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RESTRICTIVE HOUSING

Actions Needed to Enhance BOP and ICE Management and Oversight

Statement of Gretta L. Goodwin, Director,
Homeland Security and Justice

Accessible Version

GAO Highlights

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Highlights of [GAO-24-107494](#), a testimony before the Committee on the Judiciary, U.S. Senate
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RESTRICTIVE HOUSING

Actions Needed to Enhance BOP and ICE Management and Oversight

Why GAO Did This Study

ICE recorded 14,581 restrictive housing placements of detained noncitizens from fiscal years 2017 through 2021. Those placements increased by 18 percent from fiscal year 2017 to 2020 before declining in 2021. As of October 2023, BOP housed about 8 percent of all incarcerated individuals (approximately 11,600) in restrictive housing. Studies have shown some potentially harmful mental and physical impacts of such placements.

This statement discusses the extent to which (1) BOP has addressed recommendations from two prior restrictive housing studies and (2) BOP and ICE have information needed to manage and oversee use of restrictive housing.

This statement is based on three prior GAO reports published from August 2020 through February 2024, along with selected updates on ICE efforts to address previous GAO recommendations. To produce those reports, GAO reviewed ICE and BOP documentation, analyzed data, and interviewed agency officials. For selected recommendation updates, GAO reviewed documents and interviewed ICE officials.

What GAO Recommends

GAO made eight recommendations to BOP and four recommendations to ICE that relate to restrictive housing in the reports covered by this statement. Although BOP and ICE agreed with the recommendations, as of April 2024 none of the 12 have been fully implemented. GAO will continue to monitor the agencies' implementation status.

What GAO Found

Federal correctional and immigration detention facilities can place individuals in restrictive housing settings in certain circumstances. Restrictive housing generally consists of one- or two-person cells that isolate individuals from the general population. U.S. Immigration and Customs Enforcement (ICE) and the Bureau of Prisons (BOP) have policies and processes that govern their use of restrictive housing. Two prior studies examined restrictive housing at BOP, both of which identified ways for BOP to improve oversight. The first was a 2014 contracted assessment and the second was a 2016 Department of Justice report.

In February 2024, GAO reported that BOP had not fully implemented 54 of 87 recommendations from these two studies. BOP had fully implemented 33, partially addressed 42, and had not taken any steps to address the remaining 12 recommendations. This was due in part to BOP not assigning responsibility for recommendation implementation to appropriate officials and not establishing a time frame for completion. GAO recommended that BOP develop and execute an approach to fully implement recommendations from these prior studies. This would include assigning implementation responsibility, establishing a time frame for completion, and monitoring progress. BOP concurred and described its planned steps.

BOP and ICE have not consistently collected or used information needed for restrictive housing oversight. In reports from 2020–2024, GAO recommended actions to improve both BOP’s processes for monitoring restrictive housing operations and BOP and ICE’s analysis of complaints data. For example:

- In February 2024, GAO found that BOP was not monitoring key aspects of restrictive housing operations. Specifically, it did not examine the cause behind substantial racial disparity in a restrictive housing unit designed for individuals with heightened security concerns. GAO recommended that BOP conduct an evaluation to determine and address the cause of the racial disparity. BOP concurred and as of February 2024, said it would take steps to implement it.
- In August 2020 and February 2024, GAO found that neither ICE nor BOP was analyzing complaint data from those in its custody to identify areas for improvement, such as concerns over restrictive housing conditions. GAO made recommendations to ICE and BOP to analyze complaint data, which could help each agency identify trends and

ultimately enhance oversight. As of December 2023, ICE has taken some steps, including integrating several data systems that store detention-related information into a new system to provide enhanced analysis capabilities. As of February 2024, BOP agreed to take steps toward implementation.

