

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:	Laredo
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
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Mailing Address: (if different from above)	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Eagle Pass Port of Entry		
Physical Address:	160 E. Garrison Street, Eagle Pass, TX		
Mailing Address: (if different from above)			
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 on-site audit for the Prison Rape Elimination Act (PREA) at the Customs and Border Protection (CBP) Office of Field Operations (OFO) Eagle Pass Port of Entry (POE) took place on November 14, 2023. (b) (6), (b) (7)(C), a Certified PREA Auditor contracted through Creative Corrections, LLC. of Beaumont, Texas, conducted the audit. The process included a pre-audit electronic review of CBP PREA policies and procedures, 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. Prior to the on-site audit, notifications in both English and Spanish were posted throughout the facility. These notices communicated details about the upcoming audit and furnished contact information for the auditor. The notices were also displayed in detainee holding areas and staff areas.

The Auditor arrived at approximately 0500 hours and was introduced to the Eagle Pass POE leadership team by the Supervisory CBP Officer who also served as the point of contact throughout the audit. 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 office to begin conducting staff interviews to capture staff interviews from all shifts. Interviews covered all shifts: (b) (7)(E)

By approximately 0800 hours, the Auditor toured all areas of Eagle Pass POE to conduct a site inspection. The Auditor visited various areas, such as executive leadership offices, break areas, operations, intake area, waiting areas, public bathrooms, building perimeter, primary lanes, pedestrian entry, and holding areas. The Auditor observed the facility's layout, (b) (7)(E), staff supervision levels, hold room arrangement, placement of posters, other PREA informational resources, security (b) (7)(E), and search procedures.

Eagle Pass POE is an entry point for personal vehicles, cargo, and pedestrians arriving from Mexico. Functioning as a short-term holding facility, detainees at Eagle Pass POE are held for a maximum of 72 hours before either being released or transferred to another facility. The Auditor thoroughly examined all areas of the facility and had the ability to revisit specific areas as needed. The facility is equipped with a secondary search area for vehicles, and an adjoining holding area featuring two dry hold rooms next to the vehicle secondary search zone. Pedestrians gain entry to the facility through scheduled appointments, which are available between 0500 and 1300, (b) (7)(E). While awaiting entry, pedestrians are seated in a designated seating area, containing approximately 28 seats attached to tables. Within this waiting area, there is a female and male bathroom with five stalls and two sinks. (b) (7)(E). In the event of detention being necessary, individuals are held in hold rooms situated directly behind the main processing area, ensuring constant visibility for staff working in those areas. The detainee population consists of adults, unaccompanied children, and family units.

The Eagle Pass POE is divided into two buildings, with the primary building having processing, pedestrian entry, offices, hold rooms, interview rooms, and screening areas. The second building, located behind the primary lanes, are specifically designated for the secondary processing of vehicles. Within the main building, (b) (7)(E). There are no shower facilities for detainees. However, if a detainee should need to shower, they are escorted to Bridge 1, which is equipped with showers. (b) (7)(E). (b) (7)(E).

The PREA posters in English and Spanish were posted outside these hold rooms and throughout the facility. In addition to English and Spanish, CBP has PREA posters for adults translated into 12 other languages. The facility has also displayed age-appropriate posters indicating areas that should not be touched. Telephones were tested to ensure the ability to contact the Department of Homeland Security Office of Inspector General (OIG).

Scope of Audit: Before the on-site audit, the Auditor had the opportunity to review both HQ and local Pre-Audit Questionnaires (PAQs), HQ Responsive Documents and Data Requests, local documents specific to Eagle Pass POE, HQ Participation documents, as well as communication with medical providers and of victim advocacy websites.

The Auditor carried out interviews with HQ SMEs and conversation with the local SME who was responsible for completing the local Pre-Audit Questionnaire (PAQ). Eagle Pass POE collaborates with the Fort Duncan Regional Medical Center in Eagle Pass for its medical services. The Auditor verified Sexual Assault Forensic Examinations (SAFE) and Sexual Assault Nurse Examiners (SANE) are available at the hospital through speaking with the emergency room nurse in charge.

