

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



U.S. Customs and  
Border Protection

## AUDITOR INFORMATION

<b>Name:</b>	(b) (6), (b) (7)(C)	<b>Company Name:</b>	Creative Corrections, LLC
<b>Mailing Address:</b>	(b) (6), (b) (7)(C)	<b>City, State, Zip:</b>	Beaumont, Texas 77706
<b>Email Address:</b>	(b) (6), (b) (7)(C)	<b>Telephone Number:</b>	(b) (6), (b) (7)(C)

## AGENCY INFORMATION

<b>Name of Agency:</b>	U.S. Customs and Border Protection
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## PROGRAM OFFICE

<b>Name of Program Office:</b>	Office of Field Operations
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## SECTOR OR FIELD OFFICE

<b>Name of Sector or Field Office:</b>	Laredo Field Office
<b>Name of Chief or Director:</b>	(b) (6), (b) (7)(C)
<b>PREA Field Coordinator:</b>	(b) (6), (b) (7)(C)
<b>Physical Address:</b>	109 Shiloh Dr., Suite 300, Laredo, Texas, 78045
<b>Mailing Address: (if different from above)</b>	

## SHORT-TERM HOLDING FACILITY BEING AUDITED

<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Hidalgo Port of Entry		
<b>Physical Address:</b>	1026 S. International Blvd., Hidalgo, Texas, 78557		
<b>Mailing Address: (if different from above)</b>			
<b>Telephone Number:</b>	(b) (6), (b) (7)(C)		
<b>Facility Leadership</b>			
<b>Name of Agent in Charge:</b>	(b) (6), (b) (7)(C)	<b>Title:</b>	Acting Assistant Port Director
<b>Email Address:</b>	(b) (6), (b) (7)(C)	<b>Telephone Number:</b>	(b) (6), (b) (7)(C)

## AUDIT FINDINGS

### NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

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

The Prison Rape Elimination Act (PREA) on-site audit of Customs and Border Protection (CBP), Hidalgo Port of Entry (POE) was conducted June 4, 2024, by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC., of Beaumont, Texas. This audit was conducted to determine facility compliance with the Department of Homeland Security (DHS) PREA Standards. As such, along with the on-site portion of the audit, the audit also involved a review of CBP's PREA policies and procedures, agency, and facility-based documents, as well as interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

This was the second PREA audit for Hidalgo POE, with the first audit having occurred on July 18, 2019. For the current audit, the possible detainee population includes adult males, adult females, family units, and juveniles. However, it should be noted that at the time of the on-site audit, while there were adults, family units, and juveniles being processed through the Hidalgo POE, there weren't any adults detained at the facility. At the time of the on-site audit, there were only two unaccompanied children (UC) being temporary held pending process completion.

Upon entering the Hidalgo POE, the Auditor conducted an informal meeting with the Hidalgo POE leadership team to advise them of the audit format and schedule. Immediately thereafter, the Auditor was directed to a private office for commencement of interviews with staff from all shifts: (b) (7)(E). Watch Commander (b) (6), (b) (7)(C), PREA Field Coordinator, was the point of contact throughout the audit.

At 0700 hours, all areas of the Hidalgo POE were inspected by the Auditor. (b) (7)(E) When applicable, detainee groups are held according to their gender, age, and other necessary protective measures. The facility can hold detainees with mental, physical, and/or developmental disabilities, as well as detainees who self-identify as gay, lesbian, bi-sexual, transgender, intersex, and gender non-conforming.

The Hidalgo POE consists of three large buildings, each divided into multiple sections. One building contains only administrative offices. The other two buildings are processing areas for persons traveling into the Hidalgo POE. Building A is used for processing pedestrian traffic. Building B is used for processing vehicle traffic. Inside each of those two buildings, there are sections that contain only administrative areas utilized by local SMEs, officers, and contracted personnel. Other sections within those buildings, particularly processing areas, contain hold rooms. In total, there are (b) (7)(E) multiple occupancy hold rooms. Additionally, there are single person hold rooms. Some hold rooms contain their own toilets and sinks. Hidalgo POE does not have shower facilities. Rather, if needed, persons can be transported to the Ursula Central Processing Center for showering. (b) (7)(E)

(b) (7)(E) As well, a non-movable half wall was constructed adjacent to the toilet to provide persons with privacy from other detainees and staff while in use.

When present, females are held separately from male detainees. Also, when present, UC are held according to their gender and age in separate designated areas away from adult detainees. The family hold room contains a television. When present, and as medically appropriate, juveniles are provided unlimited access to water, juice, and snacks. They are also given frequent access to the toilet as requested. When appropriate, the door to the family hold room remains open to help create the least restrictive environment as possible for juveniles. It should also be noted that the hold rooms used for juveniles, when present, is in the direct line of sight of an officer workstation designated for the sole purpose of monitoring persons within any hold rooms. These rooms, when occupied by juveniles, are also kept open to help create the least restrictive environment as possible for juveniles.

During the Hidalgo POE on-site inspection, the Auditor reviewed (b) (7)(E) the layout of the holding areas. While the layout of the facility allows for a clear view into all hold rooms via officer workstations or by staff conducting routine security checks, (b) (7)(E). (b) (7)(E)

Throughout the facility, there are age appropriate PREA posters (child, juvenile, and adult age ranges). These posters are printed in Creole, English, and Spanish.

Lastly, there are four police departments who act as local law enforcement agencies with jurisdiction for conducting investigations of allegations of sexual assault and/or sexual abuse made by individuals being held at the Hidalgo POE. As such, the Hidalgo POE does have a memorandum of understanding in place with each of these agencies: Hidalgo Police Department, McAllen Police Department, Mission Police Department, and Pharr Police Department. Said memorandums request that all investigations are conducted in accordance with Section 115.121(a) through (d) of Subpart B of the Department of Homeland Security Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities.

Scope of Audit: Prior to the on-site inspection, the Auditor reviewed the HQ and Local Pre-Audit Questionnaires (PAQs), HQ Responsive Documents and Data Requests, local documents, including Hidalgo POE specific documents, and HQ Participation documents. During the on-site portion of the audit, Notice of Audit postings were displayed throughout the facility. As confirmed by a local SME, the Notice of Audit postings had been displayed in accordance with the required time frames of the audit. The Auditor was provided with a facility roster to select local SMEs, officers, and contractors for interviews. The Auditor conducted three local SME interviews, five officer interviews, three contractor interviews (one medical staff and two data entry staff), and two UC interviews. There weren't any volunteers currently working within the facility. All interviews were done in a private setting. The Auditor spoke with Emergency Room staff of the South Texas Health System McAllen Hospital, a local hospital operating a Level One Trauma Center available for detainee use as needed and free of charge. The Auditor spoke with staff from Just Detention International, which is a nationally based advocacy service with extensive resources to offer incarcerated individuals. The Auditor also conducted a test call to the Department of Homeland Security (DHS) Office of Inspector General (OIG) Hotline. During the 12-month audit time frame, the Hidalgo POE received one (1) allegation of sexual abuse. However, the investigation into said allegation has not yet been completed. As such, it was not available for review.

