

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



U.S. Customs and  
Border Protection

## AUDITOR

|                         |  |                          |                          |
|-------------------------|--|--------------------------|--------------------------|
| <b>Name of Auditor:</b> | (b) (6), (b) (7)(C)                        | <b>Organization:</b>     | Creative Corrections LLC |
| <b>Email Address:</b>   | (b) (6), (b) (7)(C)<br>(b) (6), (b) (7)(C) | <b>Telephone Number:</b> | (b) (6), (b) (7)(C)      |

## AGENCY

|                        |                                    |
|------------------------|------------------------------------|
| <b>Name of Agency:</b> | U.S. Customs and Border Protection |
|------------------------|------------------------------------|

## PROGRAM OFFICE

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|--------------------------------|----------------------------|
| <b>Name of Program Office:</b> | Office of Field Operations |
|--------------------------------|----------------------------|

## SECTOR OR FIELD OFFICE

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|--|--|
| <b>Name of Sector or Field Office:</b>                   | Tucson 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>Sector or Field Office Physical Address:</b>          | 4740 N. Oracle Road, Suite #310 Tucson, AZ 85741 |
| <b>Mailing Address:</b> <i>(if different from above)</i> |  |

## SHORT-TERM HOLDING FACILITY BEING AUDITED

### Information About the Facility

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|--|--|
| <b>Name of Facility:</b>                                 | San Luis Crossing POE                  |
| <b>Physical Address:</b>                                 | 431 N. Main Street, San Luis, AZ 85336 |
| <b>Mailing Address:</b> <i>(if different from above)</i> | PO Box 7050, San Luis, AZ 85349        |
| <b>Telephone Number:</b>                                 | (b) (7)(E)                             |

### Facility Leadership

|                                   |                     |                          |                     |
|-----------------------------------|---------------------|--------------------------|---------------------|
| <b>Name of Officer in Charge:</b> | (b) (6), (b) (7)(C) | <b>Title:</b>            | 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 initial Prison Rape Elimination Act (PREA) audit for U.S. Customs and Border Protection (CBP), San Luis Crossing Port of Entry was conducted on September 23, 2019. Creative Corrections Certified PREA Auditor (b) (6), (b) (7)(C) a contractor through Creative Corrections, LLC, conducted the audit. The San Luis Crossing Port of Entry is in San Luis Arizona. The San Luis Port of Entry has been a busy U.S. port of entry since the early 1900s. It connects San Luis, Arizona to San Luis Rio Colorado, Sonora. It connects to U.S. Route 95 on the North and Mexican Federal Highway 2, as well as Sonora State Highway 40 on the South.

The San Luis Crossing Port of Entry is the avenue of travel for residents of Mexico and the United States (U.S.). Entry and exiting occurs 24 hours daily. Eight primarily lanes are designated for entry into the U.S., with three lanes designated as primary lanes for entering Mexico. Ten pedestrian lanes are accessible for entry to the U.S. from Mexico. An interview with a local Subject Matter Experts (SMEs) indicated that during the winter season, as many as 8000 individuals enter the San Luis Crossing Port of Entry daily. The summer daily traffic is normally 3000. These individuals must present proper documentation such as a Passport, Visa, Driver's License, documentation of their citizenship, or other documents to legally enter the U.S.

The facility is a short-term holding facility where Officers' duties include detainee intake processing and short-term holding for male and female adults, unaccompanied alien children (UAC), and family units. Detainees are held for 72 hours or less. The facility consists of two buildings. One building consists of the administrative office area and employee break area. The second building is the designated area for the processing and short-term holding of detainees. The building consists of (b) (7)(E) (b) (7)(E) for UACs. The holding rooms are secured.

The entire facility is (b) (7)(E) is available in the Chief's office, Supervisors' office and the Operations Center by Army personnel assigned to (b) (7)(E) (b) (7)(E) These areas are (b) (7)(E) (b) (7)(E)

The purpose of the audit was to determine compliance with Subpart B of the Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 6 C.F.R. Part 115, (the DHS PREA Standards).

Scope of the Audit: The Pre-Audit consisted of a review of submitted HQ Pre-Audit Questionnaire (PAQ), local PAQ, HQ Pre-Audit Document Request, local Pre-Audit Document Request, the HQ Pre-Audit Data Request, the local Pre-Audit Data Request, and the HQ Pre-Audit Subject Matter Expert Interview Guide along with additional supporting documents for the facility on the secure CBP SharePoint website. Interviews with HQ SMEs were conducted prior to the on-site visit and continued afterwards due to conflicting schedules. The Auditor conducted five HQ SMEs interviews from various departments, local SMEs and Supervisory staff at the San Luis Crossing POE. Interviews were conducted with an Emergency Room Nurse at Yuma Regional Medical Center, On-Call Personnel at (b) (6), (b) (7)(C) (Victim Advocacy Services) and a Sergeant with the San Luis Police Department regarding the coordination of Sexual Assault Forensic Examination (SAFE) and Sexual Assault Forensic Nurse Examination (SANE) and advocacy services.

To be less intrusive to the operation of the facility and meet with available local SMEs, Supervisors and Officers, the Auditor elected to continue with interviews and delay the tour. The Auditor conducted interviews with staff assigned to the 0000 – 0800 prior their departure. The Auditor conducted a total of 11 on-site interviews with Supervisors, local SMEs and Officers from all shifts.

The Auditor conducted four detainee interviews which included two family units and two male adults. There were no UACs detained at the San Luis Crossing POE during the on-site visit. The detainee's length of stay ranged from one day to three days. Translation services were provided for the family units through utilization of the AT&T Translation Service. Translation services were not required with the two adult male detainees. There were no detainees identified with disabilities other than those who were Limited English Proficient (LEP). The Auditor was provided an interview

room to maintain privacy during the detainee interviews. Prior to departure of the facility, the Auditor was able to observe the intake process of an incoming male detainee.

The points of contact were (b) (6), (b) (7)(C) National OFO PREA Coordinator, HQ (b) (6), (b) (7)(C) Assistant Port Director; (b) (6), (b) (7)(C) U.S. Customs and Border Protection Supervisor; and (b) (6), (b) (7)(C) Watch Commander/PREA Field Coordinator (PFC), who served as the local point of contact.

