

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



U.S. Customs and
Border Protection

AUDITOR INFORMATION

Name:	(b) (6), (b) (7)(C)	Company Name:	Creative Corrections, LLC
Mailing Address:	(b) (6), (b) (7)(C)	City, State, Zip:	(b) (6), (b) (7)(C)
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AGENCY INFORMATION

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

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

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

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Bridge of the Americas (BOTA)		
Physical Address:	3600 E. Paisano, El Paso, Texas 79905		
Mailing Address: (if different from above)			
Telephone Number:	(b) (6), (b) (7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b) (6), (b) (7)(C)	Title:	Port Director
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

AUDIT FINDINGS

NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

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

The Prison Rape Elimination Act (PREA) on-site audit of Customs and Border Protection (CBP), Bridge of the Americas (BOTA) Port of Entry (POE) was conducted on February 16, 2023, by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC. of Beaumont, Texas. This was the second PREA audit for BOTA, with the first being conducted on February 7, 2019. The Audit on February 16, 2023 was conducted from 0500 until 1830 hours. The detainee population can contain adult male and females, family units, and unaccompanied children (UC) at any given time. Detainees are held at BOTA for a maximum 72 hours before being transported to another facility or released; however, it should be noted that detainees are normally processed out within a few hours. Local law enforcement includes the El Paso Police Department and the El Paso Sheriff's Office.

The purpose of the audit was to determine compliance with the Department of Homeland Security (DHS) PREA Standards. The on-site audit followed the Auditor's electronic review of CBP's PREA policies and procedures, documents, and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

The Auditor was informally introduced to the BOTA leadership team and the Auditor reviewed the audit format and schedule with each member of the team.

Immediately following the entry introductions, the Auditor was provided a private office to begin conducting staff interviews in order to capture staff from all shifts. Supervisory CBP Officer/PREA Field Coordinator (b) (6), (b) (7)(C) El Paso Field Office, acted as the point of contact throughout the audit. Interviews covered all (b) (7)(E) (b) (7)(E).

At approximately 0900 hours, all areas of BOTA were toured to include the main processing area, hold rooms, and a secondary holding area. The Auditor observed all areas of the facility and revisited areas as requested. Detainees are held in the main processing area, if a decision is made to remove them from the pedestrian walkway. (b) (7)(E) (b) (7)(E); however, both can be utilized for holding as needed. The main processing area has (b) (7)(E) in which family units can be held together. Unaccompanied Children (UC) are seated (b) (7)(E) of the Supervisor on duty. Toilets are not provided in any hold room. Detainees are escorted to the toilets by officers. Direct observation by the Auditor confirmed privacy is provided. The secondary holding area consisted of (b) (7)(E) (b) (7)(E). Toilets are in (b) (7)(E) behind a half wall. The same process is used for detainee escorts to a bathroom when a toilet is not provided in the hold room. No showers are provided to detainees at BOTA.

Scope of Audit: Prior to the on-site audit, the Auditor was able to review the HQ and Local Pre-Audit Questionnaires (PAQs), the HQ Responsive Documents and Data Requests, local documents, including the BOTA specific documents, HQ Participation documents, and medical provider websites. The Auditor observed Notice of Audit posting throughout the two buildings in plain view for staff, detainees, and the general public. Detainee reporting posters were also observed during the tour by the Auditor. The Auditor also conducted five HQ SME interviews and spoke to the Supervisor responsible for completing the Local PAQ. The Auditor spoke with and interviewed the manager of the El Paso Medical Center Sexual Assault Forensic Examination (SAFE) and Sexual Assault Examination (SANE) Program. The Auditor was able to use a private telephone line to access the Department of Homeland Security (DHS) Office of Inspector General (OIG). The Auditor was provided all relevant documents to determine the BOTA level of compliance with the DHS standards. The Auditor was provided a roster in which to randomly select staff for the interviews. All interviews were conducted in a private and confidential manner. The Auditor conducted 10 random officer interviews and three Local SME interviews to cover each shift. One contractor was interviewed. During the day of the audit, there were no appropriate detainees available for interview. BOTA has had one sexual abuse allegation in December 2022 in which the investigation is still ongoing. The allegation was made after a detainee departed the facility regarding the manner in which she was pat-down searched.

An exit briefing for BOTA was held at approximately 1830 hours. The exit briefing was conducted by Creative Corrections Certified PREA Auditor (b) (6), (b) (7)(C). Those in attendance for the briefing were:

(b) (6), (b) (7)(C), Supervisory Customs and Border Protection Officer, (SCBPO) El Paso Field Office (EPFO)
 (b) (6), (b) (7)(C), Assistant Port Director (APD)
 (b) (6), (b) (7)(C), Supervisory Custom and Border Protection Officer (SCBPO)
 (b) (6), (b) (7)(C), Custom and Border Protection Officer (CBPO)
 (b) (6), (b) (7)(C), Supervisory Custom and Border Protection Officer (SCBPO)
 (b) (6), (b) (7)(C), Custom and Border Protection Officer (CBPO)
 (b) (6), (b) (7)(C), Program Manager Creative Corrections, LLC
 (b) (6), (b) (7)(C), Deputy Prevention of Sexual assault Coordinator, (DPSA) HQ
 (b) (6), (b) (7)(C), Prevention of Sexual Assault Coordinator (PSA) HQ
 (b) (6), (b) (7)(C), PREA Auditor Creative Corrections, LLC

During the exit interview, the Auditor discussed the observations made during the on-site review and the summary of staff interviews. The Auditor explained the triangulation of pre-audit, on-site audit, and post audit review to determine the final outcome.