On June 4, 2024, at approximately 1600 hours, an exit briefing was held to discuss on-site observations. The exit briefing was conducted by Certified PREA Auditor (b) (6), (b) (7)(C). During this exit briefing, the Auditor reiterated how the triangulation process between agency/facility documents, agency/facility interviews, and on-site observations accumulates into the final determination of facility compliance.

Those in attendance for the exit briefing were:

- (b) (6), (b) (7)(C), HQ Deputy PSA Coordinator, via Teams
- (b) (6), (b) (7)(C), National PREA Coordinator, via Teams
- (b) (6), (b) (7)(C), Supervisory Program Manager, via Teams
- (b) (6), (b) (7)(C), Supervisory Program Manager/PREA Field Coordinator, via Teams
- (b) (6), (b) (7)(C), Watch Commander
- (b) (6), (b) (7)(C), Acting Assistant Port Director, Hidalgo Port of Entry (POE)
- (b) (6), (b) (7)(C), Supervisory CBP Officer, Hidalgo POE
- (b) (6), (b) (7)(C), Program Manager, Creative Corrections, via Teams
- (b) (6), (b) (7)(C), PREA Auditor, Creative Corrections

**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 Hidalgo POE on-site audit was completed on Tuesday, June 4, 2024, with the findings report being submitted on July 5, 2024.

The audit process included a review of all documentation, interviews with both agency and facility-based staff, as well as on-site observations of facility procedures and holding conditions. This process has found the Hidalgo POE in compliance with 23 standards and exceeding in two (2) standards for a total of 25 DHS Subpart B Standards.

**Hidalgo POE meets 23 standards:** 115.111, 115.113; 115.114, 115.115, 115.117, 115.118, 115.121, 115.122, 115.131, 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.

**Hidalgo POE exceeds 2 standards:** 115.116, 115.132.

<b>SUMMARY OF AUDIT FINDINGS</b>	
Number of standards exceeded: 2	
Number of standards met: 23	
Number of standards not met: 0	
<b>OVERALL DETERMINATION</b>	
<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 toward all forms of sexual abuse and outlining the agency's approach to preventing, detecting, and responding to such conduct. On March 12, 2014, the Commissioner informed all staff through email communication of the adoption of the final rule of the PREA standards and the agency's commitment of protecting the safety of individuals in CBP custody. The memorandum further stated CBP is committed to a zero tolerance of sexual abuse and or sexual assault in all CBP holding facilities. The agency developed CBP Directive 2130-030, Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, dated January 19, 2018, establishing procedures for zero tolerance of sexual abuse and/or assault within CBP holding facilities. The agency designated an upper-level, agency-wide Prevention of Sexual Assault (PSA) Coordinator, as well as a Deputy PSA Coordinator, who have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA Standards for DHS holding facilities. In speaking with the HQ Privacy and Diversity Office (PDO) PSA Coordinator, it was noted that this role is a fulltime position within the upper hierarchy of the agency. As such, the PSA Coordinator has both sufficient time and authority to command the responsibility. In speaking with Hidalgo POE SMEs, it was noted that officers receive training specific to the agency's zero-tolerance policy through several means: Required online training through Acadis, agency emails containing both information regarding sexual abuse and resource links for relevant PREA concerns, yearly and subsequent trainings with signature sheets acknowledging receipt and understanding of policies, zero tolerance advisement posters throughout the facility, as well as verbalizing agency policy to all staff. All interviewed officers and contractors stated that they received training on the agency's zero-tolerance policy during the academy or through their initial onboarding process. All officers and contractors stated that they were familiar with the policy and have received subsequent training and information regarding it, in addition to biannual refresher courses via Acadis. Additionally, it was noted that the prevalence of zero tolerance posters existed throughout the facility, zero tolerance advisement cards given to staff, and the prevalence of assorted job aids, makes information regarding agency procedures readily available to all persons within the facility.

### §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 Hidalgo POE to maintain sufficient supervision of detainees, through appropriate staffing levels, (b) (7)(E) to protect detainees against sexual abuse. As noted within agency policy, the safety of CBP employees, detainees, and authorized visitors is paramount during all aspects of CBP operations. CBP National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015, require Hidalgo POE officers to closely supervise hold rooms when in use. The Hidalgo POE consists of three large buildings, each divided into multiple sections. One building contains only administrative offices. The other two buildings are processing areas for persons traveling into the Hidalgo POE. Building A is used for processing pedestrian traffic. Building B is used for processing vehicle traffic. Inside each of those two buildings, there are several sections that contain only administrative areas utilized by SMEs, officers, and contracted personnel. Other sections within those buildings, particularly processing areas, contain hold rooms. In total, there are (b) (7)(E) multiple person occupancy hold rooms. Additionally, there are single person hold rooms. Some hold rooms contain their own

toilets and sinks. Hidalgo POE does not have shower facilities. However, if needed, persons may be transported to the Ursula Central Processing Center for showering. (b) (7)(E)

. As well, a non-movable half wall was constructed adjacent to the toilet to provide persons with privacy from other detainees and staff while in use.

(b)(c): The facility meets the standard provisions. The standard requires Hidalgo POE to develop and document comprehensive detainee supervision guidelines and review the supervision guidelines at least annually. CBP Directive 2130-030, and a memorandum dated August 12, 2014, from the Acting Assistant Commissioner, Office of Field Operations was sent out to all Directors, Office of Field Operations supplementing the Agency's Standard to Prevent, Detect, and Respond to Sexual Assault in CBP holding facilities. The supplement includes management requirements of developing and documenting comprehensive detainee supervision guidelines, which has been accomplished through TEDS. If there was an influx of detainees, the Hidalgo POE SMEs indicated the facility would continue to hold the detainees for which it had the capacity to hold. The remaining detainees would be sent to the neighboring Central Processing Centers (CPC) or other facilities as coordinated through the CPCs. The Directive also requires Hidalgo POE to review the detainee supervision guidelines at least annually and consider its applicability based on the physical layout, the composition of the detainee population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, the findings and recommendations of sexual abuse incident review reports, and any other relevant factors, including but not limited to the length of time detainees spend in agency custody. Hidalgo POE conducted its last review of the detainee supervision guidelines on October 20, 2023. The Auditor reviewed the assessment conducted by management at the facility. The report was comprehensive and provided detailed information. At that time, a determination was made by Hidalgo POE that the facility maintains sufficient supervision of detainees. Per policy, this report was submitted to the PSA Coordinator for final review.

