

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
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Physical Address:	9 N Grand Avenue, Nogales AZ 85621
Mailing Address: <i>(if different from above)</i>	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Mariposa and DeConcini Crossings – Area Nogales Port of Entry (POE)		
Physical Address:	200 N Mariposa Road, Nogales, AZ 85621		
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) Mariposa Crossing and DeConcini Crossing, Area Nogales Port of Entry (POE) was conducted on February 6, 2024, by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC. of Beaumont, Texas. 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. Mariposa Crossing and DeConcini Crossing are short-term processing and holding facilities for male adults, female adults, Unaccompanied Children (UC), and family units. Detention time is normally not longer than 24 hours depending on the voluntary removal to their point of origin, detention, or transfer of inadmissible detainees. The audit begun at DeConcini Crossing followed by Mariposa Crossing. At the time of the audit there was one adult male detainee being held at DeConcini and none at Mariposa Crossing.

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 facilities 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 hold areas and staff areas. There was an unforeseen change in the assignment of auditors, therefore some of the notices did not have the current auditors name, but instead had the name of the original assigned auditor. However, the address to contact remained the same.

The Auditor arrived at approximately 0430 hours and was introduced to the Mariposa Crossing and DeConcini Crossing leadership team. The Auditor reviewed the audit format and schedule with each member of the team. Immediately following the entry introductions, the Auditor was provided a private room to capture staff interviews from all shifts. Supervisory CBP Officer (SCBPO) (b) (6), (b) (7)(C) acted as the point of contact throughout the audit. Interviews covered all shifts: (b) (7)(E).

At approximately 0800 hours, all areas of DeConcini Crossing were toured. At approximately 1245 hours, all areas of Mariposa Crossing were toured. The Auditor visited all areas, including executive leadership's offices, operations, intake area, building perimeter, entry lanes, pedestrian entry, and hold areas. The Auditor observed the facilities configuration, (b) (7)(E), level of staff supervision, hold room layout, placement of posters and other PREA informational resources, security monitoring, and search procedures.

DeConcini and Mariposa Crossings function as entry points for personal vehicles, cargo, and pedestrians arriving from Mexico. (b) (7)(E). Both facilities provide similar types of detention. The Auditor observed all areas of both facilities and was permitted to revisit areas as requested. Detainees are held in the main processing areas, in either facility, if a decision is made to remove them from the pedestrian walkway or vehicle entry lanes for secondary screening. (b) (7)(E)

(b) (7)(E). The hold rooms at DeConcini Crossing have toilets available for detainees. The hold rooms at Mariposa Crossing do not have toilets. If someone needs to use the bathroom, they are escorted into a bathroom located in the corridor. (b) (7)(E)

Both facilities, Mariposa Crossing and DeConcini Crossing, are comprised of one main building each. Both buildings include processing, pedestrian entry, offices, cargo inspections, entry lanes, and where vehicles undergo secondary processing. The buildings are utilized to process detainees. Two hold rooms at DeConcini Crossing have toilets, while none at Mariposa Crossing. 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. DeConcini Crossing has showers that can be used if they request a shower. (b) (7)(E)

(b) (7)(E)

. Mariposa Crossing did not have shower areas with two dry rooms with no running water.

PREA posters were posted outside all hold rooms in English and Spanish at Mariposa Crossing and DeConcini Crossing. The Auditor observed posters such as I Speak, Keep Detention Safe, and Zero Tolerance. Detainee reporting posters were observed throughout the site inspection by the Auditor. Telephones were tested to ensure the ability to contact the DHS Office of Inspector General (OIG). At the DeConcini Crossing, the area for UC and families is a large open space where they can freely move, located next to the officers processing station. The area is located on the right side of the processing station which is in arm's reach of the officers. There are toys, a TV, baby playpen, games, and other kid friendly entertainment. Detainees have access to cribs, beds, chairs, and blankets. Food and drink are provided to detainees and their families as requested. Clothes and shoes are also provided if needed. Mariposa Crossing keeps the family units in the waiting area for processing.

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 Area Nogales POE specific local documents, HQ Participation documents, medical provider websites and victim advocacy websites.

The local SMEs and officers at Mariposa Crossing and DeConcini Crossing are interchangeable and work at both facilities. The Auditor conducted the HQ SME interviews and spoke to the Supervisor responsible for completing the local PAQ (during the local SME interviews). Mariposa Crossing and DeConcini Crossing utilize the services of Holy Cross Hospital in Nogales and the Tucson Medical Center in Tucson for any needed medical concerns. The Auditor was able to speak with hospital emergency room nurse 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 Nogales Family Safety Center in Nogales Arizona.

The Auditor was provided all relevant documents to determine Mariposa Crossing and DeConcini Crossing's level of compliance with the DHS standards. The Auditor was provided a roster to randomly select staff for the interviews. All interviews were conducted in a private and confidential manner. The Auditor conducted eight random officer interviews and four local SME interviews to cover each shift. Two medical contractors and a Mission Support Tech were interviewed from Loyal Source. One interview was conducted with the only adult detainee present at the time of the audit.

An exit briefing for Mariposa Crossing and DeConcini Crossing 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), HQ Office of Field Operations (OFO), National PREA Coordinator (via TEAMS)
(b) (6), (b) (7)(C) Director, Custody Support and Compliance Division, Privacy & Diversity Office (PDO) Prevention Of Sexual Assault (PSA) Coordinator, HQ (via TEAMS)
(b) (6), (b) (7)(C), Watch Commander
(b) (6), (b) (7)(C), SCBP Officer
(b) (6), (b) (7)(C), 2nd Level Supervisor, Inspection BR
(b) (6), (b) (7)(C), Program Manager, Tucson Field Office (via TEAMS)
(b) (6), (b) (7)(C), HQ Office of Field Operations (OFO) National PREA Coordinator (via TEAMS)
(b) (6), (b) (7)(C), Deputy Prevention of Sexual Assault Coordinator, (DPSA) HQ (via TEAMS)
(b) (6), (b) (7)(C), CBP Program Manager, Creative Corrections LLC (via TEAMS)
(b) (6), (b) (7)(C), Certified PREA Auditor, Creative Corrections LLC

During the exit briefing, 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 Mariposa and DeConcini Crossings – Area Nogales Port of Entry on-site audit was completed on Tuesday, February 6, 2024, and the findings report was submitted in February 2024.