Chairman Durbin, Ranking Member Graham, and Members of the Committee:

I am pleased to discuss our prior work concerning the use of restrictive housing in federal correctional and immigration detention facilities.¹ U.S. Immigration and Customs Enforcement (ICE), within the Department of Homeland Security (DHS), is responsible for providing safe, secure, and humane confinement for detained noncitizens in the U.S. who are charged as removable while they wait for resolution of their immigration cases or removal from the U.S. The Bureau of Prisons (BOP), within the Department of Justice (DOJ), is responsible for ensuring that individuals convicted of federal crimes serve their sentences of imprisonment in facilities that are safe, humane, cost-efficient, and appropriately secure. ICE recorded 14,581 restrictive housing placements from fiscal years 2017 through 2021. Those placements increased by 18 percent from fiscal year 2017 to 2020 before declining in 2021. As of October 2023, BOP housed about 8 percent of incarcerated individuals (approximately 11,600) in restrictive housing. Figures 1 and 2 each illustrate a restrictive housing setting from the two entities.

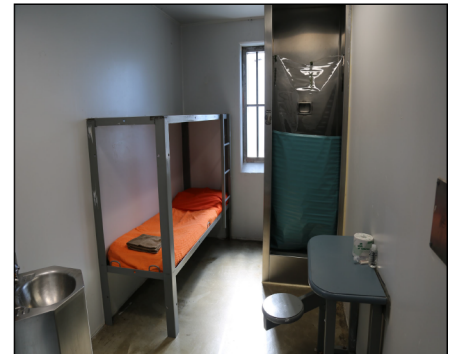
¹For the purposes of this testimony, we are using the term “restrictive housing” to address any type of detention in ICE or BOP facilities that generally involves removing individuals from the general population and placing them into one- or two-person cells for up to 24 hours per day. BOP defines restrictive housing as: (1) removal from the general population, whether voluntary or involuntary; (2) placement in a locked cell, whether alone or with another inmate; and (3) inability to leave the cell for typically 22 hours or more each day. ICE uses the term segregated housing to refer to placement of noncitizens in one- or two-person cells separate from the general population for up to 24 hours per day. For more details on each of these settings characteristics, see GAO, *Immigration Detention: Actions Needed to Collect Consistent Information for Segregated Housing Oversight*, [GAO-23-105366](#) (Washington, D.C.: Oct. 26, 2022) and GAO, *Bureau of Prisons: Additional Actions Needed to Improve Restrictive Housing Practices*, [GAO-24-105737](#) (Washington, D.C.: Feb. 6, 2024).

Figure 1: U.S. Immigration and Customs Enforcement (ICE) Detention Facility Restrictive Housing Unit and Cell



Source: ICE. | GAO-24-107494

Figure 2: Examples of Two Bureau of Prisons' (BOP) Restrictive Housing Unit Types



Source: BOP. | GAO-24-107494

Numerous studies have reported that time spent in isolation can cause detrimental health impacts, even after leaving isolation.² This can include anxiety, depression, post-traumatic stress disorder, and self-harm or suicide. In its response to our February 2024 report on restrictive housing, BOP stated that it recognizes that restrictive housing is not an effective deterrent and can increase future recidivism.

²Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, 22 WASH. U. J. L. & POL'Y 325 (2006); Kaba F, Lewis A, et al. *Solitary Confinement and Risk of Self-harm Among Jail Inmates*. *Am. J. Public Health*. 2014 Mar;104(3):442–7; Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, U.N. Doc. A/68/295 (Oct. 7, 2013) (by Juan E. Mendez); and Vera Institute of Justice. *The Impacts of Solitary Confinement* (Brooklyn, NY, April 2021), <https://www.vera.org/publications/the-impacts-of-solitary-confinement>; DHS Office of the Inspector General, *ICE Needs to Improve Its Oversight of Segregation Use in Detention Facilities*, OIG-22-01 (Washington, D.C.: Oct. 13, 2021).

In April 2023, we added the area of *Strengthening Management of the Federal Prison System* to GAO’s biennial high-risk list.³ This biennial update describes the status of high-risk areas, outlines actions that are needed to assure further progress, and identifies new high-risk areas needing attention by the executive branch and Congress. The prison system area was added, in part, due to BOP’s long-standing challenges in managing staff and resources and in planning and evaluating programs that help incarcerated people successfully return to the community.