To facilitate interviews with the midnight shift, the Auditor arrived at the facility on September 23, 2019, at 5:30 a.m., and escorted by (b) (6), (b) (7)(C) Deputy Prevention of Sexual Assault Coordinator (PSA), HQ. Upon arrival, the Auditor began conducting interviews with available Officers and local SMEs from the midnight shift. The opening briefing was conducted at 8:10 a.m. in the conference room. Those in attendance were:

(b) (6), (b) (7)(C) Assistant Port Director, San Luis Crossing  
(b) (6), (b) (7)(C) Deputy PSA, PDO, HQ  
(b) (6), (b) (7)(C) Supervisory CBP Officer, San Luis Crossing  
(b) (6), (b) (7)(C) National OFO PREA Coordinator (via telephone)

The Auditor provided an overview of the audit process to include interviews with staff and detainees. A tour of the entire facility was provided to the Auditor. A brief question and answer session were included in the entry briefing.

**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.

On Monday, September 23, 2019, an exit briefing for the San Luis Crossing POE was held at 4:30 p.m. to provide a summary of the overall audit. The Auditor advised that a final determination would be made upon consolidation of the interviews, on-site tour, and review of documents received prior to the audit. The Auditor and the Deputy PSA, PDO, HQ extended their hours of work after the exit briefing to ensure the on-site portion of the audit was completed. Final departure was 6:00 p.m. Those in attendance were:

- (b) (6), (b) (7)(C) Assistant Port Director, San Luis Crossing
- (b) (6), (b) (7)(C) Deputy PSA, PDO, HQ
- (b) (6), (b) (7)(C) Supervisory CBP Officer, San Luis Crossing
- (b) (6), (b) (7)(C) National OFO PREA Coordinator, HQ (via telephone)

The Auditor reviewed the compliance of the 25 DHS Subpart B standards at San Luis Crossing. The audit findings conclude San Luis Crossing met 21 standards: 115.111; 115.114; 115.116; 115.117; 115.121; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182 and 115.186. Standard 115.118 was not applicable. The Auditor findings determined Del Rio Station does not meet three standards: 115.113 (b); 115.115 (f); 121 (e). A Corrective Action is required for the identified standards.

| <b>SUMMARY OF AUDIT FINDINGS</b>   |  |
|--|--|
| Number of standards exceeded: 0  |  |
| Number of standards met: 21 & 1 Not applicable   |  |
| Number of standards not met: 3   |  |
| <b>OVERALL DETERMINATION</b>   |  |
| <input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards)   | <input type="checkbox"/> Low Risk                |
| <input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) | <input checked="" type="checkbox"/> Not Low Risk |
| <input checked="" 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 mandate of the standard provision. The review of CBP Directive 2130-030, Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities dated January 19, 2018; Transport, Escort, Detention, and Search (TEDS) dated October 2015; CBP's zero-tolerance posters; and the Commissioner's Memorandum titled CBP's Zero Tolerance Policy dated March 11, 2015, confirms the agency's definitive steps to inform all employees, detainees, and the public of its commitment of adherence to the PREA Standards. An upper-level, agency-wide position of Prevention of Sexual Assault Coordinator (PSA Coordinator) was established. The PSA Coordinator is responsible for overseeing the CBP's efforts to comply with CBP Directive 2130-030. Interviews were conducted with the HQ PSA Coordinator, local SMEs, the PFC, and random Officers who emphasized the training regarding the agency's zero-tolerance of sexual abuse and/or sexual assault is continuously provided through emails, DHS posters, musters, attachments to Leave and Earning Statements, emails, policy posted on the Shared CBP Website under the Policy Online Document Search (PODS). Biennial refresher training is provided to the CBP staff and volunteers through the Performance and Learning Management System (PALMS). The agency's commitment to a zero-tolerance policy is portrayed through numerous educational methods. The CBP zero-tolerance posters are located in the detainee interview rooms.

### §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 mandate of this standard provision. DHS Directive 2130-030 requires detainee supervision guidelines are developed and documented to determine whether adequate levels of detainee supervision and monitoring exist. An interview with the Port Director confirmed if an influx of detainees occurs, coverage would be provided by the payment of overtime and officers' reassignment. He further stated transport of detainees to San Luis Detention Center and/or establish housing on-site in trailers that were previously utilized prior to the construction of the new facility in 2018, could be utilized. The entire facility is (b) (7)(E) (b) (7)(E) is available in the Chief's Office, Supervisors' Office and the Operations Center by Army personnel assigned to (b) (7)(E) These areas are (b) (7)(E) (b) (7)(E) Local SMEs stated three Officers are normally assigned with a (b) (7)(E) assigned to the detainee holding areas per shift.

(b)The facility does not meet the standard provision. CBP Directive 2130-030 requires the Office of Field Operations to implement and annual review process for all holding facilities under its control to determine whether adequate levels of detainee supervision and monitoring exist. San Luis Crossing POE has not developed a formal staffing review process in accordance with the Directive. Corrective Action is required. **Corrective Action:** Provide documentation of the annual review of the comprehensive supervision guidelines and their application for the San Luis Crossing POE addressing the six elements outlined in standard provision (c).

(c)The facility meets the standard provision. Interviews with the Port Director and Watch Commander/PFC confirmed the six areas of consideration detailed in the standard provision are regularly discussed during daily operations.

**§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 mandate of this standard provision. A review of DHS PREA Standards and TEDS Policy outlines treatment of juveniles as detainees. Per TEDS 1.6, Officers/Agents will consider the best interest of juveniles at all decision points beginning at the first encounter and continuing through processing, detention, transfer, or repatriation. TEDS further states juveniles are to be detained in the least restrictive setting appropriate to the juvenile's age and special needs, provided that such setting is consistent with the need to protect the juvenile's well-being and that of others. Interviews with Supervisors and Officers and observation of the UAC holding room confirmed the area is equipped with a television, books, toys, movies, table and sink which are unlike adult and family holding rooms. This area is also made available to family units when not occupied by UACs. There were no UACs at the facility during the site visit.

(b) The facility meets the mandate of this standard provision. Interviews with local SMEs and Officers verified juveniles under the age of 18 years are not held with adult detainees unless the relationship is vetted identifying the adult as an immediate relative or identified as the legal guardian responsible for the juvenile's care. Interviewees identified a combination of agency and State Department data-based searches and a thorough review of presented documents is conducted. Additionally, separate interviews are conducted with the juveniles and accompanying adults as a measure of vetting the relationship. Juveniles identified as UACs remain separated from adults while in the holding room and are also transported separately.

