

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



U.S. Customs and
Border Protection

AUDITOR

Name of Auditor:	(b) (6), (b) (7)(C)	Organization:	Creative Corrections LLC
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AGENCY

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

Name of Program Office:	Office of Field Operations
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	Tucson, Arizona
Name of Chief or Director:	(b) (6), (b) (7)(C) Director
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Sector or Field Office Physical Address:	4760 N. Oracle Road Suite 316 Tucson, AZ 85705
Mailing Address: (if different from above)	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Douglas Port of Entry		
Physical Address:	1 st and Pan American Avenue Douglas, AZ 85607		
Mailing Address: (if different from above)			
Telephone Number:	(b) (6), (b) (7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b) (6), (b) (7)(C)	Title:	Port Director
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

AUDIT FINDINGS

NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

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

A Prison Rape Elimination Act (PREA) on-site audit of the Customs and Border Protection (CBP) Office of Field Operations (OFO), Douglas Port of Entry (POE), holding facility was conducted on Tuesday, July 23, 2019, from 0500 hours until 1330 hours. The audit was conducted by (b) (6), (b) (7)(C) Certified PREA Auditor, contracted through Creative Corrections, LLC, of Beaumont, Texas. This was the first PREA audit for the Douglas Port of Entry Holding Facility. The Port of Entry has a short-term processing and holding area detaining male and female adult detainees, unaccompanied alien children (UAC), and family units for a period specified to be under 24 hours, pending transfer for removal or detention. 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"). The on-site audit followed the auditor's electronic review of CBP's PREA policies and procedures and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

The Point of Contact for the Douglas POE was CBPO Supervisor/PREA Coordinator, (b) (6), (b) (7)(C)

Upon arrival at the facility, the Auditor was met by Supervisor (b) (6), (b) (7)(C). After a brief introduction, Supervisor (b) (6), (b) (7)(C) provided the Auditor a tour of the facility.

The Douglas POE is located in Douglas, Arizona. The facility is a personal vehicle, cargo, and pedestrian entry point from Mexico.

The overall facility is comprised of several buildings utilized for various functions, including processing, pedestrian entry, offices, and cargo inspections. The first building is located directly behind the lanes of entry, and this building is utilized for secondary processing of vehicles, detention purposes, and overall individual processing of detainees. This building contains (b) (7)(E). These cells have toilets in them, and the toilets are in the back corner behind a half-block wall that completely blocks the view of the toilet. The doors have a small window that is covered with a sliding panel. The officers interviewed confirmed they would knock on the door and announce their presence upon entering one of the three cells; this was observed by the Auditor during the audit. The CBP PREA Posters and the DHS Language Identification Posters are located in this area outside of the cells. The CBP PREA Posters are posted in both English and Spanish.

The second building contains offices, the pedestrian crossing area, a dry cell, and an area designated to hold unaccompanied children and family units. The dry cell has no toilet and is utilized for initial pat searches of detainees taken into custody in the pedestrian area. The CBP PREA Posters and the DHS Language Identification Posters are also located in this area outside of the dry cell. The CBP PREA Posters are posted in both English and Spanish. The officers confirm they would utilize this cell to temporarily hold a detainee until they are moved to one of the other cells. The door has a window in it, and the officers confirm they knock and announce their presence when opening the door.

The area utilized to hold unaccompanied children and family units is a large open area where the detainees are free to move around. The facility has a television, toys for the children, and children's videos available to the detainees. The detainees are under direct supervision while in this area and are held in the least restrictive manner possible. The officers stated that if they have a large number of family units or unaccompanied children, they will use other areas in the facility, such as conference rooms to hold them. If someone is placed in these areas an officer will be stationed with them to provide direct supervision. During the on-site audit, the Auditor viewed a tender-age child being held at the facility, and she was in this large open area with an officer. The Auditor viewed her watching television, playing with toys and eating. She was free to move about this area and was always under direct supervision of staff. The CBP PREA Posters and the DHS Language Identification Posters are also located in this area. The CBP PREA Posters are posted in both English and Spanish.

A third building contains offices, the cargo area, and lanes of entry.

All staff with direct contact to detainees are law enforcement officers. Detainees are removed from any area where janitorial or maintenance contractors must work, and the workers are escorted in and out by law enforcement staff.

The number of officers working in the detention area remains fluid and varies by the flow of detainees.

Following the initial facility tour and several interviews, the Auditor met with Port Director (b) (6), (b) (7)(C) We discussed the overall audit process and findings to that point.

At the conclusion of the audit, the Auditor held an exit conference. The following were in attendance:

(b) (6), (b) (7)(C) PREA Auditor

(b) (6), (b) (7)(C) Port Director

(b) (6), (b) (7)(C) CBPO Supervisor/PREA Coordinator

We discussed the overall audit findings and the Auditor answered questions.

It should be noted that several detainees were being detained at the time of the audit; five adult detainees were being held on criminal allegations, and one unaccompanied alien child (UAC) who was a tender age child. The auditor did not interview the detainees due to the criminal allegations and pending criminal prosecution.

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.

Scope of the Audit: Before the on-site audit, the Auditor was able to review the HQ Pre-Audit Questionnaires (PAQs), the HQ Responsive Documents and Data Requests, local documents, including the Douglas POE specific documents, HQ Participation documents, and medical provider websites. The Auditor was also able to conduct four HQ SME interviews.

