

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



U.S. Customs and
Border Protection

AUDITOR

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

AGENCY

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

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

Name of Sector or Field Office:	Laredo Sector
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Sector or Field Office Physical Address:	207 W. Del Mar Blvd., Laredo, TX 78041
Mailing Address: (if different from above)	Same as above

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility

Name of Facility:	Laredo South Station
Physical Address:	9001 San Dario Avenue, Laredo, TX 78045
Mailing Address: (if different from above)	Same as above
Telephone Number:	(b) (6), (b) (7)(C)

Facility Leadership

Name of Officer in Charge:	(b) (6), (b) (7)(C)	Title:	Patrol Agent in Charge
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 U.S. Customs and Border Protection's (CBP) U.S. Border Patrol (USBP) Laredo South Station, Laredo, Texas, was conducted March 12, 2019. The audit was conducted by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) PREA Auditor, contracted through Creative Corrections, LLC. This is the first PREA compliance audit for the Laredo South Station. Laredo South Station is a short-term holding facility that holds adult male and female detainees, family units (which includes one or more juveniles) and detainees who are under the age of 18 and have been identified as unaccompanied alien children (UAC). Detainees are to be held at the Laredo South Station for a maximum of 72 hours. The purpose of the audit was to determine compliance with Subpart B of the Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 6 C.F.R. Part 115, (the "DHS PREA Standards").

The points of contact established for the Laredo South Station were (b) (6), (b) (7)(C) Assistant Chief, USBP, Headquarters (HQ) and (b) (6), (b) (7)(C) (Facility). The Auditor was notified three weeks prior to the on-site portion of the audit of the completion of pre-audit documents for auditor review. The documentation provided was complete and included pre-audit questionnaires (PAQ) from HQ and the Laredo South Station.

An entry-briefing, led by (b) (6), (b) (7)(C) Prevention of Sexual Assault Coordinator (PSA), Privacy and Diversity Office (PDO), Headquarters (HQ), was conducted shortly after arrival at the facility. Those also in attendance include:

(b) (6), (b) (7)(C)	Assistant Chief, USBP, HQ
(b) (6), (b) (7)(C)	Watch Commander, Laredo South Station
(b) (6), (b) (7)(C)	Deputy Patrol Agent in Charge, Laredo South Station
(b) (6), (b) (7)(C)	Deputy PSA Coordinator, HQ
(b) (6), (b) (7)(C)	Supervisory Border Patrol Agent/PREA Field Coordinator, Laredo South Station

Once introductions were given, the Auditor introduced herself and provided an overview of the audit process and answered questions.

Immediately following the entry-briefing, the PREA Field Coordinator led the group on a tour of the facility. All areas of the facility were toured to include the sally-port, (b) (7)(E) intake/processing area, hold rooms, and interview rooms. The Auditor observed the facility (b) (7)(E) to aid in protecting detainees from sexual abuse. (b) (7)(E) is in all detainee areas, including holding rooms. The Auditor also noted multiple PREA posters highlighting reporting methods for sexual abuse and zero tolerance.

The Laredo South Station consists of one building with (b) (7)(E) The Laredo South Station holds adult male and female detainees, family units, and UACs. Each hold room has a toilet located behind a half-wall which allows privacy for detainees when using the toilet. Each hold room (b) (7)(E) located in the opposite corner of the toilet area. The Auditor (b) (7)(E) do not capture detainees using the toilets.

Every detainee enters the Laredo South Station through the sally-port to begin the intake process. This area is completely open and (b) (7)(E) Detainees are separated into specific groups before entering the intake/processing area. The processing area consists of agent stations that allow for direct supervision into the hold rooms. It also contains two interview rooms and (b) (7)(E) dry (no toilet available) temporary holding cells.

Immediately following the tour, the Auditor randomly selected staff and detainees for interview. Interviews with staff and detainees continued throughout the day.

Scope of the Audit: All relevant policies and procedures were reviewed prior to arriving on-site at the Laredo South Station. While on-site, the Auditor was able to tour the facility and observe all areas where agents and detainees would interact. The Auditor was allowed to revisit areas as requested. The Auditor was able to conduct private and confidential interviews with staff and detainees. The audit notice was posted as required, and the Auditor did not receive any letters of correspondence from any detainee, agent, or the public.

The Auditor interviewed eight agents, three supervisors and selected seven detainees with only three being interviewed. The detainees selected consisted of adult males, adult females, and an unaccompanied 15 year old

detained U.S. male citizen. There were no family units at the facility during the on-site audit. Of the seven detainees selected, the Auditor was advised the 15 year old detained U.S. male citizen was not eligible to be interviewed because he was mirandized and pending legal proceedings, two male detainees and one female detainee chose not to participate in the audit process, and the other only wanted to discuss deportation. This left three detainees for the Auditor to interview. The countries represented in this sample include Mexico, Honduras, and Guatemala, with Spanish being the primary language spoken. The Auditor used Language Services Associates as interpretive services to assist with the interviews.

The Laredo South Station has had no sexual abuse allegations reported in the past 12 months.

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.