**§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) The facility meets the mandate of this standard provision. DHS PREA Standards, Personal Search Handbook, Office of Field Operations, CIS HB 3300-04B, provides detailed guidance that includes determining a need for a personal search, what staff need to know regarding a personal search, procedures to conduct a pat-search and partial body searches, and need for medical examinations to detect drugs or other illegal items. CBP TEDS provides guidance for cross-gender strip search and cross-gender visual body cavity searches. The policy states cross gender strip searches and cross gender body cavity searches are not to be performed except in exigent circumstances including consideration of Officer safety, or when performed by medical practitioners. Interviews with Officers confirm their knowledge and practice of policy guidelines for conducting cross gender strip searches or cross gender visual body cavity searches of detainees. They further state in instances of a required visual body cavity search, the detainee, to include juveniles, would be referred to a medical practitioner at the local hospital to conduct the search. Detainees must sign approval for body cavity check to be conducted. However, the detainee has the option to refuse and the agency may obtain a warrant to conduct the search per the Personal Search Policy.

(c) The facility meets the standard provision. Personal Search Handbook, Office of Field Operations CIS HB 3300-04B, requires written reports to include detailed narratives regarding the circumstances surrounding the search on the Personal Search Worksheet and entered into (b) (7)(E). Additionally, CBP TEDS also requires all strip (partial body) and body cavity searches to be documented in the appropriate electronic system(s) of record. Interviewed Officers and local SMEs confirmed the requirement of documenting all strip (partial body) and body cavity searches upon receiving prior supervisory approval to include the reason for the search and the name of the authorizing Supervisor. The San Luis Crossing POE did not conduct any strip searches or visual body cavity searches during the past 12 months.

(d) The facility meets the standard provision. TEDs requires privacy for detainees in showering areas, when performing bodily functions, and when changing of clothing to prevent viewing by staff of the opposite gender. Interviews with local SMEs and Officers, and observation of procedures and practices confirm the facility has developed standards that allow privacy for detainees during toileting, changing clothing, and showering. Officers explained there is (b) (7)(E). The family unit and UAC holding rooms are provided with a restroom that is located behind a door. They further stated adult male and female detainee holding rooms are equipped with a water fountain and toilet with a barrier that provides privacy during use of the toilet. They also stated detainees are not allowed additional clothing in the holding rooms. The Auditor reviewed the (b) (7)(E) and

confirmed privacy is provided during toileting. At no time does staff enter occupied detainee holding rooms and their interaction with detainees is conducted at the entry door. Interviewed Officers and SMEs were aware of agency's policy and procedures that require staff of the opposite gender to announce their presence when entering an area where detainees are likely be showering, performing bodily functions, or changing clothing. Detainees are escorted to the shower area, (b) (7)(E) and has a solid door for entry. Detainees are advised to knock on the door upon completion of their shower. At no time does staff enter the occupied shower.

(e)The facility meets the mandate of the standard provision. Interviews with Supervisory staff and Officers confirmed their knowledge of TEDS policy which states they must not search or physically examine a detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown, it may be determined during conversation with the detainee, by reviewing medical records, or, if necessary, learning that information as part of a broader medical examination conducted privately by a medical practitioner. All interviewed Officers reported they would ask the detainee to self-identify their gender.

(f)The facility does not meet the standard provision. Interviews with local SMEs and Officers confirmed receipt of training for pat searches. However, the Agency/facility failed to produce training material delivered to staff covering conducting pat searches of transgender and intersex detainees. Interviewed Officers acknowledged they had not received training for conducting pat searches of transgender detainees. They continued in stating normally, the detainee would receive a pat-down search from the same gender officer as the detainee self-identifies. Officers were interviewed to determine their knowledge and understanding of conducting pat-down searches of cross-gender, transgender or intersex detainees, however, staff were not consistent in describing the methods for searching transgender detainees. There were no interviewed Offices who acknowledged conducting a pat search of a transgender or intersex detainee. **Corrective Action:** Provide documentation training has been delivered addressing pat search procedures of transgender and intersex detainees.

**§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) CBP Directive 2130-030 and TEDS requires detainees with disabilities (e.g. detainees who are hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) to have access to CBP efforts to prevent, detect, and respond to sexual abuse and/or assault. Interviews with Officers reported San Luis Crossing POE has not received any detainees with disabilities in the past 12 months. However, Officers were familiar with measures that would enable effective communication with detainees with such disabilities and expressed they have not been in a situation where they were unable to communicate with the detainees. Identified measures included providing access to in-person, telephonic, or video translation services. Additionally, there are numerous staff assigned at the San Luis Crossing POE who are bilingual in various languages and often provide translation services. The Agency also utilizes a program offered by AT&T to provide translation services as needed. Written material is also available in other languages and/or the facility staff may reach out to the local community for assistance as identified by the Port of Director. Oral communication and material presented in large print is available to detainees identified as blind or low vision.

(b)The facility meets the mandate of the standard provision. Protocol for Identifying Limited English Proficient (LEP) Persons and Providing Language Services, dated October 2017, provides guidance in relation to language services. In general, the use of family members, minor children, friends, or bystanders to provide interpretation services is avoided. CBP Officers have a Spanish language requirement for their position. In addition, CBP has a national contract for language interpretation that can be accessed telephonically when bilingual staff are not available. The national contract also provides services for translation of documents when required. CBP Directive 2130-030 requires all holding facilities to provide effective, accurate and impartial in-person or telephonic interpretation services to detainees who are LEP. The PREA posters were observed in English and Spanish. A poster titled "I Speak," noting 19 languages by sample handwriting scripts for detainees to point to their language was also visible in the processing/holding cell areas. Interviewed staff confirmed their ability to communicate with all detainees either through self-interpreting, interpretation assistance from other Officers, and/or the AT&T Contract Translation Service. The Auditor utilized the AT&T Contract Translation Service to conduct interviews with the mothers of the two-family units who were identified as LEP. The Auditor was able to communicate with the two adult male detainees in English and they confirmed observance of the DHS posters noting zero tolerance on sexual abuse and sexual assault.

(c) The facility meets the mandate of the standard provision. As outlined in CBP Directive 2130-030 and TEDS in regard to allegations of sexual abuse, Officers are required to conduct in-person or telephonic interpretation services that enables effective, accurate, and impartial interpretation, by someone other than another detainee, unless the detainee expresses a preference for another detainee to provide interpretation, and the Supervisor determines that such interpretation is appropriate and consistent with policies and procedures. The provision of interpreter services by minors, alleged abusers, detainees who witnessed the alleged abuse, and detainees who have a significant relationship with the alleged abuser is not appropriate in matters relating to allegations of sexual abuse. Interviews with Officers, local SMEs, and the Port Director confirmed interpretative services are always utilized either by individual Officers or through utilization of the AT&T Translation Service available to them.

