

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)
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

AGENCY INFORMATION

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

Name of Program Office:	U.S. Border Patrol
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	Tucson Sector
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Physical Address:	2430 S. Swan Rd. Tucson, AZ
Mailing Address: (if different from above)	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Nogales Station		
Physical Address:	1500 West La Quinta Road, Nogales, AZ 85621		
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:	Patrol Agent in Charge (PAIC)
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) U.S. Border Patrol (USBP) Nogales Station (NS) was conducted on Thursday April 27, 2023, from 0500 hours until 1630 hours. The audit was conducted 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 the Nogales Station. The first audit was conducted on July 25, 2019.

Nogales Station is a short-term processing and holding facility detaining male and female adults, Unaccompanied children (UC), and family units for a time period specified to be under twenty-four hours, pending transfer for removal, detention, or placement under normal circumstances. Nogales Station share law enforcement duties with other Border Patrol Stations in the Tucson Sector should the need arise. The Nogales Station is located in Nogales, Arizona. Typical standard capacity for the Nogales Station is (b) (7)(E) detainees.

The purpose of the audit was to determine compliance with Subpart B of 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 and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

The PREA Field Coordinator (PFC) Point of Contact (POC) for Nogales Station was (b) (6), (b) (7)(C), Supervisor Mission Support Specialist/PREA Field Coordinator (SMSS/PFC). The facility POC was Watch Commander (WC) (b) (6), (b) (7)(C). In an effort to facilitate midnight shift interviews and to return agents to the field as quickly as possible, the Auditor initiated (b) (7)(E) and supervisory interviews prior to the facility tour. There are (b) (7)(E) for staff at the Nogales Station as follows: (b) (7)(E)

The Auditor was informally introduced to the Nogales Station leadership team upon arrival at which time 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 conference room to begin conducting staff interviews.

At approximately 0900 hours, all parties were provided a tour of the facility by the PFC, facility point of contact (POC), and Supervisory Border Patrol Agent (SBPA) which followed the path someone would take from their arrest/custody, processing, and placement in holding. The Nogales Station is comprised of a large masonry building secured by fencing and an electronic gate and sallyport to accept persons or groups of persons placed into custody and providing entry into the detainee holding area.

The overall station is comprised of (b) (7)(E) (b) (7)(E). There is a secured public entrance which leads to an administrative area. The facility contains administrative offices located outside the detainee holding areas which is occupied by CBP staff. In the holding section of the building, (b) (7)(E) (b) (7)(E) prior to entering the detainee holding area. Detainees exit from the transport vehicle (b) (7)(E) (b) (7)(E) has fenced sections to provide separation for families, or high-risk individuals while processing continues. The facility medical staff begin the initial processing (b) (7)(E) area after detainees exit the transportation vehicle. Detainees are asked if their physical safety is at risk or if they have any other concerns prior to entry into the holding area for further processing in a private, confidential manner. Detainees advance to an area in which agents take photos, fingerprints, personal inventory and again ask the detainee their own views on their physical safety prior to entry into the holding area where further processing is continued. Agents speak to the detainees alone, one on one during this process. Zero Tolerance posters are seen throughout the outside processing area in both English and Spanish along with posters geared toward children. All detainees must (b) (7)(E) (b) (7)(E) prior to entry into the holding area.

Supervisors, agents and allied law enforcement personnel do not enter detainee holding areas with their sidearm. Entry into the secure holding area is gained via an (b) (7)(E).

There is a separate secure control center room within the holding/processing area which contains (b) (7)(E) (b) (7)(E) the supervision of detainees. The secured control center is located (b) (7)(E). The control center is staffed by (b) (7)(E). Staff conduct visual observations in addition to agents processing the detainees. The control center has not received any upgrades during the audit period. There are (b) (7)(E) in the holding area including hold rooms. The facility has the (b) (7)(E) (b) (7)(E). A check of (b) (7)(E) in which a detainee could be seen in the toileting areas of the hold room.

Due to the short-term holding, there are no showers for detainees to use in the hold rooms. There are separate showers, behind closed doors that can be used by detainees that are held overnight. After processing, and placed in a hold room, the detainee is transferred, released, or otherwise removed from CBP. If transferred to a local county jail, as described, the detainees will likely be subject to criminal prosecution or warrants. Otherwise, detainees and/or UC, and family units are transferred to Tucson Coordination Central for further review and processing or returned to the point of entry border. The placement of each detainee is determined by the assigned agent who acts as the coordinator for the processing area. Though direct observation by the Auditor, it was clear that between the location of the hold rooms, agent location and the control center, detainees are in direct line of vision (b) (7)(E).