My statement today will focus on the findings and recommendations from three ICE and BOP reports on restrictive housing that we published between 2020 and 2024.⁴ Specifically, it will address the extent to which (1) BOP has addressed recommendations from two prior restrictive housing studies and (2) BOP and ICE have information to manage and oversee use of restrictive housing.

To produce the three prior reports, we reviewed ICE and BOP documentation, analyzed data, and interviewed agency officials. More detailed information on the objectives, scope, and methodology for that work can be found in the issued reports. For the selected recommendation updates, we reviewed documents and interviewed ICE officials. Our work was performed in accordance with generally accepted government auditing standards.

BOP Has Not Fully Implemented Recommendations from Prior Restrictive Housing Studies

In February 2024, we reported that BOP’s total number of restrictive housing placements generally increased from fiscal years 2018 to 2022. We also found that BOP had not implemented a majority of recommendations (54 of 87) from two prior studies that examined BOP’s

³GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023).

⁴In addition to [GAO-23-105366](#) and [GAO-24-105737](#), see GAO, *Immigration Detention: ICE Should Enhance Its Use of Facility Oversight Data and Management of Detainee Complaints*, [GAO-20-596](#) (Washington, D.C.: Aug. 19, 2020).

use of restrictive housing and ways to improve its oversight.⁵ The first was a 2014 contracted assessment and the second was a 2016 DOJ report. Specifically, we determined that BOP fully implemented 33, partially addressed 42, and had not taken any steps to address the remaining 12 recommendations from both studies as of September 2023.⁶ For example, we determined that BOP had partially addressed recommendations related to protective custody and serious mental illness.

- **Protective custody.** Both the 2014 contracted assessment and 2016 DOJ report stated that, generally, individuals who require protective custody should not be placed in restrictive housing and recommended that BOP expand housing alternatives for this population.⁷ BOP took some, but not all, steps necessary to address this recommendation. It expanded the capacity of certain types of alternative housing units intended to divert incarcerated individuals in protective custody away from restrictive housing units. These alternative units have fewer restrictions, protect individuals from threats to their safety, and provide programming opportunities, according to the 2016 DOJ report. However, our analysis of BOP's data indicated that the number of individuals placed in restrictive housing for protective custody had increased rather than decreased.⁸ For example, the number of individuals in protective custody status increased from 481 in April 2022 to 700 in October 2023. The 2016 DOJ report states the goal of

⁵CNA Analysis and Solutions, *Federal Bureau of Prisons: Special Housing Unit Review and Assessment*, a report prepared at the request of the U.S. Department of Justice, Bureau of Prisons, December 2014. U.S. Department of Justice, *Report and Recommendations Concerning the Use of Restrictive Housing*, Final Report (Washington, D.C.: January 2016). In 2015, the President directed the Attorney General to conduct a review of "the overuse of solitary confinement across American prisons."

⁶We used three categories to describe the status of BOP's implementation efforts: (1) fully implemented, (2) partially implemented, and (3) not implemented. See [GAO-24-105737](#) for more information on these categories.

⁷Protective custody is a type of administrative detention status for individuals who require protection from real or perceived threats to their safety. Individuals may request to be placed in protective custody if they feel threatened or they may be placed in protective custody involuntarily if BOP staff determine they need protection from verified threats.

⁸BOP does not maintain these records in a format that allows for it to analyze changes in this population over time. Therefore, we relied on the operational information reported on BOP's website to determine the number of individuals who were placed in protective custody (either voluntarily or involuntarily). This statistic included individuals who requested to be placed in protective custody as well as those who were involuntarily placed in protective custody. See BOP, "Restricted Housing Statistics," *Inmate Statistics*, accessed on April 6, 2022, and October 3, 2023, https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp.

its recommendation was to eventually house all individuals who require protective custody in alternative housing units rather than placing them in restrictive housing.⁹ While BOP has expanded the capacity of alternative housing units, it has not taken actions to fully address this recommendation because it continues to house individuals in need of protective custody in restrictive housing units.

