

PREA Audit: Subpart B Short-Term Holding Facilities Audit Report



U.S. Customs and
Border Protection

AUDITOR INFORMATION

Name:	(b) (6), (b) (7)(C)	Company Name:	Creative Corrections, LLC
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AGENCY INFORMATION

Name of Agency:	U.S. Customs and Border Protection
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PROGRAM OFFICE

Name of Program Office:	Office of Field Operations
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	Tucson Field Office
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Physical Address:	2430 S. Swan Rd, Tucson, AZ 85711
Mailing Address: <i>(if different from above)</i>	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Douglas Point of Entry		
Physical Address:	1 Pan American Avenue, Douglas, AZ 85607		
Mailing Address: <i>(if different from above)</i>			
Telephone Number:	(b) (6), (b) (7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b) (6), (b) (7)(C)	Title:	Port Director
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

AUDIT FINDINGS

NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

Directions: Discuss the audit process to include the date(s) of the audit, names of all individuals in attendance, audit methodology, description of the sampling of staff and detainees interviewed, description of the areas of the facility toured, and a summary of facility characteristics.

The Prison Rape Elimination Act (PREA) on-site audit of Customs and Border Protection (CBP) Office of Field Operations (OFO) Douglas Port of Entry (POE) was conducted on September 26, 2023, by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC. of Beaumont, Texas. This was the second PREA audit for the Douglas POE. The first audit was conducted on July 23, 2019. The audit followed pre-audit electronic review of CBP PREA policies and procedures and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs), on-site direct observations and post-audit triangulation of information to determine the outcome.

The purpose of the audit was to determine compliance with the Department of Homeland Security (DHS) PREA Standards. The on-site audit followed the Auditor's electronic review of CBP's PREA policies and procedures, documents, and telephonic interviews with CBP HQ SMEs. Audit notices were posted in English and Spanish throughout the facility two days before the on-site audit. The notices included information about the upcoming audit and provided contact information for the Auditor. The audit notice postings were visible in detainee holding areas and staff areas.

The Auditor arrived at approximately 0500 hours and was informally introduced to the Douglas POE leadership team. The Auditor reviewed the audit format and schedule with each member of the team. Immediately following the introductions, the Auditor was provided a private office to begin conducting staff interviews from all shifts. Supervisory CBP Officer (SCBPO) (b) (6), (b) (7)(C) was the point of contact throughout the audit. Interviews covered all shifts:

(b) (7)(E)

At approximately 0900 hours, the Auditor toured and inspected all areas of the Douglas POE. The Auditor visited all areas, including executive leadership's offices, operations, intake area, building perimeter, entry lanes, pedestrian entry, and holding areas. The Auditor observed the facility configuration, (b) (7)(E), level of staff supervision, hold room layout, placement of posters and other PREA informational resources, (b) (7)(E), and search procedures.

The Douglas POE is an entry point for vehicles, cargo, and pedestrians from Mexico. The Douglas POE is a short-term holding facility. Detainees are held at the Douglas POE for a maximum of 72 hours before being released or transferred to another facility. The Auditor observed all areas of the facility and was permitted to revisit areas as requested. Detainees are held in the main processing area when a decision is made to remove them from the pedestrian walkway. The secondary hold rooms are primarily for the vehicle detainees; however, both can be utilized for holding as needed.

The facility is comprised of two main buildings which include processing, pedestrian entry, offices, and cargo inspections. The first building is behind the entry lanes, where vehicles undergo secondary processing. The building is utilized to process detainees. There are (b) (7)(E) in this building that have toilets. The toilet areas are located out of the line of sight of staff, allowing detainees to use them without being viewed by staff. Due to the short-term holding, there are no showers for detainees to use in the hold rooms. The Auditor noted (b) (7)(E), (b) (7)(E). The PREA posters were posted outside the hold rooms in English and Spanish. In addition to English and Spanish, CBP has PREA posters for adults translated into 12 other languages and for children translated into 15 other languages for posting as needed. Detainee reporting posters were also observed during the tour by the Auditor. The Auditor tested the telephones to ensure that the detainees had the ability to contact the Department of Homeland Security Office of Inspector General (OIG). The second building contains offices, juvenile and family detainee units, a pedestrian entryway, a dry room for pat-down searches, and offices. The dry room does not have a toilet and is solely used for pat searches of detainees taken into custody from the pedestrian area. The PREA posters were posted in English and Spanish outside the dry room area. The unit for unaccompanied children and families is a large open space where they can freely move. Detainees have access to cribs, beds, chairs, blankets, a television, and toys for the children to play. Food and drink are provided to detainees and their families as requested. Clothes and shoes are also provided if needed.

Scope of Audit: Prior to the on-site audit, the Auditor was able to review the HQ and local Pre-Audit Questionnaires (PAQs), the HQ Responsive Documents and Data Requests, local documents, including the Douglas POE specific documents, HQ Participation documents, medical provider websites and victim advocacy websites.

The Auditor also conducted (b) (7)(E) HQ SME interviews and spoke to the supervisor responsible for completing the local PAQ. The Douglas POE utilizes the services of the both the Copper Queen Community Hospital (CQCH) in Bisbee and the Tucson Medical Center (TMC) in Tucson for any needed medical concerns. The Auditor was able to speak with hospital personnel at both facilities to confirm that the use of Sexual Assault Forensic Examinations (SAFE) and Sexual Assault Nurse Examiners (SANE) are provided at TMC and the Cochise Family Advocacy Center (Lori's Place) in Sierra Vista.

The Auditor was provided all relevant documents to determine the Douglas POE level of compliance with the DHS standards. The Auditor was provided a roster in which to randomly select staff for the interviews. All interviews were conducted in a private and confidential manner. The Auditor conducted (b) (7)(E) random officer interviews and (b) (7)(E) local SME interviews to cover each shift. The Auditor interviewed one medical contractor, an Emergency Medical Technician (EMT) who works for Loyal Source. There were zero detainees to interview the day of the audit.