The Auditor had complete access to the facility and observed primary screening, secondary screening, processing, and holding areas. The Auditor was provided with a private interview room for officer interviews.

During the on-site audit, the Auditor was able to interview officers from all three shifts. In total, the Auditor interviewed two local SMEs and fifteen random officers. The Auditor had the opportunity of observing the officer and detainee interaction with adult detainees and one tender-age child.

During the Audit Process, the Auditor reviewed the compliance of 25 Subpart B standards at the Douglas POE Holding Facility. The Auditor found the Douglas POE met 22 standards (115.111; 115.114; 115.116; 115.117; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186).

The facility has not met standards 115.113, 115.115, and 115.121.

Standard 115.118 is not applicable to the facility.

Corrective Action: Provide documentation that an annual review of the detainee supervision guidelines and their application at the Douglas POE was conducted. This review should include all provisions of standard 115.113 taken into consideration and a copy of the results was provided to the HQ PSA Coordinator.

Corrective Action: Provide documentation of specific training on pat searches of transgender and intersex detainees.

Corrective Action: Provide documentation the local law enforcement agency responsible for investigating sexual abuse allegations at the Douglas POE has been asked to follow the requirements of the standard.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded:	0
Number of standards met:	21 + 1 not applicable
Number of standards not met:	3
OVERALL DETERMINATION	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards) <input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) <input checked="" type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	<input type="checkbox"/> Low Risk <input checked="" type="checkbox"/> Not Low Risk

PROVISIONS

Directions: In the notes, the auditor shall include the evidence relied upon in making the compliance or non-compliance determination for each provision of the standard, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Corrective Action Plan Final Determination, accompanied by information on specific corrective actions taken by the facility. Failure to comply with any part of a standard provision shall result in a finding of "Does not meet Standard" for that entire provision, unless that part is specifically designated as Not Applicable. For any provision identified as Not Applicable, explain 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) CBP Policy on Zero Tolerance of Sexual Abuse and Assault signed by CBP's Commissioner on March 11, 2015 was issued to staff which constitutes CBP's policy on zero tolerance of sexual abuse and assault. CBP Directive 2130-030, Sexual Abuse and Assault Prevention and Response, dated January 19, 2018, mandates zero-tolerance toward all forms of sexual abuse and sexual assault and outlines their approach to preventing, detecting, and responding to such abusive conduct. It defines in detail for all staff and detainees the prohibited acts. CBP National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015, sets forth nationwide Standards that govern CBP's interaction with detained individuals. CBP Directive 2130-030, was provided to all CBP employees February 5, 2018, and reissued on February 12, 2018, through the agency email program referred to as CBP Central. The random officer interviews confirm they were provided and are familiar with CBP Directive 2130-030. This policy is currently available to everyone on the agency webpage.

§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 standard requires the agency to ensure that each facility maintains sufficient supervision of detainees, including through appropriate staffing levels and where, applicable, video monitoring, to protect detainees against sexual abuse. The Auditor confirmed with the facility supervisors that the facility is staffed 24 hours a day, and the staffing levels are fluid depending upon traffic flow and needs of the facility. The officers rotate between working lanes, the interior counter, and the secondary processing area. When someone is taken into custody, they will be under direct supervision; the Auditor was informed the Douglas POE maintains enough officers to provide a safe and secure environment for detainees. The supervisors and the PREA Field Coordinator (PFC) state the established staff positions are appropriate. (b) (7)(E)

Three of the cells have toilets located in the rear corner behind a partition; the facility does not have showers. If a detainee is placed into the cells, they are checked every 15 minutes, and this is logged on the Personal Detention Log Sheet or into an appropriate electronic system of record.

(b)(c) CBP Directive 2130-030 requires a review of the detainee supervision guidelines be performed at least annually to determine whether adequate levels are present for detainee supervision and monitoring exist. The policy also requires a copy of the review be provided the agency PSA Coordinator after the facility takes into consideration the physical layout of the facility, the composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings and recommendations of incident reviews and any other relevant factors. The SME and Port Director confirmed they conduct reviews of the supervision guidelines; the review is also conducted at the field office level. This review and staffing is based on pedestrian and vehicle traffic and is fluid due to these variables. The reviews are taking into account physical layout of the facility, composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings, and recommendations of incident reviews and any other relevant factors; therefore in compliance with standard provision (c). However documentation was not provided the annual review of the detainee supervision guidelines and their application at the Douglas POE was conducted. The staffing is adjusted to meet pedestrian and vehicle traffic needs; they further confirmed that supervision of detainees is outlined in TEDS. As an example during high traffic times such as pedestrians and vehicles entering and leaving the United States for work, the staffing numbers are higher on the off hours the staffing is less. The Auditor confirmed with the officers interviewed that when someone is in custody, they are checked every 15 minutes; family units and unaccompanied children are under constant supervision. **Corrective Action:** Provide documentation that an annual review of the detainee supervision guidelines and their application at the Douglas POE where all provisions of the standards are taken into consideration and a copy of the results submitted to the HQ PSA Coordinator.

