



# Department of Homeland Security Office for Civil Rights and Civil Liberties

Quarterly Report to Congress

Third Quarter, FY 2011 (April 1-June 30, 2011)

November 15, 2011



Homeland  
Security

# Foreword



I am pleased to present this Quarterly Report on the activities of the Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL), as required by section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, 42 U.S.C. § 2000ee-1(f).

This report includes information on the third quarter of Fiscal Year 2011. The DHS Chief Privacy Officer provides separate quarterly reports under the 9/11 Commission Act concerning privacy advice and complaints, available at the Privacy Office's Web site, <http://www.dhs.gov/privacy>.

**Pursuant to congressional requirements, this Report is being provided to the following Members of Congress:**

**The Honorable Daniel K. Inouye**

Chairman, U.S. Senate Committee on Appropriations

**The Honorable Thad Cochran**

Ranking Member, U.S. Senate Committee on Appropriations

**The Honorable Joseph I. Lieberman**

Chairman, U.S. Senate Committee on Homeland Security and Governmental Affairs

**The Honorable Susan M. Collins**

Ranking Member, U.S. Senate Committee on Homeland Security and Governmental Affairs

**The Honorable Dianne Feinstein**

Chairman, U.S. Senate Select Committee on Intelligence

**The Honorable Saxby Chambliss**

Vice Chairman, U.S. Senate Select Committee on Intelligence

**The Honorable Patrick J. Leahy**

Chairman, U.S. Senate Committee on the Judiciary

**The Honorable Charles Grassley**

Ranking Member, U.S. Senate Committee on the Judiciary

**The Honorable John Boehner**

Speaker of the House, U.S. House of Representatives

**The Honorable Hal Rogers**

Chairman, U.S. House of Representatives Committee on Appropriations

**The Honorable Norm Dicks**

Ranking Member, U.S. House of Representatives Committee on Appropriations

**The Honorable Peter T. King**

Chairman, U.S. House of Representatives Committee on Homeland Security

**The Honorable Bennie G. Thompson**

Ranking Member, U.S. House of Representatives Committee on Homeland Security

**The Honorable Mike Rogers**

Chairman, U.S. House of Representatives Permanent Select Committee on Intelligence

**The Honorable C.A. “Dutch” Ruppertsberger**

Ranking Member, U.S. House of Representatives Permanent Select Committee on Intelligence

**The Honorable Lamar Smith**

Chairman, U.S. House of Representatives Committee on the Judiciary

**The Honorable John Conyers, Jr.**

Ranking Member, U.S. House of Representatives Committee on the Judiciary

**The Honorable Darrell Issa**

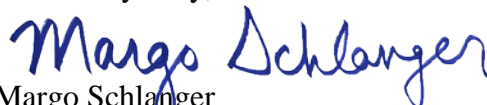
Chairman, U.S. House of Representatives Committee on Oversight and Government Reform

**The Honorable Elijah E. Cummings**

Ranking Member, U.S. House of Representatives Committee on Oversight and Government Reform

Additional information, including our prior quarterly and annual reports and our civil rights complaint contact information, are available at [www.dhs.gov/crcl](http://www.dhs.gov/crcl). Please direct inquiries regarding this Report to the Office for Civil Rights and Civil Liberties at 866-644-8360 (TTY 866-644-8361) or [crcl@dhs.gov](mailto:crcl@dhs.gov).

Yours very truly,



Margo Schlanger  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

# Executive Summary

This Quarterly Report details activities of the Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL), as required by section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, 42 U.S.C. § 2000ee-1(f).

The report includes information on the third quarter of Fiscal Year 2011, including impact assessments and data analysis of investigations involving civil rights and civil liberties.



# DHS Office for Civil Rights and Civil Liberties, FY 2011 Third Quarter Report

## Table of Contents

|   |     |
|---|-----|
| Executive Summary .....                     | iii |
| I. Legislative Language .....               | 1   |
| II Background .....                         | 4   |
| III. Investigations Data and Analysis ..... | 5   |
| IV. Appendix: Acronyms .....                | 13  |

# I. Legislative Language

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

Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53, sec. 803, 121 Stat. 266, 360-362.