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 Mariposa Crossing POE and DeConcini Crossing POE. The Auditor reviewed all relevant policies, procedures, and documents in assessing the Mariposa Crossing and DeConcini Crossing through SharePoint and while on-site. The Auditor observed Notice of Audit postings throughout the two buildings in plain view for staff, detainees and the general public. The Auditor conducted a records review for a random selection of staff, which included information on background checks and staff PREA training records along with all submitted documentation review.

Mariposa Crossing and Deconcini Crossing met 24 standards: 115.111; 115.113; 115.114; 115.115; 115.116; 115.117; 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. Standard 115.118 was not applicable.

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 facilities meet the standard. The agency is required to have a written policy mandating zero tolerance of sexual abuse and giving direction of the agency's approach to preventing, detecting, and responding to sexual abuse. CBP has published, issued, and developed policies to communicate their commitment. On March 12, 2014, the Commissioner, notified all staff, through email communication of the adopted final rule of the PREA Standards and the agency's commitment to protect the safety of individuals held in CBP holding facilities. The memorandum further stated the agency is committed to zero tolerance of sexual abuse and/or sexual assault in all CBP holding facilities. On August 12, 2014, the Acting Commissioner, Office of Field Operations issued a memorandum to all Directors of Field Operations, Preclearance Operations, and all Field of Operations advising them of CBP's responsibility of taking measures to protect the welfare, health, security, and safety. Additionally, the Acting Commissioner provided a copy of the memorandum titled CBP Policy on Zero Tolerance of Sexual Abuse and a summary of the standards to make them aware of their responsibilities. Subsequently, on January 19, 2018, the Agency developed CBP Directive 2130-030 – Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities establishing procedures for zero tolerance of sexual assault and/or sexual abuse within holding facilities. Further agency communications included: Memorandum dated March 11, 2015, from the Commissioner to all CBP Employees establishing the position of a PSA Coordinator for overseeing CBP efforts to comply with the PREA Standards; Email dated January 13, 2022 from the Procurement Directorate to all contractors who have or may have contact with holding facility detainees, reminding them of the required refresher training; Employee Refresher Information to CBP employees through payroll notice statements; and an email dated April 18, 2022, from the CBP Postmaster informing staff of April being National Sexual Assault and Awareness Month thereby renewing their efforts of protecting detainees against sexual abuse. Additionally, during the month of April, coinciding with Sexual Assault and Awareness month the Privacy and Diversity Office posted through payroll and Central messaging reminding staff of the prohibition of all forms of sexual abuse at holding facilities, transport, and during processing.

Interviews with local SMEs emphasized the importance of staff training in relation to the zero-tolerance policy. Interviews with officers confirmed the required training and an understanding of the Zero Tolerance policy and standard. Officers emphasized that the training is offered through Acadis (an internal training portal), and they are reminded when any refresher training is due. Local SMEs further stated that regular reminders about mandatory training is consistently communicated to all employees and the training is available through the CBP Acadis online training site. Local SMEs and officers stated that information regarding the agency's zero tolerance is read and discussed during muster.

§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 facilities meet 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 facilities to provide sufficient supervision to help protect detainees from sexual abuse. The National Standards on Transport, Escort, Detention, and Search (TEDS) Policy, dated October 2015, states that officers shall check hold rooms in a regular and frequent manner. Interviews with local SMEs and officers indicated that single adults, males, and females, are always separated by staff and placed in different hold rooms. UC are always held in designated hold areas in the processing area with direct officer supervision. During the on-site inspection, the Auditor observed that every holding and processing areas remained within immediate view of staff (b) (7)(E)

The physical layout of the officer processing areas and the hold rooms ensure that the holding areas are always in the line of sight of officers who are working in the processing area. The UC holding area is not enclosed but is fenced in at waist height of the officers. They can look down at the holding area since the processing area is lifted from the rest of the work area. (b) (7)(E)

(b)(c): The facilities meet the standard provision. CBP Directive 2130-030 requires the agency to develop and document comprehensive detainee supervision guidelines to determine and meet the detainee supervision needs, which has been accomplished through the issuance of CBP TEDS. The Directive further states, the detainee supervision guidelines, and its application at Mariposa Crossing and DeConcini Crossing must be reviewed by members of the facilities 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 Mariposa Crossing and DeConcini Crossing to forward the results of the annual review to the HQ PDO/PSA Coordinator. Local SME interviews confirmed the regular re-evaluation of staffing requirements, especially during influxes of detainees. They disclosed a practice of seeking assistance from other ports when needed. They further stated that the requirement of having appointments for pedestrians presenting themselves for admission to the United States using CBP One at Mariposa Crossing and DeConcini Crossing has made it easier to anticipate and adjust staffing needs. Both Mariposa Crossing and DeConcini Crossing conducted an annual review of detainee supervision guidelines on December 4, 2023 (Mariposa Crossing) and December 4, 2023 (DeConcini Crossing). The Auditor reviewed the report and determined that both facilities identified all the elements required by the standard.