**§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 mandate of the standard provision. CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) to ensure compliance with hiring, promotion, and discipline requirements as dictated within the standard. The established policy and procedures are set to ensure CBP does not hire or promote personnel, who have previously had substantiated allegations of engaging in sexual abuse and/or assault, to positions where an employee may interact with detainees in CBP holding facilities. This policy is also published in the HRM Standard Operation Procedures Prison Rape Elimination Act Hiring and Promotion, issued February 29, 2016. An interview with the HQ HRM/Hiring Center SME verified CBP is prohibited from hiring or promoting any employee, contractor, or enlisting the service of any volunteer, who has been found to have engaged, or civilly or administratively adjudicated to have engaged to sexual abuse and/or assault as agency policy dictates. The HQ HRM SME confirmed applicants are asked the identified questions during the written application or self-evaluation and/or assessment process. The applicant must answer yes or no. Those applicants who answer yes are screened out by the appropriate hiring center staff, which determines the application will not be considered. The CBP mission specific question during the subject interview portion of background investigation documents the required questions during the interview process.

(b) The facility meets the standard provision. HRM Standard Operation Procedures Prison Rape Elimination Act Hiring and Promotion also requires all staff have an affirmative duty to disclose any such misconduct. Employees receive training on their responsibility to disclose any such conduct during initial training, refresher training through PALMS, and is also noted in Directive 51735-013A, U.S. Customs and Border Protection Standards of Conduct which is issued to all employees.

(c) The facility meets the standard provision. CBP Directive 2130-030 requires the Office of Professional Responsibility (OPR) ensure background investigations are conducted on all applicants for employment and contractors having contact with detainees to determine employment suitability. An updated background investigation is required to be conducted every five years for all CBP personnel who may have contact with detainees. Fourteen random staff were submitted for verification of compliance. These names were submitted through the Deputy PSA for submission to HQ OPR. A response to the Auditor's request was provided by HQ OPR. Each employee's date of entry on duty, date of completion of most recent investigation, date most recent investigation initiated, or the date due for following five-year investigation was provided. A review of the submitted report confirmed all employees' background investigations were timely and within the agency's policy and the standard provision.

(d) The facility meets the standard provision. Interviews with local SMEs confirmed contract janitorial staff have no direct contact with detainees. Local procedures require the removal of all detainees from the area prior to janitorial contractors' entry.

(e) The facility meets the mandate of the standard provision. HRM Standard Operation Procedures Prison Rape Elimination Act Hiring and Promotion and the U.S. Customs and Border Protection Standards of Conduct, references material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination or withdrawal of an offer of employment as appropriate. An interview with the HQ HRM Labor and Employee Relations (LER) Division confirmed the Standards of Conduct is referenced annually during employee required ethics training through PALMS. Additionally, the interviewees confirmed it is the agency's policy to rescind an offer of employment to a prospective employee or to terminate the employment of an employee who provides false information or makes a material omission during the hiring and/or promotion process.

(f) The facility meets the mandate of the standard provision. The U.S. Customs and Border Protection Office of Human Resources Management Human Resources Operations, Programs, and Policy Standard Operating Procedures PREA Hiring and Promotions, Section 2.6, dated February 29, 2016, states unless prohibited by law, OPR shall provide



information on substantiated allegations of sexual abuse involving a former employee upon request from an institutional employer for whom such employee has applied to work. This procedure was confirmed during an interview with HQ LER SME.

**§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)(b) A new building was designed and opened in 2018 for the operation of holding short-term detainees. An interview with the Port Director confirmed the new building was constructed with supervision of detainees in consideration and to protect detainees from sexual abuse and/or sexual assault.

**§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 mandate of the standard provision. CBP Directive 2130-030 requires medical treatment services be provided when an alleged sexual abuse/sexual assault incident occurs. The medical treatment services are provided at (b) (6), (b) (7)(C). A phone interview with a Yuma Regional Medical Center Emergency Room Nurse, confirmed that Sexual Abuse Forensic Examinations (SAFE) and Sexual Abuse Nurse Examinations (SANE) are conducted at (b) (6), (b) (7)(C). An interview was conducted with a San Luis Police Department Sergeant. He explained the procedures his agency would follow upon being advised of an alleged sexual abuse/assault reported by a detainee at the San Luis Crossing POE. The local law enforcement agency would initiate contact with (b) (6), (b) (7)(C) for a sexual abuse/assault examination. The (b) (6), (b) (7)(C) has an office area at the San Luis Police Department. Outside normal business hours, services are available as on-call by the San Luis Police Department. An interview with an On-Call Operator at (b) (6), (b) (7)(C) verified the Center offers immediate crisis intervention, on-site medical attention, to include SANE and SAFE sexual abuse examinations upon notifications by the San Luis Police Department. San Luis Crossing POE staff reported there were no allegations of sexual abuse/or assault reported in the past 12 months. All medical treatment services related to a sexual abuse/assault will be at no cost to the alleged victim.

(d) The facility meets the mandate of the standard provision. CBP Directive 2130-030 references that if in connection with an allegation of sexual abuse, the detainee is to be transported for a forensic examination to an outside hospital that offers victim advocacy services and shall be permitted to use such services to the extent available, consistent with security needs. An interview with a local SME confirmed the agency would work with the local law enforcement agency who would initiate the victim advocate services at the hospital.

(e) The facility does not meet the mandate of the standard provision. Interviews with local SMEs identified the San Luis Police Department as the authorized local law enforcement agency to conduct investigations pertaining to allegations of sexual abuse and/or assault. An interview was conducted with a Sergeant assigned to the San Luis Police Department. The Sergeant confirmed his agency is committed to providing services as needed when conducting investigations regarding sexual abuse/assault reported at the San Luis Crossing POE. The Sergeant explained the investigation would be turned over to the Detective Division for completion within the standard provisions described. However, the Auditor was not provided with a copy of written correspondence from the San Luis Crossing POE requesting the San Luis Police Department to follow the requirements of this standard as noted in (a) through (d). Corrective action required.

**Corrective Action:** Provide documentation of a request to San Luis Police Department to follow standard provisions (a) through (d).

