



April 2024

SOUTHWEST BORDER

Additional Guidance and Monitoring Needed to Improve CBP's Handling of Personal Property

Accessible Version

GAO Highlights

View [GAO-24-106540](#). For more information, contact Rebecca Gambler at (202) 512-8777 or Gablerr@gao.gov.

Highlights of [GAO-24-106540](#), a report to congressional requesters

April 2024

SOUTHWEST BORDER

Additional Guidance and Monitoring Needed to Improve CBP's Handling of Personal Property

Why GAO Did This Study

In fiscal year 2023, the Department of Homeland Security's CBP encountered nearly 2.5 million individuals at the southwest border. CBP holds individuals in short-term custody in holding facilities located along the border. When individuals enter short-term custody, CBP personnel must search, collect, store, and transfer or return their personal property. Property deemed to be contraband or hazardous is to be discarded. Individuals and representatives from nongovernmental organizations have raised concerns about CBP personnel not returning or improperly discarding personal property of individuals in custody along the southwest border.

GAO was asked to review CBP's policies and procedures regarding the handling of personal property. Among other things, this report assesses the extent to which CBP has developed and implemented policies and procedures for handling personal property. GAO analyzed policies and procedures for handling personal property. GAO also interviewed officials and conducted site visits to 16 CBP facilities in Arizona, California, and Texas.

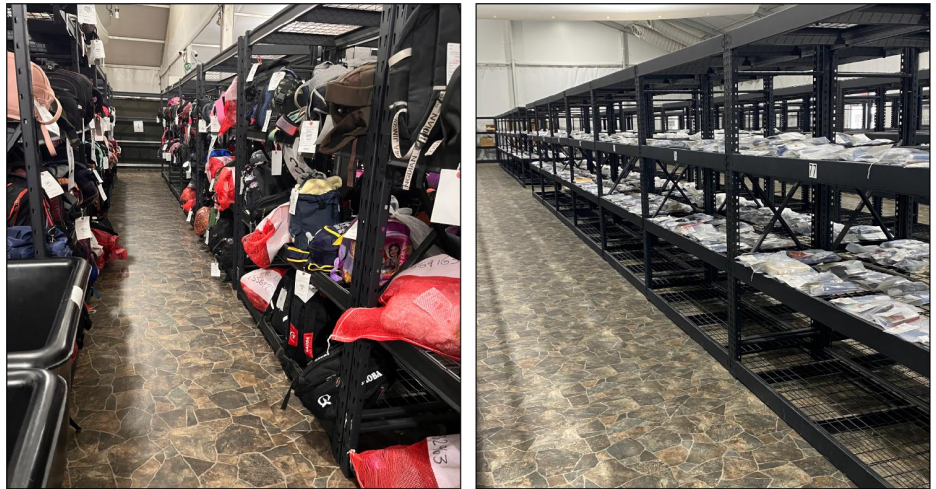
What GAO Recommends

GAO is making three recommendations to CBP. These include that Border Patrol issue clarifying guidance for the handling of personal property and develop a mechanism to monitor implementation of this guidance, and that CBP develop and provide to individuals written instructions regarding property retrieval after their release from custody. DHS concurred with the recommendations.

What GAO Found

U.S. Customs and Border Protection (CBP) and its components—U.S. Border Patrol and the Office of Field Operations—have policies and procedures for how its personnel are to handle the personal property of individuals held in custody, and the components have taken action to implement this guidance. For example, GAO observed CBP personnel searching and storing individuals' personal property at short-term holding locations. However, GAO found that Border Patrol locations interpret the guidance differently, including definitions of health hazards and the amount and type of property field locations should collect and store.

Property Storage Rooms at Two Border Patrol Facilities, July and September 2023



Source: GAO. | GAO-24-106540

Note: These photographs illustrate the amount of personal property stored in storage rooms at the two facilities at the time of our visits. The photo on the left is of a facility that did not limit the amount of personal property an individual may store, whereas the photo on the right is of a facility that limits personal property.

According to Border Patrol headquarters officials, field locations interpret the guidance differently because it does not define key terms and concepts. Border Patrol headquarters also does not monitor implementation of guidance at the field level. By issuing clarifying guidance on handling personal property and developing and implementing a mechanism to monitor its implementation, Border Patrol would be better positioned to ensure personal property is handled consistent with agency guidance.

In addition, CBP policies and procedures state that individuals are to be notified of CBP's process for claiming personal property upon release from custody. GAO found that Border Patrol and the Office of Field Operations field locations do not consistently communicate this information to individuals. By providing written instructions, CBP would be better positioned to communicate procedures to individuals released from custody to better allow them to retrieve their property.

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Abbreviations

| | |
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| CBP | U.S. Customs and Border Protection |
| DHS | Department of Homeland Security |
| OFO | Office of Field Operations |
| TEDS | National Standards on Transport, Escort, Detention, and Search |

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April 23, 2024

Congressional Requesters

U.S. Customs and Border Protection (CBP), within the Department of Homeland Security (DHS), is charged with a dual mission of facilitating travel and trade while also keeping terrorists and their weapons, criminals and their contraband, and inadmissible individuals out of the country.¹ According to CBP data, in fiscal year 2023, CBP encountered nearly 2.5 million individuals at the southwest border, more than five times the number encountered in fiscal year 2020. Within CBP, the Office of Field Operations (OFO) is responsible for operating ports of entry through which travelers are inspected for admission to the U.S., and U.S. Border Patrol is responsible for patrolling the areas between ports of entry to prevent individuals and goods from entering the U.S. illegally. After inspecting an individual for admissibility into the U.S. or while making an apprehension between ports of entry, OFO and Border Patrol may hold individuals in short-term custody in holding facilities located at OFO ports of entry, Border Patrol stations, and other locations. If placed into short-term custody, CBP personnel must inventory, collect, store, and transfer or return the personal belongings of those individuals. Individuals and representatives from nongovernmental organizations have raised concerns about CBP personnel not returning or improperly discarding personal property of individuals in custody along the southwest border.

We have previously reported on DHS’s detention of individuals in short-term custody, DHS’s processing of family units arriving at the southwest border, and CBP’s short-term custody standards.² In those reports, we made 12 recommendations to DHS and CBP to strengthen assessments of time in custody data for individuals in holding facilities, controls over

¹The term “inadmissible” means that a foreign national may not be admitted into the U.S. for various health-related, criminal, or other reasons, and such an individual is removable, under 8 U.S.C. § 1182 (statutory grounds of inadmissibility and related provisions). See related “deportability” provisions, 8 U.S.C. § 1227.

²GAO, *Immigration Detention: Additional Actions Needed to Strengthen DHS Management of Short-Term Holding Facilities*, [GAO-16-514](#) (Washington, D.C.: May 26, 2016); *Southwest Border: Actions Needed to Improve DHS Processing of Families and Coordination between DHS and HHS*, [GAO-20-245](#) (Washington, D.C.: Feb. 19, 2020); and *Southwest Border: CBP Oversees Short-Term Custody Standards, but Border Patrol Could Better Monitor Care of At-Risk Individuals*, [GAO-22-105321](#) (Washington, D.C.: Sept. 28, 2022).

the collection and recording of information on family units processed at the southwest border, and welfare check requirements for at-risk populations, among other things.³

You asked us to review CBP's activities, policies, and procedures regarding the handling of personal property belonging to individuals in its custody. This report (1) assesses the extent to which CBP has developed and implemented policies and procedures for handling personal property and (2) describes DHS mechanisms for receiving and addressing complaints regarding the handling of personal property in CBP facilities along the southwest border.⁴

To address both objectives, we visited a nongeneralizable sample of five Border Patrol sectors and four OFO ports of entry in Arizona, California, and Texas.⁵ We selected the Border Patrol sectors based on several factors, such as a variety in the number and type of short-term holding facilities within the sector, geographical location, both high and low numbers of apprehensions, and the existence or lack of sector-level policies for handling individuals' personal property. We selected OFO ports of entry with the largest number of inadmissible noncitizens encountered in our selected Border Patrol sectors. During the site visits, we observed the handling of personal property at 12 Border Patrol short-term holding facilities within the five sectors and four OFO ports of entry.⁶

We also interviewed officials at each location to discuss property handling and mechanisms individuals use to make complaints. The information we

³DHS and CBP have implemented some of these recommendations and have actions planned or underway to address others. Of the 12 recommendations we made, DHS has fully implemented seven of them and has actions planned or underway to address three others. The remaining two recommendations we closed as not implemented.

⁴For the purposes of this report, "personal property" refers to personal belongings found on the individual's person or carried by them upon entry into the U.S. It does not include contraband or property otherwise subject to seizure.

⁵Along the southwest border, Border Patrol divides responsibility for border security operations between ports of entry geographically among nine sectors spanning four states. Each Border Patrol sector is further divided into varying numbers of stations. Similarly, OFO administers ports of entry along the southwest border through four field offices.

⁶Border Patrol can hold individuals at stations or temporary facilities called soft-sided facilities. Short-term holding facilities are designed to accommodate stays of no longer than 72 hours. Soft-sided facilities are temporary facilities designed to provide additional processing capacity for Border Patrol. The 12 Border Patrol short-term holding facilities that we visited consisted of five soft-sided facilities and seven stations.

obtained from our site visits cannot be generalized to all facilities and ports of entry but provides insight into the implementation of CBP's property handling-related policies and procedures. For those Border Patrol sectors we did not visit in-person and for all OFO field offices along the southwest border, we requested information on their policies and processes for handling personal property.

