DEFENDANTS' EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores, *et al.*,
Plaintiffs,

v.

Loretta E. Lynch, Attorney General of the United States, *et al.*,
Defendants.

No. CV 85-4544 DMG (AGRx)

DECLARATION OF RONALD D. VITIELLO

1. I am the Acting Chief of the United States Border Patrol ("Border Patrol"), U.S. Customs and Border Protection ("CBP"). I have been in this role since December 2015. I have been a Border Patrol Agent since 1985. I served as the Assistant Patrol Agent in Charge ("PAIC") of the Nogales Station in the Tucson Sector from June 1999 through November 2002, as well as the Chief Patrol Agent for the Rio Grande Valley Sector from June 2007 through June 2010. I became the Deputy Chief of the Border Patrol in June of 2010, where I remained until my appointment to my current role. In my capacity as the Acting Chief of the Border Patrol, I am responsible for executing the missions of the Department of Homeland Security ("DHS"), CBP, and the Border Patrol. The Border Patrol is the primary federal law enforcement organization responsible for preventing the entry of terrorists and their weapons and for preventing the illicit trafficking of people and contraband from entering or leaving the United States between official CBP ports of entry.

The Border Patrol has a workforce of over 21,000 agents who patrol more than 6,000 miles of the United States land borders. As Acting Chief, I am also responsible for the daily operations of the Border Patrol, including the development and implementation of all nationwide policy decisions.

2. I make this declaration on the basis of my own knowledge, as well as the documents and the information made available to me in my position.

3. I am familiar with the policies and procedures that govern the apprehension, processing, and temporary detention of aliens, including juveniles. As Acting Chief of the Border Patrol, I am responsible for ensuring that all Border Patrol agents receive, understand, and comply with these policies.

4. I am familiar with the terms of the *Flores* Settlement Agreement ("Agreement"), including the requirements therein. Those requirements include that the Border Patrol hold juveniles in facilities that are safe and sanitary; that juveniles be provided access to food, drinking water, toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its own compliance with these terms. I am aware that these terms apply to all juveniles, regardless of whether they are accompanied or unaccompanied by their parents or legal guardians.

5. The Border Patrol regularly apprehends juveniles, both accompanied and unaccompanied, between the ports of entry, predominantly on the Southwest Border. Upon apprehension, all aliens are transported to a Border Patrol station for processing and an eventual immigration disposition, absent medical issues requiring emergent attention. Border Patrol maintains custody only for the short period necessary to transfer an individual to another federal, state or local law enforcement agency, remove or, less commonly, release the individual. In general, Border Patrol maintains custody over individuals while they await

either expedited removal or transfer to U.S. Immigration and Customs Enforcement ("ICE") or, in the case of unaccompanied alien children ("UACs"), the U.S. Department of Health and Human Services ("HHS") custody.

6. I am similarly familiar with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"). I am familiar with the interim guidance issued by then Chief David Aguilar, U.S. Border Patrol, on March 20, 2009, providing guidance to agents on the implementation of the TVPRA. I am also familiar with Border Patrol's 2008 policy governing the detention of all individuals in our custody, including juveniles.

7. The Border Patrol recognizes that the apprehension, processing, and temporary detention of juveniles requires particular awareness of their vulnerability and special needs. It is Border Patrol's policy and practice to detain juveniles in safe, secure, and clean facilities, and provide them with access to food, water, toilets, medical care, appropriately-ventilated hold rooms, and basic hygiene supplies.

8. For instance, Border Patrol's policies specifically provide that all detainees will be held in safe, clean, and adequately ventilated facilities, with access to food, water, functioning restrooms, hygiene products, and medical care. I expect that Border Patrol agents will adhere to these policies, and make these expectations clear to the Border Patrol senior leadership.

9. All detainees must be provided juice and snacks at regular intervals between meals. They can choose to decline any offers of food. Juveniles and pregnant women are required to have regular access to milk, juice, or snacks. In addition, all juveniles must be offered a meal upon arrival to a Border Patrol station, and every six hours after that, regardless of their time in custody. All detainees must have access to drinking water and a hold room

that is regularly cleaned and sanitized. All detainees must have access to toiletries such as soap, toilet paper, and sanitary napkins, and families with small children must have access to diapers and wipes. Juveniles must be provided access to clean bedding and basic hygiene items.

10. Supervisors must be notified of any detainee requiring medical care of any kind. The Border Patrol transports detainees to local emergency rooms, ensuring that those who require urgent medical care are properly evaluated by qualified medical personnel.

11. In addition to ensuring that all juveniles are held in appropriate conditions, the Border Patrol has consistently recognized that juveniles should be processed and transferred to other agencies as expeditiously as possible. The TVPRA requires that CBP transfer custody of all UACs to the HHS Office of Refugee Resettlement ("ORR") no later than 72 hours after determining that a juvenile is a UAC.

12. Consistent with the spirit of the TVPRA and its concern for juveniles' particular vulnerability, Border Patrol policies require that every effort be made to transfer UACs as quickly as possible to HHS ORR, normally well less than the 72 hour period. In addition, immediately after apprehending a UAC, and in no circumstance more than 48 hours thereafter, Border Patrol agents are required to contact the Juvenile Coordinator within ICE's Enforcement and Removal Operations (previously Detention and Removal Operations) and receive approval to begin processing the UAC for placement. It is my understanding that, upon receiving this notification, ICE contacts HHS ORR to begin the process of finding bed space for that UAC. This policy was developed to expedite the processing and transfer of UACs to HHS custody.

13. Border Patrol policies implementing the TVPRA require agents to screen UACs to determine whether or not they have been a victim of human trafficking, or if credible evidence exists to conclude that they are at risk of being trafficked if they return to their home country. Border Patrol and the Office of Field Operations leadership have instructed stations to prominently display a poster explaining the dangers of human trafficking, in both English and Spanish, to further encourage potential trafficking victims to self-report.

14. In addition, Border Patrol agents must provide all juveniles (including, where appropriate the parents or legal guardians of an accompanied juvenile) with a copy of Form I-770, Notice of Rights and Requests for Dispositions. A true and accurate copy of this form is attached hereto as Exhibit A. If a juvenile is under the age of 14 or otherwise unable to understand the Form I-770, a Border Patrol agent must read and explain the document to the juvenile in a language that he understands. Border Patrol agents have access to language services if the juvenile or other detainee does not speak a language in which the Border Patrol agents are conversant.

15. Pursuant to Border Patrol policy, Border Patrol agents must ensure that all information pertaining to a detainee's treatment, as well as a juvenile's transfer out of CBP custody, be documented in the e3 Detention Module (e3DM), the Border Patrol's electronic system of records. If at any time this system is offline or unavailable, Border Patrol agents must use paper forms to record the relevant information.

16. During the early months of 2014, unprecedented numbers of juveniles began entering the United States along the Southwest border. Many of these children were unaccompanied, but a significant number came with their parents or legal guardians. CBP, particularly the Border Patrol, became the front line for this urgent issue. Border Patrol apprehended

68,541 UACs and 68,445 family units in fiscal year 2014. The vast majority of these apprehensions occurred in the Rio Grande Valley Sector in South Texas.

17. In 2014, due to the rapidly increasing number of juveniles crossing the border, HHS quickly ran out of bed space. As a result, the Border Patrol was unable to expeditiously transfer juveniles who were also UACs out of its stations to HHS. Accordingly, the number of UACs in CBP custody increased dramatically. With the limited resources available at stations designed for short-term custody, Department of Homeland Security (DHS) leadership began its best efforts to provide care for these UACs. Agents were pulled from their front-line enforcement duties to provide care and supervision to these juveniles. Over 100 agents were reassigned from around the country, and ICE similarly sent 40 additional employees. Specially-trained Border Patrol agents, such as EMTs, began providing basic medical care to juveniles in CBP custody, and determining which detainees needed to go to a hospital for medical treatment.

18. I was aware at the time of the influx that individual Border Patrol agents, particularly in the Rio Grande Valley, which experienced the greatest influx of juveniles, also began their own efforts to care for the UACs in their custody, by providing supplies such as toys, diapers, and clothing from their own funds. Although these efforts were not taken in response to any official agency policy, they represented a desire by Border Patrol agents to use the resources at their disposal to provide UACs with the best possible treatment under the circumstances.

19. As the numbers of juveniles crossing the border continued to increase, DHS leadership recognized the need for an integrated, agency-wide strategy to address the influx. Accordingly, the Secretary of Homeland Security determined that a "Level IV" condition

of readiness was appropriate to exercise control over the influx. This is the highest level of readiness within DHS, and requires the appointment of a Federal Coordinator to coordinate resources within the Department. I was appointed as the Federal Coordinator on or about May 13, 2014.

20. On or about June 1, 2014, President Obama directed the Secretary of Homeland Security to establish a Unified Coordination Group (UCG) among various agencies of the federal government. This enabled the coordination of the relevant parts of the federal government, rather than just DHS, to respond to this situation. The Administrator of FEMA was named the chair of the UCG. A true and accurate copy of the President's order is attached as Exhibit B.

21. During the influx of 2014, the UCG implemented a wide variety of actions to manage the influx of juveniles and family units. For example, HHS worked with the Department of Defense to open new facilities to temporarily house UACs. This enabled CBP to more quickly transfer UACs out of our custody, and better comply with the time requirements of the TVPRA. In addition, CBP worked with DHS to continue to provide medical care to juveniles in our custody.

22. The Border Patrol's main focus during the influx of 2014 was to ensure the health and safety of the juveniles in our custody. Operational constraints such as HHS' limited capacity made it difficult to expeditiously transfer juveniles out of CBP custody. Accordingly, ensuring the health and safety of those juveniles in our care became even more important.

23. Subsequent to the 2014 influx, CBP incorporated lessons learned to continue to refine its policies governing detention. As part of this ongoing process, CBP issued the *National*

Standards on Transport, Escort, Detention, and Search ("TEDS") in October 2015. TEDS provides national, agency-wide standards governing the treatment of detained individuals, and reflects CBP's continuing commitment to protect the health, safety, and security of all those in CBP's custody. TEDS builds on previously-enacted CBP policies to ensure that best practices continue to govern CBP detention.

24. Consistent with Border Patrol's existing practices, TEDS requires that all detainees be transferred out of CBP custody as soon as operationally feasible. As UACs must, by law, be transferred within 72 hours, Border Patrol monitors the length of time that UACs remain in Border Patrol custody. Border Patrol also monitors the average hours in custody over a five day period, as well as the number of placements made to HHS.

25. TEDS also reiterates the importance of maintaining family unity at all times; protecting the best interests of juveniles at all times; providing juveniles with meals, snacks, and potable water; providing juveniles with toilets, sinks, and appropriate hygiene products; ensuring adequate ventilation in CBP hold rooms; providing appropriate screening protections to juveniles; and documenting all actions taken with respect to juveniles in e3DM.

26. I am aware that this Court issued two Orders in the above referenced Agreement, the first on July 24, 2015 and the second on August 21, 2015. I understand that the District Court, in its August Order, required, among other things, CBP to monitor its compliance with the standards and procedures for detaining class members in facilities that are safe and sanitary, consistent with the concern for the particular vulnerability of minors, and consistent with Paragraph 12 of the *Flores* Settlement Agreement.

27. After receiving this Order, the Border Patrol took steps to ensure that we were routinely able to show our compliance with the terms of the Agreement, including as articulated in the Court's Order. Accordingly, we decided to make changes to e3DM that would allow each station to maintain statistical information and pull specific information related to compliance.

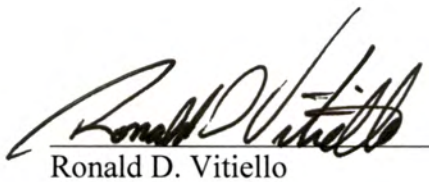
28. Although individual Border Patrol agents were already entering all relevant information into e3DM, Border Patrol leadership implemented changes to the system in order to ensure that the Border Patrol maintained a robust, unified data system from which to pull nationwide statistics.

29. On October 16, 2015, the former Chief of the Border Patrol, Michael Fisher, issued a memorandum outlining the importance of complying with the Court Order. The memorandum also described the changes to e3DM that would allow for more complete monitoring of stations' compliance with the terms of the Agreement. Chief Fisher attached a copy of the Court's August 21, 2015 Order to his memorandum.

30. The enhanced e3DM processing tools were implemented in addition to already existing policies and practices, and were designed to further enhance the Border Patrol's screening and protection of juveniles in our custody. The requirements do not supersede any existing policies.

31. The Border Patrol, including staff at headquarters, has taken the need to monitor compliance with the Court's order seriously. This has included, for instance, directing agents to monitor the electronic records created related to Flores compliance to ensure that issues are expeditiously addressed.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.



Ronald D. Vitiello
Acting Chief
U.S. Border Patrol

Exhibit A

U.S. Department of Homeland Security **Notice of Rights and Request for Disposition**

Alien's Name: _____ A Number (if any): A- _____

Your Rights.

You have been arrested because Immigration Officers believe that you are illegally in the United States. When you are arrested in the United States you have certain rights. No one can take these rights away from you. This paper explains your rights.

You have the right to use the telephone.

You may call your mother or father or any other adult relative. You may call your adult friend. If you do not know how to use a telephone, the immigration agent will help you.

You have the right to be represented by a lawyer.

Attached to this paper is a list of lawyers who can talk to you, and help you, for free. A lawyer can fully explain all your rights to you, and can represent you at a hearing.

You have the right to a hearing before a judge.

The judge will decide whether you must leave or whether you may stay in the United States. If for any reason you do Not want to go back to your country, or if you have any fears of returning, you should ask for a hearing before a judge. If you do not want to have a hearing before a judge, you may choose to go back to your country without a hearing.

Reading this Notice:

☐ I have read this notice.

☐ This notice has been read to me.

Right to Use Telephone:

☐ I have contacted my parent(s) or a legal guardian by telephone.

☐ I have contacted an adult friend or relative by telephone.

☐ I do not want to talk to anyone by telephone.

Completion of the following is optional:

The person contacted is: (Relationship)

The person contacted is: (Name)

Right to be Represented by a Lawyer:

☐ I have spoken with a lawyer.

☐ I do not want to speak with a lawyer.

Right to a Hearing:

☐ I understand my right to a hearing before a judge.

☐ **I request a hearing before a judge.**

Signature: _____ Date: _____

☐ **I do not want a hearing before a judge.**

I am in the United States illegally and ask that I be allowed to return to my country, which is named below.

Country: _____

Signature: _____ Date: _____

Form I-770 (08/01/07) (Prior editions may not be used)

INSTRUCTIONS TO OFFICERS

This advisal is required to be given to all persons who are taken into custody and who appear, are known, or claim to be under the age of eighteen and who are not accompanied by one of their natural or lawful parents. No such person can be offered or permitted to depart voluntarily from the United States except after having been given this notice.

The required procedure distinguishes between two classes of minors.

1) The first class are those minors apprehended in the immediate vicinity of the border and who permanently reside in Canada or Mexico. These persons shall be informed that they have a right to make a telephone call to any of the persons mentioned in the notice. The purpose of this call is so that they can seek advice as to whether they should voluntarily depart or whether they should request a deportation hearing. We are required to make a record of any refusal to accept our offer of a telephone call.

2) As to all other minors, ***they must not only be given access to a telephone, they must establish communication, telephonic or otherwise, with one of the persons listed in the notice*** before they can be offered voluntary departure.

The DHS retains the right to decide when to allow telephone calls. The only prohibition is that the minor cannot be asked to voluntarily depart until after telephone access is provided. If the minor is not offered voluntary departure but is put into deportation proceedings by issuance of a Notice to Appear, this procedure is not necessary. It is our duty to make reasonable efforts to contact the person of the minor's choice, but after unsuccessful efforts to reach that person, we can facilitate contact with another such person. Whenever the minor elects to pursue a process, such as a call to a foreign country, which is operationally unacceptable, we can always proceed to issue a Notice to Appear.

The minor must tell the type of person that he/she talked to but need not give us that person's name or identifying information. If a minor, ***of his/her own volition,*** asks to contact a consular officer, this will satisfy the requirements of the notice.

The officer need not read the notice to the minor unless the minor is under 14 years of age, or unable to understand the notice. The officer must ask the minor whether he/she wanted to make a call, whether a communication was made and, if made, to whom. The officer must also verify whether the minor wanted voluntary departure or a hearing, and must sign and date the form to show this was done.

Officers are not to offer any advise to any minor as to what he/she should or should not do.

To be completed by the Officer:

I verify that: _____ **A-** _____

1.a. ☐ The subject named was given this notice to read.
b. ☐ I read this notice to the name subject in the following language: _____

2. ☐ I asked this subject whether he/she wanted to make a telephone call, and offered assistance in the use of the telephone.

3.a. ☐ The subject told me that he/she did not want to make a telephone call, or
b. ☐ The subject told me that he/she established communication and the form was marked to indicate it;
c. ☐ The subject was unable to establish telephone communication with the desired individual. The following number of attempts were made: _____

4.a. ☐ The subject requested a hearing.
b. ☐ The subject admitted deportability and requested to return to his/her country voluntarily, without a hearing.

5.a. ☐ A Notice to Appear was issued because, the subject was unable to establish contact with any of the individuals specified after making the number of attempts indicated above (Item **3** c), and after assistance to establish contact was given or offered.

_____ _____
Signature of Officer ***Date***

Exhibit B

The White House
Office of the Press Secretary

For Immediate Release June 02, 2014

Presidential Memorandum -- Response to the Influx of Unaccompanied Alien Children Across the Southwest Border

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Response to the Influx of Unaccompanied Alien Children Across the Southwest Border

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The influx of unaccompanied alien children (UAC) across the southwest border of the United States has resulted in an urgent humanitarian situation requiring a unified and coordinated Federal response. Accordingly, I have directed the Secretary of Homeland Security (Secretary) to establish an interagency Unified Coordination Group to ensure unity of effort across the executive branch in responding to the humanitarian aspects of this situation, consistent with the Homeland Security Act of 2002 and Homeland Security Presidential Directive-5 (Management of Domestic Incidents)(HSPD-5), including coordination with State, local, and other nonfederal entities. The Secretary shall establish and manage this Unified Coordination Group consistent with the authorities in 6 U.S.C. 111(b)(1)(D), 112(a)(3), 112(b)(1), 112(c), and HSPD-5. The Secretary has advised me that he will direct the Administrator of the Federal Emergency Management Agency (Administrator), subject to the oversight, direction, and guidance of the Secretary, to serve as the Federal Coordinating Official who shall lead and coordinate the Unified Coordination Group consistent with the functions of the Administrator pursuant to 6 U.S.C. 313, 314(a)(1) and (10). As the Federal Coordinating Official, the Administrator (or his designee) shall lead and coordinate Federal response efforts to ensure that Federal agency authorities and the resources granted to the departments and agencies under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) are unified in providing humanitarian relief to the affected children, including housing, care, medical treatment, and transportation. The Administrator shall execute these responsibilities consistent with all applicable laws and regulations, including legal requirements governing the appropriate care and custody of UAC.

Nothing in this memorandum alters, or impedes the ability to carry out, the authorities of Federal departments and agencies to perform their responsibilities under law. All Federal departments and agencies are directed to provide their full and prompt cooperation, resources, and support, as appropriate and consistent with their own responsibilities for addressing this situation, and shall cooperate with the Secretary and the Federal Coordinating Official to ensure a unified Federal response. The Secretary shall lead the coordination of the Federal response to this urgent humanitarian situation and other departments and agencies supporting this effort shall provide support to address this situation as appropriate and to the extent permitted by law.

This memorandum does not obligate any agency to reimburse another agency for the resources used to address the UAC humanitarian situation nor does it limit the use of the Economy Act (31 U.S.C. 1535), as appropriate.

BARACK OBAMA

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DEFENDANTS' EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores, *et al.*, *Plaintiffs,* v. Loretta E. Lynch, Attorney General of the United States, *et al.*, *Defendants.*	)	No. CV 85-4544 DMG (AGRx)

DECLARATION OF TODD C. OWEN

1. I am the Assistant Commissioner of the Office of Field Operations ("OFO"), U.S. Customs and Border Protection ("CBP"). I have been employed in this role since Feb. 8, 2015. I began my career with the U.S. Customs Service in 1990 as an import specialist. Since then, I have served as the Area Port Director of New Orleans, Louisiana, where I was responsible for overseeing all operations in the state of Louisiana. From July 2011 through my appointment to my current position, I served as the Director of Field Operations ("DFO") for CBP's Los Angeles Field Office, where I supervised all OFO activities for the greater Los Angeles area, including at Los Angeles International Airport, Los Angeles and Long Beach seaports, and the Las Vegas International Airport.

2. In my role as the Assistant Commissioner, I am responsible for executing the missions of the Department of Homeland Security ("DHS"), CBP, and OFO. CBP's mission includes facilitating the flow of legal immigration and trade, while preventing the illegal trafficking of people and contraband. OFO is the primary federal law enforcement organization

responsible for preventing the entry of terrorists and their weapons at official CBP ports of entry ("POEs"), and for preventing the illicit trafficking of people and contraband from entering or leaving the United States at POEs. In my position I supervise more than 28,000 employees, with operations at 20 major field offices, 328 POEs, and 70 locations in over 40 countries internationally. On average OFO processes over 1,048,000 passengers and pedestrians a day; 308,000 incoming international air passengers and crew; 54,000 passengers and crew arriving by vessel; 72,000 truck, rail, and sea containers; and 282,000 incoming privately owned vehicles.

3. I make this declaration on the basis of my own knowledge, as well as the documents and the information made available to me in my position.

4. I am familiar with the policies and procedures that govern the arrest, processing, and temporary detention of aliens, including juveniles. As the Assistant Commissioner, I am responsible for ensuring that all CBP officers ("CBPOs") receive, understand, and implement these policies.

5. I am familiar with the *Flores* Settlement Agreement. I am familiar with the terms of the *Flores* Settlement Agreement ("Agreement"), including the requirements therein. Those requirements include that OFO hold juveniles in facilities that are safe and sanitary; that juveniles be provided access to food, drinking water, toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its own compliance with these terms. I am aware that pursuant to Court order, these terms apply to all juveniles, regardless of whether an adult relative or family member accompanied them.

6. I am similarly familiar with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"). I am familiar with the interim guidance issued

by then Assistant Commissioner Thomas S. Winkowski on March 19, 2009, providing guidance to CBPOs on the implementation of the TVPRA.

7. OFO conducts immigration inspections of all individuals who wish to enter the United States through a POE. When OFO encounters an individual who is inadmissible to the United States, OFO detains the individual for a short period of time for processing and an eventual immigration disposition, absent any medical issues requiring emergent attention. OFO maintains custody of detainees only for the short period necessary to transfer a detainee to another federal, state, or local law enforcement agency, or less commonly, release the individual. Most commonly, OFO maintains custody over individuals while they await either expedited removal or transfer to U.S. Immigration and Customs Enforcement ("ICE"), or, in the case of unaccompanied alien children ("UACs"), to the U.S. Department of Health and Human Services ("HHS") custody. At times, OFO will transfer UACs to the custody of Border Patrol in the Rio Grande Valley sector, given the higher volume of processing performed by Border Patrol and the availability of the Centralized Processing Center (CPC) in the sector. In any event, I am aware that pursuant to the TVPRA, OFO must transfer a UAC to HHS' Office of Refugee Resettlement ("ORR") within 72 hours of a determination that the individual is a UAC, absent exceptional circumstances.

8. OFO recognizes that the processing and temporary detention of juveniles requires particular awareness of their vulnerability and special needs. It is OFO's policy and practice to detain juveniles in safe, secure, and clean facilities, and to provide them with access to food, water, toilets, medical care, appropriately-ventilated hold rooms, and basic hygiene supplies.

9. For instance, OFO's policies and practices emphasize the importance of processing all detainees as expeditiously as possible, of retaining family unity to greatest extent operationally feasible, and of providing juveniles with food, water, toilets, medical care, and appropriately-ventilated hold rooms.

10. OFO policy provides that an individual should only be detained for the least amount of time necessary to complete processing. Due to OFO's limited custodial resources, an individual should generally not be detained at a POE for more than 24 hours. Many of OFO's ports of entry are airports. As such, individuals detained at these locations are often detained only for the period necessary for them to embark on the next available aircraft to return them to the port of embarkation.

11. Although the TVPRA requires that a UAC be transferred to HHS ORR within 72 hours after determining that a juvenile is a UAC, OFO policy requires that POEs should strive to transfer a UAC to ORR within 24 hours. If it is not possible to transfer a UAC within 24 hours, the POE management works with ERO/HHS to expedite placement. In addition, immediately after discovering that a juvenile is a UAC, and in no circumstance more than 48 hours thereafter, the POE must contact the Juvenile Coordinator within ICE's Enforcement and Removal Operations (previously Detention and Removal Operations) and receive approval to begin processing the UAC. It is my understanding that, upon receiving this notification, ICE contacts HHS ORR to begin the process of finding bed space for that UAC. This policy was developed to expedite the processing and transfer of UACs to HHS custody.

12. OFO policy implementing the TVPRA requires that all UACs be screened to determine whether or not they have been a victim of human trafficking, or if credible evidence exists

to conclude that they are at risk of being trafficked if they return to their home country. OFO also encourages POEs to prominently display a poster explaining the dangers of human trafficking, in both English and Spanish, to further encourage potential trafficking victims to self-report, depending on the feasibility for each POE.

13. While in OFO custody, OFO policy has long required that all detainees who have been detained for more than six hours be provided with a meal. Juveniles and pregnant women are required to have access to snacks, milk, or juice at all times, and all juveniles are provided with meal service, regardless of the amount of time they remain in custody. Detainees always have the option to refuse food. All detainees must have access to drinking water, either through the use of bottled water or disposable cups. All detainees must have access to restrooms at any time, as well as hygiene items such as soap, toilet paper, feminine hygiene products, diapers, and wipes. Detainees using the restroom are directly supervised for their own safety as well as the safety of others; however, every effort is also made to respect the detainee's privacy to the greatest extent possible given these safety concerns. All hold rooms or detention cells must be routinely cleaned and sanitized.

14. Not all juveniles in OFO custody are detained in traditional hold rooms or cells. Many POEs do not have space for such facilities. Accordingly, in order to ensure that juveniles are detained in the least restrictive setting appropriate for their age and needs, many juveniles are detained in areas ordinarily used for secondary processing, or other temporary hold areas. At times this may include an empty office or other similar space. This practice is done in order to ensure that, when juveniles must be detained, they are as comfortable as

possible. Juveniles detained in these areas are required to be directly supervised by a CBPO.

15. All detainees in OFO custody are provided medical care, if needed. In an emergency situation, CBPOs must contact appropriate emergency services and notify their shift supervisor. This process ensures that those who require urgent medical care are properly evaluated by qualified medical personnel. If a detainee requires off-site medical care, at least one CBPO will accompany the detainee.

16. As part of CBP's ongoing process to improve and expand its policies governing detention, as well as incorporate lessons learned from the 2014 UAC influx, CBP issued the *National Standards on Transport, Escort, Detention, and Search* ("TEDS") in October 2015. TEDS provides uniform national, agency-wide standards governing the treatment of detained individuals, and reflects CBP's continuing commitment to protect the health, safety, and security of all those in CBP's custody. TEDS builds on previously-enacted CBP policies to ensure that best practices continue to govern CBP detention.

17. Consistent with OFO's existing policies, TEDS requires that all detainees, including juveniles, be transferred out of CBP custody as soon as operationally feasible. TEDS reiterates the importance of maintaining family unity at all times; protecting the best interests of juveniles at all times; providing juveniles with meals, snacks, and potable water; providing juveniles with toilets, sinks, and appropriate hygiene products; ensuring adequate ventilation in CBP hold rooms; providing appropriate screening protections to juveniles; and the importance of documenting all actions taken with respect to juveniles in OFO's electronic system of records, the Secured Integrated Government Mainframe Access ("SIGMA").

18. I understand that this Court issued two Orders regarding the above-referenced Agreement, the first on July 24, 2015 and the second on August 21, 2015. I am aware that the District Court, in its August Order, required, among other things, CBP to monitor its compliance with the standards and procedures for detaining class members in facilities that are safe and sanitary, consistent with the concern for the particular vulnerability of minors, and consistent with Paragraph 12 of the *Flores* Settlement Agreement.

19. OFO takes compliance with all Court orders seriously. We were made aware of the Court's order shortly after its issuance. My staff immediately began working to ensure that OFO was and continues to be compliant with the Court's Order.

20. In order to ensure its compliance with the Court's Order of August 21, 2015, OFO took steps to ensure that we were routinely able to show our compliance with the terms of the Agreement, including as articulated in the court's Order. Although individual CBPOs have always entered all relevant information into SIGMA, OFO leadership implemented changes to the system in order to ensure that OFO maintained a robust, unified data system from which to pull nationwide information related to the detention of juveniles.

21. As part of ensuring that OFO was compliant with the Court's Order, OFO Headquarters directed each POE to purchase a mechanism to determine the temperature in any facility where a juvenile may be detained. So, for instance, I am aware that the New Orleans Field Office purchased laser infrared thermometers in September 2015 in order to have no fewer than two thermometers on hand at any POE.

22. In developing and implementing these changes, OFO sought to ensure that information could be tracked not only at the local level, but could also be examined by management at the Headquarters level. The capability of monitoring OFO's operations at multiple

managerial levels is important in an organization which has more than 28,000 employees and operates at 328 POEs.

23. On October 19, 2015, I issued a memorandum to all DFOs informing them of the substance of the August 21, 2015 Order, highlighting OFO's continuing obligation to comply with the terms of the Agreement, and describing the changes to SIGMA that would allow for this more complete monitoring of all POEs' compliance with the terms of the Agreement. I attached a copy of the Order to my memorandum, and directed that the memorandum be provided to all POEs across the country.

24. The enhanced SIGMA processing requirements were implemented in addition to existing policies and practices, and were designed to further enhance OFO's ability to detain all juveniles in accordance with the terms of the Agreement. The requirements do not supersede any existing policies.

25. In my memorandum, I outlined that all efforts to provide food, medical care, and other requirements to juveniles in OFO custody must be documented in SIGMA, and explained the new processing capabilities that would allow enhanced tracking. I also emphasized that, regardless of resource constraints at a particular POE, all juveniles in OFO custody must have access to toilets, food, drinking water, medical care, reasonable temperatures, and family members, as well as receive protection from unrelated adults.

26. Also on October 19, 2015, the Enforcement Programs Division at OFO Headquarters issued a Weekly Muster to the field providing more details on the new SIGMA tracking requirements. The muster emphasized that all relevant information must be entered into SIGMA at any time that a juvenile enters or remains in OFO custody. The muster also explained that, even if a juvenile is detained in a location other than a hold room (*i.e.*, due

to a desire to detain the juvenile in the least restrictive setting or due to lack of hold room availability), the information must still be recorded.

27. Pursuant to the Muster, before placing a juvenile in any detention space, and on a daily basis when the space is occupied by a juvenile, a CBPO must visually inspect the space to ensure that it is safe and sanitary and that the juvenile will have access to drinking water and a functional toilet, and must ensure that the temperature of the room is between 66 to 80 degrees Fahrenheit.

28. The CBPO must enter the results of this inspection into an individual juvenile's record in SIGMA. If any of the above requirements has not been met, the CBPO must note the problem in SIGMA and immediately notify port management. The POE must then take all steps to fix the problem as quickly as possible, which may include moving the juvenile to a different location.

29. Any problems not resolved within 12 hours must be brought to the attention of the Port Director and the Office of Chief Counsel.

30. Each POE must ensure that detention spaces in the POE are professionally cleaned, and ensure that cleaning logs are properly maintained. In general, OFO does not maintain cleaning contracts for individual POEs, as the facilities are often either run by the General Services Administration or leased from a state port authority. Cleaning is generally performed by these agencies.

31. Once a juvenile is detained, CBPOs must conduct welfare checks at regular intervals. CBPOs must verify that the juvenile continues to have access to water and a toilet, and that the temperature and ventilation continue to be operational. CBPOs must record the welfare check in SIGMA.

32. CBPOs must record all offers of food, as well as a juvenile's refusal of the offered food, in SIGMA. CBPOs must also record all medical assistance provided to a juvenile.

33. With the exception of processing or other analogous short, routine actions, POEs must facilitate contact between a juvenile and his family members during any separation of the juvenile and the family. If such contact cannot be facilitated, the POE must document the reasons for the lack of contact, using one of the following options:

    a. Operational infeasibility;

    b. Security concerns;

    c. Lack of certainty regarding the familial relationship;

    d. Medical concerns;

    e. The family remains in OFO custody for fewer than four hours; or

    f. With supervisory approval, other reasons (these reasons must be specifically detailed in SIGMA).

34. On October 21, 2015, all CBPOs received training, via Powerpoint, on how to enter the above information into SIGMA. CBPOs also received paper forms to be used to record all relevant information during any period in which SIGMA is offline or otherwise unavailable. The SIGMA processing changes went live on October 21, 2015.

35. On October 22, 2015, OFO leadership sent messages to all POEs reminding them of the importance of family reunification. Accordingly, leadership reminded CBPOs that they are required to ask every accompanied juvenile who must be separated from his or her legal guardian about other family members in the United States. CBPOs must record this information and provide it to HHS.

36. In my role as Assistant Commissioner, I am responsible for implementing and ensuring compliance with these policies.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

Todd C. Owen
Assistant Commissioner
Office of Field Operations,
U.S. Customs and Border Protection

5/31/16

DEFENDANTS' EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

Jenny Lisette Flores, *et al.*,

Plaintiffs,

vs.

Loretta E. Lynch, Attorney General of the United States, *et al.*,

Defendants

No. CV 85-4544 DMG (AGRx)

DECLARATION OF JUSTIN BRISTOW

I, Justin Bristow, hereby make the following declaration with respect to the above-captioned matter:

1. I am the Acting Directorate Chief, Strategic Planning and Analysis, U.S. Border Patrol (USBP). I have been serving in this position since December 1, 2015. Prior to serving as the Acting Directorate Chief, I served as Deputy Directorate Chief, Strategic Planning and Analysis, U.S. Border Patrol. Prior to serving as the Deputy Directorate Chief, I served as a Patrol Agent in Charge from 2011-2014. I have been a Border Patrol Agent since August 28, 1995.

2. In my position as the Acting Directorate Chief, I serve as a secondary law enforcement officer assisting in the planning and directing of nation-wide programs within Border Patrol. This includes assisting and collaborating with other federal agencies and foreign governments to develop and implement national operations and programs consistent with U.S. Customs

and Border Protection (CBP) policy. Part of my responsibilities include overseeing certain portions of Border Patrol known as divisions. This includes the Enforcement Systems Division (ESD) which, among other responsibilities, is responsible for the e3 Processing module and e3 Detention Module (e3DM). E3DM provides the ability to track and monitor a variety of actions that occur with regard to individuals in CBP custody. At a national level, the ESD ensures that new policies can be adhered to and followed within the modules so that U.S. Border Patrol Sectors and stations are able to be compliant with all applicable policies and regulations.