On Tuesday, March 12, 2019, an exit briefing was conducted at approximately 4:00 p.m. The exit-briefing was opened by (b) (6), (b) (7)(C) PSA Coordinator, PDO, HQ, and then turned over to the Auditor for an overview of the on-site audit and close-out summary. Those also attending the exit-briefing include:

- (b) (6), (b) (7)(C) Assistant Chief, USBP, HQ
- (b) (6), (b) (7)(C) Watch Commander, Laredo South Station
- (b) (6), (b) (7)(C) Deputy Patrol Agent in Charge, Laredo South Station
- (b) (6), (b) (7)(C) Deputy PSA Coordinator, PDO, HQ
- (b) (6), (b) (7)(C) Supervisory Border Patrol Agent/PREA Field Coordinator, Laredo South Station

During the exit-briefing the Auditor discussed her observations made during the on-site review.

Of the 25 standards reviewed, the Auditor found Laredo South Station met 19 standards: 115.111; 115.114; 115.117; 115.122; 115.131; 115.132; 115.141; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186. Standard 115.118 was non-applicable. Five standards were not in compliance: 115.113; 115.115; 115.116; 115.121; and 115.151.

SUMMARY OF AUDIT FINDINGS

Number of standards exceeded: 0

Number of standards met: 19 + 1 not applicable

Number of standards not met: 5

OVERALL DETERMINATION

- | | |
|--|--|
| <input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards) | <input type="checkbox"/> Low Risk |
| <input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) | <input checked="" type="checkbox"/> Not Low Risk |
| <input checked="" 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 provision. CBP Policy on Zero Tolerance of Sexual Abuse and Assault signed by CBP's Commissioner on March 11, 2015, constitutes CBP's policy on zero tolerance of sexual abuse and assault. CBP Directive 2130-030, Sexual Abuse and Assault Prevention and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, dated 01/19/2018, was provided to all staff on February 5, 2018, and reissued on February 12, 2018 through agency email program referred to as CBP Central. These policies confirm CBP has zero tolerance towards all forms of sexual abuse and sexual harassment in facilities it operates. The Directive establishes CBP's procedures for the prevention, detection, and response to sexual abuse and assault in CBP holding facilities. The Directive includes definitions of prohibited behaviors regarding sexual abuse and sexual harassment. Similar language is found in CBP National Standards on Transport, Escort, Detention, and Search, (TEDS), dated October 2015. Local Subject Matter Experts (SMEs) state information on CBP's zero tolerance policy is disseminated to staff through emails, staff musters (informal staff briefings held before each shift) and online courses administered through the Performance and Learning Management System (PALMS). All supervisors and agents interviewed report they are familiar with the contents of CBP's zero-tolerance policy. When asked what zero-tolerance means to them, agents stated zero-tolerance means no sexual abuse is allowed and will not be tolerated.

§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 in determining adequate levels of detainee supervision and determining the need for (b) (7)(E) the agency shall take into consideration the physical layout of each holding facility. During the tour the Auditor noted all hold rooms are in direct line of site of agents in the processing area. Each hold room has a large window for staff to easily see inside. Each hold room has (b) (7)(E) (b) (7)(E) opposite of the toilet so agents in the control room can see the complete room. The Auditor viewed the (b) (7)(E) (b) (7)(E). The Auditor verified (b) (7)(E) capture detainees using the toilets. This room sits directly behind the processing station and is slightly elevated. In addition to viewing (b) (7)(E) there is a large window to view the hold rooms which are directly in front of the processing station. The Auditor observed multiple occupied hold rooms. The population of detainees was divided by adult males and adult females. Interviews indicated that if UACs were brought into the intake/processing areas, the UACs would be held in the hold room closest to the agent station. The hold room where UACs would be held was empty. Each hold room had a sign alerting staff to the make-up of the detainee population being held within. The local SMEs advise spot checks of cells are done every 15-minutes and (b) (7)(E). Supervisors report the separating of adult males and adult females enhances the Laredo South Station's level of supervision to keep detainees sexually safe. The Laredo South 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.

(b)(c): CBP Directive 2130-030 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 Transport, Escort, Detention and Search (TEDS). The Directive further states, the detainee supervision guidelines and its application at the Laredo South is to be reviewed at least annually taking into account 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. SMEs state 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 was told supervision strategies are re-evaluated on a regular basis,

therefore, meeting standard provision (c); however, the Auditor was not provided documentation of an annual review of the detainee supervision guidelines and its application at the Laredo South Station as stated in standard provision (b). Corrective Action is required. **Corrective Action:** Provide documentation of an annual review of the detainee supervision guidelines and its application at the Laredo South Station, taking into account the elements listed in standard provision (c), with a copy of the results provided to the PSA.

§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 TEDS requires the Laredo South Station 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 staff report all juveniles who are a part of family units or identified as UAC 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 if juveniles are brought into the Laredo South Station; they are kept in a hold room with an unlocked door. There were no family units or UACs on-site at the time of audit for the Auditor to interview.

(b): The facility meets the standard provision. CBP TEDS requires UACs be held separate from adult detainees. Local SME staff report UACs are kept separate from the adults and are then separated by gender. They are placed in a holding room closest to the agent's station and the door is not locked so they can come out when they need to if they want a snack or to ask the agent a question. UACs are processed through intake immediately to limit the time they are near adult detainees. All agents interviewed report UACs are kept in the hold rooms closest to the processing station. All agents report juveniles who are identified as UAC are kept separate from adults. Local SME staff state relationships between a child and a non-parental family member (b) (7)(E) (b) (7)(E) There were no UACs or family units held at the facility during the on-site portion of the audit to interview.