To address our first objective, we reviewed CBP documents, such as guidance and policies developed by headquarters and field-level leadership for handling personal property, including the National Standards on Transport, Escort, Detention, and Search (TEDS).⁷ We assessed how CBP develops, implements, and communicates policies regarding personal property against CBP guidance documents and *Standards for Internal Control in the Federal Government*.⁸ Specifically, we analyzed CBP's efforts against the principles related to implementing control activities through policies and communicating policies and procedures to external parties. We further assessed these actions against TEDS and Border Patrol and OFO-specific guidance issued by each component's headquarters office. In addition, we interviewed officials from the Office of Refugee Resettlement within the Department of Health and Human Services to obtain information on how CBP transfers the property of unaccompanied children when they are referred to Department of Health and Human Services custody.⁹

We also interviewed officials responsible for developing policies related to the handling of personal property, such as Border Patrol and OFO headquarters officials and officials in sectors and field offices. During these interviews, we discussed the development and implementation of policies regarding personal property and the processes for handling personal property in Border Patrol facilities and stations and OFO ports of entry.

⁷U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search*. (Washington, D.C., Oct. 2015).

⁸GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

⁹CBP refers unaccompanied children to the custody of the Office of Refugee Resettlement within the Department of Health and Human Services. Unaccompanied children in the custody of any federal department or agency, including CBP, must be transferred to the Office of Refugee Resettlement within 72 hours after determining that they are unaccompanied children, except in exceptional circumstances. 8 U.S.C. § 1232(b)(3).

In addition, we interviewed representatives from six nongovernmental organizations to discuss their experiences with how individuals' property is handled. We selected these entities based on various factors, such as whether they serve individuals recently released from CBP custody, have done advocacy work related to personal property, or if they were identified by other nongovernmental or DHS officials. The information we obtained from these interviews is not generalizable, but it provided important perspectives from nongovernmental organizations on how CBP handles personal property.

To address our second objective, we reviewed reports produced by oversight offices such as the DHS Office of the Inspector General and the Office of the Immigration Detention Ombudsman. We also requested data from four DHS offices that receive complaints regarding the handling of personal property: the DHS Office of the Inspector General, the DHS Office for Civil Rights and Civil Liberties, the DHS Office of the Immigration Detention Ombudsman, and the CBP Office of Professional Responsibility. The Office of the Inspector General noted that it did not maintain data to provide complaints specific to the handling of personal property. The other three offices provided data to us but noted that there are likely duplicative records across data systems, among other caveats, which we discuss later in this report.

We obtained and analyzed data on complaints related to personal property that the offices received from the first half of fiscal year 2023—October 1, 2022, through March 31, 2023—as that was the most recent data available at the time of our review. The three offices provided data on the number and type of complaints by querying their data systems for complaints coded as relating to property. In cases where a record listed a different topic as the primary complaint and property as a secondary concern, the records were not included in the data sets. To determine the reliability of the complaint data, we reviewed relevant documentation, interviewed agency officials, and conducted manual testing. We determined that each set of complaints data were sufficiently reliable for the purposes of describing the number of property-related complaints each office received and common focus areas of the complaints. We interviewed officials from these offices regarding their complaint processes, how data are collected and maintained, and any analyses they conducted of these data.

We conducted this performance audit from January 2023 to April 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain

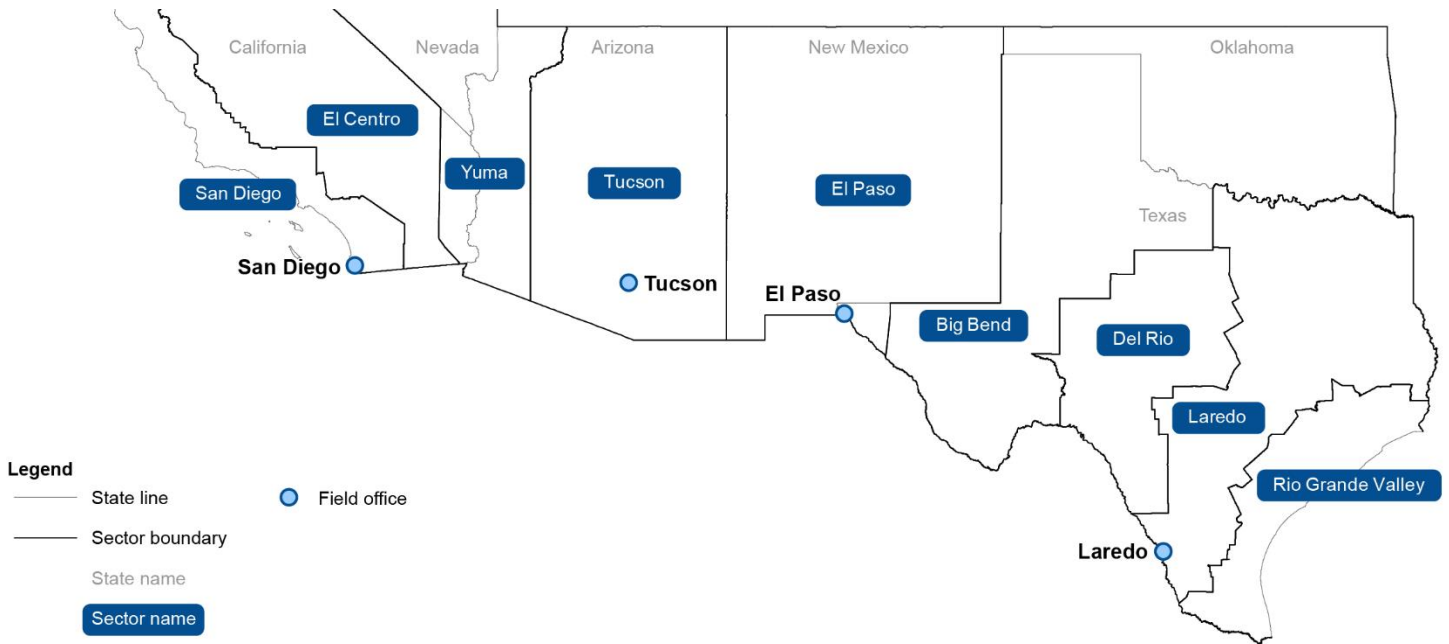
sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

CBP Components' Roles and Responsibilities

Within CBP, OFO is responsible for operating ports of entry through which individuals are inspected for admission into the U.S., while U.S. Border Patrol is responsible for patrolling the areas between ports of entry to prevent individuals and goods from entering the U.S. illegally. Specifically, OFO is responsible for inspecting all arriving persons to determine their citizenship or nationality, immigration status, and admissibility. OFO has four southwest border field offices that are responsible for 27 land ports of entry. Border Patrol apprehends individuals between ports of entry for, among other things, suspected illegal entry, which is an immigration-related criminal offense, or other criminal activity such as drug or human trafficking. Border Patrol divides responsibility for southwest border security operations geographically among nine sectors, each with its own sector headquarters. Each sector is also further divided into stations. See figure 1 for the locations of Border Patrol sectors and OFO offices.

Figure 1: Locations of U.S. Border Patrol Sectors and Office of Field Operations Field Offices on the Southwest Border



Source: U.S. Customs and Border Protection data; MapInfo (map). | GAO-24-106540

CBP Short-Term Custody

After inspecting an individual for admissibility into the U.S. or while making an apprehension, respectively, OFO and Border Patrol may hold individuals in short-term custody in holding facilities located at OFO ports of entry, Border Patrol stations, and other locations. Border Patrol and OFO retain custody of individuals at short-term holding facilities in a secure hold room or cell to complete processing and determine the next appropriate course of action. Such actions could include a transfer of custody to another agency, removal from the country, permission to voluntarily return, or conditional release pending the outcome of removal

proceedings.¹⁰ As of November 2023, Border Patrol had established 10 steel-framed structures, called soft-sided facilities, to address the ongoing need for space.¹¹