**§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. A review of CBP Directive 2130-030 and CBP Directive 3340-25E, Reporting Significant Incidents to the Commissioner's Situation Room, dated May 21, 2018, states all allegations of sexual abuse/sexual assault are considered significant incidents and must be immediately reported to the Joint Intake

Center (JIC) and the Commissioner's Situation Room. CBP 2130-030 outlines reporting obligations for agency staff to report to both Joint Intake Center (JIC) and the Commissioner's Situation Room. This is followed by the initial report being made through the facility chain of command. An interview with the HQ SME Sexual Abuse and Assault Investigations Coordinator (SAAI) confirmed the Office of Inspector General (OIG) has first refusal/acceptance on criminal investigations followed by OPR. A member of the management team will also make a report to the San Luis Police Department who has legal authority to conduct criminal investigations for the facility. The listed procedures were confirmed during interviews with local SMEs. Per the Port Director, the Office of Professional Responsibility (OPR), and the Federal Bureau of Investigations (FBI) for federal cases would also be notified. There were no allegations of sexual abuse/assault reported during the past 12 months.

(d) The facility meets the standard provision. An interview with the Port Director confirmed San Luis Crossing POE Supervisory staff is responsible for submitting the Incident Report to the JIC and to the Commissioner's Situation Room. The PSA Coordinator reports there have been no allegations of sexual abuse/sexual assault reported at the San Luis Crossing POE. She further stated if there are allegations, the San Luis Crossing POE is required to report them immediately to the JIC and/or the Commissioner's Situation Room. The PSA Coordinator states she is included on automatic distribution of all reports of sexual abuse submitted to the JIC (email) and/or the Commissioner's Situation Room.

**§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 mandate of the standard provision. CBP Directive 2130-030 requires all uniformed Officers, special Officers, fact finders, contractors, and volunteers who may have contact with detainees in CBP holding facilities to receive PREA training required in Subpart B of the DHS Standards. A memorandum dated January 14, 2016, was issued by the Commissioner to CBP staff identifying the initiation of mandatory training course "Preventing, Detecting, and Responding to Sexual Abuse and Assault in CBP Holding Facilities" for all CBP employees who may have contact with detainees. Refresher courses are provided every two years. The first training course became available in early FY 2016, via PALMS. The lesson plan covers all mandates of the required training to include the agency' zero tolerance policy for all forms of sexual abuse; the definitions and examples of prohibited and illegal sexual behavior; the right of detainees to be free from sexual abuse; information on where sexual abuse may occur; recognition of physical behavioral, and emotional signs of sexual abuse; methods of preventing and responding to such occurrences; how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming detainees. Staff's requirement to limit reporting of sexual abuse to personnel with a need-to-know in order to make decisions concerning the victim's welfare for law enforcement or investigation is included in the lesson plan. Contract staff (janitorial) do not have contact with the detainees. Any area containing detainees will be vacated prior to janitorial entry to the area. The Auditor submitted the names of 14 staff for verification of completion of required 2016 and 2018 training. The Auditor identified 12 employees who completed the required training between March and May 2016 and again in August 2018. Two San Luis Crossing POE employees failed to complete the required training in 2016 but did complete the course in 2018.

(b) The facility meets the mandate of the standard provision. A memorandum, January 4, 2016, was issued by the Commissioner to CBP staff identifying the initiation of mandatory training course "Preventing, Detecting, and Responding to Sexual Abuse and Assault in CBP Holding Facilities" in 2016, for all CBP employees who may have contact with detainees in CBP custody. The memorandum further states all current employees, contractors, and volunteers who may have contact with holding facility detainees shall be trained within two years of the effective date of these standards, and the agency shall provide refresher information as appropriate. The facility does not have volunteers and do not employ contractors who have contact with the detainees. The Auditor verified the training records, and as noted above, two staff members did not complete the required training in 2016, however, did complete the required refresher training in 2018.

(c) The facility meets the mandate of the standard provision. In accordance with CBP Directive No. 2130-030, training shall be provided every two years for CBP employees and records of completions maintained through the DHS Performance and Learning Management System (PALMS). The agency shall document training for contractors and volunteers who may have contact with holding facility detainees. The training shall be received and maintained for at least five (5) years as confirmation that contractors and volunteers have completed the training. The contract staff employed at San Luis Crossing POE does not have contact with the holding facility detainees, and there are no volunteers at the facility. Documentation of employee completion of training was provided to the Auditor for 14

employees. Confirmation of employees' completion of training was retrieved electronically from PALMS and provided to the Auditor for review. As stated above, there were two individuals who did not complete the required training in 2016; however, they did receive the training in 2018. The local SME, Port Director, HQ Deputy PSA, and Officers confirmed their knowledge of the Directive.

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

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

**Notes:**

The facility meets the mandate of this standard provision. The Auditor observed DHS's Zero-Tolerance posters posted in English and Spanish (both letter size and large print) which also contain a box providing zero tolerance and reporting information in the most frequently encountered languages. The posters were displayed in the detainee interview rooms. Additionally, the "I Speak" poster was viewed in the detainee holding rooms. Interviews with two adult male detainees and two female family unit detainees acknowledged observance of the DHS zero tolerance posters in addition to having some knowledge. They further stated they understood the zero tolerance policy.

**§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)The facility meets the mandate of the standard provision. CBP TEDS states before placing any detainees together in a hold room, Officers must assess the information before them to determine if the detainee may be considered an at-risk detainee, or at risk of posing a threat to others. The assessment is outlined in TEDS, page 14, section 4.2. Guidance in conducting an assessment for risk of victimization and abusiveness of detainees is provided in the "Risk Assessment - What's Required." Staff utilize the "Assessment Transport, Escort and Detention" form when conducting detainees' risk assessments. The Intake/Processing Officer reviews the information obtained from each detainee to determine proper holding room placement. Interviews with local SMEs and Officers confirmed, based on the information gained during the assessment to include verbal, non-verbal and the officer's observation, a determination is made on proper placement of the at-risk detainee in a holding room.

(b)The facility meets the mandate of the standard provision. Detainees are asked if they have any concerns for their own physical safety during processing by Officers. This practice was confirmed during interviews with Supervisors and Officers assigned to conduct the risk assessment interviews.

(c) The facility meets the mandate of the standard provision. Interviews with Officers responsible for conducting risk assessment of incoming detainees confirmed the criteria to assess detainees for risk of sexual victimization identified within the standard are given great consideration during the assessment process. The detainee assessment form includes the nine elements noted in this standard which require a response to be noted. Interviews with the detainees confirmed the nine elements were asked/discussed with them upon their arrival at the San Luis Crossing POE.

(d)The facility meets the mandate of the standard provision. Staff indicate that detainees identified pursuant to the assessment to be at a high risk of victimization will be provided with heightened protection. Vulnerable detainees are housed separately from other detainees when possible. Under circumstances where no single holding cells are available; the detainee would be placed in close proximity to an officer providing direct sight and sound supervision. These procedures were repeated by interviewed SMEs and Officers.