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

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

Notes:

(b)(c): CBP TEDS details the type and conditions under which searches can be performed to ensure the safety of agents, 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 agents report body cavity searches are not allowed at the Laredo South Station. Most agents interviewed reported they have never seen strip or body cavity searches done at this facility. When asked who would conduct these types of searches if they were approved, most agents report the person would have to be the same gender as the detainee and that supervisors or management would conduct the search. In addition, all agents interviewed report this has never happened at the Laredo South Station. When asked if these types of searches were approved for juveniles and who would conduct them, the agents interviewed did not know. After reviewing policy and conducting interviews with agents and supervisors, the Auditor determined the Laredo South Station is non-compliant with the subsection (b) of standard 115.115 as agents are not aware only medical personnel can conduct visual body cavity searches of juvenile detainees. Document review and interviews confirm there have been no strip searches and/or body cavity searches conducted at this facility in the past 12 months. Corrective Action is required. **Corrective Action:** Provide documentation of retraining and/or notification for all station agents to ensure that they understand their responsibilities with regard to juvenile visual cavity searches.

(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 cell checks or is otherwise appropriate in connection with a medical examination or under medical supervision. Local SMEs and all agents report detainees do not shower at this facility. However, the detainees can use the toilet without staff of the opposite gender viewing them. Detainees interviewed state they have privacy to use the toilet in the hold rooms from staff. The hold

rooms contain (b) (7)(E) of the toilet area. The Auditor verified (b) (7)(E) capture detainees performing bodily functions and verified there are no shower facilities at the Laredo South Station. 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 eight agents and two supervisors indicated they knock on the door to announce themselves with one agent stating he would make an announcement before entering the room and one supervisor stating there was no policy in place. 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 on-site who identified as transgender or intersex to be interviewed. Agents at the Laredo South Station report they do not search detainees solely for the purpose of determining gender.

(f): The PREA Field Coordinator reports all staff have been trained in how to conduct pat searches, including cross-gender searches, but he reports staff have not been trained on how to conduct searches of transgender detainees. Most agents interviewed state they have not been trained to conduct pat searches of detainees who identify as transgender or intersex. While the Auditor was provided a copy of a pat search refresher training provided to staff at the Laredo South Station titled "Arrest and Control: Principles of Searching Subjects," this training did not address pat searches of transgender or intersex detainees nor was it specific on how to search the groin and breast areas. This standard is in non-compliance. Corrective Action is required. **Corrective Action:** Provide training to agents at the Laredo South Station on how to conduct pat searches of transgender or intersex detainees. Provide verification all staff at the Laredo South has been trained.

§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): CBP TEDS and CBP Directive 2130-030 require detainees with disabilities (e.g., detainees who are hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) to have access to CBP efforts to prevent, detect, and respond to sexual abuse and/or assault. When necessary to ensure effective communication with detainees who are hearing impaired, steps are to include providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. In addition, written materials related to sexual abuse will be provided in formats or through methods that ensure effective communication with detainees with disabilities, including detainees with limited reading skills, or who are blind or have low vision. Whenever translation or interpretation services are provided, it must be recorded in the appropriate electronic systems(s) of record. The PREA Field Coordinator reports if agents have a detainee with disabilities, they are to ask them questions to learn more about the disability. He states if the disability is not obvious, agents ask medical questions during intake to aid in making that type of a determination. He also reports there are visual aids agents can use to communicate with detainees who are hearing impaired and if a detainee was visually impaired agents would read everything to them. He adds, if a detainee came in with intellectual disabilities, agents would ask family members to help staff in communicating with them. The supervisors report they did not know how to work with a detainee who had disabilities. While supervisors referred to the posters to convey information, they were unclear on how detainees with visual impairments or intellectual disabilities would receive this information. All agents interviewed state they have not been trained on how to work with detainees with disabilities and state they are unclear on how to communicate with detainees with disabilities. This lack of knowledge resulted in non-compliance for subsection (a) of this standard. Corrective Action is required. **Corrective Action:** Provide documentation all staff have been trained on how to identify and communicate with detainees with disabilities.

(b): The facility meets the standard provision. CPB protocol for Identifying Limited English Proficient (LEP) Persons and Providing Language Services, dated October 2017, outlines steps the Laredo South Station is to take to identify LEP detainees. This Protocol directs staff to ask detainees to identify their primary language through the "I Speak" posters, the "Habla?" poster for indigenous language, the "I speak" pocket guide or booklet, and the Indigenous Language Identification Tool to identify a resource to provide language assistance. The Auditor also reviewed the Over-the-Phone Translation Services, dated April 15, 2012. This document outlines CPB's new service with the Interpreters and Translators Incorporated to provide over-the-phone translation services for over 150 languages. All interviews reveal agents are familiar with the translation service. All detainees interviewed report no concerns in communicating with staff. Most detainees state they can read and speak Spanish or English.

(c): The facility meets the standard provision. CBP TEDS requires the Laredo South Station, in matters relating to allegations of sexual abuse, to provide in-person or telephonic interpretation services that enable effective, accurate, and impartial interpretation, by someone other than another detainee, unless the detainee expresses a preference for another detainee to provide interpretation, and the supervisor determines such interpretation is appropriate and consistent with the operational office's policies and procedures. It further states the use of interpreter services by minors, alleged abusers, detainees who witnessed the alleged abuse, and detainees who have a significant relationship with the alleged abuser is not appropriate in matters relating to allegations of sexual abuse. Almost all agents interviewed, including the local SME staff, report they would not allow another detainee to act as an interpreter for another detainee due to safety concerns for the possible victim.