§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)(b) CBP TEDS requires the Douglas POE to place each juvenile in the least restrictive setting appropriate to their age and special needs, provided the setting is consistent with the need to ensure the safety and security of the detainee and that of others. The Auditor interviewed officers who would process unaccompanied juveniles and family units taken into custody. When discussing family units, or unaccompanied alien children (UAC), the officers confirmed the following process: if a family unit is detained, they will be kept together, (b) (7)(E) (b) (7)(E) The family unit will either be placed in the large room designated for this purpose in direct view of the officers, or a conference room under direct supervision. The officers indicated that unaccompanied juveniles would stay with an officer in the large common area utilized for family units. These officers also confirm that the adults accompanying the minors are thoroughly vetted to the extent they can to ensure a parental or legal guardianship relationship. This includes the use of consulates, legitimate documentation, and interviews. If a legal relationship cannot be established, the minor is handled as an unaccompanied juvenile separated from adults, under the least restrictive setting. At the time of the audit, a tender age child was being held; she was in the area indicated and under direct supervision. No family units were being detained. The facility has not had any sexual abuse incidents within the past 12 months that involved juveniles or family units.

§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) CBP TEDS details the type and conditions under which searches can and will be performed to ensure the safety of officers, civilians, and detainees. It prohibits cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances including consideration of officer safety, or when performed by medical practitioners. If performed, the policy requires these strip/body cavity searches be recorded in the electronic system of record. The policy further states officers must not conduct visual body cavity searches of juveniles and will refer to all such body cavity searches of juveniles to a medical practitioner. The supervisors and officers confirmed the facility does not conduct strip searches and body cavity searches.

(d) CBP TEDS specifies the requirement that enables detainees to shower (where showers are available), perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination or under medical supervision. The holding cells do not have cameras. The toilets in the cells are located behind partitions that completely block the view from the window in the door. The officers confirmed they knock on the door and announce upon entering. The holding cells have small windows with a closable panel. The facility does not have shower facilities, and it was confirmed that the detainees are not held at the facility any longer than necessary to process, which is under 12 hours, therefore, not needing shower areas.

(e) CBP TEDS prohibits staff from searching or physically examining a detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown, officers are to ask the detainee their gender or gender identity. If the detainee declines to state their gender, the gender will be recorded in the appropriate electronic system(s) of record as unknown. Officer interviews indicate they are aware of the prohibition on searching detainees to determine their gender.

(f) The standard requires the agency to train law enforcement staff in proper procedures for conducting pat-down searches, including cross-gender pat-down searches and searches of transgender and intersex detainees. All pat-down searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and agency policy, including consideration of officer safety. During the supervisor and officer interviews, staff explained that an officer would conduct an immediate search for weapons when a detainee is taken into custody. This can happen in the lanes of travel, the secondary processing area or inside the facility. This search is only for weapons or instruments that may injure the officer. All pat searches must be approved by a supervisor and conducted with a witness. The officers conduct same gender pat searches; this was confirmed by interviews with the officers. The Auditor confirmed that a memorandum from the Executive Director of Admissibility and Passenger Programs was issued to the Directors of Field Operations, and the Director of the Field Operations Academy. This memorandum was supplemented by a muster memo, and this memo is dated December 10, 2018. The memo offers guidelines on how to search a detainee who identifies as gender non-conforming, intersex, or transgender. The memo

further states that if an officer finds that an individual identifies with a gender other than the gender on their travel documentation, they will immediately notify a supervisor. Officers of the same gender as identified by the detainee will become the search officer and witness. The supervisors and officers confirmed they had reviewed the documents in the past, and this was forwarded to all officers utilizing the CBP email. The supervisors stated that they reviewed the Muster memo and provided guidance to all officers at muster as how to proceed in these situations. The supervisors and officers all confirmed that according to this memo, if a male identified as a female and they still had male genitalia, they would have the female pat search the upper half and a male would search from the waist down. Since this memo, half of the officers stated the same gender as to how the detainee identifies is being utilized to conduct the pat search, and the remaining described cross gender searches, searches being approved by supervisor, or did not describe the transgender search. The supervisor stated the training was documented; however, the Auditor was not provided or reviewed the documentation. The facility has a PREA reference binder that has the muster training memo in it for reference, if needed. They further confirmed that they had received training on cross-gender pat searches, and will use these techniques such as the back of hand, or blade of hand to conduct the search. The supervisors further confirmed this overall process since they need to authorize all pat searches. The Douglas POE provided training in the area of cross gender pat searching and transgender and intersex detainee searching in December of 2018, however, only half of the officers stated they would search according to gender identity. **Corrective Action:** Provide documentation of specific training on pat searches 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)(b)(c) CBP TEDS and CBP Directive 2130-030 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 assault. When necessary to ensure effective communication with detainees who are hearing impaired, steps are to include providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. During staff interviews, the Auditor was informed if a communication problem exists during processing; the officer utilizes Interpreters and Translations Incorporated to provide information to detainees in a language they understand. The officers further state blind detainees would be dealt with individually with the officer reading them information, and if deaf, they would write back and forth. For low mental functioning individuals, they would provide a verbal explanation to ensure they understood the information. The officers confirm they would refer to the DHS publication, "A Guide to Interacting with People Who Have Disabilities" to assist in giving guidance on the best way to accommodate detainees who are deaf and can't speak, psychiatric, low-level learning, or low functioning detainees. The Auditor reviewed the publication and confirmed all of the disabilities are addressed. This publication was in the aforementioned PREA binder. The interviewed officers confirmed that they always have found a way to interact with the detainees; this interaction is necessary to complete the processing of the detainee. They further confirmed that they do not use other detainees to interpret and would not in a situation of sexual abuse or assault.

