

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



U.S. Customs and  
Border Protection

## AUDITOR

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

## AGENCY

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

<b>Name of Program Office:</b>	U.S. Border Patrol
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## SECTOR OR FIELD OFFICE

<b>Name of Sector or Field Office:</b>	Tucson Sector
<b>Name of Chief or Director:</b>	(b)(6)(b)(7)(C)
<b>PREA Field Coordinator:</b>	(b)(6)(b)(7)(C)
<b>Sector or Field Office Physical Address:</b>	2430 South Swan Road. Tucson Arizona 85711
<b>Mailing Address: (if different from above)</b>	

## SHORT-TERM HOLDING FACILITY BEING AUDITED

<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Casa Grande Station		
<b>Physical Address:</b>	396 Camino Mercado, Casa Grande, Arizona		
<b>Mailing Address: (if different from above)</b>			
<b>Telephone Number:</b>	(b)(6)(b)(7)(C)		
<b>Facility Leadership</b>			
<b>Name of Officer in Charge:</b>	(b)(6)(b)(7)(C)	<b>Title:</b>	Patrol Agent in Charge (PAIC)
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)

## AUDIT FINDINGS

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

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

The initial Prison Rape Elimination Act (PREA) audit of the Customs and Border Protection Casa Grande Station was conducted on July 11, 2019, by PREA certified Auditor (b)(6)(b)(7)(C), a contractor for Creative Corrections, LLC. The Border Station is one of eight Stations within the Tucson Sector located at 396 Camino Mercado, Casa Grande, Arizona. The Casa Grande Border Patrol Station was established in 1926. Initially, the station was staffed with three agents. The agents primarily worked farm and ranch check and they patrolled the area of the Santa Cruz River. The Casa Grande Station patrols 44.2 miles of linear border on the Tohono O'odham Nation. Casa Grande Agents also patrol the Eloy and Phoenix metropolitan areas and are also assigned to and respond to San Manuel, Arizona.

The facility has a small detention section utilized by CBP for short-term detention of individuals pending release from custody, return to their country of origin, or transfer to a court, jail, prison, other agency, or a long-term detention facility within Department of Homeland Security (DHS).

The PREA audit is to determine compliance with the DHS PREA Standards. (b)(6)(b)(7)(C), CBP's Prevention of Sexual Assault (PSA) Coordinator, Privacy and Diversity Office (PDO), Headquarters (HQ); (b)(6)(b)(7)(C), Deputy Director, Personnel Security Division (PSD), HQ; (b)(6)(b)(7)(C), Employee Relations Specialist, Labor and Employee Relations (LER), HQ; (b)(6)(b)(7)(C), Branch Chief, CBP Hiring Center, HQ; (b)(6)(b)(7)(C), Sexual Abuse and Assault Investigations (SAAI) Coordinator; (b)(6)(b)(7)(C), Assistant Chief, USBP, HQ; (b)(6)(b)(7)(C), Supervising Border Patrol Agent, provided the HQ Pre-Audit Questionnaires (PAQ) along with supporting documents for the facility on the secure CBP SharePoint website approximately three weeks prior to the on-site portion of the audit. Pre-audit preparation included a thorough review of all supplied documentation and supporting materials provided by the facility along with the data included in the completed PAQs. The documentation received included agency policies with corresponding attachments, procedures, forms, training curricula, and other PREA-related materials provided to demonstrate compliance with the PREA standards.

The Auditor arrived at Casa Grande Station at 5:45 a.m., on July 11, 2019, and proceeded to the Patrol Agent in Charge Conference room and was provided with a roster of staff working during the on-site visit. The Auditor used this roster to select the random list of staff to be interviewed. There were no contractors or volunteers listed or observed in contact with detainees in the detention section at Casa Grande Station. Once the logistics for the on-site visit were completed, the entry briefing was conducted. Those in attendance were:

(b)(6)(b)(7)(C), Patrol Agent in Charge  
(b)(6)(b)(7)(C), Deputy Patrol Agent in Charge  
(b)(6)(b)(7)(C), Deputy Patrol Agent in Charge  
(b)(6)(b)(7)(C), Assistant Chief, USBP, HQ  
(b)(6)(b)(7)(C), Assistant Chief, USBP, HQ  
(b)(6)(b)(7)(C), Supervising Border Patrol Agent  
(b)(6)(b)(7)(C), Supervisory Border Patrol Agent

After introductions, the Auditor provided an overview of the audit process to include the on-site visit. There was a brief question and answer period that concluded the entry briefing. A tour of the Detention area began following the entry-briefing. The primary function of staff at Casa Grande Station is to provide mobile checkpoints throughout the major highways within their areas of jurisdiction. Individuals arrested and detained are returned to the detention section of the Station located at the 396 Camino Mercado, Casa Grande, Arizona address. The daily population fluctuates up to a rated capacity of 83. At the time of the site visit there were three detainees available to interview. The typical hold time is 12 hours or less and no longer than four days. The detention area includes (b)(7)(E) of different sizes and rated capacities. One of these hold rooms is used to store property and one interview room contains Agent processing stations. Each of these hold rooms have large glass panes allowing for direct line of sight supervision from the Agent processing locations. The holding rooms have a bed, sink, and toilet with a half wall for privacy when using the toilet. Detainees are only allowed the clothes they are wearing and do not change from what they are wearing. There are (b)(7)(E) in each of the holding rooms. (b)(7)(E) (bubble) behind the Agent processing area. This area is staffed by an Agent and a Supervisor at a minimum for each shift. The Auditor

toured this area and found none of the (b)(7)(E). The storage room (cell), sally port where the transport vehicles arrive, and the common area where the Agents process each of the detainees are also under (b)(7)(E). The Auditor observed no blind spots at the Casa Grande Station. There are no showers for detainees at the Station. The "bubble" is always staffed with an Agent and a Supervisor regardless if there are any detainees being held in any rooms. These staff monitor sensor response and night scope operations maintained outside in their corridor of responsibility.