There is a medical supply room and medical offices for contracted medical personnel to assess detainees further upon arrival once in the holding area. Medical staff (b) (7)(E). Only law enforcement officers and trained contract staff have direct contact with detainees.

The flow of detainees is not the primary factor driving staffing levels. Staffing levels are dependent on the border security mission or humanitarian missions. Hold rooms are cleaned between stays by non-law enforcement janitorial or maintenance contractors. Cleaning crews never come in direct contact with any detainee. These staff are escorted in and out by law enforcement staff.

During the on-site audit, the Auditor interviewed law enforcement personnel and contract medical staff from day and afternoon shifts. The Auditor interviewed three local SMEs, three BP agents and three contract medical staff. Interviews were conducted randomly and based on the size of the facility and staff availability. It should be noted that the low number of interviews was based upon the Auditor having eight BP agents decline to be interviewed and availability of local SMEs. The Auditor also interviewed eight detainees. The interviews consisted of four males and four females. The detainees were all from Mexico.

An exit briefing for the Nogales Station was held at approximately 1620 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) Branch Chief / PREA Field Coordinator
(b) (6), (b) (7)(C), Surge Capacity Force Specialist (SCFS)
(b) (6), (b) (7)(C), Watch Commander (WC)
(b) (6), (b) (7)(C), Supervisory Border Patrol Agent (SBPA)
(b) (6), (b) (7)(C), Deputy Prevention of Sexual Assault Coordinator, (DPSA) HQ via telephone

During the exit interview, the Auditor discussed the observations made during the on-site review. The audit process included the pre-audit, on-site audit, and post audit review of policies, protocols and documentation to determine compliance of 25 DHS Subpart B Standards at Nogales Station, with the final determination being 23 standards met and 2 standards exceeded. The Auditor reviewed all relevant policies, procedures, and documents in assessing the Nogales Station. The Auditor submitted a list of randomly selected of staff, which included information on background checks and staff PREA training records. The Auditor reviewed the training records however, the requested background information was not received. There have not been any PREA allegations within the audit period.

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 Nogales Station on-site audit was completed on Thursday April 27, 2023, and the findings report was submitted in May 2023.

Nogales Station met 23 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; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182; 115.186; and exceeded 2 standards (115.132 and 115.141)

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 2	
Number of standards met: 23	
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:

(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; Acting Commissioner's memorandum dated January 19, 2018, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities; Chief USBP memorandum dated October 8, 2015, Implementation of the CBP National Standards on Transport, Escort, Detention and Search (TEDS); and Chief USBP memorandum dated August 13, 2014, Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities clearly outlines the duty of all CBP staff members to prevent, detect and respond to all allegation or observations of sexual abuse. 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 as well as "Report Sexual Assault" in seven different languages. If the detainee speaks a language other than English or Spanish, agents can use several CBP language resources available to its employees to include an over-the-phone language interpretation service available 24 hours a day seven days a week. In addition to English and Spanish, CBP has PREA posters for adults translated into 12 other languages and for children translated into 15 other languages for posting as needed. CBP's translated PREA posters may be accessed at [PREA Posters, Information Display System Slides, Videos, and Scripts \(sharepoint.com\)](#). CBP's language access resources may be accessed at [Language Access \(sharepoint.com\)](#). If the Detainee speaks one of these languages, material is obtained for them. Interviews with the local SMEs emphasized staff training on zero tolerance and agent interviews verified their training and understanding of the zero-tolerance policy and standard. Reminders of mandatory training available through the CBP Acadis on-line training portal are shared with all employees. All interviews verified that both the agency and the facility have provided dedicated personnel to ensure the PREA provision is 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 and (b) (7)(E) to protect detainees against sexual abuse. During the tour, the Auditor noted all hold rooms are in direct line-of-sight of agents in the processing area and the Control Room. The Control Room (b) (7)(E). In addition to this viewing, the control room (b) (7)(E) the hold rooms, (b) (7)(E) (b) (7)(E). The Auditor observed multiple occupied hold rooms. Each hold room has a large window for staff to easily supervise detainees being held in the holding rooms. The Auditor viewed through direct observation that detainees could be supervised through the glass windows and doors of the hold rooms by all agents in the processing area as well as (b) (7)(E) the Control Room. The population of detainees was divided by adult