§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 Resource Management (HRM) to establish policy and procedures to ensure CBP does not hire or promote employees and contractors or to enlist the service of volunteers who have had previous substantiated allegations of engaging in sexual abuse and assault to any position where they may interact with detainees in CBP holding facilities. The HQ Hiring Center SME states CBP will not hire or promote any employee, contractor or enlist the services of any volunteer, who has been found to have engaged, been convicted of engaging, or civilly or administratively adjudicated to have engaged in sexual abuse as defined in the standard and agency policy.

(b)(c)(d): The facility meets these standard provisions. CBP Directive 2130-030 requires background investigations for applicants for employment who may have contact with detainees to determine suitability and that updated background investigations are conducted every five years for CBP personnel who may have contact with detainees. An interview with the HQ Hiring Center SME reveals CBP follows federal guidelines and policy requirements. The SME states CBP has delegated authority to do their own suitability determinations after security forms are complete. She states CBP runs a series of background checks, then a polygraph examination. She reports the same process is followed when it comes to promotions and for contract staff with the exception of the polygraph examination. The HQ Hiring Center SME reveals all employees and contractors receive periodic background investigation checks every five years. The Auditor submitted names of 10 staff for verification of background investigations. A review of the document returned from the HQ Office of Professional Responsibility (OPR) Personnel Security Division (PSD) confirms all staff submitted had the required background investigations and all five-year investigations were completed in a timely manner per this standard.

(e): The facility meets the standard provision. The HQ Hiring Center SME reveals all applicants are asked about previous sexual abuse with any person in a jail, prison, holding facility, juvenile facility, community confinement facility, or other institution and have a continuing duty to report. She further stated that material omissions or providing false information are grounds for termination or withdrawal of job offer. The HQ Hiring Center SME states this information is provided to staff on hiring when issued the U.S. Customs and Border Protection Standards of Conduct and they are reminded annually during training through PALMS.

(f) The facility meets the standard provision. The HQ Hiring Center SME and the local SME state information on substantiated sexual abuse investigations involving former employees would be shared with potential employers if a release was signed by the former employee.

§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:

Interviews with supervisors revealed the Laredo South Station has not made any substantial expansions or modifications to the current building. They also have not (b) (7)(E)

§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): CBP TEDS and Directive 2130-030 requires the Laredo South Station to provide timely, (including emergency) unimpeded access to medical treatment and crises intervention services, including sexual assault forensics medical exam, emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standard of care to all detainee victims of sexual abuse/assault. CBD TEDS also requires the examination is to be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), where practicable. If SAFEs or SANEs cannot be made available, the examination may be performed by other qualified health care personnel. The interviews with supervisors (SMEs) reveal they have no knowledge on where detainees would receive a forensic medical exam. One supervisor reported a detainee would be transported to either San Antonio or Corpus Christi as Laredo does not have a SANE program. This lack of knowledge results in a finding of non-compliance for subsection (c) of this standard. **Corrective Action:** Provide documentation all staff have been trained on where detainee victims are taken for forensic examinations.

(d): 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 exam due to sexual abuse/assault. The Field PREA Coordinator reports he is unsure who would provide victim advocate services for detainees at the Laredo South Station. He indicated the hospital would have that information and provide it to the victim. Interviews with supervisors reveal they have no knowledge of the requirement to allow a detainee access to victim advocacy services. The lack of knowledge results in a finding of non-compliance for subsection (d) of this standard. **Corrective Action:** Provide documentation all staff have been trained to allow a detainee victim access to victim services while at the hospital.

(e): An interview with the PSA Coordinator confirms there have been no reports of sexual abuse or sexual harassment at the Laredo South in the last 12 months. The PREA Field Coordinator also advises the Laredo Police Department has been asked to follow PREA standards when conducting an investigation at the Laredo South Station, however, no documentation was provided requesting Laredo Police Department follow standard provisions (a) through (d). Corrective Action is required. **Corrective Action:** Provide documentation requesting Laredo Police Department follow standard provisions (a) through (d).

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

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

Notes:

(c)(d): The facility meets these standard provisions. CBP Directive 2130-030 requires staff with knowledge, suspicion, or information of any incident of sexual abuse and/or assault of a detainee in a holding facility; retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to report to the Joint Intake Center (JIC). Local SME Staff report all such incidents are reported to JIC, the PSA Coordinator, and the Laredo Police Department unless non-criminal. The PREA Field Coordinator reports either himself or the Watch Commander would make the required notifications. There have been no sexual abuse allegations at the Laredo South Station in the past 12 months and therefore no records of notifications to review.

§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 these standard provisions. CBP Directive No. 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, receive training required by Subpart B of the DHS Standards. The Auditor reviewed the curriculum "Preventing and Addressing Sexual Abuse and Assault of Individuals in CBP Custody. This 45-minute online course is provided via DHS PALMS and covers all components outlined in this subsection. All agents interviewed could explain the training they received on preventing, detecting and responding to sexual abuse. They advise the training covers zero-tolerance, the detainees right to be free from sexual abuse, warning signs of abuse, communicating with those detainees who identify as gay, lesbian, bisexual, transgender, intersex or gender-nonconforming, the right to be free from retaliation and how to report sexual abuse. All staff advise they received a Quick Reference Card for first responders during their training.

