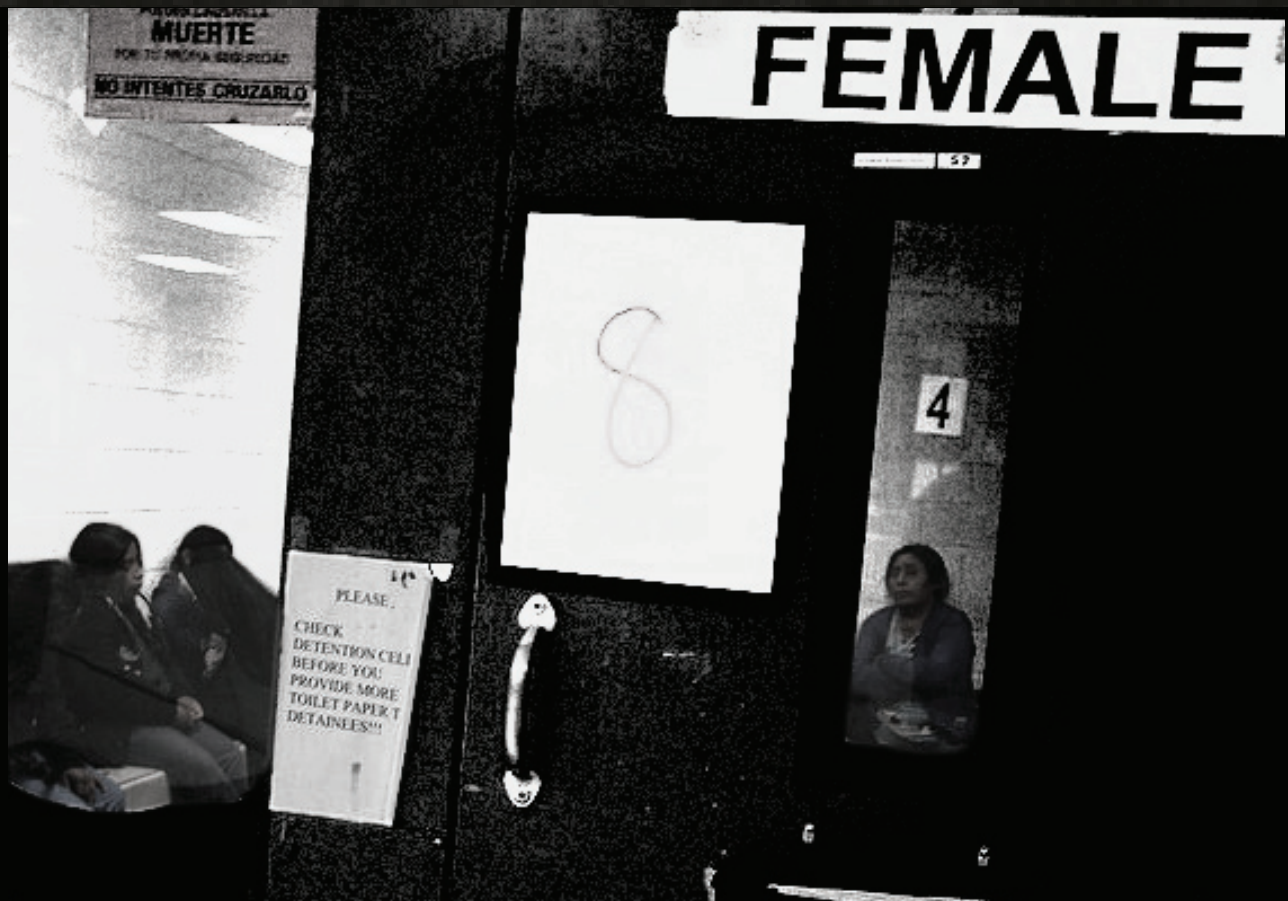


HIELERAS (ICEBOXES) IN THE RIO GRANDE VALLEY SECTOR

Lengthy Detention, Deplorable Conditions, and Abuse in CBP Holding Cells

By Guillermo Cantor, Ph.D.



ABOUT THE AUTHOR

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INTRODUCTION

Each year, the Border Patrol—a division of U.S. Customs and Border Protection (CBP)—holds hundreds of thousands of individuals in detention facilities near the U.S. southern border. These facilities are not designed for overnight custody, and yet they are routinely used in this way. Until recently, CBP policy was clear that these facilities were to serve exclusively as short-term holding cells—meaning that a person should be held there less than 12 hours. Evidence presented in this report, which pertains to Border Patrol holding cells in the Rio Grande Valley (RGV) Sector, reveals that, instead, individuals are routinely held for days.

In October 2015, CBP updated its guidance on how long it may detain individuals. The new guidance states that “short-term” detention generally should last no longer than 72 hours. Notably, however, no structural changes have been made to the facilities. These facilities, which are often referred to as “*hieleras*” (Spanish for “freezers” or “iceboxes”), remain wholly inadequate for *any* overnight detention. Moreover, the conditions are reprehensible, even with respect to truly short-term detention. In addition to the fact that there are no beds in the holding cells, these facilities are extremely cold, frequently overcrowded, and routinely lacking in adequate food, water, and medical care. Recent accounts from families held in short-term facilities also demonstrate that Border Patrol officers harass and ridicule individuals in their custody and separate mothers from their minor children.

This report focuses on two aspects of detention in CBP facilities in RGV. First, based on never-before-released government data and documents obtained through the Freedom of Information Act (FOIA)¹, it examines length of detention. Second, analyzing new survey data from the Binational Defense and Advocacy Program² (in Spanish, *Programa de Defensa e Incidencia Binacional*, or PDIB), as well as declarations from a sample of women who were recently detained in RGV facilities, it sheds light on the conditions of detention that are prevalent in Border Patrol holding cells in the RGV sector.

Government data show that during the months of August, September, October, and December of 2013, on average, 1173 individuals were detained in RGV facilities at any given time. Also, on average, 212 individuals were held in custody for over 72 hours at any given time. The share of individuals detained for over 72 hours ranged from 2.3 percent of all detainees at its lowest point to 42.5 percent at its

peak. A significant number of individuals were held in detention even after their CBP “processing” was completed—meaning that these individuals were ready to be released or transferred to another federal agency. These data reveal that the Border Patrol regularly uses holding cells to detain people for prolonged periods, forcing men, women, and children to sleep on concrete floors and hard benches in holding cells that have no beds and are not equipped for sleeping.

Additionally, our analysis of the PDIB survey data collected between June and November 2015 reveals that previously reported issues such as extreme temperatures, overcrowding, and inadequate food are routine. Three out of every four individuals detained in the RGV sectors reported having been exposed to extremely cold temperatures. Everyone who was held in detention in the RGV sector agreed that there was not enough space in the holding cell to lie down, and all but one indicated that there was not enough space for people to sit down. Almost all of the interviewees who were detained in RGV asserted that the food they received while detained was insufficient.

In an effort to better illustrate the conditions individuals experience while in detention, the report also analyzes personal accounts³ of women who were held in CBP facilities in the Border Patrol RGV Sector. These accounts, shared by women who were held in Border Patrol cells in October or November 2015, reveal the markedly dehumanizing conditions to which these women were subjected while in Border Patrol custody. Recurring themes include overcrowding, separation of mothers from their children, inadequate access to medication and/or medical care, extreme temperature, lack of access to showers, food insufficiency, and sleep deprivation.

CBP STANDARDS GOVERNING DETENTION

Typically, when Border Patrol agents apprehend an individual near the southern border, they confine the individual in a holding cell while they complete his or her initial processing.⁴ After processing, detained individuals are released, repatriated to their home countries via formal removal or informal return,⁵ or transferred to the custody of another federal agency.⁶

Although there are no statutes or regulations specifically governing CBP short-term detention facilities, CBP has issued internal guidance regarding facility standards,

specifications, and operations.⁷ According to CBP guidance, holding cells generally are rectangular, made of concrete, minimally furnished, and are neither designed nor equipped for overnight sleeping.⁸ Indeed, CBP policies specify that there are “no beds” in holding cells, as they are “not designed for sleeping.”⁹ As a Border Patrol spokesman said, “It is what it is. We’re not a long-term hold facility.”¹⁰

CBP guidance also sets limits on the maximum length of time that an individual should be held in a holding cell. Until CBP issued updated guidance in October 2015, it was CBP’s position—as set forth in a 2008 memorandum—that a detainee should not be held for more than 12 hours,¹¹ and should be moved “promptly.”¹¹ This now-superseded guidance also recognized that some individuals will be held for longer periods.¹² This guidance was in effect at the time of the government data analyzed for this report.