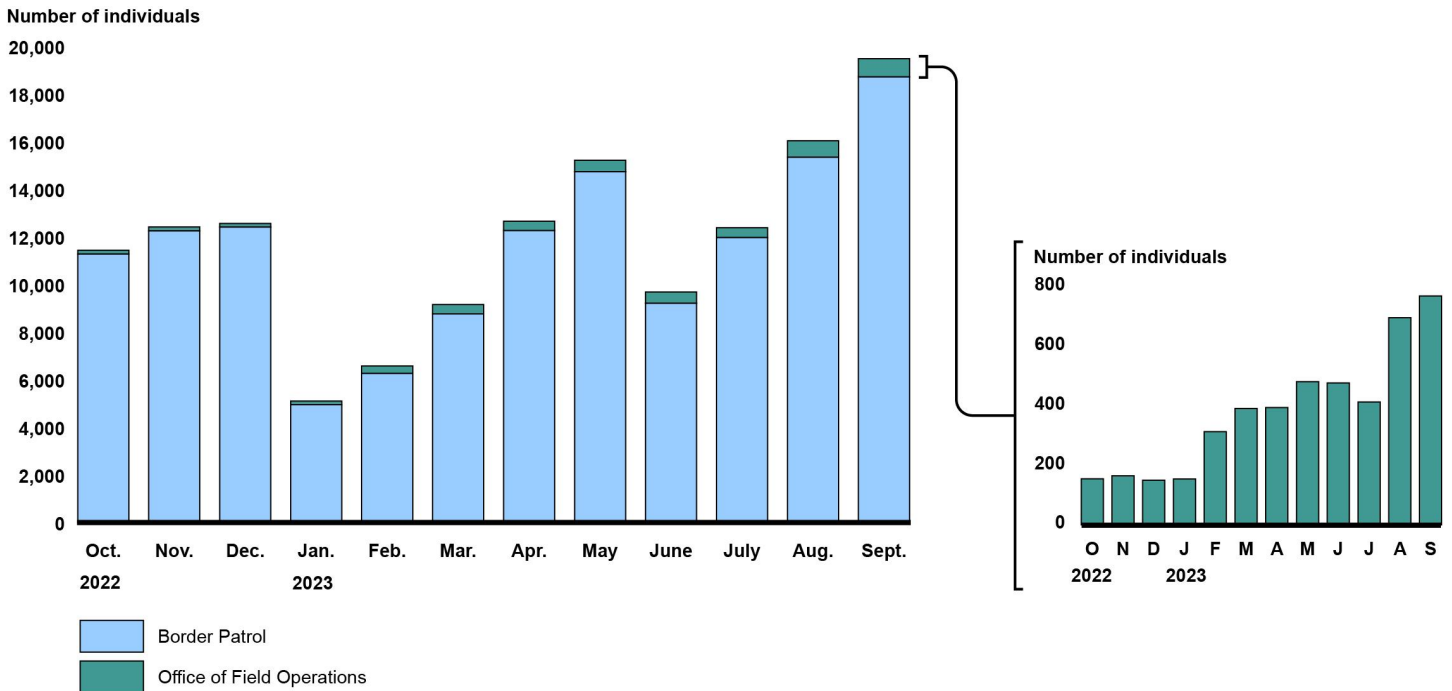
The capacity of CBP personnel at Border Patrol and OFO holding facilities to process individuals and their property depends on factors such as the physical design of the facility and the number of demographic groups such as single adults, unaccompanied children, and family units.¹² According to data available on CBP's website, encounters increased from about 458,000 in fiscal year 2020 to nearly 2.5 million in fiscal year 2023. In addition, although single adults continue to account for most encounters with Border Patrol, encounters with unaccompanied children increased from about 33,000 to about 137,000, and encounters with family groups have increased from nearly 71,000 to approximately 822,000 over the same time. As shown in figure 2, Border Patrol temporarily holds more than 95 percent of individuals who are in CBP's custody, and the average daily number of individuals in CBP custody ranges between approximately 5,000 and 19,000.

¹⁰During processing, CBP personnel gather and record information from encountered individuals. Specifically, CBP personnel collect and record information on individuals in agency databases; take fingerprints, if applicable; and conduct record checks. CBP personnel or contractors may also escort encountered individuals to other locations and search individuals coming into custody. CBP may refer individuals to U.S. Immigration and Customs Enforcement for short and long-term detention and refers unaccompanied children to the Office of Refugee Resettlement within the Department of Health and Human Services, which provides care and custody for unaccompanied children at its shelters, foster care homes, or other specialized placements. CBP may also temporarily hold individuals due to other violations such as seizures or potential arrest warrants.

¹¹As of November 2023, seven of the nine Border Patrol sectors along the southwest border operated soft-sided facilities: Del Rio, El Paso, Laredo, Rio Grande Valley, San Diego, Tucson, and Yuma.

¹²The term 'unaccompanied children' refers to unaccompanied alien children under 18 years of age who lack lawful U.S. immigration status and for whom there is no parent or legal guardian in the U.S. to provide care and physical custody. 6 U.S.C. § 279(g)(2).

Figure 2: Average Daily Number of Individuals in U.S. Customs and Border Protection (CBP) Custody, Fiscal Year 2023



Source: GAO analysis of U.S. Customs and Border Protection (CBP) information. | GAO-24-106540

Accessible Data for Figure 2: Average Daily Number of Individuals in U.S. Customs and Border Protection (CBP) Custody, Fiscal Year 2023

| Date | Border Patrol | Office of Field Operations |
|------------|---------------|----------------------------|
| Oct. 2022 | 11280 | 155 |
| Nov. 2022 | 12254 | 165 |
| Dec. 2022 | 12412 | 150 |
| Jan. 2023 | 4951 | 154 |
| Feb. 2023 | 6265 | 313 |
| Mar. 2023 | 8764 | 391 |
| Apr. 2023 | 12265 | 394 |
| May 2023 | 14737 | 481 |
| June 2023 | 9210 | 477 |
| July 2023 | 11970 | 413 |
| Aug. 2023 | 15342 | 696 |
| Sept. 2023 | 18716 | 769 |

Source: GAO analysis of U.S. Customs and Border Protection (CBP) information. | GAO-24-106540

Oversight of CBP Short-Term Custody

Within DHS and CBP, various offices have responsibilities related to oversight of short-term custody.

- Within DHS, the Office of the Immigration Detention Ombudsman investigates potential violations of immigration detention standards or other misconduct by DHS or contract personnel and provides oversight of immigration detention facilities, including short-term holding facilities.
- The DHS Office of the Inspector General inspects holding facilities and may also receive and investigate complaints or allegations of serious or criminal misconduct or corruption involving CBP personnel.
- The Office for Civil Rights and Civil Liberties, within DHS, reviews and assesses civil rights and civil liberties complaints, including those at CBP holding facilities, and may initiate investigations. In addition, the Office of Civil Rights and Civil Liberties provides advice to CBP to ensure that CBP's policies comply with civil rights and civil liberties.
- CBP's Office of Professional Responsibility receives and investigates complaints or allegations related to corruption, misconduct, or mismanagement by CBP personnel, including those at CBP holding facilities.

CBP Has Policies for Handling Personal Property, but Field Locations Do Not Consistently Interpret and Communicate Them

CBP Has Policies and Guidance for Handling Personal Property

CBP has developed policies for how its personnel are to handle the personal property of individuals held in its custody.¹³ In 2015, CBP issued TEDS agencywide to govern interactions with and care of individuals who are in short-term custody, including handling of personal property.¹⁴ TEDS

¹³For the purposes of this report, the term "handling" includes (1) collecting, (2) storing, and (3) transferring or returning personal property.

¹⁴U.S. Customs and Border Protection, *National Standards on Transport, Escort, Detention, and Search*. (Washington, D.C., Oct. 2015).

defines personal property as belongings found on or carried by an individual. Personal property does not include items deemed to be contraband or property otherwise subject to seizure.

Under TEDS, operational offices such as OFO and Border Patrol are responsible for creating their own policies and procedures for handling personal property.¹⁵ In 2021, OFO published *the Personal Search Handbook*, which includes a section on how property should be handled during and following a physical search.¹⁶ In April 2021, Border Patrol issued the Personal Effects Internal Operating Procedure (Internal Operating Procedure) intended to standardize the procedures for handling property across sectors and to establish guidelines for identifying items as contraband or health hazards.¹⁷ The Border Patrol Internal Operating Procedure also provides broad guidance to sectors on how to develop their own policies for handling property. We found that six of the nine southwest Border Patrol sectors had their own sector-level guidance for handling personal property to supplement the agency-level guidance.¹⁸ In addition, according to Border Patrol officials, individual stations within sectors can also develop their own guidance for handling property.

Border Patrol Sectors Have Implemented Policies and Procedures for Handling Personal Property

Border Patrol sectors have taken action to implement policies and procedures for handling personal property. According to Border Patrol procedures, Border Patrol personnel are to collect, store, and either transfer or return the personal property of individuals held in their custody.

¹⁵TEDS defines operational offices as components within CBP including the Office of Field Operations, the U.S. Border Patrol, and the Office of Air and Marine Operations.

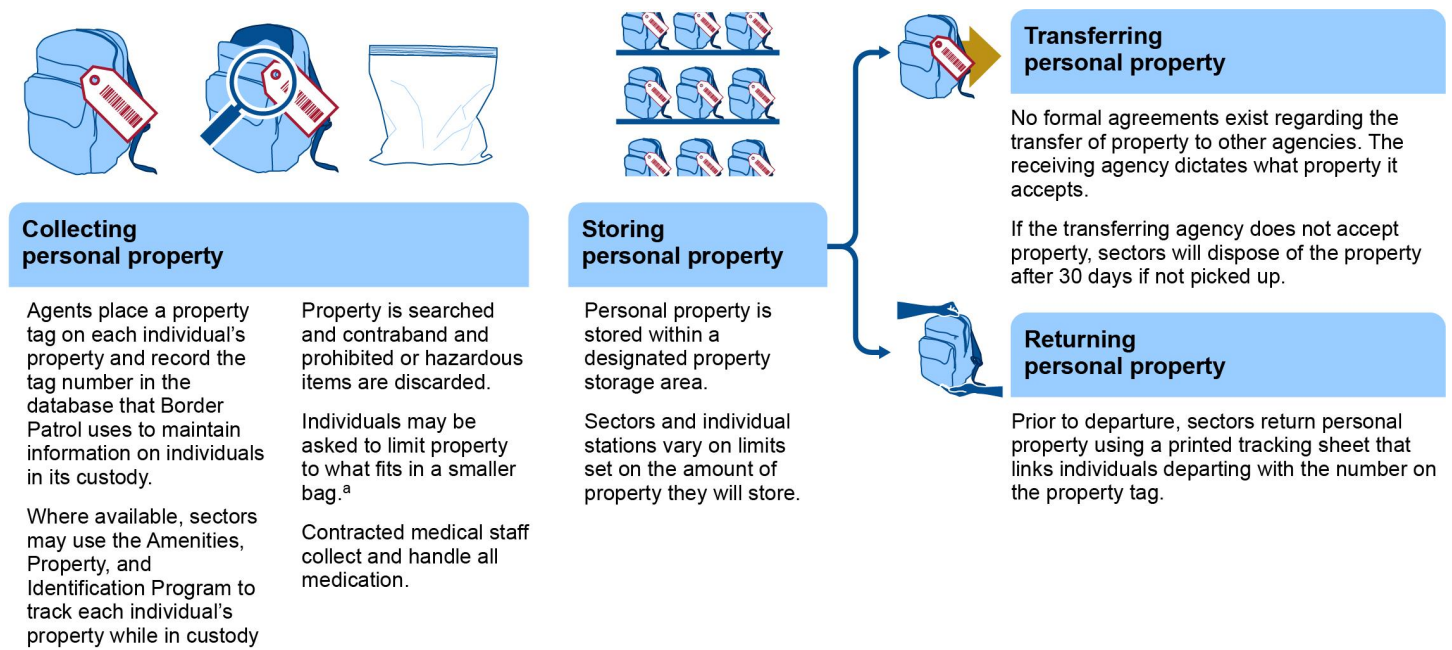
¹⁶Office of Field Operations, *Personal Search Handbook*, CIS HB 3300-04C. (Washington, DC: Apr. 2021). OFO also has a 2008 Directive on the Secure Detention, Transport and Escort Procedures at Ports of Entry. According to headquarters officials, OFO is updating this directive, which includes policies related to handling personal property.

