

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



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:	U.S. Border Patrol
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	San Diego 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:	2411 Boswell Road, Chula Vista, California
Mailing Address: (if different from above)	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Chula Vista Station		
Physical Address:	311 Athey Street, San Diego, California		
Mailing Address: (if different from above)			
Telephone Number:	(b)(6)(b)(7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b)(6)(b)(7)(C)	Title:	Patrol Agent in Charge (PAIC)
Email Address:	(b)(6)(b)(7)(C)	Telephone Number:	(b)(6)(b)(7)(C)

AUDIT FINDINGS

NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

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

The initial Prison Rape Elimination Act (PREA) audit of the U.S. Customs and Border Protection, Chula Vista Station, was conducted on September 10, 2019, by PREA certified Auditor Thomas Eisenschmidt, a contractor for Creative Corrections, LLC. The Chula Vista Station is one of eight stations within the San Diego Sector located at 311 Athey Street, San Diego California. The facility has a 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 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"). (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; and (b)(6)(b)(7)(C), Assistant Chief, USBP, HQ; 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 Chula Vista Station at 5:30 a.m., on September 10, 2019, and proceeded to (b)(6)(b)(7)(C), Watch Commander's Office 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 the facility. Once the logistics for the on-site visit were completed, the Auditor proceeded to the Patrol Agent in Charge Conference Room at 8:30 a.m., where the entry-briefing was conducted. Those in attendance were:

(b)(6)(b)(7)(C), Patrol Agent In Charge, Chula Vista Station
(b)(6)(b)(7)(C), Prevention of Sexual Assault (PSA) Coordinator, HQ
(b)(6)(b)(7)(C), Watch Commander, Chula Vista Station
(b)(6)(b)(7)(C), Supervisor, Chula Vista Station
(b)(6)(b)(7)(C), National USBP PREA Coordinator, HQ
(b)(6)(b)(7)(C), Assistant Chief, USBP, HQ
(b)(6)(b)(7)(C), Language Access Coordinator, PDO
(b)(6)(b)(7)(C), Deputy Patrol Agent in Charge, Chula Vista Station

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. Individuals arrested and detained are returned to the detention section of the station. At the time of the site visit there were 73 detainees (67adults, 6 children). The typical hold time is three days and no longer than 14 days. The detention area includes (b)(7)(E) and Agent processing stations. Each of these holding rooms have large glass panes allowing for direct line of sight supervision. The holding rooms have sleeping areas, a sink, and a toilet. Four rooms include two toilets and one room has one toilet and all include a half wall for privacy. Detainees are allowed the clothes they are wearing and do not change while at Chula Vista Station. There are (b)(7)(E). An Agent (b)(7)(E) in a room located in the area. There is typically a Supervisor in the area as well. The Auditor toured this area and found none of the (b)(7)(E). There are no showers for detainees at the Chula Vista Station.

Scope of the Audit: The Auditor reviewed all relevant policies, procedures and documents in assessing the Chula Vista Station. The Auditor reviewed a sampling of 11 background clearances and all staff training records at Chula Vista

Station to determine standard compliance. The Auditor had access to all parts of the facility to include access to the (b) (7)(E) (b) (7)(E). Audit notices were posted at the facility and observed by the Auditor during the site visit. No correspondence from detainees was received prior to or during the on-site visit. 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 11 staff (nine Agents and two local SMEs). The Auditor did speak with an Emergency Room Supervisor from Palomar Health Center that Chula Vista Station would access for appropriate forensic medical examinations, crisis intervention and victim advocacy services. The hospital staff person indicated the facility utilizes Sexual Assault Nurse Examination (SANE) and has local advocates they call for all victims of sexual assault.

The Auditor checked the reporting phone number on the signage throughout the facility and found the reporting line operational. 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 for the call providing confidentiality. While on site, the Auditor interviewed eight detainees. All of the detainees were limited English speaking Spanish.