3. I make this declaration on the basis of my personal knowledge as well as information made available to me in the course of my official duties.

4. In my capacity as Acting Directorate Chief, I have knowledge about the scope, capacity, and capabilities of e3DM, as well as the actions taken by Border Patrol in response to the Court's August 21, 2015 Order.

5. At the highest level, there is a common database repository for several DHS law enforcement and homeland security applications known as the Enforcement Integrated Database (EID), which is a system of records maintained by U.S. Immigration and Customs Enforcement. The EID maintains information related to the investigation, arrest, booking, detention and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by DHS components. EID contains biographic, descriptive, historical, and other identifying data, which can include fingerprint identification numbers, names, nationality, social security numbers, alien registration numbers, visa information, date and place of birth, and other information.

6. Border Patrol uses a portal which consists of a series of web applications that collect and

transmit collected data to EID. E3 collects and transmits biographic, encounter, and biometric data for individuals apprehended between the ports of entry for CBP's law enforcement and immigration mission. These modules include Processing, Biometrics, Prosecutions, and Detention.

7. The information that is collected through these applications is stored in the EID. In general, information from E3 is maintained by individual fields and in separate tables.

8. These tables are, in essence, a mechanism to compartmentalize the data. These tables are generally organized so that similar or related elements are usually found on a table together. They are then cross-referenced or linked within the EID in an appropriate manner to make up the overall database.

9. Although it is not a direct analog, the best explanation I can use to explain to a general computer user would be akin to sheets in an overall Excel file. The individual sheets which may be found inside a file are the best analogy to explain the tables.

10. In the normal course of business, when Border Patrol creates reports it does not do so from information directly from the EID. Instead, it downloads the pertinent information onto a separate server first. This is done to ensure that the information directly held on EID is not inadvertently corrupted. Moreover, Border Patrol does not wish to slow down the overall system by requiring the main EID servers to process reports at the same time as it is conducting its normal functions.

11. Border Patrol has a particular set of tables that it routinely downloads onto a separate server when it creates reports using data it considers to be from within the Detention Module of E3 (e3DM). When, for instance, Border Patrol wants to pull information about particular metrics from the Detention Module, it downloads a specific set of tables onto the separate

server.

12. E3DM allows Border Patrol Agents to document the physical movements of aliens in Border Patrol custody, along with all detention-related actions. E3DM is used to document the time of apprehension, the time a detainee is received or "booked" into the facility, and the time a detainee is "booked" out of the facility. Further, e3DM is used to document any and all custodial actions taken with regard to the particular alien. For example, e3DM is used to document if a juvenile is separated from a family member, if a juvenile is provided with a meal (and if the juvenile accepts or refuses the meal), if medical treatment is provided, and other related custodial actions.

13. After the August 21, 2015 Court Order, Border Patrol updated the e3DM system to provide an enhanced ability to both track and pull necessary information. Border Patrol leadership issued guidance to the field, explaining that stations must check and document temperatures in hold rooms and any medical care provided, and ensure that officers document access to drinking water, food, toilets, and sinks. Stations also were reminded of their duties to ensure adequate supervision of juveniles, adequate ventilation, and safe and sanitary hold rooms.

14. Any time that e3DM is not available (for example, unexpected system outages), Border Patrol Agents must track the information via hard copy forms until it can be inputted into e3DM.

15. The following actions were either added to e3DM or enhanced within e3 Intake/ Processing:

    a. Documenting family units: e3DM provides the ability to view if a juvenile with a family unit or family group (which may include adults who are not the parent or legal guardian of the juvenile). In e3 Intake/ Processing, the Border Patrol Agent can also mark the juvenile "unaccompanied" if the juvenile is not accompanied.

b. Separation of juveniles from family members: If a juvenile is separated from a family member (including family who are not the parent or legal guardian of the juvenile), the Agent will note that in e3DM, unless the separation is a result of processing or other short, routine removals from a holding area. The Agent will note if the juvenile is separated to another cell, another station, or if the juvenile was separated but has been rejoined with the family unit. Any separation action requires the Agent to note why, exactly, the juvenile was separated. For example, the Agent can note that it was operationally infeasible or it presented a security concern to allow the family to remain physically together, or that the family relationship was in question. The Agent can also note if the family was separated due to a medical reason (for example, the aunt presented with lice, and the aunt was separated from the juvenile in order to treat the lice).

c. If separation occurs, whether contact is allowed: If a juvenile is separated from a family member, as described above, the Agent will document if the juvenile is allowed to contact the family member. All actions are time-stamped. If the juvenile is not able to contact the family member, the Agent will record the reason that contact was not established. This can include reasons like it was operationally infeasible, there was a security concern, the family relationship was in question, a medical issue presented, or the juvenile was not in custody long enough for contact to be facilitated.

d. Amenity Reports: The Amenity Report function of e3DM serves to document the following conditions for all cells in a station or substation: whether the water fountain, if available for that hold room, is functioning; whether bottled/jug water is available; whether the sink, if available for that hold room, is functioning; whether

the toilet, if available for that hold room, is functioning; whether the cell is clean; whether the cell is pest-free; whether the cell has adequate ventilation; and whether the temperature of the cell is between 66 and 80 degrees. All options are "yes" or "no" with mandatory comments for any "no." Comments for any "no" could include what the issue is, who was notified of the issue, or whether or not the cell is being used, etc. These Amenity Reports must be completed at least daily for all cells when there is a juvenile present in the facility for any amount of time.

e. The documentation of food: Every time a meal is offered to a juvenile, it must be documented in e3DM. The Agent will also record if the meal is accepted or if the meal is refused. The Agent can also record if snacks or juice are provided.

f. Medical assistance: All medical care provided to each juvenile must be recorded in e3DM. The Agent will record if the medical care is provided by CBP or a third party (i.e., the emergency room).

16. Each station must check the hold room prior to placing a juvenile in the room to ensure that the room is safe and sanitary. Further, each Agent must complete a visual check of the room while completing a routine welfare check. These welfare checks are regular checks of hold rooms by Agents to ensure the safety and well-being of those in the room. Welfare checks include a visual check of the area, verbal communication with the juveniles in the hold room, and a physical inspection of the room. Welfare checks are conducted in addition to a shift check, which occurs at every shift change.

17. If the hold room does not meet the required standards, the issue must be reported immediately to station management. All issues not addressed within 12 hours requires notification of the Patrol Agent in Charge and the local Office of Chief Counsel.

18. There is a field in e3DM that tracks information regarding the holding cell in which an individual who is detained in Border Patrol's custody is located. On April 26, 2016, e3DM was updated to allow for a "Cell History" tab. This tab allows for the historical tracking of an individual in all cells that he or she has been assigned. Until April 26, 2016, Border Patrol could only ascertain the current holding cell (for aliens still in Border Patrol custody) or the last holding cell in which an individual was detained (for individuals who have left BP custody).

19. Finally, at the conclusion of processing, all juveniles are expected to be provided the Form I-770, Notification of Rights and Request for Disposition. The Form I-770 informs the juvenile of their right to use a telephone to contact an adult, be represented by a lawyer, and appear before an immigration judge. Processing of an unaccompanied juvenile is not complete until the I-770 has been printed and the Agent has confirmed that it was provided to the juvenile. This ensures that every juvenile receives a notice of rights (if the juvenile is accompanied, the notice of rights may be given to the parent or legal guardian).

20. Although many, if not most, of the individuals who Border Patrol apprehends will be turned over to another agency (often Immigration and Customs Enforcement (ICE)) rather than directly released, Border Patrol endeavors to ensure that there are no gaps in those juveniles who receive the I-770. In order to ensure that all unaccompanied juveniles are provided with the I-770, I have reminded the Sectors of this requirement.

21. Moreover, Border Patrol has developed a robust monitoring process at the Headquarters level. Particular agents at the headquarters level have been directed with routinely (normally each business day) monitoring the electronic records created related to Flores compliance. One example of a HQ report ensures if a juvenile is at a facility that an amenity report was completed.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief. Executed on this day, **5/31/16**, in the District of Columbia.



Justin Bristow

DEFENDANTS' EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

Jenny Lisette Flores, *et al.*,

Plaintiffs,

vs.

Loretta E. Lynch, Attorney General of the United States, *et al.*,

Defendants

No. CV 85-4544 DMG (AGRx)

DECLARATION OF TODD HOFFMAN

I, Todd Hoffman, hereby make the following declaration with respect to the above-captioned matter:

1. I am the Executive Director of the Office of Field Operations (OFO), Admissibility and Passenger Programs. I have been serving in this position since August 2015. Prior to that time I served as the Area Port Director for the Los Angeles International Airport. I have been an Officer with OFO since 1991.
2. I make this declaration on the basis of my personal knowledge as well as information made available to me in the course of my official duties.
3. OFO is the operational component of U.S. Customs and Border Protection (CBP) which primarily operates at the ports of entry nationwide. In my position, I am responsible for overseeing the following Director level program offices: the Admissibility Review Office; Electronic System for Travel Authorization Program Management Office; Fraudulent

Document Analysis Unit; Traveler Entry Programs; Immigration Advisory Program; Traveler Policy; Enforcement Programs Division; and Trusted Traveler Programs. These programs include programatic oversight over the CBP system of record used to maintain certain information at issue in this matter, the Secure Integrated Government Mainframe Access (SIGMA) system. These responsibilities include programmatic oversight of the policies and procedures related to juveniles, including those steps taken by OFO in response to the Court's August 21, 2015 Order.

4. At the highest level, there is a common unified database repository for several Department of Homeland Security (DHS) law enforcement and homeland security agencies and applications known as the Enforcement Integrated Database (EID), which is a unified system of records maintained by U.S. Immigration and Customs Enforcement (ICE). The EID maintains information related to the investigation, arrest, booking, detention and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by DHS components. EID contains biographic, descriptive, historical, and other identifying data, which included fingerprint identification numbers, names, nationality, social security numbers, alien registration numbers, visa information, date and place of birth, and other information.

5. OFO utilizes a user interface which consists of a series of web applications that collects and transmits multiple data elements to EID, known as SIGMA. SIGMA collects and processes biographic, encounter, and biometric data for individuals encountered at a port-of-entry for CBP's law enforcement and immigration mission that integrates into EID.

6. The information that is collected through these applications is stored in the EID. In general, information from SIGMA is maintained by individual data fields and in separate tables.

7. These tables are, in essence, a mechanism to compartmentalize the data. These tables are generally organized so that similar or related elements may be found on a table together. They are then cross-referenced or mapped within the EID in an appropriate manner to make up the overall database.

8. Although it is not a direct analog, the best explanation I can use to explain to a general computer user would be akin to sheets in an overall Excel file. The individual sheets which may be found inside a file are the best analogy to explain the tables.

9. In the normal course of business, when OFO creates reports it does not do so from information directly from the EID. Instead, it downloads the pertinent information onto a separate server first. This is done to ensure that the information directly held on EID is not inadvertently corrupted. Moreover, OFO does not wish to slow down the overall system by requiring the main EID servers to process reports at the same time as it is conducting its normal functions.

10. OFO has a particular set of tables that it routinely downloads onto a separate server when it creates reports from what it considers to be within SIGMA. When, for instance, OFO wants to pull information about particular metrics from SIGMA, it downloads a specific set of tables onto the separate server.

11. SIGMA allows CBP Officers (CBPOs) to document the physical movements of aliens in OFO custody, along with all detention-related actions. SIGMA is used to document the time the individual came into CBP custody, the time the individual is placed into a secure hold room, and if the juvenile is detained pending transfer to another entity. Further, SIGMA is used to document custodial actions taken with regard to the particular alien. For example, SIGMA is used to document if a juvenile is encountered with a family member, if a juvenile

is provided with a meal (and if the juvenile accepts or refuses the meal), if medical treatment is provided, and other related custodial actions.

12. In response to the August 21, 2015 Court Order, and prior to October 23, 2015, OFO updated SIGMA to provide an enhanced ability to both input and retain information related to juvenile custodial actions. OFO leadership issued guidance to the field, requiring that CBPOs at ports of entry must verify and document temperatures in hold rooms, any medical care provided, and access to drinking water, food, toilets, and sinks. CBPOs were also reminded of their duty to ensure adequate supervision of juveniles, adequate ventilation, and safe and sanitary hold rooms.

13. Any time that SIGMA is not available (for example, unexpected system outages), CBPOs must track the information via hard copy forms until it can be inputted into SIGMA.

14. The following actions were either added to SIGMA or enhanced since October 21, 2015 at 10:00 a.m.:

    a. Documenting family units: SIGMA provides the ability to document a juvenile with a claimed family member (which may include adults who are not the parent or legal guardian of the juvenile, like the grandmother or uncle, for example). The CBPO can also mark the juvenile "unaccompanied" if the juvenile is not accompanied.

    b. Separation of juveniles from family members: If a juvenile is separated from a family member (including family who are not the parent or legal guardian of the juvenile), for reasons other than processing or other short, routine removals from a holding area, the CBPO is required to note that in SIGMA. Any separation action requires the CBPO to note why, exactly, the juvenile was separated. For example, the CBPO can note that it was operationally infeasible or presented a security concern to allow the

family to remain physically together, or that the family relationship was in question. The CBPO can also note if the family was separated for a medical reason (for example, the aunt presented with lice, and the aunt was separated from the juvenile in order to treat the lice).

c. If separation occurs, whether contact is allowed: If a juvenile is separated from a family member, as described above, the CBPO will document if the juvenile is allowed to contact the family member. All actions are time-stamped. If the juvenile is not able to contact the family member, the CBPO will record the reason that contact was not established. This can include reasons like it was operationally infeasible, there was a security concern, the family relationship was in question, a medical issue presented, or the juvenile was not in custody long enough for contact to be facilitated.

d. Secondary Check: The Secondary Check function of SIGMA serves to document the following conditions for all cells in a station or substation: whether water is accessible; and whether the hold room is safe and sanitary. All options are "yes" or "no" with mandatory comments for any "no." Comments for any "no" should include the reason as to why the fixture is broken, what is being done to fix it, etc. SIGMA also includes a drop-down for temperature, where the CBPO can select that the temperature of the hold room is either 0-65 degrees, 66-80 degrees, or 81+ degrees. If the temperature selected is outside of the 66-80 degree range, the CBPO must specify a reason for the anomaly (i.e., the air conditioning is broken, etc.). These Secondary Check reports must be completed at least daily for all hold rooms when there is a juvenile present in the hold room for any amount of time.

e. The documentation of food: Every time food is offered to a juvenile, it must be documented in SIGMA. The CBPO will also record if the food is refused.

f. Medical assistance: All medical care provided to each juvenile must be recorded in SIGMA. The CBPO will record if the medical care is provided by CBP or a third party (i.e., the emergency room). SIGMA contains a free-form text box for the CBPO to annotate what care was provided.

15. All CBPOs must check the hold room prior to placing a juvenile in the room to ensure that the room is safe and sanitary. The CBPO must ensure that the area is safe and sanitary, that the area provides access to drinking water and a functional toilet, and that the temperature of the room is within the accepted range (66-80 degrees). CBPOs are required to annotate the juvenile's individual record in SIGMA, indicating that each one of these standards has been met at the time that the juvenile is placed in the space. If the area where a juvenile may be held does not meet the required standards, the issue must immediately be reported to the port management. All steps to address the problem, including, if appropriate, moving the juvenile to another location, must be taken as quickly as operationally feasible. Any issue not addressed within 12 hours requires Port Director and local Office of Chief Counsel notification. Examples of those SIGMA records are attached as Exhibit A.

16. Further, each CBPO must complete a visual check of the room while completing a routine welfare check. These welfare checks are regular checks of hold rooms by CBPOs to ensure the safety and well-being of those in the room. Welfare checks include a visual check of the area to ensure that the hold room continues to be safe and sanitary, that the juvenile has access to drinking water and a functional toilet, and that the ventilation system for the area is operational. CBPOs are required to annotate the juvenile's record in SIGMA each time a

welfare check is conducted.

17. OFO Facilities are required to ensure that all rooms in a port of entry where juveniles are detained are professionally cleaned and maintained, including ensuring that cleaning logs are properly maintained.

18. Finally, at the conclusion of processing, all juveniles are provided with the Form I-770, Notification of Rights and Request for Disposition. The Form I-770 informs the juvenile of their right to use a telephone to contact an adult, be represented by a lawyer, and appear before an immigration judge. Processing is not completed in SIGMA until the I-770 has been printed out and the CBPO has confirmed that it was provided to the juvenile. This ensures that every juvenile, accompanied or unaccompanied, receives a notice of rights.

19. As part of OFO's ongoing efforts to monitor its compliance with the *Flores* Settlement Agreement, OFO clarified its policy and remind its ports-of-entry that all juveniles, regardless of whether they are accompanied or unaccompanied, should be provided with a Form I-770. In order to communicate that information effectively, including providing an opportunity to permit questions, my office had a conference call with all Assistant Directors of Field Operations to remind them of the need to provide all juveniles with the I-770 on April 20, 2016.

20. Moreover, as part of OFO's ongoing efforts to ensure that it is fully compliant with the Court's order of August 21, 2016, I have instituted a process whereby my staff periodically reviews information available from the different ports-of-entry around the country. As part of this process, my staff will periodically examine the time family units are held in custody at different ports of entry. When my staff have identified occasional issues or questions, they immediately reach out to the ports-of-entry directly to ensure that they are quickly addressing

any issues. This ensures an additional level of oversight to identify and remedy any issues that might arise.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief. Executed on this 2nd Day of June, 2016 in the District of Columbia.

Todd Hoffman

EXHIBIT A

SIGMA EVENT [redacted]
CBP PASO DEL NORTE, TX [redacted]

last modified by [redacted] *01/26/2016 08:47*

Created By: [redacted] 01/23/2016 23:51
Created Port: PASO DEL NORTE, TX -
Requesting Port: PASO DEL NORTE, TX - [redacted]
Priority: [redacted]
Reason(s): IMMIGRATION ADVERSE ACTION
Status: FINALIZED
Mode of Entry: ISLS - Inspections - Land South
Direction: INBOUND
Assigned User: Unassigned
Assigned Port: PASO DEL NORTE, TX - [redacted]
Assigned Unit:

Activity Classification: [redacted]

One Pager Priority: No
Daily Report: No
DocEx: No
Approving Supervisor: [redacted]
Initial Remarks:

Contents: Persons (1)

[redacted] R[redacted] R[redacted] A[redacted] L[redacted]

last modified by [redacted] *01/26/2016 08:47*

[Back to Top]

Entry Status: [redacted]
Gender: Female
Race: WHITE
Hair Color: BROWN
Eye Color: BROWN
Height: 4ft 10in
Weight: 127 (lbs)
Complexion: FAIR

Juvenile: No
Exam Date: 01/23/2016 15:11
Co-Traveler: No
CBP Status:
Description:

Person Type: ADMINISTRATIVE NON CRIMINAL INDIVIDUAL (ANC)

Citizenship: GUATEMALA

Association:
Marital Status: MARRIED
Hispanic: Y
Detention: No
Armed: No
Assault: No

Classification: FIRA - First Apprehension by (OFO)

Juvenile Custodian:
Person Role: Principal
Gang Affiliation:
Smuggled Cost:

Date Of Birth: [redacted]

Place of Birth: HUEHUETENANGO, GUATEMALA

Type: FATHER
Name: m[redacted] j[redacted] l[redacted] r[redacted]
Date Of Birth:
Citizenship: GUATEMALA
POB Country: GUATEMALA

Type: MOTHER
Name: r[redacted] g[redacted] d[redacted] r[redacted]
Date Of Birth:
Citizenship: GUATEMALA
POB Country: GUATEMALA

Type: SPOUSE
Name: h[redacted] i[redacted] e[redacted]
(Mother's Maiden Name: [redacted])
Date Of Birth:
Citizenship: GUATEMALA
POB Country: GUATEMALA

Type: SON
Name: r[redacted] d[redacted] j[redacted] ju[redacted]
(Mother's Maiden Name: [redacted])
Date Of Birth: [redacted]
Citizenship: GUATEMALA
POB Country: GUATEMALA

Type: SON
Name: r[redacted] a[redacted] vi[redacted]
Date Of Birth: [redacted]
Citizenship: GUATEMALA
POB Country: GUATEMALA

Priority: [redacted]
Priority: [redacted]

Apprehension: SUBJECT APPREHENDED
Sigma Event: [redacted]
Incident ID: [redacted]
EID Event: [redacted]
Sigma Subject: [redacted]
Civilian ID: [redacted]
Charging Document: M444 - Information about Credible Fear Interview
Charging Document: Discretionary Authority
Charging Document: R-84 - Final Disposition Report
Charging Document: I-203 - Order to Detain or Release Alien
Charging Document: I-275 - Notice of Visa Cancellation/Border Crossing Card Voidance
Charging Document: I-213 - Record of Deportable/Excludable Alien
Charging Document: I-296 - Notice to Alien Ordered Removed/Departure Verification
Charging Document: I-860 - Notice of Order for Expedited Removal
Charging Document: I867A-Record of Sworn Statement in Proceedings under Section235(b)(1) of the Act
Charging Document: I-867B - Jurat for Record of Sworn Statement in Proceedings under Section 235

ALIEN FILE # Record: [redacted]
FBI Record:
FINS Record:

Disposition

last modified by [redacted] *01/23/2016 23:52*

Disposition Category: [redacted]
Disposition:
Deferred Port:
Report Date:
Report Time:
Charge: Sec212(a)(7)(A)(i)(I)-Immigrant w/out Docs
Charge: 8 USC 1182-Alien inadmissibility under section 212
Allegation Text: On or about January 23, 2016, you applied for admission into the United States. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

Referral

last modified by [redacted] *01/23/2016 23:51*

Referral Id: [redacted]
Admissibility Inspection: [redacted]
Agriculture Inspection: NOT_REQUIRED
Baggage Inspection: NOT_REQUIRED
Referral Date: 01/23/2016 17:11
Referred By Officer Id: [redacted]
Referral Reason: [redacted]
Incident ID sent to CSIS: [redacted]

TECS Primary Hit Id:
Admissibility Inspection Id:
Agriculture Inspection Id:
Baggage Inspection Id:
Site Code: [redacted]
Referred By Officer Name: [redacted]
Workstation Name: [redacted]
FINS Record sent to CSIS: [redacted]

Narrative

created by [redacted] *01/23/2016 23:52*
last modified by [redacted] *01/23/2016 23:52*

[redacted]

Remark

created by [redacted] *01/23/2016 23:51*
last modified [redacted] *01/23/2016 23:51*

[redacted]

Itinerary:AUTO-GENERATED BY ATS-P

last modified by [redacted] *01/23/2016 23:51*

Land Pedestrian Conveyance

last modified by [redacted] *01/23/2016 23:51*

[Back to Top]

Custody Log

last modified by [redacted] *01/26/2016 08:47*

Priority [redacted]
Custody Time In : 01/23/2016 16:45 LOCAL TIME
Custody Status: TRANSPORTED
Secured Holding Room: CELL 3
Secured Holding Room Time In: 01/23/2016 16:45 LOCAL TIME
Terminal Number:
Risk Level: [redacted]

Created Unit: [redacted]
Custody Time Out : 01/26/2016 03:50 LOCAL TIME
Transfer To:
Baggage Check Number:
Secured Holding Room Time Out: 01/26/2016 03:50 LOCAL TIME
Responsible Party:
Risk Level Reason:

Secondary Check(s)

Check Type	Cell	Conducted By	Date/Time
Visual Check	CELL 3	[redacted]	01/26/2016 08:38
Visual Check	CELL 3		01/26/2016 08:33

Visual Check	CELL 3	[redacted]	01/26/2016 08:23
Visual Check	CELL 3		01/26/2016 08:09
Visual Check	CELL 3		01/26/2016 07:57
Visual Check	CELL 3		01/26/2016 07:55
Visual Check	CELL 3		01/26/2016 07:44
Visual Check	CELL 3		01/26/2016 07:26
Visual Check	CELL 3		01/26/2016 07:10
Visual Check	CELL 3		01/26/2016 06:11
Visual Check	CELL 3		01/26/2016 05:55
Visual Check	CELL 3		01/26/2016 05:39
Visual Check	CELL 3		01/26/2016 05:24
Visual Check	CELL 3		01/26/2016 05:18
Visual Check	CELL 3		01/26/2016 05:10
Notes: sleeping room tem. 70 degrees			
Visual Check	CELL 3	[redacted]	01/26/2016 04:48
Notes: sleeping room tem. 70 degrees			
Visual Check	CELL 3	[redacted]	01/26/2016 04:44
Visual Check	CELL 3		01/26/2016 04:40
Visual Check	CELL 3		01/26/2016 04:26
Visual Check	CELL 3		01/26/2016 04:18
Visual Check	CELL 3		01/26/2016 04:00
Visual Check	CELL 3		01/26/2016 03:53
Notes: sleeping room temperature 71 degrees			
Meal Offered	CELL 3	[redacted]	01/26/2016 03:41
Notes: interview, snacks given, room temp 70 f			
Visual Check	CELL 3	[redacted]	01/26/2016 03:41
Visual Check	CELL 3		01/26/2016 03:27
Visual Check	CELL 3		01/26/2016 03:19
Visual Check	CELL 3		01/26/2016 02:59
Visual Check	CELL 3		01/26/2016 02:47
Visual Check	CELL 3		01/26/2016 02:34
Visual Check	CELL 3		01/26/2016 02:26
Visual Check	CELL 3		01/26/2016 01:51
Visual Check	CELL 3		01/26/2016 01:41
Visual Check	CELL 3		01/26/2016 01:32
Visual Check	CELL 3		01/26/2016 01:20
Visual Check	CELL 3		01/26/2016 01:07
Visual Check	CELL 3		01/26/2016 00:22
Visual Check	CELL 3		01/26/2016 00:06
Visual Check	CELL 3		01/25/2016 23:38
Visual Check	CELL 3		01/25/2016 23:12
Visual Check	CELL 3		01/25/2016 22:46
Visual Check	CELL 3		01/25/2016 22:38
Visual Check	CELL 3		01/25/2016 22:10

Visual Check	CELL 3	[redacted]	01/25/2016 21:47
Visual Check	CELL 3		01/25/2016 21:24
Visual Check	CELL 3		01/25/2016 21:14
Visual Check	CELL 3		01/25/2016 20:45
Visual Check	CELL 3		01/25/2016 20:34
Meal Offered	CELL 3		01/25/2016 20:15
Visual Check	CELL 3		01/25/2016 19:49
Visual Check	CELL 3		01/25/2016 17:53
Other Check	CELL 3		01/25/2016 17:32
Notes: Temperature 72.2 at 1500.			
Visual Check	CELL 3	[redacted]	01/25/2016 17:24
Visual Check	CELL 3		01/25/2016 17:14
Meal Offered	CELL 3		01/25/2016 16:28
Visual Check	CELL 3		01/25/2016 16:28
Visual Check	CELL 3		01/25/2016 16:09
Visual Check	CELL 3		01/25/2016 15:34
Visual Check	CELL 3		01/25/2016 15:14
Visual Check	CELL 3		01/25/2016 14:46
Visual Check	CELL 3		01/25/2016 14:41
Other Check	CELL 3		01/25/2016 14:27
Notes: Room temperature 71.0 at 1200			
Visual Check	CELL 3	[redacted]	01/25/2016 14:15
Visual Check	CELL 3		01/25/2016 13:47
Visual Check	CELL 3		01/25/2016 13:30
Visual Check	CELL 3		01/25/2016 13:17
Visual Check	CELL 3		01/25/2016 13:03
Visual Check	CELL 3		01/25/2016 12:36
Other Check	CELL 3		01/25/2016 12:35
Notes: Room temperature 71.6 at 1000			
Visual Check	CELL 3	[redacted]	01/25/2016 12:29
Visual Check	CELL 3		01/25/2016 11:58
Meal Offered	CELL 3		01/25/2016 11:40
Visual Check	CELL 3		01/25/2016 11:39
Other Check	CELL 3		01/25/2016 11:06
Notes: Room temperature 71.6 at 0900			
Visual Check	CELL 3	[redacted]	01/25/2016 11:05
Visual Check	CELL 3		01/25/2016 10:50
Notes: 15 minute visual check			
Visual Check	CELL 3	[redacted]	01/25/2016 10:48
Other Check	CELL 3		01/25/2016 10:41
Notes: TEMPERATURE WAS MEASURED BY [redacted] AT 0815 HOURS MEASURED AT 69.4 DEGREES.			
Visual Check	CELL 3	[redacted]	01/25/2016 10:33
Other Check	CELL 3		01/25/2016 10:28
Notes: Room temperature 71.6 at 0800			
Visual Check	CELL 3	[redacted]	01/25/2016 10:23
Visual Check	CELL 3		01/25/2016 09:15

Notes: sleeping, room temp 70 f			
Visual Check	CELL 3	[redacted]	01/25/2016 09:04
Notes: sleeping, room temp 72 f			
Visual Check	CELL 3		01/25/2016 08:47
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 08:29
Notes: SLEEPING, ROOM TEMP 70 F			
Visual Check	CELL 3		01/25/2016 08:17
Notes: SLEEPING, ROOM TEMP 70 F			
Visual Check	CELL 3		01/25/2016 07:59
Notes: SLEEPING, ROOM TEMP 70 F			
Visual Check	CELL 3		01/25/2016 07:43
Notes: SLEEPING, ROOM TEMP 70 F			
Visual Check	CELL 3		01/25/2016 07:28
Notes: SLEEPING, ROOM TEMP 70 F			
Visual Check	CELL 3		01/25/2016 07:06
Notes: SLEEPING, ROOM TEMP 70 F			
Visual Check	CELL 3		01/25/2016 06:47
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 06:27
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 06:15
Notes: sleeping room temp 70 f			
Visual Check	CELL 3		01/25/2016 06:08
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 05:36
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 05:04
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 04:45
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 04:29
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 04:15
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 04:07
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 03:42
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 03:29
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 03:16
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 03:07
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 02:46
Notes: sleeping, room temp 70 f			
Visual Check	CELL 3		01/25/2016 02:31
Notes: sleeping rom temp 70 f			
Visual Check	CELL 3		01/25/2016 02:18
Notes: sleeping room temp 70 f			
Visual Check	CELL 3		01/25/2016 01:27

Visual Check	CELL 3	[redacted]	01/25/2016 00:36
Visual Check	CELL 3		01/24/2016 23:58
Visual Check	CELL 3		01/24/2016 23:38
Visual Check	CELL 3		01/24/2016 22:47
Visual Check	CELL 3		01/24/2016 22:32
Visual Check	CELL 3		01/24/2016 22:12
Visual Check	CELL 3		01/24/2016 21:38
Visual Check	CELL 3		01/24/2016 20:35
Visual Check	CELL 3		01/24/2016 20:21
Visual Check	CELL 3		01/24/2016 20:03
Visual Check	CELL 3		01/24/2016 19:36
Notes: Temp Check			
Visual Check	CELL 3		01/24/2016 19:18
Meal Offered	CELL 3		01/24/2016 19:04
Visual Check	CELL 3		01/24/2016 18:46
Visual Check	CELL 3		01/24/2016 17:48
Other Check	CELL 3		01/24/2016 17:31
Notes: Room temperature 70.8 degrees F at 13:30			
Visual Check	CELL 3	[redacted]	01/24/2016 17:27
Visual Check	CELL 3		01/24/2016 17:11
Visual Check	CELL 3		01/24/2016 17:01
Visual Check	CELL 3		01/24/2016 16:44
Visual Check	CELL 3		01/24/2016 16:29
Visual Check	CELL 3		01/24/2016 16:05
Other Check	CELL 3		01/24/2016 15:47
Notes: Room temperature 71.2 degrees F at 13:30			
Visual Check	CELL 3	[redacted]	01/24/2016 15:45
Visual Check	CELL 3		01/24/2016 15:35
Meal Offered	CELL 3		01/24/2016 15:00
Visual Check	CELL 3		01/24/2016 14:59
Other Check	CELL 3		01/24/2016 14:30
Notes: Room temperature 70.6 degrees F at 12:30			
Visual Check	CELL 3	[redacted]	01/24/2016 14:29
Visual Check	CELL 3		01/24/2016 14:01
Visual Check	CELL 3		01/24/2016 13:46
Other Check	CELL 3		01/24/2016 13:39
Notes: Room temperature 70.6 degrees F at 11:30			
Visual Check	CELL 3	[redacted]	01/24/2016 13:37
Visual Check	CELL 3		01/24/2016 13:10
Visual Check	CELL 3		01/24/2016 12:55
Visual Check	CELL 3		01/24/2016 12:47
Other Check	CELL 3		01/24/2016 12:31
Notes: Room temperature 70.6 degrees F at 10:30			
Visual Check	CELL 3	[redacted]	01/24/2016 12:28
Visual Check	CELL 3		01/24/2016 12:18
Meal Offered	CELL 3		01/24/2016 12:18

Visual Check	CELL 3	[redacted]	01/24/2016 12:11
Visual Check	CELL 3		01/24/2016 11:46
Visual Check	CELL 3		01/24/2016 11:36
Visual Check	CELL 3		01/24/2016 11:17
Visual Check	CELL 3		01/24/2016 11:00
Visual Check	CELL 3		01/24/2016 10:52
Visual Check	CELL 3		01/24/2016 10:40
Visual Check	CELL 3		01/24/2016 10:26
Visual Check	CELL 3		01/24/2016 09:24
Visual Check	CELL 3		01/24/2016 09:03
Visual Check	CELL 3		01/24/2016 08:44
Visual Check	CELL 3		01/24/2016 08:23
Visual Check	CELL 3		01/24/2016 07:42
Visual Check	CELL 3		01/24/2016 07:29
Visual Check	CELL 3		01/24/2016 07:04
Visual Check	CELL 3		01/24/2016 07:00
Visual Check	CELL 3		01/24/2016 06:48
Visual Check	CELL 3		01/24/2016 06:20
Visual Check	CELL 3		01/24/2016 05:11
Notes: SLEEPING, ROOM TEMP 71.2 F			
Visual Check	CELL 3	[redacted]	01/24/2016 04:55
Notes: sleeping, room temp 71 F			
Visual Check	CELL 3		01/24/2016 04:36
Visual Check	CELL 3		01/24/2016 04:17
Visual Check	CELL 3		01/24/2016 03:42
Visual Check	CELL 3		01/24/2016 03:30
Visual Check	CELL 3		01/24/2016 03:17
Visual Check	CELL 3		01/24/2016 03:00
Visual Check	CELL 3		01/24/2016 01:05
Visual Check			01/24/2016 00:11

Workflow History

Workflow History

[redacted]

Date/Time

2016-01-26 08:47:44.386
2016-01-26 08:47:34.477
2016-01-24 06:28:20.708
2016-01-23 23:51:31.048

SIGMA EVENT [redacted]
CBP PASO DEL NORTE, TX [redacted]

last modified by [redacted] *02/02/2016 07:14*

Created By: [redacted] 01/30/2016 21:46
Created Port: PASO DEL NORTE, TX -
Requesting Port: PASO DEL NORTE, TX - [redacted]
Priority [redacted]
Reason(s): IMMIGRATION ADVERSE ACTION
Status: FINALIZED
Mode of Entry: ISLS - Inspections - Land South
Direction: INBOUND
Assigned User: Unassigned
Assigned Port: PASO DEL NORTE, TX - [redacted]
Assigned Unit:

Activity Classification [redacted]

One Pager Priority: No
Daily Report: No
DocEx: No
Approving Supervisor: [redacted]
Initial Remarks: Disposition: January 30, 2016, the subject is in violation pursuant to section 235(b)(1) of the Immigration and Nationality Act, and has determined the subject is inadmissible to the United States under section 212(a)(7)(A)(i)(I) of the INA and was processed for [redacted]. The subject was transported to the SPC - El Paso, Texas. Subject is a Third Country National (TCN) from the Republica De El Salvador. Family unit.