¹⁷Border Patrol, "Personal Effects Internal Operating Procedure" (Washington, DC: Apr. 22, 2021). An Internal Operating Procedure serves as national guidance for Border Patrol.

¹⁸We visited five Border Patrol sectors—Del Rio, El Paso, San Diego, Tucson, and Yuma—and requested information in writing from the remaining four sectors along the southwest border.

Figure 3 provides an overview of Border Patrol's process for handling personal property, based on agency guidance and our observations.

Figure 3: Border Patrol's Personal Property Handling Process



Source: GAO analysis of U.S. Customs and Border Protection (CBP) information and GAO observations; GAO (illustrations); aekkom/stock.adobe.com (hands illustration). | GAO-24-106540

^aSectors and individual stations vary on the amount of property an individual may keep while in custody.

Collecting personal property. During our site visits, we observed Border Patrol personnel searching individuals' personal property and attaching a tag to the property being stored.¹⁹ The property tag contains a unique number that is recorded within Border Patrol's e3 system, the system of record for individuals in its custody.²⁰ All southwest border sectors have access to the Amenities, Property, and Identification Program—an electronic system that officials told us allows for a property tag number to be scanned to document property location. Border Patrol personnel use this system to keep track of the property's location, including when property enters and leaves the property storage room.

¹⁹The property tag has three sections: 1) a section that goes either in or on the property, 2) a section that is given to the individual with their property number, and 3) a section that can be used at the discretion of the facility.

²⁰e3 is the system of record for Border Patrol encounters.

Storing personal property. Border Patrol stores the property of individuals in its custody in storage areas at its facilities. The five sectors we visited each had a soft-sided facility with large, dedicated storage areas. We also visited seven stations within these five sectors and observed that they had more limited space for storing property.

Transferring and returning personal property. As mentioned above, when individuals leave Border Patrol custody, they may, among other things, be transferred into the custody of another agency or conditionally released pending removal proceedings. Facilities within the five sectors we visited use a printed tracking sheet that lists individuals departing the facility and includes their personal property tag number. Personnel at the facility verify that the property tags match information on the tracking sheet to ensure that personal property is returned to the owner.

If an individual is transferred into the custody of another agency, the receiving agency determines what type and amount of personal property can be transferred. Certain agencies accept all personal property. For example, according to officials within the U.S. Department of Health and Human Services, the Office of Refugee Resettlement's policy does not restrict the amount of personal property that unaccompanied children can bring when admitted to their care.²¹ In contrast, if individuals are transferred into U.S. Marshals' Service custody, they are only allowed to bring their cash and one form of identification, according to Border Patrol officials.²²

In cases where individuals are transferred to another agency's custody and not allowed to bring their property, individuals can either abandon their property for disposal by Border Patrol or sign a release agreement.²³ This agreement requires CBP to hold personal property for at least 30 days, and individuals may designate a representative, such as a friend,

²¹Department of Health and Human Services officials told us that Office of Refugee Resettlement-funded care providers may be subject to state licensing requirements regarding the storage of personal property and the types of property that a child may keep with them while in care.

²²CBP headquarters officials told us if individuals are returned to Border Patrol custody after their time in U.S. Marshals' custody, the individual may retrieve their own property. These officials also said if the individual is transferred from the U.S. Marshals to U.S. Immigration and Customs Enforcement, U.S. Immigration and Customs Enforcement should retrieve the property and return it to the individual.

²³This agreement is referred to as an Authorization of Release of Personal Effects Hold Harmless and Release Agreement.

family member, or lawyer, to retrieve their personal property on their behalf. If no one picks up the property after 30 days, Border Patrol considers it abandoned and destroys it.

Border Patrol Sectors Interpret Guidance for Handling Personal Property Differently

TEDS and Border Patrol's Internal Operating Procedure state that all personal property taken from individuals in custody is to be safeguarded and documented unless classified as contraband. Border Patrol headquarters officials told us that the intent of this guidance is for personnel to preserve as much personal property as possible. However, sectors differ in how they interpret the guidance, as it does not define key terms or concepts, and Border Patrol does not monitor sectors to ensure they are implementing the guidance as intended.

As shown in figure 4, we found differences across sectors regarding the extent to which each sector has its own guidance for handling personal property, requires individuals to discard some property, allows individuals to keep items with them while in custody, and provides written instructions for retrieving property.

Figure 4: Examples of Differences in how Border Patrol Sectors Handle Personal Property, as of November 2023

| | <i>Big Bend</i> | <i>Del Rio</i> | <i>El Centro</i> | <i>El Paso</i> | <i>Laredo</i> | <i>Rio Grande Valley</i> | <i>San Diego</i> | <i>Tucson</i> | <i>Yuma</i> |
|--|---------------------------------|---|--|-----------------------------|---------------|--------------------------|----------------------------|-------------------|--|
| Number of encounters in fiscal year 2023 (rounded to nearest hundred) | 11,800 | 393,200 | 50,600 | 427,500 | 45,600 | 338,300 | 230,900 | 373,600 | 174,200 |
| Has sector-level guidance on handling property | | Guidance pertains to individuals pending criminal prosecution | | | | | | | |
| Requires individuals to discard some property | | | | | | | | | |
| Items individuals can keep on them while in custody | Currency and identity documents | A small bag containing ID, currency, intake form | Currency, ID, property tag, safe religious items | Property tag, phone numbers | No items | Currency, ID | Currency, ID, property tag | Varies by station | Currency |
| Provides all individuals written instructions on how to retrieve retained and lost property | | | | | | | | | According to officials, began issuing instructions in Sept. 2023 |

Legend
 Yes No ID Identification

Source: GAO analysis of U.S. Customs and Border Protection (CBP) information. | GAO-24-106540

Accessible Data for Figure 4: Examples of Differences in how Border Patrol Sectors Handle Personal Property, as of November 2023

| | Big Bend | Del Rio | El Centro | El Paso | Laredo | Rio Grande Valley | San Diego | Tucson | Yuma |
|---|---------------------------------|--|--|-----------------------------|----------|-------------------|----------------------------|-------------------|----------|
| Number of encounters in fiscal year 2023 (rounded to nearest hundred) | 11,800 | 393,200 | 50,600 | 427,500 | 45,600 | 338,300 | 230,900 | 373,600 | 174,200 |
| Has sector-level guidance on handling property | Yes | Yes. Guidance pertains to individuals pending criminal prosecution | No | Yes | Yes | Yes | Yes | No | No |
| Requires individuals to discard some property | No | No | No | Yes | Yes | Yes | No | No | Yes |
| Items individuals can keep on them while in custody | Currency and identity documents | A small bag containing ID, currency, intake form | Currency, ID, property tag, safe religious items | Property tag, phone numbers | No items | Currency, ID | Currency, ID, property tag | Varies by station | Currency |
| Provides all individuals written instructions on how to retrieve retained and lost property | No | No | No | No | No | No | No | No | Yes |

Source: GAO analysis of U.S. Customs and Border Protection (CBP) information. | GAO-24-106540

For example, we identified differences in the amount of personal property Border Patrol sectors collect from individuals in custody.²⁴ Specifically, five of nine Border Patrol sectors reported that they did not limit the amount or size of an individual’s personal property and collected all personal property from individuals in custody, other than property determined to be contraband or hazardous items. In contrast, the other four sectors required individuals to downsize their personal property into a

²⁴Officials from two nongovernmental organizations we spoke with also noted that sectors vary in the amount of property collected and stored.

clear plastic bag, as shown in Figure 5, and the size of the bag varied by sector. For example, one sector limited property to a 9-inch by 12-inch plastic bag, while another sector provided heat-sealed bags that are sized to fit an individual's essential items and documents. If individuals have property that exceeds the plastic bag size in the sectors that require individuals to downsize property, the individuals are instructed to prioritize which items go into storage and discard the remaining items, according to Border Patrol officials.

Figure 5: Examples of the Clear Plastic Bags Used to Store Personal Property at Border Patrol Facilities



Source: GAO. | GAO-24-106540

Officials in the four sectors that restrict the amount of personal property collected and stored said they do so due to limited storage space at facilities in their sectors. Officials in three other sectors also said storing property is a challenge due to limited space, but they do not restrict the amount of personal property stored, even with limited space. For example, officials in one of these sectors said that to accommodate increases in personal property, they modified existing structures and purchased shipping containers. In contrast, another sector we visited had space for storing property, but personnel in that facility placed restrictions on the amount of personal property collected. At intake, individuals were provided with two small plastic bags—one to store their identification documents and the other to store the rest of their valuables. Headquarters officials told us that space was not the issue with this sector, but that it is operationally easier to process the limited amount of

property that fits within a small bag.²⁵ Figure 6 shows the property storage areas of two soft-sided facilities, one that limited personal property, and one that did not.