HQ and facility staff reported that there had been no allegations of sexual abuse/assault at Chula Vista 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 September 10, 2019, an exit-briefing was held at approximately 4:15 p.m. Those in attendance were:

- (b)(6)(b)(7)(C), Patrol Agent in Charge, Chula Vista Station
- (b)(6)(b)(7)(C), PSA Coordinator, HQ
- (b)(6)(b)(7)(C) Watch Commander, Chula Vista Station
- (b)(6)(b)(7)(C) Supervisor, Chula Vista Station
- (b)(6)(b)(7)(C) Assistant Chief, USBP, HQ
- (b)(6)(b)(7)(C) National USBP PREA Coordinator, HQ
- (b)(6)(b)(7)(C) Assistant Chief, USBP,
- (b)(6)(b)(7)(C) Language Access Coordinator, PDO
- (b)(6)(b)(7)(C) Deputy Patrol Agent in Charge, Chula Vista Station

The Auditor discussed observations made during the on-site visit and gave preliminary findings of the audit. He informed those present of the PREA Standards that present concerns; however, the Auditor would not be able to make any final determination until further reviews were conducted of all on-site notes from the tour, interviews, and policies. The Auditor found the CBP Agents and local SME's to be very interactive and professional with detainees. The Auditor observed the level of supervision of detainees by Agents as very high.

Of the 25 standards reviewed during this audit, the Auditor found one standard to be Not Applicable (N/A), 22 standards have been found to be compliant, and 2 standards, listed below, have been found to be non-compliant. There are four additional standards (115.134, 115.171, 115.172, and 115.187) that were not reviewed during this facility audit. They will be audited during an agency level audit that covers the Sexual Abuse Investigation standards.

Standards not found compliant:

115.113 As required by the Standard, Chula Vista Station did not provide documentation of an annual review of detainee supervision guidelines at the facility that considers all the elements required in Subpart (c) of the standard. Additionally, as required by CBP policy, Chula Vista Station must provide the PSA Coordinator with the results of the annual review of the detainee supervision guidelines.

115.115 The Auditor was unable to find specific training on pat down searches of intersex and transgender detainees in a professional and respectful manner as required by the Standard.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 0	
Number of standards met: 22 plus 1 NA	
Number of standards not met: 2	
OVERALL DETERMINATION	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards) <input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) <input checked="" type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	<input type="checkbox"/> Low Risk <input checked="" type="checkbox"/> Not Low Risk

PROVISIONS

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

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

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

Notes:

(a) The agency's written policy mandating zero tolerance toward all forms of sexual abuse and outlining its approach to preventing, detecting, and responding to such conduct was issued to all CBP employees in the March 11, 2015, CBP Commissioner's memorandum, CBP Policy on Zero Tolerance of Sexual Abuse and Assault. The CBP Directive 2130-030, Prevention, Detection, and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, issued January 19, 2018, is the most current policy directive mandating zero tolerance toward all forms of sexual abuse and sexual assault. Both these documents are supplemented by CBP's National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015. The PSA Coordinator confirmed this information mandating zero tolerance has been provided to all staff through email, attachments to staff leave and earnings statements, ongoing training, postings at the facility, and the availability of the information on the agency web page. Random staff interviews confirmed their knowledge of the policy contents and their responsibilities on reporting all incidents they become aware of and provide sexual abuse prevention information to detainees.

§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) CBP Directive 2130-030 requires CBP to develop and document comprehensive detainee supervision guidelines to determine and meet each facility's detainee supervision needs through appropriate staffing levels and (b) (7)(E). CBP TEDS requires that Agents closely supervise holding rooms when occupied by detainees and checked on in a regular and frequent manner. The Supervisor confirmed Agent staff numbers at Chula Vista Station are driven by the number of individuals in custody at the facility. When questioned about how he would handle a large influx of detainees, he indicated they have the ability to move Agents from other areas to meet their demands. He also stated when the demand exceeds the number of Agents assigned, overtime would be used.

(b)(c) The Directive further requires the facility review those supervision guidelines and at least annually determine whether adequate levels of detainee supervision and monitoring exist. The review must take into consideration the physical layout of the facility, composition of the detainee population, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings and recommendations of incident reviews and any other relevant factors. Per CBP policy, the results of the development of comprehensive detainee supervision guidelines and annual review must be provided to the PSA Coordinator. The Auditor was not provided with documentation to support that an annual review of the agency's comprehensive detainee supervision guidelines and application at the facility was performed during the audit period. Subparts (b) (c) of this standard are, therefore, found out of compliance.

