

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
Mailing Address:	(b) (6), (b) (7)(C)	City, State, Zip:	(b) (6), (b) (7)(C)
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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:	U.S. Border Patrol
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	El Paso Sector
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Physical Address:	8901 Montana Avenue, El Paso, Texas 79925
Mailing Address: (if different from above)	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility

Name of Facility:	Santa Teresa Station
Physical Address:	1005 NM Highway 9, Santa Teresa, NM 88008
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:	Patrol Agent-in-Charge (PAIC)
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 U.S. Customs and Border Protection (CBP) U.S. Border Patrol (USBP) Santa Teresa Station (STN) was conducted on Tuesday February 14, 2023, from 0500 hours until 1930 hours. The audit was conducted by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC., of Beaumont, Texas. This was the first PREA audit for STN. STN is a short-term processing and holding facility detaining male and female adults, Unaccompanied Children (UC), and family units for a time period specified to be under six hours, pending transfer for removal, detention, or placement. STN share law enforcement duties with 10 other Border Patrol Stations in the El Paso Sector.

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 and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

The Point of Contact for STN was (b) (6), (b) (7)(C), Assistant Chief Patrol Agent (ACPA)/PREA Field Coordinator (PFC).

The Auditor was informally introduced to the STN leadership team and 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. At approximately 0900 hours, all parties were provided a tour of STN by the ACPA, which followed the path someone would take from their arrest/custody, processing, and placement in holding. STN is comprised of a large masonry building secured by fencing and an electronic gate and sallyport to accept persons or groups of persons placed into custody. (b) (7)(E). The (b) (7)(E) of the building contains administrative offices, a conference room, Agent workspace, (b) (7)(E) (b) (7)(E), a staff breakroom area, and a staff training/muster area.

(b) (7)(E)

There is a raised counter which provides an area for initial processing. The counter contains computer/database stations. Detainees are initially temporarily placed in holding rooms and called up to the counter individually to capture biographical information. Detainees are placed in front of one of the computer stations or placed in one of the (b) (7)(E) hold rooms depending upon their gender, vulnerability, or family status. (b) (7)(E). Male and female adults are always separated, and UCs are also separated from adults. Family units are held in a holding room separate from adult male and female detainees. Each hold room has a partitioned toilet area, (b) (7)(E). Fingerprint equipment is outside the hold rooms and in close proximity to the agent workstations. A private medical exam room is adjacent to the hold rooms and agent workstations where detainees are evaluated by contract nurses from Loyal Source. There is a short corridor at the entrance into the processing area in which the detainees are escorted in. This area is the designated pat-down search area for detainees prior to being screened or placed in a holding room or being transferred to another location.

There is a separate control center/watch office room (b) (7)(E) (b) (7)(E). The watch office is staffed by agents assigned to the Watch Office/Processing Control Center. (b) (7)(E)

(b) (7)(E) Due to the short-term holding, there are no showers for detainees. The detainee is transferred, released, or removed from CBP. If transferred to a local county jail, as described, the detainees will likely be subject to criminal prosecution or warrants.

All detainees are escorted by law enforcement officers while at the facility. The flow of detainees is not the primary factory driving staffing levels. Staffing levels are dependent on the border security mission or humanitarian missions. Hold rooms are cleaned between stays by non-law enforcement janitorial or maintenance contractors. Cleaning crews never come in direct contact with any detainee.

Scope of the 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 STN specific

documents, HQ Participation documents, and medical provider websites. The auditor also conducted five HQ SME interviews and spoke to the supervisor responsible for completing the Local PAQ. The Auditor also spoke with and interviewed the manager of the El Paso University Hospital Sexual Assault Nurse Examiner (SANE) Program. The auditor was able to use a private telephone line to access the Office of Inspector General (OIG) to test the outside entity to report sexual abuse by detainees.

The auditor was given a complete tour of STN and was able to revisit areas as requested. The auditor had complete access to the facility and observed all detainee processing areas and the ^{(b) (7)(E)} hold rooms. UCs are processed in the same area as adults however, they are kept separate by agents. They are placed in a separate hold room until released. The auditor was provided with a private room for both staff and detainee interviews. The auditor observed PREA Audit Notices posted in various areas of the facility in both English and Spanish for staff and detainees to view along with posters advising detainees of their right to be free from sexual abuse. Posters were also observed with detainee reporting numbers explaining the zero-tolerance policy of the agency.

During the on-site audit, the auditor interviewed law enforcement personnel (BP Agents) ^{(b) (7)(E)}. The auditor interviewed three local SMEs, and nine agents. Interviews were conducted randomly and based on the size of the facility. The auditor also interviewed eight detainees during the day and evening shifts. Of the eight detainees interviewed, six were males and two were females. The detainees interviewed country of birth varied from Mexico (4), El Salvador (2), and Guatemala (2).

An exit briefing for STN was held at approximately 1920 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)}, Assistant Chief Patrol Agent (ACPA)
^{(b) (6), (b) (7)(C)}, Acting Special Operations Supervisor (ASOS)
^{(b) (6), (b) (7)(C)}, Acting Special Operations Supervisor (ASOS)
^{(b) (6), (b) (7)(C)}, Assistant Chief, USBP HQ
^{(b) (6), (b) (7)(C)}, Management Program Analyst, USBP HQ
^{(b) (6), (b) (7)(C)} Deputy Prevention of Sexual assault Coordinator, (DPSA) HQ
^{(b) (6), (b) (7)(C)}, Prevention of Sexual Assault Coordinator (PSA) HQ
^{(b) (6), (b) (7)(C)}, Program Manager (PM) Creative Corrections, LLC

During the exit interview, the auditor discussed the observations made during the on-site review. 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 STN with the final determination being 23 standards met, one standard exceeded, and one standard not met. The auditor reviewed all relevant policies, procedures, and documents in assessing the STN. The auditor conducted a records review for a random selection of staff, which included information on background checks and staff PREA training records. There have not been any PREA allegations within the audit period.