(e)The facility meets the mandate of the standard provision. CBP TEDS restricts the dissemination of private and/or sensitive information provided by detainees under this standard. The policy further states Officers will disclose this information only to those personnel with a need-to-know. Per the responses to the local PAQ and interviews conducted

with local SMEs, pertinent information is controlled at the San Luis Crossing POE and only shared on a need-to-know basis. Interviewed staff quoted policy while confirming their knowledge and understanding of this standard.

**§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 mandate of the standard provision. TEDS and CBP Directive 2131-030 provide multiple ways for detainees to report sexual abuse/assault, retaliation, and/or staff neglect or violation leading to sexual abuse/assault. The DHS Office of the Inspector General is the external entity for receiving detainee reports of sexual abuse. Local SME and Officers confirmed during interviews that detainees are provided PREA reporting information through the signage displayed in detainee interview rooms. All interviewed Officers and SMEs identified they would immediately document any awareness of sexual abuse and/or sexual assault. This information is posted in English, Spanish, and available in Arabic, Farsi, French, Hindi, Korean, Romanian, Simplified Chinese, Tagalog and Urdu upon request. Detainees who do not speak English and/or Spanish are requested to identify their language via a poster titled "I Speak" which contains 19 scripted samples of various languages. Detainees may also contact the DHS Office of the Inspector General (OIG) at 800-323-0603, and a telecommunication device for the hearing-impaired TTY/TDD: 1-844-889-4357 or <http://www.federalip.us/> and is posted via posters visible to the detainee population. Interviews with local SMEs and Officers confirmed detainees may report allegations of sexual abuse/assault orally, in writing, through a third party and/or anonymously. Interviewed Officers and local SMEs confirmed the detainees' have free will to utilize any method of reporting in addition to contact the OIG via phone upon request. The detainee would be escorted an interview room where the officer will dial the OIG phone number listed on the poster, provide the phone to the detainee and monitor accountability of the detainee from outside the closed office door. The detainee would not be questioned as to why they have requested to speak with OIG. The Auditor dialed the OIG reporting line for reporting allegations of sexual abuse/assault and confirmed the service was operational. The San Luis Crossing POE staff reported there were no requests by the detainee population to contact OIG during the past 12 months. Interviewed detainees acknowledged they had reviewed the DHS posters which provided methods of reporting sexual abuse and/or sexual assault, but they had no reason to make such a 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 mandate of the standard. Third party reporting is made available through the <https://www.cbp.gov/about/care-and-custody/how-make-report> website. The webpage provides guidance to anyone wishing to report an allegation of sexual abuse/sexual assault. A review of the webpage confirmed numerous avenues for third party reporting that includes: a toll-free telephone, USPS address and email address to the JIC and telephone number, a direct complaint link and USPS address for DHS OIG. The availability of detainee third party reporting to OIG via phone was documented on the DHS posters and were observed in the detainee interview rooms where intake/processing is also conducted. Documentation and interviews confirmed there were no allegations by third parties reported in the past 12 months for violation of the Agency's zero- tolerance policy.

**§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)The facility meets the mandate of this standard provision. CBP Directive 2130-030, Section 12.2, states CBP staff have a duty to make a reasonable effort to immediately report any knowledge, suspicion, or information of the an incident of sexual abuse and/or assault of a detainee in a holding facility; retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. An incident meeting these criteria are required to be reported to JIC and the Commissioner's Situation Room. Interviewed SMEs and Officers confirmed their knowledge and understanding of their responsibility to report immediately upon becoming aware of such incident.

Interviewed staff acknowledged they could always report outside of their chain of command by approaching a higher-ranking supervisor, JIC Hotline, contacting OPR, OIG, PSA Coordinator or the San Luis Police Department.

(b) The facility meets the mandate of this standard provision. CBP Directive 2130-030 outlines the requirement set forth in the agency's written policies and procedures upon staff becoming aware of an alleged sexual abuse. Interviewed local SMEs and Officers confirmed the reporting requirement set forth in the agency's written policies and procedures are included in training, emails, and musters.

(c) The facility meets the mandate of this standard provision. CBP Directive 2130-030 states, except as necessary to report the incident of sexual abuse/assault, 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 decisions contemplated by Subpart B of the DHS Standards. Interviewed Officers confirmed their awareness of policy that they were not authorized to release any information to staff with a right to know such as their supervisory staff. The Officers also consistently stated supervisory staff are authorized to release such information regarding an incident to JIC, OIG, and those authorized to receive the information.

(d) The facility meets the mandate of this standard provision. CBP Directive 2130-030 requires reporting of sexual abuse and/or assault allegations involving alleged victims under the age of 18 or considered a vulnerable adult under at State of Local vulnerable person statute to the designated State or local services agency under applicable mandatory reporting laws. An interview with the HQ SAAI Coordinator verified sexual abuse and/or assault victims under the age of 18 and vulnerable/or identified as a vulnerable adults will be reported to the designated State or local services agency by the Port Director or their designee and at the direction of the HQ SAAI 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 Agency meets the mandate of this standard. CBP TEDS indicates when an Officer has reasonable belief that a detainee is subject to a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee. Local SMEs and Officers confirmed in these instances, the identified detainee is immediately placed in a single holding room and/or other available location under constant staff supervision.

**§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 mandate of the standard provision. CBP Directive 2130-030 requires upon receipt of an allegation that a detainee was sexually abused and/or assaulted while confined at another facility prior to their arrival at the San Luis Crossing POE, the prior agency or administrator must be notified. Interviews conducted with the Port Director and the PFC confirmed the Watch Commander would make the notification. During interviews with HQ SMEs and local SMEs, each confirmed there were no allegations of sexual abuse and/or sexual assault reported by detainees from any other confinement facility upon their arrival at the San Luis Crossing POE.

(b) The facility meets the mandate of the standard provision. The standard requires notification be made to the detainee's previous confinement facility where the alleged sexual abuse and/or assault was reported to have occurred within 72 hours of being reported. The San Luis Crossing POE did not receive any reports from detainees who alleged to have been sexually abuse and/or assaulted at another confinement facility within the past 12 months. The Port Director and PFC identified the standard requirement of agency notifications during the interview process.

(c) The facility meets the mandate of the standard provision. The San Luis Crossing POE did not receive any notifications from another facility of detainees who alleged sexual abuse and/or sexual assault while detained at the San Luis Crossing POE within the past 12 months. An interview with the PFC explained information as such would be documented in the detainee's electronic file.