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 Bridge of the Americas Port of Entry on-site audit was completed on Thursday, February 16, 2023, and the findings report was submitted in March 2023.

During the Audit process which included the pre-audit, on-site audit, and post audit review of policies, protocols and ddocumentation to determine compliance of 25 DHS Subpart B Standards at BOTA. The Auditor reviewed all relevant policies, procedures, and documents in assessing the BOTA. The Auditor observed Notice of Audit posting throughout the two building in plain view for staff, detainees and general public. The Auditor conducted a records review for a random selection of staff, which included information on background checks and staff PREA training records along with all submitted documentation review.

BOTA met 24 standards: 115.111; 115.113; 115.114; 115.115; 115.116; 115.117; 115.118; 115.121; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182; 115.186; and 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"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) <input type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	<input checked="" type="checkbox"/> Low Risk <input type="checkbox"/> Not Low Risk

PROVISIONS

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

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

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

Notes:

(a): The facility meets the standard. The agency has taken definitive steps to inform the public, all employees, and detainees of its adherence to the PREA Standards. CBP Directive 2130-030 – Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities (dated 1/19/2018 and a review date of 1/19/2021), Commissioners Memorandum dated July 15, 2014, Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Holding Facilities /Prison Rape Elimination Act (PREA); the Commissioner's Memorandum dated March 11, 2015; CBP's Policy on Zero Tolerance of Sexual Abuse and Assault; Commissioner's memorandum dated August 12, 2014, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities. 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. Zero tolerance posters are positioned throughout the processing and holding areas of the facility in both English and Spanish and are available in 15 other languages for children under 13. BOTA also has Zero Tolerance posters for juveniles over 14 in English and Spanish as well as in 15 other languages. If they speak one of these languages, material is obtained for those detainees. Interviews with the Local SMEs emphasized staff training on zero tolerance and officer interviews verified their training and understanding of the Zero Tolerance policy and standards. Reminders of mandatory training available through the CBP Acadis on-line training site are shared with all employees. All interviews verified that both the agency and the facility have provided dedicated personnel to insure the PREA provisions are in compliance.

§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 that each facility maintain adequate levels of detainee supervision through appropriate staff levels to protect detainees against sexual abuse. During the tour the Auditor noted all hold rooms are in direct line of site of staff in the processing area. Each hold room has a large window for staff to easily see inside. None of the hold rooms in the main building have toilets in them. A detainee would be escorted to a restroom by staff for privacy. Direct observation by the Auditor confirmed the privacy. There are (b) (7)(E). All hold rooms had large windows in which staff can easily observe detainees. Single adult male and females are always separated. UC are seated in the (b) (7)(E) and are under constant view of the supervisor on duty. There are (b) (7)(E) in the main building where detainees are held. Pat-down searches are conducted in the waiting areas outside the hold rooms. All pat-down searches are conducted prior to placing a detainee in a hold room and documented in the computer system.

(b)(c): The facility meets the standard provision. CBP Directive 2130-030, and a memorandum dated August 2014 from the Acting Assistant Commissioner of Field Operations was sent out to all staff regarding the Standards to Prevent, Detect, and Respond to Sexual Assault in CBP Holding Facilities requiring the Office of Field Operations (OFO) to develop and document comprehensive detainee supervision guidelines to determine and meet the detainee supervision needs which has been accomplished through the National Standards on Transport, Escort, Detention and Search (TEDS) which was issued by CBP vice OFO. The Directive further states, the detainee supervision guidelines and

its application at the BOTA is to be reviewed at least annually considering the physical layout, composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings and recommendations of incident reviews, and any other relevant factors. The Directive further requires the results of the annual review are to be forwarded to the PSA Coordinator. Local SME interviews confirmed the port re-evaluates supervision strategies on a regular basis, especially when there is an influx of detainees. The local SMEs also revealed that assistance is requested from other ports when needed. The last annual review of detainee supervision guidelines was conducted on November 29, 2022, therefore, meeting the standard provisions.

§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. CBP National Standards on TEDS (October 2015) and a memorandum dated August 2014 from the Acting Assistant Commissioner of Field Operations was sent out to all staff regarding the Standard to Prevent, Detect, and Respond to Sexual Assault in CBP Holding Facilities. Local SME and officers report all juveniles who are a part of family units or identified as UC are held in the least restrictive setting as possible. They state juveniles are kept with their families and are also kept in the least restrictive setting the facility has available. BOTA holds family units together in a large hold room and UC are seated in the large waiting area, separate from any adult detainees, in direct line of vision of the supervisor on duty.