In October 2015, CBP released its new “National Standards on Transport, Escort, Detention, and Search,”¹³ also known as TEDS policy. The new standards define short term detention as “The temporary detention of a person at a CBP facility for the least amount of time necessary to complete processing, transfer, and/or repatriation.” It also establishes that “detainees should generally not be held for longer than 72 hours [emphasis added] in CBP hold rooms or holding facilities. Every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation as appropriate and as operationally feasible.” The newly adopted guidance appears to institutionalize the unreasonably long periods individuals routinely remain in Border Patrol custody.

In addition to guidance on the length of detention, the 2008 memorandum proscribed that detainees will be provided snacks and meals,¹⁴ will be given access to potable drinking water,¹⁵ will have access to bathrooms and toilet items,¹⁶ and will be given necessary medical attention.¹⁷ Further, agents will make reasonable efforts to provide a shower for detainees held for more than 72 hours¹⁸ and detention cells will be regularly cleaned and sanitized.¹⁹

As discussed below, the data and other evidence demonstrates that CBP was not previously—nor is it now—in compliance with its own guidance.

PREVIOUS REPORTS OF POOR CONDITIONS IN BORDER PATROL HOLDING CELLS

Notwithstanding CBP standards regarding short-term detention, former detainees and others report poor conditions in CBP holding cells—conditions that violate some of CBP’s own policies and also are alleged to violate the U.S. Constitution.²⁰ Former detainees vividly describe extremely cold temperatures—so cold that both detainees and guards have come to call the cells “*hieleras*” (Spanish for “freezers” or “iceboxes”).²¹ Detainees describe being forced to sit and sleep, sometimes for several nights, on cold, concrete floors and benches;²² receiving little or no food or clean drinking water;²³ being packed into overcrowded and unsanitary holding cells without basic hygiene items;²⁴ being denied adequate medical screening or care;²⁵ being denied communication with family members, legal counsel, or consulates;²⁶ and being coerced into signing deportation papers.²⁷ Despite numerous journalistic reports and articles exposing these conditions, they continue unabated.²⁸

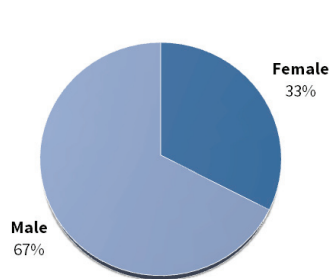
CBP’s own records, discussed below, show that thousands of people endure these inhumane detention conditions for prolonged periods of time. Numerous human rights reports, media accounts, and documented complaints of former detainees confirm this. They also indicate that prolonged detention has occurred for years. A recent report by the American Immigration Council using government data shows that over 80 percent of people detained by the Border Patrol in its Tucson Sector between January 1, 2013 and June 30, 2013 were held for over 24 hours, and 10.9 percent (7,839) were held for 72 hours or more.²⁹ This, in turn, means that that men, women, and children are forced to sleep on concrete floors and hard benches in holding cells that are not equipped for sleeping. A report by the Tucson-based humanitarian aid organization No More Deaths has documented this problem since at least 2008, finding that approximately 30 percent of more than 12,000 individuals interviewed between 2008 and 2011 were detained in short-term CBP facilities for more than 24 hours.³⁰ In 2013, Americans for Immigrant Justice identified individuals detained for as many as 13 days in Border Patrol holding cells.³¹

CBP Commissioner Gil Kerlikowske has acknowledged that individuals are detained overnight in these facilities and has stated publicly that detainees should not have to sleep on a concrete floor.³²

CONTEXT: WHAT IS UNIQUE ABOUT THE RIO GRANDE VALLEY SECTOR?

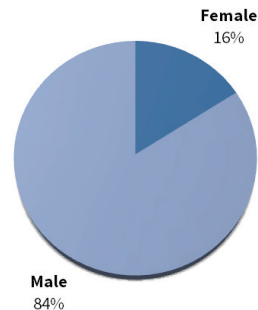
The RGV Sector (formerly the McAllen Sector) is one of nine Border Patrol Sectors located along the United States southwest border. It covers more than 34,000 square miles of Southeast Texas and now has nine stations, two checkpoints, air and marine operations, and an intelligence office.³³ It is also the sector with the highest number of apprehensions. In Fiscal Year (FY) 2014, the Border Patrol apprehended 479,371 individuals along the U.S.-Mexico border.³⁴ Of those, 256,393 (53.5 percent) were apprehended in the RGV sector. Among all women apprehended on the southwest border in FY 2014, 70.1 percent were apprehended in the RGV sector, and among all juveniles, 74.1 percent were apprehended in this sector. Women and juveniles are more heavily represented among individuals apprehended in the RGV sector than among those apprehended in all other southwest border sectors combined. Specifically, in FY 2014, 33 percent of individuals apprehended in the RGV sector were women, and 31 percent juveniles. Conversely, the share of women and juveniles among individuals apprehended in all other sectors combined was 16 percent and 12 percent respectively.

FIGURE 1: APPREHENSIONS IN RIO GRANDE VALLEY SECTOR, FY 2014



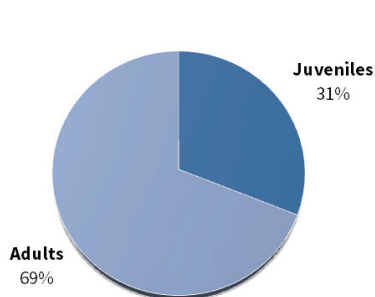
Source: [U.S. Border Patrol Sector Profile, FY 2014](#)

FIGURE 2: APPREHENSIONS IN OTHER SOUTHWEST BORDER SECTORS, FY 2014



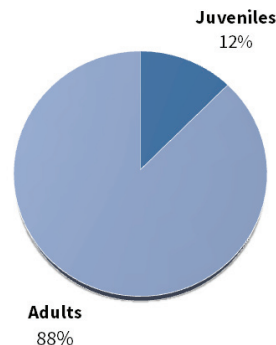
Source: [U.S. Border Patrol Sector Profile, FY 2014](#)

FIGURE 3: APPREHENSIONS IN RIO GRANDE VALLEY SECTOR, FY 2014



Source: [U.S. Border Patrol Sector Profile, FY 2014](#)

FIGURE 4: APPREHENSIONS IN OTHER SOUTHWEST BORDER SECTORS, FY 2014



Source: [U.S. Border Patrol Sector Profile, FY 2014](#)

The RGV region is also known for pervasive misconduct by public servants, including Border Patrol officers.³⁵ Earlier this year, the FBI launched a task force to address generalized public corruption in the region. Between 2000 and 2013, 13 CBP agents from this Sector went to prison.³⁶ Complaints of abuse by Border Patrol agents are frequent in this sector—even though they seldom lead to discipline. In an earlier analysis³⁷ of complaints of abuse filed with CBP’s Office of Internal Affairs between January 2009 and January 2012, the American Immigration Council found that the RGV sector ranked second after Tucson in terms of the number of complaints.³⁸

Among the direst problems that have been reported regarding CBP’s operations in the RGV sector are those relating to conditions of detention. In 2013, a report published by Americans for Immigrant Justice exposed the prevailing inhumane conditions in CBP detention facilities in RGV, as described by individuals detained there.³⁹ Specifically, detainees described extremely cold temperatures, overcrowding, lack of adequate food, and unsanitary conditions.

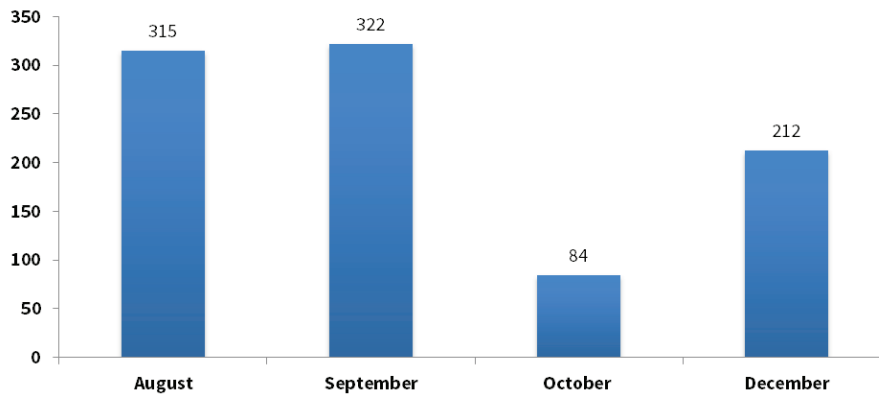
GOVERNMENT DATA REVEALS LENGTHY DETENTION IN RIO GRANDE VALLEY SECTOR HOLDING CELLS

In response to a FOIA request by Americans for Immigrant Justice, CBP provided data regarding the number of individuals detained in RGV facilities at different times during one day in each of the months of August, September, October, and December 2013,⁴⁰ the length of time these individuals were detained, and some demographic characteristics of the detainees.⁴¹ In total, we received 544 detention dashboards (files containing a summary of information on detainees held in CBP facilities at a specific time) for 123 days.