Corrective Action: Chula Vista Station must provide documentation of an annual review of detainee supervision guidelines at the facility that considers all the elements required in Subpart (c) of the standard. Additionally, as required by CBP policy, Chula Vista Station must provide the PSA Coordinator with the results of the annual review of the detainee supervision guidelines.

§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 requires Agents place each juvenile 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. This policy further requires direct supervision and control of detainees be maintained at all facilities that do not have secure areas. This same section requires that unaccompanied alien children (UAC) should be separated from adults. A juvenile may temporarily remain with the non-parental adult family member where the family relationship has been vetted and the agency determines remaining with the non-parental adult family member is appropriate under the circumstances. Agents confirmed juvenile detainees are never kept in any of the hard cells. They also confirmed all children arriving with adults are questioned about the relationship of the individual with whom they are traveling with. Any question about family relationship is vetted including a review of available legal documents, telephone calls to family members or information provided by consulates.

§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) Direction for Agents on all searches can be found in CBP TEDS. All cross-gender strip searches and cross-gender visual body cavity searches cannot be conducted except in exigent circumstances including consideration of Agent safety, or when performed by medical practitioner. This same policy requires strip searches and body cavity searches be recorded/documented in the appropriate electronic system(s) of record when and if performed. Random Agents, Supervisors and the local SMEs interviewed confirmed cross-gender strip searches and cross-gender visual body cavity searches are not performed except in exigent circumstances or by medical staff. The local SME's indicated none were performed during the previous 12 months but would be documented if one was conducted at Chula Vista Station.

(d) Privacy guidance is outlined in CBP TEDS. It requires Agents to allow detainees to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination or monitored bowel movement under medical supervision. Agents of the opposite gender are to announce their presence when entering the 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. Chula Vista Station has no detainee showers. Detainees, once at Chula Vista Station for 72 hours, are taken to the San Diego Sector Transit Staging Area (on the same grounds as Chula Vista) for showers. (b) (7)(E) have half walls around the toilets to allow for adequate privacy. Agents, Supervisors and local SMEs confirmed staff of the opposite gender announce themselves prior to entering one of the holding areas.

(e) Agents informed the auditor they are prohibited from searching or physically examining any detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown, they confirmed they are to 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. This operational direction for Agents is found in CBP TEDS.

(f) The Auditor reviewed the training curriculum on conducting pat down searches from the Performance and Learning Management System (PALMS). The Auditor was unable to find specific training on pat down searches of intersex and transgender detainees in a professional and respectful manner as required by the standard. Agents interviewed indicated they perform all pat searches in a professional manner. They stated same sex pat searches are the norm; however, in a situation involving the safety of the Agent and female staff unavailable to conduct the search, opposite gender Agents may conduct pat searches. Five Agents interviewed informed the Auditor they did not receive 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 transgender and intersex pat searches by Chula Vista 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)
- 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 requires 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. Interviews with random Agents and Supervisors confirm they have dealt with detainees with hearing and sight disabilities and although they did not provide specific numbers of these detainees, they did indicate for those detainees who are hearing impaired or deaf they would include steps providing access to in-person interpretive services and provide written material. Detainees who are blind would receive individualized help from the Agents to include reading the PREA information to him/her. Detainees with intellectual, psychiatric, or speech disabilities would also include individualized attention depending on the need. These policies also require written materials related to sexual abuse be provided in formats or through methods that ensure effective communication with detainees with disabilities. The Auditor observed two posters in multiple areas in the detention area. 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. The PSA Coordinator also confirmed to the Auditor 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. Random Agents confirmed if Chula Vista Station receives 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.

(c) Agents interviewed confirmed they provide in-person or telephonic interpretation services that enables effective, accurate, and impartial interpretation for every incident related to allegations of sexual abuse. They further confirmed interpretation by another detainee, requested by the alleged victim, must receive supervisory approval that is appropriate and consistent with the operational policies and procedures. The use of minors, alleged abusers, detainees who witnessed the alleged abuse, and detainees who have a significant relationship with the alleged abuser is also prohibited. This operational direction is outlined in CBP Directive 2130-030 and CBP TEDS.