Contents: Persons (2)



Z [redacted] **H** [redacted]

last modified by [redacted] *02/02/2016 07:13*

[Back to Top]

Entry Status: [redacted]
Gender: Male
Race: WHITE
Hair Color: BROWN
Eye Color: BROWN
Height: 5ft 5in
Weight: 90 (lbs)
Complexion: DARK
Exam Date: 01/30/2016 21:48
Co-Traveler: No
CBP Status:
Description:
Family Unit: Yes
Juvenile: Yes
Juvenile Custodian: Parent

Association:
Marital Status:
Hispanic: Y
Detention: No
Armed: No
Assault: No

Classification: FMUA - Family Unit
Person Role: Involved Participant
Gang Affiliation:
Smuggled Cost:

Juvenile Indicator: Accompanied
Specify Other Juvenile Custody:

Juvenile Apprehended with a Claimed Family Member: Yes
Water Accessible: Yes **Safe/Sanitary Condition:** Yes
Room Temperature: 66-80 F Degrees **Room Temperature Reason:**
Juvenile Held Separately: No **Family Contact:**

Person Type: ADMINISTRATIVE NON CRIMINAL INDIVIDUAL (ANC) **Date Of Birth:** [redacted]

Citizenship: EL SALVADOR

Place of Birth: EL SALVADOR

Type: MOTHER **(Escort)** **Citizenship:** EL SALVADOR
Name: G[redacted], V[redacted] **POB Country:** EL SALVADOR
Date Of Birth: [redacted]

Consequence: [redacted]
Priority: [redacted]

Apprehension: SUBJECT APPREHENDED
Sigma Event: [redacted] **Sigma Subject:** [redacted]
Incident ID: **Civilian ID:**
EID Event:
Charging Document: I-264 - Notification of Arrest to Consulate
Charging Document: I-867B - Jurat for Record of Sworn Statement in Proceedings under Section 235
Charging Document: I867A-Record of Sworn Statement in Proceedings under Section235(b)(1) of the Act
Charging Document: Discretionary Authority
Charging Document: R-84 - Final Disposition Report
Charging Document: M444 - Information about Credible Fear Interview
Charging Document: I-860 - Notice of Order for Expedited Removal
Charging Document: I-296 - Notice to Alien Ordered Removed/Departure Verification
Charging Document: I-275 - Notice of Visa Cancellation/Border Crossing Card Voidance
Charging Document: I-213 - Record of Deportable/Excludable Alien
Charging Document: I-217 - Information for Travel Document/Passport
Charging Document: I-203 - Order to Detain or Release Alien

ALIEN FILE # Record: [redacted]
TECS Record:
FINS Record:

Disposition

last modified by [redacted] *01/31/2016 07:06*

Disposition Category: [redacted]
Disposition: **Deferred Port:**

Report Date: **Report Time:**
Charge: Sec212(a)(7)(A)(i)(I)-Immigrant w/out Docs
Charge: 8 USC 1182-Alien inadmissibility under section 212
Allegation Text: On or about January 30, 2016, you applied for admission into the United States. You are an immigrant not in possession of a valid unexpired immigrant

visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

Location

last modified by [redacted] *01/31/2016 07:07*

Address: U.S. Address
[redacted]
Latitude Decimal:
Longitude Decimal:

Location

last modified by [redacted] *01/31/2016 07:08*

Address: [redacted]
Latitude Decimal:
Longitude Decimal:

TECS LOOKOUT [redacted]

last modified by [redacted] *01/31/2016 07:09*

TECS Record ID: [redacted]
Last Response: (2016-01-31 07:39:47.0) 00 - Successful, record added to TECS mainframe
Status: [redacted]
Query Notification: [redacted]
Lookout Level: [redacted]
Primary Action:
Subject: OT - OTHER
Category Subject: IN - INS CASE
Primary Start Date: 01/31/2016
Primary Stop Date: 01/30/2017
Exclusion: [redacted] IMMIGRANT WITHOUT VISA
Site: CBP - DISTRICT OFFICE, EL PASO, TX
Entry Date: 01/31/2016
Armed and Dangerous: No
Remark: subject is inadmissible to the United States under section 212(a)(7)(A)(i)(I) of the INA and was processed for [redacted]
Officer: [redacted]

Referral

last modified by [redacted] *01/30/2016 21:50*

Referral Id: [redacted]
TECS Primary Hit Id:
Admissibility Inspection: OPEN
Admissibility Inspection Id:
Agriculture Inspection: NOT_REQUIRED
Agriculture Inspection Id:
Baggage Inspection: NOT_REQUIRED
Baggage Inspection Id:
Referral Date: 01/30/2016 14:53
Site Code:
Referred By Officer Id [redacted]
Referred By Officer Name:
Referral Reason: UAC TRAVELING WITH MOTHER, EWI
Workstation Name:
Incident ID sent to CSIS: [redacted]
FINS Record sent to CSIS:

Narrative

created by [redacted] 01/31/2016 07:06
last modified by [redacted] 01/31/2016 07:06

Disposition: January 30, 2016, the subject is in violation pursuant to section 235(b)(1) of the Immigration and Nationality Act, and has determined the subject is inadmissible to the United States under section 212(a)(7)(A)(i)(I) of the INA and was processed for [redacted] The subject was transported to the SPC - El Paso, Texas. Subject is a Third Country National (TCN) from the Republica De El Salvador. Family unit.

Remark

created by [redacted] 01/30/2016 21:50
last modified by [redacted] 01/30/2016 21:50

UAC TRAVELING WITH MOTHER, EWI

Passport

last modified by [redacted] 01/30/2016 21:50

Name:	Z[redacted]	**Gender:**	
Passport #:	[redacted]	**Control Number:**	
Document Type:		**Type of Passport:**	
Issue Date:		**Expiration Date:**	
State of Birth:		**Country of Birth:**	
Alien Resident:	No	**Passport Date of Birth:**	
VISA Waiver:	No	**Issuing Country:**	EL SALVADOR
Citizenship:		**Issuing Post:**	
Retained:	No	**Retained Reason:**	
Retained For:		**Retaining Port:**	
Transfer Document Custody to:		**Status:**	

Passport

last modified by [redacted] 01/31/2016 07:11

Name:	Z[redacted]	**Gender:**	M
Passport #:	[redacted]	**Control Number:**	
Document Type:	PASSPORT	**Type of Passport:**	Regular
Issue Date:	05/28/2015	**Expiration Date:**	05/28/2020
State of Birth:		**Country of Birth:**	EL SALVADOR
Alien Resident:	No	**Passport Date of Birth:**	[redacted]
VISA Waiver:	No	**Issuing Country:**	EL SALVADOR
Citizenship:	EL SALVADOR	**Issuing Post:**	EL SALVADOR
Retained:	Yes	**Retained Reason:**	Valid
Retained For:	A-File	**Retaining Port:**	PASO DEL NORTE, TX
Transfer Document Custody to:		**Status:**	Valid

Itinerary:AUTO-GENERATED BY [redacted]

last modified by [redacted] 01/30/2016 21:50

Land Pedestrian Conveyance

last modified by [redacted] 01/30/2016 21:50

[Back to Top]

Custody Log

last modified by [redacted] *02/02/2016 07:13*

Priority:	[redacted]	**Created Unit:**	[redacted]
Custody Time In :	01/30/2016 20:48 LOCAL TIME	**Custody Time Out :**	02/02/2016 05:15 LOCAL TIME
Custody Status:	TRANSPORTED	**Transfer To:**	ICE - ERO
Secured Holding Room:	CELL 5	**Baggage Check Number:**	
Secured Holding Room Time In:	01/30/2016 20:48 LOCAL TIME	**Secured Holding Room Time Out:**	02/02/2016 05:15 LOCAL TIME
Terminal Number:		**Responsible Party:**	
Risk Level:	LOW	**Risk Level Reason:**	
Form:	I-216, RECORD OF PERSONS AND PROPERTY TRANSFERRED		

Secondary Check(s)

Check Type	Cell	Conducted By	Date/Time
Visual Check	CELL 5	[redacted]	02/02/2016 06:53
Visual Check	CELL 5		02/02/2016 06:43
Visual Check	CELL 5		02/02/2016 06:36
Visual Check	CELL 5		02/02/2016 06:23
Visual Check	CELL 5		02/02/2016 06:12
Visual Check	CELL 5		02/02/2016 06:01
Visual Check	CELL 5		02/02/2016 05:53
Other Check	CELL 5		02/02/2016 05:36
Notes: 71.8 F temp at 0333 hrs 2/02/16			
Visual Check	CELL 5		02/02/2016 05:32
Visual Check	CELL 5		02/02/2016 05:11
Visual Check	CELL 5		02/02/2016 04:56
Visual Check	CELL 5		02/02/2016 04:37
Visual Check	CELL 5		02/02/2016 04:27
Visual Check	CELL 5		02/02/2016 04:22
Visual Check	CELL 5		02/02/2016 04:05
Visual Check	CELL 5		02/02/2016 03:35
Visual Check	CELL 5		02/02/2016 03:26
Visual Check	CELL 5		02/02/2016 03:13
Visual Check	CELL 5		02/02/2016 02:56
Other Check	CELL 5		02/02/2016 02:38
Notes: 71.0 f temp taken at 0035 hrs 2/2/16			
Visual Check	CELL 5		02/02/2016 02:26
Visual Check	CELL 5		02/02/2016 02:18
Visual Check	CELL 5		02/02/2016 01:44
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/02/2016 01:25
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/02/2016 01:12
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/02/2016 00:58

Notes: Visual Check Ok, temperature checked, checked log

Visual Check	CELL 5	[redacted]	02/02/2016 00:43
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/02/2016 00:24
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/02/2016 00:18
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/02/2016 00:00
Notes: Visual Check Ok, temperature checked, checked log			
Visual Check	CELL 5	[redacted]	02/01/2016 23:43
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/01/2016 23:25
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/01/2016 23:17
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/01/2016 23:09
Notes: Visual Check Ok, temperature checked, checked log			
Other Check	CELL 5	[redacted]	02/01/2016 23:00
Notes: Visual Check Ok, temperature checked, checked log			
Visual Check	CELL 5	[redacted]	02/01/2016 22:13
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/01/2016 21:55
Notes: Visual Check Ok, temperature checked, checked log			
Visual Check	CELL 5	[redacted]	02/01/2016 21:46
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/01/2016 21:26
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/01/2016 21:14
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/01/2016 20:54
Notes: Visual Check Ok, temperature checked,			
Visual Check	CELL 5	[redacted]	02/01/2016 20:41
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/01/2016 20:25
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/01/2016 20:15
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/01/2016 19:57
Notes: Visual Check Ok, temperature check, check log			
Visual Check	CELL 5	[redacted]	02/01/2016 19:43
Notes: Visual Check Ok, check log			
Visual Check	CELL 5		02/01/2016 19:29
Notes: Visual Check Ok, check log			
Visual Check	CELL 5		02/01/2016 19:26
Notes: Visual Check Ok, check log			
Visual Check	CELL 5		02/01/2016 19:12
Notes: Visual Check Ok, check log			
Visual Check	CELL 5		02/01/2016 19:07
Notes: Visual Check Ok, check log			
Other Check	CELL 5		02/01/2016 18:52
Notes: Visual Check Ok, temperature check, check log Visual Check Ok, given meal some refused the meal			
Meal Offered	CELL 5	[redacted]	02/01/2016 18:41

Notes: Visual Check Ok, given meal some refused the meal

Meal Offered	CELL 5	[redacted]	02/01/2016 18:24
Notes: Visual checks , given meal and some refused meal			
Visual Check	CELL 5	[redacted]	02/01/2016 18:17
Notes: Visual Check Ok			
Visual Check	CELL 5		02/01/2016 17:45
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 17:29
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 17:16
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 17:01
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 16:37
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 16:15
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 15:50
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 14:55
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 14:32
Notes: 1230 Good mental and physical conditions.			
Visual Check	CELL 5	[redacted]	02/01/2016 14:15
Notes: 1215: Good mental and physical conditions.			
Visual Check	CELL 5	[redacted]	02/01/2016 14:02
Notes: 1200- Good mental and physical conditions.			
Visual Check	CELL 5	[redacted]	02/01/2016 13:42
Notes: 1145: Good mental and physical conditions.			
Meal Offered	CELL 5	[redacted]	02/01/2016 13:27
Notes: 1130 Meal was served, water was provided and room temperature was at 72 degrees Fahrenheit.			
Visual Check	CELL 5	[redacted]	02/01/2016 13:15
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 12:58
Notes: Good Mental and Physical Conditions.			
Visual Check	CELL 5		02/01/2016 12:49
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 12:39
Notes: 1030			
Visual Check	CELL 5		02/01/2016 12:05
Notes: 1000			
Visual Check	CELL 5		02/01/2016 11:49
Notes: 0930			
Visual Check	CELL 5		02/01/2016 09:24
Visual Check	CELL 5		02/01/2016 08:06
Other Check	CELL 5		02/01/2016 07:22
Notes: ROOM TEMPERATURE CHECK			
Visual Check	CELL 5		02/01/2016 06:59
Visual Check	CELL 5		02/01/2016 06:41
Other Check	CELL 5		02/01/2016 06:08
Notes: room temp check			
Visual Check	CELL 5		02/01/2016 05:33

Visual Check	CELL 5	[redacted]	02/01/2016 04:45
Visual Check	CELL 5		02/01/2016 04:44
Other Check	CELL 5		02/01/2016 04:15
Notes: room temperature check			
Visual Check	CELL 5		02/01/2016 03:54
Visual Check	CELL 5		02/01/2016 03:48
Visual Check	CELL 5		02/01/2016 03:29
Visual Check	CELL 5		02/01/2016 03:09
Other Check	CELL 5		02/01/2016 02:53
Notes: room temperature check			
Visual Check	CELL 5		02/01/2016 02:19
Visual Check	CELL 5		02/01/2016 01:29
Notes: Visual Checks Ok, checks logs			
Visual Check	CELL 5		02/01/2016 01:11
Notes: Visual Checks Ok, checks logs			
Other Check	CELL 5		02/01/2016 00:59
Notes: Visual Checks Ok, temperature check, checks logs			
Visual Check	CELL 5	[redacted]	02/01/2016 00:40
Notes: Visual Checks Ok, checks logs			
Visual Check	CELL 5		02/01/2016 00:28
Notes: Visual Checks Ok, checks logs			
Visual Check	CELL 5		02/01/2016 00:14
Notes: Visual Checks Ok, checks logs			
Other Check	CELL 5		01/31/2016 23:56
Notes: Visual Checks Ok, temperature check, checks logs			
Visual Check	CELL 5	[redacted]	01/31/2016 23:42
Notes: Visual Checks Ok, checks logs			
Visual Check	CELL 5		01/31/2016 23:22
Notes: Visual Checks Ok, checks logs			
Visual Check	CELL 5		01/31/2016 23:12
Notes: Visual Checks Ok, checks logs			
Other Check	CELL 5		01/31/2016 22:57
Notes: Visual Checks Ok, temperature check, checks logs			
Visual Check	CELL 5	[redacted]	01/31/2016 22:44
Notes: Visual Checks Ok,, checks logs			
Visual Check	CELL 5		01/31/2016 22:25
Notes: Visual Checks Ok,, checks logs			
Visual Check	CELL 5		01/31/2016 22:13
Notes: Visual Checks Ok, temperature check, checks logs			
Visual Check	CELL 5	[redacted]	01/31/2016 22:02
Notes: Visual Checks Ok, temperature check, coming from 30 minute lunch break			
Visual Check	CELL 5	[redacted]	01/31/2016 21:32
Notes: Visual Checks Ok,			
Bedding Provided	CELL 5		01/31/2016 21:13
Notes: Visual Checks Ok, bedding provided on all cells			
Visual Check	CELL 5	[redacted]	01/31/2016 20:54
Notes: Visual Checks Ok, temperature check round off to approximately 1900hr checks logs			
Visual Check	CELL 5	[redacted]	01/31/2016 20:42
Notes: Visual Checks Ok,			
Visual Check	CELL 5		01/31/2016 20:22

Notes: Visual Checks Ok,
Visual Check CELL 5 [redacted] 01/31/2016 20:11
Notes: Visual Checks Ok,
Visual Check CELL 5 01/31/2016 19:56
Notes: Visual Checks Ok, temperature check
Meal Offered CELL 5 01/31/2016 19:45
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok checks logs
Meal Offered CELL 5 01/31/2016 19:29
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok check log
Meal Offered CELL 5 01/31/2016 19:15
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok check logs
Meal Offered CELL 5 01/31/2016 19:01
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok check log!!!
Meal Offered CELL 5 01/31/2016 18:53
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok
Meal Offered CELL 5 01/31/2016 18:40
Visual Check CELL 5 01/31/2016 18:26
Notes: Visual Checks Ok,
Visual Check CELL 5 01/31/2016 18:11
Notes: visual Check ok
Visual Check CELL 5 01/31/2016 17:51
Visual Check CELL 5 01/31/2016 17:47
Visual Check CELL 5 01/31/2016 17:30
Visual Check CELL 5 01/31/2016 17:13
Visual Check CELL 5 01/31/2016 16:53
Visual Check CELL 5 01/31/2016 16:33
Visual Check CELL 5 01/31/2016 16:11
Visual Check CELL 1 01/31/2016 15:53
Notes: room temp 71-74 degrees F
Visual Check CELL 1 01/31/2016 15:33
Visual Check CELL 1 01/31/2016 15:14
Visual Check CELL 1 01/31/2016 14:55
Visual Check CELL 1 01/31/2016 14:35
Visual Check CELL 1 01/31/2016 14:11
Visual Check CELL 1 01/31/2016 13:44
Visual Check CELL 1 01/31/2016 13:24
Visual Check CELL 1 01/31/2016 13:04
Visual Check CELL 1 01/31/2016 12:46
Visual Check CELL 1 01/31/2016 12:19
Notes: room temp 71-73 degrees F
Visual Check CELL 1 01/31/2016 11:50
Visual Check CELL 1 01/31/2016 11:32
Visual Check CELL 1 01/31/2016 11:26
Visual Check CELL 1 01/31/2016 11:21
Visual Check CELL 1 01/31/2016 11:13
Visual Check CELL 1 01/31/2016 11:05
Visual Check CELL 1 01/31/2016 11:01

Visual Check	CELL 1	[redacted]	01/31/2016 10:58
Meal Offered	CELL 1		01/31/2016 10:38
Visual Check	CELL 1		01/31/2016 10:37
Visual Check	CELL 1		01/31/2016 10:27
Visual Check	CELL 1		01/31/2016 10:19
Visual Check	CELL 1		01/31/2016 10:19
Visual Check	CELL 1		01/31/2016 10:02
Visual Check	CELL 1		01/31/2016 09:53
Visual Check	CELL 1		01/31/2016 09:48
Visual Check	CELL 1		01/31/2016 09:29
Visual Check	CELL 1		01/31/2016 09:26
Visual Check	CELL 1		01/31/2016 09:08
Visual Check	CELL 1		01/31/2016 08:54
Visual Check	CELL 1		01/31/2016 08:51
Visual Check	CELL 1		01/31/2016 08:41
Visual Check	CELL 1		01/31/2016 08:29
Visual Check	CELL 1		01/31/2016 07:47
Visual Check	CELL 1		01/31/2016 06:50
Notes: Room temp 70 F			
Visual Check	CELL 1		01/31/2016 06:10
Visual Check	CELL 1		01/31/2016 05:44
Visual Check	CELL 1		01/31/2016 05:00
Visual Check	CELL 1		01/31/2016 04:20
Visual Check	CELL 1		01/31/2016 04:04
Visual Check	CELL 1		01/31/2016 01:50
Visual Check	CELL 1		01/31/2016 01:21
Visual Check	CELL 1		01/31/2016 00:52
Visual Check	CELL 1		01/30/2016 23:55

[redacted] G[redacted] V[redacted]

last modified by [redacted] *02/02/2016 07:14*

[Back to Top]

Entry Status: [redacted]
Gender: Female
Race: WHITE
Hair Color: BROWN
Eye Color: BROWN
Height: 5ft 0in
Weight: 160 (lbs)
Complexion: DARK

Juvenile: No
Exam Date: 01/30/2016 15:54
Co-Traveler: No
CBP Status:

Association:
Marital Status: SINGLE
Hispanic: Y
Detention: No
Armed: No
Assault: No
Classification: [redacted]

Juvenile Custodian:
Person Role: Involved Participant
Gang Affiliation:
Smuggled Cost:

Description:
Family Unit: Yes

Person Type: ADMINISTRATIVE NON CRIMINAL INDIVIDUAL (ANC)
Date Of Birth: [redacted]

Citizenship: EL SALVADOR

Place of Birth: SAN SALVADOR, EL SALVADOR

Type: MOTHER
Name: [redacted]
Date Of Birth:
Citizenship: EL SALVADOR
POB Country: EL SALVADOR

Type: FATHER
Name: [redacted]
Date Of Birth:
Citizenship: EL SALVADOR
POB Country: EL SALVADOR

Consequence: [redacted]
Priority:

Apprehension: SUBJECT APPREHENDED
Sigma Event: [redacted]
Incident ID:
EID Event:
Sigma Subject: [redacted]
Civilian ID:

Charging Document: I-264 - Notification of Arrest to Consulate
Charging Document: Discretionary Authority
Charging Document: I-867B - Jurat for Record of Sworn Statement in Proceedings under Section 235
Charging Document: I867A-Record of Sworn Statement in Proceedings under Section235(b)(1) of the Act
Charging Document: R-84 - Final Disposition Report
Charging Document: I-860 - Notice of Order for Expedited Removal
Charging Document: I-296 - Notice to Alien Ordered Removed/Departure Verification
Charging Document: I-275 - Notice of Visa Cancellation/Border Crossing Card Voidance
Charging Document: I-217 - Information for Travel Document/Passport
Charging Document: I-203 - Order to Detain or Release Alien
Charging Document: I-213 - Record of Deportable/Excludable Alien
Charging Document: M444 - Information about Credible Fear Interview

TECS Record: [redacted]
ALIEN FILE # Record:
FBI Record:
FINS Record:
TECS Record:

Disposition

last modified by [redacted] *01/31/2016 01:05*

Disposition Category: [redacted]
Disposition:
Deferred Port:

Report Date:
Report Time:
Charge: Sec212(a)(7)(A)(i)(I)-Immigrant w/out Docs
Charge: 8 USC 1182-Alien inadmissibility under section 212
Allegation Text: On or about January 30, 2016, you applied for admission into the United States. You are an immigrant not in possession of a valid unexpired immigrant

visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

Location

last modified by [redacted] *01/31/2016 01:22*

Address: Foreign/Permanent Residence Abroad [redacted]
Latitude Decimal:
Longitude Decimal:

Location

last modified by [redacted] *01/31/2016 09:49*

Address: [redacted]
Latitude Decimal:
Longitude Decimal:

TECS LOOKOUT [redacted]

last modified by [redacted] *01/31/2016 01:19*

TECS Record ID: [redacted]
Last Response: (2016-01-31 01:19:55.0) 00 - Successful, record added to TECS mainframe
Status: [redacted]
Query Notification: [redacted]
Lookout Level: [redacted]
Primary Action: [redacted]
Subject: [redacted]
Category Subject: IN - INS CASE
Primary Start Date: 01/31/2016
Primary Stop Date: 01/31/2017
Exclusion: [redacted] - IMMIGRANT WITHOUT VISA
Site: CBP - DISTRICT OFFICE, EL PASO, TX
Entry Date: 01/31/2016
Armed and Dangerous: No
Remark: subject is inadmissible to the United States under section 212(a)(7)(A)(i)(I) of the INA and was processed for [redacted]
Officer: [redacted]

Referral

last modified by [redacted] *01/30/2016 21:46*

Referral Id: [redacted]
TECS Primary Hit Id: [redacted]
Admissibility Inspection: OPEN
Admissibility Inspection Id:
Agriculture Inspection: NOT_REQUIRED
Agriculture Inspection Id:
Baggage Inspection: NOT_REQUIRED
Baggage Inspection Id:
Referral Date: 01/30/2016 14:54
Site Code: [redacted]
Referred By Officer Id: [redacted]
Referred By Officer Name:
Referral Reason: V[redacted] G[redacted] HAS TECS HIT.
Workstation Name:
Incident ID sent to CSIS: [redacted]
FINS Record sent to CSIS: [redacted]

Narrative

created by [redacted] *01/31/2016 01:05*
last modified by [redacted] *01/31/2016 01:05*

Disposition: January 30, 2016, the subject is in violation pursuant to section 235(b)(1) of the Immigration and Nationality Act, and has determined the subject is inadmissible to the United States under section 212(a)(7)(A)(i)(I) of the INA and was processed for [redacted] The subject was transported to the SPC - El Paso, Texas. Subject is a Third Country National (TCN) from the Republica De El Salvador. Family unit.

Remark

created by [redacted] *01/30/2016 21:46*
last modified by [redacted] *01/30/2016 21:46*

V[redacted] G[redacted] HAS TECS HIT.

Cedula

last modified by [redacted] *01/31/2016 01:25*

Name: G[redacted] V[redacted]
Status: Valid
Issue Date: 05/27/2015
Expiration Date: 05/26/2023
Issuing Country: EL SALVADOR
Cedula Number: 021426669
Retained: No
Retained Reason:
Retained For:
Retaining Port:

Itinerary:AUTO-GENERATED BY [redacted]

last modified by [redacted] *01/30/2016 21:46*

Land Pedestrian Conveyance

last modified by [redacted] *01/30/2016 21:46*

[Back to Top]

Custody Log

last modified by [redacted] *02/02/2016 07:14*

Priority: [redacted]
Created Unit: [redacted]
Custody Time In : 01/30/2016 20:45 LOCAL TIME
Custody Time Out : 02/02/2016 05:20 LOCAL TIME
Custody Status: TRANSPORTED
Transfer To: ICE - ERO
Secured Holding Room: CELL 5
Baggage Check Number:
Secured Holding Room Time In: 01/30/2016 20:47 LOCAL TIME
Secured Holding Room Time Out: 02/02/2016 05:20 LOCAL TIME
Terminal Number:
Responsible Party:
Risk Level: LOW
Risk Level Reason:
Form: I-216, RECORD OF PERSONS AND PROPERTY TRANSFERRED

Secondary Check(s)

Check Type	Cell	Conducted By	Date/Time
Visual Check	CELL 5	[redacted]	02/02/2016 06:53

Visual Check	CELL 5	[redacted]	02/02/2016 06:43
Visual Check	CELL 5		02/02/2016 06:36
Visual Check	CELL 5		02/02/2016 06:23
Visual Check	CELL 5		02/02/2016 06:12
Visual Check	CELL 5		02/02/2016 06:01
Visual Check	CELL 5		02/02/2016 05:53
Other Check	CELL 5		02/02/2016 05:36
Notes: 71.8 F temp at 0333 hrs 2/02/16			
Visual Check	CELL 5		02/02/2016 05:32
Visual Check	CELL 5		02/02/2016 05:11
Visual Check	CELL 5		02/02/2016 04:56
Visual Check	CELL 5		02/02/2016 04:37
Visual Check	CELL 5		02/02/2016 04:27
Visual Check	CELL 5		02/02/2016 04:22
Visual Check	CELL 5		02/02/2016 04:05
Visual Check	CELL 5		02/02/2016 03:35
Visual Check	CELL 5		02/02/2016 03:26
Visual Check	CELL 5		02/02/2016 03:13
Visual Check	CELL 5		02/02/2016 02:56
Other Check	CELL 5		02/02/2016 02:38
Notes: 71.0 f temp taken at 0035 hrs 2/2/16			
Visual Check	CELL 5		02/02/2016 02:26
Visual Check	CELL 5		02/02/2016 02:18
Visual Check	CELL 5		02/02/2016 01:44
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/02/2016 01:25
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/02/2016 01:12
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/02/2016 00:58
Notes: Visual Check Ok, temperature checked, checked log			
Visual Check	CELL 5	[redacted]	02/02/2016 00:43
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/02/2016 00:24
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/02/2016 00:18
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/02/2016 00:00
Notes: Visual Check Ok, temperature checked, checked log			
Visual Check	CELL 5	[redacted]	02/01/2016 23:43
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/01/2016 23:25
Notes: Visual Check Ok, checked log			
Visual Check	CELL 5		02/01/2016 23:17
Notes: Visual Check Ok, checked log			
Other Check	CELL 5		02/01/2016 23:09
Notes: Visual Check Ok, temperature checked, checked log			
Other Check	CELL 5	[redacted]	02/01/2016 23:00

Notes: Visual Check Ok, temperature checked, checked log
Visual Check CELL 5 02/01/2016 22:13
Notes: Visual Check Ok, checked log
Other Check CELL 5 02/01/2016 21:55
Notes: Visual Check Ok, temperature checked, checked log
Visual Check CELL 5 02/01/2016 21:46
Notes: Visual Check Ok, checked log
Visual Check CELL 5 02/01/2016 21:26
Notes: Visual Check Ok, checked log
Visual Check CELL 5 02/01/2016 21:14
Notes: Visual Check Ok, checked log
Other Check CELL 5 02/01/2016 20:54
Notes: Visual Check Ok, temperature checked, checked log
Visual Check CELL 5 02/01/2016 20:41
Notes: Visual Check Ok, checked log
Visual Check CELL 5 02/01/2016 20:25
Notes: Visual Check Ok, checked log
Visual Check CELL 5 02/01/2016 20:15
Notes: Visual Check Ok, checked log
Other Check CELL 5 02/01/2016 19:57
Notes: Visual Check Ok, temperature check, check log
Visual Check CELL 5 02/01/2016 19:43
Notes: Visual Check Ok, check log
Visual Check CELL 5 02/01/2016 19:29
Notes: Visual Check Ok, check log
Visual Check CELL 5 02/01/2016 19:26
Notes: Visual Check Ok, check log
Visual Check CELL 5 02/01/2016 19:12
Notes: Visual Check Ok, check log
Visual Check CELL 5 02/01/2016 19:07
Notes: Visual Check Ok, check log
Other Check CELL 5 02/01/2016 18:52
Notes: Visual Check Ok, temperature check, check log Visual Check Ok, given meal some refused the meal
Meal Offered CELL 5 02/01/2016 18:41
Notes: Visual Check Ok, given meal some refused the meal
Meal Offered CELL 5 02/01/2016 18:24
Notes: Visual checks , given meal and some refused meal
Visual Check CELL 5 02/01/2016 18:17
Notes: Visual Check Ok
Visual Check CELL 5 02/01/2016 17:45
Notes: Good mental and physical conditions.
Visual Check CELL 5 02/01/2016 17:29
Notes: Good mental and physical conditions.
Visual Check CELL 5 02/01/2016 17:16
Notes: Good mental and physical conditions.
Visual Check CELL 5 02/01/2016 17:01
Notes: Good mental and physical conditions.
Visual Check CELL 5 02/01/2016 16:37
Notes: Good mental and physical conditions.
Visual Check CELL 5 02/01/2016 16:15
Notes: Good mental and physical conditions.
Visual Check CELL 5 02/01/2016 15:50

Notes: Good mental and physical conditions.			
Visual Check	CELL 5	[redacted]	02/01/2016 14:55
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 14:32
Notes: 1230 Good mental and physical conditions.			
Visual Check	CELL 5	[redacted]	02/01/2016 14:15
Notes: 1215: Good mental and physical conditions.			
Visual Check	CELL 5	[redacted]	02/01/2016 14:02
Notes: 1200- Good mental and physical conditions.			
Visual Check	CELL 5	[redacted]	02/01/2016 13:42
Notes: 1145: Good mental and physical conditions.			
Meal Offered	CELL 5	[redacted]	02/01/2016 13:27
Notes: 1130 Meal was served, water was provided and room temperature was at 72 degrees Fahrenheit.			
Visual Check	CELL 5	[redacted]	02/01/2016 13:15
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 12:58
Notes: Good Mental and Physical Conditions.			
Visual Check	CELL 5		02/01/2016 12:49
Notes: Good mental and physical conditions.			
Visual Check	CELL 5		02/01/2016 12:38
Notes: 1030			
Visual Check	CELL 5		02/01/2016 12:04
Notes: 1000			
Visual Check	CELL 5		02/01/2016 11:49
Notes: 0930			
Visual Check	CELL 5		02/01/2016 09:24
Visual Check	CELL 5		02/01/2016 08:06
Other Check	CELL 5		02/01/2016 07:22
Notes: ROOM TEMPERATURE CHECK			
Visual Check	CELL 5		02/01/2016 06:59
Visual Check	CELL 5		02/01/2016 06:41
Other Check	CELL 5		02/01/2016 06:08
Notes: room temp check			
Visual Check	CELL 5		02/01/2016 05:33
Visual Check	CELL 5		02/01/2016 04:45
Visual Check	CELL 5		02/01/2016 04:44
Other Check	CELL 5		02/01/2016 04:15
Notes: room temperature check			
Visual Check	CELL 5		02/01/2016 03:54
Visual Check	CELL 5		02/01/2016 03:48
Visual Check	CELL 5		02/01/2016 03:29
Visual Check	CELL 5		02/01/2016 03:09
Other Check	CELL 5		02/01/2016 02:53
Notes: room temperature check			
Visual Check	CELL 5		02/01/2016 02:19
Visual Check	CELL 5		02/01/2016 01:29
Notes: Visual Checks Ok, checks logs			
Visual Check	CELL 5		02/01/2016 01:11
Notes: Visual Checks Ok, checks logs			
Other Check	CELL 5		02/01/2016 00:59

