

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



U.S. Customs and  
Border Protection

## AUDITOR INFORMATION

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

## AGENCY INFORMATION

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

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

<b>Name of Sector or Field Office:</b>	El Paso Field Office
<b>Name of Chief or Director:</b>	(b) (6), (b) (7)(C)
<b>PREA Field Coordinator:</b>	(b) (6), (b) (7)(C)
<b>Physical Address:</b>	9400 Viscount, Suite 104, El Paso, Texas 79925
<b>Mailing Address: (if different from above)</b>	

## SHORT-TERM HOLDING FACILITY BEING AUDITED

<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Paso del Norte Border Crossing		
<b>Physical Address:</b>	1000 South El Paso Street, El Paso, Texas, 79901		
<b>Mailing Address: (if different from above)</b>			
<b>Telephone Number:</b>	(b) (6), (b) (7)(C)		
<b>Facility Leadership</b>			
<b>Name of Officer in Charge:</b>	(b) (6), (b) (7)(C)	<b>Title:</b>	Assistant Port Director
<b>Email Address:</b>	(b) (6), (b) (7)(C)	<b>Telephone Number:</b>	(b) (6), (b) (7)(C)

## AUDIT FINDINGS

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

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

The Prison Rape Elimination Act (PREA) on-site audit of U.S Customs and Border Protection (CBP), Office of Field Operations (OFO), Paso Del Norte (PDN) Border Crossing was conducted February 28, 2023, by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC., of Beaumont, Texas. This audit was conducted to determine facility compliance with the Department of Homeland Security (DHS) PREA Standards. As such, along with the on-site portion of the audit, the audit also involved a review of CBP's PREA policies and procedures, agency, and facility-based documents, as well as telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

This was the second PREA audit for PDN, with the first being conducted on February 13, 2019. At any time, the detainee population may include adult males and females, family units, and unaccompanied children (UC). Detainees may be held at the holding facility up to a maximum of 72 hours prior to release or being transferred to another facility. However, it should be noted that detainees held at this facility are generally processed out within a few hours. As needed, the local law enforcement agencies are the El Paso Police Department and the El Paso Sheriff Office.

The auditor briefly met with the PDN leadership team to inform them of the audit form and schedule. Immediately thereafter, the Auditor was directed to a private office for commencement of interviews with staff from all shifts: (b) (7)(E) Supervisory CBP Officer/PREA Field Coordinator (b) (6), (b) (7)(C) El Paso Field Office, was the point of contact throughout the audit.

At 0830, all areas of PDN were inspected. This included the Passport Control Secondary (PCS) area, with its primary and secondary hold rooms, as well as the hold rooms within the Passenger Vehicle Processing (PVC) area. If escorted from the pedestrian walkway for further interview/processing, detainees are generally held (b) (7)(E). If escorted from the vehicle lanes for further inspection/processing, detainees are generally held in one of the (b) (7)(E). UACs are held in a separate holding area repurposed within the facility to be conducive to temporarily holding minors. generally placed in a holding area within the PCS area. This area is an open space, in direct view of officers, contains bedding, television access, toys, snacks, drinks, and other child appropriate measures. It should also be noted that age appropriate PREA posters (child, juvenile, and adult age ranges) are clearly visible within this area, and throughout the facility. These posters are printed in both English and Spanish. Throughout the facility, there are both multi-person and single person hold rooms. The multi-person hold rooms may or may not contain a toilet. When available within a hold room, toilets are concealed behind a wall of approximately three feet to promote privacy. If needed, detainees can also be escorted to a private bathroom area. Shower facilities are available and, if needed, are monitored by officers of the same gender while affording them privacy.

**Scope of Audit:** Prior to the on-site portion of the audit, the Auditor reviewed the HQ and Local Pre-Audit Questionnaires (PAQs), HQ Responsive Documents and Data Requests, local documents, including PDN specific documents, and HQ Participation documents. During the on-site portion of the audit, Notice of Audit postings were displayed throughout the facility, as well as on facility entry doors, for ease in accessibility by officers, detainees, and the public. The Auditor was provided with a facility roster to select SMEs and officer interviews, which were conducted in a private setting. The Auditor conducted two SME interviews, one contractor interview, and eight officer interviews. Additionally, the Auditor spoke with the Lead Sexual Assault Nurse Examiner (SANE) of the area hospital. The Auditor also conducted test calls to both the Language Line and the Department of Homeland Security (DHS) Office of Inspector General (OIG) Hotline. At the time of the on-site portion of the audit, detainees were not present to interview. During the audit time frame, PDN did not receive any allegations of sexual abuse.

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

Those in attendance for the briefing were:

- (b) (6), (b) (7)(C), Deputy Prevention of Sexual Assault Coordinator (DPSA) HQ
- (b) (6), (b) (7)(C), Office of Field Operations (OFO, PREA Coordinator HQ
- (b) (6), (b) (7)(C), Chief, El Paso Field Office (EPFO)
- (b) (6), (b) (7)(C), Watch Commander, Port of El Paso
- (b) (6), (b) (7)(C), Supervisory Customs and Border Protection Officer (SCBPO), Port of El Paso
- (b) (6), (b) (7)(C), Customs and Border Protection Officer (CBPO), Port of El Paso
- (b) (6), (b) (7)(C), Customs and Border Protection Officer (CBPO), Port of El Paso
- (b) (6), (b) (7)(C), PREA Auditor, Creative Corrections, LLC

**SUMMARY OF OVERALL FINDINGS:**

**Directions:** Discuss audit findings to include a summary statement of overall findings and the number of provisions which the facility has achieved compliance at each level: Exceeds Standard, Meets Standard, and Does Not Meet Standard.

