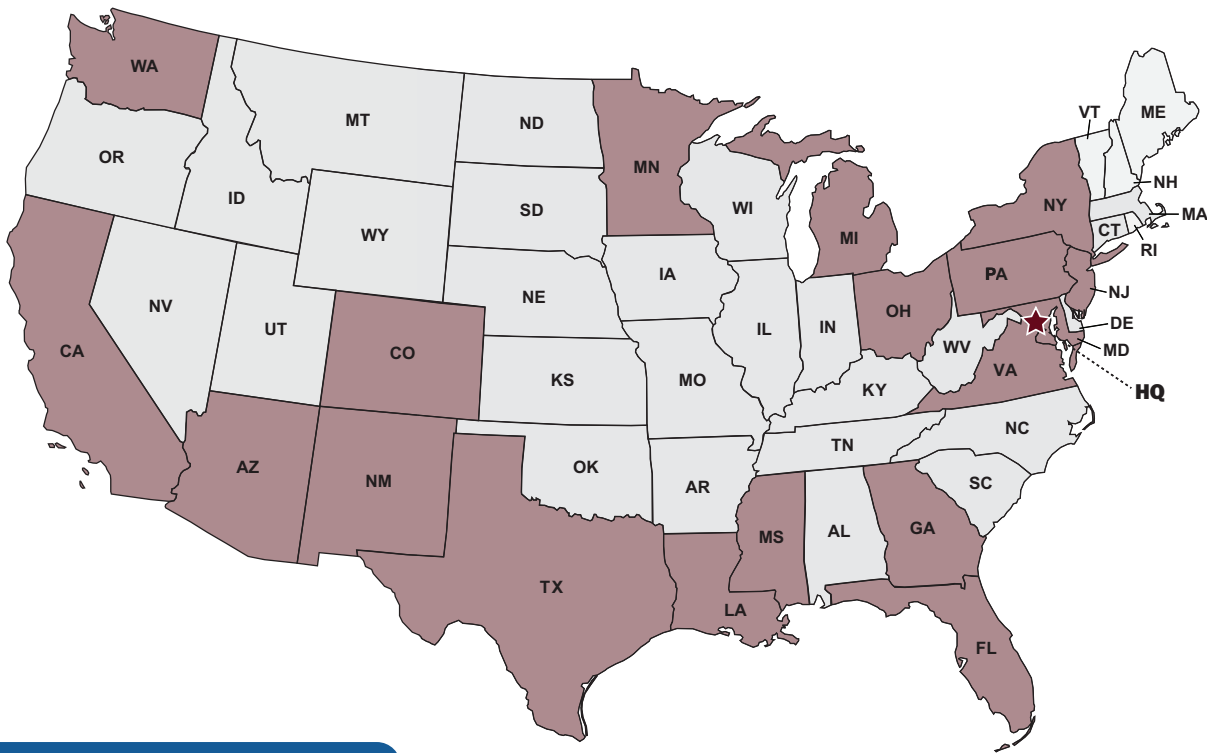


Figure 14: OIDO 2022 Outreach Locations (see states with shading)

OIDO EXTRA ROUNDTABLES 2022

Topics Included:

- ◆ Access to counsel
- ◆ Electronic communications
- ◆ Medical care
- ◆ Personal property
- ◆ Language access
- ◆ LGBTQ+ concerns

We have also recognized that some of the concerns expressed frequently transcend individual facilities and require a broader perspective. To that end, we launched a series of topical roundtables, bringing people together from across the country to discuss challenges with access to counsel, electronic communications, medical care, property, language access, and LGBTQ+ concerns. The roundtables were open to the public and were joined by dozens of stakeholders who were given the opportunity to discuss issues faced, make recommendations, and ask questions. More topical roundtables will be held in 2023, as well as follow-up sessions on these same topics.

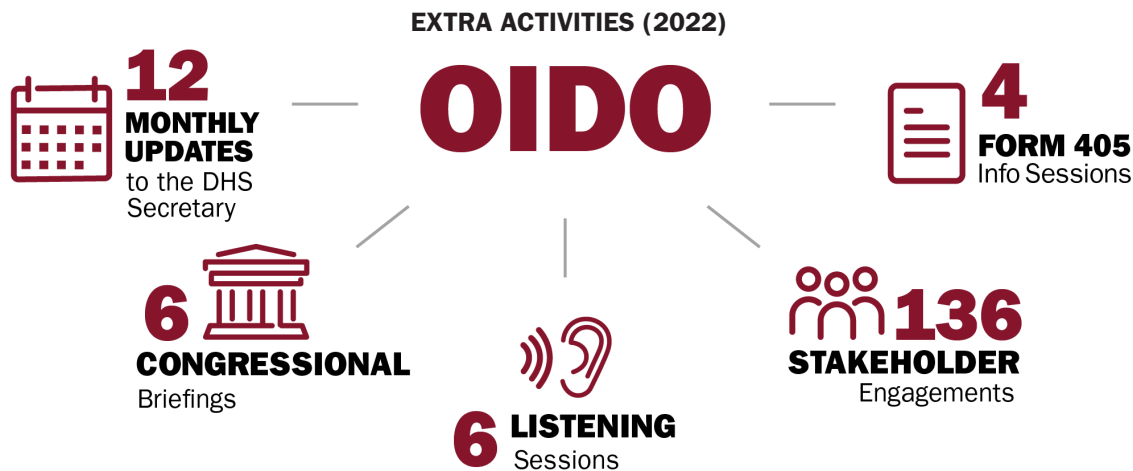


Figure 15: EXTRA Activities 2022

In addition, OIDO worked closely with the outreach offices of ICE and CBP, as well as participated in CRCL-hosted roundtables, to introduce itself to groups not yet contacted by OIDO. The goal of such efforts was to hear directly from these groups what they have asked of and expect from OIDO.

In 2022, OIDO also regularly engaged with senior departmental leadership to provide regular updates to DHS Secretary Mayorkas, briefing him and his senior advisors on the Office’s progress. The immigration detention ombudsman strives to be a source of candid messaging about the conditions of immigration detention based on our expertise and unique position in the Department.

OIDO provided quarterly briefings, and it also served as a source of information for Members of Congress throughout the year. OIDO addressed concerns about specific detention facilities, populations, and other emerging concerns with Members and staffers in Louisiana, Texas, Arizona, and New Mexico.