(c): The facility meets the standard provision. A review of policy, document review, and staff interviews confirms CBP maintains records of all staff, contractors and volunteers trained on the agency's sexual abuse policy and records of

any refresher training staff have received in accordance with CBP Directive 2130-030. The Auditor reviewed a spreadsheet created by the Laredo South Station which listed all staff assigned to the facility. This spreadsheet listed the initial training on CBP 2130-030, and all biennial refresher training staff received since the initial training. Review of the spreadsheet confirms staff have received training within the timeframes established in the standard. All agents interviewed advise they receive annual training through an e-course on PALMS, however, pursuant to CBP Directive 2130-030, this training is provided every two years. The agents report this is mandatory training for all staff.

§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 meets the standard. Throughout the on-site portion of the audit, the Auditor observed multiple PREA information posters in English and Spanish in the holding and intake areas. The posters inform the reader of the zero-tolerance policy at CBP and how to report sexual abuse allegations. During interviews, the Local SMEs state information is provided to detainees through posters and verbalization of policy when requested by the detainee. All Agents interviewed report information on sexual abuse prevention is provided through posters in the facility. CBP also provides public notification of the agency’s zero-tolerance policy and reporting opportunities on its website at: <https://www.cbp.gov/about/care-in-custody>. All interviewed detainees’ report they were not informed or did not know about sexual abuse prevention. Interviewed detainees also advise they do not know how to report sexual abuse. It should be noted the PREA reporting information was located on two large posters in the interview room the Auditor used to conduct private interviews with the detainees.

§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): The facility meets these standard provisions. CBP TEDS states before placing detainees together in a holding facility, officers/agents are to assess the information before them to determine if the detainee may be considered an at-risk detainee, or at risk of posing a threat to others. This assessment by policy includes determining whether the detainee has exhibited a mental, physical or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; if the detainee identifies as LGBTI or gender non-conforming; any prior sexual victimization, and the detainee’s own concerns about his/her physical safety while at the facility. Most agents interviewed report all detainees are assessed for risk of sexual victimization and the risk for being sexually abusive towards other detainees through the intake process. They advise this is done before they are placed in a hold room. The PREA Field Coordinator reports all detainees are assessed in the intake process and are separated by this classification. He reports if they are flagged for higher risk of sexual abuse they are housed separately. He also states all required items are taken into consideration when determining a detainee’s risk for sexual victimization. Most agents interviewed support this statement. The Auditor was able to view random detainee risk assessments and found the risk assessments were completed. The assessment was completed the day the detainee was processed into the Laredo South Station. The PREA Field Coordinator reports all detainees are asked about their concerns for their physical safety while at the facility. Of the eight agents interviewed, four state they specifically ask detainees about this concern and four were not aware they are required to ask this statement. All detainees interviewed report they were not asked about concerns for their physical safety or any personal questions during the intake process. The Auditor must rely on staff reports and documentation in making the determination of compliance.

(d): The facility meets the standard provision. CBP TEDS requires officers/agents provide detainees identified as high risk of sexual abuse victimization, are to be provided with heightened protection. This includes continuous direct sight and sound supervision, single-occupancy hold room, monitoring in open areas, or placement in a hold room actively

monitored on video by an officer/agent sufficiently proximate to intervene, unless no such option is determined to be feasible. Interviews with agents and supervisors report detainees identified as being at a higher risk for sexual abuse will be placed in a hold room separated from other detainees. This hold room is near the processing station. They advise this allows agents at the processing station to closely monitor the detainee(s) at risk of sexual abuse.

(e): The facility meets the standard provision. CBP TEDS states efforts should be taken to ensure 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/agents are only to disclose this information to those personnel with a need to know. Interviewed supervisors report all information obtained on the DHS Risk Assessment is kept in the detainee file located in a secured room in the Bubble. The Auditor was able to verify this location through the facility tour. Most interviewed agents report information collected to determine a detainee's risk to be sexually abused is limited to those on a need to know basis.

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

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

Notes:

(a)(b): CBP Directive 2130-030 and CBP TEDS require detainees 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. The Directives state 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 Auditor observed the Keep Detention Safe posters. The telephone information for OIG is found on the posters. The Directive 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 Auditor was able to test the telephone system at the Laredo South Station and found the system worked and met the requirements outlined in this standard. Agents and SMEs state a detainee could make a telephone call to OIG. However, during site-review of the Laredo South Station, it was discovered the telephone the detainees are to use is in an interview room. Interviews with detainees reveal most of the detainees are not aware of the telephone number and they are not clear if they could make reports privately. Staff indicate detainees would have to tell staff why they want to make a call before they would take them to the room. This does not allow detainees the ability to making confidential and anonymous reports to OIG and results in a finding of non-compliance for subsection (a) of this standard. Corrective Action is required. **Corrective Action:** Develop a plan to demonstrate detainees can report sexual abuse confidentially and anonymously. Provide documentation agents are aware of the means for detainees to confidentially/anonymously report sexual abuse.

(c): The facility meets the standard provision. CBP TEDS requires agents at the Laredo South Station to receive allegations reported to them from third parties and promptly record such reports according to operational procedures. The interviewed PFC and supervisors (SMEs) state all verbal allegations of sexual abuse or sexual assault made to them would be documented in writing.

