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# Annual Report Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in Holding Facilities

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Fiscal Year 2021



U.S. Customs and  
Border Protection

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## Message from the Commissioner

On behalf of U.S. Customs and Border Protection (CBP), I am honored to present the Fiscal Year (FY) 2021 *Annual Report Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in Holding Facilities*. This report is prepared pursuant to Subpart B of the *Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities* (hereafter the “DHS Standards”) – DHS’s final rule setting forth standards to implement the Prison Rape Elimination Act (PREA). This report summarizes allegation data and ongoing efforts and accomplishments by CBP to enhance the effectiveness of sexual abuse prevention, detection, and response efforts nationwide from Oct. 1, 2020 to Sept. 30, 2021.



Compliance with the DHS Standards remains a top priority for CBP as the agency continues to maintain a zero-tolerance policy against sexual abuse and assault in CBP holding facilities. Despite challenges associated with the coronavirus pandemic and a substantial increase in migrant apprehensions on the Southwest land border in FY 2021, CBP has not wavered in its commitment to enhancing the safety and security of individuals held in CBP holding facilities.

CBP is proud of its accomplishments and is confident that the established strategies coupled with the professionalism and dedication of CBP’s personnel – both on and behind the front lines – will continue to enhance sexual abuse prevention, intervention, and response efforts. CBP will continue to evaluate its policies and procedures and incorporate best practices to enhance the safety and security of those in our care.

Chris Magnus  
Commissioner



## 1. Purpose

The Department of Homeland Security (DHS) *Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities* require that the agency review data collected and aggregated to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. See 6 C.F.R. § 115.188. This report meets this standard as well as by:

- Identifying corrective actions for the agency as a whole;
- Comparing data and corrective actions for the reporting period with those from prior years; and
- Providing an assessment of the agency's progress in preventing, detecting, and responding to sexual abuse.

## 2. About CBP

With more than 64,000 employees, including more than 25,000 CBP officers and more than 19,000 Border Patrol agents, CBP is one of the world's largest law enforcement organizations. CBP is tasked with facilitating lawful international travel and trade while simultaneously protecting the United States from security threats posed by illegal travel and trade, including threats from terrorism, international crime, and the importation of dangerous contraband. As the United States' first unified border entity, CBP takes a comprehensive approach to border control and management, combining customs, immigration, border security, and agricultural protection into one coordinated and supportive activity. CBP personnel are responsible for enforcing hundreds of U.S. laws and regulations at the border. On a typical day in FY 2021, the Office of Field Operations inspected 491,688 passengers and pedestrians at land ports of entry.<sup>1</sup> During FY 2021, U.S. Border Patrol apprehended 1,662,167 individuals attempting to enter the country illegally.<sup>2</sup> In addition, the Office of Field Operations arrested 8,979 individuals wanted by other law enforcement agencies for serious crimes and identified 294,352 inadmissible individuals at land ports of entry.<sup>3</sup>

## 3. Background

On Sept. 4, 2003, President George W. Bush signed the Prison Rape Elimination Act of 2003 (P.L. 108-79) ([PREA](#)) into law. The goal of PREA is to prioritize and facilitate the development of procedures to prevent sexual abuse and assault in detention and holding facilities in the United States. PREA required the U.S. Attorney General to promulgate regulations that adopt national standards for the detection, prevention, reduction, and punishment of prison rape.

On May 17, 2012, President Barack Obama issued a Memorandum for the Heads of Executive Departments and Agencies titled *Implementing the Prison Rape Elimination Act*. This

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<sup>1</sup> CBP Stats and Summaries: On a Typical Day in Fiscal Year 2021 (<https://www.cbp.gov/newsroom/stats/typical-day-fy2021>).

<sup>2</sup> CBP Enforcement Statistics (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>).

<sup>3</sup> CBP Enforcement Statistics.



memorandum directed all agencies with federal confinement facilities, which were not subject to the Department of Justice (DOJ) regulations, to propose rules or procedures necessary to satisfy the requirements of PREA. On June 20, 2012, the DOJ published the National Standards to Prevent, Detect, and Respond to Prison Rape ([DOJ Regulations](#)). The DOJ regulations do not govern DHS facilities. DOJ recognized that each federal agency responsible for incarcerating or detaining individuals “... is accountable for, and has statutory authority to regulate, the operations of its own facilities and, therefore, is best positioned to determine how to implement the Federal laws and rules that govern its own operations, the conduct of its own employees, and the safety of persons in its custody.”<sup>4</sup> In addition, the Violence Against Women Reauthorization Act of 2013 directed DHS to establish national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in its facilities (P.L. 113-4) ([VAWA](#)).

On March 7, 2014, DHS issued its PREA regulations, referred to as the DHS Standards. DHS published its regulations in three separate subparts - Subparts A, B, and C. Subpart A of the DHS Standards applies to U.S. Immigration and Customs Enforcement immigration detention facilities. 6 C.F.R. § 115.10. Subpart B of the DHS Standards applies to all DHS “holding facilities.”<sup>5</sup> 6 C.F.R. § 115.110. Lastly, Subpart C of the DHS Standards provides for external auditing of compliance with the applicable set of standards and established processes for corrective action if a particular facility does not meet the relevant standard. 6 C.F.R. §§ 115.201 – 205.