§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 facilities meet the standard provisions. CBP TEDS, CBP Directive 2130-030, and a Memorandum dated August 12, 2014, from the Acting Assistant Commissioner of Operations was distributed to all staff regarding the Standard to Prevent, Detect, and Respond to Sexual Assault in CBP Holding Facilities requiring Mariposa Crossing and DeConcini Crossing 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 responsible for processing UC and family units confirmed the practice of keeping families together unless there are concerns for the child's safety. Family units are held in a designated hold space that offers additional amenities, such as a TV, cribs, playpen, games, blankets, snacks, and food. UC are held in a separate hold area under direct officer supervision. During the on-site audit, an adult male was being held in a hold area in front of the officer processing stations.

The sign on the door emphasized the need to keep the door open when occupied by UC and not to lock it. Interviews with staff, contractors, and the detainee confirmed Mariposa Crossing and DeConcini Crossing are committed to maintaining a least restrictive setting for juveniles and family units. The offices where the contracted medical staff are located are a few feet from the hold areas. The contracted mission support technicians sit in the same areas as the officers and assist in the supervision of the juveniles when they are held in the designated hold area for juveniles. The snack cart is right in front of the area to provide easy access.

(b): The facilities meet the standard provision. CBP TEDS requires UC be held separately from adult detainees. Local SMEs and officers report UC are held separately from the adult detainees and placed in direct line of vision of the supervisor on duty. The Auditor interviewed the detainee, adult male, being held in the hold area at the time, and he stated that he was not being held with any juveniles. There were no juveniles being held. 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 confirmed the utilization of a vetting process, which combines agency and State Department database searches. This process involves separate interviews with both the minor and the accompanying adult, along with a thorough examination of any accompanying documents provided by the detainee.

§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 facilities meet 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 explicitly prohibits cross-gender strip (partial body) searches and cross-gender visual body cavity searches, except in exigent circumstances, such as considerations for officer safety or when conducted by medical practitioners. The policy mandates that if these searches are performed, they must be documented in the electronic system of record. CBP TEDS specifies that officers or agents must not conduct visual body cavity searches on juveniles, directing such searches to be conducted by medical practitioners. Local SMEs and officers confirmed that only medical personnel are authorized to conduct strip or visual body searches of juveniles at Mariposa Crossing and DeConcini Crossing. The detainee interviewed stated he was only patted down and not required to remove any articles of clothing. A male officer patted him down. Both local SME and officers stated that body cavity searches are not allowed at the Mariposa Crossing or at DeConcini Crossing. When questioned about cross-gender pat searches, officers note that the officer must be the same gender as the detainee, and the supervisor must be informed if the search is cross-gender. They further stated if there is a pat search, the search would be conducted in the most professional and least intrusive manner.

(d): The facilities meet 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. Showers for detainees are available at DeConcini Crossing and not Mariposa Crossing. The showers are DeConcini Crossing [REDACTED]. The Auditor checked [REDACTED] (b) (7)(E) visual opportunities from the outside of the shower. [REDACTED] (b) (7)(E) Local SMEs and all officers interviewed report detainees seldomly shower at the facility because they are only there for a short amount of time. Detainees can use the toilet without staff of the opposite gender viewing them. The detainee interviewed stated that he was able to use the bathroom in private without being viewed by officers or other staff. During the site tour, the Auditor observed [REDACTED] (b) (7)(E) [REDACTED] Toilets were located behind partitions, ensuring officers could not observe detainees during bodily functions from the hold room window. Officer interviews revealed they announced their presence and knocked whenever approaching a hold room.

(e): The facilities meet 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, the gender will 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. Staff at the Mariposa Crossing and DeConcini Crossing report they do not search detainees solely for the purpose of determining gender. Local SMEs and officers interviewed stated that they are committed to complying with the PREA Standards, ensuring that they ask detainees how they identify as so they can be well-informed. A reminder on searching transgender, intersex, or gender non-conforming individuals was issued in the Memorandum from the Deputy Chief of Border Patrol, dated

January 17, 2023. Guidelines for Processing Transgender Applicants for Admission were issued during the week of December 10, 2018.

(f): The facilities meet the standard provision. CBP TEDS instructs personnel to perform searches in a professional, thorough, and reasonable manner, consistent with the required type of search, specifying that the searcher must be of the same gender, gender identity, or declared gender. Local SMEs and officers confirmed during interviews that they receive training on conducting pat searches, including cross-gender searches. The interviews indicated that staff could explain how to conduct a cross-gender pat-down search based on their training and adherence to guidelines. During an interview with the detainee, he stated that he was patted down in a respectful manner and made a comment that staff were treating him very well.

§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 facilities meet the standard provision. CBP Directive 2130-030 requires staff in holding facilities provide reasonable accommodations to detainees who are hearing impaired, blind, or visually impaired, or who have intellectual or mental health 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 information is also shared in emails as refreshers of PREA. During interviews with local SMEs and officers, it was expressed that the most frequently spoken language by travelers was Spanish. Almost all the officers can speak or communicate in Spanish. There were "Zero Tolerance," the DHS OIG phone number, "I Speak," and "Keep Detention Safe," providing reporting information to detainees. The posters are displayed in front of the officer's processing stations are in the direct line of sight of all detainees being held in the hold areas. Staff explained the steps taken by officers and supervisors to accommodate detainees with disabilities, including reading PREA notices to visually impaired detainees and arranging for translators, both for those with Limited English Proficiency (LEP) and sign language interpreters for deaf and hard-of-hearing detainees. During interviews with local SMEs and officers, it was revealed that there were no detainees with disabilities held at Mariposa Crossing and DeConcini Crossing during the previous 12 months.

(b): The facilities meet the standard provision. CBP Directive 2130-030 mandates that all holding facilities provide detainees who are Limited English Proficient (LEP) with effective, accurate, and impartial in-person or telephonic interpretation services. Both English and Spanish versions of all PREA posters were observed by the Auditor during the on-site inspection. According to interviews with staff, they stated that when a detainee spoke a language other than English or Spanish, they have a few officers who speak Creole, otherwise they use interpretation services by calling the phone number provided to staff when needed. The "I Speak" posters are available for detainees to assist officers in determining what language is needed. Interviewed officers were well-informed about available translation resources in case of necessity, including having the phone number handy. The detainee being held stated he spoke Spanish and was able to communicate with staff since they also spoke Spanish. Information around the facility is in English and Spanish, including the PREA information posted. The Auditor asked the detainee if he understood the PREA information, as there was a poster near the interview area, and the detainee stated he understood the information shared through the PREA posters.