§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) CBP Directive 2130-030 requires the Office of Human Resource Management to establish policy and procedures to ensure CBP does not hire or promote personnel who have had previous substantiated allegations of engaging in sexual abuse and/or assault to any positions where the employee may interact with detainees in CBP holding facilities. The HQ HRM SME during her interview, confirmed CBP is prohibited from hiring or promoting any employee or contractor 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. She also confirmed all prospective employees are asked on numerous occasions during the application and hiring process about any previous sexual abuse misconduct. She informed the Auditor that policy HRM PREA SOP, dated February 29, 2016, prohibits promoting staff who violated the agency's zero tolerance policy. The HRM SOP also states 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. She indicated this information as well as the employees' affirmative duty to disclose any such misconduct is provided to each employee, upon hiring, in their copy of the U.S. Customs and Border Protection Standards of Conduct. These requirements are reviewed annually during training on PALMS. Agents confirmed their knowledge of their affirmative duty to disclose this information. They further stated the information is provided through PALMS.

(c)(d) Background investigations are required and conducted on all applicants for employment and contractors having contact with CBP. This suitability requirement is outlined in CBP Directive 2130-030. The Office of Professional Responsibility (OPR) is the department within CBP to ensure these background investigations are conducted on all applicants for employment and contractors having contact with detainees. This office is further required by this same

policy to ensure an updated background investigation is conducted every five years. The Headquarters (HQ) Personnel Security Division (PSD) SME confirmed 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 with the questions specifically asked about sexual abuse misconduct. CBP utilizes five Investigative Service Providers to perform all field investigations. The HQ 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 Chula Vista Station, according to the local SME's, has no contractors having contact with any detainees. The Auditor did not observe anyone except law enforcement staff in the holding areas. The Auditor submitted 11 names to OPR to review background checks. Documentation provided by HQ demonstrated the five year rechecks for each of the 11 staff were completed or initiated 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)
- X Not Applicable (provide explanation in notes):

Notes:

(a)(b) Chula Vista Station was built in 1985 and has not had any substantial expansion or modifications to the building or (b) (7)(E).

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

- 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:

(c)(d) CBP Directive 2130-030 requires alleged sexual abuse victim detainees receive medical treatment services without financial cost and regardless of whether the victim detainee names the alleged abuser or cooperates with any investigation arising out of the incident. The policy also requires that a forensic medical examination be done by qualified health care personnel, including a Sexual Assault Forensic Examiner (SAFE), Sexual Assault Nurse Examiner (SANE), where practicable. The Directive further states if the detainee is transported for a forensic examination to a medical facility that offers victim advocacy services, Agents permit the detainee to use such services to the extent available, consistent with security needs. The Auditor interviewed the Emergency Room Supervisor from Palomar Health Center. The hospital staff indicated the hospital utilizes SANE examiners and has local advocates they call for all victims of sexual assault. Interviews with Agents confirmed the advocates would be allowed access to the alleged victim consistent with security needs.

(e) Interviews with local SMEs confirmed the local law enforcement agency Chula Vista Station would use for investigative purposes is the San Diego Police Department. The Auditor made at least three attempts to speak with an investigator but was unable to make contact; however, the facility provided documentation requesting the Police Department comply with sections (a-d) as required of the Standard.

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

- 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:

(c)(d) CBP Directive 2130-030 requires Chula Vista Station staff to consider every allegation of sexual abuse/assault as a significant incident and should be immediately reported to the Commissioner's Situation Room as outlined in CBP Directive 3340-25E, Reporting Significant Incidents to the Commissioners Situation Room, dated May 21, 2018. Notifications are required by these documents to report to the Joint Intake Center (JIC) and the Commissioner's Situation Room. The local SME confirmed the Watch Commander would make these notifications. The facility has had no reported incidents; therefore, notifications have not been made. The HQ SME (SAAI) confirmed OPR is required to investigate all allegations of sexual assault and abuse within its holding facilities. OIG has first right to the criminal investigation; however, OPR is

