

DEPARTMENT OF HOMELAND SECURITY

Office of Inspector General

Review of U.S. Immigration and Customs Enforcement's Detainee Tracking Process



Office of Audits

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**Homeland
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Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (*Public Law 107-296*) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses the effectiveness of U.S. Immigration and Customs Enforcement (ICE) policies and procedures to track the location of detainees and respond to public inquiries on detainee whereabouts. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

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Abbreviations

CCA	Corrections Corporation of America
DACS	Deportable Alien Control System
DETS	DACS Detention Summary
DHS	Department of Homeland Security
ICE	U.S. Immigration and Customs Enforcement
IEA	Immigration Enforcement Agent
OIG	Office of Inspector General
RCC	Regional Correctional Center
SPC	Service Processing Center

*Department of Homeland Security
Office of Inspector General*

Executive Summary

This report represents the results of our review of U.S. Immigration and Customs Enforcement's (ICE) detainee tracking process. ICE is responsible for immigration investigations and detention and removal of illegal aliens. Our audit objective was to determine whether ICE had an effective system to track the location of detainees and respond to public inquiries.

The detainee tracking system, for five of the eight ICE detention facilities tested, did not always contain timely information. At the five facilities, data for 10% of the detainees examined were not recorded in the Deportable Alien Control System (DACS) within the first five days of detention. ICE procedures stipulated that detainee data should be recorded in DACS as soon as possible, usually within two business days from the date of detention.

At six of eight ICE detention facilities tested, DACS and detention facility records did not always agree on the location of detainees, or contained information showing the detainee had been deported. Inaccurate detainee information reduces ICE's ability to correctly identify the actual location of detainees and to verify that individuals have been detained. There is also the potential for ICE to under or over pay detention facilities because of incorrect data. At one detention facility, ICE overpaid the facility \$9,620 for eight detainees that had been released. At the same time, ICE underpaid the detention facility \$1,665 for two detainees that were being held.

ICE had no formal policy regarding what information it would provide to anyone inquiring about detainees in their custody. However, the four field offices we visited and the eight detention facilities contacted indicated that they would confirm whether the detainee was held in their facility. Requests for more detailed information would be referred to ICE headquarters.

We made three recommendations to ICE: (1) issue formal instructions to field offices requiring timely DACS entries and proper supervisory review, (2) perform daily/periodic reconciliations of DACS data, and (3) obtain a reimbursement of the \$7,955 in ICE net overpayments. ICE concurred with the recommendations and will issue guidance to the field addressing timely DACS entries, supervisory reviews, and periodic reconciliations of DACS data. ICE will also work with the appropriate officials to recover the \$7,955 overpayment.

Background

The U.S. Immigration and Customs Enforcement (ICE) is responsible for:

- Identifying and removing all high-risk illegal alien fugitives;
- Ensuring that those aliens who have already been identified as criminals are expeditiously removed; and
- Developing and maintaining a robust removal program with the capacity to remove all final order cases, thus precluding growth in the illegal alien population.

ICE secures bed space in detention facilities, and monitors those facilities for compliance with national detention standards. Detainees are often transferred from one facility to another for various reasons including medical, change of venue, recreation, security issues, or other ICE needs. During fiscal year (FY) 2005, ICE detained in custody an average of 18,500 aliens per day and formally removed 204,193 aliens from the United States.

ICE field offices use DACS to track detainees. DACS automates many of the clerical control functions associated with the arrest, detention, and deportation of illegal aliens. The system provides management information concerning the status and disposition of individual cases, as well as statistical and summary data of cases by type, status, and other attributes. DACS, specifically the DACS Detention Summary (DETS), tracks the location of detainees housed at Service Processing Centers (SPCs),¹ contract detention facilities,² and Intergovernmental Service Agreements detention facilities (local jails).

An ICE Immigration Enforcement Agent (IEA) updates DACS with the required information when a detainee is taken into custody. IEAs, deportation officers, and detention removal assistants, in addition to updating DACS for detainee transfers to other facilities and deportations, may also update DACS when a detainee is taken into custody. Supervisory IEAs also have access to

¹ ICE operated facilities located in Aguadilla, Puerto Rico; Batavia, New York; El Centro, California; San Pedro, California; El Paso, Texas; Florence, Arizona; Miami, Florida; and Los Fresnos, Texas.