(c): The facilities meet 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 local practices at Mariposa Crossing and DeConcini Crossing are consistent with the Directive through interviews with the local SMEs and officers. They assured the Auditor that they have not and would never use another detainee to translate for an allegation. CBP Protocol for Identifying Limited English Proficient (LEP) Persons and Providing Language Services, dated October 2017, outlines steps Mariposa Crossing and DeConcini Crossing are to take to identify LEP detainees. Staff 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 facilities meet 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) Personnel Security Division (PSD) SME, and the HQ document review verify compliance with the standard provision for employees. These interviews confirmed all hiring practices are consistently applied as required by the Directive. During the interview with the HQ Hiring Center SME, the significance of ensuring staff suitability for employment was emphasized. It was highlighted that applicants must respond to suitability questions as part of the application process. Depending on their answers, applicants may undergo screening, and if found unsuitable, they may be deemed ineligible for further consideration.

(b): The facilities meet the standard provision. Interviews with the HQ HRM/Hiring Center SME confirmed that new employees and employees seeking promotion are required to complete an application that which requires them to report any previous incidents of sexual misconduct. In DHS Mission Specific Questions, the question asks about whether an individual has a history of convictions or adjudications related to engaging or attempting to engage in sexual activity involving force, threats of force, coercion, lack of consent, or incapacity to consent. The application establishes an ongoing obligation for employees to disclose any future instances of such misconduct. During the interview with the HQ HRM/Hiring Center SME, that every staff member, whether a new hire or seeking promotions, is required to fill out a PREA Questionnaire Form. This form plays a crucial role in determining their suitability assessment. Additionally, as part of their employment responsibilities, staff members must consistently acknowledge their affirmative duty to disclose any instances of misconduct.

(c)(d): The facilities meet 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 also mandates background investigations for contractors who may have contact with detainees. In a random selection, the Auditor reviewed twenty background checks of currently employed staff members of different ranks, including four contractors at Mariposa Crossing and DeConcini Crossing. The Auditor found the background checks were conducted by CBP in accordance with the standard guidelines and were deemed complete. CBP Directive 51000-002, dated January 25, 2021, also provides guidelines to staff for the vetting program process. An interview was conducted with the HQ OPR/PSD SME, who confirmed that comprehensive background checks are conducted on all new employees with potential detainee contact, along with five-year reinvestigations. They also highlighted the implementation of a system that delivers real-time notifications of any potential criminal activities involving staff members.

(e): The facilities meet the standard provision. Human Resources Management Standard Operating Procedures (SOP), Hiring and Promotions, dated February 29, 2016, provides guidelines when hiring new applicant or promoting employees. Interviews with the HQ HRM/Hiring Center SME and HQ HRM/Labor Employee Relations (LER) SME, confirmed they would withdraw a job offer or terminate the employment of any individual who makes a material omission or provides false information regarding their sexual abuse misconduct. The HQ HRM/LER SME highlighted that CBP mandates a continuous affirmative duty for all individuals to report any instances of sexual abuse, as outlined in the PREA standards. Additionally, it was clarified that failure to disclose material information, or the provision of materially false information related to such misconduct constitutes grounds for termination or withdrawal of an employment offer. The HQ HRM/LER SME emphasized that all employees are informed of this obligation through the issuance of the Standards of Conduct, along with the Table of Penalties outlining consequences for violations of criminal law. The Auditor reviewed the PREA Questionnaire Form, Suitability Assessment, a sample of Notice of Results, and a notice of referral which is presented to applicants. The Notice of Results sample showed the response an applicant would receive in the event of omitting any material information.

(f): The facilities meet 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. This requirement is emphasized in a Memorandum from the Executive Director of Human Resources Operations dated February 29, 2016.

§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 standard provision is not applicable. Local SME interviews revealed that Mariposa Crossing and DeConcini Crossing have not had any substantial expansions or modifications since the previous audit.

(b): The standard provision is not applicable. Local SME interviews revealed that Mariposa Crossing and DeConcini Crossing [REDACTED] (b) (7)(E).

§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 facilities meet the standard provision. CBP TEDS and Directive 2130-030 requires 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 facilities to transport detainees to 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 Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE), or other qualified personnel. The PAQ states that detainees would be transported to Holy Cross Hospital in Nogales, Arizona for a forensic medical examination. A phone call by the Auditor to Holy Cross Hospital emergency room staff who further validated a detainee's access to a SAFE or SANE.

(d): The facilities meet 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 established through a conversation with Holy Cross Hospital, that community-based advocates for sexual abuse are accessible through their hospital. Sexual assault victims incur no costs for any services. Local SME interviews confirmed that all victims of sexual abuse would have access to victim services. There are 24/7 advocacy and crisis assistance for sexual assault victims, along with support during the forensic medical examination and community follow-up advocacy are available at no cost to the detainee.