**§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. The standard requires Hidalgo POE to ensure juveniles are detained in the least restrictive setting appropriate to the juvenile's age and special needs, while still maintaining the welfare of the juvenile and the overall detainee population. CBP TEDS and a memorandum from the Acting Assistant Commissioner of Field Operations issued on August 12, 2014, to the Directors of Field Operations, Director of Preclearance Operations, and the Office of Field Operations referencing the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP/OFO Hold Room Facilities stating that juveniles are to be held in the least restrictive setting appropriate to the juveniles age and special needs, provided that the setting is consistent with the need to protect the juvenile's well-being and that of others as well as with any other laws, regulations, or legal requirements. Interviewed officers stated that the facility does contain a hold room specifically for families and UC. Local SMEs stated that this family hold room contains a television for juveniles to use. At the time of the on-site inspection, this television was playing cartoons, which was age-appropriate for the UC being held in said room. Juveniles also had access to reading materials, coloring books, games, and small toys designed for children of differing ages. Juveniles were provided unlimited access to drinks and snacks. They were also given frequent access to toilet facilities, which do require juveniles to be escorted to bathroom facilities. Additionally, there are additional single person hold rooms where UC can be placed as needed. It should be noted that both officer and UC interviews confirm that UC are held separately, in accordance with their gender, and escorts to bathroom facilities are done by persons of the same gender as the UC being escorted. The hold rooms that contained juveniles are in the direct line of sight of an officer workstation, which is operated for that purpose and located immediately outside of the juvenile hold rooms. Per a local SME, officers were also required to conduct welfare checks of juvenile hold rooms every 15 minutes.

(b): The facility meets the standard provision. As required by CBP TEDS and noted by a local SME, UC are held separately from adults. During a local SME interview, it was explained that when present, unaccompanied juveniles can remain with a non-parental adult family member if their relationship has been vetted to the extent feasible and

remaining with the non-parental adult family member is appropriate given the totality of the circumstances. This is done through a review of documents presented by the non-parental adult family member in comparison to governmental databases containing relevant information and recognizing non-verbal signals. Additionally, interviews are conducted with both the non-parental adult and the juvenile. However, when interviewed, both UC being detained during the on-site portion of the audit were traveling alone. They each noted that since arriving at the facility, they had been kept in a private room with no adult detainee contact.

**§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 restricts the use of cross-gender strip (partial body) searches or cross-gender visual body cavity searches except in exigent circumstances, including consideration of officer safety or when performed by medical practitioners. If an opposite gender staff member must perform a strip (partial body) search or be present at a medical examination, interviewed officers stated that two staff are always present. In speaking with the Hidalgo POE SMEs and officers, these requirements were continuously iterated. As such, interviews with the local SMEs and officers confirm their knowledge of policy, as well as the extensive documentation required should an exigent circumstance result in a cross-gender search. Additionally, personnel articulated the need to conduct all searches in a professional manner appropriate to the gender of the person being searched. During the audit time frame, Hidalgo POE has not conducted any strip (partial body) searches or body cavity searches. As such, there wasn't any documentation to review. Interviews with local SMEs confirm that all pat-down searches have been conducted by officers of the same gender as the detainee. When asked, the local SMEs stated that there was always sufficient staff available of the same gender to conduct a pat-down search if needed. During the on-site audit, an officer was observed conducting an immediate pat-down search in accordance with policy.

(d): The facility meets the standard provision. CBP TEDS has outlined requirements to allow detainees to shower, 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. When received at the Hidalgo POE, detainees are placed in hold rooms with other detainees of the same gender. If staff of the opposite gender enter those hold rooms, policy requires said staff to knock and announce their presence before entering. During employee/contractor interviews, it was further noted that staff of the opposite gender do not enter hold rooms. Rather, staff stand at the door to call for a detainee, who then approaches the officer at the doorway. This effort is made to provide detainees with as much privacy as possible while still ensuring an overall safe environment. Given the short processing time, Hidalgo POE does not have any shower facilities. (b) (7)(E)

To allow for additional privacy, a modesty barrier prevents viewing of the toilet area both from those persons outside of the hold room, as well as from other detainees within the hold room. Lastly, it should be noted that all persons interviewed stated that they were given sufficient privacy when using the toilet. The UC also stated that staff call for the detainees to approach the door instead of entering the hold room.

(e)(f): The facility meets the standard provisions. CBP TEDS clearly outlines the requirements of all pat-down searches. As noted during local SME and officer interviews, all officers stated that they have been trained on proper search procedures and stated that whenever operationally feasible, the search would be conducted by the same gender, gender identity, or declared gender as the detainee being searched. CBP Directive 2130-030 prohibits staff from searching or examining detainees for the sole purpose of determining the person's gender. During local SME and officer interviews, all personnel were aware that searching detainees to determine their gender was not within policy guidelines. They further asserted that if the gender of an individual was unknown, they would simply ask the individual how that person identified and would address them accordingly. If a pat-down search of a transgender person was necessary, officers noted that the search would be performed in a manner appropriate for the declared gender of the detainee being searched. When interviewed, UC stated they had not been subject to a pat-down search.

**§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)(b): The facility exceeds the standard provisions. CBP Directive 2130-033, Nondiscrimination for Individuals with Disabilities in CBP-Conducted Services, Programs, and Activities (Non-Employment), dated July 8, 2021, clearly states it is CBP's policy not to discriminate against members of the public because of disability (hearing impaired, blind or low vision, or those who have intellectual, psychiatric, speech disabilities or Limited English Proficient (LEP) and for all persons to have access to CBP's efforts to prevent, detect, and respond to sexual abuse and/or sexual assault. All persons are afforded an equal opportunity to participate in, or benefit from, CBP-conducted services, programs, and activities. CBP Directive 2130-031, Roles and Responsibilities of CBP and Personnel Regarding Provision of Language Access, provides additional instruction on the agency's accommodation effects. As well, CBP Directive 2130-030 further directs staff to provide reasonable modifications to detainees who have disabilities (hearing impaired, blind, or low vision, or those who have intellectual, psychiatric, or speech disabilities) for said persons to have access to CBP's efforts to prevent, detect, and respond to sexual abuse and/or sexual assault. During the on-site inspection, phone numbers and web addresses for providers of accommodation services were readily accessible and observed. Additionally, agency policy requires that any written materials related to sexual abuse should be provided in formats that ensure effective communication with detainees with disabilities. During the on-site portion of the audit, all sexual abuse awareness posters were provided not only in English and Spanish, but also in Creole. Posters were produced in this language as the facility recognized a significant number of persons entering the Hidalgo POE spoke this dialect. There was also an *I Speak* poster at the Intake Station desk to assist staff in determining what language is spoken by detainees. When asked, officers stated they were aware of different resources, such as language assistance lines for detainees who were LEP, to assist in relaying Hidalgo POE's zero-tolerance policies. It was noted that with the use of video communications, officers also have to ability to provide sign language services for those in need of such. Additionally, officers consistently confirmed that a reasonable effort would be made to communicate with detainees in a manner so that all detainees could receive and comprehend the information provided. Specifically, officers and staff noted that they had made accommodations by writing information on paper for detainees to read or by downloading sign language applications on their phones to provide for sign language services. At the time of the on-site audit, there were no disabled detainees at the facility to interview. However, all LEP UC interviewed stated that staff were able to accommodate for their language and subsequently provided them zero tolerance information in a language that they understood. A review of documentation reflects that during the audit time frame, the Hidalgo POE has detained a UC who was deaf, blind, and cognitively impaired. This individual was subsequently sent to another facility capable of providing for this individual's needs.

