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Rindiendo Cuentas: Addressing Government Oversight and Human Rights Abuses in the U.S. Immigration Detention Centers

By **Ashley Celada**, CHCI Public Policy Fellow

Executive Summary

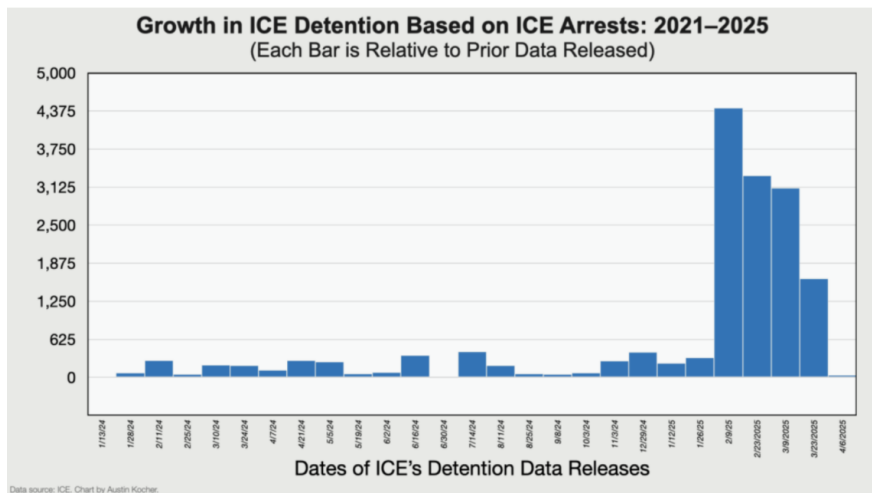
The United States immigration detention system suffers from systemic oversight failures that exposes tens of thousands of Latine people in immigration detention to inhumane conditions. People in immigration detention endure physical, verbal, and sexual abuse, as well as medical neglect and retaliation while confined to these centers. These failures are exacerbated by inconsistent oversight mechanisms across different facilities, and poor coordination with each other. The Government Accountability Office (GAO) and congressional investigations reveal that Immigration and Customs Enforcement (ICE) and private contractors often fail to ensure corrective action is implemented in their facilities. Congress should direct the Department of Homeland Security (DHS) Office of Inspector General (OIG) and GAO to investigate conditions in detention centers nationwide and provide required recommendations to improve them, as well as require adoption of the latest detention standards, and reintroduce previous bills that would reform private detention and establish alternatives. Finally, Congress should enact a truth commission or an investigative committee to ensure further transparency and accountability.

Background

The U.S. immigration detention system houses about 73,000 people (as of January 23, 2026)¹, up about 43% from the 2019 peak of 50,922 people in immigration detention, with a disproportionate share being Latine.² A 2018 study showed that almost 90% of people detained at these centers were from the northern Latin American region alone: with 43% from Mexico, 46% from El Salvador, Guatemala, and Honduras.³ While robust detention demographic data is not published by the U.S. government, a 2025 report found that nine out of ten of those arrested by ICE were Latine.⁴

Immigration detention centers are not fully operated under a single federal agency or entity. For example, as of February 2025, about 86% of people in immigration detention were being held in private ICE detention facilities.⁵ Regardless of whether the detention facility is federal, private, ICE or U.S. Customs and Border Protection (CBP), they are all legally obligated to meet baseline constitutional standards, which outline a government duty to provide “basic human needs,” including food, clothing, adequate medical care, and a safe shelter and environment.⁶

Figure 17



Agency-specific standards supplement these legal requirements. ICE operates under the Performance-Based National Detention Standards (PBNDS), which aim to uphold the same constitutional standards, as well as recreational access, religious accommodations, and legal resources.⁸ CBP, which typically has more short-term holding sites, operates under the National Standards on Transport, Escort, Detention, and Search (TEDS). These aim to uphold access to basic

meals, hygiene items, restroom facilities, and legal resources.⁹ CBP policy limits holding to 72 hours. However, recent reports describe people held for days or weeks.¹⁰ Finally, ICE family detention facilities are intended to follow the Family Residential Standards (FRS), aiming to keep families together with their basic needs, education, and legal access needs met.¹¹ While various standards have been outlined above, they are only advisory and not legally binding, which contributes to uneven implementation across facilities. Detention centers (especially those under private contract) are not required to implement these standards, creating a disjointed system of oversight among the detention facilities, which can cause violations against people in immigration detention being overlooked.¹²

Much like detention administration itself, oversight of immigration detention is also fragmented and inconsistent. For example, the Office of the Immigration Detention Ombudsman (OIDO) was established in 2020 to collect complaints and investigate conditions. Case managers visit detention facilities to speak with people in immigration detention about conditions and concerns, and detainee advocates can submit complaints with the office. However, it is very limited, having collected information from only one ICE facility with only one case manager in 2021.¹³ As a result, their capacity to monitor is insufficient for nationwide detention coverage. The Office of Detention Oversight (ODO) within ICE's Office of Professional Responsibility also inspects detention centers. However, the U.S. Government Accountability Office (GAO) found that ICE does not analyze oversight and inspection data and does not ensure complaint resolutions are recorded, demonstrating a systemic oversight failure in inspections.¹⁴