Figure 6: Property Storage Rooms in Two Border Patrol Facilities, July and September 2023



Source: GAO. | GAO-24-106540

Note: These photographs illustrate the amount of personal property stored in storage rooms at the two facilities at the time of our visits. The photograph on the left is of a facility that did not limit the amount of personal property an individual may store, whereas the photograph on the right is of a facility that limits personal property.

²⁵Border Patrol officials noted that clear plastic bags are utilized to allow personnel to be able to visually verify the contents of the property without having to open and reseal the property bags when individuals do not have a backpack or luggage for their property. They added that this was requested by the consulates of individuals taken into custody, to allow more efficient storage and retrieval of property.

We also identified differences across sectors regarding items classified as health hazards and handling of those items. According to Border Patrol's Internal Operating Procedure, any personal property taken from individuals in custody should be safeguarded unless classified as a health hazard. More specifically, the Internal Operating Procedure states that a health hazard is personal property that, if stored within a station for any length of time, may pose a risk to individuals in custody, contractors, or employees. Border Patrol sector officials told us that determining possible health hazards involves judgment on the part of personnel.

However, the guidance does not clearly or fully explain what constitutes a health hazard, and Border Patrol officials noted that personnel are not always clear about what items should be considered a health hazard, resulting in sectors interpreting the guidance differently. For example, at one sector we observed personnel asking individuals to keep their valuables and to discard all property that could be soiled, such as backpacks and clothing, due to those items being deemed a health hazard, as shown in Figure 7. We asked Border Patrol headquarters officials about this specific practice, and they told us that the possibility of an item being soiled is not the standard that sectors should be using to classify items as a health hazard. Officials from another sector said their personnel use discretion to determine what needs to be discarded because of a potential health hazard. In addition, officials from one sector cited confusion among agents when determining what items can be health hazards. These officials also told us that they have compiled lists from emails and conversations with sector officials about when items might be considered health hazards but do not have formal guidelines for items that pose a health hazard.

Figure 7: Personal Property Discarded by Border Patrol During Intake (September 2023)



Source: GAO. | GAO-24-106540

In addition, we found that sectors interpreted guidance related to transferring individuals' personal property differently. Regarding the transfer of property, TEDS states personnel are to transfer an individual's personal property whenever operationally feasible. However, the guidance does not define or explain what is meant by "operationally feasible" or how sectors should interpret it.

Border Patrol headquarters officials told us that they are aware that differences exist across sectors in how they interpret and implement guidance on the handling of personal property. They noted that sectors interpret policies and procedures for handling personal property for themselves and develop their own practices and processes. Border Patrol sector officials also told us that facilities have varying capabilities and

operate in unique environments, which can affect their handling of personal property.

Border Patrol has previously clarified its guidance to sectors for the handling of one type of personal property—items of religious significance—to help ensure that sectors handle such property consistent with agency guidance. In August 2022, a coalition of nongovernmental organizations submitted a letter to the Secretary of Homeland Security expressing concern over how individuals’ religious items, particularly turbans worn by individuals of the Sikh faith, were handled by CBP personnel. Border Patrol issued interim guidance that states turbans are to be returned to individuals after a physical search and remain in their possession while detained if no safety or security risk is identified.²⁶ Officials in one sector told us that prior to this guidance, agents may have discarded turbans because they did not know their religious significance or how to properly handle them.

Moreover, Border Patrol headquarters officials stated that the intent of the current guidance is for sectors to preserve as much personal property as possible. They said they have verbally instructed sectors and facility personnel to store as much of an individual’s property as possible to be aligned with TEDS and Border Patrol’s Internal Operating Procedure.

However, these guidance documents do not clearly or fully explain certain concepts and terms, leading to differences in interpretation across sectors. For example, Border Patrol headquarters officials told us that the guidance is open to interpretation and implemented differently by sectors because it does not define key terms and concepts, such as “operationally feasible.” The guidance also does not clearly explain when items should be considered a health hazard or address other aspects of how sectors handle personal property, such as amount of property collected and stored, when items should be discarded, and the transfer of property. Further, Border Patrol headquarters does not consistently monitor sectors’ implementation of guidance regarding the handling of personal property, making it difficult for headquarters to have insight into sectors’ practices for handling property. One senior headquarters official said that because there are no mechanisms to monitor facilities, it is

²⁶According to Border Patrol headquarters officials, CBP is developing an agencywide policy on religious accommodations for personal property that includes being respectful of articles of faith and religious head coverings.

difficult to advise sectors to change their practices to adhere more closely to the guidance.

Standards for Internal Control in the Federal Government requires management to implement control activities through policies.²⁷

Specifically, management documents the internal control responsibilities of the organization and includes the appropriate level of detail to allow management to monitor the control activity of the organization effectively. Federal internal control standards also state that agency management should monitor the internal control system through ongoing monitoring built into the agency's operations and performed continually.²⁸ In addition, according to Border Patrol's Internal Operating Procedure, Border Patrol headquarters is to ensure that all policies and procedures stated in the procedure are properly adhered to and followed.

While some sector differences in the handling of personal property relate to each sector's own capacity, facilities, and operating environment, clarifying guidance and monitoring sectors' implementation would better position Border Patrol to have insight into sectors' handling of personal property. In particular, by issuing clarifying guidance for the handling of personal property that includes the appropriate level of detail and defines key terms and concepts, including addressing the amount of property that sectors and facilities should collect and store, the types of property that may or may not be discarded, and what constitutes a health hazard and operational feasibility, Border Patrol would be better positioned to ensure the handling of personal property across the southwest border sectors and facilities aligns with agency guidance. Further, developing and implementing a mechanism to monitor sectors' implementation of the guidance for the handling of personal property would help Border Patrol better ensure that sectors are consistently handling personal property as specified in the guidance.

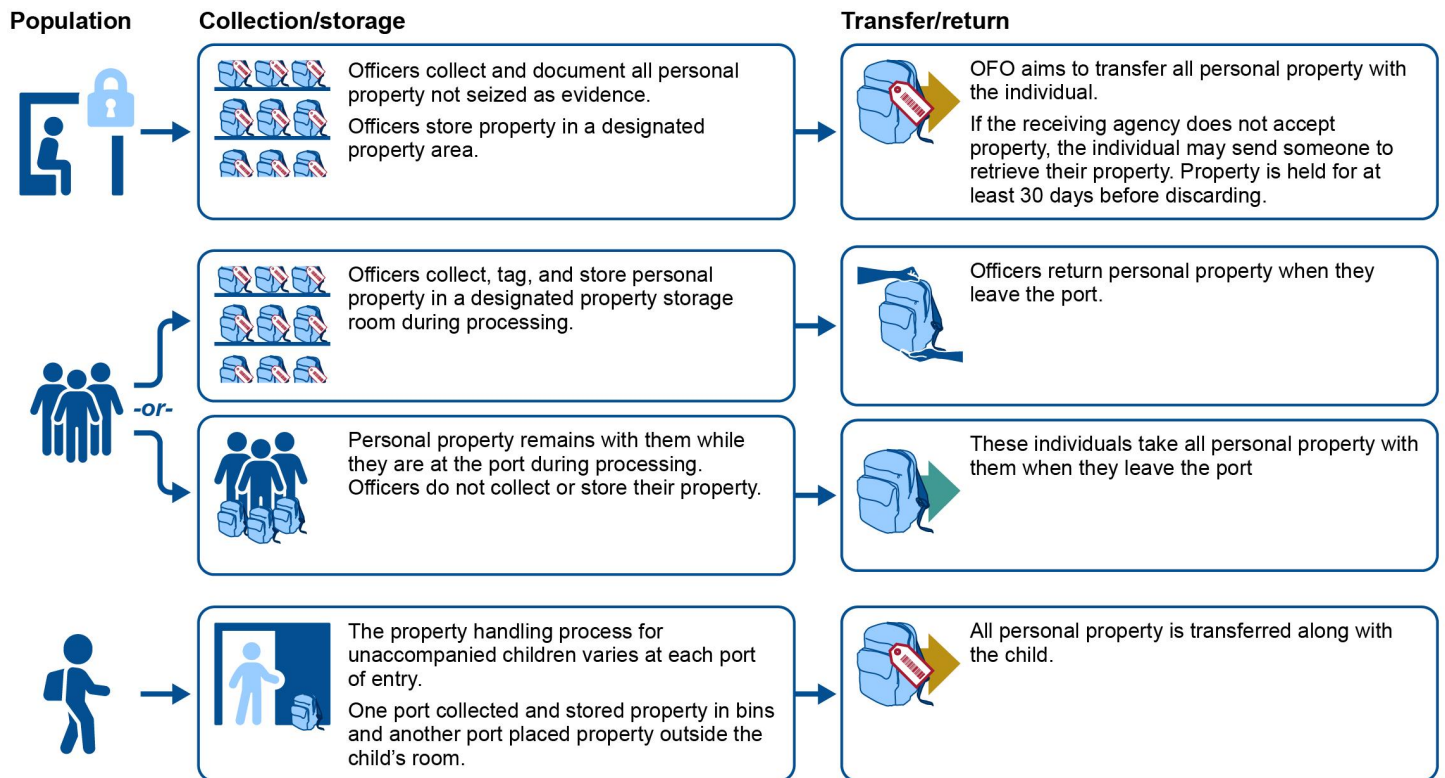
²⁷GAO-14-704G.