The Paso Del Norte Border Crossing on-site audit was completed on Tuesday, February 28, 2023, with the findings report being submitted in March 2023.

The audit process included a review of all documentation, interviews with both agency and facility-based staff, as well as on-site observations of facility procedures and holding conditions. This process has found PDN in compliance with all 25DHS Subpart B Standards.

**PDN meets 25 standards:** 115.111, 115.113, 115.114, 115.115, 115.116, 115.117, 115.118, 115.121, 115.122, 115.131, 115.141, 115.151, 115.154, 115.161, 115.162, 115.163, 115.164, 115.165, 115.166, 115.167, 115.176, 115.177, 115.182, 115.186, 115.187

**PDN exceeds 1 standard:** 115.132

**SUMMARY OF AUDIT FINDINGS**

**Number of standards exceeded: 1**

**Number of standards met: 24**

**Number of standards not met: 0**

**OVERALL DETERMINATION**

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

## PROVISIONS

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

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

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

#### Notes:

The facility meets the standard. The agency is required to have a written policy mandating zero tolerance toward all forms of sexual abuse and outlining the agency's approach to preventing, detecting, and responding to such conduct. On March 12, 2014, the Commissioner informed all staff through email communicating the adoption of the final rule of the PREA Standards and the Agency's commitment to protect the safety of individuals in CBP holding facilities. The memorandum further stated CBP is committed to providing an atmosphere of zero tolerance of sexual abuse and/or sexual assault in every CBP holding facility. In response to the Agency's commitment, CBP developed Directive 2130-030, Prevention, Detection, and Response to Sexual Abuse and/or Sexual Assault in CBP Holding Facilities, dated January 19, 2018, with a review date of January 19, 2021, establishing procedures for zero tolerance within CBP holding facilities. The agency designated an upper-level, agency wide PSA Coordinator and a Deputy PSA Coordinator who have sufficient time and authority to develop, implement, and oversee Agency efforts to comply with the PREA Standards for CBP Holding Facilities. In speaking with the PSA Coordinator, she stated her position is a full-time position within the upper hierarchy of the agency. As such, the PSA Coordinator has sufficient time and authority to command the responsibility. Additionally, during Sexual Assault Awareness and Prevention Month observed in April, the Privacy and Diversity Office messaged information to all employees regarding CBP's zero tolerance of sexual abuse and assault policy through payroll notice statements and CBP Central.

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

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

#### Notes:

(a): The facility meets the standard provision. The standard requires PDN to maintain sufficient supervision of detainees, through appropriate staffing levels, as well as (b) (7)(E), to protect detainees against sexual abuse. As noted within agency policy, the safety of CBP employees, detainees, and the public is paramount during all aspects of CBP operations. CBP National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015 require PDN officers to closely supervise hold rooms when in use. During the on-site inspection, the Auditor reviewed the (b) (7)(E) of the facility, as well as the layout of the holding areas. There are (b) (7)(E) (b) (7)(E) in the Passport Control Secondary that contain large windows and in the direct line of sight of supervisors and officers in the area. The hold rooms are sufficient to separate males, females, family units, and UC. It was noted the holding facility has sufficient (b) (7)(E) to assist facility staff in the supervision and monitoring of detainees. Facility (b) (7)(E). The (b) (7)(E) are continuously monitored by officers. If there was an influx of detainees, PDN SMEs indicated that officers would be available through overtime, as assignment of additional officers, or a combination of to augment existing officers. The SMEs also indicated that neighboring facilities could be called upon to provide additional staff. As well, HQ would be notified and could send additional officers if available.

(b)(c): The facility meets the standard provisions. The standard requires PDN to develop and document comprehensive detainee supervision guidelines and review the supervision guidelines at least annually. CBP Directive 2130-030, and a memorandum dated August 12, 2014, from the Acting Assistant Commissioner, was sent out to all Directors, Office of Field Operations supplementing the Agency's Standard to Prevent, Detect, and Respond to Sexual

Assault in CBP holding facilities. The supplement includes management requirements of developing and documenting comprehensive detainee supervision guidelines, which has been accomplished through TEDS. The Directive further requires PDN to review the detainee supervision guidelines at least annually and consider its applicability based on the physical layout, the composition of the detainee population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, the findings and recommendations of sexual abuse incident review reports, and any other relevant factors, including but not limited to the length of time detainees spend in agency custody. PDN conducted a review of the detainee supervision guidelines on November 29, 2022. The Auditor reviewed the assessment conducted by management at the facility. The report was comprehensive and provided detailed information. A determination was made by PDN that the facility maintains sufficient supervision of detainees.