On May 6, 2014 (and again on March 11, 2015), CBP issued written policy prohibiting all forms of sexual abuse and/or assault of individuals in CBP custody. CBP’s [Zero Tolerance Policy](#) mandates zero tolerance toward all forms of sexual abuse and/or assault in holding facilities and outlines the agency’s approach to preventing, detecting, and responding to such conduct, as required by Subpart B of the DHS Standards. Then on Jan. 19, 2018, CBP issued CBP Directive No. 2130-030, *Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities*, to establish CBP’s procedures for prevention, detection, and response to sexual abuse and assault in CBP holding facilities and to coordinate efforts to implement the DHS Standards among offices and personnel. This directive also represents CBP’s written institutional plan pursuant to 6 C.F.R § 115.165(a) for using a coordinated multidisciplinary team approach to respond to sexual abuse and/or assault.

This report specifically focuses on CBP’s implementation of *Subpart B—Standards for DHS Holding Facilities Coverage*, as all CBP-impacted facilities are “holding facilities” under the DHS Standards. 6 C.F.R. 115.188(a) of the DHS Regulations require that CBP –

“... review data collected and aggregated pursuant to § 115.187 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (1) Identifying problem

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<sup>4</sup> 28 CFR Part 115 (<https://www.ojp.gov/sites/g/files/xyckuh186/files/media/document/PREA-Final-Rule.pdf>).

<sup>5</sup> A facility that contains holding cells, cell blocks, or other secure enclosures that are under the control of CBP and primarily used for the short-term confinement of individuals who have recently been detained, or are being transferred to or from a court, jail, prison, other agency, or elsewhere in CBP. See 6 C.F.R. § 115.5 for the definition of “Holding Facility.”



areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for the agency as a whole.”

Furthermore, the regulation requires that “[s]uch report shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the agency’s progress in preventing, detecting, and responding to sexual abuse.” 6 C.F.R. § 115.188(b). Finally, the regulations require that CBP’s report be made “readily available to the public through its Web site.” 6 C.F.R. § 115.188(c).<sup>6</sup>

## 4. Definitions

### **Sexual Abuse of a Detainee by Another Detainee is defined as:**

Any of the following acts by one or more detainees of the facility in which the detainee is housed who, by force, coercion, or intimidation, or if the victim did not consent or was unable to consent or refuse, engages in or attempts to engage in:

- Contact between the penis and the vulva or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object;
- Touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person; or
- Threats, intimidation, or other actions or communications by one or more detainees aimed at coercing or pressuring another detainee to engage in a sexual act.

6 C.F.R. § 115.6.

### **Sexual Abuse of a Detainee by a Staff Member, Contractor, or Volunteer is defined as:**

Any of the following acts, if engaged in by one or more staff members, volunteers, or contract personnel who, with or without the consent of the detainee, engages in or attempts to engage in:

- Contact between the penis and the vulva or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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<sup>6</sup> In accordance with the regulation, CBP’s Annual PREA Reports are publicly posted on its website, available at: <https://www.cbp.gov/about/care-in-custody/annual-reports-assessing-cbp-efforts-prevent-detect-and-respond-sexual-abuse-holding>.



- Intentional touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Threats, intimidation, harassment, indecent, profane or abusive language, or other actions or communications, aimed at coercing or pressuring a detainee to engage in a sexual act;
- Repeated verbal statements or comments of a sexual nature to a detainee;
- Any display of his or her uncovered genitalia, buttocks, or breast in the presence of a detainee; or
- Voyeurism, which is defined as inappropriate visual surveillance of a detainee for reasons unrelated to official duties. Where not conducted for the reasons relating to official duties, the following are examples of voyeurism: staring at a detainee who is using a toilet in his or her cell to perform bodily functions; requiring a detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a detainee's naked body or of a detainee performing bodily functions.

6 C.F.R. § 115.6.

#### **Investigative Findings are Defined as:**

All investigations of detainee sexual abuse and/or assault relating to conduct in a CBP holding facility are closed by the CBP Office of Professional Responsibility with a finding of *substantiated, unsubstantiated, or unfounded*.

- A *substantiated* allegation is an allegation that was investigated and determined to have occurred.
- An *unsubstantiated* allegation is an allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- An *unfounded* allegation is an allegation that was investigated and determined not to have occurred.

6 C.F.R. § 115.5. To determine whether an allegation of sexual abuse is substantiated, CBP does not use any standard higher than a preponderance of the evidence standard. *See* 6 C.F.R. § 115.172.

## **5. Accomplishments**

CBP works diligently to reduce and eliminate sexual abuse and assault in its holding facilities and continues to improve its sexual abuse and assault prevention, detection, and response efforts in accordance with Subparts B and C of the DHS Standards. Specifically, during FY 2021, CBP completed the following actions or initiatives related to preventing or addressing sexual abuse and assault and/or enhancing CBP's compliance with the DHS Standards.