Notes: Visual Checks Ok, temperature check, checks logs
Visual Check CELL 5 02/01/2016 00:40
Notes: Visual Checks Ok, checks logs
Visual Check CELL 5 02/01/2016 00:28
Notes: Visual Checks Ok, checks logs
Visual Check CELL 5 02/01/2016 00:14
Notes: Visual Checks Ok, checks logs
Other Check CELL 5 01/31/2016 23:56
Notes: Visual Checks Ok, temperature check, checks logs
Visual Check CELL 5 01/31/2016 23:42
Notes: Visual Checks Ok, checks logs
Visual Check CELL 5 01/31/2016 23:22
Notes: Visual Checks Ok, checks logs
Visual Check CELL 5 01/31/2016 23:12
Notes: Visual Checks Ok, checks logs
Other Check CELL 5 01/31/2016 22:57
Notes: Visual Checks Ok, temperature check, checks logs
Visual Check CELL 5 01/31/2016 22:44
Notes: Visual Checks Ok,, checks logs
Visual Check CELL 5 01/31/2016 22:25
Notes: Visual Checks Ok,, checks logs
Visual Check CELL 5 01/31/2016 22:13
Notes: Visual Checks Ok, temperature check, checks logs
Visual Check CELL 5 01/31/2016 22:02
Notes: Visual Checks Ok, temperature check, coming from 30 minute lunch break
Visual Check CELL 5 01/31/2016 21:32
Notes: Visual Checks Ok,
Bedding Provided CELL 5 01/31/2016 21:13
Notes: Visual Checks Ok, bedding provided on all cells
Visual Check CELL 5 01/31/2016 20:54
Notes: Visual Checks Ok, temperature check round off to approximately 1900hr checks logs
Visual Check CELL 5 01/31/2016 20:42
Notes: Visual Checks Ok,
Visual Check CELL 5 01/31/2016 20:22
Notes: Visual Checks Ok,
Visual Check CELL 5 01/31/2016 20:11
Notes: Visual Checks Ok,
Visual Check CELL 5 01/31/2016 19:56
Notes: Visual Checks Ok, temperature check
Meal Offered CELL 5 01/31/2016 19:45
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok checks logs
Meal Offered CELL 5 01/31/2016 19:29
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok check log
Meal Offered CELL 5 01/31/2016 19:15
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok check logs
Meal Offered CELL 5 01/31/2016 19:01
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok check log!!!
Meal Offered CELL 5 01/31/2016 18:53
Notes: Subjects were feed/water and visual check ok Subjects refused food/ water and visual check ok
Visual Check CELL 5 01/31/2016 18:26
Notes: Visual Checks Ok,
Visual Check CELL 5 01/31/2016 18:11

Notes: visual Check ok			
Visual Check	CELL 5	[redacted]	01/31/2016 17:51
Visual Check	CELL 5		01/31/2016 17:47
Visual Check	CELL 5		01/31/2016 17:30
Visual Check	CELL 5		01/31/2016 17:13
Visual Check	CELL 5		01/31/2016 16:53
Visual Check	CELL 5		01/31/2016 16:33
Visual Check	CELL 5		01/31/2016 16:11
Visual Check	CELL 1		01/31/2016 15:53
Notes: room temp 71-74 degrees F			
Visual Check	CELL 1		01/31/2016 15:33
Visual Check	CELL 1		01/31/2016 15:14
Visual Check	CELL 1		01/31/2016 14:55
Visual Check	CELL 1		01/31/2016 14:35
Visual Check	CELL 1		01/31/2016 14:11
Visual Check	CELL 1		01/31/2016 13:44
Visual Check	CELL 1		01/31/2016 13:24
Visual Check	CELL 1		01/31/2016 13:04
Visual Check	CELL 1		01/31/2016 12:46
Visual Check	CELL 1		01/31/2016 12:19
Notes: room temp 71-73 degrees F			
Visual Check	CELL 1		01/31/2016 11:50
Visual Check	CELL 1		01/31/2016 11:32
Visual Check	CELL 1		01/31/2016 11:26
Visual Check	CELL 1		01/31/2016 11:21
Visual Check	CELL 1		01/31/2016 11:13
Visual Check	CELL 1		01/31/2016 11:05
Visual Check	CELL 1		01/31/2016 11:01
Visual Check	CELL 1		01/31/2016 10:58
Meal Offered	CELL 1		01/31/2016 10:38
Visual Check	CELL 1		01/31/2016 10:37
Visual Check	CELL 1		01/31/2016 10:27
Visual Check	CELL 1		01/31/2016 10:19
Visual Check	CELL 1		01/31/2016 10:19
Visual Check	CELL 1		01/31/2016 10:02
Visual Check	CELL 1		01/31/2016 09:53
Visual Check	CELL 1		01/31/2016 09:48
Visual Check	CELL 1		01/31/2016 09:29
Visual Check	CELL 1		01/31/2016 09:26
Visual Check	CELL 1		01/31/2016 09:08
Visual Check	CELL 1		01/31/2016 08:54
Visual Check	CELL 1		01/31/2016 08:51
Visual Check	CELL 1		01/31/2016 08:41
Visual Check	CELL 1		01/31/2016 08:29

Visual Check	CELL 1	[redacted]	01/31/2016 07:47
Visual Check	CELL 1		01/31/2016 06:50
Notes: Room temp 70 F			
Visual Check	CELL 1		01/31/2016 06:10
Visual Check	CELL 1		01/31/2016 05:44
Visual Check	CELL 1		01/31/2016 05:00
Visual Check	CELL 1		01/31/2016 04:20
Visual Check	CELL 1		01/31/2016 04:04
Visual Check	CELL 1		01/31/2016 01:49
Visual Check	CELL 1		01/31/2016 01:20
Visual Check	CELL 1		01/31/2016 00:51
Visual Check	CELL 1		01/30/2016 23:49

Workflow History

Workflow History

User	Update Performed	Date/Time
[redacted]	Changed status to FINALIZED.	2016-02-02 07:14:47.754
	Changed status to CLOSED.	2016-02-02 07:14:35.37
	Changed status to PENDING.	2016-01-31 09:13:31.817
	Updated TECS Lookout.	2016-01-31 07:39:47.474
	Created TECS Lookout.	2016-01-31 01:19:55.863
	Activity opened for processing.	2016-01-30 21:46:54.52

DEFENDANTS' EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISON

Jenny Lisette Flores, *et al.*, *Plaintiffs*	
v.	
Loretta E. Lynch, Attorney General of the United States, *et al*, *Defendants*	Case No. CV 85-4544 DMG (AGRx)

DECLARATION OF SEAN MILDREW

1. I am the Chief Accountability Officer (CAO) within the Office of Administration of United States Customs and Border Protection (CBP). I was appointed as the first CBP Chief Accountability Officer in March 2015. This newly-created position has oversight over CBP Planning, Programming, Budgeting, and Accountability, as well as ongoing efforts to streamline and effectuate a new enterprise governance process. In my capacity as CAO, I serve as the Senior Component Accountable Official (SCAO) overseeing all Government Accountability Office (GAO) and Office of Inspector General (OIG) reviews impacting CBP. I also lead the management inspections programs as well as the Commissioner's Management Staff. In addition to the programs in CAO, I serve as CBP's Performance Improvement Officer and provide leadership and direction on the development of the annual CBP Commissioner's Priorities as well as the development of the annual CBP business plan.
2. Prior to being appointed CAO, I served for three years as the CBP Budget Executive Director. Previously, I served for twenty-three years in the U.S. General Services Administration (GSA) in various position, including, Assistant Commissioner for Budget and

Financial Management for the GSA's Public Buildings Service, Assistant Commissioner for Organizational Resources, and PBS Budget Officer with the GSA Office of the Chief Financial Officer (CFO).

3. In my current role as CAO, I am responsible for overseeing the Management and Inspections Division (MID) within the Office of Administration.

4. MID is generally responsible for maintaining and implementing a broad-based management inspection and audit oversight program that provides CBP senior leadership with information concerning performance and effectiveness of operations and management. MID performs several types of inspections including the Self-Inspection Program, Management Assurance Reviews, and Focused Assessments. In addition, MID oversees the coordination for all GAO and OIG audits impacting CBP.

5. Through its programs, MID provides CBP senior leadership with diagnostic tools to measure the overall health of the organization and to identify operational and procedural deficiencies and vulnerabilities. Where applicable, MID provides recommendations for changes in policies, procedures, or practices to resolve programmatic issues, strengthen internal controls, or address impediments to CBP achieving its mission and goals. MID works to ensure systemic deficiencies and vulnerabilities identified through inspections, validations, reviews and GAO/OIG audits are corrected, thereby proactively helping to ensure the integrity, efficiency, and effectiveness of CBP operations. MID's proactive approach allows it to serve the agency as an advance indicator of potential concerns, which enhances CBP's overall operational effectiveness and integrity, and serves as a deterrent to fraud, waste, abuse, and mismanagement. The MID inspection teams perform expeditious but thorough assessments of targeted functions to determine whether the particular office is properly implementing

established administrative and operational policies and procedures, complying with federal laws and regulations, and ensuring the prudent utilization of funds, property, and agency resources.

6. I make this declaration on the basis of my own knowledge, as well as the documents and the information made available to me in my position.

7. I am aware of the above captioned matter, including the *Flores* Settlement Agreement. In particular, I am aware that it requires juveniles be detained in facilities that are safe and sanitary, consistent with CBP's concern for the particular vulnerability of juveniles. Those requirements include that CBP detains juveniles in those areas which are safe and sanitary, which provide access to toilets and sinks, drinking water and food as appropriate, medical assistance if the minor is in need of emergency services, adequate temperature control and ventilation, adequate supervision to protect minors from others, and contact with family members who are apprehended with the minor.

8. I am familiar with the Court's order entered August 21, 2015. I understand that, among other things, the Court ordered CBP to "monitor compliance with their acknowledged standards and procedures for detaining class members." In my role as CAO, in addition to other steps taken by CBP, the Commissioner of CBP charged me, through MID, to implement a program to conduct inspections to serve as part of CBP's overall efforts to monitor its compliance with the *Flores* Settlement Agreement.

9. MID thus now has the responsibility to evaluate the agency's internal controls and examine its compliance with the *Flores* Settlement Agreement. CBP instituted these inspections to ensure that CBP has a sufficient process in place to monitor its compliance. As part of this inspection process, CBP ensures that it sends individuals to physically inspect the facilities

and observe whether there is compliance. MID has also developed a process to monitor CBP's compliance with the requirements to electronically record information in the CBP systems of record.

10. When developing its inspection protocol for CBP facilities, MID had access to the appropriate documents including the *Flores* Settlement Agreement, CBP policies and procedures, and the Court's orders of July 24, 2015 and August 21, 2015. Moreover, MID examined the documents created by Border Patrol and OFO to communicate the changes made to their processes and procedures in light of the Court's August 21, 2015 order. Based on these policies, procedures and other information, MID developed an inspection protocol to examine each facility.

11. This protocol consists of a physical inspection of the selected site as it is at the time of inspection, a current review of select records onsite if available, and a historical review of the records maintained by each facility. For Border Patrol, this information generally comes from E3. For OFO, this information generally comes from SIGMA.

12. MID's inspection protocol includes, but is not limited to examining the records since October 23, 2015 for a statistically significant set of juveniles at a particular location to determine if those records are sufficient to demonstrate that those juveniles were offered food and water; whether welfare checks were consistently conducted for those juveniles; whether the temperature was consistently monitored and any variance from appropriate room temperature were recorded and addressed; whether staffing was sufficient to ensure the safety of those juveniles; whether those juveniles were provided emergent medical services; and whether, if any of those juveniles were apprehended with family members, contact was facilitated consistent with *Flores*.

13. MID also performs physical inspections. These physical inspections include examining whether the facility is safe and sanitary. The inspection protocol includes examining whether the toilets and sinks in holding area are functioning, and ensuring that potable water is available to each juvenile. Moreover, at the time of inspections MID checks the temperature at the facility and the ventilation. MID inspects to determine whether there is a presence of pests in holding areas, segregation of juveniles, adequate supervision, and cleaning logs. Inspections also include physical examination of whether the facility has sufficient materials present to adequately provide food, potable water, bedding and other requirements to juveniles expected to be in custody at the facility.

14. The program MID developed is to be implemented in three phases. Phase I consists of MID inspections of twenty-one selected USBP and OFO holding facilities and is ongoing. The facilities are being inspected in accordance with the inspection protocol describe above. Any deficiencies, questions or concerns are noted during the physical inspection and electronic examination. Similarly, any questions, deficiencies or concerns with respect to record keeping will be noted in the MID work papers. To the extent that MID discovers any misconduct by an officer or agent during the inspection process, that will be reported through the normal process as required by CBP policies and procedures.

15. Following each inspection, MID debriefs CBP local personnel at each holding facility as to their findings and recommendations to correct any issues identified. This includes explaining any electronic record keeping issues or concerns. In addition, USBP and OFO leadership, as well as CBP senior leadership, will subsequently be provided with feedback on each inspection, any observed deficiencies noted during the physical inspection and electronic

record examination, and an explanation of what corrective actions locations have taken or will take, if any, to comply with the *Flores* mandates.

16. Phase II will consist of MID continuing to inspect OFO and USBP holding facilities, in accordance with the protocol described above, with the goal being to visit fifty facilities during Phases I, II and III. Following each inspection, MID will continue to provide debriefings and issue feedback to local and senior leadership. During this phase, MID will also finalize a Self-Inspection Program (SIP) worksheet which will allow CBP facilities to conduct self-assessments of their compliance with *Flores* mandates. Finally, in addition to reviewing and monitoring the status of recommendations and corrective actions taken by OFO and USBP in response to *Flores* inspections, MID will issue a comprehensive report to CBP senior leadership on Phase I inspections.

17. Phase III MID will analyze the results of the MID inspections, to identify any trends and systemic issues while updating its inspection protocol, which may include the SIP worksheets previously completed by CBP holding facilities under Phase II. The SIP process will continue into Phase III as well.

18. During Phase III, MID will also examine whether there are any appropriate changes that should be made to the overall inspection process. Finally, MID will issue a comprehensive report to senior leadership on Phase I and II inspections.

19. MID first began initial inspections in November and December 2015 to test its protocol, known as "beta testing" inspections for Phase I. The first official inspections were held in January 2016. MID has completed inspections at thirteen locations as of the date of this declaration (eight at USBP facilities and five at OFO facilities). MID has observed no instances of misconduct during its inspections that required referral through an internal

reporting process. The type of issues that MID has generally raised as part of these physical inspections are issues such as an individual non-working toilet or sink, a particular light fixture being dim, or a need to address other physical maintenance issues like chipping paint. MID has found adequate supervision, segregation of UACs from unrelated adults, bedding, drinking water, food, and appropriate temperatures at nearly every facility that it has inspected. In one facility the bedding was not immediately located but was subsequently identified by the facility management. Moreover, in every facility MID inspected they found the presence of hot meals, as well as snacks, milk and juice available to juveniles.

20. MID is scheduled to complete inspections at eight additional locations (five USBP facilities and three OFO facilities) by the end of 2016. Following each inspection, MID will debrief the local leadership regarding what corrective action, if any, should be taken.

21. For example, following the inspection of the OFO Laredo POE on January 11, 2016, MID met with port management to discuss its findings and corrective action that needed to be taken. The Laredo POE subsequently cleaned sinks, repaired walls, and painted various parts of the facility. Similarly, following the inspection of the Ajo BP station on May 18, 2016, MID met with USBP station management to discuss its findings and corrective action that needed to be taken. The Ajo BP station immediately issued work orders to address issues.

22. MID has also begun sending overview documents to the management of each location, highlighting any issues, deficiencies or concerns noted during the physical inspection and electronic record examination. MID provides an initial, high level discussion of what corrective active, if any, may be appropriate in light of the issues raised.

23. Moreover, MID will provide quarterly written updates to senior leadership on the status of the inspections and any corrective actions taken with respect to issues identified during MID

inspections. If senior leadership recommends any changes to the inspection process, or general practices or policies in CBP holding facilities, MID will continue its processes to monitor whether any such changes are effectuated.

24. Phase II will be conducted in 2017. Phase III will be conducted in 2018.

25. I declare that the foregoing is true and correct to the best of my knowledge and belief.

DATED:

June 1, 2016

Sean M. Mildrew
Chief Accountability Officer
Office of Administration
United States Customs and Border Protection

DEFENDANTS' EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores, *et. al.* *Plaintiffs* v. Jeh Johnson, Secretary U.S. Department of Homeland Security *Defendants*	)	No. CV 85-4544

DECLARATION OF PAUL A. BEESON

1. I am the Commander of the Joint Task Force – West, Arizona (JTF-W Arizona) and the Chief Patrol Agent of the Tucson Sector Border Patrol, U.S. Customs and Border Protection (CBP). I have been a Border Patrol agent for just over 31 years. In my capacity as the Chief Patrol Agent for the Tucson Sector, I am responsible for executing the mission of the Department of Homeland Security (DHS), CBP, and also that of the U.S Border Patrol (Border Patrol) within Tucson Sector. CBP's mission includes facilitating the flow of legal immigration and trade while preventing the illegal trafficking of people and contraband.
2. I make this declaration on the basis of my own knowledge, as well as the documents and information made available to me in my position.
3. The Tucson Sector covers most of the southern region of the state of Arizona, between the official ports of entry, from the New Mexico state line to the Yuma County line. The area covers a total of 262 linear miles of border and is one of the busiest sectors in the country,

for both illegal alien apprehensions and marijuana seizures. There are eight Border Patrol stations within Tucson Sector: Willcox, Douglas, Bryan A. Terry, Sonoita, Nogales, Tucson, Casa Grande, and Ajo. I oversee all eight stations within the Tucson Sector and am responsible for the oversight of more than 4,200 agents and support personnel combined. I have oversight of the day-to-day law enforcement operations of the Border Patrol in Tucson Sector, including the apprehension and processing of aliens.

4. I am familiar with the policies and procedures that govern the apprehension, processing, and temporary detention of aliens. As Chief Patrol Agent, I am responsible for ensuring that those policies and procedures are communicated to the agents, overseen by the supervisors, and implemented and adhered to by the whole of the Border Patrol in Tucson Sector.

5. I am familiar with the Flores Settlement Agreement (Agreement). I am familiar with the terms of the Agreement, including the requirement that juveniles be held in facilities that are safe and sanitary; the requirement that juveniles be provided access to food, drinking water, toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its own compliance with these terms. I am aware that these terms apply to all juveniles, regardless of whether they are accompanied by adult family members.

6. I am similarly familiar with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). I am familiar with the guidance issued by the then Chief, Border Patrol David Aguilar providing guidance on the implementation of the TVPRA on March 20, 2009.

7. I understand that this Court issued two Orders in the above referenced case, the first on July 24, 2015 and the second on August 21, 2015. I am aware that the District Court, in

its August Order required, among other things, CBP to monitor its compliance with the standards and procedures for detaining class members in facilities that are safe and sanitary, consistent with the concern for the particular vulnerability of minors, and consistent with Paragraph 12 of the Flores Settlement Agreement.

Operations and Processing

8. Once an alien is apprehended, a Border Patrol Agent (agent) will typically conduct initial questioning in the field to assist in determining alienage and to determine whether the alien is a minor. If an agent encounters an individual who presents signs of an emergent medical issue, that agent will render or obtain whatever first aid is available in the field, which may include the services of an agent who is qualified as an emergency medical technician (EMT). If necessary, the agent may coordinate transportation of that individual to the appropriate medical center. After any initial questioning is completed in the field, the detainee is brought to a Border Patrol station for further processing.

9. Each Border Patrol Station in Tucson Sector operates twenty-four hours a day, seven days a week. Because individuals are coming and going at all hours of the day and evening, it is necessary for the lights to remain on for round-the-clock processing. Likewise, the lights facilitate visibility and monitoring of the hold rooms to insure the safety of the detainees in the hold rooms and of the agents. As an additional measure to ensure safety of the detainees, there are cameras that monitor each hold room. The hold rooms are either visible to the agents or visually checked regularly.

10. When a detainee arrives at a Border Patrol station, he or she begins in an area referred to as a "sally port" or "intake". Each individual is initially searched for contraband. Outer clothing and any baggage is removed to avoid concealed contraband entering the Border

Patrol station, for instance, within outer layers of clothing. This procedure exists for officer and detainee safety. All personal property that is removed from the individual is tagged with a Form I-77 and stored in an area that is not accessible to detainees. Personal property is returned when individuals are transferred.

11. At the outset of processing, biographical information is obtained. Biometrics are taken and entered into CBP's systems of records. After a detainee is identified, he or she is then fully processed, including the preparation of any arrest report, immigration processing, service of immigration forms, consular notifications, and communication with family members and consular officials, as appropriate.

12. Another initial step of processing is to determine whether a detainee is a juvenile (also referred to as a child), that is under the age of 18 years of age. Agents also determine whether the juvenile has any lawful status under the immigration law of the United States. Moreover, agents determine whether the juvenile is accompanied by a parent, legal guardian or other family member.

13. Processing times for each detainee will vary depending on a number of factors such as: priority processing (for juveniles and criminal prosecution cases), the number of individuals in custody awaiting processing, the complexity of issues raised by the individual detainee, medical issues, accessibility to the e3 Detention Module (e3DM) system , staffing, and arranging for translation services.

14. Part of the routine processing of detainees includes questions regarding their health. The purpose of this preliminary health screening is to determine if the detainee has any contagious diseases, outward signs of illness or injury, or complaints of injury or discomfort. If a detainee displays any symptoms of illness or serious contagious disease,

or complaints of illness that may require medical care, the detainee is taken to an appropriate medical facility. Even when a detainee denies having a health condition, if it is obvious to the processing agent that there may be health issues, the agent will typically refer the detainee to a local medical professional for an evaluation.

15. Consistent with Border Patrol's March 20, 2009 guidance on the TVPRA, during questioning, agents are required to record the location of any parents/legal guardians, as well as the location and contact information for any relatives in the United States for unaccompanied alien children (UAC). That information is placed into the CBP system of record which is automatically sent to ICE, and the Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR).

16. Border Patrol's March 20, 2009 guidance on the TVPRA also requires that each UAC is screened for possible victimization concerns. That screening is conducted utilizing the CBP Form 93—Unaccompanied Alien Child Screening Addendum.

17. All personnel in Tucson Sector are required to notify the ICE Field Office Juvenile Coordinator and HHS/ORR as soon as possible after identifying a UAC. Every effort is made to notify HHS/ORR as quickly as possible, but those notifications must be made at the latest within 48 hours from the apprehension or discovery of a UAC (or any claim or suspicion that a detainee in custody is unaccompanied and under the age of 18).

18. CBP defers to HHS for determination for the reunification of UACs with parents or legal guardians. HHS, not CBP, is responsible for any determination whether any other proposed guardian, including a family member who lacks documentation of guardianship (e.g. grandparent, aunt/uncle, or brother/sister), is capable of providing care and physical custody.

19. Another part of the routine in-processing of detainees includes asking whether they would like to speak with an official representative of their country. Detainees are provided full consular access either in person or by telephone, and provided an opportunity to voice any concerns to their consular representatives. Officials from the Mexican and Guatemalan consulate offices are regularly and routinely on location at the Tucson Coordination Center (TCC). These officials meet with detainees who have expressed interest in speaking with them. There is an established mechanism in place for the consulate officials to bring concerns to the attention of Tucson Sector. Those concerns are either handled directly at Tucson Sector or referred to the appropriate entity within CBP.

20. Although not every Border Patrol station in the Tucson Sector is identical, they have general similarities in layout and procedures. When detainees are brought in to the processing area, they are placed into hold rooms based on a number of factors including age, gender, whether they are traveling as a family unit, and if they are suspected of a serious crime. Detainees known to be dangerous or to have communicable diseases may be separated into individual isolation areas.

21. UACs are separated from adults as quickly as operationally possible. For hold rooms containing juveniles, the hold room doors are generally left open to allow free movement. To maintain family unity, Border Patrol normally tries to segregate families from the rest of the detained population.

22. Movement between hold rooms also may occur as part of the normal processing operations at a Border Patrol station. Detainees may be transferred into different hold rooms depending on their stage in processing, for meals, for consular interviews and for hold room cleaning.

23. Each Border Patrol facility must be kept safe, secure and clean. The size of hold rooms at Border Patrol stations varies. However, the holding capacity for any room is based on sufficient space and the appropriate number of toilets for the maximum number of occupants it is designed to accommodate. Typically a hold room is constructed of impervious materials that can be easily cleaned and are hygienic.

24. Border Patrol stations are not designed for long-term care and detention. Every effort is made to promptly process, transfer, or remove those in custody as appropriate and as operationally feasible. As such, Border Patrol seeks to process and transfer all detainees out of their custody within 12 hours from apprehension. However, transportation and other logistics often make this a longer period. In addition to processing time, the amount of time an individual spends in Border Patrol custody may also be impacted by the availability of bed space at U.S. Immigration and Customs Enforcement (ICE) detention facilities, or the time to coordinate between ICE Enforcement and Removal Operations (ERO) and HHS-ORR.

25. The TCC is the transportation hub and point of coordination for detainees requiring further detention/transfer to a long term facility or transfer to ICE ERO for a custody determination.

26. Consistent with the Flores Settlement Agreement, the Border Patrol's March 20, 2009 policy and the National Standards on Transportation, Escort, Detention and Search (TEDS), all areas where juveniles are detained must provide access to toilets and sinks; drinking water and food, as appropriate; emergency medical assistance; adequate temperature control and ventilation; and adequate supervision to protect children from others.

27. **FOOD & WATER:** Tucson Sector implemented its meals and snacks schedule according to the Hold Rooms and Short Term Custody Policy dated June 2, 2008. All stations serve meals and snacks within specified time intervals. Adults are provided a meal if detained more than eight hours or if detention is anticipated to exceed eight hours. This meal consists of a burrito (choice of bean, beef, or beef and bean), crackers (choice of either peanut butter or cheese crackers), and a juice box (a variety of flavors are available). Additionally, individuals are served a meal once they arrive at each facility to prevent detainees from missing meals which may have occurred during the transportation process.

28. Meals are served four times/day with three meals being warm. If additional meals are requested, they are provided by an agent on the basis of circumstances. All detainees are provided snacks and juice every four hours. Children of all ages and pregnant women have regular access to snacks, such as cereal, cereal bars, cheese crackers, peanut butter crackers, goldfish crackers, and graham crackers and juice. All individuals are fed upon arrival to the TCC and just before departure to ensure everyone has eaten.

29. It is incumbent on each individual station to know if a detainee will exceed the four hour limit to provide a snack and juice, or if the detainee will exceed the eight hour limit to be provided a meal. If that time will be exceeded before arrival to the detainee's next destination, then a meal or snack will be provided to the detainee before they depart. In addition, food or water will never be withheld from a detainee as a form of punishment.

30. We have an internal auditing function within e3DM that will warn agents when a detainee is approaching these timelines and will display a flashing red box if at any time a detainee exceeds these timelines.

31. Tucson Sector currently has a food contract with a local distributor and has found throughout the years that serving burritos, crackers, and juice in the manner which it does today, is both economically responsible and socially acceptable.

32. In the 2015 calendar year Tucson Sector spent $386,246.04 for food and juice alone. Broken down, $177,495.44 was spent on burritos, $111,543.92 on juice, and $97,206.68 on crackers. In addition, Tucson Sector purchases or acquires through GSA all of the following for detainees: cups, sport coolers, bottled water and other items that are needed on a case by case basis.

33. Potable water for subjects in custody is provided by a water fountain type fixture in each cell. Furthermore, some stations have purchased sport style five gallon water coolers (sport coolers) and a cup is provided to every detainee in custody. Sports coolers are filled from tap water processed in the local municipality. If a water fountain is deemed to be inoperable, a work order is placed to repair the fountain and measures are taken to ensure the sports coolers do not run out of water. In addition, each station purchases a type of bottled water source, usually being a one gallon jug. These are distributed in the field at the time of apprehension. Depending on the station's internal policies, detainees may be permitted to keep this water jug that was given to them when they were apprehended in the field after they arrive at the Border Patrol station. Some of these detainees come from very adverse conditions in the desert where it is common practice to share food and water. It is not uncommon that these water jugs are shared amongst detainees despite the fact that there are other readily available sources of drinking water in the holding areas.

34. **BATHROOM FACILITIES:** Like any other detention-like setting, Border Patrol cannot guarantee absolute privacy. Hold rooms are designed to have no exterior windows, and

allowing locked or closed doors would be a safety and security concern. The hold rooms, instead, employ screen walls by the bathroom to address privacy needs. The screen walls, allow for an environment in which detainees, especially children, can have a modicum of privacy when using the facilities, but can still be monitored and protected.

35. To ensure the safety of detainees, there are normally cameras that monitor each hold room at Border Patrol stations within the Tucson Sector. These cameras provide agents the ability to visually inspect the hold rooms. Although the cameras provide sight lines to the toilet facilities, that area is blurred out. The agents also visually check each hold room approximately every 15 minutes.

36. Several stations are equipped with holding areas with several toilets. If a toilet becomes inoperable a work order is placed to repair the situation. In some situations this may involve relocating detainees to a different area while the repair is being made. On March 25, 2016, at 0622, the TCC issued an urgent request for a toilet in hold room 7. Hold room 7 is designated as an unaccompanied juvenile cell and could not be utilized during this time. TCC shift supervisors adjusted the cells and utilized other cells for holding UACs until the toilet could be fixed. At approximately 1059 the toilet was repaired, cleaning of the cell occurred and normal operations were resumed. See Exhibit 1.

37. **TEMPERATURE:** Stations within the Tucson Sector maintain a comfortable temperature. The temperature at Tucson Sector Border Patrol stations is set between 71 and 74 degrees, and generally ranges between 68 and 80 degrees in practice. In my experience, many detainees are not accustomed to air conditioning, and sometimes find the holding rooms cooler than they are accustomed to.

38. In over 30 years I have worked for Border Patrol, I have never seen or heard of temperature being used by agents in a punitive manner. Temperature is controlled generally by CBP Facilities Management and Engineering (FM&E). If a problem with temperature arises FM&E is notified to correct the problem. Furthermore, agents in all but one facility in the Tucson Sector lack the ability to modify the climate by themselves.

39. During periods of system malfunctions, additional steps are taken to either provide sweaters/jackets to detainees or to relocate detainees if conditions are extreme. For example, around September 18, 2015 there was a cooling system malfunction at the Douglas Station. The temperature was logged at one point at 58.8 degrees. Jackets and sweatshirts were procured and provided for the detainees until the system was fixed. The station also tried to avoid using the colder hold rooms during this time period.

40. Similarly, on May 12, 2016 the TCC submitted an urgent request to adjust the temperatures within the cells. The temperatures were being documented at 79 degrees Fahrenheit in the processing area and 77 degrees Fahrenheit in the cells. The local contractor was notified, the situation was corrected and temperatures returned to an acceptable range. See Exhibit 2.

41. In periods of outage or malfunction, the FM&E is contacted and they in turn contact a contractor to respond for an emergency service repair.

42. **CLEANING:** Border Patrol policy mandates that each hold room facility be kept safe, secure and clean. The size of hold rooms at Border Patrol stations varies. Toilets are always available in hold rooms in sufficient quantities based on the maximum number of occupants the holding room can accommodate. Sinks are also generally available in hold rooms. Typically, a hold room is constructed of impervious materials that can be easily

cleaned and are hygienic. Supervisors are required to ensure that each cell is regularly cleaned and sanitized. Tucson Sector facilities staff, CBP's Facilities Management and Engineering (FM&E) or the General Services Administration (GSA) fund the required maintenance of the holding areas. Contract cleaning staff regularly address sanitation needs.

43. Tucson Sector has a cleaning contract with JP Industries (JPI) for most stations, including Douglas, Willcox, Naco, Sonoita, Nogales, Ajo, and the TCC. These locations follow the same basic model: cleaning and sanitizing of the hold rooms and processing area twice daily, emptying trash cans, and resupplying the hold room toilet areas. There is a monthly satisfaction survey provided to the stations, wherein the feedback is given to the contracting officer and JPI.

44. The Casa Grande station is operated by GSA and therefore the cleaning is also contracted through GSA. Casa Grande Station is serviced by Commercial Custodial Services. Through discussions with Casa Grande's station leaders, I learned that they are currently working through some issues that they have had with the quality of cleaning services. As part of their effort to resolve their dissatisfaction with the cleaning quality, each hold room is cleaned daily and noted on an inspection sheet, which is affixed to the front door of each hold room. Casa Grande supervisors are required to check each hold room to ensure that cleaning has occurred and is indicated on the inspection sheet. Any discrepancies discovered by the supervisors are reported to Commercial Custodial Services and addressed immediately. Also, the cleaning staff adjusted their work hours to be on site for 8 continuous hours.

45. Tucson Sector purchased trash receptacles in 2015 for the hold rooms. Instructions were given to utilize these same trash receptacles and maintain them inside each individual hold room. While we have a daily cleaning and provide trash receptacles inside the hold rooms, some social challenges still have to be overcome. We still find that some individuals will dispose of their refuse, food wrappers, or juice boxes on the floor, even though there is an empty trash receptacle in the hold room. We have also discovered that in certain countries/cultures, it is common not to flush toilet paper in the commode, due to the plumbing situation in their home countries, but rather place the toilet paper next to the commode.

46. In general, because Border Patrol facilities are short-term facilities, not all stations in Tucson Sector have shower facilities available. The National Standards on Transport, Escort, Detention, and Search (TEDS) dictates that reasonable efforts will be made to provide showers, soap and a clean towel to juvenile detainees who are approaching 48 hours in custody. It is the intent of Tucson Sector to intake and process every detainee, and transfer them to their next destination, as quickly as possible, so that in most cases individuals will not approach this length of time in custody. Because not all facilities have shower capabilities, if Tucson Sector were to allow every detainee to shower upon arrival at a Border Patrol facility it would require significant structural changes to existing facilities, or it would require that every detainee be transferred immediately to a facility with shower capabilities and then be transferred back to the original station for processing. In either case, it would have a significant impact on the time in custody for all detainees.

47. Tucson Sector purchased soap dispensers for the individual hold rooms in 2015. This purchase was made to provide an amenity that had not been readily available, and allowed

the detainees to wash off their hands before eating or after utilizing the facilities. Currently, the JPI contract workers are responsible for ensuring the soap dispensers are filled.

48. Tucson Sector uses an air dry system for detainees to dry their hands after hand washing rather than providing paper towels to detainees. This decision was made after consideration of both options, because it was found that paper towels were frequently being placed in sinks and toilets and causing significant plumbing problems, or were being thrown on the floor.

49. During each shift turnover, a walkthrough is conducted of the hold rooms and a review of the facilities is annotated in e3DM. If any facilities issue is found, a work order is issued. If specialized or additional cleaning is required in a hold room, the cleaning contract supervisor is contacted and the request is made.