### **(a) Designation and functions**

...

[T]he Secretary of Homeland Security . . . shall designate not less than 1 senior officer to serve as the principal advisor to—

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

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

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

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

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

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

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

### **(b) Exception to designation authority**

...

#### **(2) Civil liberties officers**

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

**(c) Supervision and coordination**

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

- (1)** report to the head of the department . . . ; and
- (2)** coordinate their activities with the Inspector General of such department ... to avoid duplication of effort.

**(d) Agency cooperation**

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

- (1)** has the information, material, and resources necessary to fulfill the functions of such officer;
- (2)** is advised of proposed policy changes;
- (3)** is consulted by decision makers; and
- (4)** is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

...

**(f) Periodic reports**

**(1) In general**

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

- (A)(i)** to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;
- (ii)** to the head of such department, agency, or element; and
- (iii)** to the Privacy and Civil Liberties Oversight Board; and
- (B)** which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

**(2) Contents**

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

- (A)** information on the number and types of reviews undertaken;
- (B)** the type of advice provided and the response given to such advice;

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

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

**(g) Informing the public**

Each privacy officer and civil liberties officer shall—

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

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

**(h) Savings clause**

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



## II. Civil Rights and Civil Liberties Impact Assessments

The CRCL Impact Assessment Section, in the Programs and Compliance Branch, undertakes in-depth examinations of the civil rights and civil liberties implications and effects of selected DHS programs and provides suggestions for improvements to those programs. The following Civil Rights and Civil Liberties Impact Assessments were underway during the third quarter of FY 2011:

- 1. *Border Search of Electronic Devices:*** At Secretary Napolitano's direction, the Impact Assessment Section is collaborating with U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs and Enforcement (ICE) to examine the civil rights and civil liberties impact of those Components' policies relating to border searches of electronic devices. Work on the report continued in the third quarter.
- 2. *State and Major Urban Area Fusion Centers (Fusion Centers):*** Section 511 of the Implementing Recommendations of the 9/11 Commission Act requires CRCL to conduct a follow-up to the Fusion Center Impact Assessment released in December 2008. CRCL is working with the DHS Office of Intelligence and Analysis (I&A) State and Local Program Office to complete a new impact assessment that reflects current support for fusion centers.
- 3. *Future Attribute Screening Technology:*** CRCL has underway an impact assessment on the Future Attribute Screening Technology program (FAST), an initiative of DHS's Science and Technology Directorate (S&T) to develop innovative, non-invasive technologies to enhance the screening of individuals in transportation venues and at special events or other secure areas.

### III. Investigations Data and Analysis

CRCL investigates complaints concerning:

- abuses of civil rights, civil liberties, and racial, ethnic, or religious profiling, 6 U.S.C. § 345(a)(1);
- compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights or civil liberties of individuals affected by the programs and activities of the Department, 6 U.S.C. § 345(a)(4);
- possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General, 6 U.S.C. § 345(a)(6); and
- department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering civil liberties in its actions, 42 U.S.C. § 2000ee-1(a)(2).

Under these authorities, CRCL reviews and assesses civil rights or human rights complaints. These matters arise in a variety of contexts, which we designate in the tables that follow as “situations,” and raise one or more issues. The tables set forth here identify investigations by the primary situation and issue involved.

Our process for addressing complaints we receive was set out in further detail in CRCL’s previous quarterly report. CRCL initiates investigations based on complaints received from the general public and non-governmental organizations (NGOs) by U.S. mail, email, fax, and the CRCL telephone hotline, as well as through the DHS Traveler Redress Inquiry Program (DHS TRIP). Incidents that might merit investigation are also forwarded to CRCL from other offices at DHS and other government agencies. **Table 1**, below, indicates investigations opened during the first through third quarters by primary civil rights *issue* raised, *situation* in which the investigation arose, and the DHS *Component* that was the primary subject of the investigation.

Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, CRCL begins the investigation process by referring all matters involving the conduct of DHS employees to the DHS Office of Inspector General (OIG).<sup>1</sup> The OIG then determines whether or not it will investigate the case; in this report, such cases are designated *OIG retained*. If the OIG declines to investigate the complaint, it is referred back to CRCL for appropriate action, at which point CRCL determines whether the case should be retained for CRCL’s own investigation (*CRCL retained*) or referred to the relevant DHS Component(s) (*CRCL referred*). Retained cases may be subject to a *full investigation* or *short-form* resolution. A small number of cases are subject to a *joint investigation*, combining CRCL’s investigative resources with those of the relevant Component(s). Investigations at any other stage (such as clerical steps between these stages) are

---

<sup>1</sup> Complaints involving the activities of state or local law enforcement agencies, acting under state law, that come to CRCL as a result of ICE’s Secure Communities program are not initially referred to OIG, because they do not involve the conduct of ICE employees. The complaint protocol in Secure Communities cases is posted on the ICE Secure Communities web site, [http://www.ice.gov/secure\\_communities](http://www.ice.gov/secure_communities).

noted as *in process*.<sup>2</sup> **Table 2** describes all investigations (not only investigations opened in FY 2011) in process as of the last day of each of FY 2011's third quarter, under these categories. For the rare cases that OIG retains for investigation, once OIG completes its investigation, the matter returns to CRCL. We may then close the matter or retain it for our own investigation. There were no such matters for the third quarter.

If a case is referred to a Component for investigation, the Component issues a Report of Investigation to CRCL at the completion of the investigation; if retained, CRCL conducts its own investigation and drafts its own investigative report. When the investigation, whether conducted by CRCL or the Component involved, is complete, CRCL *closes* the matter and provides senior leadership of the relevant Component(s) with its conclusions and any recommendations for improving policy, practice, or training arising from the investigation. At that time, we also notify the complainant of the result of our investigation. **Table 4** provides investigations closed during each quarter, by issue, situation, and Component principally involved.

Beginning in FY 2010, CRCL has asked DHS Components to formally concur (or non-concur) with our recommendations, and to provide concrete action plans for implementing accepted recommendations. A single matter may result in multiple recommendations (or none at all), and a Component may accept some, all, or none of the recommendations. **Table 5** indicates the current status of recommendations resulting from investigations closed during the third quarter.

Finally, to update the prior quarterly report, we report on responses by components to recommendations made in the first and second quarter, which were listed in the prior quarterly report. A total of five matters were closed in the first and second quarter of FY 2011 that included recommendations.

### *1. CBP Apprehensions and Detentions in Arizona*

In January 2010, a nongovernmental organization submitted a complaint on behalf of eight individuals, some alleging physical and verbal abuse and others alleging denial of food and medical care by U.S. Border Patrol agents in Arizona. CRCL referred the matter to CBP Office of Internal Affairs for factual investigation. The investigation could neither confirm nor reject the allegations. Where the allegations named specific individuals, the CBP investigation was unable to align the allegations with records of actual apprehensions due to the absence of details in the complaint. The other allegations did not provide any particularized information that could be specifically investigated. While none of the allegations could be substantiated, the investigation pointed to room for improvement in certain types of record-keeping. CBP investigators discussed the allegations with the local management, who stated they were working to improve procedures, such as logging information on juveniles in detention and provision of meals to detainees. CRCL closed the complaint in October 2010, but continues to monitor Border Patrol's adherence to these commitments.

### *2. CBP Land Border Security Procedures*

A U.S. citizen entering the United States through a land border port of entry in California, alleged mistreatment by CBP officers when his vehicle underwent secondary inspection in April 2009. The traveler had been handcuffed while being escorted into the Secondary Inspection

---

<sup>2</sup> The *in process* categories include more than a few cases where Reports of Investigation (ROIs) have been received from Components and are currently under review within CRCL. For CRCL's purposes, these investigations remain in process until we have completed our review and response to the ROIs.