An exit briefing for the Douglas POE was held at approximately 1530 hours. The exit briefing was conducted by Creative Corrections Certified PREA Auditor (b) (6), (b) (7)(C). Those in attendance for the briefing were:

- (b) (6), (b) (7)(C), Supervisory CBP Officer (SCBPO), Douglas POE
- (b) (6), (b) (7)(C), Supervisory CBP Officer (SCBPO), Douglas POE
- (b) (6), (b) (7)(C), Supervisory CBP Officer (SCBPO), Douglas POE
- (b) (6), (b) (7)(C), Assistant Port Director (APD), Douglas POE
- (b) (6), (b) (7)(C), Supervisory CBP Officer (SCBPO), Douglas POE
- (b) (6), (b) (7)(C), Program Manager, Creative Corrections, LLC (via TEAMS)
- (b) (6), (b) (7)(C) Program Manager, PREA Field Coordinator Tuscan Field Office (via TEAMS)
- (b) (6), (b) (7)(C), HQ Office of Field Operations (OFO) Program Manager (via TEAMS)
- (b) (6), (b) (7)(C), Deputy Prevention of Sexual assault Coordinator, (DPSA) HQ (via TEAMS)
- (b) (6), (b) (7)(C), PREA Auditor, Creative Corrections, LLC

During the exit interview, the Auditor discussed the observations made during the on-site, pre-audit document review, and the summary of staff interviews. The Auditor explained the triangulation of pre-audit, on-site audit, and post-audit review to determine the outcome.

SUMMARY OF OVERALL FINDINGS:

Directions: Discuss audit findings to include a summary statement of overall findings and the number of provisions which the facility has achieved compliance at each level: Exceeds Standard, Meets Standard, and Does Not Meet Standard.

The Auditor concluded the Douglas Port of Entry on-site audit on Tuesday, September 26, 2023.

The audit process included the pre-audit, on-site audit, and post-audit review of policies, protocols and documentation to determine compliance of 25 DHS Subpart B Standards at the Douglas POE. The Auditor reviewed all relevant policies, procedures, and documents in assessing the Douglas POE through CBP SharePoint and while on-site. The Auditor observed the "Notice of Audit" postings throughout the two buildings in plain view for staff, detainees, and the general public. The Auditor conducted a records review of background investigations and PREA training records of randomly selected staff, along with other submitted documentation.

The Douglas POE met 25 standards: 115.111; 115.113; 115.114; 115.115; 115.116; 115.117; 115.118; 115.121; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182; and 115.186.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 0	
Number of standards met: 25	
Number of standards not met: 0	
OVERALL DETERMINATION	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards)	<input checked="" type="checkbox"/> Low Risk
<input checked="" type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period)	<input type="checkbox"/> Not Low Risk
<input type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	

PROVISIONS

Directions: In the notes, the auditor shall include the evidence relied upon in making the compliance or non-compliance determination for each provision of the standard, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Corrective Action Plan Final Determination, accompanied by information on specific corrective actions taken by the facility. Failure to comply with any part of a standard provision shall result in a finding of "Does not meet Standard" for that entire provision unless that part is specifically designated as Not Applicable. For any provision identified as Not Applicable, provide an explanation for the reasoning. If additional space for notes is needed, please utilize space provided on the last page.

§115.111(a) – Zero tolerance of sexual abuse; Prevention of Sexual Assault Coordinator.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a): The facility meets the standard. The agency has taken definitive steps to inform the public, all employees, and detainees of its adherence to the PREA standards. CBP Directive 2130-030 – Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities (dated 1/19/2018); Commissioners Memorandum dated July 15, 2014; Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Holding Facilities/Prison Rape Elimination Act (PREA); the Commissioner's Memorandum dated March 11, 2015; CBP's Policy on Zero Tolerance of Sexual Abuse and Assault; and Commissioner's Memorandum dated August 12, 2014, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities were issued to provide pertinent information to the public, all employees and detainees of CBP's commitment of zero tolerance of sexual abuse and/or sexual assault. Additionally, the Privacy and Diversity Office posted identifiers of sexual abuse and messages reminding staff of the Zero Tolerance policy, during the month of April, which coincides with Sexual Awareness and Prevention Month. Zero Tolerance posters are positioned throughout the processing and holding areas of the facility in both English and Spanish and are available in 15 other languages for children under 13 years of age. The Douglas POE also has Zero-Tolerance posters for juveniles over age 14 in English and Spanish as well as in 15 other languages. If they speak one of these languages, material is obtained for those detainees. Interviews with the local SMEs emphasized staff training on Zero Tolerance policy and officer interviews verified their training and understanding of the Zero Tolerance policy and standards. Reminders of mandatory training available through the CBP Acadis on-line training site are shared with all employees. All interviews verified that both the agency and the facility have provided dedicated personnel to insure the PREA provisions are in compliance.

§115.113(a) through (c) – Detainee supervision and monitoring.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a): The facility meets the standard provision. The standard requires that each facility maintain adequate levels of detainee supervision through appropriate staff levels to protect detainees against sexual abuse. CBP Directive 2130-030 requires the facility provide sufficient supervision to help protect detainees from sexual abuse. The National Standards on Transport, Escort, Detention, and Search (TEDS) Policy (October 2015) states that officers shall check hold rooms in a regular and frequent manner. Interviews with staff and local SMEs indicated that single adult males and females are always separated by gender. Unaccompanied Children (UC) are always seated directly in front of a staff member for direct supervision. During the on-site tour, the Auditor noted that all holding and processing areas were in direct sight of staff (b) (7)(E). Staff reported that (b) (7)(E).

(b)(c): The facility meets the standard provision. CBP Directive 2130-030, and a memorandum dated August 2014 from the Acting Assistant Commissioner of Operations to the Directors of Field Operations, Director of Preclearance Operations, and the Office of Field Operations with the attached Commissioner's memorandum titled "CBP Policy on Zero Tolerance of Sexual Abuse" which references the review of comprehensive detainee supervision guidelines. The

memorandum and CBP Directive 2130-030 requires OFO to develop and document comprehensive detainee supervision guidelines to determine and meet the detainee supervision needs. The directive further states, the detainee supervision guidelines and its application at the Douglas POE is to be reviewed at least annually considering the physical layout, composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings and recommendations of incident reviews, and any other relevant factors. The directive further requires the results of the annual review are to be forwarded to the HQ Privacy and Diversity Office (PDO)/PSA Coordinator. Local SME interviews confirm they re-evaluate supervision strategies on a regular basis, especially when there is an influx of detainees. They reveal they also request assistance from other ports when needed. The last annual review of detainee supervision guidelines was conducted by the Douglas POE staff on December 21, 2022. The Auditor reviewed the annual review and determined all factors required by the standard were considered during their review of the Douglas POE.