50. **LIGHTS:** The lights normally remain on at all times while detainees remain in Border Patrol custody for security reasons and due to operational necessity. Border Patrol stations operate twenty-four hours a day, seven days a week, and there may be agents arriving with newly apprehended detainees at all hours of the night. The agents must maintain visual control over the holding cells to ensure the safety and security of the detainees.

51. **BLANKETS:** Border Patrol provides Mylar blankets for detainees for comfort and warmth. Previously cloth blankets were provided. However, the contractor was unable to provide the laundry service required to ensure detainees had clean blankets. Historically, prior to use of Mylar blankets, the high volume of detainees necessitated several hundred laundered blankets per day. The vendor could only produce a portion of the needed laundered blankets. Oftentimes, the order of laundered blankets went unfilled and the

contractor was unable to meet the terms of the contract. As a result, in 2012, the Tucson Sector began utilizing Mylar blankets in combination with cloth blankets. Then, in 2013, even after detention numbers abated, the Tucson Sector decided to solely use Mylar blankets to guarantee that all detainees quickly received a clean, hygienic blanket.

52. The switch to Mylar blankets also served to combat the transmission of communicable diseases such as lice or scabies.

53. Mattress pads are issued to juveniles as they enter the TCC. The mattress pads are cleaned daily as well as when the juveniles leave or are transferred. They are kept outside the sally port in a clean pile and dirty pile so that JPI may clean them.

54. **MEDICAL:** All agents receive basic first aid training which covers basic treatment for cuts and abrasions, bandaging, and applying pressure to a wound. A number of agents have also received first responder training. Tucson Sector also has an EMT program which includes approximately 265 agents trained as EMTs.

55. When agents encounter individuals in the field that display obvious signs of injury or are requesting emergency medical care, agents can contact a Border Patrol EMT to evaluate and treat, or they can contact local emergency services for transfer to an appropriate medical facility for care.

56. The same process is used for emergency care once an individual is in a Border Patrol station. During processing, detainees are asked about any health or medical issues and appropriate action – up to and including transfer to a local medical center – is taken. If the individual possesses or requires medication that is not accompanied by a valid prescription by a U.S. doctor they are transferred to a local medical center. Any prescribed medication by a U.S. doctor will be secured from the hospital or nearby pharmacy. This medication

will then be stored by Border Patrol at the station, and made available to the detainee for self-administration as prescribed.

57. **TRANSFERS:** Prior to the Court's order of August 21, 2015, CBP's policy was to provide UACs with a Form I-770. Currently, in light of the Court's order, all children in the Tucson sector are provided a Form I-770, based on their immigration status. This form provides children with a notice of their rights consistent with the Flores Settlement Agreement. This form, upon completion, must be placed in the child's Alien File (commonly known as the "A File"). Consistent with CBP policy, the apprehending agent, the child, or their representative, must both sign the I-770.

58. Consistent with Border Patrol's March 20, 2009 policy on the TVPRA all children are provided with a list of free legal services at the time of processing.

59. The nature of the Border Patrol stations in the Tucson Sector do not provide a large number of rooms for private conversations between detainees and others.

60. Border Patrol Stations are not designed for long-term care and detention. Every effort is made to promptly process, transfer or remove those in custody as appropriate. Those actions are taken as quickly as operationally feasible.

61. **CONSULATE:** Consular officials from the Consulate of Mexico and the Consulate of Guatemala visit the TCC twice a day, seven days a week to conduct interviews and communicate with nationals of their countries. The Consulate of Mexico also has scheduled daily visits to the Douglas and Nogales stations to conduct interviews and communicate with nationals of their country. The Mexican Consulate also operates a 24-hour call center providing around the clock communication with their nationals in Border Patrol custody. Allowing unfettered access between detainees and their consulate provides

an additional opportunity for detainees to share needs with their consular officials, who, in return, often relay that information to the Border Patrol. This process is routinely used to ensure quick responses to personal needs, such as family issues, concerns, medical needs or questions related to procedures and their ultimate dispositions. Signs posted throughout Border Patrol stations in Tucson Sector alert detainees in various languages of their right to speak with a consular representative. Some stations have video and audio messages that do the same. Border Patrol arranges telephone contact if a detainee wants to contact a consular representative from a country from which there is no local representative in Tucson.

62. Detainees are transferred out of Border Patrol custody as quickly as possible. For family units, those individuals are normally transferred to the custody of ICE ERO. Border Patrol may transfer UACs only to the custody of HHS/ORR. Although infrequent, a receiving agency is sometimes unable to receive a detainee due to a breakdown in their intake procedures or lack of space. If that happens, transfer from Border Patrol will not be accepted until the receiving agency resolves any issues on their end.

Specific Steps Taken in Compliance with Court Order

63. As part of the Border Patrol's efforts to comply with the terms of the Agreement, a memorandum was issued to the field explaining the changes made to e3DM requiring the electronic documentation of conditions in facility hold rooms.

64. Under the new processing policies, all agents in the Tucson Sector were reminded that they must conduct a thorough check of each hold room before placing a juvenile in the room.

65. Consistent with the October 16, 2015 guidance, I ensured that each of the Stations within Tucson Sector made the necessary changes to the e3DM with respect to the ability to track those necessary functions in a cell, such as the availability of a functioning toilet or sink.

66. Moreover, consistent with the memorandum, each agent was reminded that the station must also conduct a daily check of each hold room occupied by a juvenile.

67. After conducting these checks, an agent must confirm the following information into e3DM:

    a. Functionality of water fountains;

    b. Functionality of toilets;

    c. Functionality of sinks;

    d. Cleanliness of the hold room;

    e. Presence of Pests

    f. Availability of bottled water;

    g. Temperature (should be within 66-80 degrees Fahrenheit); and

    h. Ventilation.

68. If, upon a check, a particular hold room does not meet the required standards, the observing agent must report the problem to his or her direct supervisor.

69. The station must then document all steps taken to address the particular problem. All issues that have not been resolved within 12 hours must be reported to the Patrol Agent in Charge (PAIC) and the local Office of Chief Counsel.

70. Consistent with the October 16, 2015 guidance, agents log each time that a juvenile is offered any food. In addition to the above requirements, agents must also document in e3DM any provision of medical care.

71. Consistent with Border Patrol's longstanding practice, agents must conduct what are known as "welfare checks" on a regular basis, several times an hour. During those checks, agents must ensure that all toilets and sinks appear functional, that water is available to juveniles, that there are no pests, and that the hold rooms appear sanitary. All welfare checks are now recorded in Border Patrol's e3DM system.

72. Although Border Patrol has long maintained a consistent and comfortable temperature in its stations, in response to the Court's order, Tucson Sector also obtained thermometers to take the temperature in any hold room prior to placing a juvenile in that room and every 24 hours thereafter. Consistent with the October 16, 2015 guidance, as part of their checks, agents record if the temperature is within range (66-80 degrees Fahrenheit) or must specifically note when the temperature is out of range. If the temperature is out of range, agents must immediately inform their supervisors.

73. If e3DM is offline or otherwise not available at any time, paper forms are available to document the information. Paper forms are retained until the information can be entered into e3DM.

74. Consistent with longstanding Border Patrol practice, the Tucson Sector attempts to maintain family unity for those in its custody. Consistent with the October 16, 2015 guidance, the Tucson Sector now records any separation of a juvenile from his or her family. Where that separation does occur, agents will also record any contact that occurs during the period of separation, and when the family can be reunified.

75. If such contact cannot be facilitated, the agents must document the reasons for the lack of contact, using one of the following options:

    a. Operational infeasibility;

b. Security concerns;

c. Lack of certainty regarding the familial relationship;

d. Medical concerns; or

e. The family remains in Border Patrol custody for fewer than four hours.

f. This information must also be documented in paper form at any time that e3DM is offline or otherwise unavailable.

76. All Supervisory Border Patrol Agents in Tucson Sector received information on training, via Powerpoint, on how to enter the above information into e3DM.

77. Consistent with Border Patrol's longstanding practice, I ensured that all agents in my Sector were reminded that they are required to ask every unaccompanied juvenile who must be separated from his or her legal guardian about other family members in the United States. Agents must record this information into the CBP system which automatically notifies HHS.

78. In March 2016, the Policy and Compliance Division (PCD) of Tucson Sector, implemented a structured process of Compliance Evaluations (CEs) at all stations' detention facilities to ensure compliance with U.S. Border Patrol Detention Standards, policies and directives. The CE program is an internal mechanism to ensure organizational compliance and standardization within Tucson Sector.

79. To implement the CEs at all stations across Tucson Sector, a Juvenile Coordination Officer from the TCC was chosen as a Subject Matter Expert (SME) to assist with the CEs.

80. PCD developed a checklist based on questions from the Self-Inspection Program and items that the Office of Inspector General and the Management Inspections Division were reviewing during their site inspections in Tucson Sector.

81. The SMEs conducted the first CE at Ajo Station on April 19, 2016 utilizing the checklist and an After Action Report (AAR) was completed and routed to management. To date all stations, except Willcox, have had a CE completed and any deficiencies identified were either corrected during the visit, or reported to the Facilities Maintenance Shop.

82. If a deficiency was reported to the Facilities Maintenance Shop, the Border Patrol stations follow up on the active work order until the issue is corrected.

83. Once all stations have a CE completed, PCD will recommend a local policy be written to incorporate best practices and standardize procedures for all of the Tucson Sector facilities. CEs will continue to be conducted periodically.

84. On May 18-19, 2016, the Office of Administration's Management Inspections Division (MID) conducted an assessment at the Ajo Station regarding the juvenile detention process. To date, Tucson Sector has not received a written report of this inspection. However, during the course of the inspection physical facility deficiencies were identified and assigned work order numbers and immediately submitted to Facilities Maintenance and Engineering (FM&E). The following were submitted to be corrected: a circulation issue with venting system, inoperable set of lights, inoperable push button on drinking fountain (drinking fountain has two buttons and the other button was operational), and another inoperable push button on drinking fountain (drinking fountain with two buttons and the other button was operational).

85. The TCC maintains a team of processors specifically for juveniles, who are given training by the Tucson Sector Juvenile Coordinator to ensure their actions comply with the Agreement and the TVPRA. Each agent receives a two hour training block covering appropriate processing procedures, credible fear claims, trafficking questions and other concerns which are unique to the juvenile population.

86. Since October of 2015, the Tucson Sector Juvenile Coordinator was assigned to periodically check the actions logged in e3DM for the TCC and the outlying stations for compliance with the Agreement.

87. E3DM has added an amenity report which is completed once per shift (every eight hours). During this inspection, the temperature of holding rooms is checked, all toilets and sinks are checked for functionality and all water coolers are checked to ensure they are filled.

88. The processors for juveniles are stationed directly in front of the juvenile holding rooms so agents have visibility of juveniles in custody at all times. These juvenile work stations are staffed twenty-four hours a day, seven days a week.

89. In September of 2015, the TCC purchased a large cart on which to store snacks and supplies that might be necessary for UAC's and/or family units. A large poster was attached to the cart which displays the products that are available and urges UACs and/or family units to let an agent know if they need any of these supplies. See Exhibit 3.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of June, 2016.

Chief Patrol Agent Paul A. Beeson
Tucson Sector
U.S. Border Patrol
U.S. Customs and Border Protection
Tucson, Arizona

EXHIBIT 1

Use this tab to review, or change basic information about the task.

General

ID 1053002 Status Active

Task Name Corrective Maintenance-Plumbing Other Resource Assignment Status Accepted

Description TCC Supervisor reported the toilet in Hold Room #7 is continuously running. The room cannot be utilized until the toilet is fixed. All juvenile subjects were moved to a different hold room. We were unable to shut off the water due to not having a key to the Janitor's closet. This is an urgent request due to the nature of the issue and that we have very limited holding rooms for

Details

Task Type Corrective Task Priority Medium

Request Class Plumbing Other Service Class Plumbing

Primary Work Location \Locations\AZ0045 AFB-Davis Monthan\AZ0045AZ9032 AFB-Davis Monthan, BPSHQ Tucson Detention\Floor 1

Customer Organization \Organizations\U.S. Customs and Border Protection\U.S. Border Patrol\Tucson Sector

Resolution Comment

Resolution Description: removed/replaced flush valve, vacuum breaker.

Enter Time

Post Time

Time Entry Date 03/25/2016 Time Category Straight Time

Hours 0

Time Entry Comment

Time Log

Find | Remove

Related Reports -Select- Time Log - Active

Export | 1 total found |

	Resource Type	Name	Description	Category	Date	Hours
☐	Person	Robert Swann		Straight Time	03/25/2016	

Parts

Find | Remove

0 total found |

	Item	Total Available	Quantity Selected	A. Quantity Hold	B. Quantity Issued	C. Quantity Returne

No data to display

Equipment

Find | Remove

EXHIBIT 2

Use this tab to review, or change basic information about the task.

General

ID 1054170 Status Active

* Task Name: Corrective Maintenance-Room Too Warm
Resource Assignment Status: Accepted

Description: TCC Supervisor reported that the temperatures in the TCC Processing Area and Cells are too warm. 79 degrees in the processing area and 77 in the cells. This is an urgent request for service.

Details

Task Type: Corrective
Task Priority: Medium
Request Class: Room Too Warm
Service Class: Mechanical
Primary Work Location: \Locations\AZ0045 BPSHQ-Tucson (Davis Monthan AFB)\AZ0045AZ9032 BPSHQ-Tucson, Detention\Floor 1
Customer Organization: \Organizations\U.S. Customs and Border Protection\U.S. Border Patrol\Tucson Sector

Resolution Comment

Resolution Description: Emcore notified of emergency, called out Daiken, Daiken found AHU #2 in the OFF position. unit operational. 05/12/2016 Robert J Swann

Enter Time

Post Time

Time Entry Date: 05/12/2016
Time Category: Straight Time
Hours: 0
Time Entry Comment:

Time Log

Find | Remove

Related Reports: -Select- Time Log - Active

Export | 1 total found |

	!	Resource Type	Name	Description	Category	Date	Hours
☐		Person	Robert Swann		Straight Time	05/12/2016	

1

Parts

Find | Remove

0 total found |

	!	Item	Total Available	Quantity Selected	A. Quantity Hold	B. Quantity Issued	C. Quantity Returne

No data to display

Equipment

Find | Remove

EXHIBIT 3

eguntale a un official si usted necesita alguno de los siguient



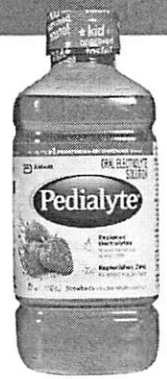
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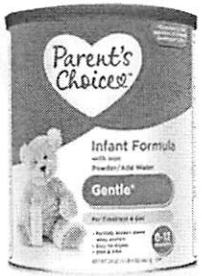
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comida para bebé
compota



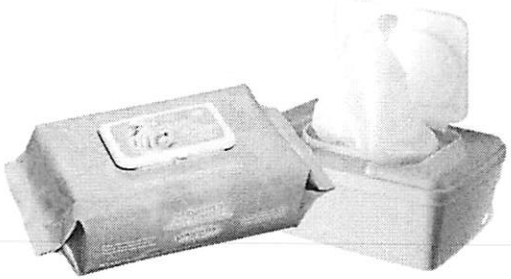
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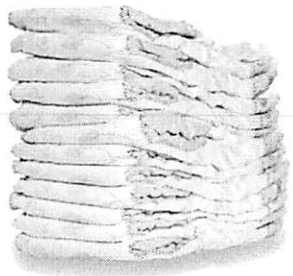
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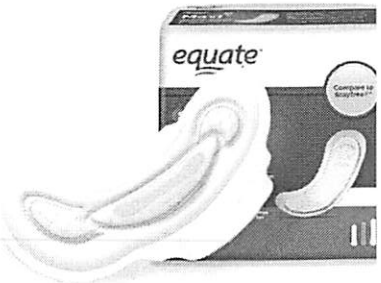
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DEFENDANTS' EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores, *et. al.* *Plaintiffs* v. Jeh Johnson, Secretary U.S. Department of Homeland Security *Defendants*	)	No. CV 85-4544

DECLARATION OF CHIEF PATROL AGENT, LAREDO SECTOR, MARIO MARTINEZ

1. I am the Chief Patrol Agent of the United States Border Patrol (USBP), Laredo Sector, Laredo, Texas. The USBP is a component of U.S. Customs and Border Protection (CBP). I have been employed in this capacity since August 9, 2015. In my capacity as the Chief Patrol Agent I am primarily responsible for supervising the detection and prevention of illegal entries by aliens in my area of operations, with a priority of preventing terrorists, and terrorist weapons—including weapons of mass destruction—from entering the United States. These efforts are part of CBP's overarching goal of facilitating the flow of legal immigration and trade, while preventing the illegal trafficking of people and contraband.
2. I make this declaration on the basis of my own knowledge, as well as the documents and information made available to me in my position.
3. The Laredo Sector is comprised of seven Border patrol stations: Laredo North, Laredo South, Laredo West, Zapata, Hebbronville, Cotulla, and Freer, Texas. I oversee all seven stations within the Laredo Sector and am responsible for the oversight of more than 1,600 agents and

support personnel, who work to secure approximately 171 miles of border along the Rio Grande River, and over 101,000 square miles of southwest and northeast Texas. I have oversight of the day-to-day law enforcement operations of U.S. Border Patrol in the Laredo Sector, including the apprehension and processing of aliens.

4. I am familiar with the policies and procedures that govern the apprehension, processing, and temporary detention of aliens. As Chief Patrol Agent, I am responsible for ensuring that those policies and procedures are implemented and adhered to by the Border Patrol Agents in my charge and properly overseen by my cadre of Supervisory Border Patrol Agents.

5. I am familiar with the terms of the Flores Settlement Agreement ("Agreement"), including the requirement that juveniles be held in facilities that are safe and sanitary; the requirement that juveniles be provided access to food, drinking water, toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its own compliance with these terms. I am aware that these terms apply to all juveniles, regardless of whether they are accompanied by adult family members.

6. In fiscal year 2015, Laredo Sector personnel encountered 2,491unaccomanpanied alien children (UAC), as defined by Section 462(g)(2) of the Homeland Security Act of 2002. As of May 20, 2016, Laredo Sector personnel encountered 1,988 UACs.

7. I am similarly familiar with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). I am familiar with the guidance issued by the then Chief of Border Patrol on the implementation of the TVPRA on March 20, 2009.

8. I understand that the District Court for the Central District in California issued two Orders in the above referenced case, the first on July 24, 2015, and the second on August 21, 2015. I am aware that the District Court required CBP to monitor its compliance with the standards

and procedures for detaining class members in facilities that are safe and sanitary, in a manner consistent with the concern for the particular vulnerability of minors and with Paragraph twelve of the Flores Settlement Agreement.

Operations and Processing

9. Individuals apprehended by USBP in the Laredo Sector are typically brought to the station from which the apprehending Border Patrol Agent is based.

10. When a detainee arrives at a Border Patrol Station, the detainee is taken to an area referred to as a "sally port" or "intake". Each detainee is initially searched for contraband. Outer clothing and any baggage is removed in order to avoid concealed contraband entering the Border Patrol Station. This procedure exists for the safety of detainees and Border Patrol Agents. Juveniles are permitted to retain their outer clothing after the initial check. All personal property that is removed from a detainee is placed in a serial number-specific storage bag, and the serial number is associated with the owner of the property in the e3 Detention Module ("e3DM") system. The property is stored in an area that is not accessible to detainees. Property is returned to detainees who are administratively removed, or who are transferred to the custody of another federal agency. Detainees who face criminal prosecution have to arrange for recovery of their items within 30 days. Detainees are then taken to a station processing area—an open area where detainees wait to be interviewed by Border Patrol Agents.

11. At the outset of processing, biographical information is obtained and biometrics are taken and entered into CBP's systems of records. After a detainee is identified, he or she is then fully processed, including the preparation of any arrest report, immigration processing,

service of immigration forms, consular notifications, and communication with family members, as appropriate.

12. Another initial step of processing is to determine, if not already determined upon initial encounter, whether a detainee is a juvenile (also referred to as a child), that is, under the age of eighteen years. Border Patrol Agents also determine whether the child has any lawful status under the immigration laws of the United States. Moreover, Border Patrol Agents determine whether the child is accompanied by a parent, legal guardian, or other family member.

13. Consistent with Border Patrol's March 20, 2009 guidance on the TVPRA, Border Patrol Agents are required during questioning to record the location of any parents/legal guardians, as well as the location and contact information for any relatives in the United States for UACs. That information is provided to the Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR).

14. For detainees who have children accompanying them, Border Patrol Agents ask about other contacts in the United States. If provided, that information is placed into CBP systems of records, where it is available to Immigration and Customs Enforcement (ICE).

15. When detainees are not inside the processing area, they are placed into holding rooms based on a number of factors including age, gender, whether they are traveling as a family unit, and if they are suspected of a serious crime.

16. UACs are separated from unrelated adults as quickly as possible, including during transport to a Border Patrol Station, unless impractical. If a holding room is not available to keep UACs segregated from unrelated adults, UACs are kept in the station processing area away from unrelated adults and in sight of Border Patrol Agents. This open area is outside of the

holding rooms. If possible, families are segregated from the rest of the detained population. If segregated holding rooms are not available for families due to a high number of detainees present in a station, families are placed in the processing area. In the event that a Border Patrol Station is holding such a high number of detainees that families are not effectively segregated because other detainees are in the processing area waiting to be interviewed, families are nonetheless kept together.

17. Detainees may be transferred into different holding rooms depending on their stage of processing, for meals, for consular interviews and for holding room cleaning.

18. Each Border Patrol station must be kept safe, secure and clean. The size of holding rooms at Border Patrol stations varies. However, holding room capacity for any room requires sufficient space and the appropriate number of toilets for the maximum number of occupants. Typically a holding room is constructed of impervious materials that can be easily cleaned and are hygienic. A true and accurate copy of a photo of a holding room is attached as Exhibit A.

19. If the number of detainees nears or exceeds the maximum capacity of a particular Border Patrol station in the Laredo Sector, the shift Supervisory Border Patrol Agent coordinates with other Border Patrol stations in the Laredo Sector to transport, detain and process the detainees who would otherwise be detained at the original station.

20. Consistent with the Flores Settlement Agreement, the Border Patrol's March 20, 2009 guidance on the TVPRA, and the National Standards on Transportation, Escort, Detention and Search (TEDS), all areas where juveniles are detained must provide access to toilets and sinks; drinking water and food, as appropriate; emergency medical assistance; adequate temperature and ventilation; and adequate supervision to protect juveniles from others.

21. Laredo Sector implemented its meals and snacks schedule according to the Hold Rooms and Short Term Custody Policy dated January 31, 2008. All stations serve meals and snacks within a certain time interval. Adults are provided a meal if detained more than eight hours or if detention is anticipated to exceed eight hours. This meal can consist of a burrito, a taco, or a sandwich. Snacks (choice of either peanut butter or cheese crackers) and juice are offered to juveniles between meals. Additionally, adult subjects are served a meal once they arrive at each facility to prevent detainees missing meals which would have occurred during the transportation process. If an adult detainee requests a snack or meal before the next meal service, it may be provided by a Border Patrol Agent on a case-by-case basis.
22. The Cotulla Border Patrol Station is the transportation hub and point of coordination for UACs encountered in the Laredo Sector. UACs are transported to the Cotulla Border Patrol Station after their initial processing is completed by the encountering station. Meals and snacks are provided at the Cotulla Border Patrol Station according to the Hold Rooms and Short Term Custody Policy dated January 31, 2008.
23. Laredo Sector stations contact Consular officials of the Mexican consulate when a detainee apprehended by Laredo Sector personnel appears to be, or claims to be, a Mexican juvenile and does not appear to be a victim of trafficking. Typically, the detainee is transported to the Mexican consulate in Laredo, Texas, for an interview. If the Mexican consulate determines that the detainee is not a Mexican citizen, Laredo Sector personnel maintain custody of the detainee. If the Mexican consulate determines that the detainee is a Mexican citizen, and Border Patrol concurs that it is in the best interest of the child, Laredo Sector personnel transfers custody of the juvenile to the Mexican consulate in Laredo, Texas.

24. When Laredo Sector Border Patrol Agents detain a UAC from a country other than Mexico, a Border Patrol Agent notifies a Consular official of the UAC's country of nationality by telephone or electronic mail.

25. Juveniles and pregnant women have regular access to meals, snacks, and juice. Meals are provided 3 times per day. Snacks and juice are provided in between meals.

26. It is incumbent on each individual station to know if a detainee will exceed the time limit to be provided a meal, or snack and juice. If that time will be exceeded before arrival to the detainee's next destination then a meal or snack will be provided to the detainee before they depart. In addition, food or water is never withheld from a detainee as a form of punishment.

27. Laredo Sector currently has food contracts with local distributors. Laredo Sector has found throughout the years that serving meals, crackers, and juice in the manner which it does today is palatable to detainees, and the most operationally feasible approach.

28. In the 2015 fiscal year, Laredo Sector spent $379,887.66 for food and assorted items for detainees. In addition, Laredo Sector purchases or acquires all of the following for detainees: cups, sport coolers, bottled water, and other items that are needed on a case-by-case basis.

29. Potable water for subjects in custody is provided by a water fountain type fixture in each room. Furthermore, some stations have purchased sport style five gallon water coolers (sport cooler) for use in holding rooms, and a cup is provided to every detainee in custody. These sport coolers are cleaned as directed by a shift supervisor. If a water fountain is deemed to be inoperable, sole use of the sport cooler is sufficient and a work order is placed to repair the fountain. A true and accurate photo of a water fountain in a detention cell is attached as Exhibit B.

30. As in other detention-like setting, Border Patrol cannot guarantee absolute privacy. Holding rooms are designed to have no exterior windows. But allowing locked or closed doors within holding rooms would be a safety and security concern. The holding rooms, instead, employ low walls to address privacy needs. I instructed my staff to photograph a typical holding room bathroom facility in a Border Patrol station of the Laredo Sector. A true and accurate copy of those pictures is attached as Exhibit C. The walls, shown in these pictures, allow for an environment in which detainees, especially children, can have a modicum of privacy when using the facilities, but can still be monitored and protected.

31. In order to ensure the safety of detainees, there are typically cameras that monitor each holding room at Border Patrol stations within the Laredo Sector. These cameras provide Border Patrol Agents the ability to visually inspect the holding rooms, although they do not provide sight lines to the toilet facilities. In my experience, periodic visual inspection of adult detainees (welfare checks) are conducted at least every two hours, and more often—up to continuous observation—on a case-by-case basis as directed by a shift supervisor.

32. Trash cans are not kept in holding rooms due to safety concerns. However, they are available in the processing area and made available to detainees after meals are served for disposal of refuse. Trash cans are also made available to detainees in holding rooms, as needed, when Border Patrol Agents conduct welfare checks.

33. Laredo Sector Stations maintain a temperature conducive to the health of detainees, with particular caution given to overheating. I have never heard of temperature being used by Border Patrol Agents in a punitive manner. In holding rooms designated for juveniles, the temperature is maintained between 66-80 degrees Fahrenheit.

34. During periods of cooling or heating system malfunctions, a case-by-case analysis is done. Remedial actions could include providing mylar blankets to detainees or the transfer of detainees to a different station in the Laredo Sector until systems can be repaired.

35. CBP's Facilities Management and Engineering (FM&E) and the General Services Administration (GSA) fund custodial staff to regularly address sanitation needs and any required maintenance of the holding areas.

36. Laredo Sector has a cleaning contract with TRECO Services for the Cotulla Border Patrol Station, B and A Maintenance for the Laredo South Station, and PCSI Incorporated for the rest of the Border Patrol stations in Laredo Sector. These locations follow the same basic model: cleaning and sanitizing of the holding rooms and processing area twice daily, emptying trash cans, and resupplying the holding rooms with toilet paper. If a Border Patrol Agent finds a holding room or processing area insufficiently maintained, Border Patrol contacts the CBP Facilities Management and Engineering (FM&E) representative. The FM&E representative then contacts the particular cleaning contractor for corrective service. The cleaning contractor responds in accordance with the critical nature of the deficiency. The contractor will address the deficiency no later than the next business day.

37. No stations in the Laredo Sector have shower facilities available. The National Standards on Transport, Escort, Detention, and Search dictate that reasonable efforts will be made to provide showers, soap, and a clean towel to detainees who are approaching 72 hours in custody. It is the intent of Laredo Sector to intake and process every detainee and transfer them to their next destination as quickly as possible. In most cases, detainees will not approach 72 hours in custody and, therefore, will not require showers while in Border Patrol custody. It would require significant structural changes to Border Patrol facilities in Laredo

Sector to allow every detainee to shower upon arrival at a Border Patrol facility, or it would require that every detainee be transferred immediately to a facility with shower capabilities and then be transferred back to the original station for processing. In either case, it would have a significant impact on the time in custody for all detainees.

38. During each shift turnover, a walkthrough is conducted of the holding rooms, and a review of the facilities is annotated in the e3DM. If any facilities issue is found, a work order will be issued. If specialized or additional cleaning is required in a holding room, the FM&E representative employee supervisor is contacted.

39. In March 2016, the CBP Office of Administration, Chief Accountability Officer (CAO) Management Inspections Division (MID) conducted audits at several Laredo Sector stations and examined the immediately preceding span of time beginning on October 23, 2015. It was discovered that (1) no reports had been maintained to document UACs viewing the video *Know What to Expect* (video intended to provide a clear and consistent message in simple Spanish explaining to the UACs what they can expect while in CBP custody); (2) welfare checks were conducted insufficiently; (3) Amenity reports were not completed; and (4) reports indicating assigned holding rooms were not generated. However, as explained in paragraph sixty-eight, below, sector-wide retraining was conducted, and I continue to emphasize both the compliance with the Flores Agreement, and documentation of that compliance. While Laredo Sector Stations were found to have not been in full compliance with facilities walkthrough and reporting requirements, I have not been made aware of any situation where a detainee's health or safety was compromised as a result of Laredo Sector's previous deficiencies. In addition, the period under review by MID largely corresponded with

the period in which Laredo Sector stations were in the process of conducting training and implementing the changes explained below, beginning in paragraph fifty-four.

40. The lights typically remain on at all times while detainees remain in Border Patrol custody for security reasons and due to operational necessity. Border Patrol Stations are 24/7 facilities, and Border Patrol Agents may arrive with newly apprehended aliens at all hours of the night. Border Patrol Agents must be able to maintain visual control over the holding rooms to ensure the safety and security of the detainees.

41. Since before January 2013, Laredo Sector has provided mylar blankets to detainees. In addition, sleeping mats are provided to juveniles. Previously, cloth blankets were provided. However, we found that the spread of communicable diseases such as scabies and lice was facilitated by the use of cloth blankets. Furthermore, it was difficult to maintain consistent cleaning services for cloth blankets.

42. All Border Patrol Agents receive first aid training, which covers basic treatment for cuts and abrasions, bandaging, and applying pressure to a wound. A number of Border Patrol Agents have also received first responder training. Laredo Sector also has an Emergency Medical Technician (EMT) program which includes approximately 122 agents trained as EMTs. When Border Patrol Agents encounter individuals in the field that display obvious signs of injury or are requesting emergency medical care, agents can request assistance from a Border Patrol EMT to evaluate and treat, or they can contact local emergency services for transfer to an appropriate medical facility for care.

43. When an alien who is encountered by Laredo Sector personnel is in need of medical services, they are transported to the Doctors Hospital of Laredo, located at 10700 McPherson Road, Laredo, Texas, or the Laredo Medical Center at 1700 East Sanders, Laredo, Texas.

44. The same process is used for emergency care once a detainee is in a Border Patrol Station. During processing, detainees are asked about any health or medical issues and appropriate action—up to and including transfer to a local medical center—is taken if the detainee requires medical care. If the detainee possesses medication that is not accompanied by a valid prescription by a U.S. doctor, the detainee is not allowed access to that medication. If a detainee is prescribed medication from a U.S. doctor, Laredo Sector will allow the detainee access to this medication and will attempt to fill the prescription at a local pharmacy if needed. This medication will then be stored by Border Patrol at the station and made available to the detainee for self-administration as prescribed.

45. Border Patrol's March 20, 2009 guidance on the TVPRA requires that each UAC is screened for possible victimization concerns. This screening continues for all UAC. That screening is conducted utilizing the CBP Form 93: Unaccompanied Alien Child Screening Addendum.

46. All personnel in Laredo Sector are required to notify the ICE Field Office Juvenile Coordinator and Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR) as soon as possible after identifying a detainee as a UAC. That notification is accomplished by use of the e3DM system, which automatically transmits the placement request for the unaccompanied juvenile to HSS/ORR. This system was developed by the Laredo Sector and found to be successful by the Agency, resulting in its implementation nation-wide. Every effort is made to notify HHS/ORR as quickly as possible, but those notifications must be made no later than 48 hours from the apprehension or discovery of a UAC (or any claim or suspicion that an alien in custody is unaccompanied and under the age of eighteen years).

47. Consistent with the TVPRA, Border Patrol Agents within the Laredo Sector may only reunify UACs with parents or legal guardians who are in possession of supporting documentation and are within the United States. HHS/ORR is responsible for the determination that any other proposed guardian, including a family member who lacks documentation of guardianship (e.g. grandparent, aunt/uncle, or brother/sister), is capable of providing care and physical custody.

48. Prior to the Court's order of August 21, 2015 CBP's policy was to provide UACs with a Form I-770. Currently, in light of the Court's order, all juveniles in the Laredo Sector are provided a Form I-770. This form provides juveniles with a notice of their rights consistent with the Flores Settlement Agreement. This form, upon completion, must be placed in the juvenile's Alien File (commonly known as the "A File"). Consistent with CBP policy, the apprehending Border Patrol Agent and the juvenile, or their custodian of record, must sign the I-770.

49. Consistent with Border Patrol's March 20, 2009 policy on the TVPRA, all children are provided with a list of free legal services at the time of processing.

50. The layouts of the processing area and holding rooms in Laredo Sector Border Patrol stations do not allow for a large number of rooms where detainees can maintain private conversations.

51. Border Patrol stations are not designed for long-term care and detention. Every effort is made to promptly process, transfer, or remove detainees in custody. Those actions are taken as quickly as operationally feasible.

52. Detainees are not allowed access to legal representation at Laredo Sector Border Patrol stations. Individuals who will be detained for a longer period of time are provided access to

legal representation upon being transferred to U.S. Immigration and Customs Enforcement-Enforcement and Removal Operations (ICE-ERO). Individuals who will be detained for a short period may obtain legal representation upon release from custody if they remain in removal proceedings, such as those proceedings under INA § 240.

53. Detainees are transferred out of Border Patrol custody as quickly as possible. For family units, those detainees are typically transferred to the custody of ICE-ERO. Border Patrol may only transfer UACs to the custody of HHS/ORR. Although infrequent, a receiving agency is sometimes unable to receive a detainee due to a breakdown in their intake procedures or lack of space. If that happens, transfer from Border Patrol will not be accepted until the receiving agency resolves any issues on their end.