(c): The facility meets the standard provision. CBP TEDS requires that when investigating allegations of sexual abuse, interpretation services may not be provided by another detainee, unless the reporting detainee expresses a preference for another detainee to provide interpretation services, and the supervisor determines that such services are appropriate and consistent with the operational office's policies and procedures. In speaking with the local SMEs and officers, all expressed caution against ever using another detainee to interpret allegations of sexual abuse.

**§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 directs the Office of Human Resources to develop policy and procedures to ensure that CBP does not hire or promote individuals who have had previous substantiated cases of sexual abuse and/or sexual assault. A memorandum by the Executive Director, with an issue date of February 29, 2016, issued Standard Operating Procedures to ensure the agency offers protection to all detainees of sexual abuse and/or sexual assault when hiring or promoting individuals within the agency. While interviewing the HQ Human Resource Management (HRM)/Hiring Center SME, the importance of staff suitability for employment was clearly expressed. It was noted that applicants are required to answer suitability questions during the



application process. Based on their responses, applicants may be screened out for employment and deemed ineligible for further consideration. In speaking with Office of Professional Responsibility (OPR)/Personnel Security Division (PSD) SME, it was noted that the agency conducts suitability determinations to screen out job applicants, as well as screen out contractors and volunteers, prior to hiring or enlisting their services. This is a two-step process. First, the agency engages its internal vetting process, checking at both the state and federal level for any law enforcement contact. Secondly, the agency conducts an intense background investigation on all candidates. During the on-site inspections, the Auditor reviewed background investigation information for eight staff members and three contractors to verify suitability measures were used during the hiring and promotion process of staff. The review indicated Hidalgo POE has followed agency requirements.

(b): The facility meets the standard provision. CBP has developed operational guidance through the issuance of the HRM Standard Operating Procedures to provide direction in the hiring and promotion of employees who have direct contact with detainees. CBP HRM developed Mission Specific Questions and a DHS PREA Questionnaire that includes asking applicants, who may have direct contact with detainees, about any previous misconduct as identified in provision (a) of this standard. While interviewing the HQ HRM/Hiring Center SME, it was noted that all staff must complete a PREA Questionnaire Form, whether the individual is a new hire or applying for promotions, which subsequently determines their suitability. Additionally, as noted by the HQ HRM/Labor Employee Relations (LER), as a function of employment, staff must also acknowledge a continuing affirmative duty to disclose any such misconduct. This information is initially relayed to prospective candidates during their on-boarding process, and then continuously advised on a yearly basis via virtual training completed by way of Acadis.

(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 requires that background investigations are conducted for all applicants for employment, along with contractor applicants who may have contact with detainees. Additionally, policy requires that subsequent background investigations are conducted every five years for all CBP personnel who may have contact with detainees. The Auditor reviewed a document summarizing the results of a background investigation, which was useful in addressing whether the employee is asked questions as described in standard provision (a). In speaking with the HQ OPR/PSD SME, the requirements surrounding continuing background investigations was explained. The employees are enrolled in continuous evaluation which provides updated information on employees, therefore, are always under review, thereby, eliminating the need for five-year reinvestigations. The Auditor selected eight employees and three contractors for continuing background verifications. Their names were submitted to HQ OPR through the DPSA Coordinator. A review of the background checks revealed the agency is following pre-hire background checks as required on employees and contractors.

(e): The facility meets the standard provision. The HQ HRM/LER SME stated CBP mandates that all persons have a continuing affirmative duty to report any acts of sexual abuse as required under the PREA standards. Likewise, the HQ HRM/LER SME explained that material omission or the provision of materially false information regarding such misconduct is grounds for termination or withdrawal for an offer of employment. The HQ HRM/LER SME also reported all employees are made aware of this requirement through the issuance of the Standards of Conduct and the Table of Offenses and Penalties, as well as providing staff continuing education throughout the year. When interviewed, employees stated that they were aware of their responsibility.

(f): The facility meets the standard provision. CBP Directive 2130-030 stipulates that unless prohibited by law, the agency will provide information on substantiated allegations of sexual abuse involving former employees upon receiving a request from an institutional employer for whom such employee has applied to work. Specifically, in speaking with the HQ HRM/LER SME, it was noted that if a former employee has applied for employment at another agency, and that person has signed a release of records, then the agency will provide the requesting agency with this information.

**§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. During the on-site inspection, it was noted that the facility is currently under construction. The SMEs stated that all modifications to the facility have been made with consideration toward the prevention, detection, and response to sexual abuse and/or sexual assault. The SMEs further stated the entire facility is being revamped and continues to be under construction since the last audit. As an example of consideration given to detainee education, the SMEs noted that sexual abuse awareness posters have been placed on portable easels. This ensures that as the placement or destruction of temporary walls continues through the construction process, the availability of PREA informational posters remains consistent.

(b): The facility meets the standard provision. (b) (7)(E)

Additionally, there weren't any persons interviewed who expressed any concerns for their privacy or for increased modesty measures.

**§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)(d): The facility meets the standard provisions. CBP Directive 2130-030 and CBP TEDS require timely, unimpeded medical treatment and crisis intervention, including emergency contraception and sexually transmitted infections prophylaxis be provided to a victim of sexual assault without financial cost to the detainee. Interviews with the Hidalgo POE SMEs confirm both forensic medical services, as well as victim advocacy services, would be provided to the alleged victim. The local SMEs further stated Hidalgo POE would transport any person in need of a forensic medical examination to the South Texas Health System McAllen Hospital. This is a Level One Trauma Facility, which has Sexual Assault Forensic Examiner/Sexual Assault Nurse Examiner (SAFE/SANE) staff continuously available. In speaking with South Texas Health System McAllen Hospital Emergency Room staff, it was noted that SANE staff do follow a uniform evidence protocol. Said staff also noted that South Texas Health System McAllen Hospital offers rape crisis victim advocates to all persons who undergo a forensic exam. All advocates have received qualified training to assure their effectiveness as a victim advocate. The local SMEs stated that if operationally feasible, accommodations would be made for any detainee victim with a continuing need to receive victim advocacy services while held at the Hidalgo POE.