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 Santa Teresa Station on-site audit was completed on Tuesday February 14, 2023, and the findings report was submitted in March 2023.

STN met 23 standards: (115.111; 115.113; 115.114; 115.115; 115.116; 115.117; 115.118; 115.121; 115.122; 115.131; 115.151; 115.154; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182; and 115.186; Exceeded 1 standard (115.132); and did not meet one standard (115.141).

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 1	
Number of standards met: 23	
Number of standards not met: 1	
OVERALL DETERMINATION	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards) <input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) <input checked="" type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	<input type="checkbox"/> Low Risk <input checked="" type="checkbox"/> Not Low Risk

PROVISIONS

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

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

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

Notes:

(a): The facility meets the standard. The agency has taken definitive steps to inform the public, all employees, and detainees of its adherence to the PREA Standards. CBP Directive 2130-030 – Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities (dated 1/19/2018 and a review date of 1/19/2021), Commissioners Memorandum dated July 15, 2014, Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Holding Facilities /Prison Rape Elimination Act (PREA); the Commissioner's Memorandum dated March 11, 2015; CBP's Policy on Zero Tolerance of Sexual Abuse and Assault; Commissioner's memorandum dated August 12, 2014, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities; Chief USBP memorandum dated October 8, 2015, Implementation of the CBP National Standards on Transport, Escort, Detention and Search (TEDS); and Chief USBP memorandum dated August 13, 2014, Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities clearly outlines the duty of all CBP staff members to prevent, detect and respond to all allegation or observations of sexual abuse. Additionally, during Sexual Assault Awareness and Prevention Month observed in April, the Privacy and Diversity Office messaged information to all employees regarding CBP's zero tolerance of sexual abuse and assault policy through payroll notice statements and CBP Central. Zero tolerance posters are positioned throughout the processing and holding areas of the facility in both English and Spanish as well as "Report Sexual Assault" in seven different languages. If the detainee speaks a language other than English or Spanish, agents can use several CBP language resources available to its employees to include an over-the-phone language interpretation service available 24 hours a day seven days a week. In addition to English and Spanish, CBP has PREA posters for adults translated into 12 other languages and for children translated into 15 other languages for posting as needed. CBP's translated PREA posters may be accessed by staff through CBP's internal website at PREA Posters, Information Display System Slides, Videos, and Scripts (sharepoint.com). CBP's language access resources may also be accessed by staff at Language Access (sharepoint.com). Interviews with the Local SMEs emphasized staff training on zero tolerance and agent interviews verified their training and understanding of the zero-tolerance policy and standard. Reminders of mandatory training available through the CBP Acadis on-line training site are shared with all employees. All interviews verified that both the agency and the facility have provided dedicated personnel to insure the PREA provision is in compliance.

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

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

Notes:

(a): The facility meets the standard provision. The standard requires that each facility maintain adequate levels of detainee supervision through appropriate staff levels (b) (7)(E) to protect detainees against sexual abuse. During the tour, the auditor noted all hold rooms are in direct line-of-sight of agents in the processing area and the Control Room/Watch Office. The Control Room/Watch Office (b) (7)(E) (b) (7)(E) In addition to this viewing, (b) (7)(E) (b) (7)(E) (b) (7)(E) The auditor observed multiple occupied hold rooms. Each hold room has a large window for staff to easily supervise detainees being held in the holding rooms. The auditor viewed through direct observation that

detainees could be supervised through the glass windows and doors of the hold rooms by all agents in the processing area (b) (7)(E) the Control Room/Watch Office. The population of detainees was divided by adult males and adult females and children. The local SMEs advise spot checks of cells are done every (b) (7)(E) and supervisors report the separating of adult males and adult females and children enhances the STN level of supervision to keep detainees safe. STN does (b) (7)(E) daily detainee populations. They report overtime is offered to agents when needed to increase the supervision of detainees. There were large numbers of detainees processed through the STN in the past 12 months including single adults, family units & juveniles, and unaccompanied children (UC).

(b)(c): The facility meets the standard provision. CBP Directive 2130-030; Chief USBP memorandum dated October 8, 2015, Implementation of the CBP National Standards on TEDS; Chief USBP memorandum dated August 13, 2014, Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities; and Chief USBP memorandum dated February 7, 2020, Review of Comprehensive Detainee Supervision Guidelines requires the U.S. Border Patrol to develop and document comprehensive detainee supervision guidelines to determine and meet the detainee supervision needs which has been accomplished through its National Standards on TEDS. The directive further states, the detainee supervision guidelines, and its application at the STN is to be reviewed at least annually considering the physical layout, composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings and recommendations of incident reviews, and any other relevant factors. The directive further requires the results of the annual review are to be forwarded to the PSA Coordinator. SME interviews confirm they re-evaluate supervision strategies on a regular basis, especially when there is an influx of detainees. They reveal they also request assistance from other stations when needed. The auditor reviewed the annual review of detainee supervision guidelines which was conducted on October 27, 2022, by the Patrol Agent in Charge (PAC), the Deputy Patrol Agent in Charge (DPAC), the Special Operations Supervisor (SOS), and the PREA Field Coordinator (PFC). The assessment included all areas as required by the DHS PREA Standards and TEDS. The assessment concluded there were sufficient levels of supervision; therefore, meeting the standard provisions.

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

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

Notes:

(a): The facility meets the standard provision. CBP National Standards on TEDS (October, 2015) and Chief USBP memorandum dated August 13, 2014, Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities requires juveniles be treated at all times in their best interest and all guidelines for Special Populations be taken into consideration and place each juvenile in the least restrictive setting appropriate to their age and special needs, provided the setting is consistent with the need to ensure the safety and security of the detainee and that of others. Local SME and agents report all juveniles who are a part of family units or identified as UC are held in the least restrictive setting as possible. They state juveniles are kept with their families and are also kept in the least restrictive setting the facility has available. All agents interviewed state when juveniles are brought into the STN, they are kept in a hold room (b) (7)(E). There were numerous juveniles processed at STN in the past 12 months.