required to open an administration investigation once the criminal investigation has closed. Although most criminal investigations are handled by the local law enforcement, OPR is required to offer joint assistance, but if refused, OPR must maintain knowledge of the status of the case and provide assistance upon request. In the case of Chula Vista Station, the San Diego 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) as stipulated in CBP Directive 3340-025E and 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) Agents, 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. CBP Directive 2130-030 also mandates this training requirement. The curriculum for training these individuals is found in the CBP Commissioner's memorandum dated March 2016, Mandatory General PREA Training. It requires they receive information to include: 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; how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming detainees; procedures for reporting incidents of sexual abuse; limiting the reporting to personnel with a need to know and how to avoid inappropriate relationships with detainees. Training curriculum, provided through PALMS for staff and contractors, was reviewed by the Auditor and found to be compliant with the curriculum requirements of the standard. This curriculum not only discusses the topics above, but also details the right of staff and detainees to be free from retaliation for reporting allegations of sexual abuse. Random interviews conducted with Agents and local SMEs confirmed the training as required by policy and the standard. These individuals also confirmed refresher training is provided every two years. The PALMS system provides an up-to-date listing of all staff trained and those still requiring training. The Auditor was provided documentation that all individuals currently assigned to Chula Vista Station have successfully completed the agency required PREA training. The Auditor was informed training records for staff 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 Chula Vista 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. The agency's zero tolerance policy and CBP Directive 2130-030 were provided to all staff through the agency email program referred to as CBP Central. These documents were also attached to staff leave and earning statements and are currently available on the agency web page. The Auditor interviewed 11 random staff members (nine Agents and two Local SME/Supervisors) and questioned them about the content of the training they received, and it was clear from their responses the training included each of the subpart topics.

§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 makes public its zero tolerance policy regarding sexual abuse and provides key information regarding its zero tolerance policy through their webpage (<https://www.cbp.gov/about/care-in-custody>). Detainees at Chula Vista Station receive this key information regarding the agency's zero tolerance through signage placed throughout the facility. Two posters were observed in multiple locations of the holding area containing 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 confirmed should they encounter a detainee who speaks a language other than those 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 confirmed to the Auditor 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 staff experience a detainee not from these

predominant languages, the Agent has options available to provide the detainee with the information. These posters detail CBP's zero tolerance for sexual abuse/assault; reporting can be anonymous and confidential; be safe and get help; tell a CBP official; call the DHS OIG (toll free number provided), and telecommunication devices available by calling a toll-free number (provided). The Auditor interviewed eight detainees, all Spanish speaking. They were aware of the posters and had a general understanding of the information provided to them. Each of the detainees were limited English proficient but indicated they were aware of the signs, could understand the information provided and would know how to report an allegation of sexual abuse if needed. Agents confirmed detainees who speak a language not listed would be provided written information available from the CBP intranet or utilize available translations services.

§115.134 – Specialized training: Investigations.

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

Notes:

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

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

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

Notes:

(a)(b)(c)(d)(e) Agent interviews confirmed detainees processed at Chula Vista Station are assessed based on information before them to determine if they should be 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. This assessment questions the detainee about concerns about his/her physical safety. The Auditor observed documentation at each processing station reminding the Agent to ask each detainee this personal safety question. There is also a notation made in the intake-processing document noting the detainees feeling of 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 they received the training to conduct the assessments. They also stated sensitive information is controlled and not shared with anyone except in an official capacity.

§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 requires detainees to be provided multiple ways to privately report sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. It further requires detainees at Chula Vista Station be provided at least one way to report sexual abuse to a public or private entity not connected to the agency. Detainees must be able to report these allegations confidentially and anonymously, verbally and in writing if desired. Reporting information is to be visible or continuously and readily available to detainees at each holding facility. Agents and local SMEs confirmed detainees are provided PREA reporting information through the informational posters displayed throughout the holding areas. The Auditor, during the site visit at Chula Vista Station, observed these documents. As noted in standard 115.116, there is signage providing detainees with reporting information in English, Spanish, Arabic, Farsi, French, Hindi, Korean, Romanian, Simplified Chinese, Tagalog and Urdu. The reporting information includes: telephone number (toll free), email address and physical address to JIC, email address and physical address and telephone number to the OIG. 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. Agents confirmed if they encounter a detainee who speaks a language not provided on the posters, they would provide written information to the detainee in the identified language available from the internet. 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 and was found to be operational. The Auditor also asked Agents the process for detainees making anonymous and confidential reports to OIG. According to them, a detainee only needs to ask the Agent to use the phone. The Agent would then take him/her to a private office, dial the number and step out of the room allowing privacy for the call.