Office (SIO), and subjected to a very thorough pat-down search. CRCL reviewed the complaint, along with relevant CBP policies, and could neither confirm nor reject the allegations of rude and abusive treatment. However, CRCL found that the officers involved were not aware of the discretion available, as a matter of existing policy, with respect to handcuffing and, indeed, to escorting travelers with vehicles in secondary to a secure area. CRCL recommended that CBP train supervisors who make decisions to move individuals from the designated waiting area to the SIO to articulate and document the reason for handcuffing, reinforcing that this action is not mandatory, and reminding officers of the discretion that they possess when deciding whether or not to restrain an individual under escort, and the appropriate considerations that counsel in favor and against restraint during escort. CBP concurred and developed and distributed the training.

### *3. Effective Communication During Evacuation*

In January 2007 the National Center for Law and Economic Justice filed a complaint concerning FEMA's failure to have procedures and policies in place to communicate effectively with deaf and hard of hearing evacuees who needed access to FEMA assistance or information following Hurricane Katrina in 2005. CRCL substantiated this complaint, and in November 2010 recommended that FEMA: (1) improve the notice it provides to the public about their rights under Section 504 of the Rehabilitation Act, including the process for requesting sign language interpretation; and (2) create a brochure focusing on Section 504 rights and practices. FEMA concurred, and is working on a brochure and poster, which should be completed and promulgated in the first quarter of FY 2012.

### *4. Medical Care in ICE Detention*

In April 2010, a detainee in ICE detention alleged that his frequent transfers among ICE facilities had compromised treatment for his chronic medical condition. CRCL investigated and found that the detainee's care had been complicated by his frequent transfers, but not to the extent that would constitute a civil rights violation. CRCL recommended in March 2011 that ICE minimize transfers of detainees with significant or chronic medical conditions under current active management. ICE concurred, and is currently working on a new transfer policy.

### *5. Sign Language Interpretation During Citizenship Interview and Ceremony*

A hearing-impaired complainant alleged discrimination by U.S. Citizenship and Immigration Services (USCIS) based on the agency's failure to provide a sign language interpreter, as requested, for his citizenship interview and ceremony in June 2009. CRCL investigated and concluded that provision of an interpreter was required by Section 504 of the Rehabilitation Act as well as by a new USCIS policy and standard operating procedure (SOP) regarding receipt and processing of requests for disability accommodation that went into effect shortly after the incident in question. CRCL recommended in February 2011 that USCIS: (1) ensure that all Field Office Directors train their staff regarding persons with disabilities, compliance with Section 504, and implementation of the new policy and SOP; (2) ensure that each Field Office has a designated employee to receive and process accommodation requests and that this employee has received all required training; and (3) conduct periodic reviews to assess how well the new policy and SOP are working to address needs. USCIS concurred, and is currently developing responsive training (and providing regular updates to CRCL). USCIS has designated and trained an employee to handle accommodation requests at each field office, and reports that the new process is working well and will be assessed annually to determine if any improvements are needed.