(b): The facility meets the standard provision. CBP TEDS requires UCs to be held separate from adult detainees. Local SME staff report UC are kept separate from the adult detainees and placed in direct line of vision of the supervisor on duty. All UC and family unit with children are offered snacks and drinks while detained. Local SME and officer interviews confirm juveniles are immediately separated from accompanying adults unless the relationship has been properly vetted and determined to be appropriate prior to holding. The interviews also confirmed a combination of agency and State Department database searches with separate interviews of both the minor and the accompanying adult are used to vet the relationship along with any accompanying documents with the detainee. Staff were able to articulate their interviewing skills [REDACTED] (b) (7)(E) of the relationship between the parties involved.

§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 (October 2015) details the type and conditions under which searches can be performed to ensure the safety of officers, civilians, and detainees. It prohibits cross-gender strip searches and cross-gender visual body cavity searches except in exigent circumstances including consideration of officer safety, or when performed by medical practitioners. If performed, the policy requires strip/body cavity searches be recorded in the electronic system of record. CBP TEDS details officers/agents must not conduct visual body cavity searches of juveniles and are to refer all body cavity searches of juveniles to a medical practitioner. Local SME staff report only medical staff can conduct a strip or visual body search of a juvenile. The local SME staff and officers report body cavity searches are not allowed at the BOTA. Staff interviewed reported they have never seen strip or body cavity searches done at this facility. When asked who would conduct cross-gender searches, if approved, the officers reported the person conducting the search would have to be the same gender as the detainee or in the case of a transgender detainee, the gender of the staff conducting the search would be whomever the detainee felt most comfortable with in line with their proclaimed gender and must be approved by the supervisor and logged into the electronic log. Supervisors or managers would refer to medical clinicians for any body cavity searches if ever required which would be logged as well and sent out to a hospital for the search to be conducted. In addition, all officers interviewed report these searches have never occurred at the BOTA.

(d): The facility meets the standard provision. CBP TEDS specifies the requirements that enable detainees to shower (where showers are available), perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine hold room checks or is otherwise appropriate in connection with a medical examination or under medical supervision. Local SMEs and all officers interviewed report detainees do not shower at this facility. However, the detainees can use the toilet without staff of the opposite gender viewing them. Hold rooms in the main building do not contain toilets. Staff must escort a detainee to a private restroom to use the toilet. The staff wait outside the closed door for the detainee. There are (b) (7)(E) in those areas of the main building. The secondary building contains (b) (7)(E) containing toilets shielded by a half wall. The auditor observed through direct observation during the tour the hold rooms set up. CBP TEDS requires all officers/agents of the opposite gender to announce their presence when entering an area where detainees are likely to be showering, performing bodily functions or changing clothing, except in exigent circumstances or when such viewing is incidental to routine hold room checks. Interviews with Local SMEs and officers indicated they can be seen through the glass doors/windows and knock on the door to announce themselves. The PREA Field Coordinator reports policy is in place requiring staff to announce their presence when entering an area where detainees are likely to be in a state of undress.

(e): The facility meets the standard provision. CBP TEDS prohibits staff from searching or physically examining a detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown, CBP TEDS states officers/agents will ask the detainee their gender or gender identity. If the detainee declines to state their gender, the gender will be recorded in the appropriate electronic system(s) of record as unknown. There were no detainees onsite who identified as transgender or intersex to be interviewed. Staff at the BOTA report they do not search detainees solely for the purpose of determining gender.

(f): The facility meets the standard provision. CBP TEDS directs staff to conduct searches in a professional, thorough, and a reasonable manner consistent with the type of search required and that a search must be conducted by an officer of the same gender, gender identity, or declared gender. Interviews with Local SMEs and officers reported all had been trained on how to conduct pat searches, including cross gender searches. Interviews concluded that staff were able to articulate how they would conduct a cross gender pat-down search per the training received and within the guidelines. However, staff advised that they have not had to conduct such a search because they have sufficient staff able to cover those searches should the need arise.

§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): The facility meets the standard provision. CBP Directive 2130-030 requires staff in holding facilities provide reasonable accommodations to detainees who are hearing impaired, blind or visually impaired, or who have intellectual or mental health disabilities. Staff interviews confirm they have received the recent guidance regarding detainees with disabilities and detainees who are Limited English Proficient (LEP) and the materials are frequently discussed during musters. The staff discussed the various steps the officers and supervisors take to provide accommodations to detainees with these disabilities which included reading PREA notices to visually impaired and functionally illiterate detainees, call in a translator, and would also have the option to have medical clinicians including behavior health care assist where needed. Interviewed Local SMEs and officers stated there have been no detainees with disabilities requiring further accommodations held at BOTA in the past 12 months.

(b): The facility meets the standard provision. CBP Directive 2130-030 requires all holding facilities to provide effective, accurate and impartial in-person or telephonic interpretation services to detainees who are LEP. All PREA posters are posted in both English and Spanish, but also provide direction in commonly spoken languages. All staff interviewed stated they have been able to communicate with LEP detainees because they speak Spanish as a second language. None of the interviewed staff have reported the need to use any additional services available in order to communicate with a detainee. All interviewed staff were aware of the various resources available to them should the need arise whether through verbal communication (LEP), or other interpretive services for visually or hearing impaired detainees. All interviewed staff state if a detainee entered BOTA and did not speak English, staff would use a service appropriate to their specific language. Staff can access this information through the telephone.