(e): The facilities meet the standard provision. Interviews with local SMEs indicated that the agency responsible for investigating an allegation of sexual abuse would be the Nogales Police Department. According to the local SMEs, the facilities would notify CBP's Joint Intake Center (JIC). Letters to local law enforcement investigative agencies requesting compliance with the PREA Standards during investigations were provided to the Auditor. The correspondence included a letter dated August 19, 2023, from the Chief CBP officer to the Chief of Police at Nogales Police Department. The Auditor reviewed the correspondence and has determined the letter included both MCDC facilities and met the requirements of the relevant 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 facilities meet the standard provisions. CBP Directive 3340-025F, dated November 2, 2021, establishes a protocol to ensure each allegation of sexual abuse is investigated by the agency or referred to an appropriate investigative authority. The policy requires prompt reporting of incidents and directs staff to report any knowledge, suspicion, or information related to specific matters be reported promptly to CBP WATCH, the JIC, and the HQ PDO/PSA. CBP Directive 2130-030 states that all allegations of detainee sexual abuse are to be 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. Local SME interviews revealed that following the incident report to JIC and the HQ PDO/PSA Coordinator, the Supervisor on Duty would contact the Nogales Police Department for a criminal investigation. During an interview with the HQ PDO/PSA Coordinator, he stated Mariposa Crossing and DeConcini Crossing have not had 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 facilities meet 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 shall receive the training required in Subpart B of the DHS Standards. CBP Directive 2130-030 require training records to be maintained for five years and must be maintained by the contracting officer's representative. CBP has created two training tools to support staff in communication: one designed to assist in interactions with detainees with disabilities and another to facilitate effective communication with individuals who identify as LGBTQI+. Reminders to staff regarding sexual abuse and/or sexual assault are posted through various forms of communication to the staff. Mandatory training is required for contractors and volunteers. All Mariposa Crossing and DeConcini Crossing officers and contractors 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 training records were reviewed on-site. The training curricula was included with the Pre-Audit documents and the Auditor verified the training included the training as required in standard provision (a) as required by the standard. Local SME and officer interviews verified the above training had been received through the Acadis Training Portal. Mariposa Crossing and DeConcini Crossing officers were issued Quick Reference Cards aid to be used when they witness or receive a report of sexual abuse. The card also provides guidance on responding to allegations of sexual abuse involving detainees confined at another facility. All contract employees receive initial training and refresher training annually as confirmed through document review of their annual training records. The Auditor reviewed training records for all the contractors. Volunteers are not utilized at Mariposa Crossing or at DeConcini Crossing.

(c): The facilities meet the standard provision. The reviewed training records at Mariposa Crossing and DeConcini Crossing confirmed that all officers underwent training within two years of the effective date of the standards or upon their hire, if employed after the initial training. Staff receive annual refresher training, as confirmed by both officer interviews and records indicating yearly PREA training on Acadis. Electronic documentation of training records is in accordance with the standards, and local SME interviews confirm compliance. On-site reviews of training records confirmed adherence to standards. A memorandum issued on November 23, 2022, by the Executive Director, Privacy and Diversity Office, and on December 9, 2022, by the Chief of U.S. Border Patrol, were reminders to staff about the mandatory training on Preventing and Addressing Sexual Abuse in CBP Holding Facilities.

§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 facilities meet the standard. The Auditor observed that both Mariposa Crossing and DeConcini Crossing maintained large print posters of the DHS Zero Tolerance Policy in view of all detainee hold and processing areas within both facilities. The posters were printed and posted in English and Spanish. CBP has addressed zero tolerance on its website, <https://www.cbp.gov/about/care-in-custody>. To successfully communicate the zero-tolerance policy to the detainee population, CBP had developed age-appropriate, colorful posters, informational display system slides, and scripts. The Auditor observed the posters which were in English and Spanish. Interviews with local SMEs and officers confirmed the effectiveness of these colorful posters, providing clear visual communication for diverse viewers, including children and individuals with language, or reading challenges. An interview with the detainee being held at the time, confirmed he knew the posters were posted and understood what they said in Spanish. The “Keep Detention Safe” and “Zero Tolerance” posters in English and Spanish were also displayed on each wall of the traveler processing areas. These posters are also displayed outside of the detainee hold rooms.

§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)(b)(c): The facilities meet the standard provisions. CBP TEDS mandates the assessment of all detainees for the risk of sexual assault before placement in a hold room or holding facility. This assessment, as per policy, includes factors such as the detainee's mental, physical, or developmental disability; age; physical build; prior arrests or incarcerations; identification as LGBTI or gender non-conforming; history of prior sexual victimization; and the detainee's expressed concerns about their physical safety. Local SMEs and officers interviewed stated that detainees undergo assessments to evaluate the risk of sexual victimization before being held together. Following this assessment, staff determine whether a detainee should be placed alone or separated from specific other detainees based on the identified risks. The Auditor observed the list of questions asked and answered in the electronic detainee file. The Auditor was able to assess in real time the risk assessment for the detainee being held. The Auditor reviewed electronic copies of recently completed risk assessments. Local SME and officer interviews indicated that each detainee is assessed via a variety of cues and questions to determine if a vulnerability exists. In the interview with the detainee, the Auditor confirmed that a risk assessment had been conducted by a Spanish speaking officer with whom he could freely communicate. He also mentioned being asked a list of questions by the medical contractors. The detainee confirmed the risk assessment screening questions were posed in the detainee's native language and conducted in a private setting to ensure confidentiality. This risk assessment considered various factors, including (1) any mental, physical, or developmental disabilities; (2) the detainee's age; (3) the detainee's physical build and appearance; (4) past incarcerations or detentions; (5) the nature of the detainee's criminal history; (6) any convictions for sex offenses against adults or children; (7) self-identification regarding sexual orientation or gender identity; (8) disclosure of past sexual victimization; and (9) the detainee's personal concerns about physical safety. Both interviewed SMEs and officers emphasized that information about the detainee would only be shared on a need-to-know basis.