(e): The facility meets the standard provision. The Executive Commissioner, OFO, issued a memorandum on June 25, 2021, advising all OFO facilities to advise local police departments to follow the PREA standards as required in this standard provision. Hidalgo POE has requested through memorandums dated December 14, 2021, that all local police departments that have jurisdiction to conduct investigations of allegations of sexual abuse made by individuals in custody at Hidalgo POE, do so in accordance with Section 115.121(a) through (d) of 6 C.F.R., Part 115. Local SMEs noted that the facility could coordinate investigations with any of these agencies: Hidalgo Police Department, McAllen Police Department, Mission Police Department, and Pharr Police Department.

**§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 all allegations of sexual abuse and/or assault to be documented on a Significant Incident Report and promptly reported to the Commissioner's Situation Room and the Joint Intake Center (JIC). CBP Directive 3340-025F, Reporting Significant Incident to the U.S. Customs and Border Protection WATCH, dated November 2, 2021, directs staff to report sexual abuse and/or sexual assault through a united hub, which operates 24 hours a day and seven days a week to ensure significant incidents are immediately reported to agency leadership. The HQ OPR/Sexual Assault and Abuse Investigative (SAAI) SME, as well as the HQ HRM/LER SME, noted that there are multiple layers of agency oversight, as well as policies in place to ensure incidents are immediately reported. The Hidalgo POE SMEs stated if allegations involve potentially criminal behavior, they are immediately reported to a series of persons: facility supervisors, sector supervisors, HQ OPR, DHS OIG, JIC, and the HQ PDO/PSA, for reporting coordination and investigative purposes. Additionally, reports would be made to the Hidalgo Police Department, McAllen Police Department, Mission Police Department, and/or Pharr Police Department.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires all allegations of sexual abuse and/or assault be promptly reported to the HQ PDO/PSA Coordinator, the Commissioner's Situation Room, and the JIC. If necessary, local SMEs noted that a supervisor on duty would be responsible for notifying the Joint Intake Center and local law enforcement of any sexual abuse allegations, as well as making the appropriate referrals to the PSA Coordinator. The HQ PDO/PSA Coordinator stated that all allegations of detainee sexual abuse are immediately reported. The DPSA Coordinator also stated that the Hidalgo POE had one allegation of sexual abuse and/or assault within the 12-month audit period. As of the date of the on-site audit, that investigation has not yet been completed. The DPSA Coordinator further noted that this allegation was reported per policy.

**§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): The facility meets the standard provision. CBP Directive 2130-030 requires that all uniformed agents, special agents, fact finders, contractors, and volunteers who may have contact with detainees in CBP Holding Facilities receive the training in Subpart B of the DHS Standards. The Auditor reviewed the training slides of CBP's mandatory training requirements. The training material specifically covers: (1) the agency's zero-tolerance policies for all forms of sexual abuse; (2) the right of detainees and employees to be free from sexual abuse, and from retaliation for reporting sexual abuse; (3) definitions and examples of prohibited and illegal sexual behavior; (4) recognition of situations where sexual abuse may occur; (5) recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing such occurrences; (6) procedures for reporting knowledge or suspicion of sexual abuse; (7) how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees; and (8) the requirement to limit reporting of sexual abuse to personnel with a need-to-know in order to make decision concerning the victim's welfare and for law enforcement or investigative purposes. The training for employees is through Acadis. During the on-site portion of the audit, eight (8) employee training records and three (3) contractor training records were reviewed to ensure the annual completion of the PREA training requirements. The Auditor found these training records to comply with the Directive and the Standards. As noted by interviewed employees and contractors, this training is required at least on a biannual basis. Additional information is published through Privacy and Diversity Office Payroll Messages, April Sexual Awareness Prevention Month Communication Package, dated April 19, 2022, and CBP Central CBP Net messaging for employees, memorandums, and email reminders of the mandatory training that continually reminds individuals of CBP's zero tolerance of sexual abuse and/or sexual assault. Additionally, while not currently applicable, training for volunteers has been developed through FEMA Emergency Management Institute ISO-990, Preventing Sexual Abuse and Assault in CBP Holding Facilities. The agency has developed a PREA Resource Center to provide information to all CBP employees who have contact with the detainee population. CBP communicates with agency contractors requiring and reminding them of the mandatory training. CBP has also developed two training aids to assist staff in their communications with detainees who have disabilities and how to identify with LGBTQI+ detainees. PDF versions of the Office of the Commissioner - Guide to Facilitating Effective Communication with Individuals who Identify as LGBTQI+ can also be accessed by staff

through their internal website. In speaking with the Hidalgo POE SMEs, officers, and contractors, it was noted that all possess levels of knowledge regarding the agency's zero-tolerance policies consistent with their required measures of educational training.

(b)(c): The facility meets the standard provisions. CBP Directive 2130-030 requires all current officers, contractors, and volunteers who may have contact with detainees are trained on the DHS PREA Standards and receive subsequent refresher training as appropriate dependent on their roles within the agency. During staff interviews, all persons confirmed their initial and subsequent refresher training on the DHS PREA Standards. This training is provided, and records maintained, via Acadis. All training documentation is maintained by the Contracting Agent's Representative for at least five years after course completion for all contractors. For volunteers, training documentation is maintained by the holding facility for at least five years after course completion. In speaking with contracted employees, receipt of required training was verified. It was noted that interviewed contractors were consciously aware of the agency's zero-tolerance policy regarding sexual abuse. Contractors are continually trained on the supervision and monitoring of detainees.

**§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 exceeds the standard. CBP has established a significant number of informative methods to notify detainees of the agency's zero-tolerance policy. During the onsite inspection, the Auditor noted large zero-tolerance policy posters displayed on the walls throughout the holding area. The posters, in Creole, English, and Spanish, provide information on how to report sexual abuse and/or sexual assault. Additionally, CBP addresses the zero-tolerance policy on its public website, <https://www.cbp.gov/about/care-in-custody>. The Auditor observed a substantial number of age appropriate Zero Tolerance Awareness Posters displayed on the walls throughout the facility. While it was noted that these posters were available in Creole, English, and Spanish, interviews with Hidalgo POE SMEs and staff reflected that if detainees spoke a different language, awareness notices could be printed in any of the seventeen languages noted below, and if necessary, could be translated by way of the language line to any language needed. CBP designed age-appropriate posters that provide information and depict cartoon pictures to make juveniles aware of the agency's zero tolerance of sexual abuse. The posters were colorfully designed for detainees of tender age (13 and below), juveniles (14 and above), and adults. CBP has also developed educational videos depicting a boy and a girl to encourage juveniles to report violations of CBP's zero tolerance of sexual abuse and sexual assault. Additionally, at the Intake Desk, there was a language identity poster. This poster contained identifying statements for approximately twenty-six different languages, to include distinct dialects of specific languages: namely, Arabic, Farsi, French, Gujarati, Haitian, Hindi, Japanese, Pashto, Portuguese, Punjabi, Romanian, Simplified Chinese, Tagalog, Urdu, and Vietnamese. All interviewed detainees confirmed that the facility did provide information on the agency's zero-tolerance policy in a language that they could understand.