(c): The facility meets the standard provision. CBP Directive 2130-030 directs other detainees are not to be utilized as interpreters when a detainee has alleged sexual abuse or has been found to be sexually abused. The Auditor was able to verify local practice at BOTA is consistent with the Directive through interviews with the PREA Coordinator, Duty Supervisors, Processing Supervisor, and officers. The language line or a neutral staff member would be used in place of a detainee translator. CPB Protocol for Identifying Limited English Proficient (LEP) Persons and Providing Language Services, dated October 2017, outlines steps BOTA is to take to identify LEP detainees.

§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 requires the Office of Human Resources Management (HRM) ensure compliance with hiring, promotion and discipline requirements as outlined in the standard provision. The directive requires that policies and procedures are in place to ensure CBP does not hire any contractors who have a history of sexual abuse. Interview with the HQ Hiring Center SME and document review verify compliance with the standard provision for employees.

(b): The facility meets the standard provision. Interviews with HQ Hiring Center SME verifies new employees and employees seeking promotion must complete an application which asks about previous sexual misconduct and imposes a continuing duty to disclose any such future misconduct.

(c)(d): The facility meets the standard provision. CBP Directive 2130-030 requires background investigations for applicants seeking employment who may have contact with detainees to determine suitability and that updated background investigations are conducted every five (5) years for CBP personnel who may have contact with detainees. The directive further requires background investigations for contractors who may have contact with detainees. The Auditor selected four randomly selected officers of varying ranks who are employed at the facility. The names were submitted the to the HQ Office of Professional Responsibility (OPR) through the PSA Coordinator. The DHS U.S CBP Directive 51000-002 dated January 25, 2021 (Last Review dated 1/2023) directs the guidelines for the vetting program process prior to final hire selection. The Auditor selected four officers of varying ranks including one contractor at BOTA. Review of the submitted checks found the agency to be in compliance with pre-hire and five-year updated investigations.

(e): The facility meets the standard provision. Interviews with Human Resources Management (HRM)/Labor and Employee Relations (LER) HQ SME confirms it is agency policy to rescind an offer of employment to a prospective employee or to terminate the employment of any such employee who makes a material omission or provides false information regarding sexual abuse misconduct. Staff are informed of the policies regarding material omissions and providing any false information in the CBP Standards of Conduct provided to staff upon hire. This policy is also referenced in the staff's yearly required ethics training through the Acadis Portal.

(f): The facility meets the standard provision. CBP Directive 2130-030 allows for the provision of any substantiated allegations of sexual abuse regarding former employees upon receiving a request to do so from an institutional partner for whom such an employee has applied to work, unless prohibited by law. An interview with HRM/LER HQ SME verified this practice by the agency. Local SME and random officers also were able to confirm this practice.

§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 BOTA has not acquired a new facility or undergone any major expansions. The Port Director stated there are plans to construct a new building in the future, however, no dates for construction have been established.

(b): The facility meets the standard provision. An interview with a Local SME confirmed that PREA supervision and privacy concerns would be taken into consideration for any new/updated technology and how it would provide enhanced ability to protect detainees from sexual abuse.

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

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

Notes:

(c): The facility meets the standard provision. CBP TEDS and CBP Directive 2130-030 require timely, unimpeded access to medical treatment and crisis intervention, including emergency contraception and sexually transmitted infections prophylaxis, be provided to a detainee victim of sexual assault in accordance with professionally accepted standard of care. BOTA utilizes the services of the University Hospital in El Paso for forensic medical examinations (FME) of sexual abuse victims determined to be evidentiary or medically appropriate at no cost to the detainee and only with the detainee's consent. The examination is to be performed by a Sexual Assault Nurse Examiner (SANE) who is available at the hospital. The Auditor confirmed the services are provided at the University Hospital through the SANE Program manager. Local SME interviews confirmed the use of University Hospital in El Paso for all needed FME for detainee victims of sexual abuse, when appropriate, while at the BOTA. Interviews also confirmed that there have not been any sexual assault allegations at BOTA during the audit period in which these services would be needed.

(d): The facility meets the standard provision. CBP TEDS requires officers/agents to allow detainee victims access to victim advocacy services, to the extent available and consistent with security needs, while at the hospital for forensic examinations due to sexual abuse/assault. The Auditor determined that community based sexual abuse advocates are available through the Center Against Sexual and Family Violence (CASFV). The receptionist provided information that advocacy services would be provided to a sexual abuse victim during a forensic medical examination at the University Medical Center and follow up advocacy services within the community to include individual and group sessions through the Heart Program at the Center Against Sexual and Family Violence (CASFV). Interviews with Local SMEs confirmed and verified that all sexual abuse victims would be provided access to victim services at the University Medical Center and timely access to U Nonimmigrant status information.

(e): The facility meets the standard provision. An interview with the PSA Coordinator confirms that there has been one allegation of sexual abuse made in December 2022 and reported to the Joint Intake Center (JIC). The investigation is still ongoing. In letters dated February 10, 2023, the El Paso Police Department and the El Paso Sheriff's Office have been asked to follow PREA standards when conducting an investigation at the BOTA. A Letter dated May 14, 2019, also states that the El Paso Police Department may have jurisdiction to investigate any criminal matter involving an allegation of sexual abuses/assault at the BOTA. The PFC provided a copy of the documentation requesting the law enforcement agencies follow the PREA standards when conducting investigations. HQ SME Privacy and Diversity Office (PDO) also confirmed during her interview that there were no allegations at BOTA during the audit period that required a forensic medical examination or criminal investigation.