- **Serious mental illness.** BOP classifies serious mental illness as an individual's condition that requires weekly outpatient mental health interventions, placement in a residential psychology treatment program, or acute care in a psychiatric hospital. BOP took some steps necessary to address recommendations related to individuals with serious mental illness in restrictive housing. For example, it updated relevant policies to state that BOP should generally avoid placement of these individuals in certain types of restrictive housing units. BOP policy also states that individuals with serious mental illness are generally only allowed to be placed in restrictive housing if "extraordinary security needs" are identified. However, we found that BOP continued to place individuals with serious mental illness in restrictive housing settings.

Although BOP has not fully implemented these prior recommendations, a May 2022 Executive Order on criminal justice practices generally required the Attorney General to ensure DOJ's full implementation of the recommendations from its January 2016 report and the Attorney General reiterated the importance of BOP doing so in a subsequent report.¹⁰ Specifically, in a November 2022 report, the Attorney General stated that BOP and DOJ are committed to further addressing and reducing the use of restrictive housing and described efforts underway to achieve this. According to BOP officials, this will include an internal working group

⁹Alternative housing units include Reintegration Units, which BOP uses for any incarcerated individuals in protective custody status who have had verified or unverified threats to their safety, and Security Threat Group Drop-Out Units, which BOP uses for individuals who want to "disassociate from" or "quit" a gang.

¹⁰Exec. Order No. 14,074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, 87 Fed. Reg. 32,945 (May 25, 2022).

tasked with reviewing and updating the prior restrictive housing recommendations.¹¹

Despite recent efforts, we noted that BOP had not developed an approach to ensure the full implementation of the 2014 and 2016 studies' recommendations. This impacted BOP's ability to reduce its use of restrictive housing and effectively manage its restrictive housing operations. We recommended that the Director of BOP develop and execute an approach to fully implement all the 2014 and 2016 restrictive housing reports recommendations. Further, we noted that for each recommendation that has not yet been implemented, the approach should include assigning implementation responsibility to appropriate officials, establishing a time frame for completion, and monitoring progress. In addition, we acknowledged instances where BOP did not concur with a 2014 recommendation or deemed it impractical and stated that BOP should document its rationale and the alternative steps, if any, it plans to take.

As of February 2024, BOP concurred with this recommendation. Specifically, it stated that for those recommendations that BOP believes have already been implemented or disagrees with, it will continue to document the rationale for its position and any alternative steps. It also stated that for each recommendation that has not yet been implemented, it will develop and execute an approach to include assigning implementation and responsibility to appropriate officials, establishing a time frame for completion, and monitoring progress. Taking these steps, if done effectively, would better position BOP to achieve its goal of reducing its use of restrictive housing.

¹¹U.S. Department of Justice, *The Report of the Attorney General Pursuant to Section 16(b)(i) of Executive Order 14074: Department of Justice Efforts to Ensure that Restrictive Housing in Federal Detention Facilities is Used Rarely, Applied Fairly, and Subject to Reasonable Constraints, and to Implement Other Legal Requirements and Policy Recommendations*, (Washington, D.C.: February 1, 2023). According to BOP, the report was completed pursuant to the Executive Order in November 2022 but was not publicly available until February 1, 2023.

BOP and ICE Have Not Consistently Collected or Used Information Needed for Overseeing Restrictive Housing

Both BOP and ICE can benefit from improving their processes to enhance overall restrictive housing operations. Below, we highlight selected findings and 11 recommendations from our prior work that aim to improve (1) BOP's processes for monitoring restrictive housing operations, (2) ICE's use of information for overseeing restrictive housing, and (3) BOP and ICE's analysis of complaints data.

BOP's Processes for Monitoring Restrictive Housing Operations

In February 2024, we reported that BOP was not fully leveraging information it collects from its program review process and was not monitoring key aspects of restrictive housing operations. This resulted in missed opportunities to ensure compliance and enhance operations.