(d): The facilities meet the standard provision. In a Memorandum dated August 12, 2014, from the Acting Assistant Commissioner, Office of Field Operations, with an attached summary of standards detailing the risk assessment process to assure detainees are safe from sexual abuse and/or assault. The standards and process used during assessments were reaffirmed through interviews with staff. CBP Directive 2130-030 mandates heightened protection measures for detainees identified as high-risk for sexual abuse victimization. This involves continuous direct sight and sound supervision, placement in a single occupancy hold room, monitoring in open areas, or placement in a hold room actively monitored (b) (7)(E) by an officer. Additionally, CBP TEDS requires officers/agents to provide heightened protection for detainees identified as at high risk of sexual abuse victimization. Interviews with local SMEs and officers indicate that detainees identified as at higher risk for sexual abuse will be placed in a hold room separate from other detainees. The officers stated that because they usually do not have all the hold rooms with detainees, they are able to separate if necessary. The staff check on the detainees every (b) (7)(E) intervals with the checks being documented.

(e): The facilities meet the standard provision. CBP TEDS emphasizes that staff should make efforts to conduct risk assessments in a manner that affords detainees the highest possible level of privacy. CBP Directive 2130-030 mandates that all CBP facilities implement appropriate controls on the distribution of private information provided by detainees and directs officers to not disclose such information unless there is a need to know. Interviews with local SMEs and officers showed awareness and adherence to 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 facilities meet the standard provisions. Both 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 facilities 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 Auditor verified that both Mariposa Crossing and DeConcini Crossing ensure detainees have various confidential and anonymous channels to report sexual abuse, assault, retaliation, or staff neglect. The agency has age appropriate Zero Tolerance posters in English and Spanish for tender age and juveniles over the age 13 which depict pictures appropriate for their age identifying what should be reported and how to report sexual abuse and/or assault. The tender age posters can also be printed up in 11 different languages and the juvenile posters can be printed in 13 other languages. While conducting the on-site audit at both facilities, the Auditor observed the English and Spanish version of the posters displayed at the facilities. They were posted near entrances, corridors, and hold rooms. The detainees can make reports verbally or in writing to a CBP official on-site or through multiple external avenues, such as the toll-free JIC Hotline, (b) (7)(E) postal mail, or the DHS OIG. Detainees, as well as third parties unconnected to detainees, can utilize these reporting methods. The online DHS OIG Complaint/Allegation Form is also available for submissions. The contact details for the DHS OIG, including the telephone information, are displayed on the Keep Detention Safe posters in areas throughout the facilities, including the waiting areas, bathrooms, walls outside of the hold rooms, and staff areas. Local SMEs and officer interviews confirmed that detainees, when using the telephone, would not be questioned about the nature of their call, and would be provided privacy while being visually observed. The phone that they can use is located at the (b) (7)(E) area podium. The phone is in an area of the podium where privacy can be provided if needed. Officers stated that if someone needed to use the phone, they would provide privacy. Interviews with local SMEs and officers confirmed that detainees have different methods to report sexual abuse: they can either directly inform the staff, let someone else know, or use the reporting hotline. Local SMEs and officers stated they would accept verbal, anonymous, or third-party reports, including those from family members outside the facilities. They further stated if the facility receives a verbal report, it is documented. On, August 12, 2014, a memorandum was addressed to Directors of Field Operations and Directors of Preclearance Operations, by the Acting Assistant Commissioner, notifying them of the distribution of Zero Tolerance Posters and reporting information. The memorandum also directed the facilities to prominently display these posters in the secondary inspection rooms, to include in areas such as hold rooms and secure open areas of each processing area.

The Auditor observed these posters during the on-site inspection. The detainee interviewed stated that he was able to read the posters which provided information of where to report sexual assault or abuse while waiting to be processed. During an interview with the detainee, he stated he was able to read the posters which provided information of where to report sexual assault or abuse while waiting to be processed. The detainee further stated he has knowledge of the ability to report sexual abuse privately.

§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 facilities meet the standard. CBP Directive 2130-030 informs staff that third parties may report sexual abuse on behalf of detainees. CBP outlines public reporting procedures for sexual abuse on their website: <https://www.cbp.gov/about/care-in-custody>. DHS posters guide third parties in reporting to DHS OIG, and Mariposa Crossing and DeConcini Crossing staff allow detainees to make private, anonymous calls to DHS OIG. Local SME and officer interviews confirm direct third-party reporting to DHS OIG through the hotline, highlighting confidentiality and various reporting avenues, including the JIC Hotline. Local SME and officer interviews confirmed the staff's awareness that third-party reports are promptly documented in writing. Officer interviews confirm their knowledge of immediate notification to supervisors for any third-party 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 facilities meet the standard provisions. Interviews with local SMEs and officers confirmed their awareness of CBP Directive 2130-030, which mandates prompt reporting of sexual abuse or assault, retaliation, or staff neglect. Officers acknowledged their affirmative duty to report any knowledge, suspicion, or information related to retaliation against detainees or staff who reported incidents of sexual abuse. Additionally, they emphasized the obligation to report any negligence or violation of responsibility that might have contributed to incidents of sexual abuse or retaliation. The officers were aware multiple avenues of reporting including beyond their immediate chain of command. CBP Directive 3340-025F and CBP Directive 51735-013B, Standards of Conduct, dated December 9, 2020, specify reporting channels such as CBP WATCH, SIR Reporting, JIC, DHS OIG, and HQ OPR. The DHS PREA Standards In-Focus job aid serves as a quick reference for staff regarding 6 C.F.R. 115.161 – Staff Reporting. The facilities mandate immediate reporting of any knowledge, suspicion, or information related to sexual abuse incidents, retaliation, or staff neglect. Officers must be able to report misconduct outside their chain of command according to agency policy.

(c): The facilities meet the standard provision. Interviews with local SMEs and officers confirmed their understanding of the "need-to-know basis" for the access of detainee information, in line with CBP Directive 2130-030. This Directive mandates that staff refrain from disclosing any information regarding a sexual abuse report, unless it is necessary to assist the detainee, protect others, make security and management decisions. The importance of confidentiality is also emphasized to staff during mandatory PREA training, as confirmed by interviews with local SMEs and officers, showing their knowledge of this policy and associated responsibilities.