§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 2131-030 requires prompt reporting of all sexual assault allegations to the facility administrator or agency office. CBP Directive 3320-025F, dated November 2021, (Reporting Significant Incidents to the U.S. Border Protection Watch, directs staff that sexual abuse and/or assault be reported to a unified hub which operates 24/7 to assure all significant incidents are reported immediately to all required leadership.) A memorandum dated August 2014 from the Acting Assistant Commissioner of the Office of Field Operations, was sent out to all staff regarding the Standard to Prevent, Detect and Respond to Sexual Abuse and Assault in CBP Holding Facilities. All interviewed officers affirmed these responsibilities. All interviewed Local SMEs and officers report they will immediately report such incidents up the chain-of-command and the JIC. The delegated Supervisor on Duty shall inform the local law enforcement as appropriate. BOTA uses the El Paso Sheriff's Office and El Paso Police Department, if needed, for potential criminal acts. This practice was confirmed during the interview with the PREA Field Coordinator.

(d): The facility meets the standard provision. Interview with the HQ PSA Coordinator verifies the appropriate offices are advised of all incidents/allegations of sexual abuse by the JIC. There was one allegation reported during the audit period in which all proper notifications were made to the JIC. This was confirmed by the HQ PSA Coordinator during interviews.

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

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

Notes:

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 requires all uniformed agents and officers, special agents, fact finders, contractors and volunteers who may have contact with the detainees in CBP holding facilities shall receive the training required in Subpart B of the DHS Standards. CBP has also developed two training aides in assisting staff with communicating with detainees with disabilities and a guide to facilitate effective communication with individuals who identify as LBGTQI+. Reminders to staff regarding sexual abuse and/or sexual assault are posted through various forms of communication to the staff. CBP has also created the PREA Resource Center which includes policies and various information regarding CBP's zero tolerance of sexual abuse and/or assault. Mandatory training is also required for contractors and volunteers. CBP also provides a training course for Volunteer Training, through the Federal Emergency Management Agency (FEMA), "Preventing and Addressing Sexual Abuse and Assault of Individuals in CBP Holding Facilities." All BOTA employees have completed the mandatory PREA training including the agency's zero tolerance policies, detainee's rights to be free from sexual abuse, and staff duty to report all allegations of sexual abuse. The training records were reviewed on-site. Local SME and officer interviews verified the above training has been received through the ACADIS Training Portal. Previous training was conducted online through the Performance and Learning Management System (PALMS). The auditor reviewed the mandatory training presentation slides, "Preventing Sexual Abuse in CBP Holding Facilities." BOTA staff were issued Quick Reference Cards for first responders to staff when they witness or receive a report of sexual abuse. The card directs staff to notify their supervisor; separate the alleged victim and alleged abuser; preserve and protect the crime scene; request the alleged victim and request the alleged abuser not to do anything that could destroy physical evidence, and refer the incident to the appropriate law enforcement agency; promptly report to the Joint Intake Center and the CBP Watchcommissioner's Situation Room; provide access to emergency medical treatment and crisis intervention services; and report allegations involving alleged victims under the age of 18 or a vulnerable adult under a State or local vulnerable persons statute to the designated State or local services agency. The card also states that upon receipt of an allegation that a detainee was sexually abused while confined at another facility, notify the appropriate office of the agency or administrator at the facility where the alleged abuse occurred; and if the alleged victim is transferred to another DHS facility, inform the receiving facility of the alleged incident and the potential need for medical or social services. All contract employees receive initial training and refresher training annually as confirmed through document review.

(c): The facility meets the standard provision. Reviewed training records verify all active staff at BOTA were trained within two years of the effective date of the standards or upon their hire, if hired after the initial training. Training records also confirm that all law enforcement staff receive annual refresher training as required. Officer interviews confirm biennial PREA training on ACADIS. Training records are maintained electronically as required by the standard. Local SME interview confirmed compliance. Training records were reviewed on-site.

§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. BOTA maintains colorful, large print posters of DHS Zero Tolerance Policy in view of all detainee holding and processing areas within both building. The posters are printed and posted in English and Spanish and provide information on CBP’s zero tolerance policy and how to report allegations of sexual abuse and/or assault in all common languages. In addition, CBP addresses zero tolerance prominently on its website, <https://www.cbp.gov/about/care-in-custody> CBP has added numerous methods of providing information to the detainee population of CBP’s zero tolerance policy. They developed age-appropriate colorful posters, informational display system slides, and scripts to provide key information regarding zero-tolerance of sexual abuse and sexual assault and how to report incidents of sexual abuse and/or assault at CBP holding facilities. The posters were observed at BOTA which were published in English and Spanish, however, BOTA also has access to posters in several other languages depending on the type of population received at the facility. CBP also disseminated two videos for use at the facility in Spanish, one depicting a girl and the other a boy, to encourage compliance with CBP’s zero-tolerance of sexual abuse and sexual assault and to encourage immediate reporting of behaviors that may constitute 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)(c): The facility meets the standard provisions. CBP TEDS requires that all detainees be assessed for being at-risk of sexual abuse before being placed in a hold room or holding facility. This assessment by policy includes whether the detainee has exhibited a mental, physical or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; is the detainee identified as LGBTI or gender non-conforming; any prior sexual victimization and the detainee’s own concerns about his/her physical safety. All Supervisors and officers interviewed advise detainees are assessed to determine risk for sexual victimization and abusiveness before they are housed together. Based on this assessment, the processing officer is to decide whether the detainee needs to be placed alone or placed away from certain other detainees. Local SME and officer interviews indicated that each detainee is assessed via a variety of cues and questions to determine if a vulnerability exists. The Auditor, through direct observation of the computer data was able to see all the areas are covered during the initial processing of a detainee prior to being placed in a hold room. Officers were able to provide the standard documentation during the facility tour that provided the assessment questions reported and saved within the electronic detainee file.