1. Facility Audits: Implemented corrective action plans at 18 holding facilities audited in FY 2019 during CBP's first audit cycle resulting in low-risk determinations at 100% of these





audited facilities. The final audit reports containing corrective actions may be accessed on the agency's public [website](#).

2. Publication of Audit Reports: Made final PREA audit reports for 18 holding facilities readily available to the public by publishing them on the agency's public [website](#).
3. Compliance Assessment: Assessed compliance with the DHS Standards through annual self-assessments and reporting through CBP's self-inspection program. When warranted, corrective action was taken.
4. National Sexual Assault Awareness and Prevention Month: Reaffirmed CBP's commitment to maintaining a responsive and sustained approach to sexual abuse and assault prevention, detection, and response to the CBP workforce through various methods, to include a message from the Commissioner.
5. Knowledge Management Materials: Developed and disseminated knowledge management materials to CBP employees and contractors who had potential for contact with holding facility detainees regarding their responsibilities under the DHS Standards.
6. Volunteer Training: Continued to ensure that DHS Volunteer Force members deployed to CBP holding facilities were trained to fulfill their responsibilities under the DHS Standards.
7. Specialized Training: Provided specialized training on sexual abuse and effective cross-agency coordination to investigators assigned to the CBP Office of Professional Responsibility who conduct investigations into allegations of sexual abuse and/or assault at CBP holding facilities.
8. Forensic Interviewing of Children Training: To enhance skills in conducting investigative interviews of children, trained five investigators through participation in training administered by the National Children's Advocacy Center.
9. Youth Educational Posters, Slides, and Scripts: Developed age-appropriate posters, Informational Display System Slides, and scripts to message key information regarding CBP's policy of zero tolerance of sexual abuse and assault and how to report incidents of sexual abuse and/or assault for juveniles at CBP holding facilities.
10. Youth Educational Videos: Disseminated two Spanish language videos – one featuring a boy and one featuring a girl – for use at CBP holding facilities nationwide to encourage compliance with CBP's zero tolerance of sexual abuse and assault policy and to encourage immediate reporting of behaviors that may constitute sexual abuse and/or sexual assault.
11. PREA Field Coordinators: To support ongoing compliance with the DHS Standards and to streamline communications between Headquarters and the field, established PREA Field Coordinators in each field office and sector and provided training to enable them to fulfill their duties.

## 6. Incident Classification

CBP differentiates among the types of abuse allegations in CBP holding facilities strictly for reporting and data collection purposes. This helps CBP detect possible patterns that develop





concerning allegations in its holding facilities. For the limited purpose of compiling this data, CBP has borrowed from the definitions in the regulatory impact analysis of the DOJ regulations.<sup>7</sup>

- *Nonconsensual sexual acts* involve unwanted contact with another detainee or with a staff member, contractor, or volunteer that involve oral, anal, or vaginal penetration, or fondling genitalia with hands.
- *Abusive sexual contacts (detainee-on-detainee only)* are unwanted contacts with another detainee that involve touching the detainee’s buttocks, thighs, penis, breasts, or vulva in a sexual way.
- *Staff sexual misconduct/touching only* refers to contacts by a staff member that involve touching of the detainee’s buttocks, thighs, penis, breasts, or vulva in a sexual way, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- *“Willing” sex with staff* describes sexual relationships between an employee, contractor, or volunteer and a detainee. Such relationships are inherently coercive by nature and CBP recognizes that an individual in CBP custody cannot consent to sex with staff.
- *Voyeurism* refers to inappropriate visual surveillance of an individual in CBP custody for reasons unrelated to official duties.
- *Harassment* describes any behavior that meets the agency definition of sexual abuse and assault that does not involve physical contact, to include “indecent exposure,” and not to include voyeurism.

The next section details the types of reported allegations received in FY 2021.

## 7. Summary of Allegations in CBP Holding Facilities

All allegation information in this report is derived from data contained in electronic investigative case files maintained by the CBP Office of Professional Responsibility as of May 9, 2022. An allegation is within the scope of the DHS Standards if it meets the definition of “sexual abuse” pursuant to Section 4 above and was alleged to have occurred in a CBP “holding facility” as defined in 6 C.F.R. § 115.5. In some situations, CBP may receive a sexual abuse allegation that falls outside the scope of the DHS Standards. In these situations, CBP follows agency protocol to respond to and investigate the allegations; however, these allegations are not reflected in this report.

During FY 2021, CBP experienced a substantial increase in migrant apprehensions on the Southwest land border, including 451,087 family units<sup>8</sup> and 144,834 Unaccompanied Noncitizen

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<sup>7</sup> United States Dep’t of Justice, Regulatory Impact Assessment for PREA Final Rule (May 17, 2012), available at <https://www.prearesourcecenter.org/sites/default/files/library/prearia.pdf>. The rule to which this Report pertains is published at Title 28, Part 115, Code of Federal Regulations. The Notice of Final Rule is available at <http://www.federalregister.gov>.

<sup>8</sup> A family unit represents the number of individuals (either a child under 18 years old, parent, or legal guardian) apprehended with a family member by the U.S. Border Patrol.