Program review deficiencies. We found that BOP was not ensuring resolution of deficiencies after program reviews. We reported that BOP's program review process identifies deficiencies, repeat deficiencies, and "repeat repeat" deficiencies at facilities but does not ensure that facilities implement the planned corrective actions before the next review.¹² Examples of most frequently repeated deficiencies related to restrictive housing documentation not properly completed and restrictive housing procedures not in compliance with policy.

BOP does not have an oversight process to verify that the wardens implement the plans or document that they corrected the deficiencies before subsequent program reviews. By enhancing its oversight to verify and document that facilities have implemented corrective actions that fully address all deficiencies, BOP would be in a better position to ensure that identified deficiencies are not repeated in multiple years during subsequent program reviews. We recommended that the Director of BOP enhance oversight by developing and implementing a process to verify

¹²Deficiencies generally reflect a deviation from policy or a weakness in internal controls. A repeat deficiency is the result of the failure of internal controls that were developed to correct a previously identified deficiency. A 'repeat repeat' deficiency indicates a problem has occurred in the program area at least three times.

and document that facilities have implemented corrective actions that fully address all deficiencies. We also recommended that the Director of BOP develop and implement a mechanism to identify causes of common deficiencies that recur across multiple facilities and take steps to address those causes. BOP concurred with these recommendations and said it would take steps to implement them.

SMU Operations. We found that BOP was not examining the cause behind the substantial racial disparity in the special management unit (SMU)—a type of restrictive housing unit designed for individuals with heightened security concerns. During the 2014 contracted assessment, reviewers found inconsistencies in the application of subjective criteria used to place individuals in this unit. The reviewers noted that demonstrable inconsistencies in placement decisions created equity issues in application of the SMU placement criteria. Our analysis of 2022 data appeared to confirm that inconsistencies continued, resulting in equity concerns. Black individuals were 38 percent of the total BOP population but 59 percent of the SMU placements.¹³ In comparison, White individuals were 58 percent of the total BOP population and 35 percent of the SMU placements.

Six of the seven individuals we interviewed who had been housed in the SMU discussed incidents of discrimination or poor treatment that they perceived were based on race. This included one individual who expressed the view that placement in the SMU for a Black individual was due to a single violation and noted that White individuals with seemingly repeated instances of the same violation had never been referred to the SMU. We recommended that the Director of BOP conduct an evaluation of previous SMU placements to determine and address the cause of disproportionate representation of individuals in certain racial groups in the SMU population. In February 2024 BOP concurred with this recommendation and said it will take steps to implement it.

We also found that BOP did not monitor other key aspects of SMU operations. We reported that BOP's program review process did not

¹³Total BOP population included the number of incarcerated individuals who spent at least 1 day of the year in BOP custody, and SMU placements included the number who spent at least 1 day of the year in the SMU. Individuals may be counted more than once if they have more than one restrictive housing placement in a given fiscal year.

include mechanisms for monitoring SMU program level progression.¹⁴ We further reported that BOP closed its only SMU to address significant concerns, including the lack of compliance with SMU policy related to program level progression. We noted that as of September 2023, officials were still considering the operating status of this program. If BOP decides to reinstate the SMU at a different facility or replace it with a similar program, we recommended that the Director of BOP develop and implement a mechanism for routinely monitoring the extent to which facilities apply the SMU placement criteria consistently and equitably. We also recommended that the Director of BOP develop and implement a mechanism for routinely evaluating SMU documentation to ensure that incarcerated individuals progress through the program levels in accordance with SMU policy. BOP concurred with these recommendations and reiterated that it had suspended the SMU program and was working to identify an appropriate replacement. Implementing these recommendations once a replacement has been identified will enable BOP to better ensure the consistency and equity of its placement decisions and policy compliance.

ICE's Use of Information for Overseeing Restrictive Housing

In October 2022, we reported that ICE has policies and processes for managing and overseeing detention facilities' use of restrictive housing, but information used for oversight was inconsistent.