**§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 meets the standard provisions. CBP has developed policies to ensure all detainees taken into custody are provided an assessment for risk of victimization and abusiveness before being placed in any hold room. These policies and procedures include Memorandum for CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015; CBP Directive 2130-030; and CBP TEDS. The DHS Standard 115.141 requires that before placing detainees in hold rooms, the facility will consider any known risk factors and take appropriate action to mitigate any known risks to detainee safety. During the on-site portion of the audit, the Auditor observed a demonstration of an intake officer conducting risk assessments. The officer explained to the Auditor that the detainee's physical state and demeanor are observed during the screening process. If any notable considerations are observed during the risk assessment, they would be recorded within the assessment tool. Using the detainee's native language, the detainee was asked three risk assessment questions: (a) if the detainee concerns for their physical safety; (b) if the detainee felt they were at a risk of sexual victimization; and (c) if the detainee had any concerns for being sexually abused. The officer also stated that detainees were asked the gender by which they identified. In speaking with the officer performing the risk assessment, the officer explained that these three questions, combined with the officer's observations and the detainee's self-determined gender identification, provide the facility sufficient information to make a qualified PREA risk and health assessment. It was also noted that if detainees volunteer to the officer performing the screening that they are a member of a vulnerable population, such as being gay or transgender, then heightened security precautions would be used to ensure the detainee's safety. During local SME and officer interviews, it was also noted that officers assess detainees to determine if they are at a higher risk of sexual victimization or abusiveness by utilizing the agency's PREA Risk Assessment Instrument, March 15, 2022, which requires officers to consider, to the extent that the information is available, (1) any mental, physical, or developmental disabilities; (2) whether the detainee has an observed or reported serious physical/mental injury or illness, (3) the age of the detainee; (4) the physical build and appearance of the detainee; (4) whether the detainee has indicated that she is pregnant or nursing; (5) detainee's own stated concerns about history his or her physical safety; (6) whether the detainee has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (7) whether the detainee has self-identified as having previously experienced sexual victimization; (8) whether the detainee has previously been incarcerated or detained (this should include the nature of the detainee's criminal or violent history, and/or gang affiliation, and whether the detainee has any convictions for sex offenses against an adult or child). It was noted that if they did become aware that a detainee was at risk, that individual would be placed in a hold room by him/herself or with others of similar vulnerabilities to mitigate any identified danger to the detainee or to other detainees. An on-site inspection of the facility, as well as the local SMEs willingness to utilize adjacent facilities via coordination with the CPCs, if necessary, indicates that the Hidalgo POE has sufficient available space to accommodate such housing needs. All persons interviewed stated that they felt safe at the facility. These detainees stated that they had been asked questions about their safety and notified that if they felt uncomfortable in any way, they could speak with any staff member to resolve their concerns. All detainees interviewed stated they did not have any concerns for their safety, and they felt comfortable speaking with staff if a concern arose. Lastly, a review of risk assessments previously conducted at the facility indicated that officers do ask, as well as document detainee responses to, the risk assessment questions.

(e): The facility meets the standard provision. As noted by the local SMEs and all staff interviewed, the confidential nature of risk assessments, or subsequent sexual abuse allegations, is discussed only on a need-to-know basis to promote the safety and security of the facility. As well, written records related to risk assessments are available to only authorized 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)(b)(c): The facility meets the standard provisions. CBP has developed policies to ensure all detainees taken into custody are provided an opportunity to report any allegations of sexual abuse. These policies and directives include: CBP Directive 2130-030; Commissioner's Memorandum with attached CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015; the Memorandum for Privacy and Diversity Office Prevention, Detection, and

Response to Sexual Abuse and Assault in CBP Holding Facilities, dated February 2, 2018; and CBP TEDS. CBP has established a public website that includes the agency's policy regarding Zero Tolerance of Sexual Abuse and Assault. The website provides instructions on how to report sexual abuse and/or sexual assault. The agency policy also requires that key information regarding CBP's Zero-Tolerance Policy is visible or continuously and readily available to detainees. During the on-site portion of the audit, informational posters providing a reporting phone number were observed throughout the facility, in Creole, English, and Spanish. The reporting phone number was a direct line to the DHS OIG. In speaking with the Hidalgo POE SMEs and officers, it was noted that if a detainee wished to utilize the reporting hotline, that person would be escorted to a phone room. This room contained a phone, in a private setting, that could be used to contact the DHS OIG directly. As noted by Hidalgo POE SMEs and officers, detainees wishing to contact the DHS OIG would be directed to use this phone for privacy. It was further noted that this phone is available for detainees to make reports of sexual abuse for themselves or on behalf of another person. The Auditor made a test call to the reporting hotline using said phone to confirm that the phone was both operational and that the number provided was valid. During employee and contractor interviews, all staff acknowledged their responsibility to accept any verbal or written report of sexual abuse made to them by a detainee, or by another person on behalf of a detainee. They also acknowledged their willingness to allow a detainee alleging sexual abuse to remain anonymous upon request. Upon receipt of an allegation of sexual abuse, staff confirmed that they would immediately notify their supervisor of the complaint and subsequently document the incident as required by policy. All detainees interviewed were aware that they could report to staff any problems they were experiencing as a condition of their confinement. Detainees noted their awareness by way of the PREA posters located throughout the facility, as well as their hold room assignments.

**§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 directs staff that third parties can report sexual abuse and/or sexual assault on behalf of the detainee. Reports can also be made on behalf of the abused detainee by another detainee. During officer interviews, it was noted that all allegations of sexual abuse, including allegations made via third party, would be taken seriously, and investigated regardless of how the agency became aware of said allegations. Additionally, the agency has established a website (<https://www.cbp.gov/about/care-in-custody>) to allow for third parties to report sexual assault and/or sexual assault directly to the DHS OIG. During the on-site portion of the audit, informational posters, in Creole, English, and Spanish, which contained the reporting phone number to DHS OIG, were observed throughout the facility. The Auditor tested the functionality of the reporting phone number and received immediate verification of its use. In speaking with the local SMEs and officers, all persons stated that they would investigate/address any allegations of sexual abuse to the greatest extent possible, regardless of how they became aware of them.