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

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

**Notes:**

(a): The facility meets the standard provision. The standard requires PDN to ensure juveniles are detained in the least restrictive setting appropriate to the juvenile's age and special needs, while still maintaining the welfare of the juvenile and the overall detainee population. CBP TEDS and a memorandum from the Acting Assistant Commissioner of Field Operations issued on August 12, 2014, to the Directors of Field Operations, Director of Preclearance Operations, and the Office of Field Operations referencing the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP/OFO Hold Room Facilities stating that juveniles are to be held in the least restrictive setting appropriate to the juveniles age and special needs, provided that the setting is consistent with the need to protect the juvenile's well-being and that of others as well as with any other laws, regulations, or legal requirements. During the on-site portion of the audit, several types of hold rooms were observed, with juveniles being placed in an open area with clean bedding, toys, books, games, and television access for them to engage at their discretion. The juveniles are provided unlimited access to drinks and snacks. They are also given access to toilet facilities. To ensure the safety of all juveniles while detained, this holding area is in direct sight of officer workstations. When asked, officers were acutely aware of the agency's need to maintain a safe and positive environment for juveniles. Specifically, when occupied by juveniles, officers state that juveniles within the holding area must be maintained in the least restrictive means as possible. They also stated the juvenile holding area can only hold juveniles and no adult detainees are allowed in that area and two officers are assigned to monitor the area with the same gender staff are assigned to monitor the holding area as the gender of juveniles within it. Lastly, they reported while in the juvenile holding area, children are free to move about the area to watch television or play with toys.

(b): The facility meets the standard provision. According to PDN interviews, UCs are held separately from adults. However, unaccompanied juveniles may remain with a non-parental adult family member if their relationship has been vetted to the extent feasible and remaining with the non-parental adult family member is appropriate given the totality of the circumstances. Officer interviews thoroughly explained the vetting process. Officers state the appropriate government agencies within countries of origin are contacted to ensure presented documents are legitimately authorized by the persons possessing them.

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

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

**Notes:**

(b)(c): The facility meets the standard provisions. CBP TEDS restricts the use of cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances, including consideration of officer safety or when performed by medical practitioners. If an opposite gender staff member must perform a strip search or be present at a medical examination, it is mandatory that two staff are present. In speaking with PDN SMEs and officers, these requirements were continuously iterated. As such, interviews with the SME's and the officers confirm their knowledge of policy, as well as the extensive documentation required should an exigent circumstance result in a cross-gender search. Additionally, they articulated the need to conduct all searches in a professional manner appropriate to the

gender of the person being searched. During the audit time frame, PDN has conducted partial body searches at the POE and body cavity searches at a medical facility. A review of facility logbooks indicates that all searches have been conducted within standards and policy requirements.

(d): The facility meets the standard provision. CBP TEDS has outlined requirements to allow detainees to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine room checks. When taken into custody, detainees are placed in hold rooms with other detainees of the same gender. If staff of the opposite gender enter those hold rooms, policy requires said staff to knock and announce their presence before entering. During SME and officer interviews, it was further noted that even when entering hold rooms containing detainees of the same gender as themselves, the officers still knock and announce their presence prior to entering. This effort is made to provide detainees with a much privacy as possible while still ensuring an overall safe environment. During the on-site inspection, it was noted that some hold rooms contain a toilet, while others do not. The SME and officers stated that regardless of whether a hold room contained a toilet, if a detainee requested to utilize a private toilet room, the detainee was subsequently escorted to a bathroom area by an officer of the same gender. The bathrooms and shower facilities were inspected. When occupied by detainees, these areas are secured by staff of the same gender as the detainee and contain privacy measures; namely, a privacy curtain at the entrance to shower area, as well as a second privacy curtain at the entrance of the shower facilities.

(b) (7)(E)

(b) (7)(E)

(e): The facility meets the standard provision. CBP Directive 2130-030 prohibits staff from searching or examining detainees for the sole purpose of determining the person's gender. During SME and officer interviews, all were aware that searching detainees to determine their gender was not within policy guidelines. They further asserted that if the gender of an individual was unknown, they would simply ask the individual how that person identified and would address them accordingly.

(f): The facility meets the standard provision. CBP TEDS clearly outlines the requirements of all pat-down searches. As noted during SME and officer interviews, all officers stated that they have been trained on proper search procedures and stated that whenever operationally feasible, the search would be conducted by the same gender, gender identity, or declared gender as the detainee being searched. If a pat-down search of a transgender person was necessary, they noted that the search would be performed in a manner appropriate for the declared gender of the detainee being searched. The SMEs stated all personal searches, as well as the articulated facts leading to those searches, are electronically documented in Unified Secondary (USEC).

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

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

**Notes:**

(a)(b): The facility meets the standard provisions. CBP Directive No. 2130-033, Nondiscrimination for Individuals with Disabilities in CBP-Conducted Services, Programs, and Activities (Non-Employment), dated July 8, 2021, clearly states it is CBP's policy not to discriminate against members of the public because of disability (hearing impaired, blind or low vision, or those who have intellectual, psychiatric, speech disabilities or Limited English Proficient) and for all persons to have access to CBP's efforts to prevent, detect, and respond to sexual abuse and/or sexual assault. All persons are afforded an equal opportunity to participate in, or benefit from, CBP-conducted services, programs, and activities. CBP Directive 2130-030 further directs staff to provide reasonable modifications to detainees who have disabilities (hearing impaired, blind, or low vision, or those who have intellectual, psychiatric, or speech disabilities) for said persons to have access to CBP's efforts to prevent, detect, and respond to sexual abuse and/or sexual assault. During the on-site inspection, phone numbers and web addresses for providers of accommodation services were readily accessible and observed. Additionally, Agency policy requires that any written materials related to sexual abuse should be provided in formats that ensure effective communication with detainees with disabilities. During the on-site portion of the audit, all sexual abuse awareness posters were provided in English and Spanish. When asked, officers stated they were aware of different resources they could utilize to assist them in relaying the agency's zero-tolerance policies. Additionally, it was noted that with the use of video communications, officers also have to ability to provide sign languages services for those in need of such.