§115.114(a) and (b) – Juvenile and family detainees.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)
- Not Applicable (provide explanation in notes):

Notes:

(a): The facility meets the standard provision. CBP TEDS and a memorandum dated August 13, 2014, from the Acting Assistant Commissioner of Office of Field Operations was sent out to all staff regarding the Standard to Prevent, Detect, and Respond to Sexual Assault in CBP Holding Facilities. CBP TEDS and the memorandum requires the facility to place juveniles in the least restrictive setting appropriate to the juveniles' needs and consistent with the need to protect the juvenile's well-being and that of others. Interviews with local SMEs and officers who process unaccompanied minors and family units indicated that they would keep family units together unless there was an indication of child abuse or neglect. The staff reported that families are placed in the designated family unit, in the large common area of the conference room, or in direct view of officers. Unaccompanied minors are placed separately from adults under an officer's direct supervision.

(b): The facility meets the standard provision. CBP TEDS requires UC be held separate from adult detainees. Local SME staff report UC are held separately from the adult detainees and placed in direct line of vision of the supervisor on duty. All UC and family units with children are offered food and drink while detained. Local SME and officer interviews confirm juveniles are immediately separated from accompanying adults unless the relationship has been properly vetted and determined to be appropriate prior to holding. The interviews also (b) (7)(E)

§115.115(b) through (f) – Limits to cross-gender viewing and searches.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(b)(c): The facility meets the standard provisions. CBP TEDS details the type and conditions under which searches can be performed to ensure the safety of officers, civilians, and detainees. It prohibits cross-gender strip (partial body) searches and cross-gender visual body cavity searches except in exigent circumstances including consideration of officer safety, or when performed by medical practitioners. If performed, the policy requires strip/body cavity (partial body) searches be recorded in the electronic system of record. CBP TEDS details officers/agents must not conduct visual body cavity searches of juveniles and are to refer all body cavity searches of juveniles to a medical practitioner. Local SME staff report only medical staff can conduct a strip or visual body search of a juvenile. The local SME staff and officers report body cavity searches are not permitted at the Douglas POE. Staff interviewed reported they have never seen strip (partial body), or body cavity searches conducted at this facility. When asked who would conduct

cross-gender searches, the officers report the person would have to be the same gender as the detainee and if a cross-gender search would have to be conducted, it must be reported to the supervisor prior to conducting the search, and then notated in the electronic log.

(d): The facility meets the standard provision. CBP TEDS specifies the requirements that enable detainees to shower (where showers are available), perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine hold room checks or is otherwise appropriate in connection with a medical examination or under medical supervision. The Douglas POE is not equipped to offer showers for detainees. Local SMEs and all officers interviewed report detainees do not shower at this facility. However, the detainees can use the toilet without staff of the opposite gender viewing them. During the site tour, the Auditor noted there were (b) (7)(E) The toilets are located behind partitions preventing officers from viewing detainees performing bodily functions from the hold room window. Interviews with officers indicate that they announce their presence and knock whenever they approach a hold room.

(e): The facility meets the standard provision. CBP TEDS prohibits staff from searching or physically examining a detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown, CBP TEDS states officers/agents will ask the detainee their gender or gender identity. If the detainee declines to state their gender, it would be recorded in the appropriate electronic system(s) of record as unknown. There were no detainees on-site who identified as transgender or intersex to be interviewed by the Auditor. Staff at the Douglas POE report they do not search detainees solely for the purpose of determining gender.

(f): The facility meets the standard provision. CBP TEDS directs staff to conduct searches in a professional, thorough, and reasonable manner consistent with the type of search required, and that a search must be of the same gender, gender identity, or declared gender. Interviews with local SMEs and officers reported all had been trained in how to conduct pat-down searches, including cross gender pat-down searches. Interviews concluded that staff were able to articulate how they would conduct a cross gender pat-down search per the training received and within the guidelines. However, staff advised that they have not had to conduct a cross gender pat-down search because they have sufficient staff to conduct a search based on the gender, gender identity, or declared gender.

§115.116(a) through (c) – Accommodating detainees with disabilities and detainees who are limited English proficient.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires staff in holding facilities to provide reasonable accommodations to detainees who are hearing impaired, blind, or visually impaired, or who have intellectual or mental health disabilities. The Directive further requires that detainees with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse. Staff interviews confirm they have received the recent guidance regarding disabled and Limited English Proficient (LEP) detainees, and the materials are frequently discussed during musters. The Auditor observed the poster "Keep Detention Safe" which listed the reporting information to detainees. The Auditor noted the poster contained a TTY/TDD phone number; however, the Douglas POE does not have these services but does provide a sign language translator. The staff discussed the various steps they would take to provide accommodations to detainees with disabilities which included reading PREA notices to visually impaired detainees, call in a translator for LEP, or provide a sign language translator for the deaf or hard of hearing detainees. Staff stated they would also have the option to have medical clinicians, including behavioral health care assist where needed. Interviewed local SMEs and officers confirmed there have been no detainees with disabilities held at the Douglas POE in the past 12 months.

(b): The facility meets the standard provision. CBP Directive 2130-030 requires all holding facilities to provide effective, accurate and impartial in-person or telephonic interpretation services to detainees who are Limited English Proficient (LEP). All PREA posters are posted in both English and Spanish, but also provide direction in commonly spoken languages. All interviewed staff stated they have been able to communicate with LEP detainees due to their

ability to speak Spanish as a second language. None of the interviewed staff have reported the need to use any of the additional services available to communicate with a detainee. All interviewed staff were aware of the translation resources available to them should the need arise. All interviewed staff stated if a detainee entered the Douglas POE who are LEP, they would attempt to identify the detainee's primary language by using the I Speak job aid. If staff are unable to provide language assistance, they will utilize telephonic language interpretation services.