Observations and Outcomes

Stakeholder concerns reported to OIDO included communications, legal access, medical and mental health, segregation, and release from detention. Stakeholder concerns are shared throughout OIDO’s Case Management, Oversight, and Policy and Standards divisions for awareness and action. They are also anonymously used by the immigration detention ombudsman to inform his communication with DHS Secretary Mayorkas and his staff.

Communications

According to stakeholders, the challenges in communication discussed in the 2021 Annual Report are largely unchanged, as *ad hoc* solutions implemented during COVID-19 remained in effect and in-person visitation at detention centers has been slow to resume. Legal service providers reported difficulties accessing information about clients in custody, including the location and placement of children separated from a non-parent family member who is placed in ICE detention.

Stakeholders shared feedback—from people both currently and previously detained—that access to information in languages other than English or Spanish could be greatly improved. While telephonic language interpretation should be available in every CBP and ICE facility, usage is inconsistent.

For individuals released on humanitarian parole by CBP, stakeholders report a lack of clear guidance on how to change addresses and reporting locations. Additionally, documents are not always provided in a language other than English or Spanish, presenting challenges to speakers of different languages.

Legal Access

Many private attorneys and legal service providers shared concerns about ongoing challenges to connect with their detained clients. A common theme among these concerns is that facility infrastructure and processes have not changed to accommodate the increase in reliance on videoconferencing and phone consultations due to COVID-19 protocols. Stakeholders reported that some facilities lack private phone rooms,

necessitating detainees to discuss sensitive information using the common-area phones in housing units, while other facilities have dedicated private spaces for calls, but poor phone connectivity, reception, or room acoustics. Legal representatives are particularly concerned that these situations undermine the confidentiality of communications with their clients.

Also, legal service providers have shared their challenges, including lack of access to interpreters in their meetings with clients. They report that some facilities lack phones in attorney–client rooms and either prohibit attorneys from bringing in cell phones or have poor cellular network reception, leaving no meaningful access to telephonic interpretation services during legal visits. Others report that some facilities only allow providers to schedule video calls 24 hours ahead, which makes it difficult to arrange for an interpreter.

Legal representatives have additionally shared experiences with inconsistent processes for requesting access to clients, scheduling calls, and sending legal mail. They report that some facilities lack designated staff who are familiar with visitation and scheduling procedures. They say others have strict time limits on each phone call, while still others limit the number of calls or visits per day, per law firm. Representatives also shared concerns about seemingly inconsistent processes across facilities for sending legal mail—some facilities allow attorneys to send faxes, while others require attorneys to only use the U.S. Postal Service. In some cases, representatives reported that mail service to more rural detention facilities is not frequent enough for them to meet court filing deadlines.

Mental and Medical Health

Many stakeholders shared concerns about medical and mental healthcare in detention facilities. These include reports that some detainees have had difficulty scheduling medical appointments or receiving timely care, as well as concerns about the availability of referrals and transportation to specialized care from community-based providers. Language access and continuity of medical care when detainees are transferred are ongoing reported concerns from stakeholders.

Segregation Issues

Groups continue to assert concerns about the overuse of segregation, stating that they often see that segregation is used not only for disciplinary reasons, but also for medical and mental health issues, or for transgender detainees and other vulnerable populations. Advocates remain concerned about the impact of segregation on a detainee’s medical or mental health and wellbeing.

Release From Detention

Numerous community-based organizations assist individuals released from ICE or CBP custody, particularly along the Southwest Border. Many organizations reported excellent communication with local ICE and CBP offices. ICE and CBP provide them with timely notifications about releases, and organizations are then able to prepare to receive those who need assistance. In some locations, however, stakeholders report that releases occur with little communication and are far from regional transportation options. Additionally, some stakeholders shared concerns that people are sometimes released from custody without weather-appropriate clothing, property, or medications, nor provided clear instructions on how to request these items upon release.

Going Forward into 2023

Going forward, OIDO will continue efforts to engage more state and local governments, consulates, and other groups that work with people who have experienced detention, including medical providers.

In 2022, OIDO began a relationship with the Department of Justice’s Executive Office of Immigration Review (EOIR), allowing us to engage its stakeholders and support its efforts to ensure justice in the immigration system. OIDO participated regularly in EOIR’s language access working group, and EOIR agreed to host brown-bag lunch sessions on OIDO’s mission for immigration judges throughout the country. Opening this dialogue has given OIDO an opportunity to hear directly from judges and court administrators on detention issues that affect their ability to provide fair and timely hearings, such as scheduling conflicts with detention operations and technology challenges. Likewise, OIDO’s presence in facilities gives us greater context for how hearings are experienced from the detainee’s perspective, and sharing these insights may benefit EOIR.

OIDO also developed products in 2022 that will debut publicly in the coming year, including updated, rebranded posters and info sheets for display and distribution inside facilities, as well as with advocates and in locations frequented by people who may have been detained or who may have loved ones who are detained. OIDO also created an animated video that will be shown in the intake and housing units at ICE and CBP facilities. The video conveys what OIDO is and how it can be of service.

Finally, look for OIDO on Twitter in early 2023 @OIDOgov!

A photograph of two men walking away from the camera down a long, brightly lit hallway. The man on the right is wearing a dark jacket with the words "OFFICE OF IMMIGRATION DETENTION OMBUDSMAN" printed on the back. The man on the left is wearing a dark t-shirt. The hallway has a concrete floor and a chain-link fence on the right side. The entire image is overlaid with a blue tint.

OFFICE OF IMMIGRATION
DETENTION
OMBUDSMAN

**FURTHER
AHEAD IN 2023**

07 FURTHER AHEAD IN 2023

OIDO identified and prioritized the following four goals in our Strategic Plan for fiscal years 2022–2024:

- ◆ **Goal 1:** Identify, develop, and deliver recommended solutions to improve conditions within immigration detention facilities.
- ◆ **Goal 2:** Be a unique voice leveraging information and expertise to inform decision makers and the public.
- ◆ **Goal 3:** Expand relationships and cooperation to ensure OIDO is complementary to other DHS functions.
- ◆ **Goal 4:** Institutionalize the Office of the Immigration Detention Ombudsman.