Specific Steps Taken in Compliance with Court Order

54. As part of the Border Patrol's efforts to comply with the terms of the Agreement, a memorandum was issued to the field explaining the changes made to the e3DM requiring the electronic documentation of conditions in facility holding rooms.

55. I received a copy of that memorandum on or about October 16, 2015.

56. Consistent with the memorandum issued on October 16, 2015, I reminded all of the Border Patrol Agents in Laredo Sector that they remain responsible to ensure that juveniles in Laredo Sector custody have access to drinking water, food, toilets, and sinks, and are held in a facility that is safe and sanitary. I also instructed that such conditions must be electronically documented in the e3DM system. If electronic documentation is unavailable, the information must be tracked and retained in hard copy form until the information can be inputted into e3DM.

57. Moreover, consistent with the memorandum, agents were reminded during a beginning-of-shift muster that the station must also conduct a daily check of each holding room occupied by a juvenile.

58. After conducting these checks, an Agent must confirm the following information into e3DM:

    a. Functionality of water fountains;

    b. Functionality of toilets;

    c. Functionality of sinks;

    d. Cleanliness of the holding room;

    e. Presence of Pests

    f. Availability of bottled water;

    g. Temperature (should be within 66-80 degrees Fahrenheit); and

    h. Ventilation.

59. If, upon a check, a particular holding room does not meet the required standards, the observing Agent must report the problem to his or her direct supervisor.

60. The station must then document all steps taken to address the particular problem. All issues that have not been resolved within twelve hours must be reported to the Patrol Agent in Charge (PAIC) and the local Office of Chief Counsel.

61. Consistent with the October 16, 2015 guidance, Border Patrol Agents log in e3DM each time that a juvenile is offered any food. In addition to the above requirements, Agents must also document in e3DM any provision of medical care.

62. Since April 2016, Laredo Sector Border Patrol Agents conduct welfare checks on juveniles when detained in holding rooms in the following manner: if a juvenile is thirteen years of age or younger, every two hours; fourteen years of age and older, every three hours; special

needs/tender age/at risk subjects will be monitored continuously or at fifteen minute intervals as determined on a case-by-case basis. Welfare checks were also conducted before April 2016, but were required at the beginning and end of each shift, and as directed by the shift Supervisory Border Patrol Agent. In my experience, even prior to April 2016, welfare checks on juveniles were conducted at least every two hours, and more often—up to continuous observation—on a case-by-case basis as directed by shift supervisor. During those checks, Border Patrol Agents must ensure that all toilets and sinks are functional, that water is available to juveniles, that there are no pests, and that the holding rooms appear sanitary. All welfare checks are now recorded in Border Patrol's e3DM system.

63. Although Border Patrol has long maintained appropriate temperatures in its stations, in response to the Court's order, the Laredo Sector also obtained infrared temperature meters in order to take the temperature in any holding room prior to placing a juvenile in that room and every twenty-four hours thereafter. A true and accurate copy of photos of one of these infrared temperature takers is attached as Exhibit D. Consistent with the October 16, 2015 guidance, Border Patrol Agents record in e3DM if the temperature is within range (66-80 degrees Fahrenheit) or must specifically note when the temperature is out of range. If the temperature is out of range, Border Patrol Agents must immediately inform their supervisors who will contact FM&E for immediate corrective action.

64. If e3DM is offline or otherwise not available at any time, the Laredo Sector has paper forms available to document the information and retain the paper until the information can be entered into e3DM.

65. Consistent with longstanding Border Patrol practice, the Laredo Sector attempts to maintain family unity for those in its custody. Consistent with the October 16, 2015 guidance, the

Laredo Sector now records any separation of a juvenile from his or her family. When separation occurs, Agents will also record any contact between the family members that occurs during the period of separation and when the family can be reunified.

66. If such contact cannot be facilitated, the Agents must document the reasons for the lack of contact, using one of the following options:

    a. Operational infeasibility;

    b. Security concerns;

    c. Lack of certainty regarding the familial relationship;

    d. Medical concerns; or

    e. The family remains in Border Patrol custody for fewer than 4 hours.

This information must also be documented in paper form at any time that e3DM is offline or otherwise unavailable.

67. From January 12, 2016, through January 15, 2016, Laredo Sector conducted training in addition to the information provided on October 16, 2016 by Border Patrol Headquarters for Border Patrol Agents selected to train other Border Patrol Agents from their respective stations on how to most effectively enter the above information into e3DM.

68. Consistent with Border Patrol's longstanding practice, I ensured that all Agents in Laredo Sector were reminded on October 22, 2015, that they are required to ask every juvenile who must be separated from his or her legal guardian (on account of, among other reasons, the juvenile or guardian requiring medical treatment), about other family members in the United States. Agents must record this information and provide it to HHS/ORR.

69. In March 2016, a MID inspection team came to the Laredo Sector. After the discussions after those inspections, a PowerPoint instruction presentation was generated and distributed

throughout the Laredo Sector to remind Border Patrol Agents on the requirements of the Agreement, specifically that juvenile detainees must have access to drinking water; functioning toilets and sinks; a clean and pest free environment; a temperature between 66-80 degrees Fahrenheit in holding rooms; and proper ventilation. The instruction also included the requirement to document compliance with the Agreement, and the avenue by which such documentation is completed with the e3DM system. The procedures described in paragraph sixty-one were also implemented in order to ensure Laredo Sector meets or exceeds the standards set forth in the Agreement.

70. Pursuant to the provisions of 28 U.S.C. § 1746, I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

Mario Martinez
Chief Patrol Agent
Laredo Sector
U.S. Border Patrol
U.S. Customs and Border Protection

EXHIBIT A



EXHIBIT B




NOTICE / AVISO
THIS WATER IS SAFE TO DRINK
ESTA AGUA ES POTABLE



EXHIBIT C


NOTICE / AVISO
THIS WATER IS SAFE TO DRINK
ESTA AGUA ES POTABLE


SAFE TO DRINK
POTABLE

EXHIBIT D


GENERAL
IRT207 Infrared Thermometer


°F
66.2
HOLD
IRT207
°C/°F


THE SEEKER
Save Energy!
Économies d'énergie!
¡Ayuda salvar energía!
GENERAL
8:1 Infrared Thermometer
Thermomètre infra
Termóm
cared technology
offers accuracy,
safety and
convenience!
Find insulation
and electrical
system inefficiencies
No. IRT207
UPC 01403
RoHS

DEFENDANTS' EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores, *et. al.* *Plaintiffs,* v. Jeh Johnson, Secretary U.S. Department of Homeland Security, *Defendants.*	No. VC 85-4544

DECLARATION OF BRIAN S. HASTINGS

1. I am Brian S. Hastings, Chief Patrol Agent of Buffalo Sector, which is one of 20 sectors within the U.S. Border Patrol. I have been employed in my current position as a Chief Patrol Agent since March of 2012. The U.S. Border Patrol is a component of U.S. Customs and Border Protection ("CBP"), an agency within the United States Department of Homeland Security ("DHS"). CBP's mission is to protect the borders of the United States against terrorists and the instruments of terror, enforce the customs and immigration laws of the United States, and foster our Nation's economy by facilitating lawful international trade and travel. In my capacity as the Chief Patrol Agent of Buffalo Sector, I am responsible for executing the mission of CBP in general, and for planning, organizing, and directing the enforcement efforts within Buffalo Sector's area of responsibility in particular.

2. I make this declaration on the basis of my own knowledge, as well as the documents and information made available to me in my position.

3. Buffalo Sector is comprised of six Border Patrol stations: Buffalo, Niagara Falls, Rochester, Oswego, and Wellesley Island, all located in New York, and the Erie Station, located in

Pennsylvania. I oversee all six stations within Buffalo Sector and am responsible for the oversight of more than 285 Border Patrol agents and 40 support personnel, who work to secure over 341 border/zone miles. I have oversight of the day-to-day law enforcement operations of the U.S. Border Patrol in Buffalo Sector, including the apprehension and processing of aliens.

4. I am familiar with the policies and procedures that govern the apprehension, processing, and temporary detention of aliens. As Chief Patrol Agent of Buffalo Sector, I am responsible for ensuring that those policies and procedures are communicated to agents, overseen by supervisors, as well as implemented and adhered to by personnel throughout Buffalo Sector.

5. I am familiar with the Flores Settlement Agreement, including the requirements in the Flores Settlement Agreement that juveniles be held in facilities that are safe and sanitary; that juveniles be provided access to food, drinking water, toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its compliance with these terms. I am aware that pursuant to the Court's order the Flores Settlement Agreement applies to all juveniles, regardless of whether or not they are accompanied by adult family members.

6. I am also familiar with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), as well as the March 20, 2009 guidance issued by the then Chief of Border Patrol David V. Aguilar regarding implementation of the TVPRA.

7. I understand that the Court issued two orders in this case, one on July 24, 2015 and the other on August 21, 2015. I am aware that the August order requires CBP to monitor its compliance with the standards and procedures for detaining juveniles in facilities that are safe and sanitary, consistent with the Flores Settlement Agreement.

8. Since January 1, 2013, Buffalo Sector has processed 13 unaccompanied alien children. Although the apprehension of unaccompanied alien children within Buffalo Sector is statistically low, Buffalo Sector has enacted policies to ensure compliance with the Flores Settlement Agreement.

9. Buffalo Sector stations maintain local processing guidelines and reference materials that

ensure adherence to all national-level policies and procedures consistent with the Flores Settlement Agreement and identified below. Similar procedures are used in all Buffalo Sector Border Patrol stations.

10. Individuals apprehended by Border Patrol within Buffalo Sector are first brought to Border Patrol stations within Buffalo Sector.

11. When a detainee to include juveniles, arrives at a Border Patrol station, he or she is first taken to an area called a "sally port" or "intake." Agents there search each detainee for contraband. Outer clothing and any baggage is removed to avoid concealed contraband entering the Border Patrol station. All personal property that is removed from a detainee is tagged with Form I-77 and stored in an area that is not accessible to detainees. Personal property is returned when detainees are transferred or released. These procedures exist for agent and detainee safety.

12. At the outset of processing, agents obtain biographical information from detainees, and then enter the biometrics into CBP's systems of records. After a detainee is identified, agents prepare any arrest reports, complete immigration processing, serve immigration forms, conduct consular notifications, and provide a means of communication with family members, as appropriate.

13. Agents also determine during initial processing whether a detainee is a juvenile (also referred to as a child)—*i.e.*, someone under 18 years of age. If a detainee is a juvenile, then agents determine whether the juvenile has any lawful status under the immigration law of the United States, and whether the juvenile is accompanied by a parent, legal guardian, or other family member.

14. Consistent with Border Patrol's March 20, 2009 guidance on the TVPRA, agents are required to record the location of any unaccompanied alien child's parents/legal guardians, as well as the location and contact information for any unaccompanied alien child's relatives in the United States. This information is made available to the Department of Health and Human Services, Office of Refugee Resettlement ("HHS/ORR").

15. For those detainees who are processed and have children accompanying them, in my

experience, agents normally ask about other contacts in the United States including contact information. That information is placed into a CBP systems of records and made available to U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations ("ICE ERO"), who may then relay the information to HHS/ORR and facilitate transferring a juvenile into their custody.

16. When detainees are brought inside to the processing area, they are placed into hold rooms based on a number of factors which include age, gender, whether they are traveling as a family unit, and whether they are suspected of a serious crime.

17. Juveniles are immediately separated from unrelated adults. Families are detained together, but segregated from the rest of the detained population for several reasons, including maintaining family unity. If this cannot be done due to the limited number of hold rooms in certain Buffalo Sector locations, agents will try to keep the family unit together as per guidance from a June 2, 2008 memorandum by Chief David V. Aguilar titled "Hold Rooms and Short Term Custody."

18. Detainees may be transferred into different hold rooms depending on their stage in processing, such as during meal consumptions, for consular interviews, and for hold room cleaning. However when transfers occur, all detention policies are followed.

19. Each Buffalo Sector facility is safe, secure, and clean. And all children are provided access to toilets and sinks; drinking water and food, as appropriate; emergency medical assistance; adequate temperature control and ventilation; and adequate supervision to protect them from others.

20. The capacity of hold rooms at Buffalo Sector stations is determined by the Fire Marshal. To my knowledge, Buffalo Sector has never experienced an issue with overcrowding.

21. Buffalo Sector has implemented a meals and snacks schedule according to the Hold Rooms and Short Term Custody Policy, dated June 2, 2008, such that all stations serve meals and snacks within the prescribed time frames outlined in this policy. For example, each detainee is provided a meal if detained more than eight hours or if detention is anticipated to exceed eight

hours. This meal is nutritionally balanced and sensitive to culinary, cultural, and religious dietary restrictions, to the extent feasible. Additionally, detainees are served a meal once they arrive at each facility to prevent them from missing meals that would have occurred during the transportation process.

22. Juveniles and pregnant women have regular access to snacks, milk, or juice.

23. Each Buffalo Sector station must know if a detainee will exceed the four hour limit to provide a snack and juice or if the detainee will exceed the eight hour limit to be provided a meal. If that time will be exceeded before arrival to the detainee's next destination, then a meal or snack will be provided to the detainee before departure.

24. Buffalo Sector utilizes a USBP wide internal auditing function within the e3 Detention Module ("e3DM") that alerts agents when a detainee is approaching these timelines and displays a flashing red box if at any time a detainee exceeds these timelines.

25. Buffalo Sector budgets annually for the purchase of detainee meals. This fiscal year Buffalo Sector's budget for detainee meals is approximately $3,750.00.

26. Potable water for subjects in custody is provided either by a water fountain-type fixture in the detention area, or with packaged bottled water. ***Exhibits A; B***.

27. Due to safety and security concerns, Buffalo Sector cannot provide absolute privacy for detainees. Hold rooms are designed to have no exterior windows, instead, hold rooms employ half-walls by the bathroom to address privacy needs. ***Exhibit B***. The half-walls allow for an environment in which detainees, especially children, can have a modicum of privacy when using the facilities, but can still be monitored and protected.

28. To ensure the safety of detainees, Border Patrol stations within Buffalo Sector are equipped with cameras. These cameras provide agents the ability to visually inspect the hold rooms, although they do not provide sight lines to the toilet facilities.

29. Agents closely supervise hold rooms when in use. Monitoring occurs in a regular and

frequent manner. Physical inspections are recorded in e3DM as soon as practicable.

30. For security reasons and operational necessity, lights normally remain on at all times while detainees remain in Border Patrol custody. Border Patrol stations are 24/7 facilities, and there may be agents arriving with newly apprehended aliens at all hours of the night. Agents must be able to maintain visual control over the holding rooms to ensure the safety and security of the detainees.

31. CBP's Facilities Management and Engineering and the General Services Administration fund custodial staff to regularly address sanitation needs and any required maintenance of the holding areas.

32. Buffalo Sector has a cleaning contract for all stations within Buffalo Sector. Contractors at each station are responsible for cleaning and sanitizing of the hold rooms and processing area after use, emptying trash cans, and resupplying the hold room toilet areas. Each station can submit a monthly satisfaction survey to provide feedback to the contracting officer.

33. Hold rooms are typically constructed of impervious materials that can be easily cleaned and are hygienic. ***Exhibit B.***

34. For agent safety, trash receptacles are not located in the hold rooms within Buffalo Sector. Trash receptacles are located just outside the doors to the hold rooms, and all trash is disposed of properly.

35. After each detainee leaves a hold room, a walkthrough is conducted of the hold rooms. If any facility issue is identified, a work order will be issued. If specialized or additional cleaning is required in a hold room, the contract employee supervisor is contacted and the request is made.

36. Buffalo Sector stations maintain a comfortable temperature in hold rooms. Hold room temperatures are recorded once daily when the hold rooms are occupied and are entered in the e3DM. In my 21 years of Border Patrol experience, I have never observed an agent using hold room temperature in a punitive manner.

37. In periods of outage or system malfunction of a government leased facility, the applicable

lessor is contacted and is responsible for scheduling required repairs and/or emergency service. In government-owned facilities, contractors are called directly by station staff. Meanwhile, steps are taken either to provide additional blankets (mylar, cloth, or both, depending on the station), or to relocate detainees if conditions are extreme. ***Exhibit C***.

38. In cases where non-disposable linens are utilized for detention purposes, Buffalo Sector has established contracts to ensure these items are properly laundered after each use. This fiscal year Buffalo Sector's budget for the laundering of non-disposable linens is approximately $1,500.00.

39. In 2014, Buffalo Sector had two instances where juvenile detainees approached 72 hours in custody. In both cases, arrangements were made to provide those juveniles with access to shower facilities. Since the national standards related to the Transport, Escort, Detention, and Search ("TEDS") was implemented in October 2015, Buffalo Sector, if necessary and in compliance with policy, would make reasonable efforts to provide showers, soap, and clean towels to juveniles approaching 48 hours in custody. As Buffalo Sector is able to quickly transfer detainees to include juveniles to their next destination, the majority of detainees do not approach this length of time in custody and will not require showers.

40. Buffalo Sector has soap or soap dispensers available to allow detainees to wash off their hands before eating or after utilizing the facilities. Contracted janitorial services staff are responsible for ensuring soap is available.

41. Buffalo Sector supplies paper towels for detainees to dry their hands after hand washing. Buffalo Sector uses disposable emergency blankets to provide bedding to detainees.

42. All Border Patrol agents receive basic first aid training, which covers basic treatment for cuts and abrasions, bandaging, and applying pressure to a wound. A number of agents have also received first responder training. Buffalo Sector also has a small number of Emergency Medical Technicians ("EMTs"). When agents encounter individuals in the field that display obvious signs of injury or are requesting emergency medical care, agents can contact a Border Patrol EMT to evaluate

and treat if one is available, or they can contact local emergency services for transfer to an appropriate medical facility for care.

43. The same process is used for emergency care of detainees in a Border Patrol station. During processing, detainees are asked about any health or medical issues and appropriate action—up to and including transfer to a local medical center—is taken if the detainee requires medical care. If the detainee possesses medication that is accompanied by a valid prescription of medication by a U.S. doctor, the medication will then be stored by Border Patrol at the station, and made available to the detainee for self-administration as prescribed.

44. Adhering to the March 20, 2009 guidance on the TVPRA, each unaccompanied alien child is screened for possible victimization concerns. Screening is conducted using CBP Form 93—Unaccompanied Alien Child Screening Addendum. Signs are also posted in all stations' processing areas encouraging detainees to report any victimization concerns. ***Exhibit D***.

45. All Buffalo Sector agents are required to notify the ICE Field Office Juvenile Coordinator and HHS/ORR as soon as possible after identifying a juvenile detainee as an unaccompanied child. That notification is accomplished by station supervisory staff. Every effort is made to notify HHS/ORR as quickly as possible, but those notifications must be made within 48 hours from the apprehension or discovery of an unaccompanied child (or any claim or suspicion that an alien in custody is unaccompanied and under the age of 18).

46. Consistent with the TVPRA, agents within Buffalo Sector may only reunify unaccompanied alien children with parents or legal guardians who are in possession of supporting documentation and are within the United States. HHS is responsible for the determination that any other proposed guardian, including a family member who lacks documentation of guardianship (*e.g.*, grandparent, aunt/uncle, or brother/sister), is capable of providing care and physical custody.

47. All children in Buffalo Sector—both accompanied and unaccompanied—are given Form I-770, which provides children with a notice of their rights consistent with the Flores Settlement

Agreement. The apprehending agent and the child must both sign the I-770. Once completed, this form is placed in the child's Alien File, or "A File".

48. Consistent with Border Patrol's March 20, 2009, policy on the TVPRA, and with the 2015 Flores court order, all children are provided with a list of free legal services at the time of processing. ***Exhibit E.***

49. Due to limited space, Buffalo Sector stations do not have a large number of rooms where private conversations between detainees and others can occur.

50. Because Buffalo Sector Border Patrol stations are not designed for long-term care and detention, every effort is made to promptly process, transfer, or remove those in custody as appropriate. Those actions are taken as quickly as operationally feasible.

51. Consular information is available and furnished to all detainees in custody. These individuals are provided the opportunity to make a call to contact the consulate office of their native country for possible interviews and communication. The Mexican Consulate operates a 24-hour call center providing around the clock communication with their nationals in Buffalo Sector custody. Buffalo Sector agents also arrange telephone contact if a detainee wants to contact a consular representative from a country with no local representative. Allowing unfettered access between detainees and their consulate provides an additional opportunity for detainees to share needs with their consular officials, who, in return, often relay that information to the Border Patrol. This process is routinely used to ensure quick responses to personal needs, such as family issues, concerns, medical needs, or questions related to procedures and their ultimate detainee custody dispositions.

52. Buffalo Sector stations allow for telephonic access to family members post-arrest. This access is meant to inform family members of the whereabouts of the detainee, and where future housing space will be located (e.g., where the detainee will be moved.)

53. Detainees are transferred out of Buffalo Sector custody as quickly as possible. For family units, those individuals are normally transferred to the custody of ICE ERO. Buffalo Sector only

transfers unaccompanied children to the custody of HHS/ORR. Although infrequent, a receiving agency is sometimes unable to receive a detainee due to a breakdown in their intake procedures or lack of space. If that happens, transfer from Border Patrol will not be accepted until the receiving agency resolves any issues on their end.

54. On October 2, 2013, I disseminated a memorandum titled "Use of the updated e3 Detention Module," which requires all agents to utilize the e3DM to the fullest extent possible to capture the custodial actions and transportation for all detainees, as noted above.

55. In July 2015, I directed the Buffalo Sector Juvenile Coordinator to work with the Field Office Juvenile Coordinator—who is assigned to ICE ERO—to develop and distribute an unaccompanied alien children ("UAC") e-mail mailbox. The creation and distribution of this email address is intended to speed up the notification and communication between Buffalo Sector and HHS/ORR during movement or placement of unaccompanied children.

56. On October 2, 2015, I directed all Buffalo Sector agents to the mandatory use of the "Family Panel" in the e3 Intake Module.

57. By memorandum dated October 8, 2015, Chief Michael J. Fisher outlined national standards related to the Transport, Escort, Detention, and Search ("TEDS") to those in our custody. As Chief Patrol Agent of Buffalo Sector, I disseminated guidance to all agents on the changes and ensured receipt of compliance to same.

58. As part of the Border Patrol's efforts to comply with the Flores Settlement Agreement, a memorandum was issued on October 16, 2015, explaining the changes made to e3DM requiring the electronic documentation of conditions in facility hold rooms. I received a copy of that memorandum the same day.

59. Consistent with that memorandum, I disseminated guidance on October 19, 2015, to all Buffalo Sector stations and required training completion documentation in a memorandum titled "Reno v. Flores Compliance." I instructed all Buffalo Sector agents to ensure that facilities housing juveniles

are safe and sanitary, and that those facilities provide access to drinking water, food, toilets, and sinks. This order relates to all juveniles regardless of whether or not they are accompanied by adult family members.

60. Under the new e3DM processing policies, I ensured that all agents in Buffalo Sector were reminded that they must comply with the Flores Settlement Agreement, and I directed those agents to follow the Flores Compliance Check-List.

61. Consistent with the October 16, 2015, guidance, I ensured that each of the stations within Buffalo Sector made the necessary changes to the e3DM with respect to the ability to track those necessary functions in a hold room, such as the availability of a functioning toilet and/or sink.

62. Moreover, consistent with the memorandum, each agent was reminded at a muster that the station must also conduct a daily inspection of each hold room occupied by a juvenile.

63. After each inspection, an agent must confirm the following information into e3DM:

a. Functionality of water fountains;

b. Functionality of toilets;

c. Functionality of sinks;

d. Cleanliness of the hold room;

e. Presence of pests;

f. Availability of bottled water;

g. Temperature (should be within 66-80 degrees Fahrenheit); and

h. Adequate ventilation.

64. If a hold room does not meet the required standards, the agent must report the problem to his or her direct supervisor.

65. If a problem is encountered during the inspection, the station must then document all steps taken to address the particular problem. All issues that have not been resolved within twelve (12) hours must be reported to the Patrol Agent in Charge of the Station.

66. Consistent with the October 16, 2015, guidance, agents log each time that a juvenile is offered any food.

67. Agents must also document in e3DM any provision of medical care to a juvenile.

68. Agents must conduct "welfare checks" in a regular and frequent manner. During "welfare checks," agents must ensure that all toilets and sinks appear functional, that potable water is available to juveniles, that there are no pests and that the hold rooms appear sanitary. All "welfare checks" are now recorded in the e3DM system.

69. Although Border Patrol has long maintained a consistent and comfortable temperature in its stations, in response to the Court's order, Buffalo Sector obtained handheld infrared thermometers to take the temperature in any hold room prior to placing a juvenile in that room and every 24 hours thereafter, as noted above. For approximately $20 per unit, Buffalo Sector purchased handheld infrared thermometers for each location that could possibly hold detainees. ***Exhibit F***. Consistent with the October 16, 2015, guidance, agents must record the temperature being within range (66-80 degrees Fahrenheit) or they must specifically note when the temperature is out of range. If the temperature is out of range, agents must immediately inform their supervisors and steps will be taken to remedy or mitigate the concerns and correct the temperature.

70. If e3DM is offline or otherwise not available at any time, Buffalo Sector has paper forms available to document the information and retains the paper until the information can be entered into e3DM.

71. As noted above, Buffalo Sector attempts to maintain family unity for those in its custody. Consistent with the October 16, 2015, guidance, Buffalo Sector now records any separation of a juvenile from his or her family. Where that separation does occur, agents will also record any family contact that occurs in the custodial actions portion of the e3DM.

72. If such contact cannot be facilitated, the agents must document the reasons for the lack of contact using one of the following options:

a. Operational infeasibility;

b. Security concerns;

c. Lack of certainty regarding the familial relationship;

d. Medical concerns; or

e. The family remains in Border Patrol custody for fewer than four hours.

73. This information must also be documented in paper form at any time that e3DM is offline or otherwise unavailable; if documented in paper form, the information is input into e3DM once e3DM is back online.

74. Consistent with the memorandum issued October 16, 2015, I instructed all agents in Buffalo Sector receive training on how to enter the above information into e3DM. All agents completed this training by November 6, 2015.

75. Consistent with Border Patrol's longstanding practice, I have ensured that all agents in Buffalo Sector were reminded on October 22, 2015, that they are required to ask every unaccompanied juvenile who must be separated from his or her legal guardian about other family members in the United States. Agents must record this information in a CBP systems of records which is made available to HHS.

76. On December 23, 2015, I disseminated a memorandum titled "Review of Customs and Border Protection Conditions of Detention," which provided that the DHS Office of the Inspector General would be conducting periodic inspections of CBP detention facilities to monitor compliance with TEDS.

77. On February 2, 2016, I also disseminated to Buffalo Sector agents a memorandum titled "Policy Reminder on TEDS and Reno v. Flores." Compliance was tracked to verify that all agents were issued/reissued guidance on the Flores Settlement Agreement, TEDS, and the Hold Rooms and Short Term Custody Policy.

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge, information, and belief.

Signed this 1st day of June, 2016.

Brian S. Hastings
Chief Patrol Agent, Buffalo Sector
U.S. Border Patrol
U.S. Customs and Border Protection
U.S. Department of Homeland Security

Exhibit List

Exhibit A – Detention Area Potable Water (Water Fountain) Photograph

Exhibit B – Hold Room Photographs

Exhibit C – Detainee Blanket Photograph

Exhibit D – Detention Area Signage Photographs

Exhibit E – Free Legal Services Information

Exhibit F – Infrared Thermometer Photograph

EXHIBIT A


WATER SAFE FOR DRINKING
AGUA POTABLE
EMERGENCY
WATER SAFE FOR DRINKING
AGUA POTABLE
Segregation 1

EXHIBIT B


WATER SAFE FOR DRINKING
AGUA POTABLE


WATER SAFE FOR DRI NG
AGUA POTABLE

EXHIBIT C


ULTRA
ULTRA

ECONO BLANKET

DISPOSABLE EMERGENCY BLANKET
54" X 80"

REORDER NUMBER
55-1003

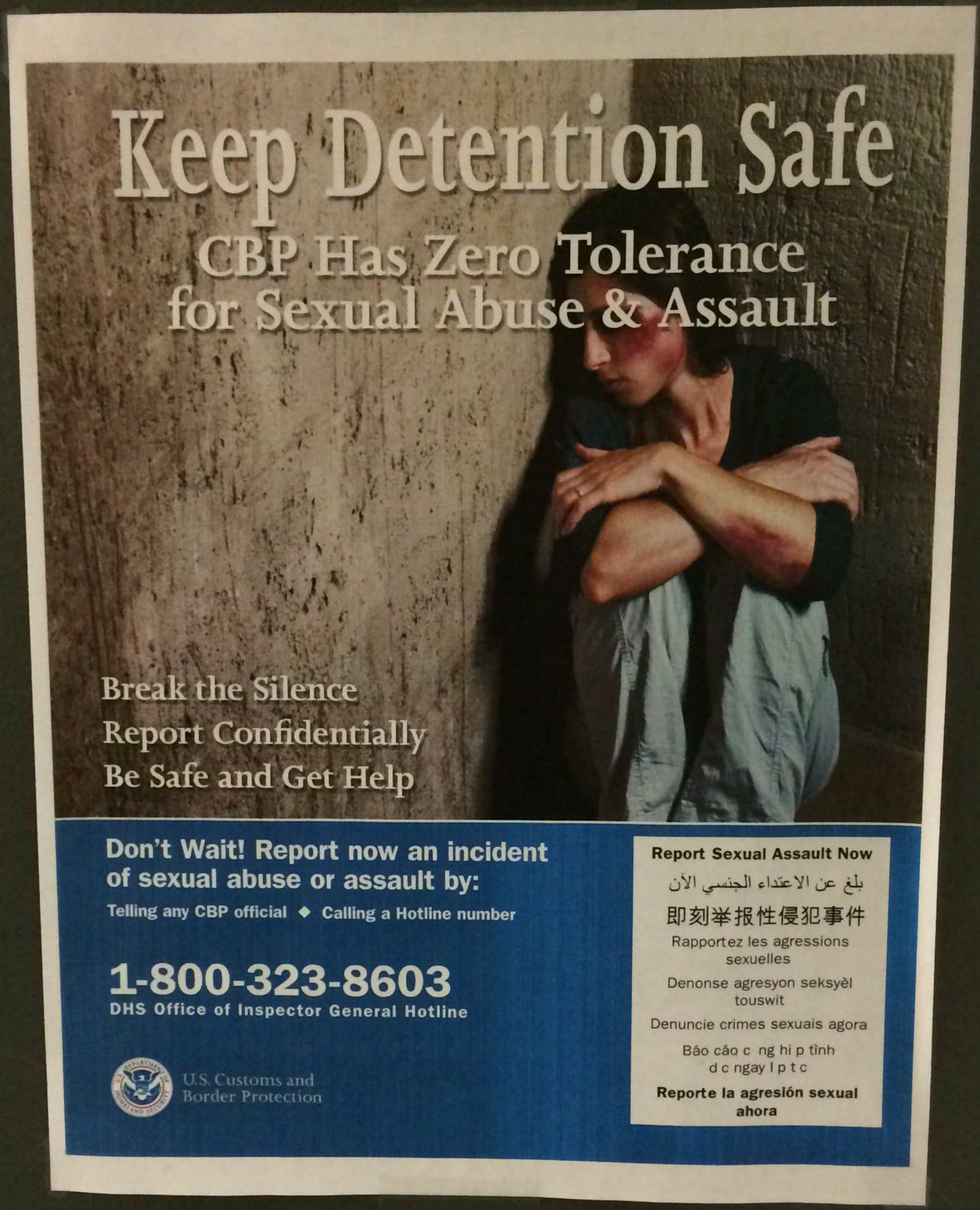
Distributed By

Swift First Aid

Valencia, CA 91355


Tissue/Poly
Pillowcases
Reorder: NON24345
21 in x 30 in (53.3 cm x 76.2 cm) - White
Contents: 100 Each per Case
MEDLINE
Tissue/Poly
Pillowc
Reorder: NO
21 in x 30 in
Contents: 100 E

EXHIBIT D


Keep Detention Safe
CBP Has Zero Tolerance
for Sexual Abuse & Assault
Break the Silence
Report Confidentially
Be Safe and Get Help
Don't Wait! Report now an incident of sexual abuse or assault by:
Telling any CBP official ◆ Calling a Hotline number
1-800-323-8603
DHS Office of Inspector General Hotline
U.S. Customs and Border Protection
Report Sexual Assault Now
بلغ عن الاعتداء الجنسي الآن
即刻举报性侵犯事件
Rapportez les agressions sexuelles
Denonse agresyon seksyèl touswit
Denuncie crimes sexuais agora
Báo cáo c ng hi p tình d c ngay l p t c
Reporte la agresión sexual ahora

Tráfico humano

Problema global



Prostitución. Esclavitud. Trabajo forzado.

Cada año, cientos de miles de hombres, mujeres y niños inocentes son explotados en confabulaciones para el tráfico humano.

ICE es líder en la lucha global contra el tráfico.

Teniendo como objetivo las organizaciones de tráfico mientras apoya a las víctimas, ICE procura desmantelar la infraestructura delictiva que sustenta el tráfico.

Indicadores communes de tráfico

- La víctima carece de identificación o de documentos de viaje.
- La víctima fue entrenada para hablar con oficiales del orden público o inmigración.
- La víctima está en situación de trabajo forzado o de comercio sexual.
- El salario de la víctima es embargado para pagar su viaje contrabandeado.
- Se niega libertad de movimiento a la víctima.
- Se amenaza con dañar a la víctima o a su familia si intenta escapar.
- Se amenaza a la víctima con deportación o arresto.
- Se ha hecho daño a la víctima o negado comida, agua o atención médica.
- Se ha negado a la víctima contacto con sus familiares o amistades.
- No se permite a la víctima alternar socialmente o asistir a servicios religiosos.

Traficar vs contrabandear

El tráfico humano se define como:

- Tráfico sexual en el cual se induce un acto sexual comercial por medio de fuerza, fraude o coacción, o en el cual la persona inducida a tal acto es menor de 18 años; o
- El reclutar, amparar, transportar, suministrar u obtener una persona para trabajos o servicios, por medio de fuerza, fraude o coacción, con el propósito de someter a esa persona a servicio involuntario, peonaje, servidumbre por deudas o esclavitud.

El contrabando humano se define como:

- La importación de personas a Estados Unidos evadiendo deliberadamente las leyes de Inmigración. Se incluye en este delito la importación de extranjeros ilegales al país, así como también el transportar y albergar extranjeros que ya estén en Estados Unidos.