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

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

**Notes:**

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 and CBP Policy on Zero Tolerance of Sexual Abuse and Assault mandates all staff to immediately report any knowledge, suspicion, or information of sexual abuse that occurred within the facility. Additionally, staff have an affirmative duty to report all knowledge, suspicion, or information regarding retaliation against detainees or staff for having reported an incident of sexual abuse. Staff also have an affirmative duty to report any negligence or violation of responsibilities that may have contributed to an incident of sexual abuse or retaliation. CBP Directive 3340-025F further directs staff to report significant incidents to CBP WATCH, a unified hub that operates 24 hours a day and seven days a week to assure all significant incidents are reported immediately to all required leadership. CBP Directive 51735-013B, U.S. Customs and Border Protection Standards of Conduct, December 9, 2020, also informs staff that they have a duty to report any sexual assault and/or sexual abuse, or any form of retaliation against another staff member or detainee. CBP has provided training in

Preventing and Addressing Sexual Abuse in CBP Holding Facilities, which addresses the responsibility of reporting sexual abuse and/or sexual assault, to include retaliation. A review of employee and contractor training records, as well as training curriculum records, reflect that staff have received initial PREA training, as well as subsequent training where appropriate, which includes acknowledgment of their affirmative duty responsibilities. When interviewed, all officers and contractors confirmed their obligation to immediately report any information they might have regarding allegations of sexual abuse. The officers and contractors all knew of at least one way in which to make a formal report, with most knowing other ways to make formal reports, to include reporting mechanisms outside their chain of command. Reports could be made by informing their direct supervisor, any supervisor, informing the facility's sexual abuse compliance manager, or by reporting it directly to HQ OPR.

(c): The facility meets the standard provision. CBP Directive 2130-030 requires that except as necessary to report the incident, staff shall not reveal any information related to an incident of sexual abuse except as necessary to aid the detainee, to protect other detainees or staff, or to make security and management decisions as required under Subpart B of the DHS Standards. In speaking with the HQ OPR/SAAI SME, it was noted that the Hidalgo POE had received one allegation of sexual abuse within the 12-month audit period. During SMEs, officer, and contractor interviews, the concern for confidentiality was emphasized with staff repeatedly indicating that information related to allegations of sexual abuse would only be shared as a function of their official capacities on a need-to-know basis. It was further observed that risk screening areas provided detainees some measure of privacy while talking to facility staff.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires that staff report sexual abuse and/or assault allegations involving alleged victims under the age of 18, or those considered as vulnerable adults under State and local vulnerable persons statutes, to the designated State or local agency services under applicable mandatory reporting laws. Per the Hidalgo POE SMEs, the local authority to whom CBP staff would report alleged victimization of persons under the age of 18 or of vulnerable adults, is the local Police Department. The Hidalgo POE has Memorandums of Understanding (MOU) with four local law enforcement agencies: Hidalgo, McAllen, Mission, and Pharr Police Departments. Per SME interviews, the supervisor on duty would be responsible for making this report, along with notifying the JIC and the HQ PDO/PSA Coordinator.

**§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 instructs officers if they have a reasonable belief that a detainee is at a substantial risk of imminent sexual abuse, immediate action must be taken to protect the detainee. In speaking with Hidalgo POE SMEs and officers, they all stated that if a detainee was at substantial risk of imminent sexual abuse, that the detainee would be held separately from others to ensure the safety of the individual. As noted by a local SME, during the audit time frame, the Hidalgo POE did not find any evidence that any detainees assigned to the facility were at substantial risk of sexual abuse. As such, the Hidalgo POE did not have any documentation for review. Likewise, no protective actions were required. However, as indicated in standard provision 115.122 (d), the Hidalgo POE did receive one allegation of sexual abuse. As said allegation is currently under review, the facility did not have documentation regarding such for review.

**§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)(b)(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 requires that upon receipt of an allegation that a detainee was sexually abused while confined at another facility, facility staff are to notify the appropriate office of the agency or the administrator of the facility where the alleged sexual assault occurred within 72 hours of receipt of the information. Interviews with Hidalgo POE SMEs confirmed this notification would be made, subsequently documented as soon as possible, and prior to 72 hours. Additionally, these SMEs also stated that

notifications to JIC, HQ OPR, and local agencies (if not already notified) would also be made. It was also indicated that if the Hidalgo POE was notified by another agency that a sexual abuse and/or assault had occurred while the detainee was held at the Hidalgo POE, then staff must begin the investigation and notification process, to include local police departments as appropriate, along with JIC, DHS OIG, and HQ OPR. During the 12-month audit period, the facility did not receive any allegations from another facility that detainees previously assigned to the Hidalgo POE had been sexually abused while confined at Hidalgo POE.

**§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)(b): The facility meets the standard provisions. CBP Directive 2130-030 provides detailed and concise information on the actions that Hidalgo POE first responders should take upon learning of an allegation of sexual abuse and/or assault. Additionally, CBP provides a training course through Acadis (online training portal) that is required annually of all Hidalgo POE staff. The course provides detailed information on the responsibilities of first responders regarding all actions to be taken by first responders upon learning of a sexual assault. The Directive and the training course educate Hidalgo POE first responders to immediately separate the victim and abuser, preserve and protect the crime scene until evidence collection is possible, request the victim not take any actions that could destroy physical evidence, and direct the abuser does not take any actions to destroy evidence. First responders who are not law enforcement are instructed to request the victim, and direct the alleged abuser, not take actions that could destroy evidence and then immediately notify officers of the allegations. During interviews with Hidalgo POE SMEs and officers, it was noted that after the victim was isolated, they would need to help preserve evidence. This would be done by asking the victim not to do anything that would destroy the evidence. For example, Hidalgo POE SMEs and officers stated that potential victims and alleged abusers should not perform actions such as using the restroom, brushing their teeth, washing their bodies, changing clothes, eating, and drinking anything. Interviews with contracted staff who routinely have contact with detainees, confirm that notifications of any allegations received would be made immediately to officers. Said persons further noted that the detainee victim would be isolated for protection and all efforts would be made to ensure the crime scene is preserved. During the audit time frame, the Hidalgo POE received one allegation from a detainee who alleged to have been sexually abused or sexually assaulted. However, as the investigation has not yet been completed, the Auditor was not permitted to review this documentation.

**§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 constitutes CBP's written coordinated institutional plan and explains the utilization of a multidisciplinary team approach to respond to sexual abuse and/or sexual assault. The Directive coordinates actions amongst first responders, medical and mental health practitioners, investigators, and facility leadership in response to incidents of sexual abuse. This Directive, along with CBP TEDS, works to coordinate the agency, agency components, and facility efforts, so that victims of sexual abuse receive adequate support services to protect the health, welfare, security, and safety of any individual in CBP custody. On August 15, 2022, CBP developed a job aid which detailed first responder duties, notifications for investigations, forensic medical examinations, and how to report any allegations of sexual abuse; namely, to the Office of the Commissioner - Reporting and Responding to Potential PREA Allegations. Also, this job aid defined sexual assault of a detainee by another detainee, as well as sexual assault of a detainee by an employee, contractor, or volunteer. The job aid can be accessed by staff through their internal CBP website. Additionally, a local SME noted that upon receipt of allegations of sexual abuse or sexual assault, must notify all its investigation agencies; namely, the HSI, FBI, OIG, JIC, and OPR. As well, if the detainee were subsequently transferred to another facility, the supervisor on duty would notify the receiving facility so that appropriate care could continue for the alleged detainee victim.