(c): The facility meets the standard provision. CBP Directive 2130-030 directs that other detainees are not to be utilized as interpreters when a detainee has alleged sexual abuse or has been found to be sexually abused. The Auditor was able to verify that local practice at the Douglas POE is consistent with the directive through interviews with the PREA Coordinator, duty supervisors, processing supervisor, and officers. The language line or a neutral staff member would be used in place of a detainee translator. CBP protocol for Identifying Limited English Proficient (LEP) Persons and Providing Language Services, dated October 2017, outlines the steps the Douglas POE is to take to identify LEP detainees. Staff stated they would use a service appropriate to the detainee's specific disability or language.

§115.117(a) through (f) – Hiring and promotion decisions.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires the Office of Human Resources Management (HRM) ensure compliance with hiring, promotion and discipline requirements as outlined in the standard provision. The directive requires that policies and procedures are in place to ensure CBP does not hire any contractors who have a history of sexual abuse. Interviews with the HQ HRM/Hiring Center, HQ Office of Professional Responsibility (OPR)/Privacy Security Division (PSD) SME, and the HQ document review verify compliance with the standard provision for employees. These interviews confirmed all hiring practices are followed as required within the directive.

(b): The facility meets the standard provision. Interviews with HQ HRM/Hiring Center SME verifies new employees and employees seeking promotion must complete an application which asks about previous sexual misconduct and imposes a continuing duty to disclose any such future misconduct.

(c)(d): The facility meets the standard provision. CBP Directive 2130-030 requires background investigations for applicants seeking employment who may have contact with detainees to determine suitability and that updated background investigations are conducted every five (5) years for CBP personnel who may have contact with detainees. The directive further requires background investigations for contractors who may have contact with detainees. The Auditor randomly selected four officers of varying ranks who are employed at the facility. The Auditor submitted the names to the HQ OPR through the HQ PDO/PSA Coordinator. CBP Directive 51000-002 dated January 25, 2021, provides guidelines for the vetting program process prior to final hire selection. The Auditor randomly selected (b) (7)(E) currently employed staff members of varying ranks including (b) (7)(E) contractor at the Douglas POE. Background checks are within the guidelines for the standard and complete.

(e): The facility meets the provision. Interviews with the HQ HRM/Hiring Center SME and HQ HRM/Labor Employee Relations (LER) SME confirmed it is the agency's policy to rescind an offer of employment or to terminate the employment of any employee who makes a material omission or provides false information regarding their sexual abuse misconduct.

(f): The facility meets the standard provision. CBP Directive 2130-030 allows for the provision of any substantiated allegations of sexual abuse regarding former employees upon receiving a request to do so from an institutional partner for whom such an employee has applied to work, unless prohibited by law. Interview with HQ HRM/LER SME verifies this practice by the agency. Local SME and random officers also were able to confirm this practice.

§115.118(a) and (b) – Upgrades to facilities and technologies.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)
- Not Applicable (provide explanation in notes):

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 states that "efforts shall be made to prevent the sexual abuse and/or assault of individuals in CBP holding facilities, to include ensuring new facilities and personnel contract adopt all requirements under Subpart B of the DHS Standards". Interviews with the local SMEs indicated that the Douglas POE is in the process of designing the expansion of the existing facility and constructing a new facility. Interviews with the local SME stated that the Douglas POE will consider the effect of the design, acquisition, expansion, or modification to protect detainees from sexual abuse.

(b): The facility meets the standard provision. According to the Douglas POE PAQ, the facility has not made any upgrades to the (b) (7)(E) at the facility. An interview with the local SME confirmed that PREA supervision and privacy concerns would be taken into consideration for any new/updated technology and how it would enhance the ability to aid in the protection of sexual abuse against detainees.

§115.121(c) through (e) – Evidence protocols and forensic medical examinations.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(c): The facility meets the standard provision. CBP Directive 2130-030 and CBP TEDS require timely, unimpeded access to medical treatment and crisis intervention, including emergency contraception and sexually transmitted infections prophylaxis, be provided to a detainee victim of sexual assault in accordance with professionally accepted standard of care. The directive further requires a forensic medical examination be conducted by a qualified health care personnel, including a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), where practicable. CBP TEDS requires the facility to transport detainees for a forensic examination at a medical facility that offers victim advocacy services. Interviews with local SMEs indicated that they are aware of the forensic medical examination (FME) and staff indicated that any victim of sexual abuse would be transported for an examination with a SAFE or a SANE, or other qualified personnel. The PAQ states that detainees would be transported to Cochise Family Advocacy Center (Lori's Place) in Sierra Vista, Arizona for FME. This was confirmed through interviews with staff. They indicated that they were aware that Lori's Place will provide the advocacy services to any victim of sexual assault or abuse. The Auditor spoke with an advocate at Lori's place and confirmed that they provide FME for victims of sexual abuse in Cochise County. For immediate medical attention, a detainee would be taken to the Copper Queen Hospital in Bisbee, Arizona and transferred from there if a FME was needed to either Lori's House or Tucson Medical Center. The Auditor confirmed through a phone call with hospital personnel at Copper Queen Hospital that they do not have access to a SAFE or SANE. A phone call to the Tucson Medical Center confirmed through a conversation with hospital personnel that they could conduct a FME at their facility but most likely a sexual assault victim at the Douglas POE would be taken to Lori's House which is closer and able to provide follow-up services. All interviewed staff knew that a victim advocate would be offered to any victim of sexual abuse for any medical examinations, court hearings, and law enforcement interviews. There is also 24/7 advocacy and crisis assistance for sexual assault victims and support during the FME and community follow-up advocacy all at no cost to the detainee.

(d): The facility meets the standard provision. CBP TEDS requires officers/agents to allow detainee victims access to victim advocacy services, to the extent available and consistent with security needs, while at the hospital for forensic examinations due to sexual abuse/assault. The Auditor determined that community based sexual abuse advocates are available through the Lori's House 24 hours a day, 7 days a week. The center representative provided information that advocacy services would be provided to a sexual abuse victim during a FME which would be conducted on site. The representative further stated that follow up advocacy services, along with support groups within the community either in person or via telephone, are also offered to any sexual assault victim, and advocates and counselors are available to

assist with providing healing and support. Lori's House is Cochise County's only Certified Rape Crisis and Accredited Advocacy Center, including a 24-hour Sexual Assault Helpline. There are no costs to survivors of sexual assault for any services. Interviews with local SMEs confirmed and verified that all sexual abuse victims would be provided access to victim services at Lori's House and timely access to U nonimmigrant status information.