The data show that, on average, 1173 individuals were detained in RGV facilities at any given time during the period analyzed. The average of the mean number of hours that individuals spent in custody at any given time during this period was 41.1 hours. Also on average, 212 individuals were held in custody for over 72 hours at any given time during the months analyzed. The share of individuals detained for over 72 hours ranged from 2.3 percent of all detainees at its lowest point to 42.5 percent at its peak.

When the data are broken down by month, some notable patterns emerge. For example, on average, a similar number of individuals were detained in RGV facilities at any given time in August and September. The average dropped by 27 percent in October, and went up again by 11 percent in December (Figure 5).

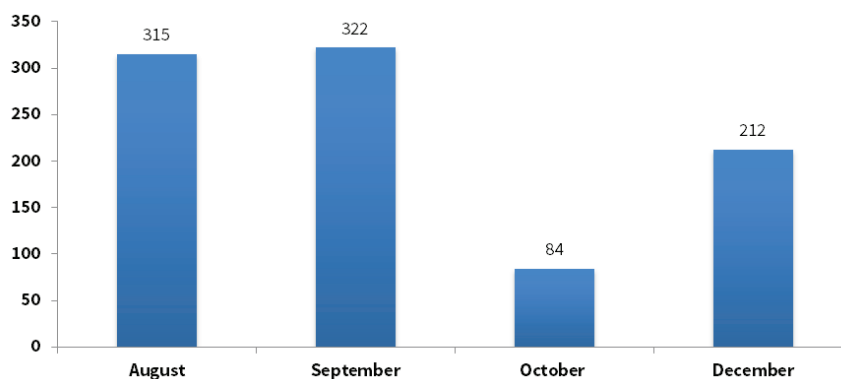
FIGURE 5: AVERAGE NUMBER OF DETAINEES IN CUSTODY (AT ANY GIVEN TIME) IN RGV SECTOR, BY MONTH, 2013



Source: Data generated by the American Immigration Council based on Detention Dashboards of the Border Patrol Rio Grande Valley Sector obtained through Freedom of Information Act.

The average number of individuals who had been held in RGV facilities for more than 72 hours at any given time also stayed roughly the same between August and September. In October, however, there is a significant drop from 322 to 84. In December, the average number of individuals detained for more than 72 hours at any given time rose to 212—a level 1.5 times as large as the average in October (Figure 6).

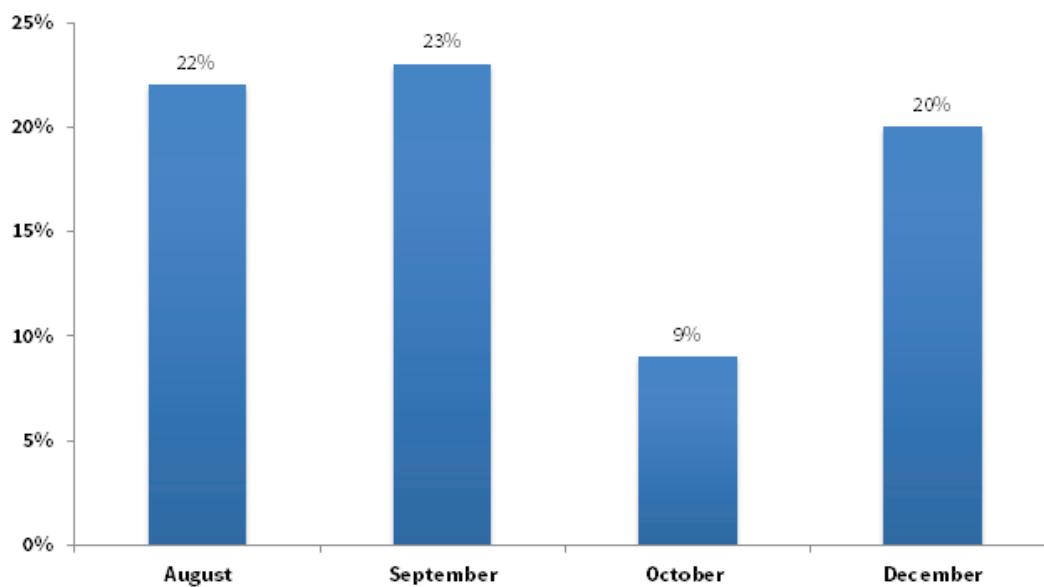
FIGURE 6: AVERAGE NUMBER OF DETAINEES IN CUSTODY (AT ANY GIVEN TIME) FOR MORE THAN 72 HOURS IN RGV SECTOR, BY MONTH, 2013



Source: Data generated by the American Immigration Council based on Detention Dashboards of the Border Patrol Rio Grande Valley Sector obtained through Freedom of Information Act.

Considering the four months for which data were provided, the proportion of detainees in custody for more than 72 hours over the total number of individuals detained in the Sector also shows some interesting variations. For most months, the percentage of those detained for over 72 hours remains in the 20 percent range, but in October, that percentage is markedly lower (9 percent). This indicates that when the number of detainees is on average lower, individuals tend to be held in detention for shorter periods of time. In other words, processing seems to be more efficient when facilities are less crowded. The facilities in RGV do not seem to be well equipped to accommodate the large number of detainees apprehended in the sector; this leads to slow processing, which, in turn, results in overcrowding, creating a vicious circle.

FIGURE 7: AVERAGE PERCENTAGE OF DETAINEES IN CUSTODY (AT ANY GIVEN TIME) FOR MORE THAN 72 HOURS IN RGV SECTOR, BY MONTH, 2013



Source: Data generated by the American Immigration Council based on Detention Dashboards of the Border Patrol Rio Grande Valley Sector obtained through Freedom of Information Act.

A more granular analysis of the data not only shows some dispersion in the rates, but it highlights how widespread the problem of lengthy detention was on certain dates. During this period, the minimum number of detainees held in custody for more than 72 hours was 13, and occurred on December 31, 2013 at 12:00, while the maximum was 644, and was registered on September 16, 2013 at 18:05.

Finally, the data also indicates that CBP keeps individuals in its “short-term detention facilities” for several hours and sometimes days after they have been processed. Unfortunately, the data on this point is limited by the fact that detention dashboards only provide data on “time in custody after the individual has been processed” for individuals from countries other than Mexico (OTM’s), but not for Mexican nationals. On average, 131 OTM’s were held in custody for 48 hours or more after their processing was complete. Although the data provided no explanation, they certainly raise the question of why CBP continues to detain individuals whom it has already processed instead of releasing them or transferring them to an appropriate custodial setting for extended detention, if necessary.

EXTREMELY LOW TEMPERATURES, OVERCROWDING, SLEEP DEPRIVATION, AND INSUFFICIENT FOOD

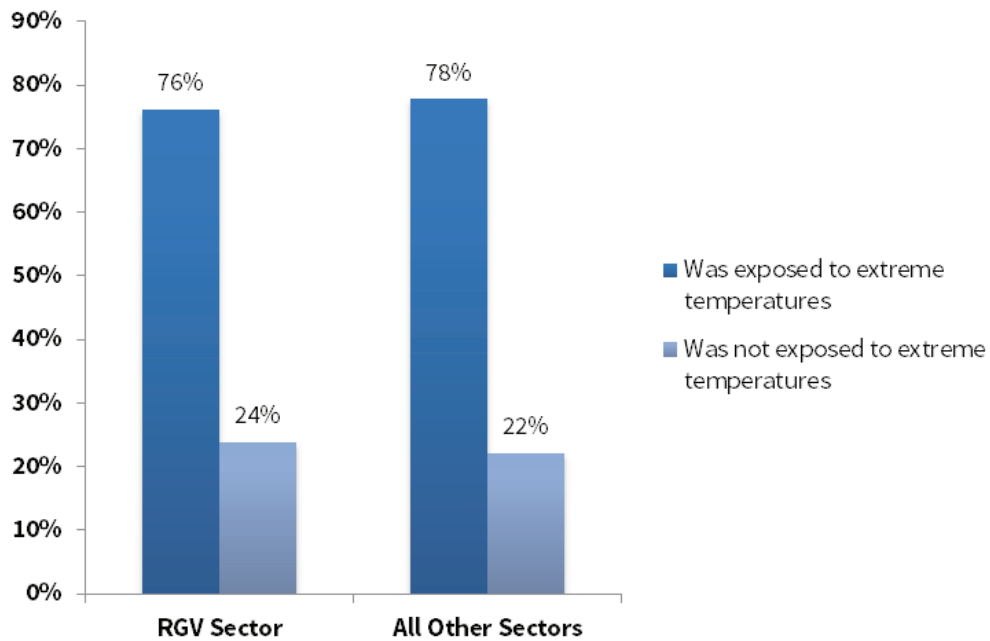
Numerous reports and anecdotal evidence have exposed the prevalent extreme temperatures and poor detention conditions that characterize CBP detention facilities. Our analysis of the 2015 PDIB survey data, collected between June and November 2015, as well as testimonies from detainees,⁴² reveal that previously reported issues (such as extreme temperatures) persist.