² Private firm operated facilities located in Aurora, Colorado; Houston, Texas; Laredo, Texas; Seattle, Washington; Elizabeth, New Jersey; Queens, New York; and San Diego, California.

DACS and, at some locations, clerical staff and deportation officers have access to the system.

Results of Audit

ICE Needs to Update DACS in a More Timely Manner

DACS does not always contain accurate information³ on detainees. For 10 percent of the records examined (322 of 3,201) at five of eight sites, detainee data was not recorded or updated in DACS within the first five days of detainment or transfer. At six of eight sites, detainees were listed in DACS as being in ICE custody when they were not, and the detention facilities where they were being held were incorrect. We also identified approximately \$9,620 in ICE overpayments and \$1,665 underpayments to detention facilities. Field office policies require recording detainee data in DACS as soon as possible, usually within two business days. The field offices did not follow their policies because detention officers did not receive notification or did not update DACS when detainees were placed in custody or released. When DACS is not updated, the statistical information obtained from DACS may be inaccurate and individuals requesting information could be misinformed on the whereabouts of detainees. Further, ICE could and has made incorrect payments to detention facilities for detainee bed space.

DACS data for five of the eight detention facilities tested at the four ICE field offices visited were not being updated in a timely manner. We reviewed DACS records to determine if the book-in date was within five days of the information entered in DACS. The number of records not updated within 5 days ranged from nearly 19% at Piedmont to 7% at McHenry. (See Table 1.)

³ Information recorded in Deportable Alien Control System (DACS) for each detainee includes items such as alien number, name, country of origin, book-in date, and detention facility.

Table 1
Timeliness of DACS Input

Piedmont	487	91	18.7
Hampton Roads	276	26	9.4
Regional Correctional Center (RCC)	829	79	9.5
Corrections Corporation of America (CCA)	1,179	97	8.2
McHenry County	430	29	6.8
Total	3,201	322	10.1

At 6 of 8 detention facilities tested, 21 detainees were listed in the wrong detention facility and 23 detainees who were not recorded in DACS had been released. For example, at RCC, eight detainees were either listed in DACS at the wrong detention facility or not listed in DACS even though they were in custody. Also, at RCC, one detainee was deported in early January, but was still in DACS as of the end of March 2006. Two other detainees were deported more than four months before DACS was updated. At Hampton Roads, two detainees were released in December 2005, but one was still listed in DACS as of January and the other was listed until February 2006. One detainee was released in November 2005 and still listed in DACS on January 31, 2006. A detainee from CCA was transferred to a Florida detention facility in November 2005. He remained listed in DACS for CCA until April 2006.

Furthermore, in our limited testing of the DACS data, we identified \$9,620 in ICE overpayments and \$1,665 in underpayments to the Piedmont detention facility. Table 2 shows that the Piedmont detention facility overcharged ICE for housing 8 detainees for 208 days, including charges for one detainee for the months of December 2005 and January 2006, even though the detainee was deported in November 2005.

Table 2
Piedmont Billing Errors

Detainee	Number of Days	Daily Rate	Total Overcharge
1	24	46.25	\$1,110
2	8	46.25	\$370
3	24	46.25	\$1,110
4	28	46.25	\$1,295
5	62	46.25	\$2,868
6	26	46.25	\$1,203
7	28	46.25	\$1,295
8	8	46.25	\$370
Total	208	46.25	\$9,620

The Piedmont detention facility also failed to charge ICE for two detainees who were in custody for 36 days. This resulted in a \$1,665 undercharge.

There is no ICE policy requiring reconciliations; however, the field offices visited have established their own policies. They record information on new detainees or update information on transferred detainees on the day of the arrival, or the next business day for detainees received at the facility after normal working hours, on weekends, or on holidays. For example, entries for detainees arriving after hours on a Friday evening could be delayed up to three days. ICE officials stated that DACS should be reconciled to the detention facility list on a regular basis. The El Paso and Chicago field offices reconciled daily, while the Washington field offices reconciled weekly and Phoenix monthly. ICE officials at three locations stated that they compare DACS data to the number of detainees in custody per detention facility records, such as billing documents, prior to approving detention facility bills for payments. The fourth field office reconciled the number of detainees billed to DACS without verifying detainee identities.