Restrictive housing placement information. We found an inconsistent level of detail explaining incidents and circumstances leading to restrictive housing placements. Detention facilities are to send to ICE field offices supporting documentation of restrictive housing placements, such as forms outlining circumstances leading to such placements, disciplinary hearing documentation, and medical information. Field offices are then to review and upload those documents into ICE's data system for tracking restrictive housing placements for headquarters' oversight. ICE headquarters officials told us they use supporting documentation as a primary source to oversee and determine the appropriateness of restrictive housing placements. However, this supporting documentation

¹⁴According to the SMU policy, BOP generally expects all incarcerated individuals in the SMU to complete the three program levels within 9 to 13 months, and the maximum time an incarcerated individual may spend in SMU is 24 consecutive months. Department of Justice, Bureau of Prisons, *Special Management Units*, 5217.02 (Washington, D.C.: Aug. 9, 2016).

did not always contain sufficient detail explaining the circumstances leading to placements.

In our review of supporting documentation for a random sample of 147 restrictive housing placements in fiscal years 2019 and 2021, we found that the documentation for 61 of those placements (about 41 percent) did not provide a detailed explanation of the incidents or circumstances leading to the placement. Further, 96 of 147 restrictive housing placements we reviewed involved a detained noncitizen with a mental health condition. However, the supporting documentation for 81 of these 96 records did not identify the mental health condition. Officials from ICE headquarters told us that supporting documentation for segregated housing placements should include an identification of a mental health condition if one exists.

We found that ICE policy does not specify the level of detail to include in documentation required to support restrictive housing placements. We recommended that the Director of ICE provide specific guidance to its field offices on the level of detail needed in the documentation supporting restrictive housing placements. ICE concurred with this recommendation. As of February 2024, ICE reported that it is taking steps to determine the level of detail required in documentation supporting restrictive housing placements. This includes recently participating in several site visits to further develop requirements and inform the policy revision process. ICE estimated that any revised policy would be issued in the fourth quarter of fiscal year 2024.

Vulnerable populations information. We reported that ICE requires field offices to report any placement involving individuals identified as vulnerable, such as those with medical or mental health conditions, those with a disability, those who identify as transgender, and those who were victims of sexual assault. However, we found that ICE's data system for tracking restrictive housing placements did not always identify these vulnerable populations. ICE headquarters relies on its data system to conduct oversight of restrictive housing placements and to identify what placements involve vulnerable individuals, which require additional oversight. Without identifying all known detained noncitizens ICE considers vulnerable in its data system, ICE is limited in its ability to conduct oversight of the treatment and care of these individuals.

We recommended that the Director of ICE identify all known detained noncitizens ICE considers vulnerable in the agency's data system for restrictive housing placements. ICE concurred with this recommendation.

In April 2023, ICE reported that the agency is migrating disparate data systems onto a shared platform to improve its overall data quality and reporting capabilities. As of February 2024, ICE reported that it is continuing this work. At that time, ICE expected to release an update to its data system in March 2024. As of April 2024, we are awaiting updates from ICE about the status of its actions in response to this recommendation. We will continue to coordinate with ICE to obtain updates on its efforts.

BOP and ICE's Analysis of Complaints Data

Our prior work showed that both BOP and ICE could take steps to improve analysis of complaints-related data. For example, in February 2024, we reported that BOP was not routinely analyzing complaint data, which had resulted in a missed opportunity to identify potential patterns of restrictive housing policy noncompliance. In August 2020, we reported that ICE did not comprehensively analyze detention-related complaint data, which could help it identify areas for improvement. It also did not take steps to ensure that detention-related complaints were resolved in a timely manner.