(d): The facility meets the standard provision. CBP TEDS requires officers/agents to provide detainees identified as high-risk of sexual abuse victimization heightened protection. This includes continuous direct sight and sound supervision, single occupancy hold room, monitoring in open areas by an officer/agent sufficiently proximate to intervene, unless no such option is determined to be feasible. Interviews with Local SME and officers report detainees who have been identified as being at a higher risk for sexual abuse will be placed in a hold room separate from other detainees. In a Memorandum dated August 2014 from the Acting Assistant Commissioner, OFO, the standards and protocols used during these assessments were reiterated.

(e): The facility meets the standard provision. CBP TEDS states efforts should be taken to ensure that all assessments are conducted in a way that provides detainees the greatest level of privacy possible. It further requires all CBP facilities implement appropriate controls on the dissemination of private and/or sensitive information provided by detainees under this section and officers are only to disclose this information to those personnel with a need to know. Interviews with supervisors and random staff confirmed this practice knowledge.

§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. Both CBP Directive 2130-030 and CBP TEDS require detainees to be provided multiple ways to privately report 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. It further requires the facility provide at least one way for detainees to report sexual abuse to a public or private entity not connected to the agency and detainees must be able to report confidentially and anonymously if desired, as well as both verbally and in writing. The Directive states procedures for reporting alleged sexual abuse and/or assault are to be visible or continuously and readily available to detainees at holding facilities and posted on the CBP public website. The telephone information for DHS OIG is found on the Keep Detention Safe posters located in the processing area and the private area designated for making phone calls. Staff interviewed stated that should a detainee wish to use the telephone, they would not be questioned as to whom they needed to call. A detainee would be afforded privacy while being visually observed during the call. Local SMEs and officers report detainees have two ways to report sexual abuse including directly reporting the allegation to staff and using the reporting hotline. Their family can go the CBP website and make a report. Supervisors interviewed report detainees can report directly to staff, call their consulate, or DHS OIG. interviewees also state they would accept all verbal reports from detainees, anonymous reports, and reports from family outside of the facility. Local SME and officer interviews revealed staff are aware that if third parties report allegations of sexual abuse and/or assault are promptly reported and documented in writing. Staff state all sexual abuse and/or sexual assault allegations are taken seriously and reported to supervisors regardless of the method of the report. A Memorandum dated August 2014 from the Acting Assistant Commissioner, OFO, reiterated the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities was sent out to all staff.

§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 informs staff that third parties may report sexual abuse on behalf of detainees. CBP make public reporting procedures for sexual abuse or detainees at: <https://www.cbp.gov/about/care-in-custody>. DHS posters direct third parties on how to make written or telephonic reports to DHS OIG. BOTA staff are required to allow private and anonymous calls from detainees to DHS OIG. Local SME and officer interviews confirmed that third parties can call DHS OIG directly on the hotline number. Third parties not connected to a detainee can also report these allegations. Reports are confidential and may be made anonymously, if desired, both verbally and in writing. Reports can be made to a CBP official at the holding facility or by: Calling the toll-free Joint Intake Center Hotline. The website also provides, the phone number, email address, and an online reporting site for the DHS OIG Local SME and officer interviews confirmed that third parties are provided different methods of reporting and further state if they received a third-party allegation, they would promptly notify their supervisor. An Annual Report dated Fiscal Year 2021 - Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in Holding Facilities was included in the facilities documentation for review.

§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 provision. CBP Directive 2130-030 requires all staff to report immediately any knowledge, suspicion or information regarding an incident of sexual abuse/assault; retaliation against detainees or staff who made such a report or participated in an investigation of sexual abuse, or any staff neglect or violation of responsibilities contributing to an incident or retaliation. Directive 3340-025F, Reporting Significant Incidents to the CBP Watch, directs staff that sexual abuse and/or assault be reported to a unified hub which operates 24/7 to assure all significant incidents are reported immediately to all required leadership. All interviewed officers affirmed these responsibilities. When staff were asked how they could report outside of the chain-of-command, they all reported they could call DHS OIG or JIC. Officers further stated they reviewed the PREA reporting requirements during musters. A laminated job aid on reporting requirements was made available to all staff. A Memorandum dated August 2014 from the Acting Assistant Commissioner, OFO, reiterated the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities was sent out to all staff.