The Auditor was provided all relevant documents to determine Eagle Pass POE's 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 six random officer interviews and four local SME interviews to cover each shift. There was one juvenile detainee, 17 years old, available to interview the day of the audit. There were no adult detainees available for interview.

An exit briefing for Eagle Pass 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)

(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 PDO

(b) (6), (b) (7)(C), PREA Auditor, Creative Corrections, LLC

(b) (6), (b) (7)(C), Program Manager, Creative Corrections, LLC (via TEAMS)

During the exit briefing, the Auditor discussed the observations from the on-site inspection, the pre-audit document review, and provided a summary of staff and detainee interviews. The Auditor explained on the triangulation process, highlighting the combination of information gathered from the pre-audit assessment, on-site audit, and post-audit review to ascertain the outcome of the PREA audit.

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 Eagle Pass POE on-site audit was completed on Tuesday November 14, 2023, and the findings report was submitted in December 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 Eagle Pass POE. The Auditor reviewed all relevant policies, procedures, and documents in assessing the Eagle Pass POE through SharePoint and while on-site. The Auditor observed Notice of Audit posting throughout the two buildings in plain view for staff, detainees, and 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.

Eagle Pass 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 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 issues 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. 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.

§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 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 rooms 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).

(b)(c): The facility meets 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. This Directive further states, the detainee supervision guidelines and its application at the members of the facility must review Eagle Pass POE 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. This Directive further requires Eagle Pass POE to forward the results of the annual review to the HQ Privacy and Diversity Office (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 stations when needed. They further stated that the requirement of having appointments for pedestrians presenting themselves for admission to the United States at Eagle Pass POE has made it easier to anticipate and adjust staffing needs. Eagle Pass POE conducted an annual review of detainee supervision guidelines on November 09, 2023. The Auditor reviewed the report and determined to identify 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 facility meets the standard provisions. CBP TEDS, 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 Eagle Pass POE 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 unaccompanied children 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 room that offers additional amenities, such as a TV, snacks, and food. Unaccompanied children (UC) are held in a separate hold room under direct officer supervision. During the on-site audit, a 17-year-old pregnant female was being held in a hold room behind the officer stations with the door consistently open, as indicated by a sign on the hold room door. The sign on the door emphasized the need to keep the door open when occupied by UC and not to lock it. Additional signs were posted in areas where juveniles or family units were held. The observed posted signs stated, "Door must remain OPEN when occupied by UC - DO NOT LOCK" or "DO NOT CLOSE OR LOCK DOOR when room is occupied by UC." Interviews with staff and the detainee confirmed Eagle Pass POE was committed to maintaining a least restrictive setting for juveniles and family units.

(b): The facility meets the standard provision. CBP TEDS requires UCs be held separately 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. 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. Staff discussed their interviewing skills with the Auditor, including using eye contact, listening for speech patterns, and direct observation of the relationship between the children and adults.

§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 (October 2015) 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 SME staff confirmed that only medical personnel are authorized to conduct strip (partial body) or visual body searches of juveniles at Eagle Pass POE. Both local SME and officers stated that body cavity searches are not allowed at the Eagle Pass POE. When questioned about cross-gender searches, officers note that the searcher must be the same gender as the detainee, and the supervisor must be informed, and the search documented beforehand.

(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. Eagle Pass 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 observed (b) (7)(E)

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. Officers shared that when an Unaccompanied Child or a family unit needed to use the bathroom, they could request permission from an officer and then escorted to the bathroom in the waiting area. Before entry, an officer of the same gender ensured there was no one else inside, conducting a search to guarantee safety and the absence of prohibited items within reach of the detainee.

(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, 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 Eagle Pass POE report they do not search detainees solely for the purpose of determining gender. They had taken steps to convey its commitment to complying with the PREA Standards, ensuring that both the public and all stakeholders, including employees and detainees, are 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 facility meets 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, as revealed in interviews, confirmed receiving 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, she stated she was not patted down or physically searched and only had to empty her pockets. She further stated her personal belongings were being held by her husband who was in the screening area and not being held at the time.