(e): The facility is complaint with this provision. An interview with local SME indicated that the agency responsible for investigating an allegation of sexual abuse would be the Douglas Police Department (DPD). According to the SME, the facility would notify CBP's Joint Intake Center (JIC). The interview with the SME indicated that letters are sent to DPD and Cochise County Sheriff's Office requesting they follow the PREA Standards when conducting investigations. Both letters were provided to the Auditor for review, and it was determined that the Douglas POE meet the requirements of this provision.

§115.122(c) and (d) – Policies to ensure investigation of allegations and appropriate agency oversight.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(c)(d): The facility meets the standard provisions. CBP Directive 3340-025F establishes a protocol to ensure each allegation of sexual abuse is investigated by the agency or referred to an appropriate investigative authority. The policy states that each allegation is promptly reported to the JIC. CBP Directive 2130-030 states that all allegations of detainee sexual abuse are promptly reported to the HQ PDO/PSA Coordinator and to the appropriate offices within the agency and within DHS to ensure appropriate oversight of the investigation. Interviews with the local SME and supervisors indicated that after the incident is reported to JIC and the HQ PDO/PSA Coordinator, the supervisor on duty would contact DPD for them to conduct a criminal investigation. The HQ PDO/PSA confirmed sexual abuse allegations are reported during the interview. The HQ PDO/PSA Coordinator stated that the Douglas POE did not have any incidents of sexual abuse in their facilities within the last 12 months.

§115.131(a) through (c) – Employee, contractor, and volunteer training.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 requires all uniformed agents and officers, special agents, fact finders, contractors and volunteers who may have contact with the detainees in CBP holding facilities to receive the training required in Subpart B of the DHS Standards. CBP has also developed two training aides in assisting staff with communicating with detainees with disabilities and a guide to facilitate effective communication with individuals who identify as LBGQTQI+. CBP Directive 2130-030 require training records to be maintained for five years by the contracting officer's representative (COR). Reminders to staff and procurement contractors regarding sexual abuse and/or sexual assault training are made through various forms of communication to the staff and contractors. CBP has also created the PREA Resource Center which includes policies and various information regarding CBP's zero tolerance of sexual abuse and/or assault. Mandatory training is also required for contractors and volunteers. CBP also provides a training course for volunteers, through the Federal Emergency Management Agency (FEMA), "Preventing and Addressing Sexual Abuse and Assault of Individuals in CBP Holding Facilities." All Douglas POE employees have completed the mandatory PREA training including the agency's zero tolerance policies, detainee's rights to be free from sexual abuse, and staff duty to report all allegations of sexual abuse. The Auditor reviewed the training records on-site. Local SME and officer interviews verified they have received the training through the Acadis Training Portal. Previous training was conducted online through the Performance and Learning Management System (PALMS). The Auditor reviewed the mandatory training presentation slides, "Preventing Sexual Abuse in CBP Holding Facilities." The Douglas POE staff were issued Quick Reference Cards for first responders to staff when they witness or receive a report of sexual abuse. The card directs staff to notify their supervisor; separate the alleged victim and alleged abuser; preserve and protect the crime scene; request the alleged victim and request the alleged abuser not to do anything that could destroy physical evidence, and refer the incident to the appropriate law enforcement agency;

promptly report to the Joint Intake Center and the Commissioner’s Situation Room; provide access to emergency medical treatment and crisis intervention services; and report allegations involving alleged victims under the age of 18 or a vulnerable adult under a State or local vulnerable persons statute to the designated State or local services agency. The card also states that upon receipt of an allegation that a detainee was sexually abused while confined at another facility, notify the appropriate office of the agency or administrator at the facility where the alleged abuse occurred; and if the alleged victim is transferred to another DHS facility, inform the receiving facility of the alleged incident and the potential need for medical or social services. All contract employees receive initial training and refresher training annually as confirmed through document review of their annual training records. Volunteers are not utilized at the Douglas POE.

(c): The facility meets the standard provision. The Auditor reviewed training records which verified all active-duty staff at the Douglas POE were trained within two years of the effective date of the standards or upon their entry on duty, if hired after the initial training. Training records also confirm that all Douglas POE staff received the required bi-annual PREA refresher training. Officer interviews confirm they received bi-annual refresher PREA training on the ACADIS training system. Training records are maintained electronically on ACADIS as required by the standard. Local SME interviews confirmed compliance of this practice. A memorandum dated November 23, 2022, from the Executive Director, Privacy and Diversity Office was issued reminding all staff of the required mandatory PREA training.

§115.132 – Notification to detainees of the agency’s zero-tolerance policy.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

The facility meets the standard. The Douglas POE maintains colorful, large print posters of DHS Zero Tolerance Policy in view of all detainee holding and processing areas within both buildings. The posters are printed and posted in English and Spanish and contain a box providing zero tolerance and reporting information in all common languages. In addition, CBP addresses zero-tolerance prominently on its website, <https://www.cbp.gov/about/care-in-custody>. CBP has added numerous methods of providing information to the detainee population of CBP’s Zero-Tolerance Policy. They developed age-appropriate colorful posters, informational display system slides, and scripts to provide key information regarding zero-tolerance of sexual abuse and sexual assault and how to report incidents of sexual abuse and/or assault at CBP holding facilities. The posters were observed at the Douglas POE which were published in English and Spanish; however, the Douglas POE also has access to posters in several other languages depending on the type of population received at the facility.

§115.134 – Specialized training: Investigations.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)
- Not Applicable (provide explanation in notes):

Notes:

N/A – Refer to the CBP Sexual Abuse Investigations Audit Report.