(b): The facility meets the standard provision. CBP TEDS requires UCs be held separate from adult detainees. Local SME staff and agents report UCs are kept separate from the adults and are then separated by gender. They are placed in a holding room closest to the agent's station (Hold Room (b) (7)(E)) when they have questions or need snacks or food. UC are processed through intake immediately to limit the time they are near adult detainees. Local SME and agent interviews confirm juveniles are immediately separated from accompanying adults unless the relationship has been properly vetted and determined to be appropriate prior to holding. The interviews also confirmed a combination of agency and State Department database searches with separate interviews of both the minor and the accompanying adult are used to vet the relationship, along with any accompanying documents with the detainee. Staff were able to articulate their interviewing skills included eye contact, speech patterns and direct observation of the relationship between the parties involved.

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

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

Notes:

(b)(c): The facility meets the standard provisions. CBP TEDS details the type and conditions under which searches can be performed to ensure the safety of agents, civilians, and detainees. It prohibits cross-gender strip (partial body) searches and cross-gender visual body cavity searches, except in exigent circumstances including consideration of agent safety, or when performed by medical practitioners. If performed or sent to a medical facility for such a search, the policy requires strip/body (partial body) cavity searches be recorded in the electronic system of record. CBP TEDS details officers/agents must not conduct visual body cavity searches of juveniles and are to refer all body cavity searches of juveniles to a medical practitioner. Interviews with Local SME staff and agents report only medical staff can conduct a strip or visual body cavity search of a juvenile. The local SME staff and agents report body cavity searches are not allowed at the STN. Agents interviewed reported they have never seen strip or body cavity searches conducted at the facility. When asked who would conduct cross-gender searches, the agents report the person would have to be the same gender as the detainee when operationally feasible. All agents interviewed report these types of searches have never occurred at the STN.

(d): The facility meets the standard provision. CBP TEDS specifies the requirements of enabling 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 cell checks. Such viewing may also be appropriate in connection with a medical examination or under medical supervision. Local SMEs and all agents interviewed report detainees do not shower at this facility. However, the detainees can use the toilet without staff of the opposite gender viewing them. Detainees interviewed state they have privacy from staff viewing to use the toilet in the hold rooms. Each hold room contains a toilet which is blocked by a half wall and there is no view of a detainee using the toilet area, (b) (7)(E). The Auditor verified (b) (7)(E) (b) (7)(E) and verified there are no shower facilities used at the facility. CBP TEDS requires all officers/agents of the opposite gender to announce their presence when entering an area where detainees are likely to be showering, performing bodily functions or changing clothing, except in exigent circumstances or when such viewing is incidental to routine cells checks. Interviews with local SMEs and agents indicated they knock on the door to announce themselves. The PREA Field Coordinator reports policy is in place requiring staff to announce their presence when entering an area where detainees are likely to be in a state of undress.

(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. USBP Chief Patrol Agent, El Paso Sector memorandum dated September 28, 2020, "Searching Transgender, Intersex, or Gender Nonconforming Individuals", directs border agents to not search or physically examine an individual for the sole purpose of determining an individual's gender. There were no detainees onsite who identified as transgender or intersex to be interviewed. Agents at the facility report they do not search detainees solely for the purpose of determining gender.

(f): The facility meets the standard provision. CBP TEDSs directs staff to conduct searches in a professional, thorough, and a reasonable manner consistent with the type of search required and that a search must be of the same gender, gender identity, or declared gender when operationally feasible. Strategic Planning and Analysis Directorate memorandum dated September 17, 2020, with an attached Muster provides direction in conducting searches which is an annual training requirement. A reminder of search procedures was also distributed on January 17, 2023, by the Deputy Chief, USBP who references the September 17, 2020, issued memorandum. Interviews with Local SMEs and agents reported all had been trained in how to conduct pat searches, including cross gender searches. Interviews concluded that staff were able to articulate how they would conduct a cross gender pat-down search per the training received and within the guidelines. However, staff advised that they have not had to conduct such a search because they have sufficient staff able to cover those searches should the need arise.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires staff in holding facilities to provide reasonable accommodations to detainees who are hearing impaired, blind, or visually impaired, or who have intellectual or mental health disabilities. Directive 2130-033, Nondiscrimination for Individuals with Disabilities in CBP-Conducted Services, Programs, and Activities (Non-Employment), with an effective date of July 8, 2021, which also includes a job aid providing guidance to staff on effective communication with individuals with disabilities. The job aid further defines different types of disabilities and examples on how to address those disabilities; Directive 2130-031, Roles and Responsibilities of U. S. Customs and Border Protection and Personnel Regarding Provision of Language Access, provide information and guidance to all CBP staff. Staff interviews confirm they have received the recent guidance regarding disabled and Limited English Proficient (LEP) detainees and the materials are frequently discussed during musters. The staff discussed the various steps the agents and supervisors take to provide accommodations to detainees with these disabilities which included reading PREA notices to visually impaired and functionally illiterate detainees, call in a translator, and would also have the option to have medical clinicians including behavior health care assist where needed. Interviewed local SMEs and agents state there have been no detainees with disabilities held at STN.

(b): The facility meets the standard provision. CBP Directive 2130-030 requires all holding facilities to provide effective, accurate and impartial in-person or telephonic interpretation services to detainees who are Limited English Proficient (LEP). All PREA posters are posted in both English and Spanish, but also provide direction in commonly spoken languages. All staff interviewed state they have been able to communicate with LEP detainees because they speak Spanish as a second language. None of the interviewed staff have reported the need to use any additional services available to communicate with a detainee. All interviewed staff were aware of the translation resources available to them should the need arise.