**Table 1.** Investigations opened, by Quarter (as of June 30, 2011)

|   | TOTAL, YTD | 1Q2011    | 2Q2011     | 3Q2011    |
|---|------------|-----------|------------|-----------|
| <b>By issue</b>   |            |           |            |           |
| Abuse of authority/misuse of official position  | 10         | 2         | 6          | 2         |
| Breach of confidentiality   | 2          | 1         | 1          |           |
| Conditions of detention   | 57         | 13        | 34         | 10        |
| Disability accommodation  | 6          | 1         | 1          | 4         |
| Discrimination/profiling  | 52         | 10        | 37         | 5         |
| Due process   | 9          | 4         | 3          | 2         |
| Excessive force   | 23         | 10        | 9          | 4         |
| Fourth Amendment (search and seizure)   | 6          | 1         | 4          | 1         |
| Hate speech   | 1          |           |            | 1         |
| Human rights  | 1          | 1         |            |           |
| Inappropriate questioning/inspection conditions   | 6          | 3         | 1          | 2         |
| Intimidation/threat/improper coercion   | 2          | 1         |            | 1         |
| Language access (limited English proficiency)   | 2          | 1         |            | 1         |
| Legal access  | 4          | 2         |            | 2         |
| Medical/mental health care  | 37         | 8         | 16         | 13        |
| Religious accommodation (other religious issues covered by inappropriate questioning, discrimination) | 4          | 2         | 1          | 1         |
| Retaliation   | 1          | 1         |            |           |
| Sexual assault/abuse  | 4          |           | 3          | 1         |
| TSA AIT and TSA pat-downs   | 11         | 3         | 6          | 2         |
| <b>Total by issue</b>   | <b>238</b> | <b>64</b> | <b>122</b> | <b>52</b> |
| <b>By situation</b>   |            |           |            |           |
| 287 (g)   | 5          |           | 4          | 1         |
| CBP detention/hold room/CBP deferred inspection site  | 8          | 1         | 7          |           |
| DHS law enforcement activity  | 12         | 7         | 4          | 1         |
| DHS public messaging/websites   | 1          |           |            | 1         |
| DHS regulatory/rule processing  | 1          | 1         |            |           |
| DHS supported activity (not 287(g))   | 3          |           | 2          | 1         |
| Federal government building or area   | 7          | 2         | 1          | 4         |
| Immigration benefit application processing  | 2          |           | 1          | 1         |
| Immigration detention   | 106        | 23        | 56         | 27        |
| Political demonstration/rally   | 2          |           | 1          | 1         |
| Port of entry/CBP checkpoint  | 45         | 9         | 30         | 6         |
| Screening (non-watch list)  | 16         | 6         | 7          | 3         |
| Secure Communities  | 3          |           | 2          | 1         |
| Unaccompanied minor   | 22         | 13        | 6          | 3         |
| Visa processing   | 2          | 2         |            |           |
| Watch list/aviation security  | 3          |           | 1          | 2         |
| <b>Total by situation</b>   | <b>238</b> | <b>64</b> | <b>122</b> | <b>52</b> |
| <b>By Component</b>   |            |           |            |           |
| DHS (multi-component or headquarters unit)  | 14         | 6         | 2          | 6         |
| CBP   | 81         | 23        | 47         | 11        |
| ICE   | 119        | 27        | 62         | 30        |
| TSA   | 19         | 6         | 9          | 4         |
| USCIS   | 5          | 2         | 2          | 1         |
| <b>Total by Component</b>   | <b>238</b> | <b>64</b> | <b>122</b> | <b>52</b> |