(d) The facility meets the mandate of the standard provision. Interviews with the PSA Coordinator, local SMEs, HQ SAAI Coordinator, and PFC identified there were no reports of sexual abuse and/or sexual assault reported within the past 12 months of the audit. The PFC reports the San Luis Crossing POE follows all agency reporting requirement as specified in CBP Directive 2130-030; upon notification from another facility of an allegation of sexual abuse/assault

which occurred at the San Luis Crossing POE, the JIC is notified immediately. This was also confirmed during the HQ SMEs and Local SMEs to include the Port Director.

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

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

**Notes:**

(a) The facility meets the mandate of the standard provision. CBP Directive 2130-030 details that the first law enforcement staff member and his or her supervisor shall perform first responder duties upon receipt of a detainee's allegation of sexual abuse/assault as outlined with the standard. Interviews with random Officers and the local SME verified their understanding of their duties as a first responder to a reported allegation of sexual abuse/assault. Responsibilities included separating the alleged victim and abuser, preserving and protecting the crime scene to the extent possible, if the abuse occurred within a time period that still allows for the collection of physical evidence, requesting the alleged victim and ensuring the alleged abuser do not take any action that could destroy the physical evidence such as use of the restroom, bath, change clothes, and/or brush teeth, and then notify their supervisor. Interviews with Officers and Local SME verified their understanding of their duties as a first responder.

(b) The facility meets the mandate of the standard provision. Procedures are in place for first responders who are not law enforcement staff. CBP TEDS states "If the first staff responder is not law enforcement staff, the responder must request that the alleged victim not take any actions that could destroy physical evidence and then notify law enforcement staff." The facility does not employ contractors who have direct contact with detainees.

**§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 mandate of the standard provision. On January 19, 2018, the Acting Commissioner identified Directive 2131-030 as CBP's written institutional plan pursuant to 6 C.F.R. § 115.165 for utilizing a coordinated multidisciplinary team approach to respond to sexual and/or assault. The 21 sections outlined in the Directive includes definitions and information on hiring, departmental responsibilities, prohibited acts, training, reporting, responding, medical and mental health evaluations, investigations, incident reviews and data collection. Interviews with SMEs confirmed utilization of the CBP written institutional plan as the facility method of compliance in the Agency's prevention, detection, and response to sexual abuse and/or assault. The new policy was distributed to employees through the CBP Postmaster and PDO News - Privacy and Diversity Office Quarterly Newsletter.

(b) The facility meets the mandate of the standard provision. CPB Directive 2130-030 requires if an alleged victim of sexual abuse and/or assault is transferred to another DHS facility, the sending facility will inform the receiving DHS agency of the alleged incident and the alleged victim's potential need for medical or social services. There were no incidents of sexual abuse and/or assault reported at the San Luis Crossing POE during the past 12 months. However, interviews with local SMEs confirmed the Watch Commander or PFC would notify the receiving DHS facility.

(c) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires if the alleged victim of sexual abuse and/or assault is transferred to a non-DHS facility, San Luis Crossing POE staff will inform the receiving facility or agency, as permitted by law, of the incident and the alleged victim's potential need for medical and social services, unless the alleged victim request otherwise. There were no incidents of sexual abuse and/or sexual assault reported to a non-DHS facility during the past 12 months of the audit period. Interviews with local SMEs confirmed the Watch Commander would notify the receiving facility. Local SMEs were aware of the notification for alleged victim's potential need for medical and social services to be provided as needed as outlined in policy.

**§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 mandate of this standard. CBP Directive 2130-030 requires agency management to consider removing staff and contractors who were alleged to have perpetrated sexual abuse and/or assault from duties

requiring detainee contact pending the outcome of an investigation and to do so if the seriousness and plausibility of the allegation make removal appropriate. Interviews conducted with the HQ SAAI SME, HQ LER SME, and local SMEs confirmed any allegation of sexual abuse involving staff, contractor, or volunteer would result in the person being removed from duties requiring detainee contact pending the outcome of an investigation when the seriousness and plausibility of the allegation make removal appropriate. There were no allegations of sexual abuse/assault during the last 12 months.

**§115.167 – Agency protection against retaliation.**

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

**Notes:**

The agency meets the mandate of this standard. CBP TEDS prohibits staff from retaliating against any person, including a detainee, who alleges or complains about mistreatment, participates in an investigation into an allegation of staff misconduct, including sexual abuse, or who participates in sexual activity as a result of force, coercion, threats, or fear of force. Interviews with local SMEs and Officers verified their knowledge and understanding of the agency's policy prohibition against retaliation. There were no reported allegations of retaliation during the past 12 months.

**§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)

**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) CBP Directive 2130-030 states CBP personnel may be subject to disciplinary or adverse action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse and/or sexual assault and/or for violating CBP's sexual abuse policies. Interviewed Officers and Local SMEs were aware of possible disciplinary actions and/or adverse actions for violation of the Agency's zero-tolerance policy. Interviews with the HQ HRM and Local SMEs confirmed there were no reported allegations of sexual abuse and/or sexual assault and/or violating CBP's sexual abuse policies in the past 12 months of the audit.

(c) The facility meets the mandate of this standard. CBP Directive 2130-030 requires that the removal and/or resignation in lieu of removal for violation of agency or facility sexual abuse policies be reported to appropriate law enforcement agencies, unless clearly not criminal. Review of documentation and interviews conducted with the HQ SMEs and local SME indicate there have been no removals or resignations in lieu of removal from the San Luis Crossing POE during the past 12 months.

(d) An interview with the HQ SAAI Coordinator verified that the agency's process for reporting all removals for violation of agency or facility sexual abuse policies to relevant licensing bodies is to report via phone call or in person if a phone number is not available.

**§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 mandate of this standard. Volunteers are not assigned to the San Luis Crossing. Although there are employed contractors, they do not interact with the detainee population. CBP Directive 2130-030 addresses both volunteers and contractors with regards to this standard. Any contractor or volunteer suspected of perpetrating sexual abuse and/or assault will be immediately removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. Interviews with the HQ SAAI SME and local SMEs verified that contractors and volunteers suspected of perpetrating sexual abuse will be removed from all duties requiring detainee contact pending the outcome of the investigation, reported to the appropriate law enforcement agencies and licensing authorities by the Sector Chief or their designee.

(b) The facility meets the mandate of this standard. Interviews with HQ and local SMEs confirmed policy as outlined in CBP Directive 2130-030. They acknowledged any contractor suspected of perpetrating sexual abuse or who have not engaged in sexual abuse but have violated other provisions within the DHS PREA Standards would be removed from all duties where detainee contact could occur. They further stated they have an obligation to report to licensing agencies, as well as JIC or other investigative offices.