Homeland Security

Blue Campaign

Denuncie actividades sospechosas:

1-866-DHS-2-*ICE*

1-866-347-2423

www.dhs.gov/humantrafficking

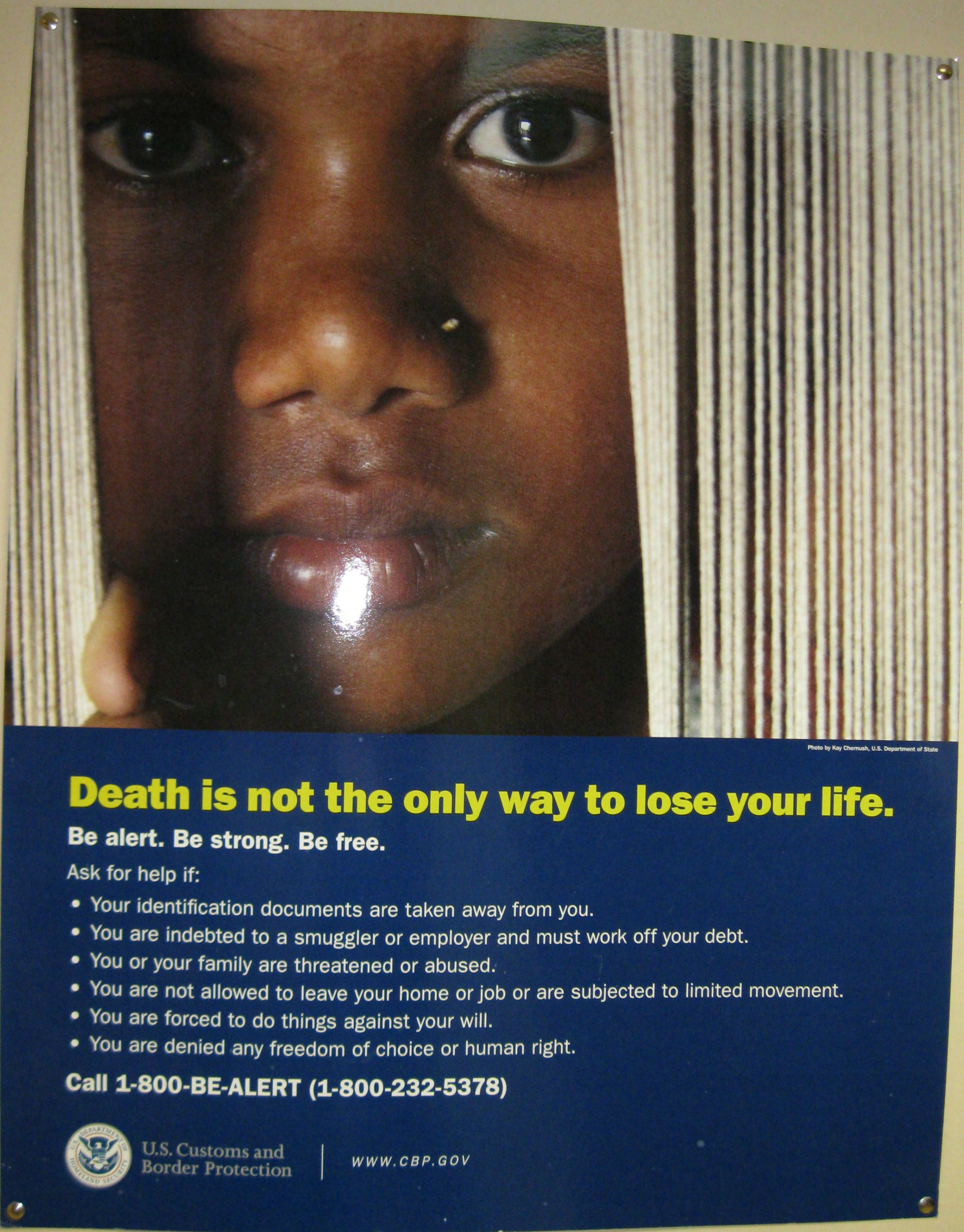

Photo by Kay Chernush, U.S. Department of State
Death is not the only way to lose your life.
Be alert. Be strong. Be free.
Ask for help if:
• Your identification documents are taken away from you.
• You are indebted to a smuggler or employer and must work off your debt.
• You or your family are threatened or abused.
• You are not allowed to leave your home or job or are subjected to limited movement.
• You are forced to do things against your will.
• You are denied any freedom of choice or human right.
Call 1-800-BE-ALERT (1-800-232-5378)
U.S. Customs and Border Protection
WWW.CBP.GOV

EXHIBIT E

READ THIS
BEFORE YOU TAKE LEGAL ADVICE

If you have a case in immigration court, only take legal advice from:

- a licensed attorney

An "attorney" is a person who has a valid license from a state to practice law.

- an accredited representative

An "accredited representative" is an individual who works with a recognized organization and has been given permission by the United States Government to help people in immigration court. A "recognized organization" is a nonprofit, religious, charitable, social service, or similar organization that has been given permission by the United States Government to help people in immigration court.

If someone claims to be an attorney and you want to know if that person is allowed to represent you in immigration court:

- Ask in what state(s) he or she is licensed to practice law.
- Call the office that licenses attorneys in that state (this is usually the "state bar association" or the supreme court of that state) and ask that office if the attorney has a bar number and is in "good standing."
- Go to the EOIR Web site at www.justice.gov/eoir. Click on "Find Legal Representation," then click on "List of Attorneys and Representatives who are currently Ineligible to Practice Immigration Law" to find out who is **not** permitted to represent you in immigration court.

If someone claims to be an accredited representative and you want to know if that person is allowed to represent you in immigration court, go to the EOIR Web site at www.justice.gov/eoir. Click on "Find Legal Representation," click "Recognition and Accreditation Program," and then select "Accredited Representatives List," or call (703) 305-9029 for information.

If you think you have been a victim of immigration fraud, contact the EOIR Fraud and Abuse Prevention Program at: EOIR.Fraud.Program@usdoj.gov or (703) 305-0470.

Prepared by the Executive Office for Immigration Review (EOIR)

List of Pro Bono Legal Service Providers

Updated January 2016

*new provider

http://www.justice.gov/eoir/list-pro-bono-legal-service-providers

Buffalo Immigration Court

Buffalo, New York (page 1 of 2)

Erie County Bar Association

Volunteer Lawyers Project
237 Main Street, Suite 1000
Buffalo, NY 14203
(716) 847-0662 ext 301 for non-detained individuals and detained women
(716) 847-0752 for men detained at BFDF

- Will only represent individuals who qualify as low-income

Legal Aid Society of Rochester, Inc.

One West Main Street, Rm. 800
Rochester, NY 14614
(585) 295-5745 (within Monroe County)
(800) 963-5604 (outside Monroe County)

- Represents aliens seeking Asylum
- Representation limited to persons residing in Allegany, Cattaraugus, Chautauqua, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Seneca, Steuben, Wayne, Wyoming, and Yates Counties
- Will not represent detained aliens

Parmanand L. Prashad, Esq.

259 Traders Blvd. East, Unit 13
Mississauga, Ontario
Canada L4Z 2E5
(905) 712-1680 or (416) 410-8721

Stephen K. Tills, Esq.

P.O. Box 635
6413 West Quaker Road
Orchard Park, NY 14127
(716) 662-5080

Eric W. Schultz, Esq.

Hiscock & Barclay, LLP
1100 M&T Center
3 Fountain Plaza
Buffalo, NY 14203-1414
Tel: (716) 566-1412
Fax: (716) 846-1216

Andrew Slepian, Esq.

The Law Office of Andrew Slepian, Esq.
14 Lafayette Square, Suite 1800
Buffalo, New York 14203
Tel: (716) 870-4788

Alejandro Gutierrez, Esq.

Law Offices of Alejandro Gutierrez PLLC
745 Englewood Avenue
Buffalo, NY 14223-2406
Tel: (716) 877-4276.
Toll Free Fax: (855) 260-1323
Aglaw01@gmail.com
www.alejandrogutierrezpllc.com

Robert Kolken, Esq.
Matthew Kolken, Esq.

Kolken & Kolken, Attorneys at Law
135 Delaware Avenue, Suite 101
Buffalo, New York 14202
(716)854-1541

Anne E. Doebler, Esq.

14 Lafayette Square, Suite 1800
Buffalo, NY 14203
Tel: (716) 898-8568
Fax: (716) 898-8929

Annick T. Koloko , Esq.

Law Office of Annick T. Koloko
266 Elmwood Avenue, #161
Buffalo, NY 14222
(716) 200-1720

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of the Director, Office of Legal Access Programs maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on this list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of these organizations or attorneys.

List of Pro Bono Legal Service Providers

Updated January 2016

*new provider

http://www.justice.gov/eoir/list-pro-bono-legal-service-providers

Buffalo, New York (page 2 of 2)	
Michael Berger, Esq. Berger, Berger & Slepian 5530 Sheridan Drive, Suite 1 Buffalo, NY 14221 (716) 634 - 6500	**Sarah E. Murphy, Esq.** Serotte Reich Wilson 300 Delaware Avenue Buffalo, NY 14202 Tel: (716) 854-7525 Fax: (716) 854-0294
Nevin F. Murchie, Esq. Law Office of Nevin F. Murchie, PLLC. 8555 Main Street Williamsville, NY 14221 Tel: (716) 342-8340 Email: nmurchie@murchielaw.com www.murchielaw.com ▪ Will represent indigent aliens in immigration proceedings pro bono ▪ Will represent indigent aliens in asylum proceedings	**Matthew Borowski, Esq.** Law Office of Mathew Borowski, Esq. 474 Elmwood Ave, Suite 204 Buffalo, NY 14222 Tel: (716) 418-7431 Website: www.borowskilaw.com **Jose, E. Perez, Esq.** Law Offices of Jose Perez, P.C. Oficinas de abogado Jose Perez 651 Delaware Avenue, Suite 118 Buffalo, New York 14202 Tel: (716) 362-1204 Fax: (315) 466-5673 www.joseperezyourlawyer.com ▪ Will provide free legal services to indigent aliens ▪ Will represent indigent aliens in asylum proceedings ▪ Will represent indigent aliens in immigration proceedings pro bono

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of the Director, Office of Legal Access Programs maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on this list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of these organizations or attorneys.

EXHIBIT F


Raytek
Infrared Thermometer
MINITEMP
MT 4
Raytek
MINITEMP
-18 to 400° C
0 to 750° F
8:1 Optics
Battery Included
Laser Sighting

DEFENDANTS' EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores, *et. al.* *Plaintiffs* v. Jeh Johnson, Secretary U.S. Department of Homeland Security *Defendants*	)	No. CV 85-4544

DECLARATION OF CHIEF PATROL AGENT RODNEY S. SCOTT

1. I am the Chief Patrol Agent, El Centro Sector of the United States Border Patrol, U.S. Customs and Border Protection (CBP). I have held this position and title since February 21, 2016. In my capacity as the Chief Patrol Agent, I am responsible for executing the missions of the Department of Homeland Security (DHS), CBP, and the United States Border Patrol (USBP). CBP's mission includes facilitating the flow of legal immigration and trade, while preventing the illegal trafficking of people and contraband. The USBP is the primary federal law enforcement organization responsible for preventing the entry of terrorists and their weapons and for preventing the illicit trafficking of people and contraband from entering or leaving the United States between official CBP ports of entry.
2. I make this declaration based on my own knowledge, as well as the documents and information made available to me in my position as Chief Patrol Agent.
3. The El Centro Sector is comprised of three USBP stations: Calexico, El Centro and Indio, California. I oversee all stations within the El Centro Sector and am responsible for the oversight of more than 1,039 agents and support personnel combined, who work to secure 70

linear miles along the International Boundary with Mexico. I have oversight of the day-to-day operations of USBP in the El Centro Sector, including the apprehension and processing of aliens.

4. I am familiar with the policies and procedures that govern the apprehension, processing, and temporary detention of aliens, including juveniles. As Chief Patrol Agent, I am responsible for implementing those policies and procedures to the agents under my command and ensuring all the agents adhere to them.

5. I am familiar with the Flores Settlement Agreement. I am familiar with the terms of the Flores Settlement Agreement ("Agreement"), including the requirements therein. Those requirements include that the USBP holds juveniles in facilities that are safe and sanitary, that juveniles be provided access to food, drinking water, toilets, sinks, medical care, and adequate ventilation and that CBP monitor its own compliance with these terms. I am aware that these terms apply to all juveniles, regardless of whether an adult relative or family member accompanied them.

6. El Centro Sector averages three unaccompanied alien children (UAC) per day who spend approximately 42 hours in our custody on average. El Centro Sector also averages one family group per day who spend an average of about 46 hours in USBP custody. El Centro Sector averages three aliens per family group. Compared to other Southwest Border Sectors, El Centro Sector has a low volume of unaccompanied alien children and family groups.

7. I am similarly familiar with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). I am familiar with the interim guidance issued by then Chief David Aguilar, U.S. Border Patrol, providing guidance to agents on the implementation of the TVPRA on March 20, 2009.

8. I understand that this Court issued two Orders in the above referenced Agreement, the first on July 24, 2015 and the second on August 21, 2015. I am aware that the District Court, in its August Order required, among other things, CBP to monitor its compliance with the standards and procedures for detaining class members in facilities that are safe and sanitary, consistent with the concern for the particular vulnerability of minors, and consistent with Paragraph 12 of the Flores Settlement Agreement.

Operations and Processing

9. Agents bring arrested detainees to the respective apprehending El Centro Sector Border Patrol station or checkpoint for processing. USBP stations are not designed for long-term care or custody. The USBP makes every effort to promptly process, transfer and remove detainees in custody as quickly as operationally feasible.

10. When a detainee arrives at a USBP station, he or she begins in an area referred to as a "sally port" or "intake." An agent initially searches each detainee for illicit items to avoid concealed contraband from entering the USBP station, including the removal of outer clothing and any baggage. This procedure exists for agent and detainee safety. Agents allow detainees to retain one piece of non-bulky outer clothing. Agents tag all personal property from the detainee with a Form I-77, Baggage Check tag, and stored in an area not accessible to detainees. Agents return personal property upon transfer of the detainee out of USBP custody.

11. At the outset of processing, agents obtain biographical information and take biometrics from the detainee for entry into a CBP system of record. After an agent identifies a detainee, the agent then fully processes the detainee, including the preparation of any arrest report,

immigration processing, and service of immigration forms, consular notifications, as well as communication with family members and consular officials, as appropriate.

12. Agents separate unaccompanied juveniles from unrelated adults as quickly as operationally possible. This could be as early as original transportation from the field or at initial processing during intake into the USBP facility. Juveniles always take priority for processing and placement into holding cells.

13. Agents normally segregate families from the rest of the detained population. In order to maintain family unity and to allow the parent/guardian to provide care for the child, agents detain families together in the same detention cell whenever possible. Women and children are held together in a detention cell with other families consisting of mothers and children. If the family unit consists of a father and child, the family unit is held separate from other family units. If there is a suspicion of a child not being related to the supposed parent, the pair is separated until their parent/child relationship is confirmed.

14. Consistent with USBP's March 20, 2009 interim guidance on the TVPRA, during questioning, agents record the location of any parents/legal guardians, as well as the location and contact information for any relatives in the United States for unaccompanied alien children. The USBP provides that information to the Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR) for any UAC transferred to their custody.

15. Although El Centro does not have a specific policy with respect to asking about additional contacts in the United States, in my experience for detainees apprehended as part of a family group, agents normally ask about other contacts in the United States. Agents place that

information into CBP systems of records, such as E3DM, which is available to ICE upon transfer of the family group to ICE custody.

16. Although not every USBP station in the El Centro Sector is identical, they have general similarities in layout and procedures. Agents place detainees into hold rooms based on a number of factors including age, gender, accompaniment status and status as a family unit. Further, agents segregate any detainee suspected of criminal activity or of presenting a threat to themselves, agents or others. Within El Centro Sector, there are particular hold rooms at each station designated for juveniles. The occupancy rating of the juvenile hold rooms varies between the stations. If additional space is needed, detained juveniles are moved to larger hold rooms that have higher occupancy ratings.

17. Agents may transfer detainees into different hold rooms depending on their stage in processing, for meals, consular interviews and hold room cleaning. The nature of USBP stations in the El Centro Sector does not provide a large number of rooms for private conversations between detainees and others.

18. Each USBP facility strives to keep safe, secure and clean hold rooms. The size of hold rooms at each USBP station varies. However, hold room capacity requires sufficient seating and toilets for that room's maximum capacity. Typically, the USBP constructs short-term hold rooms of impervious materials, including concrete flooring, for safety and hygienic reasons. As the accepted norm, most correctional facilities, jails and short-term holding rooms use such concrete flooring. This is true in El Centro, as it is in other Border Patrol Sectors, in my experience.

19. Consistent with the Flores Settlement Agreement, the USBP's March 20, 2009 interim guidance on the TVPRA and the National Standards on Transportation, Escort, Detention and

Search (TEDS), El Centro Sector provides access to toilets and sinks, drinking water and food, emergency medical assistance, adequate temperature control and ventilation and adequate supervision in any area where it detains juveniles.

20. El Centro Sector implemented its meals and snacks schedule according to the Hold Rooms and Short Term Custody Policy dated June 2, 2008. Agents serve meals to detainees 4 times per day at 6 hours intervals, consisting of a burrito (choice of bean, beef, or beef and bean), crackers (choice of either peanut butter or cheese crackers) and juice. Agents also provide snacks 4 times per day at intervals between meals, consisting of juice and crackers. Irrespective of normal meal times, agents provide all detainees a meal if detained more than eight hours. Additionally, agents provide detainees a meal upon arrival at each facility to prevent detainees missing meals, which could have occurred during the transportation process. If an adult detainee requests a snack or meal before the next meal service agents may provide food on a case-by-case basis. In my experience, agents never withhold food or water from a detainee as a form of punishment.
21. All juveniles (including small children, toddlers, babies), as well pregnant women have access to snacks, baby formula or juice upon request at any time.
22. The USBP has an internal auditing function within e3DM that will warn agents when a detainee is approaching these timelines and will display a flashing red box if at any time a detainee exceeds these timelines.
23. El Centro Sector currently has a food contract with a local distributor. El Centro Sector has found that serving burritos, crackers and juice appeals to children, is culturally acceptable and cost effective.

24. In calendar year 2015, El Centro Sector spent $12,950.52 for food and juice. Those figures include $7,738.84 spent on detainee meals and $5,211.68 spent on juice and crackers. In addition, El Centro Sector purchases or acquires all of the following for detainees: cups, 5 gallon water jugs, bottled water. El Centro Sector obtains other items as needed on a case-by-case basis, such as feminine hygiene products, diapers and baby food, through GSA.

25. In addition to the combination lavatory/drinking fountain in each holding cell, the El Centro Sector provides potable water for detainees via a 5-gallon water jug and foam cups in each cell. These 5-gallon water jugs are filled from sinks in the processing area drawn from the city water supply. El Centro stations indicate in English and Spanish above the toilet-sink units that the water fountain located on top of the unit is safe to drink.

26. Like any other short-term custody holding facility, the USBP cannot guarantee absolute privacy. Hold rooms do not have exterior windows and allowing locked or closed doors within the holding rooms would be a safety and security concern for agents and detainees alike. The hold rooms, instead, employ modesty walls to address privacy concerns. I instructed my staff to photograph a typical lavatory facility in a USBP station within the El Centro Sector. I attached a true and accurate copy of that picture as Exhibit A. The modesty walls allow detainees, especially children, privacy while using the facilities and still allows agents to monitor and protect them.

27. To ensure the safety of detainees, cameras monitor each hold room at USBP stations within the El Centro sector. These cameras allow agents to monitor the hold rooms, although they do not provide sight lines to the toilet facilities. The agents conduct welfare checks every 15 minutes.

28. The stations within the El Centro Sector strive to maintain climate control between 66 and 80 degrees Fahrenheit. However, in my experience detainees going from extreme heat to an air conditioned building will take time to acclimate to the cooler temperatures. Further, those detainees often find it cooler than they are accustomed to and all people assess temperature differently. El Centro Sector provides blankets when detainees complain about low thermal conditions to address their concerns.

29. I have never witnessed nor been presented any evidence of agents using hold room temperatures in a punitive manner.

30. In periods of outage or malfunction, the El Centro Sector contacts our Facilities Management and Engineering Division (FM&E) and they in turn contact a contractor to respond for an emergency service repair. FM&E provides maintenance service for CBP facilities. El Centro Sector has not experienced any outage or malfunctions since October 2015.

31. FM&E and the General Services Administration (GSA) fund custodial staff to regularly address sanitation needs and any required maintenance of the hold rooms.

32. El Centro Sector has a cleaning contract with ARC of the Imperial Valley for the El Centro and Calexico Stations, and the Highway 86 and 111 Checkpoints. The El Centro and Calexico Stations follow the same basic model: cleaning and sanitizing of the hold rooms and processing area daily, emptying trashcans and resupplying the toilet areas. The Highway 86 and 111 checkpoints follow the same basic model: cleaning and sanitizing of the hold rooms and processing area three times per week (Monday, Wednesday, Friday), emptying trash cans and resupplying the hold room toilet areas. El Centro Sector only holds detainees at the Highway 86 and 111 checkpoints for processing following their apprehension. Detainees are transported by agents to a physical station as soon a possible.

33. GSA owns the Indio Station and therefore the contracts for their cleaning. Western Building Cleaners cleans Indio Station. Cleaning follows a model similar to El Centro and Calexico stations, in that the contractor cleans each hold room daily, which they note on an inspection sheet affixed to the front door of each hold room. Indio Station supervisors check each hold room to ensure that cleaning has occurred as indicated on the inspection sheet. Supervisors report any discrepancies discovered to Western Building Cleaners, which the cleaning service addresses immediately. The cleaning staff adjusted their work hours to be on site for eight continuous hours allowing them to be readily available to address site issues.

34. El Centro Sector has placed trash receptacles in each hold room. Agents instruct the detainees to utilize these trash receptacles. While we have a cleaning contract and trash receptacles inside the hold room, El Centro Sector must overcome some social challenges daily. We find that some detainees will dispose of refuse, food wrappers, or juice boxes on the floor, despite having an empty trash receptacle in the hold room. In certain countries or cultures, detainees do not flush toilet paper down the commode due to the plumbing situation in their home countries; rather they place the toilet paper next to the commode. When agents notice this problem occurring they address it by explaining proper use of the trash cans and toilets to the detainees, and bringing it to the attention of the cleaning crew immediately.

35. Not all stations in El Centro Sector have shower facilities available. The National Standards on Transport, Escort, Detention, and Search dictates that Sectors make reasonable efforts to provide showers, soap and a clean towel to juvenile detainees who are approaching 48 hours in custody. El Centro Sector intakes and processes every detainee and transfers them to their next destination as quickly as possible. In most cases, detainees do not approach 48 hours in custody and will not require showers while in USBP custody. As not all facilities have

shower capabilities, it is not operationally feasible for El Centro Sector to allow every detainee to shower upon arrival at a USBP facility. The change would require significant structural changes to the USBP facilities or it would require that every detainee be transferred immediately to a USBP facility with shower capabilities and then be transferred back to the original station for processing. In either case, it would have a significant impact on the time in custody for all detainees and possibly present officer and detainee safety concerns.

36. Each facility in the El Centro Sector has a sink with soap in the processing area for detainees to wash their hands at the detainee's request. The cleaning contractor fills soap dispensers each time they clean the station and hold rooms.

37. El Centro Sector does not provide towels for drying hands. The arid climate facilitates a more natural, environmentally friendly and sanitary means of hand drying. In past years when paper towels were provided, detainees frequently discarded them in sinks and toilets causing significant plumbing problems.

38. During each shift turnover, an agent conducts a walkthrough of the hold rooms. The agent annotates a review of the facilities in the e3DM. If the agent finds any facilities issue, a work order is issued. If specialized or additional cleaning is required in a hold room, the agent makes a request through the contract cleaning supervisor. Agents do not utilize a hold room until it is properly cleaned and sanitized.

39. The lights remain on at all times while detainees remain in USBP custody for security reasons and operational necessity. USBP stations are 24/7 facilities, and agents may arrive with newly apprehended aliens at all hours of the day or night. The agents must maintain visual control over the holding cells to ensure the safety and security of the detainees in our custody.

40. El Centro Sector uses Mylar blankets due to sanitary reasons. The use of these blankets prevents the transmission of communicable diseases such as lice or scabies provides. Previously El Centro Sector provided cloth blankets, but switched to Mylar to minimize the risk of spreading communicable diseases.

41. El Centro Sector provides bedrolls for juveniles, regardless of accompaniment status. The bedrolls are covered with plastic for easy sanitization. Cleaning personnel sanitize the bedrolls during routine service of the hold rooms to ensure they remain sanitary.

42. All USBP agents receive first aid training covering basic treatment for cuts and abrasions, bandaging and applying pressure to a wound. El Centro Sector also has an Emergency Medical Technician (EMT) program, which includes approximately 50 agents trained as EMTs. When agents encounter detainees in the field displaying obvious signs of injury or requesting emergency medical care, agents can contact a USBP EMT to evaluate and treat the detainee or they can contact local emergency services for transfer to an appropriate medical facility depending upon the immediacy of the situation and the level of care required.

43. In most instances, the local Emergency Medical Service transports the detainee from the point of apprehension to one of two local hospitals by Gold Cross Ambulance Service, located at 905 S. Imperial Avenue, El Centro, California 92243. The two hospital facilities most likely to receive detainees are Pioneers Memorial Hospital, 207 West Legion Road, Brawley, California 92227 and El Centro Regional Medical Center, 1415 Ross Avenue, El Centro, California 92243.

44. Agents follow the same process for emergency care once a detainee arrives at a USBP station. During processing, agents ask detainees about any health or medical issues and take

appropriate action – up to and including transfer to a local medical center. If the detainee possesses medication not accompanied by a valid U.S. prescription agents confiscate the medication. Agents then transport the detainee to a local medical facility for a new prescription or validation of the current prescription by a U.S. medical professional. Agents store any prescribed medication from the hospital or pharmacy at the station and make it available to the detainee for self-administration.

45. USBP's March 20, 2009 interim guidance on the TVPRA requires that agent screen UAC from contiguous countries for possible trafficking victimization and exploitation concerns, ensuring the children do not fear returning to their country of origin or last habitual residence and the children can make independent decisions to return to their country of origin or last habitual residence. However, it has been long standing policy that agents screen all UAC, regardless of country of origin.

46. All personnel in El Centro Sector notify the ICE Field Office Juvenile Coordinator (FOJC) and the HHS/ORR as soon as possible after identifying a juvenile as an unaccompanied alien child. The agents accomplish this task by sending an initial placement referral form to HHS/ORR and the San Diego ICE FOJC. El Centro Sector includes any special instructions, medical issues, accompanying siblings with the initial placement request. HHS/ORR then notifies the ICE/FOJC of the placement information. The ICE FOJC coordinates with the USBP for transportation.

47. The USBP generally transfers family units to the custody of ICE Enforcement and Removal Operations.

48. A receiving agency sometimes cannot receive a detainee due to a breakdown in their intake procedures or lack of space. If that happens, USBP agents cannot accomplish the transfer until the receiving agency resolves any issues on their end.

49. Consistent with the TVPRA and USBP interim guidance, agents within El Centro Sector may only reunify unaccompanied alien children with parents or legal guardians who are in possession of supporting documentation and who are within the United States. Under the guidelines established in the TVPRA, only HHS/ORR may make a determination that any other proposed custodian, including a family member, can provide for the physical and mental well-being of the UAC.

50. Prior to the Court's order of August 21, 2015, CBP only provided unaccompanied alien children with a Form I-770, Notice of Rights and Disposition. Currently, in light of the Court's order, agents provide and explain to all juveniles detained in the El Centro Sector based on their immigration status a Form I-770, regardless of accompaniment status. This form provides children with a notice of their rights consistent with the Flores Settlement Agreement. Upon completion, agents place the form in the child's Alien Registration File, commonly known as the "A File." Consistent with CBP policy, and the TVPRA interim guidance the apprehending agent and the child, or the child's representative, must both sign the I-770.

51. Consistent with USBP's March 20, 2009 policy on the TVPRA, agents provide all UAC placed into proceedings with a list of free legal services at the time of processing.

52. Consular officials from the Consulate of Mexico have access to the detainees upon request. Representatives from the Consular Office in Calexico, California arrive at the Calexico Border Patrol Station almost daily to interview detainees within the holding area. These

representatives have the same access at El Centro and Indio stations. As provided in Article 36 of Vienna Convention on Consular Relations, agents notify detainees of the right to have their consulate notified and the right to consult with officials from their country of origin. As only Mexico has a consular office in the Imperial County, agents telephonically notify consulates from other countries of detainees and arrange telephonic contact if requested by the detainee.

Specific Steps Taken in Compliance with Court Order

53. As part of the USBP's efforts to comply with the terms of the Agreement, the Chief, USBP, issued a memorandum to the field explaining the changes made to the e3 Detention Module ("e3DM") requiring the electronic documentation of conditions in facility hold rooms.

54. I received a copy of that memorandum on October 19, 2015.

55. Consistent with the memorandum issued on October 16, 2015, Deputy Chief Patrol Agent (DCPA) Roy D. Villareal instructed all of the Supervisory Border Patrol Agents in my Sector to monitor compliance with the Agreement and provide statistical information each month. DCPA Villareal further ordered that Supervisory Border Patrol Agents and Managers make all personnel aware of the order and the USBP Stations within their purview comply with all aspects outlined in the Chief, USBP's memorandum.

56. Under the new e3DM processing policies, DCPA Villareal reminded all agents in El Centro Sector that they must complete the mandatory daily amenity report, as well as conduct a thorough check of each hold room immediately before placing a juvenile into a cell.

57. Consistent with the October 16, 2015 guidance, DCPA Villareal ensured that each of the Stations within El Centro made the necessary changes to the e3DM with respect to the ability

to track those necessary functions in a cell, such as the availability of a functioning toilet or sink.

58. Moreover, consistent with the memorandum, station management reminded agents at each muster that the station must also conduct a daily check of every hold room occupied by a juvenile.

59. After conducting these checks an agent must confirm the following information into e3DM:

    a. Functionality of water fountains;

    b. Functionality of toilets;

    c. Functionality of sinks;

    d. Cleanliness of the hold room;

    e. Presence of Pests

    f. Availability of bottled water;

    g. Temperature (should be within 66-80 degrees Fahrenheit); and

    h. Ventilation.

60. If a particular hold room does not meet the required standards, the observing agent must report the problem to his or her direct supervisor for remedy.

61. Consistent with the October 16, 2015 guidance, agents log each time they offer a juvenile any food. In addition to the above requirements, agents also document in e3DM any medical care provided to a juvenile.

62. Consistent with USBP's longstanding practice, agents conduct "welfare checks" every 15 minutes. During those checks, agents must ensure that all toilets and sinks appear functional, that water is available to juveniles, that there are no pests and the hold rooms appear sanitary. Agents record all welfare checks in the USBP's e3DM system.

63. Although the USBP has long maintained a consistent and comfortable temperature in its stations, in response to the Court's order, the El Centro Sector also obtained thermostats to assess the temperature in any hold room prior to placing a juvenile in that room and every 24 hours thereafter. Consistent with the October 16, 2015 guidance, agents record if the temperature is within acceptable range (66-80 degrees Fahrenheit) or specifically note an out of range temperature. If the temperature is out of range, agents must immediately inform their supervisors and adjust the temperature to bring it into compliance at Calexico and Indio stations and checkpoints. At El Centro Station, agents or supervisors notify the Facilities Maintenance & Engineering Division for immediate action to remedy the problem and bring the station into compliance. El Centro Station's temperature is control via a computerized building management system. Due to its complexity, only trained FM&E personnel may control the system.

64. If e3DM is offline or otherwise unavailable, the El Centro Sector stations use paper forms available to document the information until they can enter the information into e3DM.

65. Consistent with longstanding USBP practice, the El Centro Sector attempts to maintain family unity for those in custody.

66. Consistent with the October 16, 2015 guidance, the El Centro Sector stations record any separation of a juvenile from his or her family. Where that separation does occur, agents also record any contact that occurs during the period of separation and when family reunification occurred.

67. If such contact cannot be facilitated, the agents must document the reasons for the lack of contact, using one of the following options:

    a. Operational infeasibility;

b. Security concerns;

c. Lack of certainty regarding the familial relationship;

d. Medical concerns; or

e. The family remains in Border Patrol custody for fewer than four hours.

f. This information must also be documented in paper form at any time that e3DM is offline or otherwise unavailable.

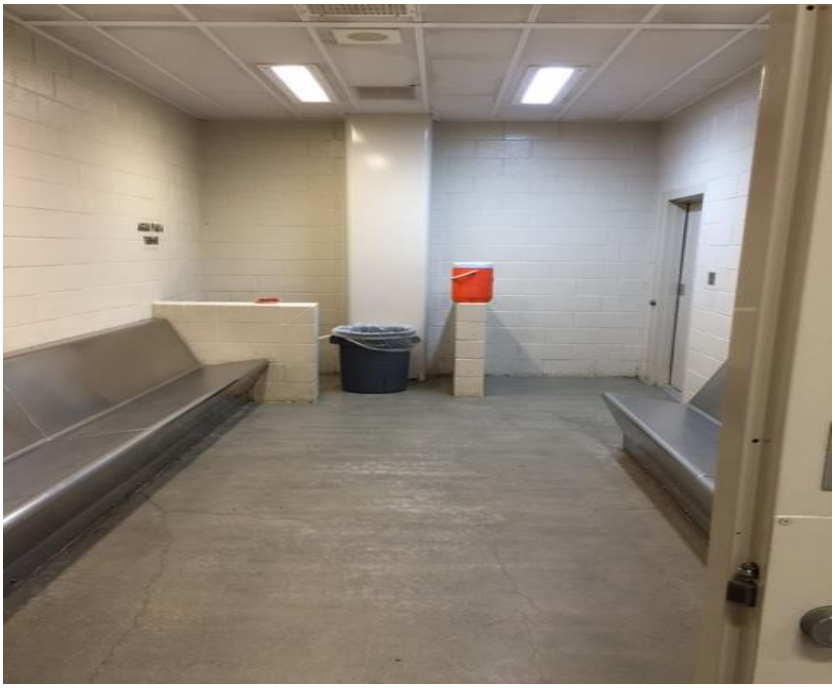
68. Consistent with USBP's longstanding practice, DCPA Villareal reminded all the agents in my Sector on October 22, 2015, they must ask every unaccompanied juvenile separated from his or her legal guardian about other family members in the United States. Agents record this information and provide it to HHS/ORR in the initial placement request or at any time the information becomes available.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of June, 2016.