(c) CBP Directive 2130-030 requires staff accept and promptly document in a significant incident report any allegation of sexual abuse of a detainee made verbally, in writing, anonymously, and from third parties. Agents interviewed confirmed verbal allegations of sexual abuse made to them, including third party reports, would be documented in writing and 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 informs staff that one of the reporting means of sexual abuse for detainees is through third parties. The CBP web page, <https://www.cbp.gov/about/care-and-custody/how-make-report>, also provides opportunities for third party reporting by providing public reporting information to anyone wishing to report any allegation of sexual assault on behalf of a detainee. The Auditor verified the webpage, which 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 toll free telephone number to report an allegation. A majority of detainees interviewed were aware of third party reporting and the DHS OIG phone.

§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) CBP TEDS requires every staff member at Chula Vista Station to report as promptly as possible all knowledge, suspicion, or information of: any incident of sexual abuse and/or assault of a detainee in a holding facility; any 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 required. Agents are allowed to report allegations of misconduct, outside their chain of command to the JIC hotline, email to the JIC, contacting the CBP Office of Professional Responsibility, or contacting DHS OIG as outlined in CBP Directive 51735-013A. Interviews with Agents confirmed they are to immediately report all knowledge, suspicion or information about sexual abuse, retaliation, and staff neglect of responsibilities to their supervisors. They also confirmed their knowledge of their right to report outside their chain of command, if necessary.

(c)(d) Agents indicated they are prohibited from revealing any information related to incidents of sexual abuse they become aware of, except in situations to aid the detainee, to protect other detainees or staff, or to make security and management decisions. This same Directive requires Agents and staff to report sexual abuse allegations involving alleged victims under the age of 18 or considered a vulnerable adult to the designated state or local services agency under applicable mandatory reporting laws. If any CBP employee encounters a detainee and are unsure whether the detainee is a “vulnerable adult,” under their respective 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. The Local SME indicated that should a vulnerable adult or person under eighteen be sexually assaulted at the Chula Vista 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. He also confirmed 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 notification information. The local SME confirmed 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:

CBP TEDS requires any agency employees who believe circumstances exist which place a detainee at imminent risk of sexual assault to take immediate action to protect the detainee. Each of the interviewed Agents was specifically asked if they had a reasonable belief a detainee may be subject to substantial risk of imminent sexual abuse, what type of action would be taken by them. They each stated the safety of the detainee would be their immediate concern and take immediate action to protect him/her. They further stated separation and assessing the well-being of the detainee would be their first response. They would isolate the alleged victim in another room under constant supervision of an Agent until a Supervisor arrived.

§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 any allegations of sexual abuse, having occurred at another facility, are reported to Chula Vista Station staff they are to be immediately report the incident to that facility Administrator, no longer than 72 hours after becoming aware of it as outlined in the memorandum issued 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 SME stated the allegation is reported in the same manner as any significant incident as required in CBP Directive 3340-025E and the shift supervisor would be responsible for contacting the JIC and the Commissioner's Situation Room. According to the Supervisor, the reporting to the JIC would include notification to the facility where the sexual abuse is alleged to have occurred. If the facility is a CBP facility, the allegation would be investigated as outlined in this memo. Chula Vista Station received no allegations of sexual abuse occurring at another facility 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) CBP Directive 2130-030 details the responsibilities of the first law enforcement staff member on the scene of a reported allegation of sexual abuse. Agents confirmed their duties to include: separating the alleged victim and abuser; preserving and protecting the crime scene if the abuse occurred within a time period that still allows for the collection of physical evidence; and requesting the alleged victim and ensuring the alleged abuser do not take any action that could destroy physical evidence. Each of these Agents also confirmed their responder duties are presented to them in the mandatory PALM PREA training.

CBP TEDS addresses non-law enforcement first responder duties. It requires non-law enforcement staff to request the alleged victim not take any actions that could destroy physical evidence and notify law enforcement staff. As previously noted in this report, no contractors/volunteers are allowed in the holding area while detainees are present.

§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) CBP Directive 2130-030 states "this Directive also constitutes CBP's written institutional plan pursuant to 6 C.F.R. § 115.165 for utilizing a coordinated multidisciplinary team approach to respond to sexual abuse and/or assault." The Directive outlines the agency aspects for hiring, defining prohibited acts, training, reporting, responding, medical and mental health services, investigations, and data collection. As previously noted in standard 115.111, the PSA Coordinator detailed how this coordinated response policy and information was disseminated to all staff. The Auditor found specific duties for staff outlined in the Directive when responding to any allegation of sexual assault.