§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) CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) to establish policy and procedures to ensure CBP does not hire or promote personnel or enlist the services of a volunteer who have had previous substantiated allegations of engaging in sexual abuse and assault to any position where the employee, contractor, or volunteer may interact with detainees in CBP holding facilities. The Auditor interviewed the HQ HRM SME and was informed CBP would not hire or promote any employee, contractor, or enlist service of any volunteer, who has been found to have engaged, been convicted of engaging, or civilly or administratively adjudicated to have engaged in sexual abuse as defined in the Standard and agency policy.

(b)(c)(d)(e) CBP Directive 2130-030 requires the Office of Professional Responsibility (OPR) ensure background investigations are conducted for applicants for employment and contractors having contact with detainees to determine the suitability and updated background investigations be conducted every five years for CBP personnel who may have contact with detainees. The HQ Personnel Security Division (PSD) SME indicates background checks for CBP are the most thorough investigations performed for DHS. She confirms the background investigators ask all potential

employees and contractors if they have engaged in, or have ever been charged with, sexual abuse. She related an affirmative response results in the individual not being hired. The SME also informed the Auditor rechecks are initiated every five years. The Auditor submitted twelve names to OPR to review for background rechecks. The documentation provided by HQ demonstrated the five-year recheck was initiated within five years as required. The facility does not have contractors who have contact with detainees. The HQ HRM SME states interviews conducted with new applicants as well as applicants for promotions include specific questions about any previous sexual abuse misconduct. Further, material omissions regarding this type of misconduct or providing false information are grounds for termination or withdrawal of an offer of employment. The HQ HRM SME also informed the Auditor all staff has an affirmative duty to disclose any such misconduct, false information, and any material omissions. This information is provided to them upon hiring when issued the U.S. Customs Border Protection Standards of Conduct and they are reminded annually during training on the Performance and Learning Management System (PALMS).

(f) The standard requires, unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The HQ HRM SME and HQ PSD SME further confirmed that if a former employee were involved in a substantiated investigation and a future institutional employer where the employee applied to work requested the information, they would provide the 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 standard provision is not applicable as the Douglas POE has acquired no new facility or undergone a major expansion since construction.

(b) The facility has not made any **(b) (7)(E)** at the facility; the SME stated that if any new monitoring system were going to be installed they would take into consideration sexual safety as well as the overall safety of the detainees.

§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) CBP Directive 2130-030 requires the Douglas POE to provide emergency medical treatment and crisis intervention services, including a forensic medical exam, in accordance with professionally accepted standards of care to alleged victim detainees of sexual assault. The treatment is without financial cost to the detainee and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. CBP TEDS requires if the detainee is transported for a forensic examination to a medical facility that offers victim advocacy services, officers will permit the detainee to use such services to the extent available, consistent with security needs. The facility SMEs confirmed a victim would receive medical and mental health treatment at no cost as well as allowing advocacy personnel access to detainees, which is provided at the hospital along with the sexual assault examination. They further stated that a detainee would be transported to the University Medical Center-Banner in Tucson, Arizona, for a forensic medical examination. The facility SMEs confirmed they offer a sexual assault examination provided by a SANE, and victim advocacy would be offered by the Southern Arizona Center Against Sexual Assault. The Auditor contacted both the University Medical Center-Banner and the Southern Arizona Center Against Sexual Assault and spoke with a supervisor at both locations. They confirmed they offer the services as outlined by the facility SMEs. These procedures include protocols to maximize the potential for obtaining usable physical evidence. The Auditor further confirmed with the SMEs that anyone under the age of 18 involved in an incident would be taken to a Southern Arizona Child Advocacy Center for examination. This was confirmed by reviewing the CAC website.

(e) The standard requires to the extent that the agency is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (d) of this section. The Douglas POE did not provide documentation the investigating agency follow the requirements in the standard provision. The local SME confirmed that the investigations are conducted by local law enforcement, the DHS Office of the Inspector General (OIG), and/or CBP OPR. **Corrective Action:** Provide documentation the local law enforcement agency responsible for investigating sexual abuse allegations at the Douglas POE has been asked to follow the requirements of the standard.

§115.122(c) and (d) – Policies to ensure investigation of allegations and appropriate agency oversight.

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

Notes:

(c)(d) CBP Directive 2130-030 requires staff with knowledge, suspicion, or information of any 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 to report to the Joint Intake Center (JIC). The local SME and supervisors confirm an allegation of sexual abuse would be reported to JIC and the Commissioner's Situation Room in accordance with policy. They stated this notification would be made by the on duty supervisor. The PFC confirms an Incident Report to the JIC and the Commissioner's Situation Room would be submitted upon learning of an incident. The local SME further stated the investigations are conducted by local law enforcement, DHS OIG, and/or CBP OPR. All notifications would be documented in the incident report. The Douglas POE did not have any incidents of sexual abuse within the last 12 months.