Children who were apprehended between the ports of entry.<sup>9</sup> CBP detained 1,965,498<sup>10</sup> individuals in its holding facilities, constituting a 346.4% increase from FY 2020 (440,039) and a 71.2% increase from FY 2019 (1,148,024). **Fifty-five (55) detainees (or 0.0028% of the detainee population) reported 45 allegations of sexual abuse and/or assault in a CBP holding facility; two allegations involved multiple alleged victims.** The allegations originated from 21 different CBP holding facilities.

- a. Thirty-one reported allegations involved incidents that allegedly took place while the detainee was in U.S. Border Patrol (USBP) custody. Seven involved alleged staff-on-detainee sexual abuse or assault, two involved alleged contractor-on-detainee sexual abuse or assault, and twenty-one involved alleged detainee-on-detainee sexual abuse or assault. The alleged perpetrator type for one allegation is unknown.
- b. Fourteen reported allegations involved incidents that allegedly took place while the detainee was in Office of Field Operations (OFO) custody. All fourteen involved alleged staff-on-detainee sexual abuse or assault.
- c. Of the total 45 allegations of sexual abuse and/or assault reported, 21 involved alleged staff-on-detainee sexual abuse or assault, two involved alleged contractor-on-detainee sexual abuse or assault, and 21 involved alleged detainee-on-detainee sexual abuse or assault. The alleged perpetrator type for one allegation is unknown.
  - Alleged *non-consensual sexual acts* accounted for eight staff-on-detainee allegations, three detainee-on-detainee allegations, and one allegation with an unknown perpetrator type. Three staff-on-detainee investigations are closed and resulted in unsubstantiated findings. One detainee-on-detainee investigation is closed and resulted in an unsubstantiated finding. The remaining eight allegations are still under active investigation.
  - No instances of “*willing*” *sex with staff* were alleged during the reporting period or any prior year since the effective date of the DHS Standards.
  - Alleged *abusive sexual acts (detainee-on-detainee only)* accounted for 16 detainee-on-detainee allegations. Nine allegations are closed resulting in five substantiated findings, three unsubstantiated findings, and one unfounded finding. The remaining seven allegations are still under active investigation.
  - Alleged *staff sexual misconduct/touching* accounted for 10 staff-on-detainee allegations. Eight allegations involved employee sexual misconduct/touching and

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<sup>9</sup> Southwest Land Border Encounters (<https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>).

<sup>10</sup> Includes Title 8 Inadmissibles, Title 8 Apprehensions, Title 42 Expulsions, and arrests of individuals wanted by other law enforcement agencies. Inadmissibles refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and returned to their countries of origin within a short timeframe. Apprehensions refers to the physical control or temporary detention of a person who is not lawfully in the U.S. which may or may not result in an arrest. Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265. (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>).



- two involved contractor sexual misconduct/touching. Seven investigations are closed, which resulted in three unsubstantiated and four unfounded findings. The remaining three allegations are still under active investigation.
- Alleged *harassment/indecent exposure* accounted for four staff-on-detainee allegations and two detainee-on-detainee allegations. Three staff-on-detainee allegations are closed and resulted in unsubstantiated findings. The remaining three allegations are still under active investigation.
  - Alleged *voyeurism* accounted for one of the staff-on-detainee allegations. The investigation is closed and resulted in an unfounded finding.
- d. Thirty-nine of the 55 total alleged victims were juveniles (under the age of 18 years). Sixteen of the alleged victims were adults (18 years and above).
- e. Thirty-six of the 55 total alleged victims were male of which 33 were juveniles. Nineteen of the alleged victims were female of which six were juveniles.
- f. Two reported allegations involved multiple alleged male juvenile victims.
- g. Thirty-three of the 45 allegations were reported by the alleged victim either directly to CBP or through intermediaries of which twenty were reported by juveniles. A contractor reported four allegations and a third party reported the remaining eight allegations.

## 8. Investigations and Corrective Actions

In all instances where sexual abuse and/or assault of a detainee in a CBP holding facility is alleged, it is CBP's policy to provide timely notification to, and work closely with, appropriate local law enforcement agencies. Criminal investigations are conducted by local law enforcement agencies and/or the Federal Bureau of Investigation, the DHS Office of Inspector General, or the CBP Office of Professional Responsibility. Internal administrative investigations are conducted by investigators from the CBP Office of Professional Responsibility. All investigators assigned to the CBP Office of Professional Responsibility are trained in conducting investigations involving allegations of sexual abuse and/or assault, to include gathering evidence and interviewing alleged victims and witnesses of sexual abuse and/or assault in accordance with the requirements set forth in 6 C.F.R. § 115.134.

Of the 45 total allegations of sexual abuse and/or assault in CBP holding facilities in FY 2021, five allegations were substantiated, 13 were unsubstantiated, six were unfounded, and 21 continue to be actively investigated. All substantiated allegations involved detainee-on-detainee abusive sexual contacts. Corrective actions were developed following the completion of sexual abuse incident reviews conducted in accordance with the requirements set forth in 6 C.F.R. § 115.186(a).

Details of the substantiated allegations and corrective actions are provided in the table below.