The field offices did not consistently follow these policies because of the numerous detainee movements. In addition, IEAs responsible for entering detainee data in DACS are not notified of detainee activity, i.e., aliens taken into custody or transferred between facilities, performed by other ICE personnel. At locations such as the contract facilities, there were a large number of detainees and numerous moves between locations. The

reconciliations of detainees listed in DACS to those listed in detention facility records were not thorough enough to identify errors.

We recommend that the Assistant Secretary for ICE:

Recommendation #1: Issue formal instructions to field offices requiring timely DACS entries and proper supervisory review.

Recommendation #2: Perform daily/periodic reconciliations and train staff responsible for verifying the accuracy of DACS records.

Recommendation #3: Obtain a reimbursement of \$7,955 for the net overpayments to the Piedmont detention facility.

Management Comments and OIG Analysis

Management Comments to Recommendation #1

ICE concurred with our recommendation and stated that it would issue guidance to all field offices and DRO staff requiring the detainee information be entered into DACS Detention Summary module within 24 hours of an alien's placement in detention.

Management Comments to Recommendation #2

ICE concurred with our recommendation and stated that its issued guidance to the field will require reconciliation of jail bills and periodic review and oversight by supervisors.

Management Comments to Recommendation #3

ICE concurred with our recommendation and stated that it will work with the ICE Office of the Chief Financial Officer and the DRO Washington Field Office to obtain reimbursement for the \$7,955 overpayment.

OIG Comments and Analysis

We consider Recommendations #1, #2, and #3 resolved but will remain open until implementation is complete.

Appendix A

Purpose, Scope, and Methodology

The purpose of the audit was to determine whether ICE had effective policies and procedures to track the location of detainees. The specific audit objectives were to determine:

- What method ICE used to manage and track the location of alien detainees;
- How accurately ICE managed and tracked the location of alien detainees; and
- What procedures ICE used to inform individuals whether a detainee is in custody.

We also determined whether ICE had an effective system to respond to public inquiries on the location of detainees in its custody.

The audit period covered the detainee tracking process from October 2004 to April 2006. To accomplish the objectives, we conducted fieldwork at ICE headquarters in Washington, DC, and at field offices located in Washington, DC; Chicago, IL; El Paso, TX; and Phoenix, AZ.

We reviewed policies and procedures, interviewed ICE personnel, and reviewed documents and records as necessary. We performed the audit under the authority of the Inspector General Act of 1978, as amended, and according to generally accepted government auditing standards.

Service Processing Center Testing

We used different testing methods for the two Service Processing Centers (SPCs) included in our sample. The SPCs are controlled and operated by ICE. No bill for payment is submitted for reimbursement. The detainee expense is a budgeted allocation. In addition, the facilities used different record retention methods.

El Paso

We compared a random sample of 30 DACS entries from the month January 2006 (total DACS population 1,125) and 30 DACS entries from February 28, 2006, (total DACS population 745) to the I-203 forms (Order to Detain) and other documentation in the alien file.

Appendix A

Purpose, Scope, and Methodology

We also selected 12 DACS entries from the month of January 2006 and 6 DACS entries from February 28, 2006, that may not have been entered in a timely manner for comparison to daily DACS printouts.

Lastly, we compared facility body counts to DACS for those detainees held on March 21, 2006.

Florence

We compared a random sample of 30 DACS entries from the month of January 2006 (total DACS population 896) and 30 DACS entries from February 28, 2006, (total DACS population 347) to the Florence logbook.

In addition, we compared the facility body counts to DACS for those detainees held on April 11, 2006. For detainees that were on one list but not the other, we consulted with ICE deportation officers to determine the detainees' correct location.

Non-Service Processing Center Testing

We made two comparisons, one for the month of January 2006, and the other for February 28, 2006. We compared billing data provided by the detention facilities, which included a list of detainees and the number of days they had been housed at the facility, to the DACS data for each of the detention facilities. For detainees that were on one list but not the other, we examined I-203 forms, bills from other detention facilities, and other documents, as needed, to determine the actual location of the detainees.

Release of Detainee Information

We discussed the type of detainee information released to the public with both ICE officials at the four field offices we visited and representatives from the eight detention facilities we selected to test data. Although there is no formal policies, ICE officials and the detention facility representatives said they would advise us whether or not the detainee was held in their facility. If an individual wanted any additional information, they would be directed to contact ICE headquarters.