Many of the objectives for these four goals were met successfully in 2022, positioning the Office well in 2023 to further strengthen and refine our presence in immigration detention as objective, independent, credible, and proficient. In 2023, OIDO will continue to effect positive change in immigration detention policy, laws, and detention standards by reaffirming our commitment to these four goals.

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

- ◆ **Objective 1.1:** Continue the maturation of case management capabilities at detention facilities.
- ◆ **Objective 1.2:** Full deployment of detention oversight staff and capabilities in the field.

In 2022, we made huge strides toward completing the objectives supporting the buildout of case management and detention oversight. We published the OIDO case intake form on our website in May, giving the public an avenue to submit specific complaints directly to OIDO. We took in over 6,000 cases for case management and visited over 20 states to engage with detainees. We also rolled out three of our four case management operational models and put the rotational model into effect in the latter part of 2022 with great success, thus solidly establishing a persistent presence in the field. The fourth operational model, a joint effort with CBP, will continue into 2023 as a regular part of case management.

Also in 2022, we saw our Detention Oversight team complete 26 facility assessments across the country, including 13 CBP sites and 13 ICE sites. We published seven reports in 2022: five inspection reports, one observation report, and one OIDO Ombudsman Alert.

In 2023, we plan to provide Form 405 in more languages and expand access by creating a portal for online submission. We hope to hire more case managers and support staff to continue effectively receiving, resolving, and providing redress for our growing volume of immigration detention complaints. We will continue to refine our procedures for reviewing immigration detention contracts for fraud, mismanagement, and underperformance; refine our process for risk-based assessments of detention facilities; and further finalize and deploy the Detention Oversight Operations Manual and standard operating procedures.

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

- ◆ **Objective 2.1:** Collect, analyze, and share validated information with key decision makers.
- ◆ **Objective 2.2:** Deliver information to the public that they can trust.

In 2022, OIDO developed its website, making information and resources about our work available online in both English and Spanish. In the interest of transparency and open communication with the public, we published to our website the 2021 Annual Report, a quarterly newsletter, inspection reports, and other informational documents. We conducted webinars to educate the public on our intake form (Form 405) and worked to provide critical information to internal and external stakeholders through our outreach programs.

As we move into 2023, OIDO will continue to collect and analyze data from internal sources, including case intake, facility assessments, and other DHS Components, to help identify trends and develop recommended corrective actions. We will continue to collect feedback and provide training and educational information for our external shareholders. We intend to

provide guidance on best practices for filing complaints using Form 405, as well as expand audio and video resources on our website for increased accessibility and ease of use.

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

- ◆ **Objective 3.1:** Expand cooperation with governmental stakeholders.
- ◆ **Objective 3.2:** Identify, prioritize, establish, and mature partnerships with non-governmental organizations.

In 2022, OIDO worked to expand both government and public awareness of our purpose and function. We visited 90 facilities in 22 states to build relationships with ICE and CBP and collaborated with those Components, CRCL, and other DHS entities throughout the year on roundtables, policies, and meetings. We held four public sessions when Form 405 went live to educate stakeholders on how to fill it out and submit it; we also conducted six roundtable events to engage with non-governmental organization (NGO) stakeholders on critical issues. OIDO developed posters and one-page materials to build awareness both within and outside facilities, and we held 136 stakeholder engagements throughout the year to hear concerns and build lines of communication.

Moving into 2023, OIDO will continue to build its intergovernmental relationships with the new Congress elected during the 2022 midterm elections. We will continue to develop relationships and coordinate with DHS Components with a role in detention oversight and intend to finalize memoranda of understanding to facilitate information sharing. We intend to hold additional roundtable events open to the public to continue gathering valuable feedback from the community. We will continue outreach to NGOs that work directly with impacted individuals to help amplify information about our work; in addition, we intend to engage more state and local government bodies, consulates, and other groups that work with detainees such as medical providers or immigration judges.

Goal 4: Institutionalize the Office of the Immigration Detention Ombudsman

- ◆ **Objective 4.1:** Provide centralized administrative and operational support, as well as program integration, across all OIDO divisions.
- ◆ **Objective 4.2:** Recruit and retain a diverse and highly capable team to support a culture of excellence.
- ◆ **Objective 4.3:** Identify and prioritize OIDO staff's educational and professional development opportunities.

OIDO created the Program Integration Division in 2022 to facilitate the flow of information between OIDO divisions, coordinate priorities, and respond to departmental requests. Working closely with Operations and Resource Management Division, the two divisions have shepherded the efficient and effective use of limited resources. As a maturing organization, in 2023, OIDO will continue to conduct extensive operational reviews to ensure the optimization of personnel and resources, while still supporting OIDO's mission. In addition, OIDO will continue to incorporate standardized processes, procedures, and management tools, which will better allow us to share our expertise across divisions. We look to equip and empower our employees to provide responsive service while achieving the most favorable results. OIDO will continue to recruit and retain a well-qualified and diverse workforce while fostering an organizational culture of good stewardship, customer service, operational collaboration, and both internal and external teamwork.



Photo: OIDO staff conducting outreach and facility visits in Arizona.



APPENDICES

APPENDIX A: SECTION 205 OF TITLE 6 OF THE U.S. CODE

6 USC 205: Ombudsman for immigration detention

From Title 6-DOMESTIC SECURITY

CHAPTER 1 - HOMELAND SECURITY ORGANIZATION

SUBCHAPTER IV - BORDER, MARITIME, AND TRANSPORTATION SECURITY

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

§205. Ombudsman for immigration detention

(a) In general

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

(b) Functions

The functions of the Ombudsman shall be to:

- (1) Establish and administer an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress, including referral for investigation to the Office of the Inspector General, referral to U.S. Citizenship and Immigration Services for immigration relief, or any other action determined appropriate, for cases in which Department officers or other personnel, or contracted, subcontracted, or cooperating entity personnel, are found to have engaged in misconduct or violated the rights of individuals in immigration detention;
- (2) Establish an accessible and standardized process regarding complaints against any officer or employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any contracted, subcontracted, or cooperating entity personnel, for violations of law, standards of professional conduct, contract terms, or policy related to immigration detention;
- (3) Conduct unannounced inspections of detention facilities holding individuals in federal immigration custody, including those owned or operated by units of State or local government and privately-owned or operated facilities;
- (4) Review, examine, and make recommendations to address concerns or violations of contract terms identified in reviews, audits, investigations, or detainee interviews regarding immigration detention facilities and services;
- (5) Provide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards by Department of Homeland Security officers or other personnel, or contracted, subcontracted, or cooperating entity personnel; and
- (6) Ensure that the functions performed by the Ombudsman are complementary to existing functions within the Department of Homeland Security.