§115.131(a) through (c) – Employee, contractor, and volunteer training.

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

Notes:

(a)(b)(c) CBP Directive 2130-030 requires all uniformed Agents and Officers, Special Agents, fact finders, contractors, and volunteers who may have contact with detainees in CBP holding facilities receive PREA training as required in Subpart B of the DHS Standards. The Auditor reviewed the training curriculum provided to staff at the Douglas POE through PALMS. This training includes the agency's 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, and the right of staff and detainees to be free from retaliation for reporting it. The training also provides information on where sexual abuse may occur; recognition of physical, behavioral, and emotional signs of sexual abuse; and methods of preventing and responding to such occurrences. Staff is instructed on how to avoid inappropriate relationships with detainees, and how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, and transgender, intersex, or gender non-conforming detainees. The Auditor confirmed during interviews and review of the training materials that these topics are provided in training. The Auditor was provided a roster printed from PALMS showing all employees assigned to the Douglas POE have received this training within the past 12 months. The Auditor further confirmed the refresher training is provided every two years. The local SME and supervisors state the Douglas POE does not have any contractors or volunteers who have contact with detainees. The Auditor interviewed the training officers for the Tucson Field Office, who provide training and oversight for the training throughout the Tucson Field Office, and this includes the Douglas POE. They stated that the PREA training has been taking place on a yearly basis since 2016, and provided the Auditor records for the officers dating back to 2016. The facility has a cleaning contractor; the interviewed officers stated contractors do not enter the holding areas when detainees are present.

§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:

CBP has published its zero-tolerance policy through its webpage (<https://www.cbp.gov/about/care-in-custody>). The Douglas POE notifies all detainees of its zero-tolerance policy through posters located in the holding area. The Auditor observed posters in English and Spanish. Information on the posters includes: CBP has zero-tolerance for sexual abuse/assault; reporting can be anonymous and confidential; be safe and get help; tell a CBP official; call the DHS OIG (toll-free number provided), and telecommunication devices available by calling a toll-free number (provided). At the time of the onsite audit the facility had 5 detainees in custody. Four detainees were not interviewed due to the detainees being held on criminal matters and the remaining detainee was a tender age child.

§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) CBP TEDS states before placing any detainees together in a holding room the processing officer 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. This assessment by policy includes: whether the detainee has exhibited a mental, physical or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; is the detainee identified as LGBTI or gender non-conforming; any prior sexual victimization; and the detainee's own concerns about his/her physical safety. The local SME and supervisors confirm the assessment is completed utilizing the US Customs and Border Protection Assessment for Transport, Escort, and Detention form. This form takes into consideration all provisions of the standard. The interviewed officers further confirmed they ask if the detainee has any safety concerns before placing them into a holding cell. They further confirmed if they had any concerns of self-harm or victimization, they would keep the detainee under direct supervision, rather than placing them into a cell with other detainees. They also indicate they received training on the assessment through PALMS. The local SME and supervisors stated that they follow 4.0 Secure Detention Standards in TEDS which specifically address all aspects of the standard. The Auditor reviewed TEDS and found that all questions enumerated in the standard are outlined in the policy.

(e) CBP TEDS requires the Douglas POE to implement appropriate controls on the dissemination of private and sensitive information provided by detainees during this risk assessment. Officers can disclose this information only to those with a need to know. The local SME and supervisors indicate that the U.S. Customs and Border Protection Assessment for Transport, Escort, and Detention form are transferred with the detainee in a folder to their final destination. This form is forwarded in this manner so the officers receiving the detainee are aware of at risk indicators. The detainees are not held at the facility for any longer than 12 hours, and the facility is not equipped to house long-term detainees.

§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) CBP Directive 2130-030 requires detainees be provided with multiple ways to privately report sexual abuse and assault, retaliation for reporting sexual abuse and assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. It further requires the facility is to provide at least one way for detainees to report sexual abuse to a public or private entity not connected to the agency. Detainees must be able to report confidentially and anonymously, if desired, as well as both verbally and in writing. CBP's procedures for reporting alleged sexual abuse and assault are to be visible or continuously and readily available to detainees at holding facilities and posted on the CBP public website. The Auditor confirmed during the local SME and officer interviews the detainees are provided the reporting information through posters placed in the holding area. During the facility tour, the Auditor observed the posters; they are in both English and Spanish. The interviewed officers further confirm they utilize Interpreters and Translators Incorporated for any other language interpretation. The posters state the detainee can report to the DHS OIG. The posters provide the telephone number to call. During the supervisor and officer interviews, they confirmed if a detainee indicated they wanted to call OIG, they would be taken into an office to call and placed in the room by themselves to call. The interviewed supervisors and officers indicated the detainee would not have to provide a specific reason for wanting to call OIG. They also indicated they would dial the number for them to ensure they were contacting OIG and leave the room.

(c) CBP TEDS requires officers at the Douglas POE to receive allegations reported to them orally, written or third party reports. Random officer interviews confirm they would accept oral, written or third party reports of sexual abuse and promptly report such reports to their immediate supervisor. They also confirmed the reports would be documented in a

report. The interviewed local SME, supervisors and officers confirm all verbal allegations of sexual abuse or sexual assault made to them would be documented in writing.