Substantiated Allegations of Sexual Abuse				
Date of Incident	Location	Summary	Victim	Corrective Action
March 2021	Donna Processing Center	A juvenile detainee was subjected to abusive sexual contact by another juvenile detainee of the same gender.	El Salvador Male 10 yrs. of age	<ul style="list-style-type: none"> <li>Developed and displayed age-appropriate youth educational posters and Informational Display System slides containing key information regarding CBP's policy of zero tolerance of sexual abuse and assault and how to report incidents of sexual abuse and/or assault.</li> <li>Messaged the requirement for implementation and use of these materials to management at the facility.</li> </ul>
March 2021	Donna Processing Center	A juvenile detainee was subjected to abusive sexual contact by a juvenile detainee of the same gender.	Honduras Male 10 yrs. of age	<ul style="list-style-type: none"> <li>Same as above.</li> </ul>
March 2021	Donna Processing Center	A juvenile detainee was subjected to abusive sexual contact by a juvenile detainee of the same gender.	El Salvador Male 10 yrs. of age	<ul style="list-style-type: none"> <li>Same as above.</li> </ul>
April 2021	Donna Processing Center	A juvenile detainee was subjected to abusive sexual contact by a juvenile detainee of the same gender.	Honduras Male 8 yrs. of age	<ul style="list-style-type: none"> <li>Same as above.</li> </ul>
April 2021	Donna Processing Center	A juvenile detainee was subjected to abusive sexual contact by a juvenile detainee of the same gender.	Honduras Male 10 yrs. of age	<ul style="list-style-type: none"> <li>Same as above.</li> </ul>



## 9. Data Collection and Comparison

The DHS Standards require that CBP’s annual report include “a comparison of the current year’s data and corrective actions with those from prior years” and provide “an assessment of the agency’s progress in preventing, detecting, and responding to sexual abuse.” 6 C.F.R. § 115.188(b). CBP conducted a sexual abuse incident review after each investigation that closed in FY 2021 to assess whether the allegation or investigation indicated that a change in policy or practice could better prevent, detect, or respond to sexual abuse, as required by 6 C.F.R. § 115.186(a). CBP’s corrective actions to prevent future incidents of sexual abuse are documented in Section 8 (Investigative Findings and Corrective Actions) above. There were no corrective actions recommended or taken on allegations that closed in FY 2021 with an investigative finding of unsubstantiated or unfounded.

As outlined in the table above, CBP’s corrective actions in FY 2021 were to develop and display age-appropriate youth educational posters and Informational Display System slides at the CBP holding facility where allegations of sexual abuse were substantiated. Additionally, to proactively prevent future incidents of sexual abuse involving juveniles at other CBP holding facilities and although not part of corrective action for a substantiated allegation, CBP disseminated the youth educational materials to CBP holding facilities nationwide. In previous fiscal years, CBP implemented corrective actions involving the provision of refresher information/training for employees regarding their responsibilities under the DHS Standards and instituting a practice of providing oral advisements to detainees during intake and through posting of written material regarding conduct expectations at the facility.

The Prevention of Sexual Assault (PSA) coordinator aggregated and assessed data on FY 2021 sexual abuse and assault allegations. These efforts were undertaken to help detect possible patterns and prevent future incidents of sexual abuse, and to improve CBP’s sexual abuse prevention, detection, and response policies, practices, and training. The coordinator considered incident-based sexual abuse data available, including the number of reported sexual abuse allegations determined to be substantiated, unsubstantiated, or unfounded, or for which an investigation is ongoing. The coordinator also considered information, where available, regarding the demographic background of the alleged victim and perpetrator, the location, and the nature of the incident.

The table below provides a comparative overview of the sexual abuse allegations that occurred in a CBP holding facility during the past five fiscal years. Of the total 12 substantiated allegations of sexual abuse, ten cases involved detainee-on-detainee (D-D) abusive sexual contacts, one case involved detainee-on-detainee indecent exposure, and one case involved contractor-on-detainee (C-D) harassment. Nine of the 11 substantiated cases of detainee-on-detainee contact involved juvenile detainee victims. Five substantiated cases in FY 2021 occurred at the Donna Processing Center. One substantiated case in FY 2020 and four substantiated cases in FY 2019 occurred at the Rio Grande Valley Centralized Processing Center. Two substantiated cases of detainee-on-detainee contact – one in FY 2017 and one in FY 2018 – involved adult detainee victims at the Chula Vista Station; however, the nature of the abuse, the location of its occurrence within the facility, and the gender of the abuser were different. CBP will continue to maintain a proactive approach to reviewing sexual abuse allegations for possible patterns to detect and prevent sexual



abuse. Aggregate sexual abuse data for incidents found to be substantiated in prior years may be accessed on the agency’s public [website](#).

Allegations of Sexual Abuse by Fiscal Year					
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Total Allegations</b>	<b>7</b>	<b>8</b>	<b>37</b>	<b>17<sup>11</sup></b>	<b>45</b>
OFO	4	3	9	8	14
USBP	3	5	28	8	31
Substantiated	1 (D-D)	1 (D-D)	4 (D-D)	1 (C-D) <sup>12</sup>	5 (D-D)
Unsubstantiated	5	7	24	7	13
Unfounded	1	0	6	4	6
Open	0	0	3	5	21

Additional analysis of the incident-based sexual abuse data available to the PSA coordinator is contained in Section 13 (Data Tables) on pages 14–17 below. Section 10 (The Way Forward) below describes next steps based on the results of the analysis, as well as CBP’s sexual abuse and assault prevention and response efforts to date.