Of the 391 individuals PDIB staff interviewed between June and November 2015 who were detained in Border Patrol facilities, 143 (36.6 percent) were held in the RGV Sector (105 in McAllen Border Patrol Station, 31 in Falfurrias Border Patrol Station, and 7 in the Hidalgo Substation of the Rio Grande City Border Patrol Station). Additionally, 85 individuals interviewed were held in the Tucson Sector, and 74 in El Paso Sector. The rest of the respondents did not know the name of the facility they were held in (76) or provided information that was not sufficient to identify the sector (12).

Frigid Temperatures

Three out of every four individuals detained in the RGV sector reported having been exposed to extreme cold temperatures. The PDIB data shows that the problem of extreme temperatures is also prevalent in other Border Patrol sectors. According to PDIB, of individuals who were held in CBP detention centers in other Border Patrol Sectors, 78 percent reported being subjected to extreme temperatures (Figure 8).

FIGURE 8: EXPOSURE TO EXTREME TEMPERATURE, 2013



Source: PDIB survey (June-November 2015).

Of those individuals detained in the RGV Sector who reported having been exposed to extreme cold temperatures, 96.3 percent said they only received an aluminum foil sheet for warmth. These individuals also unanimously responded that those sheets were not sufficient to protect them from the cold.

Accounts by women detained in RGV holding cells in October and November 2015 confirm that frigid temperatures continue to be a problem. The following descriptions⁴³ illustrate the severity of extreme temperature conditions:

- “ I believe I got pneumonia at the holding facility because of how cold it was. Everyone’s aluminum blanket was rattling in the air and it felt like my hair was frozen. I wrapped my sweater around my son’s head to keep him warm and I only had a t-shirt on.”
- “ The hielera was also freezing cold. It was so cold that my son’s lips began to chap. His lips were so chapped that they burst and his lips were bleeding.”
- “ It was so cold that we felt our hands and feet getting numb. The only clothes that we had were the ones that we were wearing when we were apprehended. We had seen some people that had aluminum covers and we asked the Officers if we could have one. The Officers refused...”
- “ The hielera was freezing cold. To make things worse our clothes were soaking wet from crossing through the river. Because it was so cold our clothes never dried...”

Overcrowding and Sleep Deprivation

According to PDIB data, every person who was held in detention in the RGV sector (all 143 cases) also responded that he or she had insufficient space in the cell to lie down and all but one indicated that there was not enough space for people to sit. Overcrowding is also an issue present in the majority of testimonies from women which were analyzed in this report, as illustrated by the following quotes:⁴⁴

- “ The holding cell at the Border Patrol Station was very full. I could hardly even walk to get to the bathroom area. When I was vomiting, I had to ask for permission to get to the toilet because it was so full.”
- “ Some women had to sleep next to the toilet because there was no room. We were stepping on each other because [we] couldn’t see with all the aluminum blankets—even stepping on pregnant women.
- “ On the floor where I was to sleep, the women were all right up against each other—there was not even enough room to walk.”
- “ There were a lot of people. There were people who slept standing up. Even a woman who was eight months pregnant with swollen legs slept standing up.”

Aside from the lack of space to lie down and the extreme cold temperatures, many of the first-hand accounts allude to the fact that lights were turned on at night, which made sleeping impossible.⁴⁵

- “ The lights were on day and night; they never turned off the lights. All night long, the officers would come in and wake us up for different reasons: to count, to clean, etc. They did not let us sleep through the night restfully.”
- “ The lights were left on all night when we were in the hielera. My son and I were not able to sleep all night because of the lights and because we were so cold. Even if we were able to sleep, there was no place to sleep.”

Inadequate Food

Another problem that data reveals is the inadequacy of food provided to individuals detained in the RGV Sector. According to PDIB data, an astonishing 99 percent of the individuals who were detained in RGV stated that the food they received in detention was insufficient, compared to 67 percent in all other sectors. The following quotes⁴⁶ exemplify how the problems highlighted by these statistics were experienced by women detained in RGV facilities:

- “ They did not feed us lunch that day, so my son and other women’s children were crying because they were hungry. We asked for food, but they kept telling us to wait. It was not until almost 5:00 pm that we were given something to eat.”
- “ The food was completely insufficient at the first border patrol station. I went almost a day and a half without eating.”
- “ While we were in the hielera there was virtually nothing to eat. I was given a piece of bread but my son was not given anything.”

FIRST-HAND NARRATIVES FROM WOMEN WHO WERE DETAINED IN THE BORDER PATROL RGV SECTOR

Below are first-hand accounts⁴⁷ of Rosa, Patricia, and Andrea,⁴⁸ all of whom were detained with their children in the RGV Border Patrol cells in October or November 2015. These detailed accounts reveal all the brutality and harshness that a “short stay” at a CBP facility may entail. Some themes that appear in the stories below are also recurrent in the other declarations reviewed—i.e., separation of mothers from their children, inadequate access to medication and/or medical care, extreme temperature, lack of access to showers, food insufficiency, and sleep deprivation.

Rosa’s testimony:

“

I fled to the United States to seek asylum. After a long and challenging journey, my 11-year-old and I arrived in Texas... [My son] suffers from asthma and takes medicine to treat his condition. I made sure to carry [my son]’s medicine with us along our journey, but when we arrived at the hielera, the CBP officers threw [my son]’s medicine away, and said it was prohibited. They also separated me and [my son]. I was so scared and didn’t know what they were doing with my son. They just told me he was going somewhere else, and forced me into a crowded room with many women and young children. Over the course of the 3 days that we were at the hielera, I asked CBP multiple times if my son could have medicine and medical care. I was so worried about him. CBP ignored my requests. They told me and women with sick kids “this isn’t a hospital.”

I only saw [my son] once while we were at the hielera through a window. [My son] was crying hysterically. It was a terrible thing for a mother to see. I couldn’t do anything to help him, so just put my hands together to send him a signal to pray to God.

While I was at the hielera, I was held with a woman who had an 8-day-old baby. The baby was screaming and crying because it was so cold. The little baby was forced to lie on the cement floor because there were no beds. The

baby's mother was nursing, but was given no extra food or care. The women all begged CBP to do something to help this baby—to give it a blanket, give the nursing mother extra food, or let the baby's mother be processed first so that the baby could leave, but CBP refused. The only blankets we had were thin pieces of aluminum foil. CBP made us throw these away each day, and then would withhold new ones as a punishment if we asked too many times for help.

The conditions at the hielera were awful. We were freezing cold, had no access to showers, and only were given ham and bread sandwiches.

After 3 days, [my son] and I were transferred to la perrera ["dog pound"].⁴⁹ The transfer itself was the first time I had spoken to [my son] in three days. He was in bad shape. The three days of freezing in la hielera had made him very sick and he had difficulty breathing. I was very worried about him. When we arrived at la perrera, [my son] was taken away from me again. Once more I was put in a room filled with mothers and young children. [My son] was placed with teenage boys. At la perrera, I told the CBP officers that my son was sick and has asthma. I begged them to let me see him. They told me not to worry about him, that I should be happy he was still here and that he might be shipped away in the future. This made me even more scared, because I worried I wouldn't see my son again. I heard CBP officers threaten women who asked for help that they would be separated from their kids, so I was afraid that inquiring about [my son] was putting us in danger.

I was held at la perrera for two days. During this time, we were only given burritos, an apple, and a bag of chips to eat for breakfast, lunch, and dinner. We were not given the chance to shower or toothbrushes and toothpaste to brush our teeth.

After a total of 5 days, I was finally reunited with my son when we were transferred out of the perrera. He was really suffering from not having his asthma medication for so long.

”

Patricia's testimony:

“

I came to the U.S. from Guatemala fleeing domestic violence. I crossed the border with my three-year-old daughter and my two-year-old son [in November 2015].