(b)(c) CBP Directive 2130-030 requires if an alleged victim of sexual abuse and/or assault is transferred to another DHS facility, Chula Vista Station must inform the receiving DHS facility of the alleged incident and the alleged victim's potential need for medical or social services. If the alleged victim of sexual abuse and/or assault is transferred to a non-DHS

facility, the facility 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. The Watch Commander and local SMEs confirmed Chula Vista Station had no allegations or incidents requiring any such notification to either a DHS or non-DHS facility. The Watch Commander confirmed that an incident of this type would be documented on an incident report to the JIC and the Commissioner's Situation Room, as required in CBP Directive 3340-025E. This would include notifying them of any transfer or move, and notifying the receiving facility as well.

§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:

CBP Directive 2130-030 requires the agency consider removing-, from detainee contact any staff, contractor or volunteer pending the investigation into allegations of sexual assault or sexual abuse when the seriousness of the allegation make removal appropriate. The HQ SAAI SME and HQ LER SME interviews confirmed allegations of sexual assault or sexual abuse involving staff, contractor or volunteer would result in the person being removed from detainee contact pending the outcome of the investigation based on the seriousness of the investigation. Local SMEs also confirmed that removal from detainee contact for staff, contractors or volunteers to the Auditor this same outcome. They also indicated there have been no allegations of sexual abuse made against a staff member requiring this type of response at the Chula Vista 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 staff at Chula Vista 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. The prohibition of retaliation is also detailed in the PALM PREA training. Agent interviews confirmed, during interviews, their knowledge about the prohibition against retaliating against anyone involved in a sexual abuse investigation. The local SME informed the Auditor there have been no allegations of retaliation at Chula Vista during the 12-month audit period. The Auditor confirmed, after review of the zero tolerance training curriculum, the prohibition is covered.

§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 agency policy, 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 any substantiated allegations of sexual abuse and/or assault and/or for violating CBP's sexual abuse policies. The HQ HRM LER SME detailed the review process and penalty determinations for staff member misconduct including sexual assault/abuse. The Agency proposed actions could range from a letter of reprimand to removal from service depending on the misconduct. Both the HQ HRM LER SME and the HQ SAAI SME confirmed sexual abuse/ assault, if substantiated, constitutes serious misconduct, for which the presumptive disciplinary sanction is removal from their position and Federal Service.

(c) All staff removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies are to be reported to the appropriate law enforcement agencies, unless the activity was clearly not criminal, is required by CBP Directive 2130-030. OPR is responsible for making this report, which was confirmed by the HQ OPR SAAI SME. The agency information provided to the Auditor indicated there had been no removals or resignations during the 12-month audit period.

(d) CBP Directive 2130-030 requires OPR 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. The HQ OPR SAAI SME indicated that OPR would handle this notification to any licensing bodies, if known. The documentation provided to the Auditor indicates there have been no removals or resignations at Chula Vista Station in lieu of removals from during the 12- month audit period.

§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) 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 by CBP Directive 2130-030. As noted earlier Chula Vista Station does not allow contractors or volunteers in the detention areas according to Agents. The Auditor did not observe anyone other than law enforcement in the detention section of the facility area during the on-site review. The Auditor was also informed that if contractors were ever allowed inside the holding room areas and were 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)
- 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 sexual assault victims at Chula Vista Station to 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. Emergency medical treatment services are to be provided to the alleged victim without financial cost regardless of whether the victim names the alleged abuser or cooperates with any investigation. The local SME confirmed detainee victims of sexual abuse/assault are taken to Palomar Health Center for forensic examinations. The hospital staff interviewed indicated the facility utilizes SANE examiners and has local advocates they call for all victims of sexual assault.