(c): The facility meets the standard provision. Officer interviews verify that the dissemination of information regarding a sexual assault is limited to their immediate supervisor, other staff necessary to protect the detainee and the crime scene, and only those others on a "need to know" basis.

(d): The facility meets the standard provision. An interview with a HQ SME reveals sexual assault of victims under the age of 18 years and vulnerable adults will be reported to the designated State of local services agency by the supervisor on duty or their designee and at the direction of the HQ Sexual Abuse and Assault Investigations (SAAI) SME. This practice was verified by the Local SMEs during interviews.

§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 states if an officer/agent has a reasonable belief that a detainee is subject to a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee. Local SMEs and officers interviewed state it is the responsibility of CBP Officers to keep all detainees safe. If there is a report of imminent danger, staff are expected to separate the detainee from the rest of the group and notify a supervisor. Interviewed staff report they are to immediately report this information to their supervisor and keep the detainee safe until a supervisor provides further instruction. All interviewed officers report they would immediately notify their supervisor if they receive information a detainee is in imminent danger of sexual abuse. They report they would separate the detainee from the rest of the group and secure the area until a supervisor arrives.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires that should a detainee have been sexually abuse/assaulted at another facility prior to arriving at BOTA, the prior agency or administrator must be notified. Interview with the Local SME verified that the Port Director or their designee would make the notification. A Memorandum dated August 2014 from the Acting Assistant Commissioner, OFO, reiterated the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities was sent out to all staff.

(b): The facility meets the standard provision. The standard provision requires that notification be made within 72 hours of receiving the allegation. This process was confirmed during interviews with Local SME and that the notification would be made immediately which meets the standard provision. There were no such reports made during the audit period.

(c): The facility meets the standard provision. The Local SME indicated that the notification would also be notated in the detainee's electronic file.

(d): The facility meets the standard provision. The Local SME reported that the BOTA follows all agency reporting requirements as specified in CBP Directive 2131-030; upon notification from another facility of an allegation of sexual abuse/assault which occurred at BOTA, JIC shall be notified immediately using the same process as if the detainee was present at the facility. There were no such reports made during the audit period.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 details the responsibilities for the first law enforcement staff on scene of a reported allegation of sexual abuse. A memorandum dated August 2014 from the Acting Assistant Commissioner of the Office of Field Operations, was sent out to all staff regarding the Standard to Prevent, Detect and Respond to Sexual Abuse and Assault in CBP Holding Facilities. The Directive, memorandum and PREA Training in ACADIS (previously PALMS) reinforces this policy requiring law enforcement staff members to separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a time period that still allows for the collection of physical evidence, request the alleged victim and instruct the alleged abuser not to take any actions that could destroy physical evidence. All staff interviewed report they are to immediately separate the victim from the abusers, advise the Supervisor on duty, secure the scene and make sure evidence isn't destroyed (no drinking water, using the restroom). Staff are issued a Quick Reference Card that gives step by step instructions on what to do. These cards are a part of the PREA training staff receive. Most of the officers interviewed showed the Auditor the Quick Reference Cards they carry which outline the steps they need to take if they are the first person on the scene of a sexual assault or if they receive a report of sexual abuse.

(b): The standard provision is not applicable as only law enforcement officers interact with detainees during their entire holding period. CBP TEDS states "If the first staff responder is not law enforcement staff, the responder must request that the alleged victim not take any actions that could destroy physical evidence and then notify law enforcement staff." The BOTA only allows law enforcement interactions with detainees during their entire holding period. Contract staff have also received first responder duties.

§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 includes the agency's coordinated response plan for prevention, detection and response to sexual abuse allegations. A Memorandum dated February 2018 from the Acting Executive Director of Privacy and Diversity Office and a Memorandum dated February 28, 2018, from the Director of Field Operations Academy Office of Training and Development were distributed regarding the Prevention, Detection, and Response to Sexual Abuse and Assault in CBP Holding Facilities. The Directive and memorandum provides a clear progressive plan for all components of addressing sexual abuse in holding facilities. Interviews with all Local SMEs and random officers verified an awareness of their requirement to provide medical care. They were also aware detainees must have access to victim advocates, if desired, and would be provided such advocates at the University Medical Center in El Paso.

(b)(c): The facility meets the standard provision. CBP Directive 2130-030 requires the staff to notify another DHS facility if the victim of sexual abuse/assault is transferred there. This notification must include the detainee's need for medical or social services. These requirements were confirmed during Local SME interviews. A copy of the Privacy and Diversity Office (PDO) e-newsletter dated January-March 2018 was included in documentation for the Auditor's review. This newsletter contained a link for the Sexual Abuse and Assault Response Prevention Resource Center for staff to reference.

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

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

Notes:

The facility meets the standard. CBP Directive 2130-030 requires agency management to consider whether any staff, contractor, or volunteer alleged to have perpetrated sexual abuse and/or assault should be removed from duties requiring detainee contact pending the outcome of an investigation and shall do so if the seriousness and plausibility of the allegation make removal appropriate. The Port Director or designee would reassign any staff member alleged to have perpetrated sexual abuse from duties requiring detainee contact pending the outcome of an investigation when the seriousness and plausibility of the allegation make removal appropriate.