BOP complaint data. In February 2024, we reported that BOP did not have a process to routinely analyze data from its administrative remedy program—BOP's complaint process—to identify broad trends or potential patterns of noncompliance related to BOP's grievance policy for incarcerated individuals.¹⁵ Our analysis of summary information for over 1,000 complaints submitted by individuals in restrictive housing units showed a wide range of issues, including complaints about BOP staff misconduct, complaints about being denied access to recreation time, and about being denied or provided inadequate amounts of food and hygiene products, such as toilet paper and soap. Our interviews with 35 incarcerated individuals whom BOP had placed in restrictive housing units across five facilities provided insights into similar issues raised in the complaint data we reviewed, which may indicate possible patterns of noncompliance with BOP policy. For example, many of the individuals we interviewed told us they were denied access to recreation or psychological services or were provided inadequate amounts of basic

¹⁵BOP refers to its complaint process as the administrative remedy program. Under this program, incarcerated individuals, including those in restrictive housing, can seek formal review of any grievances relating to their own confinement.

necessities such as food, toilet paper, and hygiene products, which was inconsistent with BOP policy.

We recommended that the Director of BOP develop and implement a process to routinely analyze administrative remedy program data. We also recommended that the Director of BOP develop and implement a process to address any identified patterns of noncompliance related to restrictive housing policies and other areas of program weaknesses. BOP concurred with these recommendations and said it will take steps to implement them.

ICE complaint data. In August 2020, we reported that ICE and DHS offices maintain data on detention-related complaints, but ICE did not comprehensively analyze these data. Doing so could help ICE identify areas for improvement and implement solutions to improve conditions of confinement in its detention facilities. In our analysis of detention-related complaint data, we found trends over time and across regions. For example, from fiscal years 2017 through 2019, complaints related to sexual abuse were among the five most common categories of detention-related complaints. We recommended that the Director of ICE regularly conduct analyses of detention-related complaint data from relevant offices, including analyses of data over time, within and across facilities and regions, and at a level necessary to identify and address potentially recurring complaints. ICE concurred with our recommendation.

In May 2023, ICE reported that the agency was in the process of integrating several data systems that store detention-related information into a new system to provide enhanced analysis capabilities, including the ability to produce reports with analysis of detention-related complaint data. As of December 2023, ICE reported that the new system was operational and included detention-related complaint data from several ICE sources, such as telephone hotlines. ICE plans to integrate data from additional complaint channels into the system by spring 2024. To meet the intent of this recommendation, ICE should regularly conduct analyses, through the new system or otherwise, of detention-related complaint data from relevant offices.

In August 2020, we also reported that ICE did not have reasonable assurance that its field offices are investigating or resolving detention-related complaints in a timely manner. For example, our analysis of data from one unit responsible for referring complaints to ICE field offices indicated that for certain noncriminal complaints, field offices did not provide resolutions back to that unit for 99 percent of referrals. Without

requiring that its field offices record any actions or resolutions to address complaints, ICE did not have reasonable assurance that field offices are addressing them.

We recommended that the Director of ICE require that field offices record any actions taken on, and the resolutions of, detention-related complaints in a timely manner. This includes restrictive housing related complaints since they are a subset of detention-related complaints. ICE concurred with our recommendation and has taken steps toward addressing it. For example, in September 2021 ICE awarded a contract to integrate multiple data systems, intended to enable field office officials to enter any actions taken on, or resolutions of, certain detention-related complaints referred to them directly into the data system. ICE also plans to notify field offices that they are required to record any actions they take on, and the resolutions of, complaints referred to them in the system once those system capabilities are in place.

In summary, BOP and ICE concurred with our recommendations, and we believe that implementation of these recommendations is essential. BOP has acknowledged the importance of implementing the recommendations from the prior studies to reduce its use of restrictive housing. ICE has made some progress as noted. However, full implementation will help BOP and ICE improve oversight of restrictive housing operations and ensure compliance with relevant policies.

Chairman Durbin, Ranking Member Graham, and Members of the Committee, this concludes my prepared statement. I would be pleased to respond to any questions you may have at this time.

GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Gretta L. Goodwin, Director, Homeland Security and Justice at (202)-512-8777 or goodwing@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Joy A. Booth (Assistant Director), Carissa Bryant (Analyst-in-Charge), Billy Commons, Ben Crossley, Dominick Dale, Michele Fejfar, Rebecca Gambler, Miriam Hill, Alison Knowles, Taylor Matheson, Brian Pegram, and Meg Ullengren. Key contributors for the previous reports on which this testimony is based are listed in each product.

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