males, adult females and family units with children. The local SMEs advise spot checks of cells are done every (b) (7)(E) (b) (7)(E) and supervisors report the separating of adult males, adult females and any "at risk" detainees enhance the level of supervision to keep detainees safe. Nogales Station does not use staffing ratios due to the fluctuating daily detainee populations. They report overtime is offered to agents when needed to increase the supervision of detainees. There were large numbers of detainees processed through the Nogales Station in the past 12 months including single adult males, single adult females, family units & juveniles, and unaccompanied children (UC) as observed through documentation review of the USBP Nogales Station In-Custody Report (March 1, 2022 – February 28, 2023), submitted prior to the on-site visit. The Auditor observed family units held together in the least restrictive manner, with (b) (7)(E) (b) (7)(E). There were no UC at the time of the audit.

(b)(c): The facility meets the standard provisions. CBP Directive 2130-030; Chief USBP memorandum dated October 8, 2015, Implementation of the CBP National Standards on TEDS; Chief USBP memorandum dated August 13, 2014, Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities; and Chief USBP memorandum dated February 16, 2020, Review of Comprehensive Detainee Supervision Guidelines requires the U.S. Border Patrol to develop and document comprehensive detainee supervision guidelines to determine and meet the detainee supervision needs which has been accomplished through its National Standards on TEDS. The Directive further states, the detainee supervision guidelines and its application at the Nogales Station 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. SME interviews confirm they re-evaluate supervision strategies on a regular basis, especially when there is an influx of detainees. They reveal they also request assistance from other stations when needed. The Auditor reviewed the annual review of detainee supervision guidelines which was conducted on February 16, 2023, prepared by a Watch Commander (WC) at the Nogales Border Patrol Station. Participants included WC, SBPA, and PAIC at Nogales Station. The assessment included all areas as required by the Standard and TEDS. The assessment concluded there were sufficient levels of supervision; 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 Chief USBP memorandum dated August 13, 2014, Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities requires juveniles be treated at all times in their best interest and all guidelines for Special Populations be taken into consideration and place each juvenile in the least restrictive setting appropriate to their age and special needs, provided the setting is consistent with the need to ensure the safety and security of the detainee and that of others. Local SME and agents 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. All agents interviewed state when juveniles were brought into the Nogales Station, they were kept in a hold room with direct observation (b) (7)(E). The Auditor was able to observe this practice through direct observation during the on-site audit.

(b): The facility meets the standard provision. CBP TEDS requires UCs be held separate from adult detainees. Local SMEs and agents report UCs are kept separate from the adults and are then separated by gender. UCs are processed through intake immediately to limit the time they are near adult detainees. Local SME and agent 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 included (b) (7)(E) 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 details the type and conditions under which searches can be performed to ensure the safety of agents, civilians and detainees (October 2015). It prohibits cross-gender partial body searches and cross-gender visual body cavity searches, except in exigent circumstances including consideration of agent 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 that 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. Interviews with local SMEs and agents report only medical staff can conduct a strip or visual body cavity search of a juvenile. The local SME and agents report body cavity searches are not permitted at the Nogales Station. Agents interviewed reported they have never seen strip or body cavity searches conducted at the facility. When asked who would conduct cross-gender searches, the agents report the person would have to be the same identified gender as the detainee when operationally feasible. All agents interviewed report these types of searches have never occurred at the Nogales Station.

(d): The facility meets the standard provision. CBP TEDS specifies the requirements of enabling detainees to shower (where showers are available), perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such viewing may also be appropriate in connection with a medical examination or under medical supervision. Local SMEs and all agents interviewed report detainees do not shower at this facility unless the detainee is held overnight. Detainees are then provided a private shower, and clean clothes. However, the detainees can use the toilet without staff of the opposite gender viewing them. Detainees interviewed state they have privacy from staff viewing while using the toilet in the hold rooms. Each hold room contains a toilet which is blocked by a half wall and there is no view of a detainee using the toilet area, (b) (7)(E) The Auditor

(b) (7)(E) detainees performing bodily functions and verified the showers are private at the facility. 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 cells checks. Interviews with local SMEs and agents indicated they 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 (Memorandum dated August 13, 2014) 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. A memorandum from USBP Deputy Chief, dated January 17, 2023, entitled: Reminder on Searching Transgender, Intersex and Gender Non-Conforming Individuals was sent out for all Chief Patrol Agents and All Directorate Chiefs to pass on to all staff during muster. The memorandum directs border agents to not search or physically examine an individual for the sole purpose of determining an individual's gender. There were no detainees onsite who identified as transgender or intersex to be interviewed. Agents at the facility report they do not search detainees solely for the purpose of determining gender.