Scope of the Audit: The Auditor reviewed all relevant policies, procedures and documents in assessing Casa Grande Station. A sampling of staff background investigation and training records (all) at Casa Grande Station were reviewed to determine necessary standard compliance. The Auditor had access to all parts of the facility to include access to the (b)(7)(E). The Auditor was allowed to review all documentation to make necessary determinations for the audit. While on-site, the Auditor conducted necessary interviews in a secure, confidential and private setting. The Auditor interviewed 10 staff (eight Agents and two local SMEs). The Auditor did speak with a representative from the hospital (Banner University Medical Center) where Casa Grande Station would access appropriate forensic medical examinations, crisis intervention and victim advocacy services (if available). Audit notices were posted at the facility and observed by the Auditor. No correspondence was received prior to or during the on-site visit. The Auditor checked the reporting phone line to ensure it was working, however, did not actually speak with OIG. Those detainees needing to utilize the phone for any reason, according to staff, would only need to request to use the telephone and not specify the reason.

The HQ and facility staff reported there had been no allegations of sexual abuse/assault at Casa Grande Station within the 12-month 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.

On July 11, 2019, an exit briefing was held in the Patrol Agent in Charge Conference Room at 4:10 p.m. Those in attendance were:

- (b)(6)(b)(7)(C), Patrol Agent in Charge
- (b)(6)(b)(7)(C), Deputy Patrol Agent in Charge
- (b)(6)(b)(7)(C), Deputy Patrol Agent in Charge
- (b)(6)(b)(7)(C), Assistant Chief, USBP, HQ
- (b)(6)(b)(7)(C), Assistant Chief, USBP, HQ
- (b)(6)(b)(7)(C), Supervising Border Patrol Agent
- (b)(6)(b)(7)(C), Supervisory Border Patrol Agent

The Auditor discussed observations made during the on-site audit and gave preliminary findings of the audit. He informed those present of initial concerns but would not be able to make any final determination until he reviewed the on-site notes from interviews, policies and Standard requirements.

The Auditor did not find compliance with three Standards: 115.113(b),(c) no annual review of supervision guidelines as required; 115.115 (f) no specific transgender search training as required; and 115.141(b) requires all detainees who may be held overnight shall be questioned by staff about their own concerns about their physical safety. The remaining 22 standards were found in compliance.

<b>SUMMARY OF AUDIT FINDINGS</b>	
<b>Number of standards exceeded:</b>	<b>0</b>
<b>Number of standards met:</b>	<b>22</b>
<b>Number of standards not met:</b>	<b>3</b>
<b>OVERALL DETERMINATION</b>	
<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:

The CBP Commissioner issued a policy memorandum dated March 11, 2015, to all employees outlining the agency's zero-tolerance policy toward all forms of sexual abuse and the approach to preventing, detecting, and responding to this kind of conduct. CBP Directive 2130-030, Prevention, Detection, and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, was issued outlining the CBP's approach to preventing, detecting, and responding to any such conduct in any of their facilities. Both these documents are supplemented by CBP's National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015. CBP TEDS provides staff nationwide standards on governing CBP's interaction with detained individuals. The document also reinforces the zero-tolerance of all forms of sexual abuse as originally outlined in the Commissioner's memorandum and policy 2130-030. Every employee within CBP was provided the agency zero-tolerance policy through email, attachments to staff payroll checks, ongoing staff trainings, postings at each facility, and on the agency web page. These policy notifications were confirmed by the PSA Coordinator and Random staff interviews.

### §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)(b)(c) CBP Directive 2130-030 requires a comprehensive detainee supervision guideline to determine and meet operational needs at Casa Grande. An annual review of those guidelines is to be performed to determine whether adequate levels are present for detainee supervision and monitoring, with a copy of the review to be provided the agency PSA Coordinator. The facility review must take into consideration: the physical layout of the facility; the composition of detainees; the prevalence of substantiated and unsubstantiated instances of sexual abuse; findings and recommendations of incident reviews and any other relevant factors. CBP TEDS offers basic supervision guidance requiring Agents closely supervise each hold room in a regular and frequent manner. As noted earlier, there are nine holding rooms at Casa Grande Station. Local SMEs were specifically questioned about supervision of the detainees held there. Both discussed staffing levels of the detention section of the Station as well as the checkpoints. When questioned about times or situations where the influx of detainees would significantly increase, both indicated the shift supervisors have the ability to move staff from areas/checkpoints to meet demands at the detention section. Each stated when staff demand exceeds staff assigned at Casa Grande Station; overtime would be used to provide supervision. The Auditor was not provided documentation to support a documented annual staffing review for Casa Grande Station. **Corrective Action:** Provide documentation of an annual review of the supervision guidelines (b) taking into account all areas listed in subsection (c) of the standard and that a copy was submitted to the PSA Coordinator as required by policy.

### §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)(b) CBP TEDS mandates unaccompanied juvenile detainees be placed in the least restrictive setting appropriate to their age and special needs, provided that such setting is consistent with the need to ensure the safety and security of the

detainee and that of others. The local SME reports unaccompanied juveniles are kept separate from the adults however, can remain with the non-parental adult family member where the family relationship has been vetted and it is determined remaining with the non-parental adult family member is appropriate under the circumstances. Children who are part of family units will be held with a male or female head of house hold. Additionally, they may be held with other family units and be within sight of sound of adults of the same gender. Agents interviewed indicated juveniles are placed in one of the holding rooms with the door unlocked under direct staff supervision of an Agent. There were no juvenile detainees available to interview during the site visit.