§115.154 – Third-party reporting.

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

Notes:

The facility meets the standard. Information on third-party reporting can be found on the CBP website at <https://www.cbp.gov/about/care-and-custody/how-make-report>. The website provides multiple ways to report sexual abuse and/or assault. Reports are confidential and may be made anonymously, verbally and in writing. Reports can be made to the holding facility or by: calling the toll-free Joint Intake Center Hotline at 1-877-2INTAKE or sending a fax to (202) 344-3390; sending an e-mail message to Joint.Intake@dhs.gov; writing to the Joint Intake Center at P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20044; Calling the DHS Office of Inspector General (OIG) at 1-800-323-8603 or 1-844-889-4357 (TTY); or sending a fax to (202) 254-4297; accessing the online DHS OIG Complaint/Allegation Form; or writing to DHS OIG/MAIL STOP 0305, Attn: Office of Inspector General - Hotline, 245 Murray Lane SW, Washington, D.C., 20528-0305. The local SMEs report if the facility receives a report of sexual abuse from a third party, the facility would treat it as if it was a direct report from the victim. Most agents interviewed report they would accept a third-party report of sexual abuse. They advise this type of report would immediately be forwarded to a 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 these standard provisions. CBP TEDS requires staff to immediately report: Any knowledge, suspicion, or information regarding an incident of sexual abuse against any detainee; retaliation against detainees or staff who reported or participated in an investigation about such an incident; and staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. CBP Directive 2130-030 states staff have a duty to make reasonable efforts to report as promptly as possible any knowledge, suspicion, or information of the following: an incident of sexual abuse and/or assault of a detainee in a holding facility; retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The local SME advises all staff carry a PREA Quick Reference Card which informs staff of reporting duties. Agents interviewed were able to discuss their responsibilities for reporting sexual abuse. When asked how agents can report sexual abuse outside of their chain of command, most reported they could make a report to any supervisor on duty or make a report to the Joint Intake Center.

(c): The facility meets the standard provision. CBP Directive 2130-030 states except as necessary to report the incident, staff are not to 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 decisions. All interviewed local SMEs and agents report information regarding a sexual abuse allegation is revealed only to those with a need-to-know. They advise confidentiality of sexual abuse allegations is a requirement and expectation.

(d): The facility meets the basic requirements of 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 state or local vulnerable person's statute to the designated state or local services agency under applicable mandatory reporting laws. The PREA Field Coordinator reports either a supervisor or watch commander would make the required notifications to state agencies. Random interviews with supervisors (SMEs) indicated the Police Department would make the report and contact Child Protective Services (CPS) while another supervisor (SME) stated any agent or supervisor would report the incident.

§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 a detainee is subject to a substantial risk of imminent sexual abuse, he or she is to take immediate action to protect the detainee. Local SME staff report if a detainee is in imminent danger of sexual abuse, agents will remove the detainee from the area or situation. Agents will ask questions to make sure no incident has occurred and notify their supervisor. All agents interviewed report their responsibility is to separate the detainee from everyone else. Once they have ensured their safety, they would notify their supervisor of the situation.

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

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

Notes:

(a)(b): The facility meets these standard provisions. CBP Directive 2130-030 requires upon receipt of an allegation a detainee was sexually abused and/or assaulted while confined at another facility, the Laredo South Station is to notify the appropriate office of the agency or the administrator of the facility where the alleged sexual assault occurred. The standard provision also requires the notification be made within 72 hours of receiving the allegation as outlined in a memorandum from the Chief, USBP, dated August 13, 2014, titled Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities. The PREA Field Coordinator states the Watch Commander would assign a supervisor to make all the necessary notifications to another facility if they received a report of sexual abuse from a detainee. He states this would be done as soon as possible. The Auditor was unable to interview the Patrol Agent-in-Charge but accepts the statement of the PREA Field Coordinator.

(c)(d): The facility meets these standard provisions. CBP Directive 2130-030 requires notification to other confinement facilities are to document the notification to the administrator of the other facility and referred for investigation. The PREA Field Coordinator (PFC) advises the notification and documentation would be made as soon as possible and referred

for investigation. Laredo South Station has not had any reports of detainees being a victim of sexual abuse while confined at another facility nor have they received reports from other facilities of detainees being sexually abuse while confined at the Laredo South Station.

§115.164(a) and (b) – First 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. The Directive and PREA Training in PALMS reinforces the requirement for law enforcement staff members to immediately separate the alleged victim and abuser, report the incident to their immediate supervisor, preserve and protect the crime scene, and if the abuse occurred within a time period that still allows for the collection of physical evidence, instruct the alleged victim and abuser do not take any actions that could destroy physical evidence. Interviewed local SME staff and agents report they are to immediately separate the victim from the abuser. They are to preserve as much evidence as possible, include not allowing the victim or abuser to get a drink or use the rest room. Agents report they are then to report the incident to a supervisor.

(b): The facility meets the standard provision. CBP TEDS states if the first staff responder is not law enforcement staff, the responder is to request the alleged victim not take any actions that could destroy physical evidence and then notify law enforcement staff. They are then to keep the victim with them and until a supervisor arrives. Laredo South Station currently does not have any non-law enforcement staff who have contact with detainees.