§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 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 materials are frequently discussed during musters. During interviews with local SMEs and officers, it was expressed that the most frequently spoken language by travelers was Spanish, with French being the other commonly encountered language. The Auditor noted the presence of posters such as "Zero Tolerance," "When you cannot walk away," the DHS OIG phone number, "I Speak," and "Keep Detention Safe," providing reporting information to detainees. 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. Staff also mentioned having on duty officers who are proficient in Spanish and some who are fluent in French. During interviews with local SMEs and officers, it was revealed that there were no detainees with disabilities held at Eagle Pass POE in the past 12 months.

(b): The facility meets 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, Spanish, or French, the staff uses telephonic language interpretation services. The detainees would advise them what type of translation service was needed by utilizing the "I Speak" poster. During the interviews with staff, they reported that they had not needed requiring additional translation services. All staff members interviewed were well-informed about available translation resources in case of necessity. The detainee being held stated she spoke Spanish and was able to communicate with staff since they also spoke Spanish.

(c): The facility meets the standard provision. CBP Directive 2130-030 requires that detainees are not to be utilized as interpreters for detainees reporting alleged sexual abuse or in cases where they have been found to be sexually abused. Through interviews with the PREA Coordinator, Duty Supervisors, Processing Supervisor, and officers, the Auditor confirmed that local practice at Eagle Pass POE aligns with this directive. In cases where a detainee translator is not suitable, the language line or a neutral staff member would be engaged. The CBP Protocol for Identifying Limited English Proficient (LEP) Persons and Providing Language Services, dated October 2017, delineates the steps to identify LEP detainees. Staff members also utilize 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. This directive requires that policies and procedures be 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 consistently applied as required by this directive.

(b): The facility meets 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 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.

(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. This directive also mandates background investigations for contractors who may have contact with detainees. In a random selection, the Auditor reviewed fifteen background checks of currently employed staff members of different ranks, including one contractor at Eagle Pass POE. 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. The HQ OPR/PSD SME verified these processes are taking place.

(e): The facility meets the 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 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 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. Interviewed local SMEs and officers were also able to verify this practice. 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 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." Local SME interviews revealed that Eagle Pass POE (b) (7)(E). They further stated consideration was given to the impact of the design, acquisition, expansion, or modification on the agency's capacity to safeguard detainees from sexual abuse.

(b): The facility meets the standard provision. Local SME interviews revealed that Eagle Pass POE (b) (7)(E). They further stated that consideration was given to the impact of the design, acquisition, expansion, or modification on the agency's capacity to safeguard detainees from sexual abuse. The Auditor reviewed (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 facility meets 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. CBP Directive 2130-030 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 to a forensic examination at a medical facility that offers victim advocacy services. Interviews with local SME 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 Fort Duncan Regional Medical Center in Eagle Pass, Texas for a forensic medical examination. Staff interviews confirmed their awareness that Fort Duncan Medical Center offers advocacy services to any victim of sexual assault or abuse. A phone call was made by the Auditor to Fort Duncan Regional Medical Center emergency room staff who further validated a detainee's access to a SAFE or SANE as well as advocacy services' availability. All interviewed staff members were aware that a victim advocate would be provided to any victim of sexual abuse. 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.

(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 established that community-based advocates for sexual abuse are accessible through Fort Duncan Regional Medical Center. 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 and timely information on U Nonimmigrant status.

(e): The facility meets the standard provision. An interview with local SME indicated that the agency responsible for investigating an allegation of sexual abuse would be the City of Eagle Pass Police Department. According to the SME, the facility 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 April 9, 2019, from the Eagle Pass POE Port Director to a Lieutenant of the Department of Public Safety in Eagle Pass, Texas; a letter dated August 15, 2022, from the Port Director to the Sheriff of the Maverick County Sheriff's Office, and a letter, dated January 25, 2023, from the Port Director to the Chief of Police of the City of Eagle Pass Police Department. The Auditor reviewed the correspondence and has determined the three letters meet 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 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. CBP Directive 3340-025F establishes a protocol for the prompt reporting of incidents to CBP WATCH. Any knowledge, suspicion, or information related to specific matters must be reported promptly to CBP WATCH, the JIC, and the HQ PDO/PSA. Local SME interviews revealed that following the incident report to JIC and the HQ PDO/PSA Coordinator, the Supervisor on Duty would

contact the City of Eagle Pass Police Department, Maverick County Sheriff's Office, or Department of Public Safety for a criminal investigation. During an interview with the HQ PDO/PSA Coordinator, he stated Eagle Pass POE has 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 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 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 Eagle Pass 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 training records were reviewed on-site. Local SME and officer interviews verified the above training has been received through the ACADIS Training Portal. The auditor reviewed the mandatory training presentation slides, "Preventing Sexual Abuse in CBP Holding Facilities." Eagle Pass 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 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. The card provides guidance on responding to allegations of sexual abuse involving detainees confined at another facility. In such cases, staff are instructed to notify the relevant agency or facility administrator where the alleged abuse occurred. If the alleged victim is transferred to another DHS facility, staff should 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. 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 Eagle Pass POE.