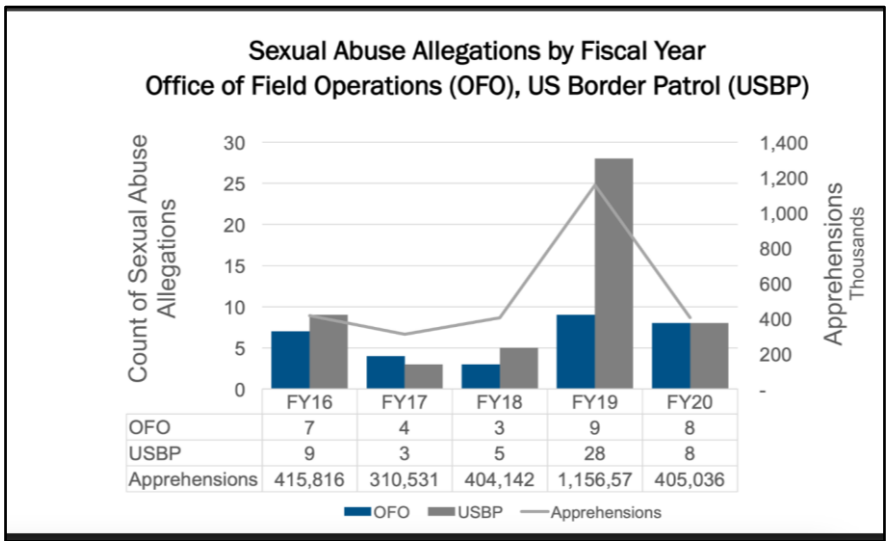
This lack of proper government oversight leads to systemic abuses and human rights violations inflicted on those detained in these facilities. People in immigration detention, who are disproportionately Latine, experience physical, sexual, and verbal abuses and medical neglect.¹⁵ These abuses remain largely unaddressed, with long-term consequences for both those detained and their family members.

Problem Analysis

The U.S. government lacks a proper method to oversee the conditions in its detention centers and address the complaints that stem from these facilities. As a result of the efforts to oversee detention center conditions being so fragmented, as well as the lack of initiative from government agencies to fully analyze problematic trends in these centers, reports of sexual assault, verbal and physical abuse, and inadequate medical care persist. Latine individuals in immigration detention are disproportionately feeling the effects of these subpar conditions as a

result of their high percentage of arrests and detention. Even with systems in place to submit complaints, this population is still largely affected as a result of unresolved or delayed complaints, disappearing without corrective action.¹⁶

Analysis of complaint data highlights both the scale and trends of this problem. The U.S. Department of Homeland Security (DHS) established a Public Complaint and Feedback System (PCFS) Working Group with the objective of creating a forum to submit complaints to DHS, and for them to analyze public feedback. The PCFS



Working Group report demonstrated a sharp increase in sexual abuse allegations in 2019, with 28 allegations against U.S. Border Patrol, compared to the next highest total of 9 back in 2016. At the same time, apprehensions were at approximately 1.16 million, compared to 415,816 in 2016 [referenced in Figure 2 above, footnote 18].¹⁷ This demonstrates that the higher detainee volume in a facility may lead to a higher count of abuse actions and reports. Institutional strain seems to increase the vulnerability of those detained. Furthermore, these allegations are not proven cases,

indicating a potential oversight failure.¹⁸

In July 2025, Senator Jon Ossoff of Georgia published findings from an investigation into human rights abuses in immigration detention centers. This investigation found 14 credible reports of pregnant women in DHS custody not receiving adequate care, with an official report documenting pregnant women sleeping on floors.¹⁹ Another report described a woman who bled for days before someone agreed to take her to the hospital where she miscarried without any medical help for more than a day.²⁰

Along with sexual abuse and mistreatment of pregnant women, there have also been reports of physical abuse in these centers. The American Civil Liberties Union (ACLU) described, in a 2018 report, an incident where an officer grabbed a Guatemalan immigrant by the neck while yelling insults at him at a correctional center in Louisiana.²¹ Another incident in the same center involved guards that would physically hit people in immigration detention and refuse to provide them with food, a basic need outlined in their constitutional rights.²²

Beyond the lack of adequate inspection measures, retaliation posed by officers exacerbates the abuses experienced in these centers. The ACLU reported an example of a man placed in solitary confinement at the Richwood Correctional Center after requesting an officer give him access to the commissary.²³ At Winn Correctional Center, a man was placed in solitary confinement for eight days after trying to speak to news reporters who were touring the facility.²⁴ Ossoff also explains that people in immigration detention have been reported as being beaten in facilities, having broken wrists or being placed in solitary confinement after reporting previous abuses they faced.²⁵