(f): The facility meets the standard provision. CBP TEDSs 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 of the same gender, gender identity, or declared gender when operationally feasible. A memorandum from USBP Deputy Chief, dated January 17, 2023, entitled: Reminder on Searching Transgender, Intersex and Gender Non-Conforming Individuals was sent out for all Chief Patrol Agents and All Directorate Chiefs to pass on to all staff during muster.

Interviews with local SMEs and agents reported all had been trained in 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 type of 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 to provide reasonable accommodations to detainees who are hearing impaired, blind or visually impaired, or who have intellectual or mental health disabilities. Directive 2130-033, Nondiscrimination for Individuals with Disabilities in CBP-Conducted Services, Programs, and Activities (Non-Employment), with an effective date of July 8, 2021; which also includes a job aid providing guidance to staff on effective communication with individuals with disabilities. The job aid further defines different types of disabilities and examples on how to address those disabilities; Directive 2130-031, Roles and Responsibilities of U. S. Customs and Border Protection and Personnel Regarding Provision of Language Access, provide information and guidance to all CBP staff. Staff interviews confirm they have received the recent guidance regarding disabled and Limited English Proficient (LEP) detainees and the materials are frequently discussed during musters. The staff discussed the various steps the agents 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 agents state there have been no detainees with disabilities held at the Nogales Station within the audit period.

(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 Limited English Proficient (LEP). All PREA posters are posted and were observed, in both English and Spanish, but also provide direction in commonly spoken languages. All staff interviewed state 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 translation resources available to them should the need arise. Agents are supplied with an application on their CBP issued mobile telephones which allows them to translate any language while in the field as well as during processing. All detainees interviewed said they were able to communicate with staff.

(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 practices consistent with the Directive through interviews with the SME Duty Supervisors, Processing Supervisor, and agents. Interviewed staff were able to articulate that the language line, the mobile telephone translator application, or the use of a neutral staff member would be used in place of a detainee translator.

§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. The Auditor provided a list of two contractor names for submission to the HQ Office of Professional Responsibility (OPR) to ensure their background checks were conducted timely and in compliance with the standard. Review of the submitted checks found the agency to be in compliance with pre-hire and five-year updated investigations for contractors.

(b): The facility meets the standard provision. Interviews with HQ HRM/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 provisions. 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 submitted a list of nine randomly selected agents of varying ranks who are employed at the facility and submitted those names to the facility for submission to the HQ Office of Professional Responsibility (OPR) to ensure their background checks were conducted timely and in compliance with the standard. 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 HQ HRM/Labor Employee Relations (LER) SME confirms it is agency policy to rescind an offer of employment to 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 employment and which is referenced in their yearly required ethics training through the Acadis training 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. The interview with the HQ HRM/LER SME confirmed the Directive is followed by the agency.

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

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

Notes:

(a): The standard provision is not applicable as the Nogales Station has not acquired a new facility or undergone a major expansion.

(b): The facility meets the standard provision. The facility has not made (b) (7)(E) upgrades since the last audit. The interview with local SME confirmed that PREA supervision and privacy concerns would be taken into consideration for (b) (7)(E) and how it would enhance the ability to aid in the protection of sexual abuse against detainees.

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

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

Notes:

(c): The facility meets the standard provision. CBP TEDS and CBP Directive 2130-030 requires 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. The Directive further requires a forensic medical examination be conducted by a qualified health care personnel, including a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), where practicable. Nogales Station utilizes the services of the both the Holy Cross Hospital (HCH) in Nogales and the Tucson Medical Center (TMC) in Tucson for any needed forensic medical examination (FME) of a sexual abuse victim, at no cost to the detainee and only with the detainee's consent. The examination is performed by a SANE who is available at both hospitals. The Auditor confirmed via telephone conferences with an emergency room medical receptionist staff member at each hospital that the services are provided at each site by a SAFE, SANE, or qualified medical physician. Local SME interviews confirmed the use of either hospital would be utilized for a detainee victim of sexual abuse. The SME interviews and the HQ PSAC interview also confirmed there have not been any allegations of sexual abuse during the audit period.