### Reporting Sexual Abuse and Assault

CBP maintains a safe and secure environment for those held in its custody. CBP has information regarding its zero tolerance of sexual abuse and assault policy and options for reporting incidents of sexual abuse, including age-appropriate materials explicitly developed for juveniles, posted in highly visible areas in its holding facilities. This ensures that individuals in CBP custody are aware of multiple options by which to confidentially and, if desired, anonymously report allegations of sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. Third parties may also report these allegations confidentially and anonymously, either verbally or in writing, if desired. CBP procedures for reporting alleged sexual abuse and/or assault are also posted on the agency’s public [website](#).

## 10. The Way Forward

CBP’s commitment to ensuring the continued safety and security of all individuals in CBP’s holding facilities is unwavering and includes ongoing work to address areas of change and to implement best practices that improve the agency’s ability to prevent, detect, and respond to

<sup>11</sup> The custodial office for one allegation of sexual abuse is unknown.

<sup>12</sup> The investigation of this allegation concluded after the issuance of the *CBP Annual Report Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in CBP Holding Facilities* (Fiscal Year 2020) and therefore is not reflected in that report. The incident of sexual abuse involved a male contractor who subjected two female detainees to harassment at the Rio Grande Valley Centralized Processing Center. The contractor’s employment was subsequently terminated. One victim was a citizen of Mexico, 22 years of age; and one victim was a citizen of Ecuador, 31 years of age.





allegations of sexual abuse and/or assault in CBP holding facilities. Based on the results of this year's analysis and CBP's efforts to date, the PSA coordinator intends to focus on the following actions during the next fiscal year:

- Develop an instrument for use at CBP holding facilities to assess detainees for risk of sexual abuse *by* other detainees (victimization) and/or *toward* other detainees (abusiveness).
- Display posters conveying age-appropriate messaging of key information regarding CBP's policy of zero tolerance of sexual abuse and assault and how to report incidents of sexual abuse and/or assault for juveniles at CBP holding facilities.
- Use post-training survey feedback from employees to evaluate the effectiveness and make improvements to the Performance and Learning Management System PREA training course completed by all employees who may have contact with holding facility detainees.
- Provide training and guidance to PREA Field Coordinators in each field office and sector to support ongoing compliance with the DHS Standards and prepare for the next cycle of PREA audits.
- Continue to ensure members of the DHS Volunteer Force deployed to CBP holding facilities are trained to fulfill their responsibilities under the DHS Standards.
- During National Sexual Assault Awareness and Prevention Month, reaffirm CBP's commitment to maintaining a responsive and sustained approach to sexual abuse and assault prevention, detection, and response to the CBP workforce through various methods, to include a message from the Commissioner.
- Continue assessing compliance with the DHS Standards by performing annual self-assessments and reporting through CBP's self-inspection program and, when warranted, taking corrective action.
- Develop and disseminate refresher information to all CBP employees and contractors who may have contact with holding facility detainees regarding their responsibilities under the DHS Standards.

## 11. Conclusion

During a year that was defined by challenges associated with the coronavirus pandemic and a substantial increase in migrant apprehensions on the Southwest land border, CBP's commitment to eliminate sexual abuse and/or assault within its holding facilities and provide support to alleged victims remained at the forefront of the agency's mission. As in previous annual reports, the activities in this report continue to align with CBP's focus on preventing sexual abuse and/or assault and reflect our sustained efforts to enhance current response capabilities. CBP will continue to work closely with federal, state, and local partners to consider new approaches and feedback to improve prevention, detection, and response protocols.





## 12. Reporting Sexual Abuse/Assault and Agency Contact Information

Individuals in CBP holding facilities or third parties who believe that a holding facility detainee has been subjected to any form of sexual abuse or assault may confidentially and, if desired, anonymously report these incidents to:

- Department of Homeland Security, Office of Inspector General (OIG) by:
  - Calling 1-800-323-8603 or 1-844-889-4357 (TTY);
  - Faxing to (202) 254-4297;
  - Accessing the online DHS OIG Complaint/Allegation Form at <https://hotline.oig.dhs.gov/hotline/hotline.php>; or
  - Writing to DHS OIG/MAIL STOP 0305, Attn: Office of Inspector General - Hotline, 245 Murray Lane SW, Washington, D.C., 20528-0305.
- Joint Intake Center by:
  - Calling the Joint Intake Center Hotline at 1-877-2INTAKE;
  - Faxing to (202) 344-3390;
  - Sending an email message to [JointIntake@cbp.dhs.gov](mailto:JointIntake@cbp.dhs.gov); or
  - Writing to the Joint Intake Center at P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20044.