(c): The facility meets the standard provision. The reviewed training records at Eagle Pass POE confirm that all active staff underwent training within two years of the effective date of the standards or upon their hire, if employed after the initial training. Law enforcement 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 facility meets the standard. Eagle Pass POE maintained colorful, large print posters of the DHS Zero Tolerance Policy in view of all detainee holding and processing areas within both buildings. The posters were printed and posted in English and Spanish. Eagle Pass POE 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, with access to versions in several other languages based on the facility's population. 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. Upon entry into the screening area, there are at least four PREA posters on each wall. The "Keep Detention Safe" and "Zero Tolerance" posters in English and Spanish were also displayed on each wall of the holding areas and in the traveler bathrooms. These posters are also displayed in 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)(c): The facility meets 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 not able to assess in real time the risk assessment for the detainee being held because it had already been completed. However, the Auditor reviewed a copy of the risk assessment for the detainee and was given an opportunity to review other 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 she could freely communicate.

(d): The facility meets 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, dated January 19, 2018, 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 staff conducts welfare checks on the detainees every 10-to-15-minute intervals.

(e): The facility meets 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 and 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 confirmed 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 facility meets 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 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 Auditor verified that Eagle Pass POE ensures detainees have various confidential and anonymous channels to report sexual abuse, assault, retaliation, or staff neglect. 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, email (JointIntake@cbp.dhs.gov), 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 facility, 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. 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 facility. Local SME and officer interviews underscore the staff's awareness that third-party reports are promptly documented in writing. All sexual abuse or assault allegations are treated seriously and reported to supervisors, regardless of the reporting method. A memorandum from August 2014, issued by the Acting Assistant Commissioner of the Office of Field Operations (OFO), reiterated the standards and protocols for preventing, detecting, and responding to sexual abuse and assault in CBP holding facilities was distributed to all staff. The detainee interviewed was aware of how to report a sexual abuse allegation. She stated the officer informed her during the risk assessment process. They also pointed her to where the posters were posted on the walls.

§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 outlines public reporting procedures for sexual abuse on their website: <https://www.cbp.gov/about/care-in-custody>. Facility documentation, including the FY 2021 Annual Report, assesses CBP's efforts against sexual abuse. DHS posters guide third parties in reporting to DHS OIG, and Eagle Pass POE 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. Staff 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 facility meets the standard provisions. Interviews with local SMEs and staff confirmed their awareness of CBP Directive 2130-030, which mandates prompt reporting of sexual abuse or assault, retaliation, or staff neglect. CBP Directives 3340-025F and 51735-013B 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 agency mandates immediate reporting of any knowledge, suspicion, or information related to sexual abuse incidents, retaliation, or staff neglect. Staff must be able to report misconduct outside their chain of command according to agency policy.

(c): The facility meets the standard provision. Interviews with local SMEs and officers confirmed all staff understood the "need-to-know basis" for the dissemination 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, reflecting their knowledge of this policy and associated responsibilities.

(d): The facility meets the standard provision. Interviews with local SMEs and supervisors 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. According to CBP Directive 2130-030, staff are obligated to notify relevant agencies, and the PAQ reflects that Eagle Pass POE has 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 facility meets the standard. CBP TEDS policy mandates that staff must take immediate action to protect a detainee when there is knowledge of imminent sexual abuse. Officer interviews and discussions with supervisors and the local SME affirmed a shared obligation to immediate action in such situations. Staff members, identified as first responders, demonstrated an understanding of their responsibilities in accordance with Standard 115.121 (6 CFR). 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 facility meets 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 Eagle Pass POE. The local SME confirmed that the Port Director or their designee would be responsible for making this notification. A Memorandum dated August 2014 from the Acting Assistant Commissioner, Office of Field Operations, emphasized the importance of adhering to the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, disseminated to all staff.