**§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)
- X Does not meet Standard (requires corrective action)

**Notes:**

(b)(c) Interviews with Casa Grande Station Agents and local SMEs confirmed cross-gender strip searches and cross-gender visual body cavity searches cannot be conducted by Casa Grande Station staff except in exigent circumstances including consideration of officer safety, or when performed by a medical practitioner. CBP TEDS outlines this requirement and further prohibits visual body cavity searches of juveniles except when performed by medical practitioners. Random Agents, some with 18 years of experience, could not remember a time when any strip search was ever performed at Casa Grande Station. The local SMEs did confirm, however, if the facility ever performed one it would be recorded/documentated. Both confirmed Casa Grande Station has not conducted any strip searches during the audit period.

(d) CBP TEDS requires Casa Grande Station staff allow detainees to shower (when 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 monitored bowel movement under medical supervision. CBP TEDS further requires Agents of the opposite gender 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 viewing is incidental to routine cell checks. The **(b)(7)(E)** have half walls around the toilets to allow for adequate privacy. Interviews with Agents and local SMEs confirm staff of the opposite gender announce themselves if entering one of the holding cells. They also indicated detainees are only allowed the clothes they are wearing and do not change from what they are wearing. Casa Grande Station has no showers available for detainees. If a detainee is held at the facility for three days, he/she is transported to a facility having showers within the Sector.

(e) CBP TEDS prohibits all staff from searching or physically examining any detainee for the sole purpose of determining the detainee's gender. Random Agents confirmed if the detainee's gender is unknown to them, they would ask the detainee their gender or gender identity and if the detainee declines to state their gender, the gender will be recorded in the appropriate electronic system(s) of record as unknown. The local SME confirmed detainee gender could also be determined by medical practitioners should the facility have the need to send him/her to the outside hospital.

(f) Training for all staff at the Casa Grande Station is provided through the Performance and Learning Management System (PALMS) system. The Auditor was unable to find specific training on conducting pat down searches of intersex and transgender detainees in a professional and respectful manner and as required by the Standard while reviewing the curriculum. Agents confirmed pat searches are conducted in a professional manner. They stated same sex pat searches are the norm; however, in a situation involving the safety of the Agent and availability of the proper gender to conduct the search, opposite gender Agents may conduct pat searches. Agents (6) informed the Auditor they had not received pat search training specific to transgender and intersex detainees but were trained to conduct cross gender emergency searches. The Standard is not compliant. **Corrective Action:** Provide documentation of specific training on cross-gender and transgender pat searches by Casa Grande Station staff.

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

- Exceeded Standard (substantially exceeds requirement of standard)
- X 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 with disabilities including those who are hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities must have access to CBP efforts to prevent, detect, and respond to sexual abuse. Interviews with Agents confirmed that written information, available in Spanish and English, regarding sexual abuse is provided to detainees with disabilities. Agents questioned indicated if they were dealing with a detainee who may be hearing impaired information would be provided to them in a written format. If they were dealing with a detainee who was blind the Agent would take steps to provide information verbally. The Auditor observed reporting signage in multiple areas in the holding area. There were posters to determining the language used by a detainee, and posters in Spanish and English containing a notice of zero tolerance toward sexual abuse, as well as information regarding how and whom to report any such incident. Each of the English and Spanish posters contained a note in Arabic, Farsi, French, Hindi, Korean, Romanian, Simplified Chinese, Tagalog and Urdu informing detainees to report sexual abuse. Agents informed the Auditor should they receive a detainee who speaks a language not listed the Agent would provide written information to the detainee available from the CBP intranet or utilize translations services available including google translate. The PSA Coordinator also confirmed to the Auditor that the PREA poster has been translated into ten foreign languages based upon frequency of encounters with limited English proficient travelers nationwide and that facilities may access these posters in the PREA Resource Center located on the agency's Intranet website for printing and posting as needed. Should the Agent experience a detainee not from these predominant languages, he/she has options available to provide the detainee with the information. The Agents have over the phone translation services available if needed. Local SMEs as well as Agents indicate information regarding sexual abuse is communicated to detainees only through posting of signage, and even when detainees are identified with a disability that would limit communications or identified as limited-English-proficient, they would not cover the information in any additional method other than the posting of signage. For interpretive services, staff indicate they would use Microsoft Translate or the interpretation line. Agents interviewed were aware of the recently issued, "Guide to Communicating with Detainees with Disabilities" in March of 2019, to assist them should they have questions.

(c) Agents are prohibited from utilizing another detainee for interpreter service relating to allegations of sexual abuse unless the detainee expresses a preference for another detainee to provide interpretation. This restriction is outlined in CBP Directive 2130-030, and CBP TEDS. The CBP guidelines further state 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. Agents confirmed they are required 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 approves it.

**§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)(b)(e)(f) The Office of Human Resource Management (HRM) is required by CBP Directive 2130-030 to establish specific policy and procedures to ensure CBP does not hire or promote personnel to any positions where the employee may interact with detainees, who have had previous substantiated allegations of engaging in sexual abuse and/or assault. During the interview with the HQ HRM SME she detailed the hiring and promotion process within CBP. She stated the Agency is prohibited from hiring or promoting any employee or contractor or 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. She also confirmed each prospective employee and each staff member being considered for promotion are asked numerous times about any history of sexual abuse misconduct. HRM PREA SOP dated February 29, 2016, states that any material omissions by any applicant or current employee regarding this type of misconduct or providing materially false information are grounds for termination or withdrawal of an offer of employment. According to her, every employee receives the Employee Code of Conduct. This document, provided to each employee upon their hiring, informs employees that they have an affirmative duty to disclose any such misconduct as outlined in the standard. This requirement is also reviewed annually during training on PALMS.