(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 (FME) due to sexual abuse/assault. The Auditor determined that community based sexual abuse advocates are available through Southern Arizona Center Against Sexual Assault (SACASA) and will provide advocacy services during a FME, and follow-up community assistance at the request of the detainee. The Auditor confirmed the

services would be provided during a phone call to a SACASA advocate supervisor. Both the HCH and TMC confirmed they will contact the victim advocacy services for any sexual abuse victim admitted to their hospital. Interviews with local SMEs confirmed and verified that all sexual abuse victims would be provided access to victim services at the either medical facility or timely access to U Nonimmigrant status individuals.

(e): The facility meets the standard provision. An interview with the PSA Coordinator confirms there have been no reports of sexual abuse or sexual assault at the Nogales Station during the last 12 months. The local SME stated the Nogales Police Department and the Santa Cruz County Sheriff's Office (SCSO) have been advised of and are agreeable to following the PREA requirements. Copies of confirmation emails were provided to the Auditor for verification of services and documentation requesting the law enforcement agencies follow the PREA standards when conducting investigations. HQ Privacy and Diversity Office (PDO) SME also confirmed during their interview that there were no allegations at Nogales Station during the audit period.

§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 report of all sexual assault allegations to the facility administer or agency office. A memorandum dated March 2016 from the Acting Chief CBP to all Chief Border Patrol Agents and all Directorate Chiefs was sent out as a reminder of the Prevention, Detection and Response to Sexual Assault in CBP Holding Facilities Directive. All interviewed local SMEs and agents report they will immediately report such incidents up the chain-of-command and the Joint Intake Center (JIC). The delegated Watch Commander or supervisor shall inform the local law enforcement as appropriate. This practice was confirmed during the interview with the WC.

(d): The facility meets the standard provision. Interview with the HQ PDO/PSA Coordinator verifies the appropriate offices are advised of all indicants/allegations of sexual abuse by the JIC.

§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 Nogales Station 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. Nogales Station SME and agent 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." Nogales Station 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 Commissioner'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 and interviews. The Auditor interviewed three medical contract employee while on site. The contractor was able to articulate the training that was received in accordance with DHS and PREA standards. Medical contractors are provided through Loyal Source. Nogales Station does not utilize volunteers as confirmed through the PFC during interviews.

(c): The facility meets the standard provision. A memorandum dated November 23, 2022, from the Executive Director of the Privacy and Diversity Office was sent out for distribution ensuring all CBP agents and contractors complete the mandatory training. Reviewed training records verify all active staff at Nogales Station 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. Agent interviews confirm yearly PREA training on the Acadis training portal and refresher pat-search trainings through musters. Training records are maintained electronically as required by the standard. Local SME interview confirmed compliance. Training records were reviewed on-site and through pre-audit documents provided.

§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. Nogales Station has maintained colorful, large print posters of DHS Zero-Tolerance Policy in view of all detainees holding and processing areas. The posters are printed and posted in English and Spanish, but also contain a box providing zero tolerance and reporting information 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 Nogales Station which were published in English and Spanish; however, Nogales Station 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 policy of sexual abuse and sexual assault and to encourage immediate reporting of behaviors that may constitute sexual abuse and/or sexual assault. The Nogales Station have maintained all information posted geared toward juveniles and had the video playing in the family holding rooms. This was verified during the facility tour by the Auditor. Interviews with the local SME verified that facility maintains a variety of methods as listed, for detainee notification of the zero-tolerance policy. Agents were able to confirm they have asked questions regarding detainee safety and expressed the knowledge of multiple ways for detainees to understand and receive the zero-tolerance policy knowledge. All detainee interviews confirmed they were aware of the agency’s zero-tolerance policy for sexual abuse and were aware of multiple reporting methods.

§115.134 – Specialized training: Investigations.