(c): The facility meets the standard provision. CBP TEDS requires that when investigating allegations of sexual abuse, interpretation services may not be provided by another detainee, unless the reporting detainee expresses a preference for another detainee to provide interpretation services, and the supervisor determines that such services are appropriate and consistent with the operational office's policies and procedures. A review of documentation reflects that during the audit time frame, PDN has not detained any individuals who were deaf, blind, or cognitively impaired. In speaking with the SMEs and officers, all expressed caution against ever using another detainee to interpret allegations of sexual abuse.

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

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

**Notes:**

(a): The facility meets the standard provision. CBP Directive 2130-030 directs the Office of Human Resources to develop policy and procedures to ensure that CBP does not hire or promote individuals who have had previous substantiated cases of sexual abuse and/or sexual assault. A memorandum by the Executive Director, with an issue date of February 29, 2016, issued Standard Operating Procedures to ensure the agency offers protection to all detainees of sexual abuse and/or sexual assault when hiring or promoting individuals within the agency. While interviewing the HQ Hiring Center SME, the importance of staff suitability for employment was clearly expressed. In that, it was noted that applicants are required to answer suitability questions during the application process. Based on their responses, applicants may be screened out for employment and deemed ineligible for further consideration. During the on-site portion of the audit, eleven staff backgrounds were reviewed to ensure that suitability measures were employed during the hiring and promotion process of staff. The review concluded PDN has followed all agency requirements.

(b): The facility meets the standard provision. CBP has developed operational guidance through the issuance of the HRM Standard Operating Procedures (SOP) to provide direction in the hiring and promotion of employees who have direct contact with detainees. CBP HRM developed Mission Specific Questions and a DHS PREA Questionnaire which includes asking applicants who may have contact with detainees directly about previous misconduct as identified in provision (a) of this standard. While interviewing the HQ Hiring Center SME, it was noted that all staff must complete a PREA Questionnaire Form, whether the individual is a new hire or applying for promotions, which subsequently determines their suitability. As a function of employment, staff must also acknowledge a continuing affirmative duty to disclose any such misconduct.

(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 requires that background investigations are conducted for all applicants for employment, along with contractor applicants who may have contact with detainees. Additionally, policy requires that subsequent background investigations are conducted every five years for all CBP personnel who may have contact with detainees. The Auditor reviewed a blank document which summarizes the results of a background investigation, which was inclusive of addressing whether the employee is asked questions as described in standard provision (a). In speaking with the HQ Office of Professional Responsibility (OPR) Personnel Security Division (PSD) SME, the requirements surrounding continuing background investigations was explained. The Auditor selected eight (8) officers, two (2) SMEs, and one (1) contractor and submitted the names to HQ OPR through the PSA Coordinator. A review of the background checks revealed the agency is following pre-hire and five-year background checks.

(e): The facility meets the standard provision. The HQ Labor Employee Relations (LER) SME stated CBP mandates that all persons have a continuing affirmative duty to report any acts of sexual abuse as required under the PREA standards. Likewise, the HQ LER SME explained that material omission or the provision of materially false information regarding such misconduct is grounds for termination or withdrawal for an offer of employment. The HQ LER SME also reported all employees are made aware of this requirement through the issuance of the Standards of Conduct and the Table of Contents to the Penal Code.

(f): The facility meets the standard provision. CBP Directive 2130-030 stipulates that unless prohibited by law, the agency will provide information on substantiated allegations of sexual abuse involving former employees upon receiving a request from an institutional employer for whom such employee has applied to work. Specifically, in speaking with

the HQ LER SME, it was noted that if a former employee has applied for employment at another agency, and that person has signed a release of records, then the agency will provide the requesting agency with this information.

**§115.118(a) and (b) – Upgrades to facilities and technologies.**

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

**Notes:**

(a): The standard provision is not applicable as PDN SMEs stated the facility has not made any substantial modifications since the previous audit.

(b): The facility meets the standard provision. During the on-site inspection, the SME stated that any upgrades to technologies would be made with consideration toward the prevention, detection, and response to sexual abuse and/or sexual assault.

**§115.121(c) through (e) – Evidence protocols and forensic medical examinations.**

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

**Notes:**

(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 and CBP TEDS requires timely, unimpeded medical treatment and crisis intervention, including emergency contraception and sexually transmitted infections prophylaxis be provided to a victim of sexual assault without financial cost to the detainee. Interviews with PDN SMEs confirm both forensic medical services, as well as victim advocacy services, would be provided to the alleged victim without cost. The SMEs further stated PDN would transport any person in such of a forensic medical exam to the University Medical Center (UMC), which is a Level One Trauma Facility containing a Crime Victims Unit and has Sexual Assault Forensic Examiner/Sexual Assault Nurse Examiner (SAFE/SANE) staff continuously available. In speaking with the University of Texas Medical Center (UMC) Lead SANE Nurse, it was noted that UMC SANE staff do follow a uniform evidence protocol. The nurse also stated UMC offers rape crisis victim advocates to all persons who undergo a forensic exam. The SME stated that if operationally feasible, accommodations would be made for any detainee victim with a continuing need to receive victim advocacy services from the UMC while held at PDN.