(c)(d) CBP Directive 2130-030 requires the Office of Professional Responsibility (OPR) conduct background investigations on all applicants for employment and contractors having contact with detainees to determine

employment suitability. It further requires a new background investigation be conducted every five years for every CBP employee who continues to have contact with detainees. The Personnel Security Division (PSD) SME informed the Auditor that CBP investigations (Tier 4 and Tier 5) are the most thorough investigations performed for DHS. Questions about prior incidents of sexual abuse or misconduct begin with the job announcement and continue throughout the suitability and eligibility determinations made for each applicant and contractor. Field interviews are conducted for contractors and employees which questions the candidate specifically about sexual abuse misconduct. CBP utilizes five Investigative Service Providers to perform all field investigations. The PSD SME informed the Auditor that question number three asked by all credentialed background investigators is, "Have you ever engaged in or have you ever been charged with sexual abuse?" An affirmative response to this question results in the individual not being hired. The PSD SME also confirmed that background rechecks are initiated every five years. The Auditor was informed by local SMEs that Casa Grande Station currently has no contractors who have contact with any detainees. The Auditor did not observe anyone but law enforcement staff in the holding area. The Auditor submitted 15 names to OPR to review for background rechecks. Documentation provided by HQ demonstrated the five year rechecks for each of the staff were initiated (the word initiated is used by CBP instead of completed) within five years, resulting in compliance.

**§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)(b) Casa Grande Station has had no substantial expansion or modifications. The facility did recently replace its <sup>(b)(7)(E)</sup> ~~(b)(7)(E)~~ allowing unlimited recording retention capabilities. This was confirmed by the PAIC.

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

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

**Notes:**

(c)(d) CBP Directive 2130-030 mandates all detainees alleging sexual abuse receive medical treatment services without financial cost regardless of whether the alleged victim names the alleged abuser or cooperates with the investigation. This policy requires Casa Grande Station ensures that a forensic medical examination be done by qualified health care personnel, including a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), where practicable. If a SAFE or SANE cannot be made available, the examination may be performed by other qualified health care personnel. This policy further requires if the detainee is transported for a forensic examination to a medical facility that offers victim advocacy services, Agents must permit the detainee to use such services to the extent available, consistent with security needs. Detainees from Casa Grande Station would access Banner University Medical Center for appropriate forensic medical examinations, crisis intervention and victim advocacy services (if available). The Auditor spoke with the emergency room Supervisor from this hospital. She confirmed that a SANE examiner would be used to perform forensic examinations for victims of sexual abuse. She also indicated they do not have advocacy services for victims of sexual assault available on site. The community does have sexual assault advocates but their services are not provided through or affiliated with the Hospital.

(e) The investigative process at Casa Grande Station was discussed with the OPR SAAI HQ. She informed the Auditor the DHS OIG has the right of first refusal for all investigations of sexual abuse. If they decline, OPR has the second right of refusal to investigate. She also confirmed local law enforcement would, in most cases, handle the criminal investigation of allegations of sexual assault. The Local SMEs informed the Auditor the local law enforcement agency Casa Grande Station would use would be the Casa Grande Police Department. The facility did provide documentation requesting the Casa Grande Police Department comply with sections (a-d) of the Standard. The Auditor spoke with a Lieutenant from the Casa Grande Police Department. He indicated his Department would respond to allegations of sexual abuse at the Casa Grande Station.

**§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) CBP Directive 3340-25E, Reporting Significant Incidents to the Commissioner’s Situation Room, dated May 21, 2018, and CBP Directive 2130-030 requires every allegation of sexual abuse/assault, in any CBP facility, be considered a significant incident and immediately reported to the Commissioner’s Situation Room. According to the local SME, the Casa Grande Station Watch Commander would make notifications to both the Joint Intake Center (JIC) and the Commissioner’s Situation Room if required by CBP Directive 2130-030. As noted above in standard 115.121, the Office of Inspector General (OIG) has first refusal/acceptance on the conduct of criminal investigations. If refused, then OPR would have second refusal. The HQ SME (SAAI) also confirmed that most criminal investigations are routinely handled by local law enforcement. In the case of Casa Grande Station, the Casa Grande Police Department would handle the investigation. The interview with the PSA Coordinator confirmed she would receive the allegations from the Commissioner’s Situation Room (electronic as soon as the SIR is entered in the SIR reporting system) upon any notification of sexual abuse or sexual assault made to the JIC/ Commissioner’s Situation Room as stipulated in CBP Directive 3340-025E, and section 6.10 from CBP Directive 2130-030. The facility has had no incidents to verify these notifications.

**§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)(c) All uniformed agents, officers, special agents, fact finders, contractors, and volunteers who may have contact with detainees in CBP holding facilities are required to receive PREA training as outlined in Subpart B of the DHS Standards and mandated by CBP Directive 2130-030 and the CBP Commissioner’s memorandum dated March 2016, (Mandatory General PREA Training). The Auditor reviewed this training curriculum provided through PALMS, and found it included: the agency’s zero-tolerance policy for all forms of sexual abuse; the definitions and examples of prohibited and illegal sexual behavior; the right of detainees to be free from sexual abuse; information on where sexual abuse may occur; recognition of physical, behavioral, and emotional signs of sexual abuse; methods of preventing and responding to such occurrences; and how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming detainees. Staff are instructed on how to avoid inappropriate relationships with detainees. This curriculum also includes the right of staff and detainees to be free from retaliation for reporting allegations of sexual abuse. During the random Agent and local SMEs interviews they confirmed the training topics provided were the same as those required by policy and the standard. Refresher training is provided every two years to staff. This computerized PALMS system provides an up-to-date listing of all staff trained as well as those staff still requiring training. The Auditor was provided documentation that all individuals currently assigned to Casa Grande Station have had the required PREA training. Training records for staff, according to the local SMEs, are maintained for their entire employment and an additional five years. As previously noted, there are no contractors or volunteers in contact with detainees at Casa Grande Station requiring this training. The Auditor was informed that if contractors or volunteers were to come in contact with detainees they would be required to attend the PREA training as required by policy. As noted earlier, the agency’s zero-tolerance policy and CBP Directive 2130-030 were initially provided to all staff through the agency email program referred to as CBP Central. These policies were also attached to leave and earnings statement and are currently available on the agency web page. As noted, the Auditor interviewed 10 random staff members (8 Agents and 2 Local SME/Supervisors).