These accounts reflect persistent, systemic harms documented over the past decade. These examples of reported abuses are jarring in themselves and point to a greater pattern of institutional failure. It is not that there is an absence of oversight and accountability mechanisms in detention centers, but instead a divisive structure to these mechanisms, along with a lack of enforcement power and urgency. There is not a sense of cohesion or

communication between the different mechanisms to analyze different patterns and enact meaningful changes to the conditions these immigrants live in. For example, the OIDO is under-resourced, understaffed, and merely reactive to abuses already committed. Furthermore, it is limited to only a few facilities.²⁶ The ODO only conducts inspections but fails to ensure that corrective action follows.²⁷

GAO has repeatedly identified and shared the gaps found in these mechanisms, explaining that ICE and CBP fail to consolidate their own data or to act on what they find. The DHS Office for Civil Rights and Civil Liberties (CRCL) reported opening hundreds of files across various detention agencies, with the highest number of complaints coming from ICE over the course of the years 2015-2019.²⁸ However, the recommendations they provide after assessing these complaints are nonbinding.²⁹ As a result, facilities continue to operate with limited accountability, which undermines human rights commitments.

Latine individuals in immigration detention constitute the overwhelming majority of those in ICE and CBP custody, and the consequences for this group are profound. Structural inequalities and lack of forward thinking, fear of retaliation, and even language barriers worsen the situation, as they make it more difficult for people to seek redress.³⁰ Several advocacy groups, such as Freedom For Immigrants, have teams of staff and volunteers that work with people in immigration detention to document and file complaints.³¹ However, these organizations already tend to face limited access to facilities and have difficulty obtaining transparent data.

These continued failures harm various different stakeholders. Not only do those detained suffer, but their families face serious consequences as well. Many families face severe financial hardship, as many of these families experience a sudden loss of household income,³² and begin to accrue legal costs such as bonds and attorney fees.³³ Furthermore, separation from loved ones brings emotional trauma, especially when it is felt by children.³⁴ Researchers Caitlin Patler and Gabriela Gonzalez of the University of California find that immigrant families tend to experience great reluctance in accessing public programs aimed to help families in need, and become skeptical of government and political participation.³⁵ Patler and Gonzalez describe this pattern as “system avoidance,” which is a mechanism rooted in “compounded vulnerability,” where families experience the incarceration of a loved one and the threat of immigration enforcement at the same time.³⁶ This is not only contained to the family in question with a loved one in detention, but ripples into their communities, which tend to be immigrant and Latine-based as well. At the federal level, these failures erode institutional legitimacy, while forcing advocacy groups into reactive rather than preventative roles.

Recommendations

In order to properly address the lack of organized accountability in immigration detention centers and protect these individuals at risk, Congress and DHS must enact a number of changes to improve the oversight of detention facilities and enforce the standards provided by the Constitution and by preexisting detention standards. The following recommendations are policy opportunities to improve accountability:

1. Increase direct GAO and DHS Office of Inspector General (OIG) investigations into detention conditions.

The GAO reports that these agencies are inconsistent in their methods of investigation and do not systematically analyze trends in the complaints towards their facilities. The OIG should be required to issue formal recommendations after documenting conditions, along with timelines and transparency in reporting their progress.

2. Pass legislation to hold private detention centers accountable.

These bills were previously introduced in Congress to hold private immigration detention centers accountable. Reintroducing these bills or passing similar bills would greatly improve accountability in these centers:

- H.R. 2374 (New Way Forward Act), which would prohibit the renewal of contracts with for-profit immigration detention companies.³⁷
 - H.R. 5087 (Private Prison Information Act), originally introduced in 2019 and reintroduced in later years, which requires detailed transparency over what happens in private detention centers.³⁸
 - S. 2795 (Alternatives to Detention Act of 2021), which would require DHS to expand and prioritize community-based alternatives to detention, particularly for non-criminal and vulnerable individuals.³⁹
- 3. Adopt the most recent versions of PBNDS, TEDS, and FRS**
Require that all ICE and CBP detention centers adopt existing contracts and standards immediately and mandate unannounced inspections.
- 4. Establish a Truth Commission or Independent Investigative Committee**
Establish a committee and/or a commission that would review immigration detention abuse from the first Trump administration in 2017 to now, to compile a public record of past abuses and provide an avenue for affected individuals to voice their concerns and trauma.

Conclusion

An absence of coordination and authority contributes to not only the persistent human rights abuses in U.S. immigration detention centers, but also the absence of consistent standards to conduct a proper investigation and oversight over these facilities. Fragmented enforcement, inoperative complaint systems and recommendations, and a failure to act on existing data lead to the current system we have, where we cannot say for certain how many people’s lives have been turned around to their own incarceration or the incarceration of a loved one. The lack of available data coupled with the consistency of reported harms does not simply reflect mere allegations, but points to a systemic oversight failure rather than isolated incidents.

The policy recommendations outlined in this brief demonstrate potential steps towards strengthening accountability. Enhanced GAO and OIG investigations, mandatory analysis of complaint trends, and proper enforcement would improve oversight capacity significantly. Legislative proposals have been previously stalled or are not comprehensive. However, they remain viable methods of oversight that can be reintroduced or adapted to our current political conditions. A truth commission would not only help keep our government accountable, but would change it from only being an administrative reform to also being an independent body that confronts the historical and systemic nature of detention and their abuses. This can all translate into durable institutional change.

Endnotes

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