(c): The facility meets the standard provision. CBP Directive 2130-030 directs 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 consistent with the directive through interviews with the ACPA, Duty Supervisors, Processing Supervisor, and agents. Interviewed staff were able to articulate that the language line or the use of a neutral staff member would be used in place of a detainee translator.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires the Office of Human Resources Management (HRM) ensure compliance with hiring, promotion and discipline requirements as outlined in the standard provision. The directive requires that policies and procedures are in place to ensure CBP does not hire any employees, contractors, or volunteers who have a history of engaging in sexual abuse. The review of the provided documentation and the interview with the HQ HRM/Hiring Center SME verifies compliance with the standard provision for employees.

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

(c)(d): The facility meets the standard provision. CBP Directive 2130-030 requires background investigations for applicants seeking employment who may have contact with detainees to determine suitability and that updated background investigations are conducted every five (5) years for CBP personnel who may have contact with detainees. The directive further requires background investigations for contractors who may have contact with detainees. The

auditor chose four randomly selected agents of varying ranks who are employed at the facility and submitted those names to the HQ Office of Professional Responsibility (OPR) to ensure their background checks were conducted timely in compliance with the standard. Review of the submitted checks found the agency to be in compliance with pre-hire and five-year updated investigations.

(e): The facility meets the standard provision. Interviews with HQ HRM/Labor Employee Relations (LER) SME confirms it is agency policy to rescind an offer of employment to prospective employee or to terminate the employment of any such employee who makes a material omission or provides false information regarding sexual abuse misconduct. Staff are informed of the policies regarding material omissions and providing any false information in the CBP Standards of Conduct provided to staff upon employment and which is referenced in their yearly required ethics training through the Acadis Portal.

(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. The interview with the HQ HRM/LERSME confirms the directive is followed by the agency.

§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 as STN has not acquired a new facility or undergone a major expansion since the building was constructed in approximately 1998.

(b): The facility meets the standard provision. An assessment by HQ/OPR was conducted approximately 2 years ago for a facility upgrade [REDACTED] (b) (7)(E). Interview with local SME confirmed that PREA supervision and privacy concerns were taken into consideration for the new/updated technology and how it would provide enhanced ability to protect detainees from sexual abuse. The upgrade was approved by the sector office at the time of the assessment. (At the time of the on-site audit, funding has been approved however, no upgrades have begun.)

§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 CBP Directive 2130-030 requires timely, unimpeded access to medical treatment and crisis intervention, including emergency contraception and sexually transmitted infections prophylaxis. Medical treatment will 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. STN utilizes the services of the University Medical Center of El Paso to conduct forensic medical examinations of a sexual abuse victim, at no cost to the detainee and only with the detainee's consent. The examination is performed by a SANE who is available at the hospital. The auditor confirmed the services are provided at the University Medical Center through their SANE Program Manager. SME interviews confirmed the use of University Medical Center in El Paso SAFE/SANE services for any detainee victim of sexual abuse; however, the SMEs stated the facility has not had any sexual assault allegations.

(d): The facility meets the standard provision. CBP TEDS requires officers/agents to allow detainee victims access to victim advocacy services, to the extent available and consistent with security needs, while at the hospital for forensic examinations due to sexual abuse/assault. The auditor determined that community based sexual abuse advocates are

available through the Center Against Sexual and Family Violence (CASFV). The receptionist provided information that advocacy services would be provided to a sexual abuse victim during a forensic medical examination at the University Medical Center and follow up advocacy services within the community to include individual and group sessions through the Heart Program at the Center Against Sexual and Family Violence (CASFV). Interviews with local SMEs confirmed and verified that all sexual abuse victims would be provided access to victim services at the University Medical Center and timely access to U Nonimmigrant status individuals.

(e): The facility meets the standard provision. An interview with the HQ PDO/PSA Coordinator confirms there have been no reports of sexual abuse or sexual assault at the Santa Teresa Station during the last 12 months. The local SME stated the Dona Ana County Sheriff's Department and the New Mexico State Police, Las Cruces, NM have been asked to follow PREA standards when conducting an investigation at the Santa Teresa Station. The PFC provided a copy of the documentation requesting the law enforcement agencies follow the PREA standards when conducting investigations. HQ Privacy and Diversity Office (PDO) SME also confirmed during her interview that there were no allegations at STN during the audit period.

§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): The facility meets the standard provision. CBP Directive 2130-030 requires prompt report of all sexual assault allegations to the facility administrator or agency office. All interviewed local SMEs and agents report they will immediately report such incidents up the chain-of-command and the Joint Intake Center (JIC). The delegated watch commander or supervisor shall inform the local law enforcement as appropriate. This practice was confirmed during the interview with the APCA.

(d): The facility meets the standard provision. Interview with the HQ PDO/PSA Coordinator verifies the appropriate offices are advised of all incidents/allegations of sexual abuse by the JIC.

§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 has also developed two training aides in assisting staff with communicating with detainees with disabilities and a guide to facilitate effective communication with individuals who identify as LBGTQI+. Reminders to staff regarding sexual abuse and/or sexual assault are posted through various forms of communication to the staff. CBP has also created the PREA Resource Center which includes policies and various information regarding CBP's zero tolerance of sexual abuse and/or assault. Mandatory training is also required for contractors and volunteers. CBP also provides a training course for Volunteer Training, through the Federal Emergency Management Agency (FEMA), "Preventing and Addressing Sexual Abuse and Assault of Individuals in CBP Holding Facilities." All STN 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. SME and agent interviews verified the above training has been received through the Acadis Training Portal. Previous training was conducted online through the Performance and Learning Management System (PALMS). The auditor reviewed the mandatory training presentation slides, "Preventing Sexual Abuse in CBP Holding Facilities." STN staff were issued Quick Reference Cards for first responders to staff when they witness or receive a report of sexual abuse. The card directs staff to notify their supervisor; separate the alleged victim and alleged abuser; preserve and protect the crime scene; request the alleged victim and request the alleged abuser not to do anything that could destroy physical evidence, and refer the incident to the appropriate law enforcement agency; promptly report to the Joint Intake Center and the Commissioner's Situation