§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:

CBP Directive 2130-030 states detainees may utilize third-party individuals to report allegations of sexual abuse. The agency provides reporting information for anyone wishing to report any allegation on behalf of a detainee on their webpage <https://www.cbp.gov/about/care-and-custody/how-make-report>. The information on the webpage provides a toll-free telephone number, USPS address and email, address to the JIC, a toll-free telephone number, a direct complaint link and USPS address for DHS OIG for anyone wishing to make an allegation on behalf of a detainee. The supervisors and officers stated that if a third party report was received by the JIC or OIG it would be immediately investigated. They stated they would take all of the steps in a PREA Investigation to include contacting local law enforcement, DHS OIG, and/or CBP OPR. The Auditor confirmed that the toll-free telephone number, USPS address, and email to the JIC and OIG were operational on the day of the audit.

§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) CBP Directive 2130-030 requires staff to report as promptly as possible any knowledge, suspicion, or information of the following: 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. CBP Directive 2130-030 also requires all staff to report any misconduct upon becoming aware of it. CBP TEDS requires staff to immediately report: any knowledge, suspicion, or information regarding an incident of sexual abuse against any detainee; retaliation against detainees or staff who reported or participated in an investigation about such an incident; and staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. CBP Directive 51735-013A, Standards of Conduct, dated March 13, 2012, not only allows staff to report within their chain of command, it requires them to report outside of their chain of command to either JIC, or by contacting OPR and DHS OIG to report all allegations of misconduct. The Auditor confirmed the reporting requirements during the local SME, supervisor, and officer interviews. They stated they would immediately report any allegation of sexual abuse, retaliation, or staff failure to perform their duties utilizing the reporting avenues outlined in the policy.

(c) CBP Directive 2130-030 requires staff not reveal any information related to a sexual abuse report except as necessary to aid the detainee, protect other detainees or staff, or to make security and management decisions. This information about confidentiality is provided to all staff in the mandatory PALMS PREA training, as well as in policy. Interviews with the local SME, supervisors and officers confirm information would not be shared with other staff except on a need to know basis or during an investigation into the matter.

(d) CBP Directive 2130-030 requires CBP staff to notify relevant agencies if the alleged victim of a sexual assault is a vulnerable adult or under the age of 18. Interviews with the local SME and supervisors confirm should a vulnerable adult or person under 18 be sexually assaulted at the Douglas POE, the supervisor would submit an Incident Report to the JIC and the Commissioner's Situation Room. Notifications would be completed as required by CBP Directive 3340-025E. The PFC stated he would make the notification to the proper State Agencies. Staff at the Douglas POE indicate that the facility has not had any incidents requiring this type of notification during the last 12 months.

§115.162 – Agency protection duties.

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

Notes:

CBP TEDS states if an officer has a reasonable belief a detainee may be subject to a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee. The local SME, supervisors and officers interviewed indicate any detainee believed to be in imminent danger of being sexually abused will be separated from other detainees and placed under direct supervision. They all confirm the facility can place a detainee in a holding cell by themselves for protection if needed.

§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) CBP Directive 2130-030 requires staff at the Douglas POE, upon receiving an allegation that a detainee was sexually abused while confined at another facility, to notify the prior agency or administrator. Notification will be made as soon as possible, but no later than 72 hours. This is outlined in the issued memorandum titled "Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, dated August 12, 2014, by the Acting Assistant Commissioner from the Office of Field Operations (OFO). An Incident Report to JIC and the Commissioner's Situation Room would be submitted as required by CBP Directive 3340-025E. Interviews with the local SME and supervisors confirm these notifications would be done immediately. There were no notifications made by this facility during the last 12 months as no alleged incidents at other facilities have been reported to any Douglas POE staff.

(c)(d) CBP Directive 2130-030 requires that staff who make notification to other confinement facilities document the date and time the administrator at the other facility was notified of the allegation. Local SME and supervisors confirm these notifications and documentation of the notification would be done immediately by the on-duty facility supervisor. They further indicate if an allegation were received, it would be referred for an immediate investigation as outlined in the policy.

§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) CBP Directive 2130-030 details the responsibilities of the first staff on the scene of a reported allegation of sexual abuse. The Directive requires staff members separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a period that still allows for the collection of physical evidence, request the alleged victim and abuser do not take any actions that could destroy physical evidence. This is further outlined in the PALMS training that all staff complete. The Douglas POE does not allow contractors, volunteers, or civilian staff into the holding area while detainees are present. The policy does, however, address their responsibilities if they do encounter a detainee and something is reported to them. The policy requires a contractor, volunteer, or civilian staff to request the alleged victim not to take any actions that could destroy physical evidence and notify law enforcement staff. The interviewed officers indicate they would separate the victim from the abuser, provide medical assistance if needed, preserve evidence to the extent possible, and notify their supervisor. During the on-site audit, the Auditor did not see any contractors, volunteers, or civilian staff in the holding area.

§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) CBP Directive 2130-030 indicates that the entire document constitutes CBP's written institutional plan outlining the coordinated multidisciplinary team approach to responding to sexual abuse. The policy covers all aspects from hiring, training, reporting, responding, medical and mental health services, investigations, and data collection. The local SME, during his interview, discussed the institutional plan. He stated information about specific responsibilities are explained in the Directive and reinforced in training.