Individuals in CBP holding facilities or third parties who believe that a holding facility detainee has been subjected to any form of sexual abuse or assault may also file a civil rights and civil liberties complaint with the:

- Department of Homeland Security, Office for Civil Rights and Civil Liberties (CRCL) by:
  - Submitting a Complaint at <http://www.dhs.gov/xlibrary/assets/crcl-complaint-submission-form-english.pdf>;
  - Sending an email message to [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov);
  - Faxing to (202) 401-4708; or
  - Writing to U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, Compliance Branch, Mail Stop #0190, 2707 Martin Luther King Jr. Avenue SE, Washington, D.C. 20528-0190.



### 13. Data Tables<sup>13</sup>

**Table 1. Allegations by Office**

Office	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
OFO	4	57.1%	3	37.5%	9	24.3%	8	47.1%	14	31.1%
USBP	3	42.9%	5	62.5%	28	75.7%	8	47.1%	31	68.9%
Unknown	0	0.0%	0	0.0%	0	0.0%	1	5.9%	0	0.0%
<b>Total</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>37</b>	<b>100.0%</b>	<b>17</b>	<b>100.0%</b>	<b>45</b>	<b>100.0%</b>

**Table 2. Allegations by Type of Alleged Perpetrator**

Alleged Perpetrator	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
Employee	5	71.4%	4	50.0%	14	37.8%	10	58.8%	21	46.7%
Contractor	0	0.0%	0	0.0%	0	0.0%	3	17.6%	2	4.4%
Volunteer	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Detainee	2	28.6%	4	50.0%	23	62.2%	2	11.8%	21	46.7%
Unknown	0	0.0%	0	0.0%	0	0.0%	2	11.8%	1	2.2%
<b>Total</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>37</b>	<b>100.0%</b>	<b>17</b>	<b>100.0%</b>	<b>45</b>	<b>100.0%</b>

Volunteers were not utilized in CBP holding facilities in FY 2017 - 2018, and in FY 2020.

**Table 3. Allegations by Incident Classification**

Incident Classification	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
Nonconsensual Sexual Acts	2	28.6%	1	12.5%	9	24.3%	9	52.9%	12	26.7%
“Willing” Sex with Staff	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Abusive Sexual Contacts	2	28.6%	2	25.0%	17	45.9%	2	11.8%	16	35.6%
Staff Sexual Misconduct*	3	42.9%	2	25.0%	8	21.6%	2	11.8%	10	22.2%
Harassment/Indecent Exposure	0	0.0%	2	25.0%	1	2.7%	3	17.6%	6	13.3%
Voyeurism	0	0.0%	1	12.5%	2	5.4%	1	5.9%	1	2.2%
<b>Total</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>37</b>	<b>100.0%</b>	<b>17</b>	<b>100.0%</b>	<b>45</b>	<b>100.0%</b>

\*Touching Only

The majority of the allegations classified as inappropriate touching by staff involved pat-down searches.

<sup>13</sup> All allegation information is drawn from data contained in electronic investigative case files as of May 9, 2022.



**Table 4. Alleged Victims by Age**

Age	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
Adult	5	71.4%	3	37.5%	16	40.0%	14	53.8%	16	29.1%
Juvenile	2	28.6%	4	50.0%	24	60.0%	12	46.2%	39	70.9%
Unknown	0	0.0%	1	12.5%	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>40</b>	<b>100.0%</b>	<b>26</b>	<b>100.0%</b>	<b>55</b>	<b>100.0%</b>

A juvenile is below 18 years of age, and an adult is 18 years of age or above. Allegations with multiple victims are reflected; therefore, the number of victims exceeds the number of allegations for certain fiscal years. One allegation is categorized as “unknown” because the reporting party did not provide sufficient information to identify the alleged victim.

**Table 5. Alleged Victims by Gender**

Gender	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
Male	2	28.6%	4	50.0%	19	47.5%	9	34.6%	36	65.5%
Female	5	71.4%	4	50.0%	21	52.5%	17	65.4%	19	34.5%
<b>Total</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>40</b>	<b>100.0%</b>	<b>26</b>	<b>100.0%</b>	<b>55</b>	<b>100.0%</b>

Allegations with multiple victims are reflected; therefore, the number of victims exceeds the number of allegations for certain fiscal years.

**Table 6. Alleged Victims Self-Identified as Transgender or Gender Nonconforming**

Gender Identity	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
Transgender	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Gender Nonconforming	0	0.0%	0	0.0%	0	0.0%	1	3.8%	0	0.0%
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0.0%</b>	<b>1</b>	<b>100.0%</b>	<b>0</b>	<b>0.0%</b>

**Table 7. Allegations by Investigative Finding**

Investigative Findings	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
Substantiated	1	14.3%	1	12.5%	4	10.8%	1	5.9%	5	11.1%
Unsubstantiated	5	71.4%	7	87.5%	24	64.8%	7	41.2%	13	28.9%
Unfounded	1	14.3%	0	0.0%	6	16.2%	4	23.5%	6	13.3%
Ongoing Investigation	0	0.0%	0	0.0%	3	8.1%	5	29.4%	21	46.7%
<b>Total</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>37</b>	<b>100.0%</b>	<b>17</b>	<b>100.0%</b>	<b>45</b>	<b>100.0%</b>