(d): The facilities meet the standard provision. Interviews with local SMEs and officers indicated their understanding and commitment to making mandatory notifications in cases of alleged sexual abuse involving vulnerable adults or victims under 18, as mandated by CBP Directive 3340-025F. During local SME interviews, they stated the agency they would report is the Arizona Department of Child Safety. According to CBP Directive 2130-030, staff are obligated to notify relevant agencies, and the PAQ reflects that Mariposa Crossing or DeConcini Crossing have not encountered any incidents necessitating such notifications within the past 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 facilities meet the standard. CBP Directive 2130-030, Commissioner’s Memorandum, and internal email from the Commissioner to all CBP staff, dated March 11, 2015, and March 12, 2015, respectively and CBP TEDS mandates that staff must take immediate action to protect a detainee when there is knowledge of imminent sexual abuse. Officer interviews and discussions with local SMEs affirmed a shared duty to immediate action in such situations. The local SME emphasized that, in the past 12 months, there were no instances where the agency identified a detainee as being at 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 facilities meet the standard provision. CBP Directive 2130-030 mandates notifying the prior agency or administrator if a detainee has experienced sexual abuse/assault at another facility before arriving at Mariposa Crossing or at DeConcini Crossing. The local SME stated notification must be made to the relevant agency or facility administrator where the alleged abuse occurred. However, if the alleged victim is transferred to another DHS facility, they would inform the receiving facility about the alleged incident and the potential need for medical or social services. This procedure ensures communication and coordination between facilities in addressing potential incidents of sexual abuse involving detainees. The local SME also confirmed that the Chief CBP Officer or their designee would be responsible for making this notification. A Memorandum dated August 2014 from the Acting Assistant Commissioner, Office of Field Operations, was disseminated to all staff emphasizing reporting requirements as required by the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities.

(b): The facilities meet the standard provision. During interviews with local SMEs, they were knowledgeable of the standard provision mandating notification within 72 hours of receiving the allegation. The local SMEs further clarified that the notification would be made immediately by the Port Director, aligning with the standard provision. Notably, there were no such reports made during the audit period.

(c): The facilities meet the standard provision. A memo from the Acting Assistant Commissioner of the Office of Field Operations on August 12, 2014, outlines the standards for reporting. The supervisor is required to promptly document any notification, as confirmed by the local SME.

(d): The facilities meet the standard provision. The local SMEs stated that Mariposa Crossing and DeConcini Crossing adhere to all agency reporting requirements outlined in CBP Directive 2130-030. In the event of an allegation from another facility regarding sexual abuse/assault at Mariposa Crossing and DeConcini Crossing, the JIC is promptly notified following the established process. The local SMEs stated that no such reports were made during the 12-month 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 facilities meet the standard provision. CBP Directive 2130-030 outlines the duties of the first law enforcement staff responding to a reported sexual abuse allegation. A memorandum from the Acting Assistant Commissioner of the Office of Field Operations in August 2014, disseminated to all staff, emphasizes the Standard to Prevent, Detect, and

Respond to Sexual Abuse and Assault in CBP Holding Facilities. The Directive, Memorandum, and PREA Training through Arcadis underscore the policy for law enforcement staff to separate the alleged victim and abuser, preserve the crime scene, and, if applicable, instruct the alleged abuser not to destroy physical evidence. During interviews, local SMEs and officers confirmed their fast actions in separating individuals, notifying the duty supervisor, securing the scene, and preventing evidence destruction. They also stated they would request that the alleged victim and direct the alleged abuser not to shower/bathe, brush their teeth, change clothes, use the toilet, drink, or eat. Despite no recent incidents, staff expressed readiness if there were to be an allegation. The staff received PREA Quick Reference cards as a training aid which provides instructions when responding to a sexual abuse and/or assault. The card provides the following steps: preserve 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 JIC 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.

(b): The facilities meet the standard provision. First responders who are not law enforcement are directed to advise the victim against taking actions that could compromise evidence and promptly notify Mariposa Crossing and DeConcini Crossing officers. Non-law enforcement understand detainees should refrain from activities like brushing their teeth, washing their bodies, or using the restroom to preserve DNA evidence. An interview with the medical contractors at DeConcini and Mariposa Crossings, who regularly interact with detainees, affirmed their commitment to promptly informing officers of allegations, isolating the victim for protection, and ensuring the preservation of the crime scene."

§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 facilities meet the standard provision. A memorandum dated February 28, 2018, from the Acting Executive Director of the Privacy and Diversity Office and the Director of Field Operations Academy Office of Training and Development were distributed to staff, outlining the prevention, detection, and response to sexual abuse and assault in CBP holding facilities. On February 5 and 12, 2018, CBP communicated the new policy through emails from the CBP postmaster, directing staff to the Policy Online Document Search (PODS). A job aid created on August 15, 2022, provides a step-by-step guide, definitions, and policies for responding to reports of sexual abuse and assault. Local SMEs and interviewed officers confirmed their awareness of the requirement to provide medical care. Staff were also aware about detainees' access to victim advocates at Holy Cross Hospital, if desired.

(b)(c): The facilities meet the standard provision. CBP Directive 2130-030 mandates staff to notify another DHS facility if a victim of sexual abuse/assault is transferred to their facilities, stating the detainee's need for medical or social services. Local SME interviews confirmed awareness of these requirements and their knowledge of the directive and responsibilities, noting no incidents requiring such notification in the past 12 months. They clarified that a transfer to another facility requires notifications 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 facilities meet the standard. CBP Directive 2130-030 mandates agency management to evaluate if any staff, contractor, or volunteer accused of sexual abuse/assault should be removed from duties involving detainee contact during an investigation. On August 12, 2014, the Acting Assistant Commissioner, Office of Field Operations, issued a memorandum to the Directors of Preclearance Operations, Directors of Field of Operations, and the Office of Field Operations with a summary of the standards attached to the memorandum. The summary of included management responsibilities which states CBP management should consider whether any CBP employee alleged to have perpetrated

sexual abuse should be removed from their duties requiring detainee contact pending the outcome of an investigation shall do so if the seriousness and the plausibility of the allegation make removal appropriate. Local SME interviews affirm that officers facing allegations of sexual abuse towards a detainee would be reassigned during the investigation and would have no contact with the victim. The same protocol extends to contractors, and there are no volunteers at Mariposa Crossing or at DeConcini Crossing. The facilities have not encountered any allegations of sexual abuse in the last 12 months that required protection from alleged abusers.