²⁸GAO-14-704G. The standards note that management should perform ongoing monitoring of the design and operating effectiveness of the internal control system as part of the normal course of operations. Ongoing monitoring includes regular management and supervisory activities, comparisons, reconciliations, and other routine actions.




OFO Has Implemented Procedures for Handling Personal Property

OFO has procedures for how its officers are to collect, store, and transfer or return individuals' personal property at ports of entry. The four ports of entry that we visited handled property based on the different types of populations encountered at the port, such as noncitizens seeking admission into the U.S. without valid travel documents, unaccompanied children, and individuals arrested or detained for reasons associated with an enforcement action. Figure 8 outlines OFO's processes for handling personal property.

Figure 8: U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) Processes for Handling Individuals' Personal Property



Legend

-  Individuals arrested or detained for reasons associated with an enforcement action.
-  Noncitizens seeking admission into the U.S. without valid travel documents.
-  Unaccompanied children

Source: GAO analysis of U.S. Customs and Border Protection (CBP) information; Icons-Studio/Stock.adobe.com (illustrations); GAO (backpack illustration). | GAO-24-106540

Based on our interviews with OFO field office officials and observations at four ports of entry, we found that ports generally implemented these processes. For example, at two of the four ports of entry we visited, we observed that OFO personnel allowed noncitizens seeking admission to the U.S without valid travel documents to keep their personal property with or near them while they were at the port of entry. Officers do not collect or store their property, and individuals take all property with them when they depart those two ports of entry, according to OFO officials. Personnel at the other two ports of entry collect, tag, and store property in a designated storage room during processing of noncitizens, according to officials. According to officials at one port of entry, individuals may arrive at the port with multiple suitcases and even though the port has limited storage capabilities, OFO personnel find space to hold the property. Both ports that collect property said personnel return all personal property that is not deemed hazardous or contraband when individuals depart the port. Across the four ports of entry that we visited, officials told us that they did not limit the size and amount of personal property that individuals could store.

At each of the four ports of entry we visited, we also found that if an individual is being arrested or associated with an enforcement action, officers collect and store all personal property that is not seized as evidence. For example, officials at one port of entry said if they arrest someone with a van full of tools and the tools are not considered evidence, they are considered personal property. The officials said they handle this property in accordance with procedures developed by their field office. If an individual is transferred to an agency that does not accept personal property, such as a local jail, officers provide them with the Release of Personal Effects and Hold Harmless Agreement. This agreement states the individual has 30 days to pick up their property or send a representative to the port to pick it up for them. After 30 days, the port considers the property to be abandoned and destroys it.

CBP Does Not Consistently Communicate Information on How to Retrieve Personal Property

Border Patrol sectors and OFO field offices do not consistently communicate information to individuals about how to retrieve personal property, such as lost or left behind property, once they are no longer in custody. According to TEDS, individuals must receive notice of CBP's procedures relating to

- the process for having a third party claim personal property;
- the process for claiming personal property upon release, transfer, or removal; and
- the process for claiming lost property.

TEDS states that these instructions are to be communicated to the individual in a language or manner the individual can comprehend.

However, Border Patrol sectors and OFO field offices do not consistently communicate how individuals can retrieve their personal property. For example, we asked officials in all nine southwest Border Patrol sectors and the four OFO field offices how they communicate CBP's procedures for retrieving personal property to individuals. In instances where property is lost or missing, CBP facilities varied in how they provided individuals with instructions to reclaim items. For example, officials from three of the nine Border Patrol sectors stated they verbally instruct individuals on how to reclaim lost property. Officials from another sector said they verbally instruct individuals to contact their consulate regarding missing or lost property. Officials from the other five sectors said they do not provide this information in writing, and they did not specify how or if they communicate their procedures. Officials from one of these five sectors said they are currently modifying an existing form provided to individuals when leaving custody to include written instructions on claiming lost property. Among the four OFO field offices, none provide information to individuals on how to retrieve lost or missing personal property.

In instances where an individual is not allowed to bring their personal property with them upon transfer and CBP retains it, Border Patrol sectors and OFO field offices varied in how they communicated the process of claiming this property. Officials from five sectors said they provide individuals with a form that includes retrieval instructions. Officials from two sectors told us they communicated these procedures verbally, and officials from two sectors did not specify a method of communication. OFO officials from two field offices said they provide individuals with a form that includes pick up instructions and one field office said they verbally instruct individuals that property must be picked up from the port of entry. According to OFO headquarters officials, individual field offices are responsible for providing instructions to individuals on how to retrieve property.

Although some Border Patrol and OFO locations provide information verbally or in writing to individuals leaving custody on how to reclaim

personal property, without written communication, individuals may not have a clear understanding of how to retrieve their property. As previously mentioned, in most cases, CBP discards personal property not retrieved within 30 days of an individual leaving custody. One nongovernmental organization we spoke with noted that it can take weeks to determine the status of an individual's belongings, and that some individuals may not be able to retrieve their property within the allocated 30 days.

Representatives from three nongovernmental organizations we spoke with also told us that some individuals may not know how to retrieve their property after release because CBP personnel do not provide individuals with information, such as the phone number or address of the facility at which they were in custody, to retrieve their property. A representative from one organization said it would be helpful for CBP to provide instructions to individuals on how to report and reclaim missing property. Representatives from two organizations also noted that if their organization encounters an individual with missing property, they contact the local CBP facility to try to locate the property. However, not all individuals released from custody have contact with organizations that can assist in locating their property. Similarly, not all nongovernmental organizations have the relationships or knowledge to work with CBP facilities to retrieve individuals' property, according to representatives.

As previously noted, TEDS requires CBP personnel to provide notice to individuals on how to claim property in a language or manner they can comprehend. Moreover, federal internal control standards state that agency managers should select appropriate methods of communication, such as a written document, by considering the audience and nature of the information.²⁹ Further, these standards also state that management should periodically evaluate its methods of communication so that it can communicate quality information effectively. By providing written instructions for retrieving personal property, CBP would be better positioned to ensure Border Patrol and OFO facilities are communicating CBP procedures and information on contacting the facilities in which they were held to individuals released from custody consistent with TEDS. Written instructions can be shared with individuals who can translate the information and could also help better ensure that individuals released from CBP custody understand how to reclaim any personal property left behind.

²⁹[GAO-14-704G](#)

DHS Has Mechanisms to Receive and Address Complaints Regarding the Handling of Personal Property

DHS Has Multiple Mechanisms for Receiving and Addressing Complaints

Four DHS and CBP offices receive and address complaints related to the handling of property.³⁰ Individuals and other stakeholders, such as attorneys, family members, and nongovernmental organizations, may submit complaints to these offices. Once a complaint is submitted, the specific DHS or CBP office considers whether to investigate the complaint or to refer it to another entity within DHS.³¹ Below is a description of each of the four DHS offices that receives complaints.

Office of the Immigration Detention Ombudsman. This office assists individuals with complaints about the potential violation of immigration

³⁰This report does not address the tort claim process for personal property that may have been damaged or could not be located, whereby individuals may seek compensation by filing an administrative tort claim with CBP. We previously reported that CBP has a tort claims process, pursuant to which individuals may make a claim for compensation by submitting a completed Standard Form 95 (SF 95), which sets forth allegations of property damage or loss, personal injury, or death caused by the negligent acts or omissions of an employee of CBP. An individual may submit a SF 95 or a written claim meeting the requirements of the Federal Tort Claims Act and 28 C.F.R. pt. 14, along with supporting documentation within the time prescribed by 28 U.S.C. § 2401(b). According to a DHS official, when a tort claim is properly presented to the agency, appropriate agency officials, in coordination with CBP's Office of Chief Counsel, review the submitted claim to determine whether the claim is eligible for compensation under the Federal Tort Claims Act, and where liability does not attach under the Federal Tort Claims Act, whether the claim may be eligible to be settled on a discretionary basis under the Small Claims Act or 19 U.S.C. § 1630. See 28 U.S.C. §§ 1346(b), 2671-2680; 19 U.S.C. § 1630; and 31 U.S.C. § 3723. Under 19 U.S.C. § 1630, claims may be settled for not more than \$50,000 in any one case for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in 28 U.S.C. § 2680(h)) who is acting within the scope of his or her employment, except that, among other limitations, a claim concerning commercial property may not be paid. Under the Small Claims Act, a claim may be settled for not more than \$1,000 for damage to, or loss of, privately owned property, subject to certain other limitations.

³¹Because individuals or entities may submit a complaint through multiple offices and mechanisms, the same complaint may be included in complaint data for multiple entities.

detention standards or other misconduct by DHS or contract personnel.³² Within the Office of the Immigration Detention Ombudsman, the Case Management Division works collaboratively with case submitters, stakeholders, and partners to review and resolve concerns at the facility level when possible. Also, within the Office of the Immigration Detention Ombudsman, the Detention Oversight Division performs inspections of CBP facilities and issues recommendations. Its inspections may include a review to determine whether a facility has taken corrective action to resolve concerns about property handling. In 2022, the Office of the Immigration Detention Ombudsman conducted inspections of holding facilities in the Yuma and Tucson sectors, both of which contained recommendations aimed at improving compliance with the TEDS guidance on handling personal property.³³

The Office of the Immigration Detention Ombudsman receives complaints from members of the public regarding the handling of property via phone, email, or an online portal. The Office of the Immigration Detention Ombudsman also receives complaint referrals from other DHS components and offices, including the Office for Civil Rights and Civil Liberties and CBP. Once the Office of the Immigration Detention Ombudsman receives a complaint, personnel conduct an initial investigation of the case by checking records in CBP data systems to locate and review the affected individual's information, such as custody status, and the history of the complaint. The case is then assigned to Office of the Immigration Detention Ombudsman personnel in the appropriate region, where they determine whether any further action can be taken to resolve the complaint.