Room; provide access to emergency medical treatment and crisis intervention services; and report allegations involving alleged victims under the age of 18 or a vulnerable adult under a state or local vulnerable persons statute to the designated state or local services agency. The card also states that upon receipt of an allegation that a detainee was sexually abused while confined at another facility, notify the appropriate office of the agency or administrator at the facility where the alleged abuse occurred; and if the alleged victim is transferred to another DHS facility, inform the receiving facility of the alleged incident and the potential need for medical or social services. All contract employees receive initial training and refresher training annually as confirmed through document review. There were not any contractors available for interview. STN does not utilize volunteers as confirmed through the ACPA during interviews.

(c): The facility meets the standard provision. Reviewed training records verify all active staff at STN were trained within two years of the effective date of the standards or upon their hire, if hired after the initial training. Training records also confirm that all law enforcement staff receive annual refresher training as required. Agent interviews confirm yearly PREA training on Acadis and refresher search trainings through musters. Training records are maintained electronically as required by the standard. Local SME interview confirmed compliance. Training records were reviewed on-site.

§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 exceeded this standard. STN maintains colorful, large print posters of DHS Zero-Tolerance Policy in view of all detainee holding and processing areas. The posters are printed and posted in English and Spanish, but also contain a box providing zero tolerance and reporting information in all common languages. In addition, CBP addresses zero tolerance prominently on its website, <https://www.cbp.gov/about/care-in-custody>. CBP has added numerous methods of providing information to the detainee population of CBP’s Zero-tolerance policy. They developed age-appropriate colorful posters, informational display system slides, and scripts to provide key information regarding zero-tolerance of sexual abuse and sexual assault and how to report incidents of sexual abuse and/or assault at CBP holding facilities. The posters were observed at Santa Teresa Station which were published in English and Spanish, however, STN also has access to posters in several other languages depending on the type of population received at the facility. CBP also disseminated two videos for use at the facility in Spanish, one depicting a girl and the other a boy, to encourage compliance with CBP’s zero-tolerance policy of sexual abuse and sexual assault and to encourage immediate reporting of behaviors that may constitute sexual abuse and/or sexual assault.

§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)(d): The facility does not meet the standard provision. CBP TEDS requires that all detainees be assessed for being at-risk of sexual assault before being placed in a hold room or holding facility. The assessment by policy includes whether the detainee has exhibited a mental, physical, or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; whether the detainee self identifies as LGBTI or gender non-conforming; any prior sexual victimization and the detainee’s own concerns about his/her physical safety. A

memorandum was issued on June 6, 2022, to all Chief Patrol Agents and all Directorate Chiefs by the Strategic Planning and Analysis Directorate, and further issued as an attachment by the Chief Patrol Agent, El Paso Sector, to Patrol Agents in Charge and Unit Supervisors on June 14, 2022. The memorandum requires station staff to assess every detainee for risk of sexual victimization and abusiveness and to document the assessment in the [REDACTED]

The agent uses the assessment to determine the detainees hold room assignment and to separate potential victims from potential abusers. Individualized determinations must be made about how to ensure the safety of each detainee. While Local SME and agent interviews indicated that each detainee is assessed through a variety of cues and questions to determine if a vulnerability exists, none of the eight interviewed detainees confirmed any questions regarding their own view of their physical safety or concerns regarding sexual abuse were asked of them. Staff interviews confirmed that the processing agent will "watch" for any discerning cues that may lead them to believe a detainee is at risk for being a potential victim or perpetrator of sexual abuse. The auditor reviewed the intake entries that were in the system, however, the risk assessment was not documented. **Corrective Action:** Provide documentation that detainees are asked questions regarding his or her own concerns about his or her physical safety and that the risk assessment is conducted prior to a detainee being placed in a hold room with other detainees or overnight.

(e): The facility meets the standard provision. CBP TEDS requires staff to ensure assessments are provided in private where sensitive information cannot be learned by other parties. The dissemination of sensitive information is to be controlled on a "need to know" basis. Local SME and agent interviews verify this practice as all information on detainees is kept in the [REDACTED] and not available to all staff.

§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): The facility meets the standard provision. Both CBP TEDS and CBP Directive 2130-030 requires detainees be provided multiple ways for detainees to privately report sexual abuse/assault, retaliation and/or staff neglect or violations leading to sexual assault. The directive states procedures for reporting alleged sexual abuse and/or assault are to be visible or readily available to detainees at holding facilities and posted on the CBP public website. The telephone information for DHS OIG is found on the Keep Detention Safe posters located in the processing area and the private area designated for making phone calls.

(b): CBP Directive 2130-030 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. Local SME and agent interviews verify detainees may report abuse verbally or in writing to staff; third party reports are accepted, and a detainee may request to make a private anonymous telephone call to DHS OIG. Detainees are informed they can call DHS OIG to report privately. The Auditor, through direct observation viewed the private room and posters in which the DHS OIG number is provided. The Auditor called the number on the Keep Detention Safe poster to confirm a working anonymous telephone could be used by a detainee. This call was verified by the staff on the receiving end of the call. If a detainee requests such a call, the Agent will escort the detainee to the room and dial the DHS OIG hotline number. The detainee will have privacy and be observed visually from the hallway by the Agent. All detainees interviewed knew they could use the telephone to report sexual abuse allegations to the DHS OIG.

(b)(c): The facility meets the standard provision. Local SME and agent interviews revealed staff are aware that if third parties report allegations of sexual abuse and/or assault are promptly reported and documented in writing. Staff state all sexual abuse and/or sexual assault allegations are taken seriously and reported to supervisors regardless of the method of the report.

