



**U.S. Customs and
Border Protection**

OBP 110/8.3-C

MAR 27 2006

Mr. Robert D. Evans
Director
American Bar Association
Governmental Affairs Office
740 15th Street NW
Washington, D.C. 20005-1022

Dear Mr. Evans:

Thank you for your letter dated January 26, 2006, enclosing additional allegations of the mistreatment of minors by Border Patrol Agents. As previously stated, U.S. Customs and Border Protection (CBP) and the Office of Border Patrol take all allegations of employee misconduct very seriously.

The allegations and affidavits contained in your recent correspondence have been reported to CBP's Joint Intake Center and will be forwarded to U.S. Immigration and Customs Enforcement's (ICE) Office of Professional Responsibility for further investigation. As you indicated in your letter, several similar allegations have been received from other nongovernmental organizations, which have all been referred to ICE for investigation.

In an effort to ensure that juvenile aliens in Border Patrol custody are treated with dignity, respect, and special care, I recently reminded all employees of the necessary steps each agent must take to ensure juveniles' safety and welfare. For example, juvenile aliens are given processing preferences and every attempt is made to remand the juveniles to the Department of Health and Human Services, Office of Refugee Resettlement (ORR), for placement in approved centers. The policy also requires that juveniles have access to the following:

- toilets and sinks;
- drinking water;
- meals, which must be offered every 6 hours (two of three meals must be hot);
- emergency medical assistance (if needed);
- adequate temperature control and ventilation; and
- constant visual supervision.

Any deviation from this guidance violates the policy and will be investigated. The Office of Border Patrol National Juvenile Coordinator (NJC) works closely with the ICE Office of Detention and Removal Operations (DRO) to expedite the transfer of juveniles from

Border Patrol care to ORR. The NJC also communicates with ORR to facilitate the transfer of juvenile aliens to its centers and has conducted site visits to ensure conformity with the policy. Additionally, the sectors having the highest numbers of unaccompanied juvenile arrests have centralized the detention of unaccompanied juveniles to better facilitate their care and transfer to ICE/DRO, with final placement at an ORR-approved facility.

The Border Patrol is committed to providing proper care for all juvenile aliens in its custody. If we may offer further assistance, please contact me at (202) 344-2050.
David V. Aguilar
Chief
U.S. Border Patrol