Rodney Scott
Chief Patrol Agent, El Centro Sector
United States Border Patrol
U.S. Customs and Border Protection
El Centro, California

El Centro Station Cell



Calexico Station Cell



Indio Station Cell





Exhibit A

DEFENDANTS' EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Jenny Lisette Flores, *et. al.* *Plaintiffs* v. Jeh Johnson, Secretary U.S. Department of Homeland Security *Defendants*	)))))))))	No. CV 85-4544

DECLARATION OF MANUEL PADILLA JR.

1. I am the Chief Patrol Agent of the Rio Grande Valley (RGV) Sector, U.S Border Patrol, U.S. Customs and Border Protection as well as the Commander of the Joint Task Force – West, South Texas Corridor (JTF-W STC). I have been employed in this capacity since December 20, 2015. Prior to that date, I was the Chief Patrol Agent for the Tucson, Arizona Border Patrol Sector. In my capacity as the Chief Patrol Agent of the RGV Sector, I have direct oversight of the tactical and strategic operations of nine stations responsible for securing 316 river miles, 317 coastal miles, and 34 counties.

2. I am responsible for executing the missions of the Department of Homeland Security (DHS), CBP, and of the U.S. Border Patrol (Border Patrol) within the Rio Grande Valley Sector. CBP's mission includes facilitating the flow of legitimate trade and travel while safeguarding America's borders from dangerous people and contraband.

3. I make this declaration on the basis of my own knowledge, as well as the documents and information made available to me in my position.

4. The RGV Sector is comprised of nine Border Patrol stations: Brownsville, Corpus Christi, Falfurrias, Fort Brown, Harlingen, Kingsville, McAllen, Rio Grande City, and Weslaco. I oversee all nine stations within the RGV Sector and am responsible for the oversight of more than 3,000 Border Patrol agents (agents) and support personnel combined. I have oversight of the day-to-day law enforcement operations of Border Patrol in the RGV Sector, including the apprehension and processing of aliens.

5. In addition to the nine stations, RGV Sector has established a Centralized Processing Center (RGV CPC), which I also oversee. The RGV CPC consists of CPC-Ursula (short-term holding of processed aliens only), CPC-McAllen (McAllen Station processing area), and CPC-Weslaco (Weslaco Station processing area when operationally required). The CPC is an integral part of the RGV Sector's strategy to more efficiently process all categories of aliens.

6. CPC-Ursula currently has the ability to hold 1,000 detainees, with the ability to provide services associated with the care and temporary custody of children and families. These services include 24/7 medical screening and treatment, (Dec. Exh. 1), hot meals, (Dec. Exh. 2), showers, (Dec. Exh. 3), child monitors/caregivers, and laundry services, (Dec. Exh. 4), among others. CPC-Ursula currently only houses family units and unaccompanied alien children (UACs). Its purpose is to provide a safe and comfortable environment for these populations until the Department of Health and Human Services, Office of Refugee Resettlement (ORR) and/or U.S.

Immigration and Customs Enforcement (ICE) can take them into custody for further proceedings.

7. Statistically, the RGV Sector currently apprehends more UACs and family units than any other Border Patrol Sector. As of May 31, 2016, in Fiscal Year 2016 RGV Sector has apprehended 29,714 family unit members and 23,165 UACs. Respectively, these numbers represent a 110% and 75% increase in family unit and UAC apprehensions respectively as compared to the same time period in Fiscal Year 2015.

8. I am familiar with the policies and procedures that govern the apprehension, processing, and temporary detention of aliens. As Chief Patrol Agent of RGV Sector, I am responsible for ensuring that those policies and procedures are communicated to the agents, overseen by the supervisors, and implemented within the RGV Sector.

9. I am familiar with the Flores Settlement Agreement (Agreement), including the requirement that juveniles be held in facilities that are safe and sanitary; the requirement that juveniles be provided access to food, drinking water, toilets, sinks, medical care, and adequate ventilation; and that CBP monitor its own compliance with these terms. I am aware that according to the Court's order, the Agreement applies to all juveniles, regardless of whether they are accompanied by adult family members.

10. I am similarly familiar with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). I am familiar with the guidance issued by the then Chief of Border Patrol providing guidance to Border Patrol on the implementation of the TVPRA on March 20, 2009.

11. Once an agent encounters an individual the agent believes to be an illegal alien, the agent will first establish alienage and determine if the alien is a minor. A pat-down search for contraband is conducted on each individual upon arrest. Personal property, including any baggage is also searched for contraband and secured prior to entering a Border Patrol transportation vehicle. Once the initial questioning is completed in the field, the alien is segregated by vulnerability for transportation purposes and is brought to one of the nine Border Patrol stations for further processing. Family units and juveniles apprehended in the McAllen, Weslaco, and Rio Grande City station area of operations are generally directly brought from the field to the CPC-McAllen, for priority processing at a location in close proximity to the CPC-Ursula facility.

12. When a detainee arrives at a Border Patrol station, he or she generally disembarks the service vehicle in an area referred to as a "sally port." A pat-down search for contraband is again conducted on each individual. Personal property, including any baggage is also searched for contraband and secured prior to entering the Border Patrol station. This procedure exists for officer and detainee safety. Detainees (both juveniles and adults) are generally permitted to retain their clothing. All personal property that is removed from the individual is tagged with a Form I-77 (Baggage Check) and a baggage check stub is provided to the individual. The tagged personal property is secured and stored in an area that is not accessible to detainees. Personal property is returned when individuals are transferred.

13. Processing is initiated during "intake" where biographical information is obtained, and biometrics captured and entered into CBP's systems of records. After biometrics

are captured and queried against DHS databases and a detainee is identified, case preparation commences. This includes but is not limited to execution of arrest reports, immigration processing forms and service of said forms, making consular notifications, and affording communication privileges with consular officials and family members, as appropriate.

14. Before capturing biometric information on the individual, a determination is made whether an individual is a juvenile (also referred to as a child) under 18 years of age. Agents also determine whether the child has any lawful status under the immigration law of the United States. If the individual is identified as a juvenile, agents also determine whether the child is accompanied by a parent, legal guardian or other family member.

15. Consistent with Border Patrol's March 20, 2009 guidance on the TVPRA, during questioning agents are required to record the location of any parents/legal guardians, as well as the location and contact information for any relatives in the United States for UACs. That information is made available to ORR.

16. For those detainees who have children accompanying them, in my experience, agents normally ask about other family contacts in the United States including contact information. That information is placed into CBP systems of records and made available to ICE to assist with the expeditious reunification with other relatives in the United States in the event the family is released from DHS custody.

17. Border Patrol stations in the RGV Sector have general similarities in layout and procedures. Each of the Border Patrol stations have holding areas, often known as

holding cells or hold rooms, where people are detained in Border Patrol facilities. At the McAllen Border Patrol Station, for instance, the cell capacities vary from as low as 22 to as high as 60 adults.

18. When detainees are brought inside to the processing area, they are placed into hold rooms based on a number of factors including age, gender, whether they are traveling as a family unit, and if they are suspected of a serious crime.

19. UACs are separated from unrelated adults as quickly as operationally possible, and generally within few minutes upon arriving at a Border Patrol facility. Families are normally segregated from the rest of the detained population. In order to maintain family unity and for other operational reasons, Border Patrol normally detains families together in the same holding cell. However, due to medical issues, criminal history, or capacity issues, there are times when Border Patrol, for operational need, must detain family members separately.

20. Detainees may be transferred into different hold rooms depending on their stage in processing, for meals, for consular interviews and for hold room cleaning.

21. Each Border Patrol station must be kept safe, secure and clean. The size of hold rooms at Border Patrol stations varies. Each hold room varies in capacity, has concrete benches, a toilet, a sink, and or a toilet with sink combination unit, and a water fountain and or access to drinking water provided in beverage cooler/dispensers. Typically a hold room is constructed of impervious materials that can be easily cleaned and are hygienic. (Dec. Exh. 5.)

22. Due the fact that the number of apprehensions varies widely on a daily basis, the number of detainees per station and, in turn, per holding cell fluctuates greatly. For this reason, there are times when a large number of detainees may be held in a certain hold room. As the RGV Sector has nine stations as well as the CPC-Ursula, our agents are able to take various steps to reduce overcrowding. This includes activating CPC-Weslaco, detailing agents from other sectors, and moving aliens to stations that have a lower detainee population.

23. The Agreement, the Border Patrol's March 20, 2009 TVPRA guidance, and the CBP National Standards on Transportation, Escort, Detention and Search (TEDS), provide that all areas where juveniles are detained must provide access to toilets and sinks; drinking water and food, as appropriate; emergency medical assistance; adequate temperature control and ventilation; and adequate supervision to protect children from others.

24. I understand that this Court issued two Orders in the above referenced case, the first on July 24, 2015 and the second on August 21, 2015. I am aware that the District Court, in its August Order required, among other things, CBP to monitor its compliance with the standards and procedures for detaining class members in facilities that are safe and sanitary, consistent with the concern for the particular vulnerability of minors, and consistent with Paragraph 12 of the Flores Settlement Agreement.

25. As part of the Border Patrol's efforts to comply with the terms of the Flores Settlement Agreement, a memorandum was issued to the field explaining the changes

made to the e3 Detention Module ("e3DM") requiring the electronic documentation of conditions in facility hold rooms.

26. Consistent with the memorandum issued on October 16, 2015, all of the agents in RGV Sector were advised that they must take steps properly log compliance with the various amenities provided to juveniles detained in Border Patrol custody. Under the new e3DM processing policies, RGV Sector management ensured that all agents were reminded via musters that they must conduct a thorough check of each hold room before placing a juvenile in the room.

27. To further institutionalize these changes, RGV Sector generated various Power Point instructional trainings that were provided to agents throughout the Sector.

28. RGV Sector management also ensured that each of the Stations within RGV Sector made the necessary changes to the e3DM with respect to amenities available in each hold room such as drinking water, a functioning toilet and or sink, to include tracking of hold room temperature, cleanliness, absence of pests, and adequate ventilation.

29. Moreover, at a series of musters across RGV Sector, each agent was reminded that the station must also conduct a check of each hold room prior to placing a juvenile in a hold room and a daily check of each hold room occupied by a juvenile.

30. After conducting these checks an Agent must confirm the following information into e3DM:

    a. Functionality of water fountains;

    b. Functionality of toilets;

    c. Functionality of sinks;

d. Cleanliness of the hold room;

e. Presence of Pests

f. Availability of bottled water;

g. Temperature (should be within 66-80 degrees Fahrenheit); and

h. Ventilation.

31. If, upon a check, a particular hold room does not meet the required standards, the observing agent must report the problem to his or her direct supervisor.

32. The station must then document all steps taken to address the particular problem. All issues that have not been resolved within twelve (12) hours must be reported to the Patrol Agent In Charge (PAIC).

33. Consistent with the October 16, 2015 guidance, agents log each time that a juvenile is offered any food. Agents must also document in e3DM any provision of medical care.

34. Consistent with Border Patrol's longstanding practice in RGV Sector, agents must conduct what are known as "welfare checks" on a regular and frequent basis. During those checks, agents must ensure that all toilets and sinks are functional, that water is available to juveniles, that there are no pests, and that the hold rooms are sanitary. All welfare checks are now recorded in Border Patrol's e3DM system.

35. Although Border Patrol has long maintained a consistent and comfortable temperature in its stations, in response to the Court's 2015 order, RGV Sector also obtained approximately 60 infrared thermometers in order to take the temperature in any hold room prior to placing a juvenile in that room and every 24 hours thereafter.

36. Consistent with the October 16, 2015 guidance, agents record whether the temperature is within range (66-80 degrees Fahrenheit) or must specifically note when the temperature is out of range. If the temperature is out of range, agents must immediately inform their supervisors and corrective action is taken with CBP's Facilities Management and Engineering (FM&E).

37. If e3DM is offline or otherwise not available at any time, the RGV Sector has paper forms available to document the information and retain the paper until the information can be entered into e3DM.

38. Consistent with longstanding Border Patrol practice, the RGV Sector attempts to maintain family unity for those in its custody. Consistent with the October 16, 2015 guidance, the RGV Sector now records any separation of a juvenile from his or her family. Where that separation does occur, agents will also record any contact that occurs during the period of separation, and when the family can be reunified.

39. If such contact cannot be facilitated, the agents must document the reasons for the lack of contact, using one of the following options:

    a. Operational infeasibility;

    b. Security concerns;

    c. Lack of certainty regarding the familial relationship;

    d. Medical concerns; or

    e. The family remains in Border Patrol custody for fewer than four hours.

f. This information must also be documented in paper form at any time that e3DM is offline or otherwise unavailable, and input into e3DM when it becomes available.

40. In October 2015, all Supervisory Border Patrol Agents in RGV Sector received training on how to enter this information into e3DM via a Power Point presentation.

41. Consistent with Border Patrol's longstanding practice, all agents RGV Sector were reminded on or about October 22, 2015, that they are required to ask every unaccompanied juvenile about other family members in the United States. Agents must record this information and provide it to ORR, to assist with their reunification efforts.

42. In the RGV Sector, the vast majority of UACs and family units are immediately transferred to CPC-Ursula following completion of administrative case processing. At CPC Ursula, these populations have access to a wide range of "wrap around" services to include showers, laundry services, clean clothes, and mattresses, while transfer to ORR or ICE is pending. Detainees transferred to CPC-Ursula generally remain at the facility for less than 24 hours after administrative case processing has been completed by RGV pending their transfer into ORR or ICE custody.

43. All juveniles (accompanied and unaccompanied) detained by RGV Border Patrol stations are generally given the opportunity to make at least one free domestic telephonic call while in custody. Due to operational necessity, juveniles often are not permitted to make telephone calls until the time they are processed or after processing is complete. However, a Mexican juvenile who is being processed for voluntary return

is always given the opportunity to make a telephone call before being offered the opportunity to voluntarily return to Mexico.

44. The telephones available for juvenile use are generally situated next to the processing areas at the Border Patrol stations.

45. At the CPC-Ursula, there is a separate phone bank available for use. (Dec. Exh. 6.) These phones allow free domestic phone calls, and juveniles are provided various opportunities during detention to make phone calls. There is no set limit on the number of phone calls that can be made by detainees at CPC-Ursula.

46. RGV Sector currently contracts with Deployed Resources LLC to supply the meals needed to feed detainees. From October 12, 2015 through May 8, 2016, RGV Sector spent $529,793.35 on this contract. Under the contract, Deployed Resources provides a "menu conforming to a culturally Hispanic diet." Pursuant to the statement of work, the meals provided "must meet Texas Department of Agriculture Food & Nutrition guidance and additional quality control requirements."

47. RGV Sector's policy regarding meals for juveniles applies the same to both accompanied and unaccompanied juveniles. In addition, RGV Sector treats pregnant females as covered by the juvenile feeding policy.

48. In RGV Sector, juveniles (under 18 years old) and pregnant women are provided the following meals:

    a. Breakfast.
        i. Burrito (or sandwich upon request)
        ii. Crackers, granola bars, or fruit cups
        iii. Juice drink

b. Morning Snack
    i. Crackers, granola bars, or fruit cups
    ii. Juice drink
c. Lunch
    i. Burrito (or sandwich upon request)
    ii. Crackers, granola bars, or fruit cups
    iii. Juice drink
d. Afternoon Snack
    i. Crackers, granola bars, or fruit cups
    ii. Juice drink
e. Dinner
    i. Burrito (or sandwich upon request)
    ii. Crackers, granola bars, or fruit cups
    iii. Juice drink

49. In addition to these scheduled meals, juveniles and pregnant women and provided access to snacks, juice, fruit, and other food items at all times.

50. Due to the large number of infants that are apprehended as part of family units, RGV Sector also stocks baby formula, nursery purified water, baby bottles, diapers, and other essential products for infants. These products are made available to infants and their parents during the various meal times. (Dec. Exh. 7.)

51. From approximately October 21, 2015 through May 10, 2016, RGV Sector spent approximately $127,714.46 on miscellaneous food purchases on top of the food contract with Deployed Resources.

52. The welfare of all juveniles is checked at all meal and snack times to ensure that their needs are being met.

53. All meals and welfare checks are entered into the e3 Detention Module (e3DM). Under Border Patrol policy, agents are required to input all custodial actions (to including feedings, medical care, and welfare checks) in e3DM.

54. It is incumbent on each individual station to know if a detainee will exceed the four hour limit to provide a snack and juice or if the detainee will exceed the eight hour limit to be provided a meal. If that time will be exceeded before arrival to the detainee's next destination then a meal or snack will be provided to the detainee before they depart. In addition, food or water will never be withheld from a detainee as a form of punishment.

55. There is also an internal auditing function within e3DM that will warn agents when a detainee is approaching these timelines and will display a flashing red box if at any time a detainee exceeds these timelines.

56. Potable water for detainees in custody is provided by a water fountain type fixture in each hold cell. (Dec. Exh. 8.) Except for the two checkpoints in the Rio Grande Valley (the Falfurrias Border Patrol Checkpoint and Sarita Border Patrol Checkpoint), the water available to detainees is piped in from the local municipal water systems and is the same water made available to the employees in the stations. In addition to the water fountains, the holding rooms in the Rio Grande Valley each have sport style five gallon water coolers, (Dec. Exh. 9), with disposable cups made available to the detainees. The water in the jug comes from the same water supply as the fountains. Detainees have the choice or consuming water from either the faucets or jugs.

57. The water jugs and disposable cup supply are generally rinsed out with water and refilled every shift. Bleach is not used to clean the jugs. The water level and number of disposable cups are regularly monitored throughout each shift and replenished as needed.

58. In addition to the water fountains and water coolers, juveniles at the Ursula-CPC are provided bottled water with all of their meals.

59. Due to their remoteness in location, the Falfurrias Border Patrol Checkpoint and Sarita Border Patrol Checkpoint obtain their water from ground water wells, which is the same water made available to the Border Patrol employees. In the RGV Sector, there are two CBP employees who are certified as Class D Water Operators by the Texas Commission on Environmental Quality. These two employees are responsible for monitoring the water quality at the Falfurrias Border Patrol Checkpoint and Sarita Border Patrol Checkpoint. These responsibilities include: (1) conducting weekly chlorine level checks; (2) sending samples to the county laboratories for testing for Coliform bacteria and E.Coli bacteria; (3) sending quarterly reports to the Texas Commission on Environmental Quality (TCEQ); (4) sending monthly reports to the county health office; and (5) maintaining a chlorinator injection system. In the event that the testing of the water quality is problematic, the Border Patrol pays for potable water to be transported to the checkpoints until the ground water once again satisfies testing.

60. Rio Grande Valley Sector has multiple contracts that covering the cleaning needs for the stations throughout the Sector. Principally, these contracts are with TRDI Inc. and Ace Communications.

61. Consistent with these contracts, on a daily basis, and as needed throughout the day, the cleaning contractors mop and hose down the holding cells, clean and descale the bathroom fixtures to include the toilets and sinks, restock bathroom supplies to

include toilet paper, paper towels, and soap, empty trash receptacles, and clean the mattresses.

62. RGV Sector purchased trash receptacles in 2015 for its stations' hold rooms. (Dec. Exh. 10.) The trash receptacles are emptied by the janitorial contractors throughout the day on an as needed basis.

63. The stations in the RGV Sector are climate controlled facilities. The stations within the RGV Sector maintain a comfortable temperature. However, in my experience, those who are not accustomed to air conditioning, at times, find it cooler than they are accustomed to.

64. The temperature in the Rio Grande City, Falfurrias, Fort Brown and Brownsville stations is regulated by a central control system. The temperature in all other stations is regulated at the station by either GSA or CBP Facility Managers. GSA Stations in the RGV Sector are McAllen, Harlingen, and Weslaco. All other stations in the RGV Sector are CBP owned.

65. In periods of outage or malfunction of the climate systems, the Border Patrol Facilities Department is contacted and they in turn contact a contractor to respond for an emergency service repair.

66. In the event that that the air conditioning or heating units in a facility are out of service for an extended period, detainees are relocated to other nearby stations.

67. As detailed in paragraph 34, in response to the Court's order, the RGV Sector also purchased thermometers in order to regularly monitor the temperature in the station hold rooms. These thermometers are used to take the temperature of each cell at the

beginning of every shift. Agents record if the temperature is within range (66-80 degrees Fahrenheit) or specifically note when the temperature is out of range. If the temperature is out of range, agents must immediately inform their supervisors and work with FM&E to bring the temperature to an acceptable level.

68. The National Standards on Transport, Escort, Detention, and Search dictates that reasonable efforts will be made to provide showers to juvenile detainees approaching 48 hours in custody. Although not all stations in RGV Sector have shower and laundry facilities available, approximately 93% of the juveniles apprehended in the RGV Sector are transferred following their processing to CPC-Ursula where shower and laundry services are provided to all detainees. On average, juveniles in RGV Sector are transferred to CPC-Ursula within approximately 33 hours of apprehension and processing.

69. For the small minority of juveniles who are not transferred to CPC-Ursula, it is the intent of RGV Sector to intake and process every detainee (both juvenile and adult), and transfer them to their next destination, as quickly as possible, so that in most cases individuals will not approach this length of time in custody and will not require showers while in Border Patrol custody.

70. CPC-Ursula contracts with Active Deployment Systems to supply shower and laundry services. The annual cost for the shower and laundry service under the current contract is $2,589,837.00.

71. Upon arrival at CPC-Ursula, every juvenile is provided an opportunity to shower, have their clothes laundered, and receive a change of new clothes. (Dec. Exh. 11.)

72. A separate contractor, Dependable Health Services, supplies staff specifically to assist with the monitoring of the showers to provide for a safe environment for the juveniles, as well as to handle the laundering of the clothing. From October 14, 2015 to April 13, 2016, RGV Sector paid $223,861.80 to Dependable Health Services for its services. Specifically, this contractor has on-site staff that: (1) coordinate the collection and bagging of dirty laundry; (2) issue and collect Government-furnished shower/hygiene supplies; (3) monitor (i.e., maintain visual contact and assuring multiple detainees are not in the same shower stall) at all times all detainees going into and out of showers, taking care to adhere to DHS regulations implementing the Prison Rape Elimination Act; (4) assist in bathing children, as required; (5) store Government-furnished clothing in designated shelves and issuing it to juvenile detainees while the detainees' clothing are being washed; (6) maintain inventory of the clothing, towels, and hygiene kits available for use and notifies Border Patrol staff of any low-inventories; (7) assist with the general care of children to include monitoring, changing diapers, assisting with toilet use and hand-washing, feeding when a child is not able to feed him or herself, and identifying and tending to other similar basic needs of children as they arise; and (8) clean/sanitize shower stalls between uses.

73. The change of clothing Border Patrol provides to the juveniles at CPC-Ursula consists of shirts, sweat pants, socks, and undergarments. (Dec. Exh. 11.) Border Patrol maintains a regular supply of this clothing by making purchases from various clothing suppliers.

74. After receiving a shower and a change of clothes, juveniles at CPC-Ursula are provided their laundered clothes in a property bag that transfers with them upon release or transfer to ORR or ICE.

75. In addition to these services, juvenile detainees at CPC-Ursula are provided a hygiene kit consisting of a towel, toothbrush, toothpaste, mouthwash, soap, and shampoo. (Dec. Exh. 12.)

76. Although the vast majority of juveniles receive a shower, laundry, and other services provided at CPC-Ursula, a small subset of juveniles apprehended in the RGV Border Patrol Sector, for a variety of operational reasons, are never transferred to CPC-Ursula. Almost all of this subset are transferred out of Border Patrol custody within 72 hours of apprehension.

77. Due to the large number of young children apprehended by Border Patrol, CPC-Ursula and all nine stations stock a large quantity of diapers of diapers in various sizes. (Dec. Exh. 13.)

78. All facilities housing detainees in the RGV Sector also stock various feminine hygiene products that are made available at all times upon request.

79. At RGV Sector's nine Border Patrol stations, the lights normally remain on at all times while detainees remain in Border Patrol custody for security reasons and due to operational necessity. Border Patrol stations are 24/7 facilities, and there is a high likelihood that agents will arrive with newly apprehended aliens at all hours of the night. The agents must also be able to maintain visual control over the holding cells to ensure the safety and security of the detainees.

80. All agents receive basic first aid training, which covers basic treatment for cuts and abrasions, bandaging, and applying pressure to a wound. A number of agents have also received first responder training. RGV Sector also has an Emergency Medical Technician (EMTs) program which includes approximately 150 agents trained as EMTs. When agents encounter individuals in the field that display obvious signs of injury or are requesting emergency medical care, agents can contact a Border Patrol EMT to evaluate and treat, or they can contact local emergency services for transfer to an appropriate medical facility for care.

81. In addition to these aforementioned medical services, CPC-McAllen and CPC-Ursula are staffed 24/7 with a contracted medical team of EMTs, physician assistants, and nurse practitioners. Loyal Source Government Servicing is the current contractor for medical staffing. From November 1, 2015 through March 31, 2016, RGV Sector spent $1,090,262.19 for the medical services provided by this contractor. In addition, when the number of apprehensions increase and CPC-Weslaco is activated, medical staffing is provided at that location. Every detainee (both juvenile and adult) who passes through a CPC location receives a medical screening from the contracted medical staff. (Dec. Exh. 14.)

82. The purpose of the preliminary health screening is to determine if the alien has any contagious diseases, outward signs of illness, or complains of any illness or discomfort. If the alien displays any symptoms of illness/serious contagious disease, or complains of an illness that may require medical care, the alien is taken to the appropriate medical facility, normally the local emergency department. If the medical

issue presented at a CPC facility is one that can be addressed by a contract medical provider, such as lice, scabies, insect bites, fever, upper respiratory infections, ear and eye infections, minor scrapes/cuts/bruises, body aches, or pregnancy testing, those issues will normally be addressed by the contract medical provider. Any medical issues that cannot be addressed by the contract medical provider at a CPC facility are treated by the appropriate medical facility.

83. If a detainee in Border Patrol custody possesses medication that is not accompanied by a valid prescription of medication by a U.S. doctor, the detainee is transported to the appropriate medical facility. Any U.S-prescribed medication from the hospital or nearby pharmacy is stored at the station, and made available to the detainee for self-administration as prescribed. Detainees with a chronic medical condition based on medications found on their person at the time of apprehension are prioritized for processing.

84. Border Patrol's March 20, 2009 guidance on the TVPRA requires that each UAC is screened for possible victimization concerns. That screening is conducted utilizing the CBP Form 93—Unaccompanied Alien Child Screening Addendum.

85. Like any other detention-like setting, Border Patrol cannot guarantee absolute privacy. Hold rooms are designed to have no exterior windows, and allowing locked or closed doors would be a safety and security concern. The hold rooms at the Border Patrol station, instead, employ screen walls by the bathroom to address privacy needs. (Dec. Exh. 5.) The screen walls allow for an environment in which detainees, especially juveniles, can have a modicum of privacy when using the facilities, but can still be

monitored and protected. The toilets in the station hold rooms are connected to a sink, which the detainees may use to wash their hands with soap or hand sanitizer. Paper towels are made available to the detainees as well.

86. At CPC-Ursula, private portable toilets are made available for all detainees. (Dec. Exh. 14.) Next to the bathrooms are hand washing/hand sanitizer stations that are regularly stocked with soap, hand sanitizer, and towels. (Dec. Exh. 14.) The private portable toilets, hand washing / hand sanitizing stations are serviced by Rockwell American Services. Significant and effective ventilation systems are connected to the private portable toilets and surround the area.

87. In order to ensure the safety of detainees, there are normally cameras that monitor each hold room and private portable toilet within the RGV sector detention areas. These cameras provide agents the ability to visually inspect the hold rooms and private portable toilets without encroaching on the privacy of the detainees. The agents also visually check each hold room approximately on a regular and frequent basis. The checks of the hold rooms are logged using the e3DM system.

88. During each shift turnover, a walkthrough is conducted of the hold rooms and a review of the facilities is annotated in the e3DM. If any facilities issue is found, a work order will be issued. If specialized or additional cleaning is required in a hold room, the contract employee supervisor is contacted and the request is made.

89. During the summer of 2014, the RGV Sector began using, in most circumstances, mylar blankets to provide bedding to detainees. (Dec. Exh. 15.) In the RGV sector, the use of these blankets was necessary in order to provide cost effective bedding

which did not require routine laundering (which can be operationally challenging) and which did not transmit communicable diseases such as lice or scabies. In addition to the mylar blankets, at CPC-Ursula, Border Patrol provides mattresses designed with non-porous material to all the detainees. (Dec. Exh. 16.) In 2015, $15,450.00 was spent on purchasing mattresses for CPC-Ursula. Providing mattresses to detainees at CPC-Ursula is feasible due to the layout of the facility and the fact it is solely used as a post-processing center.

90. The mattresses at CPC-Ursula are cleaned (i.e., decontaminated) after each use. The contactors use a designated mop to wipe the mattresses down with a disinfectant after each use. CPC-Ursula has a designated area where the mattresses are cleaned and dried.

91. The RGV Sector historically has provided the Form I-770 (Notice of Rights and Request for Disposition) to all UACs. After clarification from headquarters, the Form I-770 is also provided to accompanied children (and their parents as appropriate).

92. This form, upon completion, must be placed in the juvenile's Alien File (commonly known as the "A File").

93. All juveniles detained by Border Patrol are provided with a list of free legal services at the time of processing.

94. Consular officials from the Consulate of Mexico, Consulate of Guatemala, and Consulate of El Salvador have local offices in the Rio Grande Valley and conduct daily in-person meetings with detainees. In addition, at CPC-Ursula Border Patrol has a designated area where detainees are able to meet with consular officials. Border

Patrol arranges telephone contact if a detainee wants to contact a consular representative from a country for which there is no local representative.

95. All personnel in my Sector are required to notify ORR as soon as possible after identifying a child as an unaccompanied child. That notification is now accomplished electronically through the e3 Processing System. Every effort is made to notify ORR as quickly as possible, but those notifications must be made within 48 hours from the apprehension or discovery of a UAC (or any claim or suspicion that an alien in custody is unaccompanied an under the age of 18).

96. Consistent with the TVPRA, Agents within the Sector may only reunify UACs with parents or legal guardians who are in possession of supporting documentation and are within the United States. ORR is responsible for the determination that any other proposed guardian, including a family member who lacks documentation of guardianship (e.g. grandparent, aunt/uncle, or brother/sister), is capable of providing care and physical custody.

97. Detainees are transferred out of Border Patrol custody as quickly as possible. For family units, those individuals are generally transferred to the custody of ICE ERO. Border Patrol may only transfer UACs to the custody of ORR.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of June, 2016.

Manuel Padilla Jr.
Chief Patrol Agent
Rio Grande Valley Sector
U.S. Border Patrol
U.S. Customs and Border Protection
Edinburg, Texas

DEFENDANTS' EXHIBIT 10 (part 2)

Exhibit List

Exhibit 1 – Medical Screening and Treatment Photographs

Exhibit 2 – Hot Meals Photograph

Exhibit 3 – Shower Photograph

Exhibit 4 – Laundry Services Photograph

Exhibit 5 – Hold Room Photograph

Exhibit 6 – Ursula Phone Bank Photograph

Exhibit 7 – Infant Care Items Photographs

Exhibit 8 – Water Fountain Photograph

Exhibit 9 – Water Coolers/Jugs Photograph

Exhibit 10 – Trash Receptacles in Hold Rooms Photographs

Exhibit 11 – Clothing Provided to Juveniles Photographs

Exhibit 12 – Hygiene Kit Photograph

Exhibit 13 – Diaper Photographs

Exhibit 14 – Ursula Private Portable Toilet; Ursula Hand Washing/Hand Sanitizer Station

Exhibit 15 – Mylar Blanket Photograph

Exhibit 16 – Ursula Mattress Photograph

EXHIBIT 1


Safe-Touch™ Blue Nitrile
Examination Glov
Brewer


Safetec
First Aid
1% Hydrocortisone Cream
ACETAMINOPHEN
500 mg
MAJOR
PHARMACEUTICALS
MEDI-FIRST
Antacid Calcium Carbonate
Antiácido Carbonato de Calcio
MEDI-FIRST
Ibuprofen 200mg
Aches, Fever • Ibuprofen 200mg
Dolores, Fiebre • Ibuprofeno 200mg
Médique
Alcalak
Médique
Diamode
Clarity HCG
Urine Cassette
PREGNANCY TESTS
NEEDLES AND SYRINGES
MED TOOLS AND MED CUPS
GASTRIC MEDS
BRAUN
ThermoScan PC 200
DIABETIC SUPPLIES
ALBUTEROL INHALERS OTOSCOPE COVERS
MASKS CHILD BP CUFF
Diphenhist
ORAL SOLUTION
COUGH CONGESTION PAIN
BAND-AID
2X2
WOUND CARE SUPPLIES
Erythromycin Topical Gel USP, 2%
EYE MEDS
10 Boxes
100 packets per box
NDC# 67777-245-01
BZK
Antiseptic
Towelettes
For Professional
And Hospital Use
dynarex

EXHIBIT 2


Las Campanas
Beef & Bean Burritos
Seasoned Ground Beef, Farm Grown Pinto Beans, Onions, and Mild Jalapeños
Taste the Difference!
8 COUNT FAMILY RECIPE
KEEP FROZEN
NET WT 32 OZ (2 lbs) (.9 kg)
Las Campanas
Bean & Cheese
Farm Grown Pinto Beans, Cheddar Cheese,
Taste the Difference!
EXTRA THIN
ENRICHED BREAD

EXHIBIT 3


deje
basura
en la
ducha!
Gracias!

EXHIBIT 4



EXHIBIT 5


BRUTE

EXHIBIT 6



EXHIBIT 7


Mantenga la Detención Segura
CBP tiene cero tolerancia al abuso o asalto sexual
Rompa el Silencio
Reporte Confidencialmente
Este Seguro y Consigua Ayuda
¡No Espere! Reporte ahora un incidente de abuso o asalto sexual:
Diciéndole a un oficial de CBP ◆ Comuníquese al "hotline"
1-800-323-8603
La Oficina del Inspector General del Departamento de Seguridad Nacional
U.S. Customs and Border Protection
Report Sexual Assault Now
ADVISAL
SPACE (MYLAR) BLANKET
PROPER USE OF MYLAR BLANKET
ADVANTAGES OF MYLAR BLANKET
I Speak...
Language Identification Guide
CENTRALIZED PROCESSING CENTER
EVACUATION ROUTE
Keep Detention Safe
CBP Has Zero Tolerance for Sexual Abuse & Assault
1-800-323-8603
Austin
Variety Pack
Cookies & Crackers
45


NIDO
Nestlé
KINDER
1+

EXHIBIT 8


AGUA
POTABLE

EXHIBIT 9


BabyWater
Agua Para Pachas
Nestlé
NIDO
KINDER
1+
Pedialyte

EXHIBIT 10



EXHIBIT 11

DEFENDANTS' EXHIBIT 10 (part 2)



EXHIBIT 12



EXHIBIT 13

EXHIBIT 14




United
TOILETS
FENCE and MORE
ETS

EXHIBIT 15