Sunday night we stayed in a place that was very cold. All three of us had jackets on and they removed them from us and returned them to us later. They took my purse and my daughter's small backpack, went through our belongings and threw away some of the things we had inside like some clothes we had packed, my daughter's toys, toothbrushes, and some packaged food. We had one aluminum blanket for the three of us. This blanket did not keep us warm as we were eventually on top of the cold, bare floor. The room was about 4x3 meters with approximately 40 other people in it. It was so full we could not lie down. We had to sleep standing up until a little later when some room opened up so that we could at least sit down to sleep.

Monday in the morning my son peed all over his pants and I asked the officers if I could wash his clothes and dry [them]. The officer said no, to take his clothes off and throw them in the trash. They gave him a new diaper and I asked for some clothes for him and they said there were none. This same morning they asked us to leave the room we were in so they could sweep it, and told us all to take every single thing out of the room and bring it with us. Two of the young women in our group left their aluminum blankets behind in the room. The officer said “since you left your blankets behind and didn't do what I said, throw all your blankets in the trash” and he made all of us throw our blankets in the trash. I asked for a blanket many times that day, and more than ten people asked for blankets as well, but they refused to give them to us. They continued to make excuses, saying “I'll be right back, just wait,” or “hold on,” but they never gave us any more blankets.

We were not able to shower at any time while we were detained in the hielera, nor was there soap to even wash our hands. I was able to obtain another diaper for my son when I needed it, but they never gave me more clothes for him.

[My son] stayed in the hielera with me without any clothes on, only his diaper, for the whole day of Monday, all Monday night, and Tuesday morning until mid-day when they moved us to the perrera. He, my daughter and I slept on the floor that night without any blankets, and he without any clothes. My son had a fever and they did not assist him at all.

I felt that treatment that the officers gave us was worse treatment than you would give an animal. It took so long just to receive food. Many times, my children would ask me for food, and I had nothing to give them. I would repeatedly ask the officers and they would only tell me to wait. Whenever we were spoken to by officers, we were yelled at.

”

Andrea’s testimony:

“

After I was caught crossing the border, the officials put us in the hielera. Things were really bad there. We were there two nights and one day. There were around forty of us in one room. There was hardly any space to lie down—we had to be very close to [one] another.

We also stayed close to each other because it was so cold in there. The room was so full that children were sleeping on the bathroom floor. The cold was even worse during the night. I asked an official for blankets, but they only gave me one paper blanket for my daughter to use. My daughter was trembling throughout the night because she had wet clothes from crossing the river. She is only four years old. My clothes were also wet, and I had no blanket. They also took away all of our warm clothing that we could have used to cover ourselves.

We slept on the floor, but we couldn’t really sleep because the lights were on and they were very bright. They also kept making us get up all the time, so sleep was really impossible.

They separated my son Alex from me and kept him in a room with other children. He is only twelve. He told me that the room was also very full of many children. They fed them frozen ham sandwiches three times a day with a little bit of juice. This is also what we were fed.

My son was very sad. He could see me from the room where he was and he was crying. The officers told the children to stop crying or they would turn up the air conditioning and make it colder in their room. An officer also told him that if it was up to him, he would have already deported all of the children and their mothers back to their country.

The whole time I was separated from my son without a chance to even speak with him. This made me very sad because I know my son isn't used to being apart from me. My son was very scared and sad. He doesn't like to think about his time in the hielera. When we talk about it now, he cries, which is very unusual for him. My daughter also struggled. The officers told me we had to take off her earrings, and I told them that they wouldn't come off. They took one of the earrings off of her by force. The other one they could not take out, but they tried so hard that they bent the earring. My daughter was sobbing the entire time.

”

CONCLUSION

This newly released data shows that the Border Patrol routinely forces its detainees to sleep in cells that lack beds or other reasonable sleeping accommodations, often for multiple nights. During this time, detainees are forced to endure extreme cold, overcrowding, and limited food and are routinely subjected to all kinds of abuses.

The data analyzed in this report demonstrates that the practice of routinely holding individuals in substandard conditions for extended periods is rampant in the RGV Sector. The government’s own data reveals that large numbers of individuals were commonly held for over 72 hours during the period for which the data was provided. On average, 212 individuals were detained for over 72 hours at any given time. In addition, a significant number of individuals were held in detention even after their processing was completed. Moreover, recently obtained data from the PDIB survey and testimonies from detainees reveal that appalling conditions such as extremely cold temperatures, overcrowding, and limited food persist.

The fact that the duration of short-term detention is now set at a goal of no more than 72 hours⁵⁰ compared to prior standards in which the goal was no more than 12 is clearly a step in the wrong direction—especially considering the deplorable detention conditions highlighted in this report. This goal also is not in line with the agency’s proclaimed commitment to the “highest levels of transparency and accountability” to ensure the trust of the American people.⁵¹

APPENDIX 1

Minimum, maximum, and average number of detainees held in Border Patrol detention in RGV, by category (August, September, October, and December 2013)

	Total observation times (# of detention dashboards analyzed)	Minimum number of detainees	Maximum number of detainees	Average number of detainees	Std. Deviation
Detainees in Custody (Sector Total for Adults+JUVI Processed/NP)	544	186	1799	1173.22	321.054
Total Detainees Processed (Adult+JUVI)	544	19	1124	558.57	180.937
Total Adult OTM (Other than Mexico) Males Processed	544	9	593	212.17	111.793
Total Adult OTM (Other than Mexico) Females Processed	544	3	222	104.20	41.677
Total Adult Mexican Males Processed	544	0	319	117.42	67.506
Total Adult Mexican Females Processed	544	0	28	8.38	5.048
Total Juvenile OTMs (Other than Mexico) Processed	544	0	352	110.07	64.564
Total Juvenile Mexicans Processed	544	0	29	5.97	5.557
Total Detainees Not Processed (Adult+JUVI)	544	52	7100	621.29	377.957
Total Adult OTM Males Not Processed	544	9	776	245.05	111.630
Total Adult OTM Females Not Processed	544	11	260	106.01	48.606
Total Adult Mexican Males Not Processed	544	5	440	141.09	66.160
Total Adult Mexican Females Not Processed	544	0	73	27.80	12.842
Total Juvenile OTMs Not Processed	544	9	230	73.58	51.757

Total Juvenile Mexicans Not Processed	544	0	39	10.00	6.159
US Citizens ID'd (not counted in detainee total)	544	0	24	6.11	3.892
Total Detainees in Custody <72hrs	544	173	1577	961.55	241.803
Total Detainees in Custody >72hrs	544	13	644	211.66	139.723
Time in Custody - Average hours	544	21	67	41.07	8.605
Total UAJ Detainees in Custody <24hrs (processed/ NP)	205	18	95	49.09	13.913
Processed UAJs - Time in Custody 0-12hrs	339	2	77	28.74	14.948
Processed UAJs - Time in Custody 12-24hrs	339	1	78	21.67	12.989
Processed UAJs - Time in Custody 0-24hrs	544	0	110	38.03	25.101
Not Processed UAJs - Time in Custody <24hrs	205	7	77	31.53	12.890
Total UAJ Detainees in Custody 24-48 hrs (processed/NP)	205	3	91	30.76	15.010
Processed UAJs - Time in Custody 24-36hrs	339	0	52	14.35	11.147
Processed UAJs - Time in Custody 36-48hrs	339	0	34	10.05	8.732
Processed UAJs - Time in Custody 24-48hrs	544	0	74	24.49	15.918
Not Processed UAJs - Time in Custody 24-48hrs	205	0	72	6.09	11.029
Total UAJ Detainees in Custody 48-72hrs (processed/NP)	205	0	44	9.31	10.448
Processed UAJs - Time in Custody 48-72hrs	205	0	41	8.17	9.565
Not Processed UAJs - Time in Custody 48-72hrs	205	0	37	1.15	4.402