Appendix B Management Comments

Office of the Assistant Secretary


U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

OCT 13 2006

MEMORANDUM FOR: Richard L. Skinner
Inspector General
Department of Homeland Security

FROM: Julie L. Myers 
Assistant Secretary

SUBJECT: Response to OIG Draft Report: Review of U.S. Immigration and
Customs Enforcement's (ICE) Detainee Tracking Process

U.S. Immigration and Customs Enforcement (ICE) provides the following response to the subject report:

Recommendation 1: Issue formal instructions to field offices requiring timely Deportable Alien Control System (DACS) entries and proper supervisory review.

Response:

ICE concurs. The Headquarters (HQ) Office of Detention and Removal Operations (DRO) will issue guidance to all field offices and DRO staff requiring that detainee information be entered into the DACS Detention Summary module within 24 hours of an alien's placement in detention. This guidance will be issued within 60 days from the date of this response, and will be incorporated in the next update of the DRO Policy and Procedure Manual.

DRO continues to use DACS to maintain complete, accurate, and readily available information on all detained aliens. Training for Immigration Enforcement Agents and Deportation Officers, policy memoranda, and the weekly HQDRO Field Office Director teleconference all reiterate this requirement for timely entries in DACS.

Recommendation 2: Perform daily/periodic reconciliation and train staff responsible for verifying the accuracy of DACS records.

Response:

ICE concurs. In its guidance to the field, HQDRO will require reconciliation of jail bills and periodic review and oversight by supervisors within 60 days of the date of this response. This guidance will also be incorporated in the next update of the DRO Policy and Procedure Manual.

www.ice.gov

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Detainee Tracking Process

Appendix B Management Comments

Richard L. Skinner
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Recommendation 3: Obtain a reimbursement of \$7,955 for the net overpayment to the Piedmont Detention Facility.

Response:

ICE DRO concurs. HQDRO will work with the ICE Office of the Chief Financial Officer and the DRO Washington Field Office to obtain reimbursement for the \$7,955 overpayment.

Should you or your staff have any questions, please contact Clinett Short at (202) 616-7629.

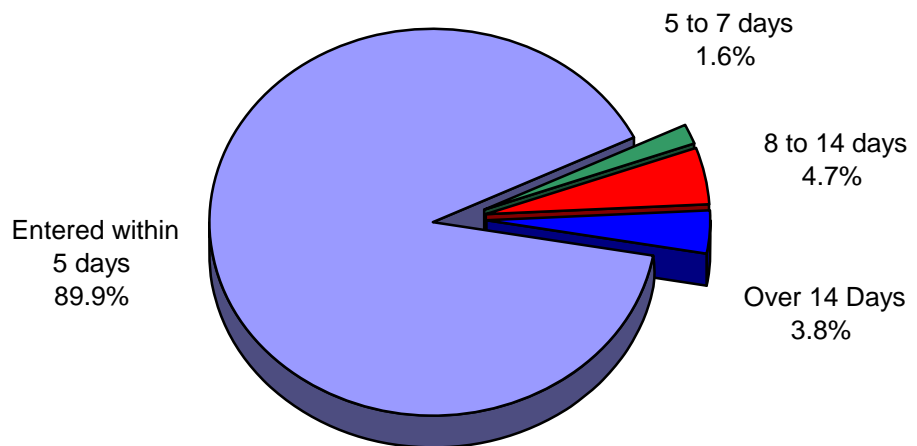
cc: Steven Pecinovsky, DHS Audit Liaison
Clinett Short, ICE OIG Audit Portfolio Manager

Appendix C
Delayed Data Entry Details

The table and chart below detail the time taken to enter detainee data into the Deportable Alien Control System at the five facilities with significant delays in data entry. We defined significant delays as above 5 percent.

FACILITY	Sample	Entered within 5 days	5 to 7 days	8 to 14 days	Over 14 Days	All Delays 5 Days or Over	Percent Delayed 5 Days
Hampton Roads	276	250	11	5	10	26	9.4
Piedmont	487	396	32	35	24	91	18.7
McHenry	430	401	5	8	16	29	6.8
RCC	829	750	0	13	66	79	9.5
CCA	1,179	1,082	4	89	4	97	8.2
Totals	3,201	2,879	52	150	120	322	10.1

Detainee’s Data Entry Time



Appendix D
Major Contributors to this Report

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Appendix E

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