(b)(c): The facility meets the standard provisions. CBP Directive 2130-030 instructs staff that when sexual abuse victims are transferred either between DHS holding facilities, or from a DHS facility to a non-DHS facility, the sending facility should, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim declines services. Interviews with the local SMEs confirmed both verbal and written notifications would be made by the supervisor on duty in accordance with this Directive.

**§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 instructs CBP management of their requirement to consider whether any CBP employee alleged to have perpetrated sexual abuse should be removed from duties requiring detainee contact pending the outcome of an investigation and shall do so if the seriousness and plausibility of the allegation make removal appropriate. Per policy, contractors and volunteers suspected of perpetrating sexual abuse shall be prohibited from contact with detainees pending investigation. In speaking with Hidalgo POE SMEs, it was noted that, should an employee be accused of a sexual misconduct with a detainee, supervisors must initiate a formal investigation, remove said employee from contact with all detainees, and place this employee on administrative duties. Disciplinary action, if any, would be based on the outcome of the investigation. During the audit time frame, the Hidalgo POE has received one allegation of sexual abuse. It should further be noted that said investigation is currently pending and thus unavailable for Auditor review.

**§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 2130-030; CBP TEDS; Memorandum for All CBP Employees CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015; and CBP Directive 51735-013B, Standards of Conduct, with an effective date of December 9, 2020; prohibit retaliation against any person, to include detainees, for having claimed or participated in an investigation regarding sexual abuse. In speaking with Hidalgo POE SMEs, officers, and contractors, it was reiterated that retaliation against a detainee or staff member for reporting, complaining about, or for participating in an investigation about sexual abuse allegations is strictly forbidden.

**§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)

**Notes:**

(a)(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 and CBP Directive 51735-013B indicate that personnel may be subject to disciplinary or adverse action up to and including removal from their position, with the presumptive action being removal and prohibition from future Federal service for substantiated allegations of sexual abuse, sexual assault, and/or violating CBP's sexual abuse policies. The Standards of Conduct provide notice to the employees that disciplinary action will occur, including up to removal, for substantiated allegations of sexual abuse and/or assault. This standard works to ensure agency staff understand the gravity and the criminal nature of engaging in the sexual abuse of detainees. In speaking with the HQ HRM/LER SME, it was noted that CBP has made the consequences of engaging in such behavior exceptionally clear. Specifically, during the onboarding process, new employees are given the Table of Offenses and Penalties to fully appreciate the consequences of violating agency policy. It was further noted that a formal investigation would be conducted on all staff alleged to have engaged, or attempted to engage, in sexual abuse of a detainee. If substantiated, the presumptive disciplinary sanction is removal from their position and prohibition from future Federal service. In speaking with the local SMEs, it was noted that any staff member suspected of violating the agency's zero-tolerance policy would be subject to disciplinary sanctions and referred to the HQ OPR, JIC, and DHS OIG for further action as deemed appropriate. Pending disposition, however, the employee would be removed from further contact with detainees. In this, the Office of Employee Relations and Disciplinary Review Board would hold a three-person panel to make the determination of staff misconduct. If so determined, this board can make a recommendation of disciplinary action, as appropriate. A letter would be sent to the employee, who can then provide a response to the deciding officials. Following that response, the board will determine if disciplinary action is imposed. If deemed appropriate, employees may be required to surrender their CBP issued Personal Identification Verification (PIV) cards, or those cards could be electronically disabled to prevent unauthorized access into the facility. The HQ HRM/LER would engage the removal/resignation process. Additionally, the HQ OPR/SAAI SME noted that the agency would report such disciplinary findings to any relevant licensing bodies and designated law enforcement officials.

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

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

**Notes:**

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 and CBP Policy on Zero Tolerance of Sexual Abuse and Assault states that CBP contractors and volunteers may be subject to disciplinary or adverse action up to and including removal from their position or volunteer capacity for substantiated allegations of sexual abuse, sexual assault, and/or violating CBP's sexual abuse policies. Interviews with the HQ OPR/SAAI SME, as well as the HQ OFO SME, indicate that pending an investigation of allegations related to sexual abuse of a detainee, all contractors, and volunteers, when applicable, will be removed from all duties requiring detainee contact. Following the conclusion of the investigation, reasonable efforts will be made to report any contractor or volunteer found guilty of sexually abusing detainees to relevant licensing bodies. As appropriate, the findings would be referred to a law enforcement agency. The Auditor also interviewed Hidalgo POE SMEs, who stated that the facility would enforce any direction provided to it by the HQ OPR, JIC, or DHS OIG regarding contractor and volunteer facility access. Pending that direction, however, contractors and volunteers would be immediately removed from contact with detainee. Contractor training files and training course content were reviewed and found to contain relevant information regarding consequential results of sexual abuse and/or sexual assault at Hidalgo POE.

**§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 provisions. CBP Directive 2130-030 requires that when an alleged incident of sexual abuse occurs, detainees should be given timely, unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis. This Directive further states that emergency medical treatment services shall be provided to the victim without cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. As noted by the Hidalgo POE SMEs, all victims would receive timely and unimpeded access to emergency medical treatment at no cost to the alleged victim. Per Emergency Room staff at South Texas Health System McAllen Hospital, all victims receive, if medically necessary, emergency contraception and sexually transmitted infections prophylaxis. Prior to the start of the forensic collection process, victims are offered crisis intervention services.

**§115.186(a) – Sexual abuse incident reviews.**

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

**Notes:**

The facility meets the standard. CBP Directive 2130-030 requires that a sexual abuse incident review will be conducted by OFO or USBP within 30 days of the conclusion of every investigation of sexual abuse and/or assault. According to the HQ PDO/PSA Coordinator, the allegations are examined by the Incident Review Committee (IRC), which is comprised of three HQ Program Managers and the PREA Field Coordinator. It was further stated that the purpose of a sexual abuse incident review is to understand and address factors that may have contributed to the allegations. Any recommendations made by the IRC would be implemented by the Port Director. In speaking with the Hidalgo POE SMEs, it was noted that the Hidalgo POE has not been required to implement any recommendations by the IRC during the 12-month audit period.

**§115.187 – Data collection.**

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

**Notes:**

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

**ADDITIONAL NOTES**

**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)**  
**Auditor's Signature**

August 21, 2024  
**Date**