Total UAJ Detainees in Custody >72hrs (processed/ NP)	205	0	42	3.22	6.091
Processed UAJs - Time in Custody >72hrs	205	0	42	3.07	5.994
Processed UAJs - Time in Custody >48hrs	544	0	83	14.53	15.501
Not Processed UAJs - Time in Custody >72hrs	205	0	20	.24	1.501
Total UAJ Detainees (in Sector)	205	34	175	92.38	27.939
Total UAJ Detainees Processed (in Sector)	544	0	235	77.05	44.032
Total UAJ Detainees Not Processed (in Sector)	205	11	158	38.91	23.322
Total OTM Detainees in Custody <24hrs (processed/ NP)	205	154	439	264.43	55.278
Processed OTMs - Time in Custody 0-12hrs	339	1	202	80.38	31.171
Processed OTMs - Time in Custody 12-24hrs	339	7	166	70.53	31.736
Processed OTMs - Time in Custody 0-24hrs	544	0	270	108.31	70.283
Not Processed OTMs - Time in Custody <24hrs	205	129	439	226.56	57.752
Total OTM Detainees in Custody 24-48hrs (processed/NP)	205	142	481	273.68	65.859
Processed OTMs - Time in Custody 24-36hrs	339	0	86	34.47	21.840
Processed OTMs - Time in Custody 36-48hrs	336	0	67	11.79	12.693
Processed OTMs - Time in Custody 24-48hrs	544	0	282	79.36	57.761
Not Processed OTMs - Time in Custody 24-48hrs	205	8	461	139.88	81.354
Total OTM Detainees in Custody 48-72hrs (processed/NP)	205	63	384	196.01	59.295

Processed OTMs - Time in Custody 48-72hrs	205	0	283	129.09	53.031
Not Processed OTMs - Time in Custody 48-72hrs	205	2	299	67.56	53.983
Total OTM Detainees in Custody >72hrs (processed/ NP)	205	33	532	240.19	106.695
Processed OTMs - Time in Custody >72hrs	205	12	516	198.19	99.728
Processed OTMs - Time in Custody 48+hrs	543	2	695	131.13	174.014
Not Processed OTMs - Time in Custody >72hrs	205	0	174	42.00	39.496
Total OTM Detainees (in Sector)	205	108	1294	966.63	189.665
Total OTMs Processed (in Sector)	544	12	849	318.92	185.279
Total OTMs Not Processed (in Sector)	205	191	1189	473.02	187.119
Processed Family Units (FMUAs) - Time in Custody 0-12hrs	339	1	69	21.77	13.216
Processed FMUAs - Time in Custody 12-24hrs	339	0	65	20.38	15.007
Processed FMUAs - Time in Custody 24-36hrs	339	0	62	13.17	14.511
Processed FMUAs - Time in Custody 36-48hrs	339	0	60	7.78	12.266
Processed FMUAs - Time in Custody 48+hrs	339	0	149	22.27	31.668

APPENDIX 2: METHODOLOGY AND DATA SOURCES

This report is based on three main data sources: RGV sector detention dashboards, PDIB survey data, and declarations from women who have been held in detention in the RGV sector.

RGV Sector Detention Dashboards

A detention dashboard is a file that presents a snapshot of information on various categories of detainees held in CBP facilities at a specific time. We analyzed 544 RGV-specific detention dashboards, which collectively cover 123 days during the months of August, September, October, and December of 2013 (unfortunately, the data for November was not provided by the government). Generally, four dashboards were issued at different times for each day.

Each detention dashboard contains the following information:

- Number of detainees in custody
- Number of detainees processed (disaggregated by gender, adult/juvenile, Mexican/Other than Mexican)
- Number of detainees not processed (disaggregated by gender, adult/juvenile, Mexican/Other than Mexican)
- Number of U.S. Citizens
- Number of detainees by time in custody (less than 72 hours, more than 72 hours, and average hours)
- Number of processed unaccompanied juveniles detained by hours in custody
- Number of not processed unaccompanied juveniles detained by hours in custody (for August and September only)
- Number of processed “Other than Mexicans” detained by hours in custody
- Number of not processed “Other than Mexicans” detained by hours in custody (for August and September only).

Station-specific information has been redacted.

PDIB survey data

The study population of the survey was Mexican national migrants aged 18 and above who have been removed from the United States within ten calendar days prior to the date on which the survey was conducted.

Face-to-face interviews were conducted in the following four repatriation points: Nogales, Sonora; Agua Prieta, Sonora; Ciudad Juarez, Chihuahua; and Reynosa, Tamaulipas. The survey team intended to maintain a consistent interview schedule across all repatriation points. However, because of the changing patterns or repatriation flows across the four locations, the number of interviews conducted daily was variable across repatriation points.

Interviewers were instructed to interview all individuals they encountered. When large numbers of individuals arrived at once, interviewers were instructed to select every third person from the individuals they encountered. In addition, interviewers were trained to ensure that women were represented among those interviewed.

The survey instrument contained questions on the following main themes:

- General information
- History of the individual in the United States
- Apprehension
- Belongings
- Short-term detention
- Long-term detention
- Removal process
- Repatriation (reception in Mexico)

Survey participants gave explicit consent for their information to be analyzed and shared in reports like this one.

Declarations from detainees

The stories analyzed in this report were part of declarations from women who were detained with their children in the RGV sector prior to being transferred from CBP custody into the above mentioned family detention facilities. The declarations were collected by volunteers working with the CARA Family Detention Pro Bono Project, an initiative aimed at responding to Immigration and Customs Enforcement's significant expansion of its family detention at the South Texas Family Residential Center (STFRC) and the Karnes Residential Center. Thirty declarations were reviewed for this report. The ones included in full-length were selected because they exemplified well some of the patterns revealed in the data analyzed earlier in the report. However, most of the themes that surfaced in these declarations are also apparent with various degrees of detail in the other declarations reviewed.

The declarations were drafted by volunteers with the CARA project, as part of an intake interview with potential clients regarding CBP conditions. All declarations were read to the interviewees in Spanish to confirm accuracy and interviewees gave their consent for their stories to be shared publicly.