(b): The facility meets 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 SMEs further clarified that the notification would be made immediately by the Watch Commander, aligning with the standard provision. Notably, there were no such reports made during the audit period.

(c): The facility meets 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 facility meets the standard provision. The local SME stated that Eagle Pass POE adheres to all agency reporting requirements outlined in CBP Directive 2131-030. In the event of an allegation from another facility regarding sexual abuse/assault at Eagle Pass POE, the JIC is promptly notified following the established process. The local SME 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 facility meets 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. This 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, all staff affirmed their immediate 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 local SME confirmed they did not have any sexual abuse allegations during the 12-month audit period.

(b): The standard provision does not apply as detainees at Eagle Pass POE only interact with law enforcement officers throughout their entire holding period. CBP TEDS specifies that if the initial responder is not law enforcement, they must instruct the alleged victim not to destroy evidence and then notify law enforcement. Eagle Pass POE strictly limits detainee interactions to law enforcement officers, with contracted medical staff also assuming first responder responsibilities.

§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. 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. All local SMEs and random officers confirmed their awareness of the requirement to provide medical care. Staff were also aware about detainees' access to victim advocates at Fort Duncan Regional Medical Center, if desired.

(b)(c): The facility meets 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 facility, stating the detainee's need for medical or social services. Local SME interviews confirmed awareness of these requirements, and the HQ PDO e-newsletter dated January-March 2018, included in the documentation, provided staff with a link to the Sexual Abuse and Assault Response Prevention Resource Center. Local SMEs affirmed their knowledge of this 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 facility meets 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. An August 2014 Memorandum from the Acting Assistant Commissioner, OFO, reiterated the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, distributed to all staff. 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 Eagle Pass POE. The facility has not encountered any allegations of sexual abuse in the last 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 explicitly prohibit staff retaliation against anyone, including detainees, who make complaints, participate in misconduct investigations, or report instances of sexual abuse. Memoranda dated August 2014 and March 2015, distributed to all staff, reinforce the policies against sexual abuse and assault. 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.

§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. 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 Standards of Conduct emphasize potential disciplinary action, including removal from position and Federal Service, for substantiated allegations of sexual abuse/assault or violations of sexual abuse policies. CBP Directive 51735-013B, Standards of Conduct, 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 Eagle Pass POE affirmed that immediate actions against staff facing sexual assault allegations include removing them from contact with detainees, and any substantiated cases lead to removal from their position.

(c): The agency meets the standard provision. The interview with the HQ PDO/DPSA Coordinator confirmed no reported allegations during the audit period. 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): The facility meets the standard provision. CBP Directive 3340-025F (November 2022), Directive 2131-030, and a Memorandum dated March 2015 from the Commissioner, emphasizing the CBP Policy of Zero Tolerance of Sexual Abuse and Assault, were part of the facility's documentation. Local SME interviews indicated that alleged contractor perpetrators of sexual abuse would be immediately removed from detainee contact. Eagle Pass POE does 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 City of Eagle Pass Police Department, Maverick Sheriff's Office, or Department of Public Safety. The medical contractor was not available for interview.

(b): The facility meets the standard provision. Local SME interviews confirmed that any contractor suspected of perpetrating sexual abuse would be promptly removed by the Eagle Pass leadership from all duties involving detainee contact 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. Detainee victims of sexual abuse at Eagle Pass POE are rapidly transported to Fort Duncan Regional Medical Center 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 agency meets the standard. The HQ PAQ reported no pending sexual abuse investigations at Eagle Pass POE. The HQ PDO/DPSA Coordinator interview revealed their office receives sexual abuse incident reviews within 30 days after concluding 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 Eagle Pass POE Port Director would implement any IRC recommendations for detainee safety, with non-implemented suggestions also documented and sent to the HQ PDO/PSA Coordinator. This process was confirmed by the Auditor during local SME interviews, however, there were no incident reviews conducted in the past 12 months due to the absence of sexual abuse allegations.

§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)

04/05/2024

Auditor's Signature

Date