§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 make public reporting procedures for sexual abuse or detainees at: <https://www.cbp.gov/about/care-in-custody>. The website provides a toll-free Joint Intake Center Hotline phone number, email address, and physical address to allow different methods of reporting to the Joint Intake Center. The website also provides, the phone number, email address, and an online reporting site for the DHS OIG. Local SME and agent interviews confirmed that third parties are provided different methods of reporting and further state if they received a third-party allegation, they would promptly notify their supervisor.

§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 provision. CBP Directive 2130-030 requires all staff to report immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse/assault; retaliation against detainees or staff who made such a report or participated in an investigation of sexual abuse, or any staff neglect or violation of responsibilities contributing to an incident or retaliation. Directive 3340-025F, Reporting Significant Incidents to the U.S. Border Protection Watch, directs staff that sexual abuse and/or assault be reported to a unified hub which operates 24/7 to assure all significant incidents are reported immediately to all required leadership. All interviewed agents affirmed these responsibilities. When staff were asked how they could report outside of the chain-of-command, they all reported they could call DHS OIG or JIC. Agents further stated they reviewed the PREA reporting requirements during musters. A laminated job aid on reporting requirements were made available to all staff.

(c): The facility meets the standard provision. CBP Directive 2130-030 states except as necessary to report the incident, CBP and its staff shall not reveal any information related to the incident except as necessary to aid the detainee, to protect other detainees or staff, or to make security and management. Agent interviews verify that the dissemination of information regarding a sexual assault is limited to their immediate supervisor, other staff necessary to protect the detainee and the crime scene, and only those others on a "need to know" basis.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires the facility to report sexual abuse and/or assault allegations involving alleged victims under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute to the designated State or local services agency under applicable reporting laws. Interviews with local SMEs reveals sexual assault of victims under the age of 18 years and vulnerable adults, will be reported to the designated state of local services agency by the ACPA or their designee and at the direction of the HQ OPR/Sexual Abuse and Investigative Coordinator (SAAI) SME. This practice was verified by the ACPA during interviews.

§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 requires any agency employee who believed circumstances exist which place a detainee at imminent risk of sexual assault to take immediate action to protect the detainee. Interviews with local SMEs and agents confirm that a detainee feeling at risk would immediately be protected by isolation or direct constant supervision (sight and sound) or both. The detainee would be removed from contact with other detainees and would be supervised, as directed by the Local SME on duty.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires that should a detainee have been sexually abused and/or assaulted at another facility prior to arriving at STN, the prior agency or administrator must be notified. Interview with the ACPA verified that the PAIC or their designee would make the notification.

(b): The facility meets the standard provision. The standard provision requires that notification be made within 72 hours of receiving the allegation. This process was confirmed during interviews with Local SMEs who stated the notifications would be made immediately which meet the standard provision.

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

(d): The facility meets the standard provision. The PFC reported that the STN follows all agency reporting requirements as specified in CBP Directive 2130-030. He stated that upon notification from another facility of an allegation of sexual abuse/assault which occurred at STN, JIC shall be notified immediately using the same process as if the detainee was present at the facility.

§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 agency/facility meets the standard provision. CBP Directive 2130-030 details the responsibilities for the first agent on scene of a reported allegation. The directive and the PREA training through the Acadis portal provide the necessary steps to be taken if a detainee is sexually assaulted. The first responding Agent or their supervisor is to perform all first responder duties delineated in the standard provision. Interviews were conducted with SMEs and agents and they recited their duties which included, separating the alleged victim and abuser, preserving and protecting the crime scene if the abuse occurred within a time period it still allows for the collection of evidence, and requesting the alleged victim and ensuring the alleged abuse do not take any action that could destroy evidence. The SMEs and agents also stated that in addition to training all law enforcement personnel on first responder duties, the STN reviews these duties on a regular basis through staff musters.

(b): CBP TEDS addresses non-law enforcement duties and requires the non-law-enforcement staff to request the alleged victim not take any actions that could destroy physical evidence and notify law enforcement staff. STN only allows law enforcement interactions with detainees during their entire holding period. The contract staff have also received first responder duties.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 states the directive constitutes CBP's written institutional plan for utilizing a coordinated multidisciplinary team approach to respond to sexual abuse and/or assault. The directive provides a clear progressive plan for all components of addressing sexual abuse in holding facilities. On August 15, 2022, CBP developed a job aid which details first responder duties defining sexual assaults of a detainee by another detainee, sexual assault of a detainee by an employee, contractor, or volunteer. The job aid also includes first responder duties, notifications for investigations, forensic medical examinations, an incident reporting. Interviews with

all local SMEs and agents verified an awareness of their requirement to provide medical care. They were also aware detainees must have access to victim advocates, if desired and would be provide at the University Hospital in El Paso.

(b)(c): The facility meets the standard provision. CBP Directive 2130-030 requires the staff to notify another DHS facility if the victim of sexual abuse/assault is transferred there. This notification must include the detainee's need for medical or social services. These requirements were confirmed through the interview with the ACPA and the notification would be made by the PAIC or their designated supervisor.

§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. With regard to an allegation of sexual abuse by a staff member, interviews with local SMEs verified agency policy is to remove the staff member from contact with detainees pending the outcome of an investigation into alleged sexual abuse/assault or violations of agency policies at the consideration and discretion of agency management including the PAIC and Sector Chief. The PAIC would reassign any staff member whose allegations of sexual abuse/assault or violations of policy had been made against, and from public contact. This re-assignment would remain in effect until the completion of the investigation. STN would follow the same procedures for any contractor who has been alleged to commit the same violations as CBP staff. The PAIC or Sector Chief would seek removal of the contractor from the facility. STN does not have any volunteers at the facility. This practice was confirmed during interviews with the ACPA. There were no reports made during the audit period as confirmed through the interview with the ACPA.