ENDNOTES

1. The government data analyzed in this report was obtained by Americans for Immigrant Justice and shared with the American Immigration Council.
2. The Binational Defense and Advocacy Program (in Spanish, Programa de Defensa e Incidencia Binacional, or PDIB) is a Mexican human rights initiative established in 2010 to document abuses perpetrated against repatriated Mexican immigrants during their time in the United States. With its principal office in Ciudad Juárez, Chihuahua, and staff located in three other border cities (Reynosa, Tamaulipas, and Nogales and Agua Prieta, Sonora), PDIB is uniquely positioned to document on an ongoing basis human and civil rights abuses perpetrated against Mexican migrants by U.S. authorities. Details on the methodology of this survey are provided in Appendix 2.
3. The testimonies analyzed in this report were collected by volunteers working with the CARA Family Detention Pro Bono Project—an initiative aimed at responding to Immigration and Customs Enforcement’s significant expansion of its family detention at the South Texas Family Residential Center (STFRC) and the Karnes Residential Center. The four partner organizations that compose the CARA Project are the American Immigration Council, Catholic Legal Immigration Network, Inc., Refugee and Immigrant Center for Education and Legal Services, and the American Immigration Lawyers Association.
4. CBP defines a hold room, including a Border Patrol hold room, as “a secure facility for the detention of aliens encountered and processed by operational components of CBP.” “CBP Security Policy and Procedures Handbook, HB1400-02B,” at 492 (Aug. 13, 2009), <http://bit.ly/1wfdWI> (hereinafter “2009 CBP Handbook”).
5. In FY 2013, of 420,789 individuals who CBP apprehended (414,397 along the southern border), CBP formally removed 107,770 and informally returned 143,079 (both at ports of entry and between them). Other individuals were likely transferred to another U.S. law-enforcement agency, as described in the main text. See U.S. Department of Homeland Security, “Immigration Enforcement Actions: 2013” (Sept. 2014), <http://www.dhs.gov/publication/immigration-enforcement-actions-2013>, at p. 3, 5, and 7. DHS defines an informal “return” as “the confirmed movement of an inadmissible or deportable alien out of the United States not based on an order of removal,” while DHS defines a formal “removal” as the “compulsory and confirmed movement...based on an order of removal” (emphasis added), and clarifies that “An alien who is removed has administrative or criminal consequences placed on subsequent reentry.” *Ibid.* at 2. The U.S. has employed formal removals increasingly in recent years relative to informal returns. Adam Goodman, “How the deportation numbers mislead,” *Al Jazeera America* (Jan. 24, 2014), <http://america.aljazeera.com/opinions/2014/1/what-the-deportationnumbersdonattell.html>.
6. Individuals are transferred either to DHS’s Immigration and Customs Enforcement (ICE) unit for civil removal proceedings (see U.S. Immigration and Customs Enforcement, “Enforcement and Removal Operations,” <http://www.ice.gov/ero>); to the Department of Health and Human Services’ (HHS’s) Office of Refugee Resettlement (ORR) if the detainee is an unaccompanied child (8 U.S.C. § 1232(b)(3) (2013), <https://www.law.cornell.edu/uscode/text/8/1232>); or to the United States Marshals Service for possible federal criminal proceedings, such as prosecution for illegal re-entry under Operation Streamline. Operation Streamline “is a partnership program among CBP, U.S. Attorneys, and District Court judges in certain border districts to expedite criminal justice processing. The program permits groups of criminal defendants to have their cases heard at the same time ... and arranges in most cases for aliens facing felony charges for illegal re-entry to plead guilty to misdemeanor illegal entry charges.” Congressional Research Service, “Border Security between Ports of Entry” (Dec. 18, 2014), <http://fas.org/sgp/crs/homesecc/R42138.pdf>, at p. 8.
7. See U.S. Border Patrol Policy, Subject: Detention Standards, Reference No: 08-11267 (Jan. 31, 2008), available at <https://www.documentcloud.org/documents/818095-bp-policy-on-hold-rooms-and-short-term-custody.html>, hereinafter “Jan. 31, 2008 CBP Memorandum”); see also “Defendants’ Response In Opposition To Plaintiffs’ Motion To Enforce Settlement Of Class Action, *Flores v. Holder*,” No. 85-cv-4544, Dkt #121 (Feb. 27, 2015) (stating that “CBP sets and enforces clear standards for safe and sanitary conditions at the Border Patrol stations through facilities design guides and written policy guidance,” and citing Jan. 31, 2008 CBP Memorandum), <http://www.slideshare.net/amjlaw/opposition-to-enforcement-of-action>, at p. 20-22,
8. See 2009 CBP Handbook at 492-95.
9. *Ibid.* at 494 (“No beds; hold rooms are not designed for sleeping.”).
10. Amy Bracken, “Immigrants, Legal Groups Allege Harsh Treatment at the Border,” *PRI*, August 1, 2013, <http://www.pri.org/stories/2013-08-01/immigrants-legal-groups-allege-harsh-treatment-us-border>.
11. Jan. 31, 2008 CBP Memorandum at ¶ 6.2.1 (“every effort will be made to promptly process, transfer, transport, remove, or release those in custody as appropriate and as operationally functional”).
12. *Ibid.*, ¶ 6.2.4.1 (“In cases where the [Patrol Agent In Charge] has reason to believe that the [unaccompanied child’s] detention will exceed 72 hours or exceeds 72 hours [the agent] will notify a sector staff officer immediately.”) See also, *ibid.* at ¶ 6.2.4.2 (“Under extenuating circumstances, the maximum time allowed for placing [unaccompanied children] in an ORR-approved facility is five days. In cases where [children] are detained longer than five days, sector staff will immediately contact the [Detention and Removal Office] liaison officer [.]”)
13. U.S. Customs and Border Protection. National Standards on Transport, Escort, Detention, and Search. October 2015. https://www.cbp.gov/sites/default/files/documents/cbp-teds-policy-20151005_1.pdf
14. Jan. 31, 2008 CBP Memorandum at ¶ 6.8: “Detainees will be provided snacks and juice every four hours. Detainees whether in a hold room or not, will be provided a meal if detained more than 8 hours or if their detention is anticipated to exceed 8 hours. Regardless of the time in custody, juvenile will be provided with meal service, and at least every six hours thereafter; two of the three meals must be hot. Juveniles, small children, toddlers, babies, and pregnant women will have regular access to snacks, milk, or juice at all times.”
15. *Ibid.*, ¶ 6.9 “Potable drinking water will be available to detainees. The supervisor is responsible for ensuring that drinking water is available.”
16. *Ibid.*, ¶ 6.10 “Detainees using the restrooms will have access to toilet items, such as soap, toilet paper, and sanitary napkins. Families with small children will also have access to diapers and wipes.”

17. *Ibid.*, ¶ 6.7.
18. *Ibid.*, ¶ 6.14 “Agents will make reasonable efforts to provide a shower to a detainee held for more than 72 hours. Detainees that are showering will be provided a clean towel and basic toiletries. Agents will make every reasonable effort to provide unaccompanied [] children who are held more than 48 hours with access to a shower and clean towel, clean clothing and basic hygiene articles...”
19. *Ibid.*, ¶ 6.16 “Supervisors will ensure that detention cells will be regularly cleaned and sanitized.”
20. *Doe v. Johnson*, No. 15-00250, Complaint (D. Ariz. filed June 8, 2015), http://www.legalactioncenter.org/sites/default/files/docs/lac/Complaint_15-00250.pdf, ¶¶ 1-12, 81-88, 89-93 (overcrowding), 94-97 (overnight detention), 98-107 (inability to sleep), 108-113 (cold temperatures), 114-126 (filthy cells and access to hygiene products), 127-135 (lack of access to medical treatment), 136-45 (inadequate food and water), 146-53 (lack of access to family and legal assistance). See also *Doe v. Johnson*, No. 15-00250, Motion for Class Certification (D. Ariz. filed June 8, 2015), http://www.legalactioncenter.org/sites/default/files/docs/lac/Class%20certification%20motion_15-00250.pdf.
21. Americans for Immigrant Justice, “The ‘Hieleras’: A Report on Human and Civil Rights Abuses Committed by Customs and Border Protection Agency” (2013) (hereinafter “The Hieleras”), <http://www.aijustice.org/the-hieleras-a-report-on-human-civil-rights-abuses-committed-by-u-s-customs-border-protection-2/>; No More Deaths (NMD), “Culture of Cruelty: Abuse and Impunity In Short-term U.S. Border Patrol Custody,” at 21 (2011) (hereinafter “Culture of Cruelty”), <http://forms.nomoredeaths.org/abuse-documentation/a-culture-of-cruelty/> (noting reports of agents “turning on the air conditioning or placing fans outside the cells after receiving complaints about cold cells”); see also *Doe v. Johnson*, Complaint, note 17, ¶¶ 108-113.
22. See, e.g., Ed Pilkington, “It Was Cold, Very Cold’: Migrant Children Endure Border Patrol ‘Ice Boxes,’” *Guardian*, Jan. 26, 2015, <http://www.theguardian.com/us-news/2015/jan/26/migrant-children-border-patrol-ice-boxes> (“Tatiana was 16 at the time of her detention, a child herself. ‘The room was so cold you almost couldn’t breathe, it made your nose hurt,’ she said. There was no bedding, not even a blanket, and she slept fitfully with [her infant son] Rafael in her arms. After a few days the baby caught a cold and stopped eating solids, and for a couple of days he wouldn’t even take his mother’s milk. His weight fell from 23lbs when he arrived at the border station to 15lbs.”); Women’s Refugee Commission and Orrick Herrington & Sutcliffe LLP, “Halfway Home: Unaccompanied Children in Immigration Custody” (2009), <http://www.refworld.org/pdfid/498c41bf2.pdf>, see e.g., p. 11; see also *Doe v. Johnson*, Complaint, note 17, ¶¶ 94-107.
23. The Hieleras, note 13, at 3, 6; see also *Doe v. Johnson*, Complaint, note 17, ¶¶ 136-45.
24. The Hieleras, note 13, at 3 (“Detainees are not given even the most basic supplies, like toothbrushes, soap, combs or ample sanitary napkins, and are unable to shower or change clothing.”); see also *Doe v. Johnson*, Complaint, note 17, ¶¶ 114-126.
25. In 2011, No More Deaths reported that, following interviews with over 12,000 individuals released from Border Patrol custody, the majority of those who needed emergency medical care or medications were denied treatment. No More Deaths, *Culture of Cruelty*, note 13, at 20-21. In 2014, the ACLU submitted complaints to DHS on behalf of children in CBP detention whose medical care was ignored or overlooked, including several who required hospitalization. See American Civil Liberties Union, et al., “Letter regarding Systemic Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection” (2014), <https://www.immigrantjustice.org/sites/immigrantjustice.org/files/FINAL%20DHS%20Complaint%20re%20CBP%20Abuse%20of%20UICs%202014%2006%2011.pdf>. See also Jessica Bakeman, “New York quietly expands role in caring for immigrant children,” *Capital New York*, Oct. 20, 2014, available at <http://www.capitalnewyork.com/article/albany/2014/10/8554559/new-york-quietly-expands-role-caring-immigrant-children> (“When the children arrive at New York-area airports from the federal facilities, they often require extensive medical care for broken bones that healed improperly or illnesses such as appendicitis and pneumonia, nonprofit officials said... ‘Some of them have not eaten for long periods of time,’ said Henry Ackermann, chief development officer at [a children’s facility in New York]... ‘They come to us malnourished. They come to us sometimes with unset broken arms or legs, with bronchial or respiratory issues.’”); see also *Doe v. Johnson*, Complaint, note 17, ¶¶ 127-135.
26. No More Deaths, *Culture of Cruelty*, note 13, at 32-33 (reporting “Failure to inform people of their rights to legal counsel and the Mexican Consulate,” and detainees reporting denials of the ability to call a lawyer, family or their consulate); see also *Doe v. Johnson*, Complaint, note 17, ¶¶ 146-53.
27. CBP and Border Patrol’s widespread practice of coercing detained individuals into signing removal papers in southern California was the subject of the class action lawsuit *Lopez-Venegas v. Johnson*, No. 13-3972 (S.D. Cal. settlement agreement filed Aug. 18, 2014). In a recent settlement in that case, the agencies agreed to “supplement their existing procedures” in southern California with additional due process protections. Richard Marosi, “Feds to Allow Some Immigrant Deportees to Return Under New Settlement”, *LA Times*, Aug. 27, 2014, <http://www.latimes.com/local/lanow/la-me-ln-feds-immigrant-deportees-aclu-settlement-20140827-story.html>.
28. In addition to the reports and articles cited throughout this report, there have been numerous other public news articles discussing the conditions in CBP detention. See, e.g., Ed Pilkington, “Freezing Cells and Sleep Deprivation: The Brutal Conditions Migrants Still Face After Capture,” *Guardian* (Dec. 12, 2014), <http://www.theguardian.com/us-news/2014/dec/12/migrants-face-brutal-conditions-after-capture-sleep-deprivation>; Brianna Lee, “Child Migrants Report Freezing in ‘Icebox’ U.S. Border Patrol Centers,” *International Business Times* (Aug. 1, 2014), <http://www.ibtimes.com/child-migrants-report-freezing-icebox-us-border-patrol-centers-1646428>; John Burnett, “Amid Wave Of Child Immigrants, Reports of Abuse By Border Patrol”, *National Public Radio (NPR)* (June 24, 2014), <http://www.npr.org/2014/07/24/334041633/amid-wave-of-child-immigrants-reports-of-abuse-by-border-patrol>; Molly Redden, “Why Are Immigration Detention Facilities So Cold?”, *Mother Jones* (July 16, 2014), <http://www.motherjones.com/politics/2014/07/why-are-immigration-ice-detention-facilities-so-cold>; Courthouse News, “Border Patrol Lockups Called Inhumane” (May 22, 2014), <http://www.courthousenews.com/2014/05/22/68102.htm>; Alfonso Chardy, “Immigrants Recount Horror of Being Detained in ‘Iceboxes’ Before Transfer to South Florida,” *Miami Herald* (Apr. 19, 2014), <http://www.miamiherald.com/news/local/community/miami-dade/article1963111.html>; Peter O’Dowd and Rachael Bale, “Cold Storage: Migrants Refer to Border Cells as Freezers,” *Fronteras* (Nov. 18, 2013), <http://www.fronterasdesk.org/content/9237/cold-storage-migrants-refer-border-cells-freezers>; Cindy Carcamo and Richard Simon, “Immigrant Groups Complain of ‘Icebox’ Detention Cells,” *L.A. Times* (Dec. 5, 2013), <http://articles.latimes.com/2013/dec/05/nation/la-na-ff-detention-centers-20131206>; Brian Epstein, “Crossing the Line: Part