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

Notes:

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

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

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

Notes:

(a)(b)(c)(d): The facility exceeds the standard provisions. CBP Directive 2130-030 requires staff to mitigate and identify dangers to a detainee and will ask the detainee the reasons for their concerns for their physical safety. The Directive further requires that and detainee determined to be at risk for sexual victimization be provided with heightened observation. A memorandum dated March 2015 was disseminated to all CBP employees from the Commissioner regarding the CBP Policy on Zero-Tolerance of Sexual Abuse and Assault. CBP TEDS requires that all detainees be assessed for being at-risk of sexual assault before being placed in a hold room or holding facility. The 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; whether the detainee self identifies as LGBTI+ or gender non-conforming; any prior sexual victimization and the detainee's own concerns about his/her physical safety. Based upon the assessment, the processing agent is to decide whether the detainee needs to be placed alone or placed away from certain other detainees for their safety or other detainee safety. The Nogales Station goes above and beyond to ensure that each detainee is assessed to ensure their safety concerns are addressed and the safety of other detainees are considered prior to placing any detainee in a holding cell with other detainees. The Auditor was able to observe the assessment process while on-site. Nogales Station begins their safety questions with detainees prior to entry into the facility by an agent in the field and each detainee is asked if they have any safety concerns by a medical contractor at (b) (7)(E) privately. If any concerns are noted by either, the agent documents and passes along the information to the next agent continuing the assessment inside the processing area prior to entry into holding rooms. Detainees are then (b) (7)(E) separated by individuals, family units or UC and each awaits their turn for fingerprinting and further assessment questions in a private and confidential manner. Agents also "watch" for any discerning cues that may lead them to believe the detainee is at risk for being a potential victim or perpetrator of sexual abuse. All observations and assessment questions are then notated in the computer system detention module for each detainee. Once the required assessment is completed, the agent then places the detainee in a holding room appropriate for their assessment and safety concerns. All detainees interviewed confirmed they were asked questions regarding their safety prior to being placed in a holding room. The Auditor was able to observe four times a detainee was asked about their concerns for their own safety prior to entering into the holding area for further processing. Local SME and agent interviews also confirmed this practice is completed prior to a detainee being placed in a holding room. The Auditor further observed that each detainee is afforded time with an agent during processing which allows for all assessment questions, concerns for both physical and sexual safety and medical issues to be addressed prior to a detainee entering a holding room. Agent interviews all confirmed they are aware of the importance of detainee safety and the requirement of asking the assessment questions prior to placing any detainee with another that may be of high risk to them. Detainees are asked processing questions individually with staff in a private manner to ensure confidentiality.

(e): The facility meets the standard provision. CBP TEDS requires staff to ensure assessments are provided in private where sensitive information cannot be learned by other parties. Nogales Station speaks to detainees in a private and confidential manor as observed by the Auditor during the on-site visit. The dissemination of sensitive information is to be controlled on a "need to know" basis. Local SME and agent interviews verify this practice as all information on detainees is kept in the detention module and not available to all staff.

§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): The facility meets the standard provision. Both CBP TEDS and CBP Directive 2130-030 requires detainees be provided multiple ways for detainees to privately report sexual abuse/assault, retaliation and/or staff neglect or violations leading to sexual assault. The Directive states procedures for reporting alleged sexual abuse and/or assault are to be visible or 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 and detainee interviews. Email dated February 2018 was sent out to all CBP employees from the CBP Central with links to all policies and updates for staff to review. In December 2022 a memorandum from the UBP Chief was sent out to all employees regarding the Mandatory Training for Preventing and Addressing Sexual Abuse in U.S. Custom and Border Protection Holding Facilities.

(b): The facility meets the standard provision. CBP Directive 2130-030 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. Local SME and agent interviews verify detainees may report abuse verbally or in writing to staff; third party reports are accepted and a detainee may request to make a private anonymous telephone call to DHS OIG. Detainees are informed they can call DHS OIG to report privately. The Auditor, through direct observation viewed the private room and posters in which the DHS OIG number is provided. The Auditor called the number on the Keep Detention Safe poster to confirm a working anonymous telephone could be used by a detainee. This call was verified by the staff on the receiving end of the call. If a detainee requests such a call, the agent will escort the detainee to the room and dial the DHS OIG hotline number if the detainee is unable to dial the number. The detainee will have privacy and be observed visually from the hallway by the agent. All detainees interviewed knew they could use the telephone to report sexual abuse allegations to the DHS OIG. Detainees are aware a third-party could also make a report for them as verified through detainee interviews.

(c): The facility meets the standard provision. Local SME and agent 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.

§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>. The website provides a toll-free Joint Intake Center Hotline phone number, email address, and physical address to allow different methods of reporting to the Joint Intake Center. The website also provides, the phone number, email address, and an online reporting site for the DHS OIG. Local SME and agent 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.