(b)(c) CBP Directive 2130-030 states if an alleged victim of sexual abuse and assault is transferred to another DHS facility, the Douglas POE must inform the receiving DHS agency of the alleged incident and the alleged victim's potential need for medical or social services. If the alleged victim of sexual abuse and/or assault is transferred to a non-DHS facility, the Douglas POE must inform the receiving facility or agency, as permitted by law, of the incident and the alleged victim's potential need for such services, unless the alleged victim requests otherwise. The local SME confirms that during the last 12 months, the Douglas POE has had no cases requiring any such notification to a DHS or non-DHS facility. All incidents of this type require the supervisor to submit an Incident Report to the JIC and the Commissioner's Situation Room upon notification. Any transfer or move would require the supervisor to update JIC of the incident, and notify the receiving facility. This process was detailed to the Auditor by the local SME and supervisors as the Douglas POE has had no incidents for the Auditor to review. Notifications would be completed as required by CBP Directive 3340-025E.

§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:

CBP Directive 2130-030 requires agency management consider whether any staff, contractor, or volunteer alleged to have perpetrated sexual abuse and assault 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. The HQ Sexual Abuse and Assault Investigations (SAAI) SME indicates any allegation of sexual assault or sexual abuse involving staff, a contractor, or volunteer would result in the person being removed from detainee contact pending the outcome of an investigation if the seriousness and plausibility of the allegation make removal appropriate. The procedure was confirmed during the local SME interview; he further indicates the Douglas POE had not had any allegations of sexual abuse made against a staff member requiring this type of response.

§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:

CBP Directive 2130-030 prohibits Agents, Officers, and other CBP personnel from retaliating against any person or detainee, who reports, complains about, or participates in an investigation of sexual abuse and assault. This retaliation prohibition is also detailed in the PREA training (PALMS) each staff member receives at the Douglas POE. The Auditor interviewed the local SME, supervisors and officers. Each was aware of the policy prohibiting retaliation against anyone who makes an allegation of sexual misconduct or participates in the investigation. The local SME informed the Auditor there had been no allegations of retaliation made at the Douglas POE during the last 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)
- Not Applicable (provide explanation in notes):

Notes:

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

§115.172 – Evidentiary standard for administrative investigations.

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

Notes:

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

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

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

Notes:

(a) CBP Directive 2130-030 informs CBP personnel they 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 assault and/or for violating CBP's sexual abuse policies. The Auditor confirmed with the HQ Labor and Employee Relations (LER) SME and HQ SAAI SME that staff would be subject to disciplinary action up to and including removal from Federal Service for a substantiated allegation of sexual abuse or violating the agency sexual abuse policy.

(c) CBP Directive 2130-030 requires OPR to report all removals or resignations in lieu of removal to appropriate law enforcement agencies for violations of the agency or facility sexual abuse and assault policies unless the activity was not criminal. The local SME and HQ SAAI SME confirm CBP would notify law enforcement of all removals or resignations in lieu of removal for violations of the agency zero-tolerance policy. They further indicate there were no such resignations or removals at the Douglas POE within the last 12 months.

(d) CBP Directive 2130-030 requires OPR to report all removals or resignations in lieu of removal to any relevant licensing bodies for violations of the agency or facility sexual abuse and assault policies, to the extent known. The local SME and HQ SME from OPR confirm OPR would notify licensing bodies, if known, of all removals or resignations in lieu of removal for violations of the agency zero-tolerance policy. They confirm there were no such resignations or removals at the Douglas POE within the last 12 months.

§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:

CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrating sexual abuse and assault be removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. As previously stated, the Douglas POE does not allow contractors or volunteers in the holding area when detainees are present. The Auditor did not observe any contractors or volunteers in the holding rooms during the site visit. The local SME indicates that if for some reason they had contact with a detainee and sexual misconduct was alleged to have occurred by them, this would result in their removal from duties and contact with any detainees pending investigation. He indicated he would be responsible for notifying both the local law enforcement and any licensing bodies.

§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) CBP Directive 2130-030 requires alleged sexual assault victims be provided timely unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. It also requires emergency medical treatment services to be provided to the alleged victim without financial cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. The local SME and supervisors confirmed a victim would receive medical and mental health treatment at no cost as well as allowing advocacy personnel access to detainees, which is provided at the hospital along with the sexual assault examination. The Auditor further confirmed with the SMEs that anyone under the age of 18 involved in an incident would be taken to a Southern Arizona Child Advocacy Center for examination. This was confirmed by reviewing the CAC website.

§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:

(a) CBP Directive 2130-030 requires after every investigation of sexual abuse and assault, a sexual abuse incident review is to be conducted within 30 days. The review is to determine whether the allegation or investigation indicates a change is needed in policy or practice to better prevent, detect, or respond to sexual abuse. The recommendation(s) for improvement outlined in the review must be implemented, or the agency must document the reasons for not doing so in a written response. The report and response are to be forwarded to the PSA Coordinator. The Auditor interviewed the PSA Coordinator about the incident review process for allegations of sexual abuse. She informed the Auditor the operational offices conduct sexual abuse incident reviews consistent with the procedures outlined in Section 18.1 of CBP Directive 2130-030. The Douglas POE had no incident reviews conducted during the audit period as the facility had no allegations of sexual abuse incidents investigated requiring one.