**§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:**

CBP’s zero-tolerance policy can be found on the CBP webpage (<https://www.cbp.gov/about/care-in-custody>). The agency zero-tolerance is visible and continuously available to detainees at Casa Grande Station through signage placed throughout the facility detainees have access to. The Auditor observed two posters in multiple areas in the secondary processing area. One was a poster to provide help in determining the language used by a detainee, and the second

poster contained a notice of zero-tolerance toward sexual abuse, as well as information regarding how and whom to report any incident of sexual abuse. The zero-tolerance signs were posted in both English and Spanish with a note in Arabic, Farsi, French, Hindi, Korean, Romanian, Simplified Chinese, Tagalog and Urdu informing detainees to report sexual abuse. Agents informed the Auditor if they receive a detainee who speaks a language not listed on the poster, the Agent would provide written information via posters available from the CBP intranet or utilize interpretation services available including google translate. The PSA Coordinator also confirmed to the Auditor that should a detainee arrive speaking a language other than Spanish/English the Language Access Coordinator had the Agency PREA Informational posters translated in the 10 most predominant languages encountered in CBP. Should Agents experience a detainee who does not speak a language not listed on the poster he/she have options available to provide the detainee with the information.

**§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)
- X Does not meet Standard (requires corrective action)

**Notes:**

(a)(b)(c)(d)(e): Agents who stop and detain anyone at one of the Casa Grande Station checkpoints and brought to the detention section of the Station are responsible to process the detainee and assess the information before him/her to determine if the detainee is considered an at-risk detainee, or at risk of posing a threat to others. This risk determination is required by CBP TEDS and is accomplished through the detainee assessment form. This assessment form includes: whether the detainee has exhibited a mental, physical or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; is the detainee identified as LGBTI or gender non-conforming; any prior sexual victimization and the detainee's own concerns about his/her physical safety. Training to provide this assessment is provided at the same time as the Agent receives the zero-tolerance training and is part of that curriculum through PALMS. Agent interviews confirmed that they received the training to conduct assessments. Agent interviews and review of some files determined that use of the assessment tool was not consistently being done. The facility has a detainee assessment form specifically asking about personal safety but was not consistently used.

**Corrective Action:** Casa Grande Station must address the use of this tool with all staff and or ensure the question of physical safety (b) is being asked and documented.

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

- Exceeded Standard (substantially exceeds requirement of standard)
- X 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 requires all 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 directive also requires Casa Grande Station provide at least one way for detainees to report sexual abuse to a public or private entity not connected to their agency. Detainees must be able to report confidentially and anonymously, verbally and in writing, if desired. Reporting information is visible and readily available to detainees at Casa Grande Station in every area they have access. The Auditor observed two posters in multiple areas in the secondary processing area. One was a poster to provide help in determining the language used by a detainee, and the second poster contained a notice of zero-tolerance toward sexual abuse, as well as information regarding how and whom to report any incident of sexual abuse. The zero-tolerance signs were posted in both English and Spanish with a note in Arabic, Farsi, French, Hindi, Korean, Romanian, Simplified Chinese, Tagalog and Urdu informing detainees to report sexual abuse. During interviews with Agents, the Auditor was informed should they

receive a detainee who speaks a language not listed; the Agent would provide written information to the detainee available from the CBP intranet or utilize translation services available including google translate. The PSA Coordinator also confirmed to the Auditor that the PREA poster has been translated into ten foreign languages based upon frequency of encounters with limited English proficient travelers nationwide and that facilities may access these posters in the PREA Resource Center located on the agency's Intranet website for printing and posting as needed thereby providing the Agent options to provide the detainee with the information. The Agents also have over the phone translation services available if needed. DHS utilizes OIG as the public agency that is not part of CBP for detainees to report allegations of sexual abuse. While on-site the Auditor checked the reporting telephone number for the OIG. It was operational. The Auditor also asked Agents about the process for making anonymous and confidential reports to OIG, as there are no telephones in the secondary hold area. The Agents stated a detainee only needs to ask the Agent to use the phone. If he/she wished to report something, they would not have to disclose the reason for using the telephone and would be escorted to one of the intake processing areas and the Agent would dial the number for the detainee, pass him/her the phone and move away as not to over hear the conversation and allow privacy.

(c) Any allegation of sexual abuse of a detainee made verbally, in writing, anonymously, or from third parties must be accepted and promptly documented in a significant incident report as required by CBP Directive 2130-030. Agents confirmed verbal allegations of sexual abuse or sexual assault made to them, including third party reports, would be documented as required by policy and the standard and immediately reported to their supervisor.

**§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:**

CBP Directive 2130-030 directs reporting allegations of sexual abuse through third parties as one of the reporting opportunities available for detainees and it is specified for staff in CBP. The CBP web page, <https://www.cbp.gov/about/care-and-custody/how-make-report>, provides public information for anyone wishing to report any allegation of sexual assault on behalf of a detainee. The Auditor verified the webpage provides a toll free telephone number, USPS address and email address to the JIC, and a toll free telephone number, a direct complaint link and USPS address for DHS OIG for anyone wishing to make an allegation on behalf of a detainee. Posters throughout the processing area inform detainees of the DHS OIG reporting telephone number for them to report an allegation. The Auditor, as required, ensured the telephone line was working. There were three detainees available for the Auditor to interview. Each was aware of this reporting opportunity.