§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 requires all staff to report immediately report 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 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. All interviewed agents 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. Agents further stated that supervisors reviewed the PREA reporting requirements during musters. A laminated job aid on reporting requirements was made available to all staff. August 2022 emails confirm staff receive reminders and "DHS PREA Standard in Focus" to ensure requirements are reviewed on a regular basis.

(c): The facility meets the standard provision. CBP Directive 2130-030 states except as necessary to report the incident, CBP and its staff shall not reveal any information related to the incident except as necessary to aid the detainee, to protect other detainees or staff, or to make security and management. Agent 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. CBP Directive 2130-030 requires the facility to report sexual abuse and/or assault allegations involving alleged victims under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute to the designated State or local services agency under applicable reporting laws. Interviews with local SMEs 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 OPR/Sexual Abuse and Assault Investigations Coordinator (SAAI) SME. This practice was verified by the PFC 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 (Memorandum dated August 13, 2014) requires any agency employee who believed circumstances exist which place a detainee at imminent risk of sexual assault to take immediate action to protect the detainee. Interviews with local SMEs and agents confirm that a detainee feeling at risk would immediately be protected by isolation or direct constant supervision (sight and sound) or both. The detainee would be removed from contact with other detainees and would be supervised, as directed by the local SME on duty.

§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 abused and/or assaulted at another facility prior to arriving at the Nogales Station, the prior agency or administrator must be notified. Interview with the PFC verified that the PAIC or their designee would make the notification. A memorandum dated October 2015 from USCBP Chief was issued with the title "Implementation of the CBP National Standards on TEDS" for staff review.

(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 SMEs who stated the notifications would be made immediately which meet the standard provision.

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

(d): The facility meets the standard provision. The PFC reported that the Nogales Station follows all agency reporting requirements as specified in CBP Directive 2131-030. He stated that upon notification from another facility of an allegation of sexual abuse/assault which occurred at the Nogales Station, JIC shall be notified immediately using the same process as if the detainee was present at the 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): The facility meets the standard provision. CBP Directive 2130-030 (January 2018) details the responsibilities for the first agent on scene of a reported allegation. The Directive and the PREA training through the Acadis training portal provide the necessary steps to be taken if a detainee is sexually assaulted. The Directive has a Review date of January 2021. The first responding agent or their supervisor is to perform all first responder duties delineated in the standard provision. Interviews were conducted with SMEs and agents and they recited their duties which included, separating the alleged victim and abuser, preserving and protecting the crime scene if the abuse occurred within a time period it still allows for the collection of evidence, and requesting the alleged victim and ensuring the alleged abuser do not take any action that could destroy evidence. During the SME and agent interviews, they were able to articulate they would ensure detainees do not eat or drink, use the toilet, or destroy clothing that may contain physical and or forensic evidence. Agents expressed the importance of maintaining any area/room in which a sexual assault may have occurred and secured from allowing others to enter in order to safeguard any potential evidence. The local SMEs and agents also stated that in addition to training all law enforcement personnel on first responder duties, the Nogales Station reviews these duties on a regular basis through staff musters. Staff also have the responder duties on their issued Quick Reference Card.

(b): The facility meets the standard provision. CBP TEDS addresses non-law enforcement duties and requires the non-law-enforcement staff to request the alleged victim not take any actions that could destroy physical evidence and notify law enforcement staff. The Nogales Station only allow trained law enforcement and trained medical staff interactions with detainees during their entire holding period. The contract staff have also received first responder duty training in line with the DHS PREA Standards.

§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 (January 2018) states the Directive constitutes CBP's written institutional plan for utilizing a coordinated multidisciplinary team approach to respond to sexual abuse and/or assault. The Directive provides a clear progressive plan for all components of addressing sexual abuse in holding facilities. The Directive has a Review date of January 2021. On August 15, 2022, CBP developed a job aid, Quick Reference Card, which details first responder duties defining sexual assaults of a detainee by another detainee, sexual assault of a detainee by an employee, contractor, or volunteer. The job aid also includes first responder duties, notifications for investigations, forensic medical examinations, an incident reporting. Interviews with all local SMEs and agents 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 at the either the Holy Cross Hospital or the Tucson Medical Center, both located within the Tucson Sector.

(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 through the interview with the WC and the notification would be made by the PAIC or a designated supervisor.