§115.141(a) through (e) – Assessment for risk of victimization and abusiveness.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a)(c): The facility meets the standard provisions. CBP Directive 2130-030 and CBP TEDS require that all detainees be assessed for being at-risk of sexual assault before being placed in a hold room. This assessment by policy includes whether the detainee has exhibited a mental, physical, or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; whether the detainee has identified as LGBTI or gender non-

conforming; and any prior sexual victimization and the detainee's own concerns about his/her physical safety. All interviewed supervisors and officers advised detainees are assessed to determine their risk for sexual victimization before they are held together. Based on this assessment, the processing officer decides whether the detainee needs to be held alone or held away from certain other detainees. The Auditor observed the list of questions asked and answered in the electronic detainee file. There were no on-site assessments of detainees observed the day of the audit. Local SME and officer interviews indicated that each detainee is assessed through a variety of cues and questions to determine if a vulnerability exists. The Auditor, through direct observation of the computer data, was able to confirm all assessment protocols are completed and entered in their system of electronic record prior to placing a detainee in a hold room. Officers provided the documentation during the facility tour that lists the reported assessment questions and saved in the electronic detainee file. There were no detainees available on the day of the audit to observe the intake/assessment process.

(d): The facility meets the standard provision. CBP TEDS requires officers/agents to provide detainees identified as high risk of sexual abuse victimization with heightened protection. This includes continuous direct line of sight and sound supervision, held in a single occupancy hold room, and continuous monitoring of open areas by staff who can promptly intervene, unless no such option is determined to be feasible. Interviews with local SME and officers reported detainees who have been identified as being at a higher risk for sexual abuse will be placed in a hold room separate from other detainees. In a Memorandum dated August 2014 from the Acting Assistant Commissioner, Office of Field Operations (OFO), with an attached summary of standards, to serve as a guide to their responsibilities which includes protocols used during the risk assessments.

(e): The facility meets the standard provision. CBP TEDS states efforts should be taken to ensure that all assessments are conducted in a way that provides detainees the greatest level of privacy possible. It further requires all CBP facilities implement appropriate controls on the dissemination of private and/or sensitive information provided by detainees under this section and, officers are only to disclose this information to those personnel with a need to know. Interviews with supervisors and random staff confirmed this practice.

§115.151(a) through (c) – Detainee reporting.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a)(b)(c): The facility meets the standard provisions. CBP Directive 2130-030 and CBP TEDS require detainees be provided multiple ways to privately report sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. It further requires the facility provide at least one way for detainees to report sexual abuse to a public or private entity not connected to the agency, and detainees must be able to report confidentially and anonymously if desired, as well as both verbally and in writing. The directive states procedures for reporting alleged sexual abuse and/or assault are to be visible or continuously and readily available to detainees at holding facilities and posted on the CBP public website. The Auditor verified that information about how to report allegations of sexual abuse is posted publicly on the CBP website at <https://www.cbp.gov/about/care-and-custody/how-make-report>. The telephone information for DHS OIG is found on the Keep Detention Safe posters located in the processing area and the private area designated for making phone calls. Interviewed staff stated that should a detainee wish to use the telephone; they would not be questioned as to whom they needed to call. A detainee would be afforded privacy while being visually observed during the call. Local SMEs and officers reported that detainees have two ways to report sexual abuse, including directly reporting the allegation to staff or using the reporting hotline. Detainee family members can make a report if desired by accessing the CBP.gov public website. Interviewed supervisors stated that detainees can report allegations directly to staff, contacting their consulate, or DHS OIG. Interviewees also stated they would accept all verbal reports from detainees, anonymous reports, and reports from family outside of the facility. Local SME and officer interviews revealed staff are aware that if third parties report allegations of sexual abuse and/or assault are promptly reported by Douglas POE staff and documented in writing. Interviewed staff also stated that all sexual abuse and/or sexual assault allegations are taken seriously and reported to supervisors regardless of the method the report was received.

§115.154 – Third-party reporting.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

The facility meets the standard. CBP Directive 2130-030 informs staff that third parties may report sexual abuse on behalf of detainees. CBP has established public reporting procedures for sexual abuse or detainees at: <https://www.cbp.gov/about/care-in-custody>. DHS posters direct third parties on how to make written or telephonic reports to DHS OIG. The Douglas POE staff are required to allow private and anonymous calls from detainees to DHS OIG. Local SME and officer interviews confirmed that third parties can call DHS OIG directly on the hotline number. Third parties not connected to a detainee can also report these allegations. Reports are confidential and may be made anonymously, if desired, both verbally and in writing. Reports can be made to a CBP official at the holding facility or by calling the toll-free Joint Intake Center Hotline. The website also provides the telephone number, email address, and an online reporting site for the DHS OIG. Local SME and officer interviews confirmed that third parties are provided different methods of reporting and further state if they received a third-party allegation, they would promptly notify their supervisor. An annual report dated Fiscal Year 2021, Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in Holding Facilities, was included in the facilities documentation for review by the Auditor. The report reviewed did not indicate the Douglas POE of having any third party reported allegations.

§115.161(a) through (d) – Staff reporting duties.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 states that staff must promptly report any knowledge, suspicion, or information of sexual abuse or assault, retaliation, or staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. CBP Directive 3340-025F states staff can make these reports to "CBP Watch" and "SIR Reporting". CBP Directive 51735-013B (page 3) requires staff to report any staff misconduct, including sexual abuse and or retaliation outside their chain of command, by contacting JIC, OIG, and OPR. Interviews with random staff indicated knowledge of these policies and their responsibilities.

(c): The facility meets the standard provision. CBP Directive 2130-030 requires staff not to reveal any information related to a sexual abuse report except as necessary to aid the detainee, protect other detainees or staff, or make security and management decisions. This information about confidentiality is also provided to all staff during mandatory PREA training. Interviews with local SMEs and random staff indicated knowledge of this policy and their responsibilities. All staff interviewed understood the "need to know basis" for dissemination of detainee information.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires staff to notify relevant agencies of alleged sexual abuse of vulnerable adults or if the alleged victim is under 18. Interviews with local SME and supervisors indicate that they would make notifications as required by CBP Directive 3340-025E, and notifications to appropriate state agencies would also be made. The PAQ indicates that the Douglas POE has not had any incidents requiring this notification within the last 12 months.

§115.162 – Agency protection duties.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

The facility meets the standard. CBP TEDS policy states that when an agency learns that a resident is subject to imminent sexual abuse, staff shall take immediate action to protect the detainee. Interviews with random staff, supervisors, and the local SME stated they would take immediate action to protect the detainees. As reported in

standard 115.121, random staff interviews indicated an understanding of their responsibilities as first responders that is consistent with the standards. Local SME stated that there were zero times in the past 12 months that the facility determined a detainee was at the subject of substantial risk.