(e): The facility meets this standard provision. PDN has requested through memorandums dated May 14, 2019, that the El Paso Police Department and the El Paso Sheriff's Department, who have jurisdiction for conducting investigations of allegations of sexual abuse made by individuals in custody at PDN, do so in accordance with Section 115.121(a) of 6 C.F.R., Part 115. These memorandums were again issued on February 10, 2023. It should be noted, however, that per the HQ OPR Sexual Abuse and Assault Investigations Coordinator (SAAI) SME, during the audit time frame, PDN did not receive any allegations of sexual abuse that would necessitate a sexual assault forensic exam.

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

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

**Notes:**

(c): The facility meets the standard provision. CBP Directive 2130-030 requires all allegations of sexual abuse and/or assault to be documented on a Significant Incident Report and promptly reported to the CBP Watch and the Joint Intake Center (JIC). CBP Directive No. 3340-025F, Reporting Significant Incident to the U.S. Customs and Border Protection WATCH, (dated November 2, 2021, with a review date of November 2, 2024) directs staff to report sexual abuse and/or sexual assault through a united hub which operates 24 hours a day and seven days a week to ensure significant incidents are immediately reported to the leadership. The HQ SAAI SME stated there are multiple layers of agency oversight, as well as policies in place to ensure incidents are immediately reported. PDN SMEs stated if the



allegation involves potentially criminal behavior, they immediately report it to the El Paso Police Department or El Paso Sheriff's Office for investigative purposes.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires all allegations of sexual abuse and/or assault be promptly reported to the PSA Coordinator, the CBP Watch, and the Joint Intake Center (JIC). The PSA Coordinator stated that all allegations of detainee sexual abuse are immediately reported. She also stated PDN has not had any allegations of sexual abuse and/or sexual assault.

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

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

**Notes:**

(a): The facility meets the standard provision. Directive 2130 required all uniformed agents and officers, special agents, fact finders, contractors, and volunteers who may have contact with a detainee in CBP Holding Facilities receive the training in Subpart B of the DHS Standards. The Auditor reviewed the training slides of CBP's mandatory training requirement. The training material specifically covers: (1) the agency's zero-tolerance policies for all forms of sexual abuse; (2) the right of detainees and employees to be free from sexual abuse, and from retaliation for reporting sexual abuse; (3) definitions and examples of prohibited and illegal sexual behavior; (4) recognition of situations where sexual abuse may occur; (5) recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing such occurrences; (6) procedures for reporting knowledge or suspicion of sexual abuse; (7) how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees; and (8) the requirement to limit reporting of sexual abuse to personnel with a need-to-know in order to make decision concerning the victim's welfare and for law enforcement or investigative purposes. The training for employees is through Acadis. During the on-site portion of the audit, ten employee training records and one contractor training record were reviewed to ensure the completion annual PREA training requirements. The Auditor found these training records to comply with the Directive and the Standards. All staff, contractors, and volunteers are mandated to receive this training bi-annually. Additional information is published through Privacy and Diversity Office Payroll Messages, Sexual Awareness Prevention Month Communication Package dated April 19, 2022, CBP Central CBPnet messaging for employees reminding them of CBP's zero-tolerance of sexual abuse and/or sexual assault, and memorandum and email reminders of the mandatory training. Additionally, training for volunteers has been developed through FEMA Emergency Management Institute ISO-990, Preventing Sexual Abuse and Assault in CBP Holding Facilities. The Agency has developed a PREA Resource Center which provides information to all CBP employees who have contact with the detainee population. CBP communicates with agency contractors requiring and reminding them of the mandatory training. CBP has also developed two training aids to assist staff in their communications with detainees who have disabilities and how to identify with LGBTQI detainees. In speaking with SMEs, officers, and contractor, all possessed levels of knowledge regarding the agency's zero-tolerance policies consistent with purposeful measures of educational training. Some of the officers, who were interviewed, produced a pocket card that contained easily accessible reference materials related to a sexual abuse response.

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

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

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

**Notes:**

The facility exceeds the standard. CBP has established a significant number of information methods to notify detainees of the agency's zero-tolerance policy. During the onsite inspection, the Auditor noted large zero-tolerance policy posters displayed on the walls throughout the holding area. The posters provide information on how to report sexual abuse and/or sexual assault. Additionally, CBP addresses the zero-tolerance policy on its public website, (<https://www.cbp.gov/about/care-in-custody>). The Auditor observed a substantial number of age appropriate Zero Tolerance Awareness Posters publicly displayed on the walls throughout the facility. While it was noted that these posters were currently available only in English and Spanish, interviews with PDN SMEs and officers reflected that if detainees spoke a different language, awareness notices could be printed in any of the seventeen languages as noted below, and if necessary, could be translated by way of the language line to any language needed. CBP designed age-appropriate posters which provides information and depicts cartoon pictures to make juveniles aware of the agency's zero-tolerance of sexual abuse. The posters were colorfully designed for detainees of tender age (13 and below), and juveniles (14 and above), and adults. Additionally, adjacent nearly almost all sexual abuse awareness posters were language identity posters. These posters contained identifying statements for approximately twenty-six different languages, to include distinct dialects of specific languages: namely, Arabic, Farsi, French, Gujarati, Haitian, Hindi, Japanese, Pashto, Portuguese, Punjabi, Romanian, Simplified Chinese, Tagalog, Urdu, and Vietnamese. CBP has also developed educational videos depicting a boy and a girl to encourage compliance with CBP's zero-tolerance of sexual abuse and sexual assault. The videos also encourage immediate reporting of actions that can be construed as sexual abuse and/or sexual assault.