**Table 8. Allegations by Location in USBP Holding Facilities**

Location	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
Campo Station	0	0.0%	0	0.0%	1	3.6%	0	0.0%	0	0.0%
Chula Vista Station	1	33.3%	1	20.0%	0	0.0%	0	0.0%	0	0.0%
Clint Station	0	0.0%	0	0.0%	1	3.6%	0	0.0%	0	0.0%
Detroit Station	1	33.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Donna Processing Center	0	0.0%	0	0.0%	1	3.6%	0	0.0%	14	45.2%
Eagle Pass South Station	0	0.0%	0	0.0%	1	3.6%	0	0.0%	1	3.2%
El Centro Centralized Processing Center	0	0.0%	0	0.0%	0	0.0%	2	25.0%	0	0.0%
El Paso Centralized Processing Center	0	0.0%	0	0.0%	0	0.0%	0	0.0%	8	25.8%
El Paso Station	0	0.0%	0	0.0%	2	7.1%	1	12.5%	0	0.0%
Harlingen Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.2%
Imperial Beach Station	0	0.0%	0	0.0%	0	0.0%	1	12.5%	0	0.0%
Kingsville Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.2%
Laredo Centralized Processing Center	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.2%
Laredo South	0	0.0%	0	0.0%	1	3.6%	0	0.0%	0	0.0%
McAllen Station	0	0.0%	0	0.0%	2	7.1%	0	0.0%	0	0.0%
Rio Grande Valley Processing Center	0	0.0%	3	60.0%	12	42.9%	2	25.0%	0	0.0%
Rio Grande City Station	1	33.3%	0	0.0%	1	3.6%	0	0.0%	0	0.0%
Santa Teresa Station	0	0.0%	0	0.0%	1	3.6%	1	12.5%	0	0.0%
Sierra Blanca Checkpoint	0	0.0%	0	0.0%	1	3.6%	0	0.0%	0	0.0%
Tucson Coordination Center	0	0.0%	0	0.0%	2	7.1%	0	0.0%	0	0.0%
Uvalde Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	6.5%
Van Horn Station	0	0.0%	0	0.0%	0	0.0%	1	12.5%	0	0.0%
Wellton Station	0	0.0%	0	0.0%	1	3.6%	0	0.0%	0	0.0%
Weslaco Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.2%
Yuma Station	0	0.0%	1	20.0%	1	3.6%	0	0.0%	2	6.5%
<b>Total</b>	<b>3</b>	<b>100.0%</b>	<b>5</b>	<b>100.0%</b>	<b>28</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>31</b>	<b>100.0%</b>

There are 135 Border Patrol stations within 21 sectors including 36 permanent immigration checkpoints. No allegations were made at locations not reflected.



**Table 9. Allegations by Location in OFO Holding Facilities**

Location	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
	#	%	#	%	#	%	#	%	#	%
Ambassador Bridge	0	0%	0	0%	1	11%	0	0%	0	0%
Atlanta Airport POE	0	0%	0	0%	0	0%	0	0%	1	7.1%
Boston Airport POE	0	0%	0	0%	0	0%	0	0%	1	7.1%
Chicago O'Hare Airport POE	1	25%	0	0%	0	0%	1	13%	0	0%
Donna POE	0	0%	0	0%	1	11%	0	0%	0	0%
Douglas POE	2	50%	0	0%	0	0%	0	0%	0	0%
Hidalgo POE	0	0%	0	0%	0	0%	0	0%	1	7.1%
Houston Airport POE	0	0%	1	33%	0	0%	0	0%	1	7.1%
John F. Kennedy Airport POE	0	0%	0	0%	1	11%	0	0%	0	0%
Las Vegas Airport POE	0	0%	0	0%	0	0%	0	0%	1	7.1%
Los Angeles Airport POE	0	0%	0	0%	0	0%	1	13%	3	21.4%
Puerto Rico Airport POE	0	0%	0	0%	0	0%	1	13%	0	0%
Lukeville POE	0	0%	0	0%	0	0%	0	0%	1	7.1%
Miami Airport POE	0	0%	0	0%	0	0%	0	0%	1	7.1%
Nassau Airport POE	0	0%	0	0%	0	0%	1	13%	0	0%
Otay Mesa POE	0	0%	0	0%	0	0%	1	13%	0	0%
Paso del Norte POE	0	0%	0	0%	0	0%	0	0%	1	7.1%
San Luis POE	0	0%	0	0%	0	0%	1	13%	0	0%
San Francisco Airport POE	0	0%	1	33%	3	33%	0	0%	1	7.1%
San Ysidro POE	1	25%	1	33%	2	22%	2	25%	1	7.1%
Sweetgrass POE	0	0%	0	0%	1	11%	0	0%	0	0%
Ysleta POE	0	0%	0	0%	0	0%	0	0%	1	7.1%
<b>Total</b>	<b>4</b>	<b>100.0%</b>	<b>3</b>	<b>100.0%</b>	<b>9</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>14</b>	<b>100.0%</b>

There are 328 POEs within 20 field offices. No allegations were made at locations not reflected.