(c) Access to detention facilities

The Ombudsman, or designated personnel of the Ombudsman, shall be provided unfettered access to any location within each such detention facility and shall be permitted confidential access to any detainee at the detainee's request and any departmental records concerning such detainee.

(d) Coordination with department components

(1) In general

The Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection shall each establish procedures to provide formal responses to recommendations submitted to such officials by the Ombudsman within 60 days of receiving such recommendations.

(2) Access to information

The Secretary shall establish procedures to provide the Ombudsman access to all departmental records necessary to execute the responsibilities of the Ombudsman under subsection (b) or (c) not later than 60 days after a request from the Ombudsman for such information.

(e) Annual report

The Ombudsman shall prepare a report to Congress on an annual basis on its activities, findings, and recommendations.

(Pub. L. 107–296, title IV, §405, as added [Pub. L. 116–93, div. D, title I, §106\(a\), Dec. 20, 2019, 133 Stat. 2504.](#))

APPENDIX B: LEGISLATIVE REQUIREMENT

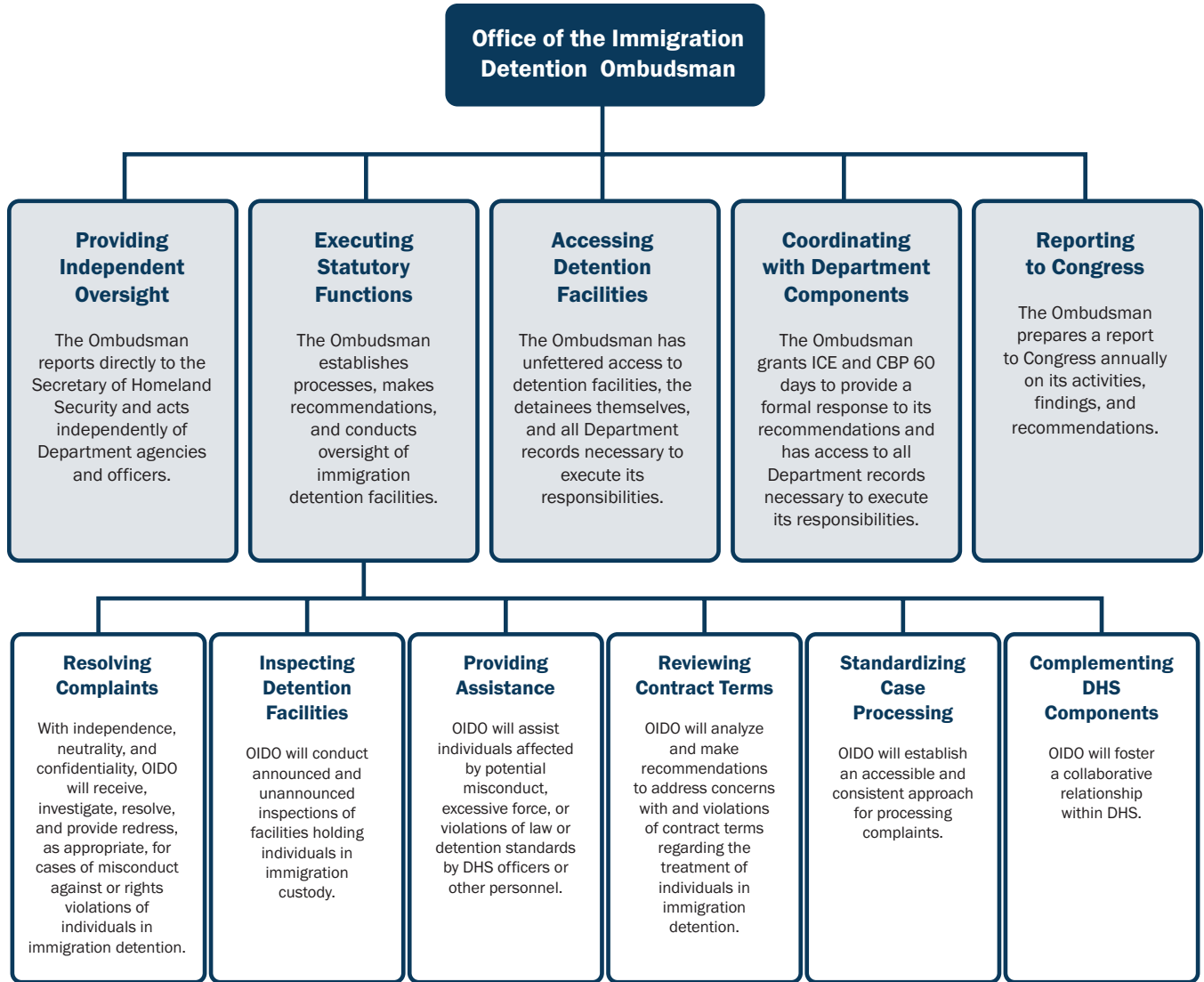
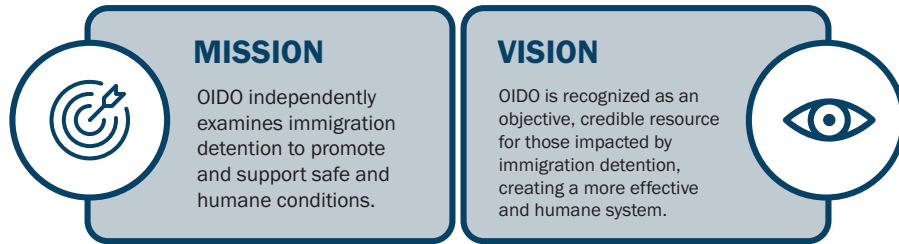


Figure 16: OIDO's Statutory Functions

APPENDIX C: WHO WE ARE

Mission, Vision, and Core Values

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



OIDO’s core values will guide and influence how OIDO meets its mission to ensure safety and humane detention conditions, as shown in the figure below.