**§115.134 – Specialized training: Investigations.**

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

**Notes:**

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

**§115.141(a) through (e) – Assessment for risk of victimization and abusiveness.**

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

**Notes:**

(a)(b)(c)(e): The facility meets the standard provisions. CBP has developed policies to ensure all detainees taken into custody are provided an assessment for risk of victimization and abusiveness before being placed in any hold room. These policy and procedures include Memorandum for CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015; CBP Directive 2130-030; CBP TEDS; and Memorandum from the Assistant Commissioner of OFO, with an attachment of CBP Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, dated August 12, 2014. While interviewing PDN SMEs and officers, it was noted that whenever operationally feasible, same gender risk assessment interviews are conducted, with a right to privacy being emphasized. During the on-site portion of the audit, the Auditor observed a risk assessment screening. This assessment was provided in a non-judgmental manner and the detainee was not given negative feedback regardless of the answer. It was noted that the detainee did not have to provide answers to the questions and there would be no negative consequences issued if the detainee failed to answer. These questions were asked in the detainee's native language and in a private setting to promote confidentiality. This risk assessment allows officers to consider, to the extent that the information is available, (1) any mental, physical, or developmental disabilities; (2) the age of the detainee; (3) the physical build and appearance of the detainee; (4) whether the detainee has previously been incarcerated or detained; (5) the nature of the detainee's criminal history; (6) whether the detainee has any convictions for sex offenses against an adult or child; (7) whether the detainee has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) whether the detainee has self-identified as having previously experienced sexual victimization; (9) and the detainee's own concerns about history her physical safety. It was further noted that the information provided would only be shared with others on a need-to-know basis.

(d): The facility meets the standard provision. CBP Directive 2130-30 requires officers take reasonable steps to determine whether a detainee may be at a high risk of being sexually abused or of being sexually abusive before placing any detainees together in a holding facility. During SME and officer interviews, it was noted that should a detainee be found at a high risk of sexual victimization or abusiveness, that individual would be placed in a singular hold room to mitigate any identified danger to a detainee or to other detainees. An on-site inspection of the facility demonstrated that the facility had numerous unoccupied hold rooms to accommodate such housing needs.

**§115.151(a) through (c) – Detainee reporting.**

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

**Notes:**

(a)(b)(c): The facility meets the standard provisions. CBP has developed policies to ensure all detainees taken into custody are provided an opportunity to report any allegations of sexual abuse. These policies and directives include: DHS PREA Standards in Focus, 115.132 and 115.151, dated July 11, 2022; CBP Directive No. 2130-030; Commissioner’s Memorandum with attached CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015; Memorandum for Privacy and Diversity Office Prevention, Detection, and Response to Sexual Abuse and Assault in CBP Holding Facilities Directive, dated February 2, 2018; Memorandum from the Assistant Commissioner for OFO with attached Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, dated August 12, 2014; CBP Central: Tuesday, February 19, 2019; CBP Central: Monday, February 12, 2018; Privacy and Diversity Officer Quarterly e-Newsletter, dated January-March, 2018. CBP has established a public website that includes the Agency’s policy regarding Zero Tolerance of Sexual Abuse and Assault. The website provides instructions on how to report sexual abuse and/or sexual assault. The agency policy also requires that key information regarding CBP’s Zero-Tolerance Policy is visible or continuously and readily available to detainees. During the on-site portion of the audit, informational posters providing a reporting phone number were observed throughout the facility, in both English and Spanish. The reporting phone number was a direct line to the DHS OIG. In speaking with PDN SMEs and officers, it was noted that if a detainee wished to utilize the reporting hotline, that person would be escorted to a phone room. The room containing the phone for such calls was in a private setting. This phone is available for detainees to make a report of sexual abuse for themselves or on behalf of another person. A test call was made to the reporting hotline to confirm the phone both worked and number was valid. During the interviews, all officers acknowledged their responsibility to accept any verbal or written report of sexual abuse made to them by a detainee, or by another person on behalf of a detainee. They also acknowledged their willingness to allow a detainee alleging sexual abuse to remain anonymous upon request. Upon receipt of an allegation of sexual abuse, officers confirmed that they would immediately notify their supervisor of the complaint and subsequently document the incident as required by policy.

**§115.154 – Third-party reporting.**

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

**Notes:**

The facility meets the standard. CBP Directive 2130-030 directs staff that third parties can report sexual abuse and/or sexual assault on behalf of the detainee. Reports can also be made on behalf of the abused detainee by another detainee. Additionally, the agency has established a website (<https://www.cbp.gov/about/care-in-custody>) to allow for third parties to report sexual assault and/or sexual assault directly to the Office of Inspector General (OIG). During the on-site portion of the audit, informational posters, in both English and Spanish, that contained the reporting phone number to OIG were observed throughout the facility. In speaking with the HQ PSA Coordinator, agency transparency for public information was stressed.