**Table 2.** Investigations in process as of June 30, 2011 (end Q3)

|   | Grand Total | In Process | OIG Retained | CRCL Retained      |            | Joint Investigation | CRCL Referred |
|---|-------------|------------|--------------|--------------------|------------|---------------------|---------------|
|   |             |            |              | Full Investigation | Short Form |                     |               |
| <i>By issue</i>   |             |            |              |                    |            |                     |               |
| Abuse of authority/misuse of official position  | 21          | 4          |              | 6                  | 3          | 2                   | 6             |
| Breach of confidentiality   | 5           |            |              |                    | 3          |                     | 2             |
| Conditions of detention   | 121         | 24         | 1            | 20                 | 23         | 2                   | 51            |
| Disability accommodation (Section 504 of the Rehab Act)   | 6           | 4          |              | 1                  | 1          |                     |               |
| Discrimination/profiling  | 68          | 12         |              | 25                 | 6          | 6                   | 19            |
| Due process   | 21          | 5          |              | 4                  | 4          |                     | 8             |
| Excessive force   | 43          | 6          | 8            | 8                  | 8          | 2                   | 11            |
| Fourth Amendment (search and seizure)   | 11          | 4          |              | 4                  | 2          |                     | 1             |
| Free speech/association   | 2           |            |              | 1                  |            |                     | 1             |
| Hate speech   | 1           |            |              |                    | 1          |                     |               |
| Human rights  | 1           | 1          |              |                    |            |                     |               |
| Inappropriate questioning/ inspection conditions  | 16          | 3          | 1            | 2                  | 3          | 1                   | 6             |
| Intimidation/threat/improper coercion   | 7           | 2          |              | 2                  |            |                     | 3             |
| Language access (limited English proficiency)   | 3           | 2          |              |                    | 1          |                     |               |
| Legal access  | 2           | 1          |              |                    | 1          |                     |               |
| Medical/mental health care  | 65          | 16         | 1            | 16                 | 19         |                     | 13            |
| Religious accommodation (other religion is covered by inappropriate questioning and discrimination) | 4           | 1          |              |                    | 1          |                     | 2             |
| Retaliation   | 5           |            |              | 1                  |            | 1                   | 3             |
| Sexual assault/abuse  | 7           | 3          |              | 2                  | 2          |                     |               |
| TSA AIT and TSA pat-downs   | 15          | 2          |              | 2                  | 2          | 1                   | 8             |
| <b>Total by issue</b>   | <b>424</b>  | <b>90</b>  | <b>11</b>    | <b>94</b>          | <b>80</b>  | <b>15</b>           | <b>134</b>    |

Table 2 continued (Investigations in process as of June 30, 2011)

|   | Grand Total | In Process | OIG Retained | CRCL Retained      |            | Joint Investigation | CRCL Referred |
|---|-------------|------------|--------------|--------------------|------------|---------------------|---------------|
|   |             |            |              | Full Investigation | Short Form |                     |               |
| <b>By situation</b>                                   |             |            |              |                    |            |                     |               |
| 287 (g)   | 8           | 5          |              |                    |            | 2                   | 1             |
| CBP detention/hold room/ CBP deferred inspection site | 11          | 1          | 1            | 2                  | 3          |                     | 4             |
| DHS law enforcement activity                          | 25          | 4          |              | 8                  | 4          | 5                   | 4             |
| DHS public messaging/websites                         | 1           |            |              |                    | 1          |                     |               |
| DHS regulatory/rule processing                        | 1           | 1          |              |                    |            |                     |               |
| DHS supported activity (not 287(g))                   | 14          | 2          |              | 5                  | 1          |                     | 6             |
| Federal government building or area                   | 11          | 5          |              |                    | 2          |                     | 4             |
| Immigration benefit application processing            | 11          | 1          |              | 1                  | 2          | 1                   | 6             |
| Immigration detention                                 | 207         | 48         | 4            | 37                 | 45         | 3                   | 70            |
| Political Demonstration/Rally                         | 4           | 2          |              | 1                  |            |                     | 1             |
| Port of entry/CBP checkpoint                          | 55          | 7          | 2            | 26                 | 7          | 1                   | 12            |
| Screening (non-watch list)                            | 28          | 4          |              | 2                  | 3          | 3                   | 16            |
| Secure Communities                                    | 3           | 2          |              |                    | 1          |                     |               |
| Unaccompanied minor                                   | 37          | 6          | 4            | 11                 | 7          |                     | 9             |
| Visa processing                                       | 4           |            |              |                    | 3          |                     | 1             |
| Watch list/Aviation security                          | 4           | 2          |              | 1                  | 1          |                     |               |
| <b>Total by situation</b>                             | <b>424</b>  | <b>90</b>  | <b>11</b>    | <b>94</b>          | <b>80</b>  | <b>15</b>           | <b>134</b>    |
| <b>By Component</b>                                   |             |            |              |                    |            |                     |               |
| DHS (multi-component or headquarters unit)            | 22          | 7          | 1            | 8                  | 2          | 1                   | 3             |
| CBP   | 115         | 21         | 6            | 39                 | 20         | 5                   | 24            |
| FEMA  | 2           |            |              |                    |            |                     | 2             |
| ICE   | 242         | 56         | 4            | 42                 | 50         | 7                   | 83            |
| TSA   | 29          | 5          |              | 2                  | 4          | 2                   | 16            |
| USCG  | 1           |            |              | 1                  |            |                     |               |
| USCIS   | 13          | 1          |              | 2                  | 4          |                     | 6             |
| <b>Total by Component</b>                             | <b>424</b>  | <b>90</b>  | <b>11</b>    | <b>94</b>          | <b>80</b>  | <b>15</b>           | <b>134</b>    |