§115.163(a) through (d) – Report to other confinement facilities.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires that should a detainee who has been sexually abuse/assaulted at another facility prior to arriving at the Douglas POE, the prior agency or administrator must be notified. Interview with the local SME verified that the Port Director or their designee would make the notification. A Memorandum dated August 2014 from the Acting Assistant Commissioner, Office of Field Operations (OFO) to Directors of Field Operations, Director of Preclearance Operations, and Office of Field Operations, reiterated the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities which included direction for reporting to other confinement facilities. The Acting Assistant Commissioner further instructed the information to be shared with all staff.

(b): The facility meets the standard provision. The standard provision requires that notification be made within 72 hours of receiving the allegation. The process was confirmed by the Auditor during interviews with local SMEs. They further reported that the notification would be made immediately and prior to the required 72 hours. There were no such reports made during the audit period.

(c): The facility meets the standard provision. The local SME indicated that the notification would also be annotated in the detainee's electronic file.

(d): The facility meets the standard provision. The local SME reported that the Douglas POE follows all agency reporting requirements as specified in CBP Directive 2130-030. The local SME further stated that upon notification from another facility of an allegation of sexual abuse/assault which occurred at the Douglas POE, JIC shall be notified immediately using the same process as if the detainee was present at the facility. There were no such reports made during the audit period.

§115.164(a) and (b) – Responder duties.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 details the responsibilities for the first law enforcement staff on scene of a reported allegation of sexual abuse. A memorandum dated August 2014 from the Acting Assistant Commissioner of the Office of Field Operations to Directors of Field Operations, Director of Preclearance Operations, and Office of Field Operations, with an attached summary of the standards. The attached summary included responder duties. The memorandum further directed the information be disseminated to all staff. The directive, memorandum, and PREA training in ACADIS (previously PALMS) reinforces this policy requiring law enforcement staff members to separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a time period that still allows for the collection of physical evidence, request the alleged victim and direct the alleged abuser to not take any actions that could destroy physical evidence. All interviewed staff reported they are to immediately separate the victim from the abusers, advise the supervisor on duty, secure the scene, and make sure evidence is not destroyed by the alleged victim (no drinking water, using the restroom). Staff are issued a Quick Reference Card that gives step by step instructions on responding to allegations of sexual abuse. Most of the officers interviewed presented the Quick Reference Pocket Card they carry to the Auditor. In addition to the Quick Reference Pocket Cards, the Auditor observed PREA binders in both buildings which provide staff with additional references that include job aids that provide in more detail instructions and guidance on responding to

sexual assault allegations. The Local SME indicated no allegations of sexual abuse have been reported in the last 12 months.

(b): The standard provision is not applicable as only law enforcement officers interact with detainees during their entire holding period. CBP TEDS states, "If the first staff responder is not law enforcement staff, the responder must request that the alleged victim not take any actions that could destroy physical evidence and then notify law enforcement staff." The Douglas POE only allows law enforcement interactions with detainees during their holding period. Contract medical staff have also received first responder training. Interviews with contractors who are not law enforcement indicated a clear understanding of their responsibilities if they were first responders to the scene of an alleged sexual abuse.

§115.165(a) through (c) – Coordinated response.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 includes the agency's coordinated response plan for prevention, detection, and response to sexual abuse allegations. A memorandum dated February 2018 from the Acting Executive Director of Privacy and Diversity Office and a memorandum dated February 28, 2018, from the Director of Field Operations Academy Office of Training and Development were distributed to staff regarding the Prevention, Detection, and Response to Sexual Abuse and Assault in CBP Holding Facilities. The directive and memorandum provide a clear, progressive plan for all components of addressing sexual abuse in holding facilities. Interviews with local SMEs and officers verified their requirement to provide emergency medical care and that detainees shall be permitted to use victim advocacy services provided by (b) (7)(E) in Cochise County when provided by the hospital.

(b)(c): The facility meets the standard provision. CBP Directive 2130-030 requires the staff to notify another DHS facility if the victim of sexual abuse/assault is transferred to their facility. This notification must include the detainee's need for medical or social services. The Auditor confirmed these requirements during local SME interviews. A copy of the PDO e-newsletter dated January-March 2018 was included in documentation for the Auditor's review. This newsletter contained a link for the Sexual Abuse and Assault Response Prevention Resource Center for staff to reference. The local SME stated that no incidents required such notification in the past 12 months. Interviews with local SMEs indicated knowledge of this directive and their responsibilities. The local SMEs explained a transfer to another facility would require a notification to JIC and the receiving facility.

§115.166 – Protection of detainees from contact with alleged abusers.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

The facility meets the standard. CBP Directive 2130-030 requires agency management to "consider whether any staff, contractor, or volunteer alleged to have perpetrated sexual abuse and/or assault should be removed from duties requiring detainee contact pending the outcome of an investigation". A Memorandum dated August 2014 from the Acting Assistant Commissioner, Office of Field Operations (OFO), reiterated the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities by attaching a summary of standards which includes contact information for staff to report any sexual abuse perpetrated by staff, contractors, or volunteers. The memorandum further directed the directors to share the information with staff.

Local SMEs stated all officers accused of engaging in sexual abuse of a detainee would be reassigned pending the outcome of any investigation and would not have contact with the victim. The same procedures would be followed for any contractor. The Douglas POE does not have any volunteers at the facility. The facility has not had any allegations of sexual abuse in the past 12 months.

§115.167 – Agency protection against retaliation.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

The facility meets the standard. CBP Directive 51735-013B, Standards of Conduct and CBP TEDS prohibits staff from retaliating against any person, including a detainee, who alleges or complains about mistreatment, participates in an investigation into an allegation of staff misconduct, including sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force. A memorandum dated August 2014 from the Acting Assistant Commissioner of the Office of Field Operation with an attached summary of standards was distributed to staff which provides reporting requirements and the prohibition of retaliation. A memorandum dated March 2015 from the Commissioner was distributed to all staff. The memorandum specifically states that retaliation against any person, including a detainee, who reports, complaints about, or participates in an investigation of sexual assault or abuse is prohibited.