Local SME interviews state all officers accused of engaging in sexual abuse of a detainee would be reassigned pending the outcome of any investigation and would not have contact with the victim. The same procedures would be followed for any contractor. BOTA does not have any volunteers at the facility. A Memorandum dated August 2014 from the Acting Assistant Commissioner, OFO, reiterated the Standard to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities was sent out to all staff.

§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 51735-013B Standards of Conduct, and CBP TEDS prohibits CBP staff from retaliating against any person, including a detainee, who alleges or complains about mistreatment, participates in an investigation into an allegation of staff misconduct, including sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force. A Memorandum dated August 2014 from the Acting Assistant Commissioner of the Office of Field Operation regarding the Prevention, Detection and Response to Sexual Abuse and Assault in Holding Facilities was distributed to all staff. A Memorandum dated March 2015 from the Commissioner distributed to all staff reiterating the CBP Policy of Zero Tolerance of Sexual Abuse and Assault was also included in the facility documentation for review.

All interviewed Local SMEs and officers report protection from retaliation was covered in their initial training on CBP Directive 2130-030. Staff interviewed were all able to report retaliation is not tolerated and protection from retaliation is also included.

§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): The facility meets the standard provision. CBP Directive 2130-030, and CBP Directive 51735-013B Standards of Conduct, states CBP personnel may be subject to disciplinary action up to and including removal from their position and Federal Service for substantiated allegation of sexual abuse/assault and/or for violating CBP's sexual abuse policies. CBP Directive 57135-013B, Standards of Conduct gives notice to all CBP personnel they may be subject to disciplinary action for substantiated allegations of sexual abuse and/or assault. CBP Table of Offenses and Penalties dated December 2020 was also included in documentation for Auditor review. A Memorandum dated August 2014 from the Acting Assistant Commissioner of the Office of Field Operation regarding the Prevention, Detection and Response to Sexual Abuse and Assault in Holding Facilities was distributed to all staff. A Memorandum dated March 2015 from the Commissioner distributed to all staff reiterating the CBP Policy of Zero Tolerance of Sexual Abuse and Assault was also included in the facility documentation for review. Interviews with HQ LER SME verified that disciplinary action is pursued in all cases of substantiated sexual assault or for violations of sexual abuse policies with removal from their position and federal service as the presumptive disciplinary action.

(c): The agency meets the standard provision. Interview with HQ PDO SME revealed there was one reported allegation made in December 2022 regarding a detainee search. The allegation has been referred to JIC for investigation. Interview with the HQ SAAI SME confirms all substantiated investigations of sexual abuse would be referred to the appropriate law enforcement agency by the e and notification is coordinated by the HQ SAAI SME.

(d): The agency meets the standard provision. Interview with HQ SAAI SME verified that removals for substantiated sexual abuse/violations of sexual abuse policies would be reported to relevant licensing bodies, to the extent known by SAAI staff.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 3340-025F Dated November 202, Directive 2031-030, and a Memorandum dated March 2015 from the Commissioner distributed to all staff reiterating the CBP Policy of Zero Tolerance of Sexual Abuse and Assault was also included in the facility documentation for review. Interviews with the Local SMEs revealed that all suspected contractor perpetrators of sexual abuse would immediately be removed from contact with detainees. BOTA does not currently utilize any volunteers. The medical contractors were observed in the medical screening area located in the main building of the facility. The medical contractors have received the PREA training and the interview with the SME indicated that the consequences of an alleged sexual abuse and/or assault by a contractor would be removal from contact with detainees pending the outcome of an investigation. An interview with the HQ SAAI SME verified that any substantiated allegations of sexual abuse by a contractor or a volunteer would result in notification of the allegation to appropriate law enforcement agencies and licensing authorities by the El Paso Sector Chief or their designee. A medical contractor interview revealed that they have been trained regarding their duties and understand that if they are suspected to have perpetrated sexual abuse of a detainee, they would be removed from duties requiring detainee contact pending the outcome of an investigation.

(b): The facility meets the standard provision. Local SME interviews verified that any contractor suspected of perpetrating sexual abuse would be removed from all duties where detainee contact would occur pending the outcome of the investigation.

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

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

Notes:

(a)(b): The facility meets the standard provision. Detainee victims of sexual abuse at BOTA are to be immediately transported to University Medical Center in El Paso where they would treat any medical emergency or utilize the SAFE/SANE for a victim of sexual assault and/or abuse. The services would be provided to the victim at no charge regardless of the victim’s cooperation with the sexual assault investigation. Interviews with the Local SMEs verified these services would be provided at no charge regardless of the detainee’s cooperation with an investigation.

§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 agency meets the standard. The HQ PAQ indicates there is one pending investigations of sexual abuse allegations at BOTA during the audit period. Interview with the HQ PSA Coordinator reveals their office regularly receives sexual abuse incident reviews with 30 days after the conclusion of a sexual abuse investigation at a facility. The Incident Review Committee (IRC) is comprised of three CBP HQ Program Managers and the local PREA Field Coordinator. The BOTA Port Director and El Paso Chief would implement any recommendations made by the IRC to ensure the safety of detainees.

§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

April 6, 2023

Date