**Table 3.** Matters previously retained by OIG returned during 3Q2011: None**Table 4.** Investigations closed, by Quarter (as of June 30, 2011)

|   | TOTAL, YTD | 1Q2011    | 2Q2011    | 3Q2011    |
|---|------------|-----------|-----------|-----------|
| <b><i>By issue</i></b>  |            |           |           |           |
| Abuse of authority/misuse of official position  | 5          | 1         | 3         | 1         |
| Conditions of detention   | 28         | 4         | 11        | 13        |
| Disability accommodation  | 3          | 1         |           | 2         |
| Discrimination/profiling  | 20         | 5         | 7         | 8         |
| Due process   | 4          | 1         | 1         | 2         |
| Excessive force   | 15         | 3         | 6         | 6         |
| Free speech/association   | 1          |           | 1         |           |
| Inappropriate questioning/inspection conditions   | 9          | 3         | 3         | 3         |
| Inappropriate-touch/search of person (non-TSA)  | 5          | 3         | 2         |           |
| Intimidation/threat/improper coercion   | 3          |           | 3         |           |
| Legal access  | 2          |           | 2         |           |
| Medical/mental health care  | 13         | 2         | 6         | 5         |
| Religious accommodation (other religious issues covered by inappropriate questioning, discrimination) | 4          |           | 1         | 3         |
| Retaliation   | 1          |           | 1         |           |
| Sexual assault/abuse  | 2          | 1         |           | 1         |
| TSA AIT and TSA pat-downs   | 5          | 1         | 1         | 3         |
| <b>Total by issue</b>   | <b>120</b> | <b>25</b> | <b>48</b> | <b>47</b> |
| <b><i>By situation</i></b>  |            |           |           |           |
| 287 (g)   | 1          | 1         |           |           |
| CBP detention/hold room/CBP deferred inspection site  | 3          | 1         |           | 2         |
| DHS law enforcement activity  | 3          |           | 2         | 1         |
| DHS supported activity (not 287(g))   | 3          | 1         | 1         | 1         |
| Federal government building or area   | 3          |           | 3         |           |
| Immigration benefit application processing  | 1          | 1         |           |           |
| Immigration detention   | 49         | 6         | 22        | 21        |
| Port of entry/CBP checkpoint  | 38         | 13        | 16        | 9         |
| Screening (non-watch list)  | 7          | 1         | 1         | 5         |
| Secure Communities  | 1          |           |           | 1         |
| Unaccompanied minor   | 8          | 1         | 3         | 4         |
| Visa Processing   | 1          |           |           | 1         |
| Watch list/aviation security  | 2          |           |           | 2         |
| <b>Total by situation</b>   | <b>120</b> | <b>25</b> | <b>48</b> | <b>47</b> |
| <b><i>By Component</i></b>  |            |           |           |           |
| DHS (multi-component or headquarters unit)  | 8          | 2         | 2         | 4         |
| CBP   | 50         | 14        | 21        | 15        |
| FEMA  | 1          | 1         |           |           |
| ICE   | 51         | 7         | 23        | 21        |
| TSA   | 8          | 1         | 1         | 6         |
| USCIS   | 1          |           |           | 1         |
| USSS  | 1          |           | 1         |           |
| <b>Total by Component</b>   | <b>120</b> | <b>25</b> | <b>48</b> | <b>47</b> |