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

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

**Notes:**

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 and CBP Policy on Zero Tolerance of Sexual Abuse and Assault mandates all staff to immediately report any knowledge, suspicion, or information of sexual abuse that occurred within the facility. Additionally, staff have an affirmative duty to report all knowledge, suspicion, or information regarding retaliation against detainees or staff for having reported an incident of sexual abuse. Staff also have an affirmative duty to report any negligence or violation of responsibilities that may have contributed to an incident of sexual abuse or retaliation. CBP Directive 3340-025F further directs staff to report significant incidents to the WATCH, a unified hub that operates 24 hours a day and seven days a week to assure all significant incidents are reported immediately to all required leadership. CBP Directive No51735-013B, U.S. Customs and Border Protection Standards of Conduct, December 9, 2020, also informs staff that they have a duty to report any sexual assault and/or sexual abuse, or any form of retaliation against another staff member or detainee. CBP has provided training in Preventing and Addressing Sexual Abuse in CBP Holding Facilities, which addresses the responsibility of reporting sexual abuse and/or sexual assault, to include retaliation. On August 25, 2022, CBP included in the newsletter, DHS PREA Standards in Focus, the staff reporting duties. A review of employee training records, as well as training curriculum records, reflects that all staff have received initial PREA training, as well as subsequent training where appropriate, which includes acknowledgment of their affirmative duty responsibilities. When interviewed, all officers confirmed their obligation to immediately report any information they might have regarding allegations of sexual abuse. The officers knew of at least one way in which to make a formal report, with most knowing numerous ways, to include reporting mechanisms outside their chain of command.

(c): The facility meets the standard provision. CBP Directive 2130-030 requires that except as necessary to report the incident, staff shall not reveal any information related to an incident of sexual abuse except as necessary to aid the detainee, to protect other detainees or staff, or to make security and management decisions as required under Subpart B of the DHS Standards. In speaking with the HQ Sexual Abuse and Assault Investigations (SAAI) SME, it was noted that PDN had not received any allegations of sexual abuse. Nonetheless, during SME and officer interviews, the concern for confidentiality was stressed, with staff repeatedly indicating that information related to allegations of sexual abuse would only be shared as a function of their official capacities on a need-to-know basis. While on-site, it was further observed that risk screening areas provided detainees some measure of privacy while talking to facility staff.

(d): The facility meets this standard provision. CBP Directive 2130-030 requires that staff report sexual abuse and/or assault allegations involving alleged victims under the age of 18, or those considered as vulnerable adults under State and local vulnerable persons statutes, to the designated State or local services agency under applicable mandatory reporting laws. In speaking with the SMEs, the local authority to whom CBP staff would report alleged victimization of persons under the age of 18 or of vulnerable adults is the Texas Department of Health and Human Services, Department of Family and Protective Services.

**§115.162 – Agency protection duties.**

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

**Notes:**

The facility meets the standard. CBP TEDS instructs officers if they have a reasonable belief that a detainee is at a substantial risk of imminent sexual abuse, immediate action must be taken to protect the detainee. In speaking with PDN SMEs and officers, they stated the detainee would be held separately from others to ensure the safety of the individual. As noted by an SME, during the audit time frame, PDN did not find any evidence that any detainees assigned to the facility were at substantial risk of sexual abuse. As such, PDN did not have any documentation for review. Likewise, no protective actions were required.

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

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

**Notes:**

(a)(b)(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 requires that upon receipt of an allegation that a detainee was sexually abused while confined at another facility, facility staff are to notify the appropriate office of the agency or the administrator of the facility where the alleged sexual assault occurred. Interviews with PDN SMEs confirmed this notification must be made by the Port Director or designee as soon as possible, but certainly within 72 hours of receipt, and the supervisor must document having provided the notification. It was also indicated that if PDN was notified by another agency that a sexual abuse and/or assault had occurred at PDN, then staff must begin the investigation and notification process. A Memorandum from the Acting Assistant Commissioner, OFO, dated August 12, 2014, with the attached Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, was issued to remind the leadership of the documentation and notification process. During the 12-month audit time frame, the facility did not receive any allegations that detainees had been sexually abused while confined to another facility.

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

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

**Notes:**

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 provides detailed and concise information on the steps PDN first responders should take upon learning of an allegation of sexual abuse and/or assault. Additionally, CBP provides a training course through Acadis (online training portal) which is required bi-annually of all PDN staff. The course provides detailed information of the responsibilities of a first responder regarding all steps to be taken by first responders upon learning of a sexual assault. Both the Directive and the training course educate PDN first responders to immediately, separate the victim and abuser, preserve, and protect the crime scene until evidence collection is possible, request the victim not take any actions that could destroy physical evidence, and ensure the abuser does not take any actions to destroy evidence. First responders who are not law enforcement are instructed to request the victim not take actions that could destroy evidence and immediately notify officers. During interviews with PDN SME and officers, it was noted that after the victim was isolated, they would need to help preserve DNA evidence. This would be done by asking the victim not to do anything that would destroy the evidence. For example, they should not, perform actions such as brushing their teeth, washing their bodies, or using the restroom. An interview with the medical contractor who routinely has contact with detainees confirmed that she would immediately inform officers of the allegations, isolate the victim for protection, and assure the crime scene is preserved. It should be noted that during the audit time frame, PDN did not receive any allegations that detainees had been sexually abused. As such, there is no relevant documentation for review.

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

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

**Notes:**

(a): The facility meets the standard provision. CBP Directive 2130-030 constitutes CBP's written for using a coordinated institutional plan and utilizing a multidisciplinary team approach to respond to sexual abuse and/or sexual assault. The Directive coordinates actions amongst first responders, medical and mental health practitioners, investigators, and facility leadership in response to incidents of sexual abuse. This Directive, along with CBP TEDS, work to coordinate agency, agency components, and facility efforts, so that victims of sexual abuse receive adequate support services to protect the health, welfare, security, and safety of any individual in CBP custody. CBP PDO also published an announcement to all staff through CBP Central on February 12, 2018, notifying staff of the Directive constituting CBP's coordinated institutional plan. The announcement also provided a link for staff to easily access the Directive. In speaking with a PDN SME and the HQ SAAI SME, it was consistently expressed that the efforts of all persons within the agency are carefully coordinated to achieve the best possible administrative outcome for any person alleging sexual abuse.