Figure 17: OIDO Mission, Vision, and Core Values

OIDO Organizational Structure

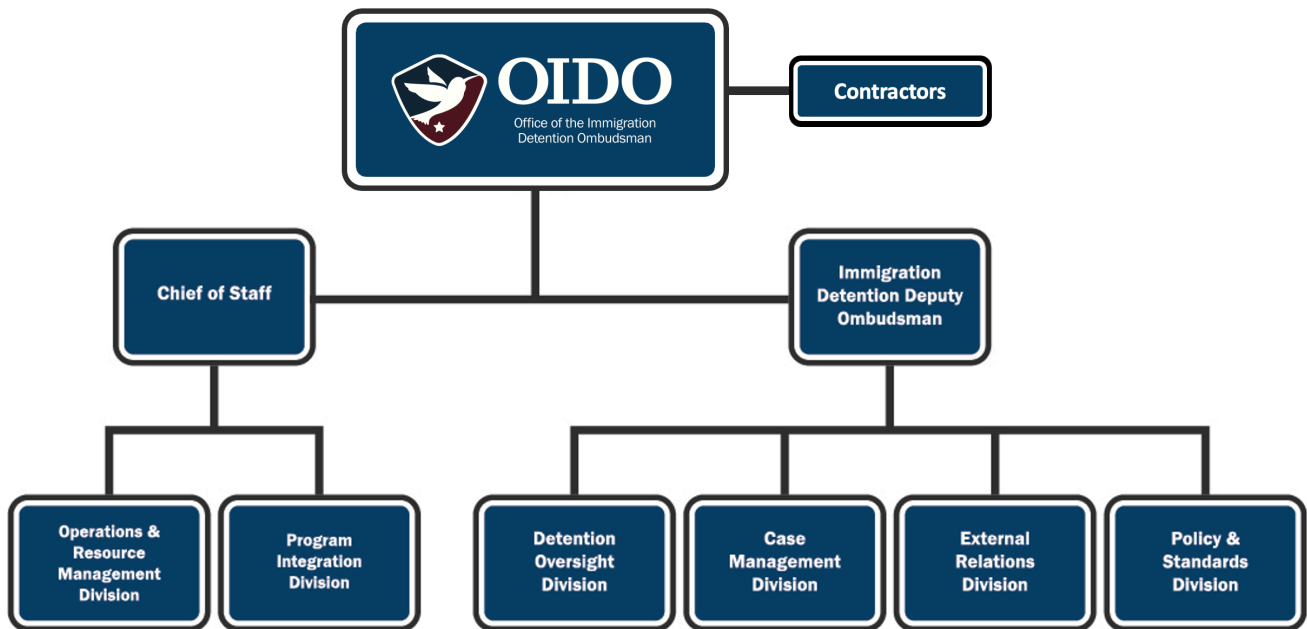


Figure 18: OIDO Organizational Chart

APPENDIX D: OFFICE OF THE IMMIGRATION DETENTION OMBUDSMAN: AN INDEPENDENT OVERSIGHT AUTHORITY

Below are the different divisions and offices within the Department of Homeland Security (DHS) that make up **Detention Oversight** including their mission, the role they play, and how they can be contacted.



OIDO

Office of the Immigration
Detention Ombudsman

Independently examines immigration detention to promote and support safe and humane conditions.

Focus Areas

Complaints regarding DHS immigration detention and custody.

Independent On-Site Presence

In Custody:

Detainees may file in person by speaking to an OIDO case manager in their facility.

dhs.gov/OIDO

Others may file via DHS form 405: [File Complaint](#) OIDO
ICE/CBP locations

Office of Inspector General (OIG)

Provides independent oversight and promotes excellence, integrity, and accountability within DHS.

Focus Areas

Complaints regarding criminal issues within DHS (waste, fraud, abuse, mismanagement).

Call: 1-800-323-8603 | 1-844-889-4357 (TTY)

oig.dhs.gov/hotline

[File Complaint](#)

OIG

Washington, DC

Office for Civil Rights and Civil Liberties (CRCL)

Investigates allegations about possible violations of civil rights, civil liberties, or human rights by DHS programs, activities, personnel, or contractors. Additionally, CRCL reviews and investigates disability discrimination complaints.

Focus Areas

Allegations about any of DHS's interactions with the public, including related to the human rights, civil rights, civil liberties, and disability accommodation of those in DHS custody.

Call: 202-401-1474 | 1-866-644-8360

TTY: 202-401-0470 | 1-866-644-8361

Email: crclcompliance@hq.dhs.gov

dhs.gov/crcl

[File Complaint](#)

CRCL

Washington, DC

Immigration and Customs Enforcement (ICE)

Protects America through criminal investigations and enforces immigration laws to preserve national security and public safety within ICE facilities.

Focus Areas

Complaints regarding ICE custody.

Call: 1-888-351-4024 | 1-802-872-6196 (TTY)

Live, trained operators are available Monday through Friday (excluding holidays) from 8 a.m. to 8 p.m. (Eastern Time) to respond to inquiries from those in ICE detention and from community members. Language assistance, including Spanish operators, is also available.

ice.gov/ICEcasereview

Email Complaint: ICEcasereview@ice.dhs.gov

ICE

Locations nationwide

Customs and Border Protection (CBP)

Protects the American people, safeguards our borders, and enhances the nation's economic prosperity, within CBP facilities.

Focus Areas

Complaints regarding CBP custody.

Call: 1-877-2INTAKE | 1-844-889-4357 (TTY)

Fax: 202-344-3390

Email: JointIntake@cbp.dhs.gov

cbp.gov/about/care-and-custody/how-make-report

Email Complaint: JointIntake@cbp.dhs.gov

CBP

Locations nationwide



Homeland
Security

Complaints about immigration applications or anything else within DHS?
[Provide Feedback or Make Complaints to DHS | Homeland Security](#)

APPENDIX E: COMPLAINT FORM

DEPARTMENT OF HOMELAND SECURITY
Office of the Immigration Detention Ombudsman

OMB Control No. 1601-0030
Expiration Date: 04/30/2025

CASE INTAKE FORM

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

PURPOSE OF THIS FORM

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

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

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

AND

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

- DHS (CBP or ICE) officers or employees, including, contracted, subcontracted, or cooperating personnel or a contract service provider.