**§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) Casa Grande Station staff are required to immediately report any knowledge, suspicion, or information of the following: incidents 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 as outlined in CBP TEDS. Agents confirmed they are allowed to report allegations of misconduct, outside their chain of command to the JIC hotline, email to the JIC, contacting CBP Office of Professional Responsibility, or contacting DHS OIG. CBP Directive 51735-013A outlines this reporting exception to the chain of command.

(c)(d) All Information that staff becomes aware of regarding sexual abuse cannot be revealed to anyone except: as necessary to a supervisor; to aid the detainee; to protect other detainees or staff; or to make security and management decisions. CBP Directive 2130-030 requires this confidentiality requirement of all staff. Agents interviewed confirmed they are prohibited from disclosing any information they become aware of and that this requirement is reinforced to all staff in the mandatory PALMS PREA training as well. CBP Directive 2130-030 requires Casa Grande Station staff to report all 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 person's statute to the designated State or local services agency under applicable mandatory reporting laws as outlined in CBP Directive 51735-013A. If they are unsure whether the detainee is a "vulnerable adult" under an applicable State or local law, the employee should contact

his/her Office of Chief Counsel (OCC) for consultation on whether the individual qualifies under applicable law. Local SMEs indicated that should a vulnerable adult or person under eighteen be sexually assaulted at Casa Grande Station, the Watch Commander would submit an Incident Report to the JIC and the Commissioner's Situation Room as required by CBP Directive 3340-025E. Notifications would be completed as required. The Supervisor on duty at the time of the incident would make notifications to the appropriate local State Agencies, if required, and would update the JIC with this information. Casa Grande Station reported they have not had any incidents requiring this type of notification during the 12 month audit period.

**§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:**

Random Agents and local SMEs were each asked what action they would take if they had reasonable belief a detainee may be subject to a substantial risk of imminent sexual abuse. Each indicated that their primary concern would be the safety of the detainee. Each stated they would take immediate action to protect the detainee as outlined in CBP TEDS. The detainee at risk would be immediately separated from the other detainees and placed under constant supervision of an Agent.

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

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

**Notes:**

(a)(b)(c)(d) When Casa Grande becomes aware of a sexual abuse allegation having occurred at another facility the staff is to be immediately report the incident, no longer than 72 hours after becoming aware of it 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 local SMEs confirmed that the notification is made in the same manner as any significant incident is reported and documented as outlined in CBP Directive 3340-025E. The Watch Commander would report to the JIC and the Commissioner's Situation Room about the allegation, as it would be classified as a significant incident. Part of the reporting to the JIC would include notification to the facility where the sexual abuse alleged to have occurred to the appropriate office or Administrator. The local SME also confirmed if the facility where the allegation occurred is a CBP facility then the allegation is to be investigated as outlined in this memo. There were no notifications made by the Casa Grande Station as no alleged incidents were reported during the last 12 months.

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

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

**Notes:**

(a)(b) Agent responsibilities, as first responders to the scene of a reported allegation of sexual abuse, are detailed in CBP Directive 2130-030. Casa Grande Station Agents are law enforcement personnel and their responder obligations include: separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure the alleged victim and abuser do not take any action that could destroy physical evidence. These duty requirements are also presented to them in the mandatory PALM PREA training. The Agents interviewed confirmed these obligations as outlined in the policy during their interviews.

As previously noted in this report, no contractors/volunteers are allowed in the secondary holding area while detainees are present. Section 6.0 on page 24 from CBP TEDS does, however, address non-law enforcement first responder duties if they were ever to allow them in the holding room. It requires non-law enforcement staff request the alleged victim not take any actions that could destroy physical evidence and the notify law enforcement staff.

**§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 CBP Directive 2130-030 is Casa Grande Station’s written plan coordinating the multidisciplinary team approach when responding to sexual abuse and/or assault occurring at their facility. As noted in standard 115.111, the PSA Coordinator described how the information was disseminated to all staff. She also confirmed that the document outlines specific responsibilities for staff and is further reinforced in staff training. The Auditor did find specific duties for staff outlined in the Directive.

(b)(c) Casa Grande Station is required to notify any DHS facility of any alleged incident and the alleged victim’s potential need for medical or social services when transferring a detainee assaulted at their facility. If the alleged victim of sexual abuse and/or assault is transferred to a non-DHS facility, Casa Grande Station must inform the receiving facility or agency, as permitted by law, of the incident and the alleged victim’s potential need for such services, unless the alleged victim requests otherwise. CBP Directive 2130-030 describes these mandates. The Auditor was informed by local SMEs that Casa Grande Station has had no incidents requiring a notification to either a DHS or non-DHS facility. If they had an incident it would be reported to the JIC and the Commissioner’s Situation Room, as outlined in CBP Directive 3340-025E.

**§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:**

Staff, contractors or volunteer allegations of sexual assault or sexual abuse would result in that individual being removed from all detainee contact pending the outcome of the investigation when the seriousness of the allegation makes removal appropriate. This removal pending an outcome was confirmed during interviews with the HQ SAAI SME and HQ LER SME. It can also be found in CBP Directive 2130-030. SMEs indicated that the individual, alleged to have committed sexual abuse, would be removed from all detainee contact pending the investigation outcome. The Auditor was informed there have been no allegations of sexual abuse made against any Casa Grande Station staff during the audit period. As previously noted, there are no contractors or volunteers currently allowed in the holding area room at the Casa Grande Station.

**§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:**

CBP TEDS prohibits all staff at Casa Grande Station 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. This information is also made available to all staff in the zero-tolerance training provided through PALMS. The Agents interviewed confirmed their awareness of the policy prohibition against retaliation. According to the local SMEs there have been no allegations of retaliation made at Casa Grande Station during the audit period.

**§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)

**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)
- X 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 HQ HRM LER SME discussed the review process and penalty determinations for all staff member misconduct including sexual assault/abuse. Depending on the misconduct, penalties range from a letter of reprimand to removal from service according to her. The CBP Directive 2130-030 requires staff 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 HRM LER SME and the HQ SAAI SME confirmed sexual abuse/ assault by any staff would be considered adverse action resulting in termination of the employee.