§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. With regard to an allegation of sexual abuse by a staff member, interviews with local SMEs verified agency policy is to remove the staff member from contact with detainees pending the outcome of an investigation into alleged sexual abuse/assault or violations of agency policies at the consideration and discretion of agency management including the PAIC and Sector Chief. The PAIC would reassign any staff member whose allegations of sexual abuse/assault or violations of policy had been made against, and from public contact. This re-assignment would remain in effect until the completion of the investigation. Nogales Station would follow the same procedures for any contractor who has been alleged to commit the same violations as CBP staff. The PAIC or Sector Chief would seek removal of the contractor from the facility. Nogales Station does not have any volunteers at the facility. This practice was confirmed during interviews with the WC. There were no reports made during the audit period as confirmed through the interview with the PFC and HQ SME PSA Coordinator.

§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 TEDS prohibits all CBP staff from retaliating against any person, including a detainee, who alleges or complains about mistreatment, participates in sexual activity as a result of force, coercion, threat, or fear of force. Directive 51735-013B, Standards of Conduct, with an effective date of December 9, 2020, clearly prohibits retaliation or sexually abusing and/or assaulting a detainee. The training on the implementation of this policy was verified by interviews with local SMEs. Interviews with agents report that retaliation is prohibited by Directive and all have been trained to look for signs of it occurring. All agents interviewed were able to recite examples of retaliation and reporting such behavior immediately to their supervisor on duty.

§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 (January 2018) 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 (Review Date January 2021). 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. Interviews with HQ HRM/LER SME verified that disciplinary action is pursued in all cases of substantiated sexual assault or for violations of sexual abuse policies with removal of their position and the employee being barred from future federal service as the presumptive action.

(c): The agency meets the standard provision. The HQ PSA Coordinator revealed there were no reports of sexual abuse during the 12-month audit period at Nogales Station. Interview with the HQ OPR/SAAI SME confirms all allegations of sexual abuse would be referred to the appropriate law enforcement agency by the PAIC/Tucson Sector Chief and notification is coordinated by the HQ OPR/SAAI SME.

(d): The facility meets the standard provision. Interview with HQ OPR/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 HQ OPR/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. Interviews with the local SMEs revealed that all suspected contractor perpetrators of sexual abuse would immediately be removed from contact with detainees. Nogales Station does not currently utilize any volunteers. The medical contractors were observed in both the outside entry with detainees and the medical screening room, located in the detainee processing area of the facility. The interview with a medical contractor with Loyal Source confirmed they have received the PREA training and are aware of any consequences associated with detainee sexual abuse. Interviews with the local SMEs indicated the consequences of an alleged sexual abuse and/or assault would be immediate removal pending an investigation. Interview with the HQ OPR/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 Tucson Sector Chief or their designee.

(b): The facility meets the standard provision. Local SME interview with the WC 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. 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 Acting Chief USBP Memorandum dated March 6, 2018, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities; Chief USBP memorandum dated October 8, 2015, Implementation of the CBP National Standards on Transport, Escort, Detention and Search (TEDS); and Chief USBP memorandum dated August 13, 2014; and CBP's Policy on Zero Tolerance of Sexual Abuse and Assault; Acting Commissioner's memorandum dated January 19, 2018, Implementation of the Standards to Prevent, Detect, and

Respond to Sexual Abuse and Assault in CBP Holding Facilities were all provided in support of the process and access to emergency medical services when appropriate. A detainee victim of sexual assault and/or abuse at the Nogales Station are to be immediately transported to either the Holy Cross Hospital in Nogales or the Tucson Medical Center in Tucson, where they would treat any medical emergency or utilize the SAFE/SANE for a victim of sexual assault and/or abuse when appropriate. A forensic medical examination (FME) would only be performed with the detainee's consent and where medically and evidentiarily appropriate. A determination on whether the exam is evidentiarily appropriate is made by CBP's Office of Professional Responsibility. 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 any 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 have been no investigations of sexual abuse allegations at the Nogales Station during the audit period therefore, no incident reviews have been conducted. Interview with the HQ PSA Coordinator reveals their office regularly receives sexual abuse incident reviews within 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 PFC indicated that the PAIC and Tucson Sector Chief would take any recommendations made by the IRC and make a concerted effort to address deficiencies within their span of control and budgetary restrictions. HQ SME confirmed that the IRC would meet within 30 days after the conclusion of any sexual abuse/assault investigation and prepare a report of its findings.

§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)

July 3, 2023

Auditor's Signature

Date