§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 is defined as CBPs Coordinated Response Plan. It defines the roles and responsibilities of staff when a sexual abuse allegation is reported. It discusses protection of the victim, working with detainees with disabilities, officer/agent responsibilities, non-officer/agent responder duties and medical treatment. Interviews with the PFC and the supervisors (SMEs) confirmed they utilize the Directive as the Coordinated Response Plan. Additionally, they stated staff are provided with PREA Quick Reference Cards which provide information on responding to sexual abuse.

(b)(c): The facility meets these standard provisions. CBP TEDS states if a known or reported victim of sexual abuse is transferred within CBP or to the custody of another component within DHS, the officer/agent must, as permitted by law, inform the receiving CBP office or DHS component of the incident and the victim’s potential need for medical or social services. If a known or reported victim of sexual abuse is transferred outside of DHS, the officer/agent must, as permitted by law, inform the receiving agency or office of the incident and the victim’s potential need for medical or social services, unless the victim requests otherwise. The local SME and supervisors (SMEs) report agents must separate the detainee from the abuser and make sure they do not drink or use the restroom while they are waiting for medical treatment. He also adds the local police department would be contacted for an investigation as well as notification made to JIC. Most agents interviewed referred to the PREA Quick Reference Card and advised the Auditor they would separate the detainee from the abuser, preserve as much evidence as they could and contact their supervisor. Most of the agents knew detainees would be taken to a local hospital but were unsure if a forensic exam would be completed.

§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 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 are to do so if the seriousness and plausibility of the allegation make removal appropriate. The PREA Field Coordinator states the ability to remove staff and contractors from contact with a detainee who accuses them of sexual abuse is available when a credible allegation has been determined. He states staff, contractors, or volunteers can be reassigned to different duties. There is also the option of placing them on administrative leave pending the outcome of an investigation.

§115.167 – Agency protection against retaliation.

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

Notes:

The facility meets the standard. CBP Directive 2130-030 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. All agents interviewed report protection from retaliation was covered in their initial training on CBP Directive 2130-030. They report retaliation is not tolerated and protection from retaliation also encompasses them.

§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 states CBP personnel may be subjected to disciplinary or adverse action up to and including removal from their position and Federal service for substantiated allegations of sexual abuse and/or assault and/or for violating CBP's sexual abuse policies. The HQ Labor and Employee Relations (LER) and HQ Sexual Abuse and Assault Investigations (SAAI) SME report that staff would be subject to disciplinary action up to and including removal from Federal Service for a substantiated allegation of sexual abuse or violating the agency sexual abuse policy.

(c): The facility meets the standard provision. CBP Directive 2130-030 requires OPR to report all removals or resignations instead of removal to appropriate law enforcement agencies for violations of the agency or facility sexual abuse and assault policies unless the activity was not criminal. The HQ OPR SAAI SME informed the auditor that CBP Directive 2130-030 requires all staff removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies, unless the activity was clearly not criminal, be reported by her office (OPR) to law enforcement. The HQ OPR SAAI SME reported that during the 12-month audit period there has been no removals or resignations at the Laredo South Station. He only enforces their decision. The PFC states it would be reported to OPR and his responsibility involves notifying Laredo Police Department when an allegation is reported.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires OPR to report all removals or resignations instead of removal to any relevant licensing bodies for violations of the agency or facility sexual abuse and assault policies, to the extent known. The HQ OPR SAAI SME also reports, according to CBP Directive 2130-030, OPR is also required to report all removals or resignations in lieu of removal to any relevant licensing bodies for violations of agency or facility sexual abuse and/or assault policies, to the extent known as required. The PFC reports HQ would notify any licensing bodies for staff who have violated the sexual abuse policy.

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

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

Notes:

(a)(b): The facility meets these standard provisions. CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrating sexual abuse and/or assault be removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. Interviews with local SMEs reveal the facility would take direction from LER and the Patrol Agent in Charge as it relates to contractors who have violated CBP sexual abuse policies. He advised they would be barred from entering this facility pending the investigation. He also reports he is not involved in any of these decisions to permanently ban a contractor or volunteer for the facility. He only enforces the decision of LER and the Patrol Agent in Charge. He states any removal of contractors or volunteers would come from HQ. His responsibility involves only notifying Laredo Police Department when an allegation is reported. The local SME reports HQ would notify any licensing bodies for contractors who have violated the sexual abuse policy.

§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 these standard provisions. CBP Directive 2130-030 requires alleged sexual assault victims be provided timely unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. It also requires emergency medical treatment services be provided to the alleged victim without financial cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. The PREA Field Coordinator and other supervisory staff interviewed report detainees will be taken directly to the hospital. All supervisory staff (SMEs) report services are provided at no cost to the detainee. There is no requirement for treatment requiring the detainee to cooperate with the sexual abuse investigation or reveal the name of their abuser.

§115.186(a) – Sexual abuse incident reviews.

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires at the conclusion of every investigation of sexual abuse and/or sexual assault, a sexual abuse incident review is to be conducted. The review is ordinarily to occur within 30 days of the conclusion the investigation and a report written. Recommendations are to be included if the allegation or investigation indicates a change in policy or practice could better prevent, detect, or respond to sexual abuse. This Directive requires U.S. Border Patrol to implement the recommendations for improvement, or document the reasons for not doing so, in a written response and forward both the report and the response to the PSA Coordinator. No sexual abuse incident reviews have been conducted at the Laredo South Station in the past 12 months as there have been no reports of sexual abuse or sexual assault. An interview with the USBP HQ SME states all incident reviews are completed within 30 day of the conclusion of every investigation. He advises a multidisciplinary team at HQ gets together when a review needs to be completed. He added if there were recommendations, the facility has a chance review the findings and respond. The local SME states his responsibility in the sexual abuse incident reviews is to ensure all recommendations are incorporated at the Laredo South Station.