**§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. Detainees reporting sexual abuse at the San Luis Crossing POE are immediately transported to Amberly's Place in Yuma, Arizona, where the SANE and SAFE examination are conducted. Per the San Luis Police Department and Amberly's Place, these services are now conducted at the Amberly's Place as the facility provides a better environment for the services offered. A victim advocate is available for the alleged victim 24/7. Comprehensive medical care will be offered as outlined CBP Directive 2130-030. Confirmation of procedures was obtained during interviews with the Local SMEs and Officers during interviews. The detainee victim would be provided timely, unimpeded access to emergency medical treatment including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. There were no reports of sexual abuse and/or sexual assault during the past 12 months. This was verified by the Port Director, Local SMEs, and the PSA Coordinator. Therefore, no detainees were provided access to emergency medical services for sexual abuse and/or sexual assault incidents as there were none reported.

**§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 provision. Interviews with the National OFO PREA Coordinator, HQ (b) (6), (b) (7)(C) and Port Director confirmed there were no sexual abuse/ assault allegations reported and there were no incident reviews conducted in the past 12 months. However, in accordance with CBP Directive No. 2130-030 a sexual abuse incident review is conducted within 30 days after the conclusion of every investigation. A written report is prepared recommending whether the allegation or investigation indicates a change in policy or practice could better prevent, detect, or respond to the sexual and/or assault. If recommendations are not implemented, reasons for not doing so will be provided in a written response. The report is submitted to the HQ (b) (6), (b) (7)(C). The National OFO PREA Coordinator identified himself, the Branch Chief, a Program Manager and a liaison with the Office of Professional Responsibility (OPR) as the individuals conducting the sexual abuse incident reviews as outlined in CBP 2130-030, Section 18.1, 18.1.1 and 18.1.2. Upon completion of the incident review, the report is submitted to the PSA Coordinator.

**§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**

January 22, 2020

**Date**

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



U.S. Customs and Border Protection

| <b>AUDITOR</b>                                    |  |                          |                           |
|---|--|--------------------------|---------------------------|
| <b>Name of Auditor:</b>                           | (b) (6), (b) (7)(C)                              | <b>Organization:</b>     | Creative Corrections, LLC |
| <b>Email Address:</b>                             | (b) (6), (b) (7)(C)                              | <b>Telephone Number:</b> | (b) (6), (b) (7)(C)       |
| <b>AGENCY</b>                                     |  |                          |                           |
| <b>Name of Agency:</b>                            | U.S. Customs and Border Protection               |                          |                           |
| <b>PROGRAM OFFICE</b>                             |  |                          |                           |
| <b>Name of Program Office:</b>                    | Office of Field Operations                       |                          |                           |
| <b>SECTOR OR FIELD OFFICE</b>                     |  |                          |                           |
| <b>Name of Sector or Field Office:</b>            | Tucson 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>Sector or Field Office Physical Address:</b>   | 4740 N. Oracle Road, Suite #310 Tucson, AZ 85741 |                          |                           |
| <b>Mailing Address: (if different from above)</b> | Same as above                                    |                          |                           |
| <b>SHORT-TERM FACILITY BEING AUDITED</b>          |  |                          |                           |
| <b>Information About the Facility</b>             |  |                          |                           |
| <b>Name of Facility:</b>                          | San Luis Crossing Port of Entry                  |                          |                           |
| <b>Physical Address:</b>                          | 431 N. Main Street, San Luis, AZ 85336           |                          |                           |
| <b>Mailing Address: (if different from above)</b> | PO Box 7050, San Luis, AZ 85349                  |                          |                           |
| <b>Telephone Number:</b>                          | (b) (7)(E)                                       |                          |                           |
| <b>Facility Leadership</b>                        |  |                          |                           |
| <b>Name of Officer in Charge:</b>                 | (b) (6), (b) (7)(C)                              | <b>Title:</b>            | Port Director             |
| <b>Email Address:</b>                             | (b) (6), (b) (7)(C)                              | <b>Telephone Number:</b> | (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 San Luis Crossing Port of Entry on-site audit was completed on Monday, September 23, 2019 and the preliminary findings report was submitted on November 14, 2019. Following comments from CBP Headquarters and Auditor Review, the report was submitted in Final Draft on January 22, 2020.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the San Luis Crossing Port of Entry (POE) was found to be in compliance with 21 standards {115.111; 115.114; 115.116; 115.117; 115.121; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182 and 115.186}. The facility had not met the requirements for three standards: 115.113; 115.115; and 115.121. Standard 115.118 did not apply to the facility.

On February 28, 2020, the San Luis Crossing POE submitted a preliminary Corrective Action Plan (CAP) to the Auditor through Headquarters. As part of the CAP, the facility submitted documentation of training musters to comply with pat searches of transgender and intersex detainees as well as a detailed Annual Review of Detainee Supervision Guidelines. Additional documents were requested at that time. On April 8, 2020, the requested documentation was received. Training musters with electronic signatures were provided to the Auditor for review. Also submitted was correspondence to the San Luis Police Department requesting they follow Federal PREA regulations. All required corrective action was completed prior to the 180-day deadline.

## 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 replied upon in making the compliance or non-compliance determination for each provision that was found non-compliant during the audit.

### §115.113

- Exceeds 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

#### Notes:

The San Luis Crossing POE submitted a record of an Annual Review of Detainee Supervision Guidelines dated January 8, 2020, to the Auditor via Headquarters and was found to meet the requirements of the standard. San Luis Port of Entry is now complaint with standard 115.113.

### §115.115

- Exceeds 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

#### Notes:

The San Luis Crossing POE submitted proof of musters dated December 11, 2018, a weekly muster, and a muster which was issued on May 21, 2019, to all staff via email. These records satisfied compliance with all elements of standard provision (f). On April 8, 2020, the San Luis Crossing POE presented evidence that over 80% of all port employees had received and understood muster training on proper pat down procedures of transgender detainees. The San Luis Crossing POE is now compliant with 115:115.

### §115.121

- Exceeds 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

#### Notes:

The San Luis Crossing POE submitted a copy of correspondence dated February 6, 2020, to the San Luis Police Department requesting the agency agree to comply with the requirements detailed in 115.121. The correspondence summarized the requirements of standard provisions (a-d). These policies include detainee victim consent to participation in forensic examinations conducted at a hospital by a SANE/SAFE; victim consent to participation in sexual abuse investigations; and the ability of the victim to have a sexual abuse advocate present. San Luis POE is now compliant with standard 115.121.

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

May 1, 2020  
**Date**