§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 facilities meet the standard. CBP Directive 51735-013B and CBP TEDS explicitly prohibit staff retaliation against anyone, including detainees, who make complaints, participate in misconduct investigations, or report instances of sexual abuse. Memorandum from the Acting Assistant Commissioner, Office of Field Operations, dated August 12, 2014, to the Directors of Preclearance Operations, Directors of Field Operations, and the Office of Field Operations with an attached summary of the standards was issued with instructions to share the information through musters. The summary included the prohibition of retaliation stating that CBP officers and employees shall not retaliate against any person, including a detainee who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force. Local SMEs and officers affirm that protection from retaliation is emphasized in their initial training, and staff are aware that any form of retaliation is strictly prohibited. The officers and local SMEs understood the retaliation policy to mean zero tolerance for any form of retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation into an allegation of sexual abuse.

§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 facilities meet the standard provision. Memoranda from August 2014 and March 2015 reiterated the zero-tolerance policy for sexual abuse and assault, distributed to all staff for review. CBP Directive 2130-030 and CBP Directive 51735-013B, emphasize presumptive disciplinary action, including removal from position and exclusion from future Federal Service, for substantiated allegations of sexual abuse/assault or violations of sexual abuse policies. CBP Directive 51735-013B informs all CBP personnel about potential disciplinary action for substantiated allegations of sexual abuse and/or assault, supported by the CBP Table of Offenses and Penalties (December 2020). HQ HRM/LER SME interviews confirmed the pursuit of disciplinary action, including removal, for substantiated cases of sexual assault or policy violations, with removal and prohibition from future Federal service being the presumptive action. Local SME interviews at Mariposa Crossing and DeConcini Crossing affirmed that immediate actions against staff facing sexual assault allegations include removing them from contact with detainees, and any substantiated cases can lead to removal from their position.

(c): The agency meets the standard provision. The HQ OPR/Sexual Assault and Abuse Investigations (SAAI) Coordinator interview confirmed that any substantiated investigations of sexual abuse would be referred to the relevant law enforcement agency by the supervisor on duty, with notification coordination by the HQ OPR/SAAI SME.

(d): The agency meets the standard provision. The interview with the HQ OPR/SAAI SME confirmed that removals for substantiated sexual abuse or 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)(b): The facilities meet the standard provision. CBP Directive 3340-025F, CBP Directive 2130-030, and on August 12, 2014, the Acting Assistant Commissioner, Office of Field Operations, issued a memorandum to the Directors of Preclearance Operations, Directors of Field of Operations, and the Office of Field Operations with a summary of the standards attached to the memorandum. The summary of included management responsibilities which states that contractors and volunteers suspected of perpetrating sexual abuse shall be prohibited from contact with detainees. It further states that the agency should consider whether to prohibit further contact with detainees by contractors or volunteers who have not engaged in sexual abuse but have violated other provisions within the standard. The recipients of the memorandum were to provide information to staff during musters. Local SME interviews indicated that suspected contractor perpetrators of sexual abuse would be immediately removed from detainee contact. Mariposa Crossing and DeConcini Crossing do not use the services of volunteers. The Auditor reviewed PREA training for medical contractors and confirmed they have received the training and understand the consequences of alleged sexual abuse and assault. The HQ OPR/SAAI SME confirmed that any substantiated allegations involving contractors or volunteers would prompt notification to proper authorities such as Nogales Police Department.

§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 facilities meet the standard provision. CBP Directive 2130-030, requires the facilities to provide the alleged victim with timely, unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis with professionally accepted standards of care. On March 12, 2015, the Commissioner issued a memo to all staff emphasizing the agency's commitment to the prevention of sexual abuse and assault. The memorandum, in part, states that an alleged victim has timely unimpeded access to emergency medical treatment and crisis intervention services. Detainee victims of sexual abuse at Mariposa Crossing and DeConcini Crossing are rapidly transported to Holy Cross Hospital for medical treatment, including

SAFE/SANE services for sexual assault victims, which are provided at no cost to the detainee. The local SME and officer interviews confirmed these medical services are provided regardless of the detainee's cooperation level in the sexual assault 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 facilities meet the standard. The HQ PAQ reported no pending sexual abuse investigations at Mariposa Crossing or at DeConcini Crossing. The HQ PDO/DPSA Coordinator interview revealed their office receives sexual abuse incident reviews within 30 days after the conclusion of an investigation. The Incident Review Committee (IRC), consisting of three CBP HQ Program Managers and the local PREA Field Coordinator, conducts these reviews. HQ OFO SME confirmed the IRC conducts the review within 30 days, preparing a report for every substantiated or unsubstantiated allegation. The report indicates whether policy or practice changes could enhance prevention or response to sexual abuse. All reports are forwarded to the HQ PDO/PSA Coordinator and implemented, or non-implemented recommendations are documented in a written response. The Port Director at the Mariposa Crossing and DeConcini Crossing would implement any IRC recommendations for detainee safety, with non-implemented suggestions also documented and sent to the HQ PDO/PSA Coordinator. Local SMEs stated they have not received any recommendations through the incident review process during the 12-month audit period.

§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

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

04/19/2024

Date