We requested and reviewed data on complaints involving personal property for the first half of fiscal year 2023. Office of the Immigration Detention Ombudsman data included 95 complaints received in the first

³²For short-term holding facilities, TEDS serves as the standards by which the Office of the Immigration Detention Ombudsman and other oversight offices assess facilities' policies and procedures.

³³Office of the Immigration Detention Ombudsman, *OIDO Inspection: U.S. Border Patrol Tucson Sector Facilities*, OIDO-23-002 (Washington, DC: Oct. 17, 2002) and Office of the Immigration Detention Ombudsman, *OIDO Inspection: U.S. Border Patrol Yuma Soft-Sided Facility*, OIDO-23-003 (Washington, DC: Oct. 17, 2002).

half of fiscal year 2023.³⁴ Among these complaints, 13 reported that birth certificates or other identification documents had not been returned to an individual, while 36 did not specify what type of property was missing. The remaining complaints referred to varying types of property, such as currency, clothing, and contact information. The data may contain complaint records that duplicate complaints received by other DHS offices, such as the Office for Civil Rights and Civil Liberties or the CBP Office of Professional Responsibility.

Office for Civil Rights and Civil Liberties. This office receives and reviews allegations of civil rights and civil liberties violations and profiling by DHS personnel and contractors. The Office for Civil Rights and Civil Liberties submits complaints it receives to the DHS Office of Inspector General first. If the DHS Office of the Inspector General declines to investigate the case, Office for Civil Rights and Civil Liberties officials told us the office evaluates the severity of the allegation, the frequency of similar reports, and any related civil rights violations to determine if it will investigate. Office for Civil Rights and Civil Liberties officials told us that their office conducted two property-related investigations in two Border Patrol sectors in fiscal year 2022 and provided recommendations on property handling to one of the sectors. That same year, the Office for Civil Rights and Civil Liberties initiated an investigation that reviewed CBP policies, procedures, guidance, and training related to Border Patrol's handling of religious items. In addition, Office for Civil Rights and Civil Liberties officials noted that they have worked with Border Patrol to develop guidance on handling of items of religious significance, such as turbans.

We requested and reviewed narrative summaries of complaints from the first half of fiscal year 2023.³⁵ Office for Civil Rights and Civil Liberties

³⁴We requested and reviewed data on complaints involving personal property received between October 1, 2022, and March 31, 2023. Office of the Immigration Detention Ombudsman data included 95 complaints, which may include duplicative records if an individual submitted the same complaint multiple times or complained to multiple offices.

³⁵We requested and reviewed data on complaints involving personal property received between October 1, 2022, and March 31, 2023. Office of Civil Rights and Civil Liberties data included 103 complaints, which may include duplicative records if an individual submitted the same complaint multiple times or complained to multiple offices. Further, data may not include some complaints regarding personal property if they were categorized under another complaint type. Office of Civil Rights and Civil Liberties officials also noted that the office's ability to run keyword searches was limited, so the search results may not have included some property-related complaints, including for adults, during the relevant period.

data contained 103 complaints received in the first half of fiscal year 2023. All these complaints were categorized as “Property (thrown away or not returned)” and all were on behalf of unaccompanied children. Nineteen of the complaints involved missing identification documents, and 47 were concerned with missing clothing. The remaining complaints referred to varying types of property, such as currency and contact information. Office for Civil Rights and Civil Liberties officials noted that the Office of Refugee Resettlement, which receives custody of unaccompanied children when they are encountered by CBP, has a mechanism for submitting complaints on their behalf, likely resulting in the complaints related to this population. In addition, these officials told us that, in many cases, complaints contain multiple issues, and property is mostly likely to be classified as a secondary issue and therefore may not be captured in the data provided to us. Further, the data may contain complaint records that duplicate complaints received by other DHS offices, such as the Office of the Immigration Detention Ombudsman.

DHS Office of the Inspector General. The DHS Office of the Inspector General obtains and reviews allegations of criminal and noncriminal fraud, waste, and abuse by DHS personnel and contractors. The DHS Office of the Inspector General has three offices with oversight mechanisms that address CBP’s short-term detention facilities.

- The Office of Inspections and Evaluations conducts unannounced inspections of CBP facilities. In fiscal years 2022 and 2023, the office published reports based on unannounced visits to eight of the nine Border Patrol southwest sectors, evaluating their compliance with applicable standards, such as TEDS.³⁶ As part of these reviews, they assessed compliance with personal property standards. For instance, at one visit, the DHS Office of the Inspector General concluded that the sector did not meet standards related to property handling because they instructed individuals to discard larger property in a dumpster, despite a TEDS standard that property must be safeguarded and transferred with the individual when they depart Border Patrol custody.³⁷ It recommended that the sector review its processes for property handling to ensure compliance with TEDS standards. CBP concurred and noted that it had established service

³⁶The office conducted unannounced visits to the Del Rio, El Centro, El Paso, Laredo, Rio Grande Valley, San Diego, Tucson, and Yuma sectors.

³⁷Department of Homeland Security Office of the Inspector General, *Results of Unannounced Inspections of CBP Holding Facilities in the El Paso Area*, OIG-23-50 (Washington, DC: Sept. 15, 2023).

contracts to provide migrants with services and that it had teams dedicated to maintaining compliance with the standards.

- The DHS Office of the Inspector General's Office of Audits—which is responsible for conducting broad, programmatic reviews of DHS components—may conduct reviews focusing on short-term detention facilities.
- The Office of Investigations investigates alleged cases of criminal, civil, and administrative misconduct on the part of DHS employees, contractors, grantees, and programs, including CBP employees and contractors in short-term detention centers.

CBP Office of Professional Responsibility. The Joint Intake Center, under the Office of Professional Responsibility's Investigations Division, receives, reviews, and refers allegations of criminal and noncriminal misconduct by CBP personnel and contractors. Allegations may be received from individuals or their representatives via phone, email, the Office of Professional Responsibility online portal, or they may be referred to the Office of Professional Responsibility by other DHS offices. The Joint Intake Center enters the complaints it receives in its case management system, which routes misconduct complaints to the appropriate office.³⁸ Officials told us the Office of Professional Responsibility also collaborates with the Office of the Immigration Detention Ombudsman, which has staff positioned in the Joint Intake Center to ensure that complaints are entered into the Office of Professional Responsibility case management system. In addition, cases of criminal misconduct on the part of CBP employees or serious misconduct by a DHS law enforcement officer are referred to the DHS Office of the Inspector General. If the Office of the Inspector General declines to investigate, the case is returned to the Office of Professional Responsibility.

Office of Professional Responsibility officials told us that because the office focuses on criminal activity and CBP employee misconduct, property-related complaints are rarely investigated unless theft is suspected. Further, they noted that many complaints contain insufficient information to investigate, such as limited details regarding where an individual was held or an incomplete description of the property in

³⁸The Investigations Division's case management system electronically routes all complaints involving CBP employees and contractors to the DHS Office of the Inspector General for the right of first refusal upon receiving the complaints. If the Office of Inspector General declines to accept the case, the data system returns the case to the Office of Professional Responsibility for resolution.

question. We requested and reviewed complaints from the first half of fiscal year 2023.³⁹ The Joint Intake Center reported that it received 17 property-related complaints between October 1, 2022, and March 31, 2023. Among these 17 complaints, 12 referred to missing currency. The remaining complaints were regarding general valuables or did not contain information on the type of property involved. The data may contain complaint records that duplicate complaints received by other DHS offices, such as the Office for Civil Rights and Civil Liberties or the Office of the Immigration Detention Ombudsman.

External stakeholders may also submit letters of concern or report issues that have affected multiple individuals held by CBP. In August 2022, a coalition of nongovernmental organizations submitted a letter to the Secretary of Homeland Security regarding Border Patrol handling of individuals' articles of faith, in particular turbans. In response, the organizations reported that CBP engaged with them and agreed to do more cultural competency training for its staff. Border Patrol also issued interim guidelines on the handling of Sikh turbans. However, external stakeholders that we interviewed noted that CBP's level of engagement in response to letters of concern varies. CBP officials who handle letters of complaint noted that they maintain ongoing engagement with external stakeholders, and that letters of concern are used to guide their topics for discussion at regular stakeholder meetings.

Complaints submitted to DHS and CBP entities regarding personal property rarely result in the return of an individual's belongings, according to officials. Each of the entities collects and investigates complaints with the intention of modifying policies and procedures to prevent future issues, rather than locating and returning belongings. Officials from two of the offices told us that in rare cases, they can locate an individual's personal property and return it. However, officials from one of these offices added that the timeline for investigating complaints is such that the belongings have likely been discarded by the time an investigation is performed. Officials also told us that many complaints lack information, such as the location at which the individual was held or the date of the incident, to effectively address the complaint.

³⁹Office of Professional Responsibility data included 17 complaints, which may include duplicative records if an individual submitted the same complaint multiple times or complained to multiple offices.

Local Facilities May Receive and Address Concerns

Individuals in custody at short-term facilities can express verbal concerns regarding their property directly to Border Patrol or OFO personnel. According to Border Patrol and OFO officials, raising concerns while at the facility is the best way to ensure that property is located and returned. When visiting one soft-sided facility, we observed that several individuals did not have their property at the time of their release from custody. In this case, a Border Patrol agent took these individuals to the property storage room and they located their belongings.