All interviewed local SMEs and officers reported protection from retaliation was included in their initial training. Interviewed staff stated that retaliation is not tolerated, and they themselves are also protected from retaliation for reporting or participating in a sexual abuse allegation investigation.

§115.171 – Criminal and administrative investigations.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)
- Not Applicable (provide explanation in notes):

Notes:

N/A – Refer to the CBP Sexual Abuse Investigations Audit Report.

§115.172 – Evidentiary standard for administrative investigations.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)
- Not Applicable (provide explanation in notes):

Notes:

N/A – Refer to the CBP Sexual Abuse Investigations Audit Report.

§115.176(a) and (c) through (d) – Disciplinary sanctions for staff.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)
- Not Applicable (provide explanation in notes):

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030, CBP Directive 51735-013B Standards of Conduct, Memorandum dated August 2014 from the Acting Assistant Commissioner of the Office of Field Operations to the Directors of Clearance Operations, Director of Preclearance Operations and the Office of Field Operations with an attached summary of standards, and, Memorandum dated March 2015 from the Commissioner distributed to all staff reiterating the CBP Policy of Zero-Tolerance of Sexual Abuse and Assault was also included in the facility documentation for review. These directives and memorandum states CBP personnel may be subject to disciplinary action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse/assault and/or for violating CBP's sexual abuse policies. CBP Directive 51735-013B gives notice to all CBP

personnel they may be subject to disciplinary action for substantiated allegations of sexual abuse and/or assault. CBP Table of Offenses and Penalties dated December 2020 was also included in documentation for Auditor review. Interview with the HQ HRM/LER SME verified that disciplinary action is pursued in all cases of substantiated sexual assault or for violations of sexual abuse policies with removal of their position and federal service as the presumptive action. Local SME interviews confirmed the immediate actions against sexual assault allegations against staff would include the removal of the staff member from contact with detainees.

(c): The facility meets the standard provision. Interview with HQ PDO/DPSA Coordinator SME confirmed there were no allegations reported during the audit period. Interview with the HQ OPR/Sexual Assault and Abuse Investigations (SAAI) Coordinator confirms all substantiated investigations of sexual abuse would be referred to the appropriate law enforcement agency by the supervisor on duty and notification is coordinated by the HQ OPR/SAAI SME.

(d): The facility meets the standard provision. Interview with the HQ OPR/SAAI SME verified that removals for substantiated sexual abuse/violations of sexual abuse policies would be reported to relevant licensing bodies, to the extent known by HQ OPR/SAAI staff.

§115.177(a) and (b) – Corrective action for contractors and volunteers.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a): The facility meets the standard provision. CBP Directive 3340-025F Dated November 2021, CBP Directive 2130-030, and a Memorandum dated March 2015 from the Commissioner distributed to all staff reiterating the CBP Policy of Zero Tolerance of Sexual Abuse and Assault and an attached summary of the standards provides clear information regarding the consequences of perpetrating sexual assault and/or abuse was also included in the facility documentation for review. Interviews with the local SMEs revealed that all suspected contractor perpetrators of sexual abuse would immediately be removed from contact with detainees. The Douglas POE does not currently utilize any volunteers. The medical contractors have received the PREA training and interviews with the SME indicated knowledge of the consequences of an alleged sexual abuse and/or assault were to occur. Interview with the HQ OPR/SAAI SME verified that any substantiated allegations of sexual abuse by a contractor or a volunteer would result in notification of the allegation to appropriate law enforcement agencies and licensing authorities by the Douglas Police Department or their designee. The medical contractor interview revealed training has been received regarding their duties and consequences associated with an allegation of sexual abuse of a detainee.

(b): The facility meets the standard provision. Local SME interviews verified that any contractor suspected of perpetrating sexual abuse would be removed from all duties where detainee contact would occur pending the outcome of the investigation.

§115.182(a) and (b) – Access to emergency medical services.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a)(b): The facility meets the standard provision. The PAQ and local SME interviews state that detainee victims of sexual abuse at the Douglas POE are to be immediately transported to Copper Queen Hospital where they would treat any medical emergency and Lori's House of Cochise County is utilized for the SAFE/SANE medical examination protocols for victims of sexual assault and/or abuse. The standard requires these services to be provided to the victim at no charge, regardless of the victim's cooperation with the sexual assault investigation. Interviews with the local SMEs verified these services would be provided at no charge, regardless of the detainee's cooperation with any investigation.

§115.186(a) – Sexual abuse incident reviews.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

The facility meets the standard. The HQ PAQ indicated there are no pending sexual abuse investigations at the Douglas POE. Interview with the HQ PDO/DPSA Coordinator revealed their office receives sexual abuse incident reviews within 30 days after the conclusion of a sexual abuse investigation. The Incident Review Committee (IRC) is comprised of three CBP HQ Program Managers and the local PREA Field Coordinator. HQ OFO SME interview confirmed that the IRC would conduct the review within 30 days of the conclusion of the investigation of sexual abuse and prepare a written report for every substantiated or unsubstantiated allegation and report whether a change in policy or practice could better prevent or respond to sexual abuse. The interview confirmed that all reports are forwarded to the HQ PDO/PSA Coordinator by the Douglas POE and all recommendations that are implemented or those not implemented are in a written response to the HQ PDO/PSA Coordinator. The Douglas POE Port Director would implement any recommendations made by the IRC to ensure the safety of detainees. This process was confirmed during local SME interviews. The facility did not conduct any incident reviews within the last 12 months, as the facility had no allegations of sexual abuse.

§115.187 – Data collection.

- Exceeded Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)
- Not Applicable (provide explanation in notes):

Notes:

N/A – Refer to the CBP Sexual Abuse Investigations Audit Report.

ADDITIONAL NOTES

Directions: Please utilize the space below for additional notes, as needed. Ensure the provision referenced is clearly specified.

ADDITIONAL NOTES

None.

AUDITOR CERTIFICATION:

I certify that the contents of the report are accurate to the best of my knowledge and no conflict of interest exists with respect to my ability to conduct an audit of the agency under review. I have not included any personally identified information (PII) about any detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.

(b) (6), (b) (7)(C)

Auditor’s Signature

01/18/24

Date