**Table 5.** Results of investigations closed in 3Q2011

|   | Grand Total | No Recommendation | Recommendations Made |              |               |              |
|---|-------------|-------------------|----------------------|--------------|---------------|--------------|
|   |             |                   | Awaiting Response    | All Accepted | Some Accepted | All Rejected |
| <b>By issue</b>   |             |                   |                      |              |               |              |
| Abuse of authority/misuse of official position  | 1           | 1                 |                      |              |               |              |
| Conditions of detention   | 13          | 13                |                      |              |               |              |
| Disability accommodation  | 2           | 2                 |                      |              |               |              |
| Discrimination/profiling  | 8           | 8                 |                      |              |               |              |
| Due process   | 2           | 2                 |                      |              |               |              |
| Excessive force   | 6           | 6                 |                      |              |               |              |
| Inappropriate questioning/inspection conditions   | 3           | 3                 |                      |              |               |              |
| Medical/mental health care  | 5           | 5                 |                      |              |               |              |
| Religious accommodation (other religious issues covered by inappropriate questioning, discrimination) | 3           | 2                 | 1                    |              |               |              |
| Sexual assault/abuse  | 1           | 1                 |                      |              |               |              |
| TSA AIT and TSA pat-downs   | 3           | 3                 |                      |              |               |              |
| <b>Total by issue</b>   | <b>47</b>   | <b>46</b>         | <b>1</b>             | <b>0</b>     | <b>0</b>      | <b>0</b>     |
| <b>By situation</b>   |             |                   |                      |              |               |              |
| CBP detention/hold room/CBP deferred inspection site  | 2           | 2                 |                      |              |               |              |
| DHS law enforcement activity  | 1           | 1                 |                      |              |               |              |
| DHS supported activity (not 287(g))   | 1           | 1                 |                      |              |               |              |
| Immigration detention   | 22          | 22                |                      |              |               |              |
| Port of entry/CBP checkpoint  | 9           | 8                 | 1                    |              |               |              |
| Screening (non-watch list)  | 5           | 5                 |                      |              |               |              |
| Unaccompanied minor   | 4           | 4                 |                      |              |               |              |
| Visa Processing   | 1           | 1                 |                      |              |               |              |
| Watch list/aviation security  | 2           | 2                 |                      |              |               |              |
| <b>Total by situation</b>   | <b>47</b>   | <b>46</b>         | <b>1</b>             | <b>0</b>     | <b>0</b>      | <b>0</b>     |
| <b>By Component</b>   |             |                   |                      |              |               |              |
| DHS (multi-component or headquarters unit)  | 4           | 4                 |                      |              |               |              |
| CBP   | 15          | 14                | 1                    |              |               |              |
| ICE   | 21          | 21                |                      |              |               |              |
| TSA   | 6           | 6                 |                      |              |               |              |
| USCIS   | 1           | 1                 |                      |              |               |              |
| <b>Total by Component</b>   | <b>47</b>   | <b>46</b>         | <b>1</b>             | <b>0</b>     | <b>0</b>      | <b>0</b>     |

NOTE: In addition to the one recommendation “awaiting response” as noted in the Recommendations Made column, an additional 10 draft reports to close out investigations with recommendations were under internal Departmental review at the close of the quarter.

## IV. Appendix: Acronyms

|       |   |
|-------|---|
| CBP   | U.S. Customs and Border Protection          |
| CRCL  | Office for Civil Rights and Civil Liberties |
| DHS   | Department of Homeland Security             |
| FAST  | Future Attribute Screening Technology       |
| FEMA  | Federal Emergency Management Agency         |
| FY    | Fiscal Year                                 |
| ICE   | U.S. Immigration and Customs Enforcement    |
| LEP   | Limited English proficiency                 |
| OIG   | Office of the Inspector General             |
| S&T   | Science and Technology Directorate          |
| TRIP  | Traveler Redress Inquiry Program            |
| TSA   | Transportation Security Administration      |
| USCG  | U.S. Coast Guard                            |
| USCIS | U.S. Citizenship and Immigration Services   |
| USSS  | United States Secret Service                |