(c) Any staff removals or resignations in lieu of removal must be reported, by the OPR Office, to the appropriate law enforcement agency for violations of agency or facility sexual abuse and/or assault polices, unless the activity was clearly not criminal. This requirement is outlined in CBP Directive 2130-030, and was confirmed by the HQ OPR SAAI SME. Casa Grande Station's local SMEs indicated there had been no removals or resignations at Casa Grande Station in lieu of removals during the 12-month audit period.

(d) OPR is 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 polices, to the extent known as mandated by CBP Directive 2130-030. The interview with the HQ OPR SAAI SME indicated that OPR would handle this notification to any licensing bodies, if known. The documentation and interview with the local SME indicated there have been no removals or resignations in lieu of removal at Casa Grande Station during the 12-month audit period.

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

- Exceeded Standard (substantially exceeds requirement of standard)
- X. 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 requires any contractor or volunteer suspected of perpetrating sexual abuse and/or assault will be removed from all duties requiring detainee contact pending the outcome of an investigation as required in policy. Currently there are no contractors allowed in the Casa Grande Station detention areas according to local SMEs. The facility was in the process of receiving law enforcement volunteers. The Auditor did not observe anyone other than law enforcement in the detention section of the facility area during the on-site review. The local SMEs confirmed that if contractors were ever allowed inside the detention areas and found to violate CBP zero-tolerance policy they would be removed from the facility and all future contact with any detainee.

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

- Exceeded Standard (substantially exceeds requirement of standard)
- X 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 requires victims of sexual abuse/assault at Casa Grande Station must 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. This policy further requires emergency medical treatment services be provided to the alleged victim without financial cost regardless of whether the victim names the alleged abuser or cooperates with any investigation. Local SMEs confirmed detainee

victims of sexual abuse/assault requiring stabilization and/or a forensic examination would be taken to Banner University Medical Center in Tucson for a forensic examination. The Auditor did speak with an emergency room Supervisor at the hospital. She confirmed that a SANE examiner would always be available to perform forensic examinations for any victims of sexual abuse at Casa Grande Station. She also stated anyone needing crisis intervention services would be seen by the on-call Emergency Room Mental Health Clinician. She further stated the hospital does not offer advocacy services for victims of sexual assault. The community does have sexual assault advocates but their services are not provided through or affiliated with the Hospital.

**§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:**

CBP Directive 2130-030 requires that U.S. Border Patrol perform a sexual abuse incident review, within 30 days of the conclusion of every investigation of sexual abuse and/or assault. The review, as prescribed by this policy, is to determine whether the allegation or investigation indicates a change in policy or practice to better prevent, detect, or respond to sexual abuse is warranted. The facility review policy further requires any recommendation(s) for improvement, as outlined in the review, must be implemented or the agency must document the reasons for not doing so in a written response. CBP Directive 2130-030 also requires that any recommendation(s) for improvement, as outlined in the review, be implemented or the agency must document the reasons for not doing so in a written response. The report and response must be forwarded to the PSA Coordinator. The PSA Coordinator confirmed the incident review is conducted through Washington Headquarters staff consistent with the procedures outlined in section 18.1 of this same directive. Casa Grande Station had no incident reviews conducted during the audit period as the facility had no allegations of sexual abuse made during the audit period.

**§115.187 – Data collection.**

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

**Notes:**

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

**ADDITIONAL NOTES**

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

None.

**AUDITOR CERTIFICATION:**

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

**(b)(6)(b)(7)(C)**  
**Auditor's Signature**

November 8, 2019  
**Date**

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



U.S. Customs and Border Protection

<b>AUDITOR</b>			
<b>Name of Auditor:</b>	(b)(6)(b)(7)(C)	<b>Organization:</b>	Creative Corrections, LLC
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)
<b>AGENCY</b>			
<b>Name of Agency:</b>	U.S. Customs and Border Protection		
<b>PROGRAM OFFICE</b>			
<b>Name of Program Office:</b>	U.S. Border Patrol		
<b>SECTOR OR FIELD OFFICE</b>			
<b>Name of Sector or Field Office:</b>	Tucson Sector		
<b>Name of Chief or Director:</b>	(b)(6)(b)(7)(C), Chief Patrol Agent		
<b>PREA Field Coordinator:</b>	(b)(6)(b)(7)(C), Special Operations Supervisor(SOS)		
<b>Sector or Field Office Physical Address:</b>	2430 South Swan Road. Tucson Arizona 85711		
<b>Mailing Address: (if different from above)</b>	Same as above		
<b>SHORT-TERM FACILITY BEING AUDITED</b>			
<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Casa Grande Station		
<b>Physical Address:</b>	396 Camino Mercado, Casa Grande, Arizona		
<b>Mailing Address: (if different from above)</b>	Same as above		
<b>Telephone Number:</b>	(b)(6)(b)(7)(C)		
<b>Facility Leadership</b>			
<b>Name of Officer in Charge:</b>	(b)(6)(b)(7)(C)	<b>Title:</b>	Patrol Agent in Charge (PAIC)
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(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.

The Casa Grande Station on-site audit was completed on July 11, 2019, and the preliminary findings report was submitted on August 12, 2019. Following comments from CBP Headquarters and Auditor Review, the report was submitted in Final Draft on November 8, 2019.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the Casa Grande Station was found to be in compliance with 22 standards: 115.111; 115.114; 115.116; 115.117; 115.118; 115.121; 115.131; 115.132; 115.151; 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 facility had not met the requirements for three standards: 115.113; 115.115 and 115.141.