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

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

WHO SHOULD SUBMIT THIS FORM?

- A current or former detainee who is seeking assistance regarding a concern related to conditions of immigration detention or an incident that occurred, or is occurring, while in DHS custody.
- An individual submitting this form on behalf of a current or former detainee, as his or her representative, who has a concern related to conditions of immigration detention or to whom an incident occurred, or is occurring, while in DHS custody. This includes, but is not limited to, an acquaintance, family member or an attorney/accredited representative.
- An individual submitting the form anonymously.

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

GENERAL INSTRUCTIONS FOR THIS FORM

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

WHERE TO SUBMIT THIS FORM

Please submit your completed, signed, and dated form, including any supporting documentation, to the Office of the Immigration Detention Ombudsman by one of the following means:

- E-Mail: detentionombudsman@hq.dhs.gov
- U.S. Mail and/or Expedited Delivery Services:

Office of the Immigration Detention Ombudsman (OIDO)
Mail Stop 0134
Department of Homeland Security
Washington DC 20528-0134
ATTN: OIDO Case Intake Form (DHS Form 405)

Due to security measures with the U.S. Government mail system, cases mailed (even those sent by expedited delivery services) may be delayed.

CASE INFORMATION

Information About the Person Submitting this Form

1. I am: A current or former detainee who is seeking assistance regarding conditions of immigration detention or an incident that occurred, or is occurring, while in DHS custody.
- An individual submitting this form on behalf of a current or former detainee, as his or her representative, who has a concern regarding conditions of immigration detention or to whom an incident occurred, or is occurring, while in DHS custody.
- An individual submitting the form anonymously.

Information About the Detainee

2. Name (First Name, Middle Name, Last Name):		3. Other names used or spelling variants:
4. Date of Birth:	5. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	6. Alien Registration Number (A-number) (if any):
7. Country(s) of Citizenship or Nationality:	8. Country of Birth:	9. Preferred Language:

10. Location:

Is the individual currently in custody?

- Yes No

a. Name of Detention Facility (If unsure of the name, provide general information, such as city or state, or descriptive information, such as large building or holding cell, or personnel uniform colors.)

b. Date Detained at Facility (If unsure of the exact dates, provide approximate dates.)

What is the expected contact information after release from detention?
Or if not currently in custody, what is the contact information?

c. Mailing Address: Street Address, Apartment/Suite, City, State, Zip/Postal Code, Country

d. Email Address: _____

e. Phone Number: _____

Information About Where the Incident or Concern Occurred										
<p>11. Did the incident or concern occur at a detention facility?</p> <p>a. <input type="checkbox"/> Yes</p> <p style="margin-left: 40px;">Name of Detention Facility (If unsure of the name, provide general information, such as city or state, or descriptive information, such as large building or holding cell, or personnel uniform colors.)</p> <p style="margin-left: 40px;">_____</p> <p style="margin-left: 40px;">_____</p> <p>b. <input type="checkbox"/> No</p> <p style="margin-left: 40px;">Provide explanation of the incident location:</p> <p style="margin-left: 40px;">_____</p> <p style="margin-left: 40px;">_____</p> <p style="margin-left: 40px;">_____</p>										
Information About the Incident or Concern										
<p>12a. Category (Select <u>one</u> category that best describes the incident or concern.):</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input type="checkbox"/> Abuse or Assault</td> <td style="width: 50%;"><input type="checkbox"/> Medical/Mental Health or Health Care Concerns</td> </tr> <tr> <td><input type="checkbox"/> Contact and Communication</td> <td><input type="checkbox"/> Property</td> </tr> <tr> <td><input type="checkbox"/> Disability Accommodations</td> <td><input type="checkbox"/> Religious</td> </tr> <tr> <td><input type="checkbox"/> Facility Environment</td> <td><input type="checkbox"/> Special Consideration for Children and Families</td> </tr> <tr> <td><input type="checkbox"/> Legal Access</td> <td><input type="checkbox"/> Translation and Interpretation Services</td> </tr> </table> <p>12b. Sub-Category (Please write a sub-category from the list on Addendum A):</p>	<input type="checkbox"/> Abuse or Assault	<input type="checkbox"/> Medical/Mental Health or Health Care Concerns	<input type="checkbox"/> Contact and Communication	<input type="checkbox"/> Property	<input type="checkbox"/> Disability Accommodations	<input type="checkbox"/> Religious	<input type="checkbox"/> Facility Environment	<input type="checkbox"/> Special Consideration for Children and Families	<input type="checkbox"/> Legal Access	<input type="checkbox"/> Translation and Interpretation Services
<input type="checkbox"/> Abuse or Assault	<input type="checkbox"/> Medical/Mental Health or Health Care Concerns									
<input type="checkbox"/> Contact and Communication	<input type="checkbox"/> Property									
<input type="checkbox"/> Disability Accommodations	<input type="checkbox"/> Religious									
<input type="checkbox"/> Facility Environment	<input type="checkbox"/> Special Consideration for Children and Families									
<input type="checkbox"/> Legal Access	<input type="checkbox"/> Translation and Interpretation Services									
<p>13. Description of Incident or Concern (Please provide a detailed explanation of the incident or concern and specify the preferred remedy or redress.)</p> 										
<p>14. Incident Date(s) (If unsure of the exact dates, provide approximate dates.)</p>										
Actions Taken to Report the Incident and Seek a Remedy or Redress										
<p>15. Was the incident or concern discussed with personnel at the facility?</p> <p><input type="checkbox"/> Yes:</p> <p style="margin-left: 40px;">a. Was a grievance or formal complaint filed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 40px;">b. If medical, was a sick call request made? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 40px;">c. Other: _____</p> <p><input type="checkbox"/> No</p>										

16. Was the incident or concern reported to one of the following?

- ICE Detention Reporting and Information Line (DRIL) (888-351-4024)
- Office of Professional Responsibility Joint Intake Center (JIC) (877-2INTAKE)
- DHS Office for Civil Rights and Civil Liberties (CRCL) (866-644-8360)
- DHS Office of Inspector General (OIG) (800-323-8603)
- U.S. Health and Human Services, Office of Refugee Resettlement (if incident occurred while in DHS custody)
- Other (e.g., Chaplain): _____
- None of the above

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

Identity of the Person Submitting this Form

18. I am:

- The aforementioned detainee who is seeking assistance regarding conditions of my immigration detention or an incident that occurred, or is occurring, while in DHS custody.