§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 TEDS prohibits all CBP staff from retaliating against any person, including a detainee, who alleges or complains about mistreatment, participates in sexual activity as a result of force, coercion, threat, or fear of force. Directive 51735-013B, Standards of Conduct, with an effective date of December 9, 2020, clearly prohibits retaliation or sexually abusing and/or assaulting a detainee. The training on the implementation of this policy was verified by interviews with local SME ACPA. Interviews with agents report that retaliation is prohibited by the directive and have been trained to look for signs of it occurring.

§115.171 – Criminal and administrative investigations.

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

Notes:

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

§115.172 – Evidentiary standard for administrative investigations.

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

Notes:

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

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 states CBP personnel may be subject to disciplinary action up to and including removal from their position and federal service for substantiated allegation of sexual abuse/assault and/or for violating CBP's sexual abuse policies. CBP Directive 51735-013B, Standards of Conduct gives notice to all CBP personnel they may be subject to disciplinary action for substantiated allegations of sexual abuse and/or assault. Interviews with HQ LMR/LER SME verified that disciplinary action is pursued in all cases of substantiated sexual assault or for violations of sexual abuse policies with removal of their position and federal service is the presumptive action.

(c): The agency meets the standard provision. Interview with HQ/PDO PSA Coordinator revealed there were no reports of sexual abuse during the 12-month audit period at STN. Interview with the HQ OPR/SAAI SME confirms all allegations of sexual abuse would be referred to the appropriate law enforcement agency by the PAIC/El Paso Sector Chief and notification is coordinated by the HQ OPR/SAAI SME.

(d): The agency meets the standard provision. Interview with HQ OPR/SAAI SME verified that removals or resignations for violations of agency or facility 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. Interviews with the local SMEs revealed that all suspected contractor perpetrators of sexual abuse would immediately be removed from contact with detainees. STN does not currently utilize any volunteers. The medical contractors were observed in the medical screening room, located in the detention area of the facility. The auditor confirmed the medical contractors have completed the required PREA training. Interview with the HQ SAAI SME verified that the agency is responsible for promptly reporting sexual abuse allegations and incidents involving alleged contractor or volunteer perpetrators to an appropriate law enforcement agency as well as to the Joint Intake Center or another appropriate DHS investigative office in accordance with DHS policies and procedures. The agency shall make reasonable efforts to report to any relevant licensing body, to the extent known, incidents of substantiated sexual abuse by a contractor or volunteer.

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

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

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

Notes:

(a)(b): The facility meets the standard provision. When appropriate, detainee victims of sexual abuse at STN are to be immediately transported to University Medical Center in El Paso where they would treat any medical emergency or utilize the SAFE/SANE for a victim of sexual assault and/or abuse. A forensic medical examination (FME) would only be performed with the detainee's consent and where medically and evidentiarily appropriate. A determination on whether the exam is evidentiarily appropriate is made by CBP's Office of Professional Responsibility. The services would be

provided to the victim at no charge regardless of the victim's cooperation with the sexual assault investigation. Interviews with the local SMEs verified these services would be provided at no charge, regardless of the detainee's cooperation with any investigation.

§115.186(a) – Sexual abuse incident reviews.

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

Notes:

The agency meets the standard. The HQ PAQ indicates there have been no investigations of sexual abuse allegations at STN during the audit period. Interview with the HQ PDO/PSA Coordinator reveals their office regularly receives sexual abuse incident reviews with 30 days after the conclusion of a sexual abuse investigation at a facility. The Incident Review Committee (IRC) is comprised of three CBP HQ Program Managers and the local PREA Field Coordinator. The ACPA indicated that the EPT CPA would take any recommendations made by the IRC and made a concerted effort to address deficiencies within his span of control and budgetary restrictions.

§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.

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)

09/03/2024

Auditor's Signature

Date



PREA Audit: Subpart B Short-Term Holding Facilities Corrective Action Plan Final Determination

AUDITOR

Name of Auditor:	(b) (6), (b) (7)(C)	Organization:	Creative Corrections, LLC
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

AGENCY

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

Name of Program Office:	U.S. Customs and Border Protection
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	El Paso Sector
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Sector or Field Office Physical Address:	8901 Montana Avenue, El Paso, Texas 79925
Mailing Address: (if different from above)	

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Santa Teresa Station		
Physical Address:	1005 NM Highway 9, Santa Teresa, NM 88008		
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:	Patrol Agent-in-Charge (PAIC)
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

FINAL DETERMINATION

SUMMARY OF AUDIT FINDINGS:

Directions: Please provide summary of audit findings to include the number of provisions with which the facility has achieved compliance at each level after implementation of corrective actions: Exceeds Standard, Meets Standard, and Does Not Meet Standard.

The Prison Rape Elimination Act (PREA) on-site audit of U.S Customs and Border Protection (CBP) U.S. Border Patrol (USBP) Santa Teresa Station was conducted on Tuesday February 14, 2023, from 0500 hours until 1930 hours. The audit was conducted by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC. of Beaumont, Texas. This was the first PREA audit for Santa Teresa Station. Santa Teresa Station is a short-term processing and holding areas detaining male and female adults, Unaccompanied Alien Children (UAC), and family units for a time period specified to be under six hours, pending transfer for removal, detention, or placement. Santa Teresa Station share law enforcement duties with four other Border Patrol Stations in the El Paso Sector.

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 and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

The Santa Teresa Station on-site audit was completed on Tuesday February 14, 2023, and the findings report was submitted in March 2023 which identified that Santa Teresa Station did not meet standard 115.141.