§115.187 – Data collection.

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

Notes:

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

ADDITIONAL NOTES

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

The Audit was conducted by (b) (6), (b) (7)(C) and submitted on April 4, 2019; however, was unable to make corrections within the report. (b) (6), (b) (7)(C) Certified PREA Auditor has reviewed the written interview notes and has made changes based on the written documentation and review of policies and procedures.

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.

/s/ (b) (6), (b) (7)(C)
Auditor's Signature

April 4, 2019
Date

(b) (6), (b) (7)(C)
Secondary Auditor Review

February 25, 2020
Date

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



U.S. Customs and Border Protection

AUDITOR

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

AGENCY

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

Name of Program Office:	United States Border Patrol
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	Laredo Sector
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Sector or Field Office Physical Address:	207 W. Del Mar Boulevard, Laredo, Texas 78041
Mailing Address: (if different from above)	Same as Above

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Laredo South Border Patrol Station		
Physical Address:	9001 San Dario Avenue, Laredo, Texas 78045		
Mailing Address: (if different from above)	Same as Above		
Telephone Number:	(b) (6), (b) (7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b) (6), (b) (7)(C)	Title:	Patrol Agent in Charge
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

FINAL DETERMINATION

SUMMARY OF AUDIT FINDINGS:

Directions: Please provide summary of audit findings to include the number of provisions with which the facility has achieved compliance at each level after implementation of corrective actions: Exceeds Standard, Meets Standard, and Does Not Meet Standard.

An on-site audit of the United States Border Patrol (USBP) Laredo South Station was conducted on 03/12/2019 and a draft report was prepared on April 3, 2019, by the Auditor, however, she was unable to complete the report. The Reviewing Auditor reviewed the Auditor's notes, documentation, observations, and interviews, made changes and corrections to the report and submitted the report on November 19, 2019. Following comments from CBP Headquarters and from the reviewing Auditor, the report was submitted in Final Draft on February 25, 2020.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the Laredo South Station was found to be in compliance with 19 standards: (115.111; 115.114; 115.117; 115.122; 115.131; 115.132; 115.141; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182 and 115.186). The Laredo South Station was found to not be in compliance with five standards: (115.113; 115.115; 115.116; 115.121; and 115.151). One standard (115.118) was not applicable at the Laredo South Station.

On April 11, 2020, the Laredo South Station submitted a preliminary Corrective Action Plan (CAP) through Headquarters. Several documents were requested by the Reviewing Auditor and several clarifications were sought and received on May 11, 2020. This CAP was reviewed by the Reviewing Auditor and Program Manager for Creative Corrections. As part of the CAP, the Laredo South Station submitted letters sent to local law enforcement to satisfy the procedural requirements and evidence associated with Standard 115.121. They also provided a copy of the Annual Review of Detainee Supervision Guidelines which satisfied all requirements of Standard Provision 115.113(b). Finally, the Laredo South Station submitted documentation of staff musters and sign-offs satisfying the staff re-training requirements of the remaining standards requiring Corrective Action. On May 13, 2020, the Laredo South Station CAP was approved by reviewing Creative Corrections Certified PREA Auditor, (b) (6), (b) (7)(C). All required Corrective Action was completed prior to the 180 day deadline.

PROVISIONS

Directions: After the corrective action period, or sooner if compliance is achieved before the corrective action period expires, the auditor shall complete the Corrective Action Plan Final Determination. The auditor shall insert the provision(s) below that required corrective action and state if the facility's implementation of the provision now "Exceeds Standard," "Meets Standard," or "Does not meet Standard." The auditor shall include the evidence replied upon in making the compliance or non-compliance determination for each provision that was found non-compliant during the audit.

§115.113

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

Notes:

On April 11, 2020, the Laredo South Station submitted a record of the Annual Review of Detainee Supervision Guidelines as required by Standard Provision (b). Review of the record was found to satisfy all elements of the Standard Provision. The Laredo South Station is now compliant with Standard 115.113.

§115.115

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

Notes:

On April 11, 2020, the Laredo South Station submitted a training curriculum which addressed both local and national documents outlining agent performance requirements regarding proper personal search techniques including juvenile visual cavity searches, determination of detainee gender identification and proper procedures for the pat search of identifying transgender detainees. These documents referenced the current CBP National Standards on Transport, Escort, Detention and Search (TEDS). A staff training roster was submitted to the Auditor on May 11, 2020 to verify the training was completed. The Laredo South Station is now compliant with Standard 115.115.

§115.116

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

Notes:

On April 11, 2020, the Laredo South Station submitted a training curriculum which addressed the CBP National Standards on Transport, Escort, Detention and Search (TEDS) requirements with regard to the provision of services to ensure PREA rights and services for all detainees who have disabilities or who are Limited English Proficient (LEP). A staff training roster was submitted to the Auditor on May 11, 2020, to verify the training was completed. The Auditor reviewed both the training materials and staff sign-offs to ensure the required re-training had taken place. The Laredo South Station is now compliant with Standard 115.116.