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

Signature: _____ Date: _____

- An individual submitting this form on behalf of a current or former detainee, as his or her representative, who has a concern regarding conditions of immigration detention or an incident that occurred, or is occurring, while in DHS custody.

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

a. Relationship to Detainee:

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

b. Name (First Name, Middle Name, Last Name): _____

c. Individual Mailing Address: Street Address, Apartment/Suite, City, State, Zip/Postal Code, Country:

d. Law Firm/Organization (if applicable): _____

e. Organization Mailing Address: Street Address, Apartment/Suite, City, State, Zip/Postal Code, Country:

f. Email Address: _____ g. Phone Number: _____

Signature: _____ Date: _____

An individual submitting this form anonymously. Due to the anonymous nature of the submission, no information regarding the case and/or outcome will be provided to the submitter.

LEGAL NOTICES

Penalties for Submitting Incorrect Information

Whoever willfully and knowingly falsifies a material fact, makes a false statement, or makes use of false documents will be fined up to \$10,000, imprisoned for up to five (5) years, or both. 18 U.S.C. §1001. Requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. §552a(i)(3) by a fine of not more than \$5,000.

Authority for Collecting Information

The functions of the Office of the Immigration Detention Ombudsman are to:

- (1) Establish and administer an independent, neutral, and confidential process to receive, investigate, resolve, and provide redress, including referral for investigation to the Office of Inspector General, referral to U.S. Citizenship and Immigration Services for immigration relief, or any other action determined appropriate, for cases in which Department of Homeland Security (DHS) officers or other personnel, or contracted, subcontracted, or cooperating entity personnel, are found to have engaged in misconduct or violated the rights of individuals in immigration detention;
- (2) Establish an accessible and standardized process regarding complaints against any officer or employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement, or any contracted, subcontracted, or cooperating entity personnel, for violations of law, standards of professional conduct, contract terms, or policy related to immigration detention;
- (3) Conduct unannounced inspections of detention facilities holding individuals in federal immigration custody, including those owned or operated by units of State or local government and privately-owned or operated facilities;
- (4) Review, examine, and make recommendations to address concerns or violations of contract terms identified in reviews, audits, investigations, or detainee interviews regarding immigration detention facilities and services;
- (5) Provide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards by DHS officers or other personnel, or contracted, subcontracted, or cooperating entity personnel; and
- (6) Ensure that the functions performed by the Ombudsman are complementary to existing functions within DHS Homeland Security Act of 2002, Pub. L. No. 107-296, § 405(b) (codified at 6 U.S.C. § 205(b)), as added by Consolidated Appropriations Act, 2020, Pub. L. No. 116-93, §106 (2019).

Privacy Act of 1974

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

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

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

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

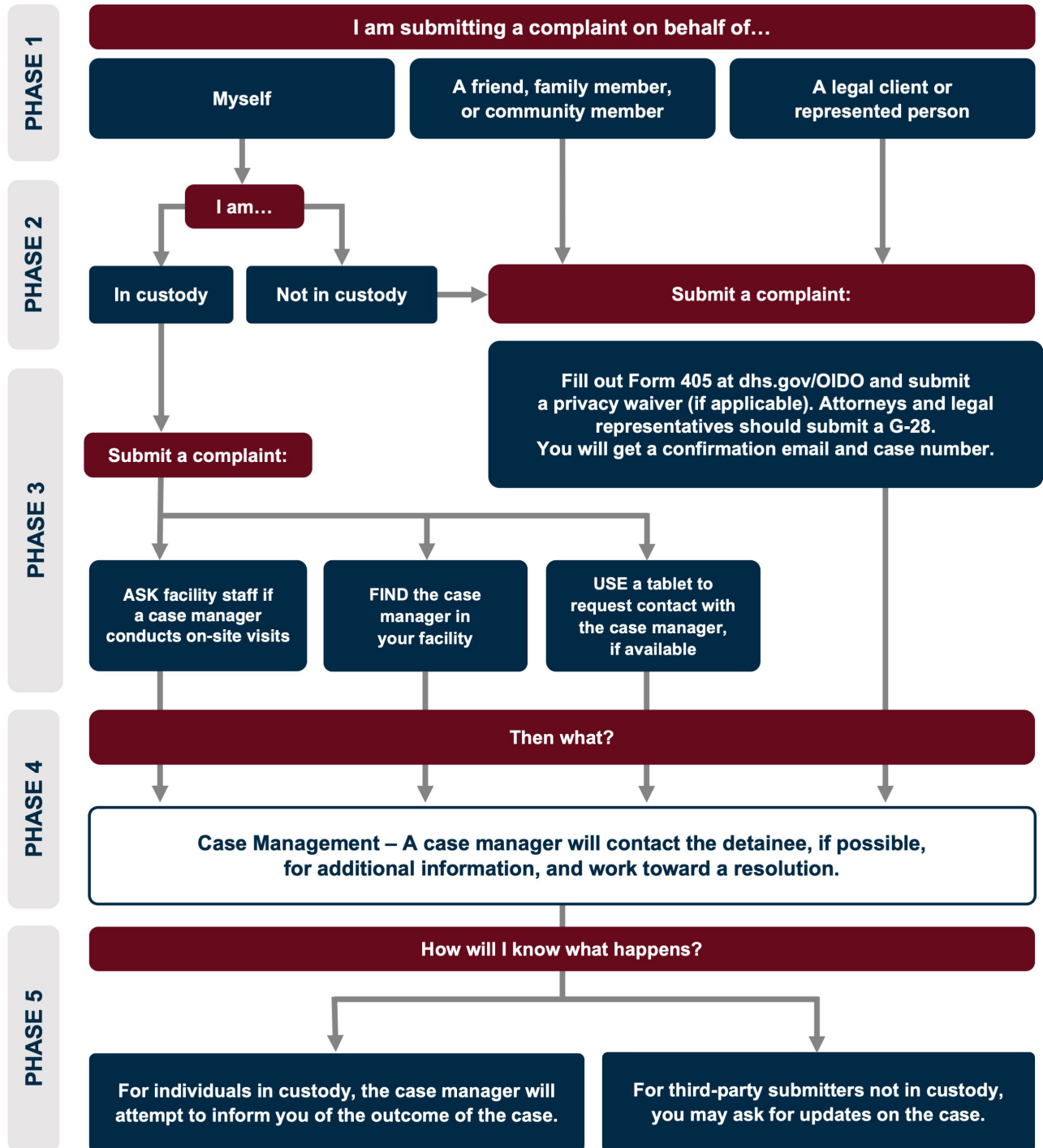
CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: Providing this information is voluntary. However, failure to provide this information may result in the inability of DHS to process or investigate the complaint.