§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 within 30 days of a sexual abuse allegation an incident review be conducted. The review, as outlined in 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 policy also requires if the review makes any recommendation(s) for improvement, it must be implemented, or the agency must document the reasons for not doing so in a written response. A copy of this review and any response to recommendations are to 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. Chula Vista Station did not have any allegations during the audit period; however, they did have an incident review for a JICMS case during the audit period for an allegation made outside of 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

December 20, 2019
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
------------------------	------------------------------------

PROGRAM OFFICE

Name of Program Office:	U.S. Border Patrol
--------------------------------	--------------------

SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	San Diego 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:	2411 Boswell Road, Chula Vista, California
Mailing Address: <i>(if different from above)</i>	

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Chula Vista Station		
Physical Address:	311 Athey Street, San Diego, California		
Mailing Address: <i>(if different from above)</i>			
Telephone Number:	(b)(6)(b)(7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b)(6)(b)(7)(C)	Title:	Patrol Agent in Charge (PAIC)
Email Address:	(b)(6)(b)(7)(C)	Telephone Number:	(b)(6)(b)(7)(C)

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 U.S. Customs and Border Protection (CBP) U.S. Border Patrol (USBP), Chula Vista Station, was conducted on September 10, 2019, and the preliminary findings report was submitted on October 26, 2019. Following comments from CBP Headquarters and from the Auditor, the report dated December 20, 2019, was submitted as a Final Draft on December 20, 2019.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the Chula Vista Station was found to be in compliance with 22 standards: (115.111; 115.114; 115.116; 115.117; 115.121; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186). The Chula Vista Station was found to not be in compliance with two standards: 115.113 and 115.115. Standard 115.118 was found to not apply at the Chula Vista Station.

On December 24, 2019, the Chula Vista Station submitted a preliminary Corrective Action Plan (CAP) with a completion date of January 1, 2020. The CAP was reviewed by the Auditor and Creative Corrections Program Manager and determined to be satisfactory. On April 1, 2020, the Chula Vista Station submitted an Annual Review of Detainee Supervision Guidelines document to comply with standard provision 115.113. The Auditor reviewed the document and determined the standard to now be compliant. On November 13, 2020, the Chula Vista Station submitted an email from the Supervisory Border Patrol Agent, Personnel Management and Training, to all Supervisory Border Patrol Agents and Border Patrol Agents, to review a copy of a memorandum dated September 17, 2020, issued to all Chief Patrol Agents and Directorate Chiefs reinforcing proper pat search techniques and a Muster Module that provides requirements of Safety Searches, Threat Assessments, and Pat Search Techniques for cross-gender, transgender, and intersex detainees. In conjunction with the memorandum and Muster Module, a re-training roster sign-offs and understanding was received. The Auditor reviewed the documentation and found that the Chula Vista Station achieved compliance with standard 115.115. The Chula Vista Station is now compliant with all PREA Standards.

Although ongoing contact existed with the Chula Vista 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 Detainee supervision and monitoring

- 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 1, 2020, the Chula Vista Station submitted a record of an Annual Review of Detainee Supervision Guidelines, dated September 18, 2019, to comply with standard provision 115.113 (b). The document included all of the elements as required in standard provision 115.113 (c). The Chula Vista Station is now compliant with standard provisions 115:113 (b) and (c).

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

- 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 November 13, 2020, the Chula Vista Station submitted an email from the Supervisory Border Patrol Agent, Personnel Management and Training, to all supervisory and non-supervisory patrol agents directing them to read a Headquarters memorandum and Muster Module and upon completion, the agents acknowledged their understanding and training. In conjunction with the email, a memorandum from the Chief, Strategic Planning and Analysis Directorate, dated September 17, 2020, was submitted which provided procedures to all Chief Patrol Agents and Directorate Chiefs on conducting pat searches of detainees. The memorandum also referenced sections 4.3 and 5.5 of the National Standards on Transport, Escort, Detention, and Search (TEDS) policy. The submitted documentation included a Muster Module that provides instruction to agents in the safe search of suspects, threat assessments, and pat search techniques for cross gender, same gender, transgender, intersex, and gender nonconforming detainees. The Muster Module also instructed that whenever operationally feasible, agents conducting a search must be of the same gender, gender identity, or declared gender as the detainee being searched. The Chula Vista Station submitted proof of muster attendance and employee understanding. The Auditor reviewed all submitted documents and has determined the documents submitted satisfy compliance. The Chula Vista Station is now compliant with 115:115 (f).

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

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

November 16, 2020
Date