On December 23, 2019, the Casa Grande Station submitted a preliminary Corrective Action Plan (CAP) to the Auditor through Headquarters with a completion date of January 1, 2020. In conjunction with the CAP, the Casa Grande Station submitted documentation to support compliance for standards 115.115 and 115.141. Several document requests were made at that time. On March 20, 2020, the Casa Grande Station submitted a record of an Annual Review of Detainee Supervision Guidelines to comply with standard provision 115.113. The Auditor reviewed the document and determined the Casa Grande Station is now in compliance with standard 115.113. On April 17, 2020, and May 3, 2020, the Casa Grande Station submitted the requested documents to comply with standard 115.115 and 115.141. The Auditor reviewed the submitted documents and concluded standard 115.141 met compliance. The submitted documents for standard provision 115.115 provided compliance for cross gender pat searches, however, did not provide pat search procedures for transgender, intersex, and gender non-conforming individuals. On November 17, 2020, the Casa Grande Station submitted additional documentation to comply with standard 115.115. The documentation included staff sign-offs documenting the staff re-training and understanding of the submitted documents and a copy of a memorandum dated September 17, 2020, to all CBP Chief Patrol Agents and all Directorate Chiefs. The memorandum provided guidance on conducting pat searches of transgender, intersex, or gender non-conforming individuals. In conjunction with the memorandum, a muster training module was attached providing additional guidance to the staff. The Auditor reviewed the documentation and concluded the standard is now in compliance. The Casa Grande Station is now compliant with all PREA standards.

Although ongoing contact existed with the Casa Grande Station, the corrective action plan was not implemented within the 180-day time period.

## 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 relied 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 March 20, 2020, the Casa Grande Station submitted a record of an Annual Review of Detainee Supervision guidelines to the Auditor. The Auditor reviewed the document. The Auditor determined all of the required elements addressed in 115.113 (c) were addressed in the document. The Casa Grande Station is now compliant with standard provisions 115.113 (b) and (c).

### §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 December 23, 2019, the Casa Grande Station submitted documentation to comply with standard provision 115.115. The documentation consisted of a training roster and a training agenda titled, "Less Lethal Training Program," dated August 2018. The training agenda identified the principles of searching a subject. The Auditor reviewed the documentation and determined the submitted training roster was dated prior to the Audit and did not specifically identify pat search procedures of transgender, intersex, or gender non-conforming individuals in the training curriculum. On April 17, 2020, the Casa Grande Station submitted an email from the Special Operations Supervisor to Supervisory Border Patrol Agents to incorporate the documentation submitted to the Auditor on December 23, 2019, with the annual Use of Force Training. The email directed staff to comply with Sections 3, 4, and 5 of the National Standards on Transport, Escort, Detention and Search (TEDS) policy. The Auditor reviewed, requested, and received additional documentation. The requested documentation was received on November 13, 2020. The documentation included a roster of staff sign-offs and understanding, a copy of a memorandum dated September 17, 2020, to all CBP Chief Patrol Agents and all Directorate Chiefs providing guidance on conducting pat searches of transgender, intersex, or gender non-conforming detainees. The memorandum stated that when operationally feasible, searches will be conducted by a Border Patrol Agent of the same gender as the subject to be searched and that Border Patrol Agents should ask the subject to identify their gender identity when the gender of the subject to be searched is unknown. The memorandum further asks staff to adhere to the procedures as stated in the memorandum regarding the pat search procedures and to refer to Sections 3 and 4 of the TEDS policy requirements. In conjunction with the memorandum, a Muster Training Module was attached providing guidance on Safety Searches, Threat Assessments, and Pat Search Techniques for cross-gender, transgender, intersex, and gender non-conforming detainees. The Muster Module also states Control and Arrest techniques will continue to be reaffirmed annually during the Control and Arrest techniques portion of the CBP mandatory training received by every Border Patrol Agent. The Auditor reviewed the training documents and staff re-training signoffs and understanding, and has determined standard 115.115 to be in compliance. The Casa Grande Station is now compliant with standard provision 115.115 (f).

**§115.141**

- 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 December 23, 2019, the Casa Grande Station submitted preliminary documentation to comply with standard provision 115.141. The documentation consisted of a PREA Quick Reference card which stated there was zero-tolerance of sexual abuse and/or sexual assault, addressed high risk for victimization, and disability and language accommodations. In conjunction with PREA Quick Reference card, a copy of a detainee record of deportable alien (I-213) form and an uncompleted risk assessment document were also submitted. The Auditor reviewed the documentation and determined there was insufficient information regarding whether or not a detainee had any concerns for their physical safety. The Auditor requested and received the requested documentation on April 17, 2020. The documentation included an email from the Special Operations Supervisor to all agents providing procedures on conducting PREA risk assessments. The email provided instructions to staff to document any concerns regarding their physical safety while in custody at the facility and to indicate whether or not a detainee appears to be at high risk of being sexually abused and/or sexually assaulted while in custody. In conjunction with the email, an uncompleted I-213 form was attached and required staff to post a laminated document of the I-213 at the processing stations to provide daily reminders to all agents. The Auditor reviewed the documentation, however, the I-213 form did not include a statement regarding the detainee’s physical safety and requested an updated I-213 form to include the question whether or not a detainee had any safety concerns. On April 30, 2020, a conference call with the leadership at both Headquarters and Casa Grande was held to clarify information requested. On May 3, 2020, the Casa Grande Station submitted an updated I-213 form with the statement regarding the detainee’s physical safety. The Auditor accepted the form, however, requested photographs showing the posting of the laminated forms. On May 4, 2020, the Casa Grande Station submitted photographs of the posted laminated PREA Risk Assessment forms at the processing stations. The Auditor reviewed the submitted documents and has determined the Casa Grande Station to now be in compliance with standard 115.141 (b).

<b>OVERALL DETERMINATION</b>	
<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)	

**AUDITOR CERTIFICATION:**

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

**(b)(6)(b)(7)(C)**  
**Auditor's Signature**

November 28, 2020  
**Date**