After several communications between CBP, Santa Teresa Station, and the Auditor, a Corrective Action Plan for standard provision 115.141 (a)(b)(c)(d), was received on September 18, 2023. Santa Teresa Station stated they would address the deficiency for PREA standard 115.141 (a)(b)(c)(d) by reminding personnel of the importance of the PREA standards, to include the Risk Assessment Instrument in the (b) (7)(E) and by providing them with the necessary tools (Pocket Cards, Acadis course, PREA policy documentation) to effectively identify and/or mitigate danger to detainees. The Corrective Action Plan included the documentation below:

On December 1, 2022, Santa Teresa Station management emailed all agents a reminder of ensuring proper PREA screenings on detainees, outlining verbal statements and identifying nonverbal cues, in addition to providing them the most recent policy memorandum from the El Paso Sector Chief. It should be noted that although included in the CAP, the memorandum was issued to staff prior to the on-site audit.

On March 23, 2023, Santa Teresa Station management sent a second email stressing the importance of PREA screening. The email contents were also reiterated to agents during daily muster briefings for that week, ensuring that the message was relayed to the widest extent.

After review of the CAP, the Auditor did not approve the CAP as written and requested Santa Teresa Station to provide additional documentation as the Auditor could not confirm any actual training to the Santa Teresa Station staff.

On October 4, 2023, CBP resubmitted a CAP, dated September 29, 2023. Santa Teresa Station provided training documentation electronically signed by staff acknowledging they understood the risk assessment process. The Santa Teresa Station leadership further reported they would reissue the June 2, 2022, memo from leadership to personnel reiterating:

- the importance of conducting a PREA risk assessment prior to placing individuals in holding cells; and
- the procedures (observe visual cues *and* ask detainees if they have concerns about their physical safety) to properly conduct a risk assessment, and the imperative to record the risk assessment in (b) (7)(E)

Santa Teresa Station further reported they had developed a new reporting capability based on records of risk assessments documented by USBP personnel in the (b) (7)(E) during processing. Santa Teresa Station provided a report with the following information for a two-week period (September 15 through September 28, 2023): the number of individuals processed at the station, the number of risk assessments completed, and

the overall percentage of risk assessments completed at Santa Teresa Station. The report did not reflect 100% of risk assessments being conducted. Communication with CBP indicates that the percentages included those who were processed through Santa Teresa Station, but risk assessments could not be conducted because they also report infants and tender-age children.

Upon review of the updated CAP, the Auditor was not provided adequate proof that the risk assessments were being conducted on those who did require risk assessments.

After numerous meetings, email requests and attempts for the Santa Teresa Border Patrol Station to comply with the requested CAP during the 6-month period, and thereafter, it is determined that the Santa Teresa Station has failed to show compliance under the DHS PREA Standard 115.141, specifically when conducting a risk assessment on detainees prior to placing them in a hold room to ensure their safety, was not being completed and documented.

The Santa Teresa Station is not in compliance with the PREA standards. All corrective action requested were not fulfilled within the 180-day period after the audit.

PROVISIONS

Directions: After the corrective action period, or sooner if compliance is achieved before the corrective action period expires, the auditor shall complete the Corrective Action Plan Final Determination. The auditor shall insert the provision(s) below that required corrective action and state if the facility's implementation of the provision now "Exceeds Standard," "Meets Standard," or "Does not meet Standard." The auditor shall include the evidence relied upon in making the compliance or non-compliance determination for each provision that was found non-compliant during the audit.

§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:

On September 18, 2023, Santa Teresa Station submitted a CAP dated March 23, 2023, to comply with standard provisions 115.141 (a) through (e). The CAP included documentation which included a memorandum dated December 1, 2022, from Santa Teresa Station management to all agents a reminder of ensuring proper PREA screenings on detainees, outlining verbal statements, identifying nonverbal cues, and providing agents the most recent policy memorandum from the El Paso Sector Chief referencing risk assessments. It should be noted that although included in the CAP, the memorandum was issued to staff prior to the on-site audit. Santa Teresa Station also included an additional email dated March 23, 2023, emphasizing the importance of PREA screening. The email contents were also reiterated to agents during daily muster briefings for that week, ensuring that the message was relayed to the widest extent. Upon review of the CAP, the Auditor determined Santa Teresa Station had not fulfilled the requirements of the standard provisions and requested additional information.

On October 4, 2023, Santa Teresa Station submitted an updated CAP, dated September 29, 2023. Santa Teresa Station provided training documentation electronically signed by staff acknowledging they understood the risk assessment process. The Santa Teresa leadership further reported they would reissue the June 2, 2022, memo from leadership to personnel reiterating the importance of conducting a PREA risk assessment prior to placing individuals in holding cells and the procedures (observe visual cues and ask detainees if they have concerns about their physical safety) to properly conduct a risk assessment, and the imperative to record the risk assessment in (b) (7)(E).

Santa Teresa Station further reported they had developed a new reporting capability based on records of risk assessments documented by USBP personnel in the (b) (7)(E) during processing. Santa Teresa Station provided a report with the following information for a two-week period (September 15 through September 28, 2023): the number of individuals processed at the station, the number of risk assessments completed, and the overall percentage of risk assessments completed at Santa Teresa Station. The report did not reflect 100% of risk assessments being conducted. Communication with CBP indicates that the percentages included those who were processed through Santa Teresa Station, but risks assessment could not be conducted because they also report infants and tender-age children.

Upon review of the updated CAP, the Auditor was not provided adequate proof that the risk assessments were being conducted on those who did require risk assessments. The Auditor has determined Santa Teresa has not provided sufficient information to ensure that risk assessments are conducting on detainees being held. Therefore, the Auditor has determined that Santa Teresa does not meet the standard. Further, the Corrective Action was not corrected the 180-day period as required by PREA.

OVERALL DETERMINATION - AFTER IMPLEMENTATION OF THE CORRECTIVE ACTION PLAN	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards) <input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) <input checked="" type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	<input type="checkbox"/> Low Risk <input checked="" type="checkbox"/> Not Low Risk

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

September 3, 2024

Date