(b)(c): The facility meets the standard provisions. Directive 2130-030 instructs staff that when sexual abuse victims are transferred either between DHS holding facilities or from a DHS facility to a non-DHS facility, the sending facility

should, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim declines services. An interview with the SMEs' confirmed notifications are made in accordance with the Directive.

**§115.166 – Protection of detainees from contact with alleged abusers.**

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

**Notes:**

The facility meets the standard. CBP Directive 2130 instructs CBP management of a requirement to consider whether any CBP employee alleged to have perpetrated sexual abuse should be removed from duties requiring detainee contact pending the outcome of an investigation and shall do so if the seriousness and plausibility of the allegation make removal appropriate. Contractors and volunteers suspected of perpetrating sexual abuse shall be prohibited from contact with detainees. The PDN SME stated that if an employee, contractor, or volunteer were alleged to have perpetrated sexual abuse, they would be removed from duties requiring detainee contact pending the outcome of an investigation when the seriousness and plausibility of the allegation make removal appropriate. The local SME further stated they have not had any sexual abuse cases during the last 12 months.

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

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

**Notes:**

The facility meets the standard. CBP Directive 2130-030; CBP National Standards on TEDS; Memorandum for Office of Field Operations Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, dated August 12, 2014; Memorandum for All CBP Employees CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015, prohibits retaliation against any person, to include detainees, for having claimed or participated in an investigation regarding sexual abuse. In speaking with PDN SMEs and officers, it was noted that retaliation against a detainee for the detainee reporting, complaining about, or participating in an investigation about sexual abuse allegations is strictly forbidden.

**§115.171 – Criminal and administrative investigations.**

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

**Notes:**

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

**§115.172 – Evidentiary standard for administrative investigations.**

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

**Notes:**

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

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

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

Not Applicable (provide explanation in notes):

**Notes:**

(a)(c)(d): The facility meets the standard provisions. CBP Directive 2130 and Directive 51735-013B, Standards of Conduct, personnel may be subjected to disciplinary or adverse action up to and including removable from their position and Federal service for substantiated allegations of sexual abuse and/or assault and/or violating CBP's sexual abuse policies. The Standards of Conduct provide notice to the employees that disciplinary action will occur, including up to removal, for substantiated allegations of sexual abuse and/or assault. This standard works to ensure agency staff understand the gravity and the criminal nature of engaging in sexual abuse of detainees. In speaking with the HQ LER SME, it was noted that CBP has made the consequences of engaging in such behavior exceptionally clear. Specifically, during the onboarding process, new employees are given the Table of Penalties for Criminal Offenses to fully appreciate the consequences of violating agency policy. It was further noted that for staff found to have engaged, or attempted to engage, in sexual abuse of a detainee, the presumptive disciplinary sanction was removal from their position and from Federal service. Additionally, the agency would report such disciplinary findings to any relevant licensing bodies and designated law enforcement officials.

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

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

**Notes:**

(a)(b): The facility meets the standard. CBP Directive 2130-030 and CBP Policy on Zero Tolerance of Sexual Abuse and Assault states that CBP contractors and volunteers may be subject to disciplinary or adverse action up to and including removal from their position or volunteer capacity for substantiated allegations of sexual abuse and/or assault and/or violating CBP's sexual abuse policies. Interviews with the SAAI SME, as well as the HQ OFO SME, indicate that pending an investigation of allegations related to sexual abuse of a detainee, all contractors and volunteers will be removed from all duties requiring detainee contact. Following the conclusion of the investigation, reasonable efforts will be made to report any contractor or volunteer found guilty of sexually abusing detainees to relevant licensing bodies and referral to a law enforcement agency. The Auditor also interviewed a local SME who stated that the contractor would be stopped for entry into the facility at the gate and Port management would be notified. A contractor training file was reviewed and found the training course contained relevant information regarding consequential results of sexual abuse and/or sexual assault at PDN. It should be noted the facility has not used volunteers during the previous 12 months.

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

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

**Notes:**

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 requires that when an alleged incident of sexual abuse occurs, detainees should be given timely, unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis. The Directive further states that emergency medical treatment services shall be provided to the victim without cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. As noted by PDN SMEs, all victims would be transported to UMC Hospital in El Paso to receive emergency treatment. The hospital has SAFE/SANE personnel and crisis intervention services and would provide the appropriate care as directed by the directive.

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

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

**Notes:**

The facility meets the standard. Directive 2130-030 requires that a sexual abuse incident review will be conducted by OFO or USBP at the conclusion of every investigation of sexual abuse and/or assault. In speaking with the HQ PSA, the incident would be reviewed by the Incident Review Committee (IRC), which is comprised of three HQ Program Managers. It was further stated that the purpose of a sexual abuse incident review is to understand and address factors that may have contributed to the allegations. Any recommendations made by the IRC would be implemented by the Port Director and the Chief.

**§115.187 – Data collection.**

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

**Notes:**

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

**ADDITIONAL NOTES**

**Directions:** Please utilize the space below for additional notes, as needed. Ensure the provision referenced is clearly specified.

None

**AUDITOR CERTIFICATION:**

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

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

\_\_\_\_\_  
**Auditor's Signature**

August 9, 2023  
**Date**