- II,” PBS (July 20, 2012), <http://www.pbs.org/wnet/need-to-know/video/video-crossing-the-line/14291/>; Brad Poole, “Report Alleges Border Patrol Abuse of Illegal Immigrants,” Reuters (Sept. 21, 2011), <http://www.reuters.com/article/us-usa-mexico-study-idUSTRE78K6NV20110921>.
29. American Immigration Council, “Way Too Long: Prolonged Detention in Border Patrol Holding Cells, Government Records Show.” Washington, DC: American Immigration Council. June 2015. <http://www.immigrationpolicy.org/just-facts/way-too-long-prolonged-detention-border-patrol-holding-cells-government-records-show>
 30. No More Deaths, Culture of Cruelty, note 13, at p. 14 (2011).
 31. The “Hieleras,” note 13, at 3. See also Women’s Refugee Commission, Halfway Home, note 14, at 9 (“significant numbers of the children we interviewed at [children’s] facilities consistently reported being detained by ICE and Border Patrol for much longer than 72 hours.”)
 32. NPR, Transcript: “Commissioner Kerlikowske’s Full Interview, July 18, 2014,” <http://www.npr.org/2014/07/18/332286063/transcript-commissioner-kerlikowskes-full-interview>. In this July 2014 press interview regarding a complaint filed on behalf of 116 unaccompanied children who experienced similar degrading conditions in Border Patrol holding cells—including complaints of “being put in excessively uncomfortable rooms, being left with the lights on all night so that they couldn’t sleep, being denied medical care”—Kerlikowske stated that the complaints about the facility conditions were “absolutely spot on.”
 33. U.S. Customs and Border Protection. Rio Grand Valley Texas: History. <http://www.cbp.gov/border-security/along-us-borders/border-patrol-sectors/rio-grande-valley-sector-texas>.
 34. United States Border Patrol, “Sector Profile - Fiscal Year 2014 (Oct. 1st through Sept. 30th),” <http://www.cbp.gov/sites/default/files/documents/USBP%20Stats%20FY2014%20sector%20profile.pdf>.
 35. John Burnett and Marisa Peñaloza. “Corruption on the Border: Dismantling Misconduct in the Rio Grande Valley.” NPR report, July 5, 2015, <http://www.npr.org/2015/07/06/413463836/corruption-on-the-border-dismantling-misconduct-in-the-rio-grande-valley>.
 36. Ibid.
 37. Martinez, Daniel, Guillermo Cantor, and Walter Ewing. No Action Taken: Lack of CBP Accountability in Responding to Complaints of Abuse. Washington, DC: American Immigration Council, May 2014, <http://www.immigrationpolicy.org/special-reports/no-action-taken-lack-cbp-accountability-responding-complaints-abuse>.
 38. After accounting for the different numbers of Border Patrol agents in each sector, the complaint rate remained the highest in the Tucson Sector, with the RGV Sector a close second. Complaint rates as measured in terms of numbers of apprehensions were highest in Del Rio, RGV, and San Diego, in that order.
 39. Americans for Immigrant Justice, “The ‘Hieleras’: A Report on Human and Civil Rights Abuses Committed by Customs and Border Protection Agency” (2013), http://www.ajjustice.org/the_hieleras_a_report_on_human_civil_rights_abuses_committed_by_u_s_customs_and_border_protection_agency.
 40. Unfortunately, data for November 2013 was not provided to Americans for Immigrant Justice.
 41. On November 15, 2013, the American Immigration Council requested information from CBP including “the number of individuals detained on a daily basis at each station in the Tucson Sector,” and “all documentation reflecting, reporting or stating the length of time individuals are detained by CBP in the Tucson Sector, and, if available, broken down by length of time detained at each station.” American Immigration Council, “Freedom of Information Act (FOIA) Request” (Nov. 15, 2013) (on file with AIC). CBP then provided data that encompassed 72,198 detainees held between January 1, 2013 at 1:00 am and June 30, 2013 at 2:30 pm.
 42. Testimonies analyzed in this section were obtained by volunteers with the CARA Family Detention Pro Bono Project. See endnote 2.
 43. These testimonies were collected by volunteers working with the CARA Family Detention Pro Bono Project.
 44. These testimonies were collected by volunteers working with the CARA Family Detention Pro Bono Project.
 45. These testimonies were collected by volunteers working with the CARA Family Detention Pro Bono Project.
 46. These testimonies were collected by volunteers working with the CARA Family Detention Pro Bono Project.
 47. The declarations were drafted by volunteers with the CARA Family Detention Pro Bono Project as part of an intake interview with potential clients regarding CBP conditions. All declarations were read to the interviewees in Spanish to confirm accuracy and interviewees gave their consent for their stories to be shared publicly.
 48. For confidentiality reasons, all names were replaced with pseudonyms.
 49. The term “perrera” (Spanish word for dog pound) is how detainees refer to warehouses where they are transferred sometimes by CBP. One of the detainees described the “perrera” as “a big warehouse divided into little rooms by chain-link fences.”
 50. U.S. Customs and Border Protection. National Standards on Transport, Escort, Detention, and Search. October 2015, https://www.cbp.gov/sites/default/files/documents/cbp-teds-policy-20151005_1.pdf.
 51. R. Gil Kerlikowske, Commissioner, U.S. Customs and Border Protection, Before the House Appropriations Committee, Subcommittee On Homeland Security, “Hearing On Fiscal Year 2016 Budget Request” (April 23, 2015), <http://docs.house.gov/meetings/AP/AP15/20150423/103348/HHRG-114-AP15-Wstate-KerlikowskeR-20150423.pdf>, at p. 1.