

 Official website of the Department of Homeland Security



U.S. Customs and Border Protection (/)

CBP's Response to Unfounded ACLU Report

Release Date: May 23, 2018

The false accusations made by the ACLU against the previous administration are unfounded and baseless. The “report” equates allegations with fact, flatly ignores a number of improvements made by U.S. Customs and Border Protection (CBP) as well as oversight conducted by outside, independent agencies, including the DHS Office of Inspector General (OIG) and the Office of Civil Rights and Civil Liberties over the last decade. The OIG has already completed an investigation and found these claims unsubstantiated and did not observe misconduct or inappropriate conduct. CBP takes seriously all allegations of misconduct, but without new specifics is unable to check to commence reasonable steps to examine these assertions and address the accusations levied.

CBP is aware of the ACLU report and is greatly disappointed that it doesn't acknowledge that the OIG conducted an investigation in 2014 that determined that prior claims made by the ACLU were completely unfounded. The OIG conducted 57 unannounced visits to 41 different CBP facilities and “did not observe misconduct or inappropriate conduct by DHS employees during our unannounced visits.” The full report is available [here](#).

(https://www.oig.dhs.gov/assets/pr/2014/Sig_Mem_Over_Unac_Alien_Child090214.pdf)

In addition, the report contains a number of anecdotal assertions and does not provide specifics, preventing CBP from commencing reasonable steps to examine these assertions and addressing their concerns. CBP strongly disagrees with the assertions and conclusions made by the ACLU report, which equates allegations with fact and flatly ignores reforms made by CBP as well as oversight conducted by outside independent agencies over the last decade. Just in the last three years, CBP has established a number of agency-wide policies that aim to provide for additional protections for those held or detained by CBP. CBP was not contacted by the ACLU regarding its report or any of its findings.

All CBP employees embody our core values, perform their duties with integrity, and are dedicated to our mission of securing the American people and our borders while facilitating legitimate trade and travel. The men and women of CBP perform their duties professionally and treat everyone equally with dignity and respect. Children represent the most vulnerable population, and every agent carries a fundamental ethical and moral belief as well as a legal obligation to put the welfare of any child first.

Ensuring the welfare of children: In October 2015, CBP published National Standards on Transport, Escort, Detention and Search (TEDS) that set forth nationwide standards governing CBP's interactions with detained individuals including provisions related to sexual abuse and assault prevention and response. The TEDS standards have been implemented in all CBP facilities. TEDS reinforces/reiterates the need to consider the best interest of children and mandates adherence to established protocols to protect at-risk populations to include transporting, detaining, and caring for children.

Prison Rape Elimination Act (PREA): Since the implementation of the DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities (the "DHS Standards") in May 2014, CBP has taken measures to enhance its sexual abuse and assault prevention and response efforts. CBP has a zero tolerance policy prohibiting all forms of sexual abuse and assault of individuals in custody, which includes mandating zero tolerance toward all forms of sexual abuse in our temporary holding facilities and outlining the agency's approach to preventing, detecting and responding to such conduct. CBP is committed to the enforcement of its policy to provide effective safeguards against sexual abuse and assault for individuals detained in CBP holding facilities.

- CBP incorporates best practices and reforms to enhance efforts to prevent, detect, and respond to sexual abuse and assault in our holding facilities.
- CBP maintains a Sexual Abuse and Assault Prevention and Response Program that ensures effective procedures for preventing, reporting, responding to, investigating, and tracking incidents or allegations of sexual abuse and/or assault against individuals in CBP holding facilities.
- CBP designated a full-time Prevention of Sexual Abuse Coordinator, to ensure its offices, stakeholders, and managers are aware of CBP's roles and responsibilities.
- CBP has entered into a joint third-part audit contract with U.S. Immigration and Customs Enforcement to secure third-party auditors to audit CBP holding facilities for compliance with the DHS Standards. This is a recommendation that was made by a DHS OIG report in March 2016.
- OPR has conducted training on sexual abuse and effective cross-agency coordination for Special Agents who conduct investigations into allegations of sexual abuse at holding facilities (per USC 6 § 115.134: Specialized training: Investigations).

CBP is committed to fostering an environment for individuals in CBP custody to feel safe to report sexual abuse and assault. CBP has a zero tolerance policy information and reporting options posted in highly visible areas in holding facilities to ensure that individuals in CBP custody are aware of multiple options to confidentially and, if desired, anonymously, report allegations of sexual abuse and assault, retaliation for sexual abuse and/or assault, or staff neglect of violations of responsibilities that may have contributed to such incidents.

Engagement with NGOs: Senior CBP leadership routinely meets with representatives of nongovernmental organizations, including the ACLU. These engagements are an opportunity to discuss issues related to CBP operations. CBP's Office of Professional Responsibility investigates allegations of misconduct on the part of CBP employees when an NGO provides sufficient information necessary to conduct an appropriate inquiry.

U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the management, control and protection of our nation's borders at and between the official ports of entry. CBP is charged with keeping terrorists and terrorist weapons out of the country while enforcing hundreds of U.S. laws.

Last published: May 23, 2018



Share This Page.