Paperwork Reduction Act Notice

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

APPENDIX F: OIDO PROCESS FOR A FILED COMPLAINT

OIDO Complaint Submission



APPENDIX G: CASE MANAGEMENT METRICS

Please note that these metrics may be impacted by various factors, including, but not limited to, the frequency of visits by case managers, facility populations, and accessibility to detained populations. Metrics are effective January 1, 2022 to December 31, 2022.

Total Number of Cases Resolved in 2022	Total Number of Cases in Progress in 2022	Total Number of Cases in 2022
5,654	433	6,087

FACILITY	NUMBER OF CASES OPENED
Otay Mesa Detention Center (San Diego CDF)	420
Krome North Service Processing Center	305
South Texas ICE Processing Center	300
Aurora Detention Center	254
El Paso Central Processing Center	193
Imperial Regional Detention Facility	182
Eloy Federal Contract Facility	172
Moshannon Valley Processing Center	169
Broward Transitional Center	157
Port Isabel	150
Florence Correctional Center (CCA)	146
Nevada Southern Detention Center	134
Cibola County Correctional Center	133
Montgomery ICE Processing Center	132
Central Louisiana ICE Processing Center	131
Tacoma ICE (Northwest Detention Center)	128
Winn Correctional Center	127
Elizabeth Contract Detention Facility	125
Joe Corley Processing Center	117
El Paso Service Processing Center	113
Kay County Justice Facility	112
Otero County Processing Center	111
T. Don Hutto Residential Center	110

FACILITY	NUMBER OF CASES OPENED
Folkston ICE Processing Main	108
Stewart Detention Center*	102
Baker County Sheriff's Office	101
Buffalo (Batavia) Service Processing Center	89
Adams County Det Center	86
Torrance County Detention Facility	81
Karnes County Residential Center	80
Webb County Detention Center (CCA)	75
South Louisiana Detention Center	75
Prairieland Detention Facility	70
El Valle Detention Facility	69
Rio Grande Detention Center	69
Rio Grande Valley Sector Texas	66
River Correctional Center	59
Bluebonnet Detention Facility	59
Pike County Correctional Facility	49
Nye County Detention Center	45
Folkston ICE Processing Annex	44
Chase County Detention Facility	42
Richwood Correctional Center	42
Jackson Parish Correctional Center	39
Houston Contract Detention Facility	37
Boone County Jail	35
IAH Secure Adult Detention Facility (Polk)	35
Eden Detention Center	35
Pine Prairie ICE Processing Center	32
Laredo Processing Center	30
Golden State Annex	27
Adelanto ICE Processing Center	26
Caroline Detention Facility	26
Clinton County Correctional Facility	23
South Texas Family Residential Center	22
Mesa Verde ICE Processing Center	22
Florence Service Processing Center	20
Donna Processing Center	19

FACILITY	NUMBER OF CASES OPENED
Yuma Sector Arizona	18
Seneca County Jail	17
Clay County Jail	17
Unknown Location	15
El Centro Sector California	14
Desert View	14
Yuma Station	14
Calhoun County Correctional Center	14
Rolling Plains Detention Center	12
San Ysidro - Class A, California Port of Entry	11
Tucson Sector Coordination Center	9
Glades County Detention Center	9
NEW/INS OS Hold Room	9
Eagle Pass South Station	8
Eagle Pass Station	7
Tucson Soft-sided Facility	6
BOP Custody	6
Uvalde Station	5
McAllen Station	5
St. Clair County Jail	5
Del Rio Station	4
Allen Parish Public Safety Complex	4
Imperial Beach Station	4
McHenry County Correctional Facility	4
Yuma Soft Side Facility	4
Okmulgee County Jail	4
Weslaco Station	3
Brownsville, Texas Port of Entry	3
Chula Vista Station	3
Boulevard Station	3
Laredo, Texas Port of Entry	3
Harlingen Station	3
Henderson Detention Center	3
Nogales Station	3
Brown Field Station	2

FACILITY	NUMBER OF CASES OPENED
San Luis, Arizona Port of Entry	2
State and Local Custody	2
Coastal Bend Detention Facility	2
Calexico East - Class A, California Port of Entry	2
El Paso Hold Room	2
La Palma Correctional Center	2
Sherburne County Jail	2
Nogales, Arizona Port of Entry	2
Tucson, Arizona Port of Entry	2
Douglas Station	2
El Paso Sector Texas	2
Krome/Miami Hub	2
Willcox Station	1
Otay Mesa, California Port of Entry	1
Bridge of the Americas Port of Entry	1
Limestone County Detention Center	1
Paso del Norte Port of Entry	1
Little Rock Hold Room	1
Laredo Enhanced Centralized Processing Center (LRT ECPC)	1
Columbus Hold Room	1
Teller County Detention Facility	1
San Antonio DRO Hold Room	1
Tucson Station	1
San Antonio, Texas POE	1
La Palma Correction Center - APSO	1
San Diego District Staging	1
York County Detention Center	1
Bergen County Jail	1
Rio Grande City Station	1
Hidalgo, Texas Port of Entry	1
Orange County Jail	1
Monroe County Detention-Dorm	1
Falfurrias Station	1
Del Rio, Texas Port of Entry	1
Boston Hold Room	1

FACILITY	NUMBER OF CASES OPENED
Sierra Blanca Station	1
Palm Beach County Main Detention Center	1
Sonoita Station	1
Campo Station	1
Denver Contract Detention Facility CDF I	1
Blain Station	1
El Paso Station	1
Port of Entry	1
Central Processing Center-East	1
Yuma Hold Room	1
In Transit	1
CCA Central Arizona Detention Center	1
Calexico Station	1
Donna Processing Facility	1
Etowah County Jail (Alabama)	1
GRAND TOTAL	6,087

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