In cases where the personnel at the facility cannot resolve the concern, the issue may be raised to supervisors or sector level personnel. According to Border Patrol officials, if a concern is resolved at the local level, facility personnel do not generally create a record of the issue. If the concern cannot be resolved, facility officials said they submit the complaint of the Office of Professional Responsibility.

In some cases, individuals may depart without their property or may discover that property is missing after leaving the facility. In these cases, local CBP officials told us they may contact the facility where the individual was held to try to locate the property. They may also work with a local nongovernmental organization or suggest that the individual request their consulate contact the CBP facility. Officials in three Border Patrol sectors we visited told us that they communicate with local organizations if an individual expresses concern regarding missing property after being released from custody. At one Border Patrol facility, officials told us that they regularly receive requests from a local organization regarding missing property. In these cases, the facility personnel try to locate the property and if found, they coordinate to return the property to its owner.

Conclusions

As the number of encounters with noncitizens seeking to enter the U.S. without valid travel documents has increased, so has the volume of personal property that must be collected, stored, and transferred or returned. Although CBP and Border Patrol have policies and procedures in place regarding the handling of personal property, the policies do not define key terms and concepts, leading Border Patrol sectors to interpret the guidance differently. By issuing guidance clarifying key terms and concepts, including addressing the amount of property that should be

collected and stored, the types of property that may or may not be discarded, and steps for transferring and returning property, Border Patrol would be better positioned to ensure the appropriate handling of personal property consistently across facilities. Moreover, developing and implementing a mechanism to monitor sectors' and facilities' implementation of the guidance would help Border Patrol better ensure that sectors are consistently handling personal property.

Further, providing written instructions for retrieving personal property would better position CBP to ensure facilities are communicating procedures and necessary information, such as the location and contact information for the facility in which individuals were held to individuals released from custody. Doing so could also help better ensure that individuals released from CBP custody understand how to reclaim any personal property left behind.

Recommendations

We are making the following three recommendations to CBP:

The Chief of Border Patrol should issue clarifying guidance for the handling of personal property that defines key terms and concepts, including addressing the amount of property that sectors and facilities should collect and store, the types of property that may or may not be discarded, and steps for transferring and returning property. (Recommendation 1)

The Chief of Border Patrol should develop a mechanism to monitor how sectors and facilities implement guidance for the handling of personal property. (Recommendation 2)

The Commissioner of CBP should ensure that upon release from CBP custody, individuals are provided written instructions explaining how to retrieve any lost or left behind personal property, including information specific to the facilities in which they were held. (Recommendation 3)

Agency Comments

We provided a draft of this report to DHS and the Department of Health and Human Services for review and comment. In its comments, reproduced in appendix II, DHS concurred with each of our

recommendations. DHS also noted that it plans to take steps to address each of the recommendations, including developing a comprehensive policy for handling detainee personal property; determining the most effective way to monitor compliance with the personal property policy; and requiring that written instructions be provided to each detainee explaining how to retrieve any lost or left behind personal property. DHS and the Department of Health and Human Services also provided technical comments, which we incorporated as appropriate.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees, the Secretary of Homeland Security, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions, please contact me at (202) 512-8777 or gablerr@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made significant contributions to this report are listed in appendix II.



Rebecca Gambler
Director Homeland Security and Justice

List of Requesters

The Honorable Bennie G. Thompson
Ranking Member
Committee on Homeland Security
House of Representatives

The Honorable Nanette Diaz Barragan
House of Representatives
The Honorable Joaquin Castro
House of Representatives

The Honorable Raul M. Grijalva
House of Representatives

Appendix I: Comments from the Department of Homeland Security

**Appendix I: Comments from the Department of
Homeland Security**

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

April 3, 2024

Rebecca Gambler
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548-0001

Re: Management Response to Draft Report GAO-24-106540, "SOUTHWEST BORDER: Additional Guidance and Monitoring Needed to Improve CBP's Handling of Personal Property"

Dear Ms. Gambler:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS, or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

DHS leadership is pleased to note GAO's recognition that U.S. Customs and Border Protection (CBP) and its components—U.S. Border Patrol (USBP) and the Office of Field Operations (OFO)—have policies and procedures for how its personnel are to handle the personal property of individuals held in custody, and the components have taken action to implement this guidance. GAO also acknowledged that DHS has multiple mechanisms to receive and address complaints regarding the handling of personal property, and that individuals in custody at CBP short-term holding facilities can express verbal concerns regarding property directly to USBP or OFO personnel. Further, individuals and other stakeholders, such as attorneys, family members, and nongovernmental organizations, may submit complaints to the Office of the Immigration Detention Ombudsman, Office for Civil Rights and Civil Liberties, DHS Office of the Inspector General, and CBP's Office of Professional Responsibility. Once a complaint is submitted, the specific DHS or CBP office considers whether to investigate the complaint or to refer it to another entity within DHS.

DHS remains committed to processing the personal property of each detainee in its custody in a secure, efficient, and transparent manner that prioritizes the safe, timely, and

**Appendix I: Comments from the Department of
Homeland Security**


efficient processing of migrants, while acknowledging the importance of prioritizing property retention by property owners.

The draft report contained three recommendations with which the Department concurs. Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

JIM H
CRUMPACKER

 Digitally signed by JIM H
CRUMPACKER
Date: 2024.04.03 15:35:14 -04'00'

JIM H. CRUMPACKER
Director
Departmental GAO-OIG Liaison Office

Enclosure

**Enclosure: Management Response to Recommendations
Contained in GAO-24-106540**

GAO recommended that the Chief of USBP:

Recommendation 1: Issue clarifying guidance for the handling of personal property that defines key terms and concepts, including addressing the amount of property that sectors and facilities should collect and store, the types of property that may or may not be discarded, and steps for transferring and returning property.

Response: Concur. The CBP Policy Directorate, in collaboration with OFO, USBP, and other program offices as appropriate, will develop a new comprehensive CBP detainee personal property policy to better define the types of property migrants may be able to keep, subject to mission and special requirements. When finalized, this policy will provide guidance related to the retention of detainee personal property at short-term holding facilities. The policy will also focus on the handling, storage, and retrieval of essential and nonessential property, as well as defining key terms and concepts.

Once the national CBP detainee personal property policy is approved, USBP will issue clarifying guidance to all sectors for handling of personal property. This effort will consist of USBP taking the following actions:

| Action | Estimated Completion Date (ECD) |
|--|---------------------------------|
| Convene a working group to discuss the implementation of the policy and a mechanism to measure compliance with guidance disseminated to the field. | April 30, 2024 |
| Once finalized, send the CBP detainee personal property policy to all USBP Sectors/Stations. | October 31, 2024 |
| Address any related issues or concerns with the policy roll out, as appropriate, and determine if any follow up guidance/actions are required. | November 29, 2024 |

Overall ECD: December 31, 2024.

Recommendation 2: Develop a mechanism to monitor how sectors and facilities implement guidance for the handling of personal property.

Response: Concur. The USBP headquarters Immigrations Prosecutions and Custody Division (IPC) will determine the most efficient and effective way to monitor compliance

Appendix I: Comments from the Department of Homeland Security

with the national CBP detainee personal property policy. This effort will consist of USBP IPC taking the following actions:

| Action | ECD |
|---|-------------------|
| Convene a headquarters working group to discuss the implementation of the policy and a mechanism to measure compliance with guidance disseminated to the field. | April 30, 2024 |
| Finalize a monitoring method. | October 31, 2024 |
| Determining any necessary follow up, as appropriate. | November 29, 2024 |

ECD: December 31, 2024.

GAO recommended that the Commissioner of CBP:

Recommendation 3: Ensure that upon release from CBP custody, individuals are provided written instructions explaining how to retrieve any lost or left behind personal property, including information specific to the facilities in which they were held.

Response: Concur. As previously noted, the CBP Policy Directorate, in collaboration with CBP OFO, USBP, and other program offices as appropriate, will develop a new comprehensive CBP detainee personal property policy. In addition to the internal collaborative efforts to finalize CBP’s detainee personal property policy, CBP will partner with non-governmental organizations to analyze the development of CBP’s personal property policies and procedures. When finalized, CBP’s detainee personal property policy will provide CBP’s operational offices guidance regarding the retention of detainee personal property at short-term holding facilities.

Specifically, CBP will make every effort to allow detainees to keep as much of their personal property, to the extent possible, given each facility’s physical capacity, safety considerations, transportation limitations, and personnel availability. Once complete, the policy will focus on the handling, storage, and retrieval of essential and nonessential property, to include items such as prescription medications, prescription eyewear, legal documents, electronic devices, and clothing. Additionally, it will require that written instructions be provided to each detainee explaining how to retrieve any lost or left behind personal property. ECD: December 31, 2024.

Accessible Text for Appendix I: Comments from the Department of Homeland Security

April 3, 2024

Rebecca Gambler
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548-0001

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Appendix II: GAO Contacts and Staff Acknowledgments

GAO Contact

Rebecca Gambler, (202) 512-8777 or gablerr@gao.gov

Staff Acknowledgments

In addition to the contact named above, Jeanette Henriquez (Assistant Director), Miriam Hill (Analyst-in-Charge), Michelle Bird, Dominick Dale, Eric Hauswirth, Suzanne Kaasa, Lydie Loth, Sasan J. “Jon” Najmi, and Janet Temko-Blinder made key contributions to this report.

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