§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.

The Auditor was unable to complete the report. The initial Audit Report was submitted on September 13, 2019. Joseph W. Ehrhardt, Certified PREA Auditor has reviewed the written notes provided by the Auditor for accuracy within the report and made appropriate changes based on the written notes. Additionally, grammatical corrections were made, structures of some standard provisions were adjusted, and post audit policies dated prior to the audit were reviewed and included in the report. The initial Auditor mistakenly refers to Homeland Security Investigators (HSI) throughout the report as the investigative agency to respond to allegations of sexual abuse at the Port of Entry. Examination of the Auditor's notes by the Reviewing Auditor does not reflect whether the Auditor was given erroneous information during the audit interviews or assigned this incorrect destination themselves. The correct investigative body is the Office of Professional Responsibility/Sexual Assault/Abuse Investigations (SAAI) unit. The Reviewing Auditor has confirmed these correct procedures with both the HQ PSA Coordinator and the OPR/SAAI Coordinator.

AUDITOR CERTIFICATION:

I certify that the contents of the report are accurate to the best of my knowledge and no conflict of interest exists with respect to my ability to conduct an audit of the agency under review. I have not included any personally identified information (PII) about any detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.

(b) (6), (b) (7)(C)

Auditor's Signature

September 13, 2019

Date

(b) (6), (b) (7)(C)

Secondary Auditor/Reviewer Signature

March 5, 2020

Date

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



U.S. Customs and Border Protection

AUDITOR

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

AGENCY

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

Name of Program Office:	Office of Field Operations
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	Tucson, Arizona
Name of Chief or Director:	(b) (6), (b) (7)(C) Director
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Sector or Field Office Physical Address:	4760 North Oracle Road, Suite 316, Tucson, Arizona 85705
Mailing Address: (if different from above)	Same as Above

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility	
Name of Facility:	Douglas Port of Entry
Physical Address:	1 st . and Pan American Avenues, Douglas, Arizona 85705
Mailing Address: (if different from above)	Same as Above
Telephone Number:	(b) (6), (b) (7)(C)

Facility Leadership			
Name of Officer in Charge:	(b) (6), (b) (7)(C)	Title:	Port Director
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

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.

An on-site audit of the United States Customs and Border Protection, Office of Field Operations (OFO), Douglas Port of Entry, was conducted on July 23, 2019, and the preliminary findings report was submitted on September 13, 2019. Following comments from CBP Headquarters and from the Reviewing Auditor, the report was submitted in Final Draft on March 5, 2020.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the Douglas Port of Entry was found to be in compliance with 21 standards: (115.111; 115.114; 115.116; 115.117; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182 and 115.186). The Douglas Port of Entry was found to not be in compliance with three standards: (115.113; 115.115, and 115.121). One standard (115.118) was not applicable.

On April 17, 2020, the Douglas Port of Entry submitted a Corrective Action Plan (CAP). Several documents were requested by the Reviewing Auditor and several clarifications were sought and received. On May 20, 2020, all requested documentation was submitted. This documentation was reviewed by the Reviewing Auditor and Program Manager for Creative Corrections. As part of the Corrective Action Plan, the Douglas Port of Entry submitted a letter to Douglas Police Department on May 15, 2020, requesting that the Police Department follow established Federal PREA evidence protocols and procedures for collecting evidence in alleged cases of sexual abuse. The Douglas Port of Entry submitted several training documents, musters and staff sign-offs as documentation for required staff and supervisory staff re-training. On May 20, 2020, the Reviewing Creative Corrections Certified PREA Auditor, [REDACTED] determined that the Douglas Port of Entry was now in compliance with all standards. All required Corrective Action was completed within 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:

On April 17, 2020, the Douglas Port of Entry submitted a record of an Annual Review of Detainee Supervision Guidelines as required by Standard Provision (b). Review of the report revealed that several elements required by Standard Provision (c) had not been satisfied and the report was returned for revision. On May 9, 2020, an amended Annual Review of Detainee Supervision Guidelines was submitted to the reviewing Auditor and was found to satisfy all elements of the Standard Provision. The Douglas Port of Entry is now compliant 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:

On September 23, 2019, the Douglas Port of Entry completed staff muster re-training of both local and national documents outlining staff performance requirements regarding the determination of detainee gender identification and proper procedures for the pat search of identifying transgender detainees. These documents referenced the current CBP National Standards on Transport, Escort, Detention and Search (TEDS) personal search handbook. Additional training was provided on April 16, 2020 and April 23, 2020 on Directive 2130-030, dated January 19, 2018, on the Prevention, Detection, and Response to Sexual Abuse and/or Assault and TEDS. The Douglas Port of Entry submitted staff training muster sign-offs and acknowledgements. The Douglas Port of entry is now compliant with Standard 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:

On May 15, 2020, the Douglas Port of Entry sent a letter to the Douglas Arizona Police Department requesting that the Police Department follow established PREA evidence collection protocols and procedures when investigating alleged sexual abuse cases at the Douglas Port of Entry. The Douglas Port of Entry is now compliant with Standard 115.121.

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

 May 20, 2020
Date