

# 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>	Del Rio 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>	2401 Dodson Avenue, Del Rio, Texas 78840
<b>Mailing Address: (if different from above)</b>	

## SHORT-TERM HOLDING FACILITY BEING AUDITED

### Information About the Facility

<b>Name of Facility:</b>	Del Rio Station
<b>Physical Address:</b>	2300 Highway 90 East, Del Rio, Texas 78840
<b>Mailing Address: (if different from above)</b>	
<b>Telephone Number:</b>	(b)(6)(b)(7)(C)

### Facility Leadership

<b>Name of Officer in Charge:</b>	(b)(6)(b)(7)(C)	<b>Title:</b>	Patrol Agent in Charge
<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 for U.S. Customs and Border Protection (CBP), Del Rio Border Patrol Station, was conducted on September 20, 2019. The audit was conducted by (b)(6)(b)(7)(C), Certified PREA Auditor, contracted through Creative Corrections, LLC. The Del Rio Border Patrol Station is in Del Rio, Texas, approximately four miles from the border. The Del Rio Sector is responsible for detecting and preventing narcotic smuggling and unlawful entry of undocumented aliens into the United States. The Sector Area of Operations encompasses approximately 48,319.26 square miles. The Sector's border responsibility extends 210 miles from the Terrell/Val Verde county line.

To facilitate operations, the Sector is divided into two corridors:

The Northern Corridor consists of 131.4 miles of river frontage. It commences at the Terrell County line and extends downriver. This includes Kinney and Val Verde Counties.

The Southern Corridor consists of 78.6 miles of river frontage. It commences at the Kinney County Line and extends downriver. This corridor includes Kinney County and Maverick County.

Norther Corridor consists of 131.4 miles of river frontage. It commences at the Terrell County line and extends downriver,

The purpose of the audit was to determine compliance with Subpart B of the Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 6 C.F.R. Part 115, (the "DHS PREA Standards").

The Headquarters (HQ) Point of Contact was (b) (6), (b) (7)(C), National USBP PREA Coordinator. The local Point of Contact was (b)(6)(b)(7)(C), Supervisory Border Patrol Agent/PREA Field Coordinator (SBPA/PFC).

The Auditor was accompanied by (b)(6)(b)(7)(C), Creative Corrections Program Manager. In an effort to facilitate interviews with the midnight shift, the Auditor and (b) (6), (b) (7)(C) arrived at the facility at 6:30 a.m. and were escorted by (b)(6)(b)(7)(C), National USBP PREA Coordinator, HQ. Upon arrival, the Auditor began conducting interviews with available Agents and local Subject Matter Experts (SMEs) from the midnight shift. The Auditor conducted an opening briefing at 9:15 a.m., in the conference room. Those in attendance were:

(b)(6)(b)(7)(C), Patrol Agent in Charge, Del Rio Station  
(b)(6)(b)(7)(C), Deputy Patrol Agent in Charge, Del Rio Station  
(b)(6)(b)(7)(C), Supervisory Border Patrol Agent, Del Rio Station  
(b)(6)(b)(7)(C), Watch Commander, Del Rio Station  
(b)(6)(b)(7)(C), Program Manager, Creative Corrections, LLC  
(b)(6)(b)(7)(C), National USBP PREA Coordinator, HQ

The Auditor provided an overview of the audit process to include interviews with staff and detainees and a tour of the entire facility. A brief question and answer session was included in the entry briefing.

The facility is a short-term holding facility where Agents' duties include detainee intake, processing and short-term holding for male and female adults, unaccompanied alien children (UAC), and family units. Detainees are held for 72 hours or less. The facility consists of two buildings. Upon entering the main building, an administrative area is located. The processing area/holding rooms are in the rear of the main building that is secured with controlled entry/exit and monitoring by Supervisory Staff. The holding rooms remained secured. Upon exiting through the rear of processing and holding room areas, a second building is designated to conduct intake screening. Detainees are escorted to this area upon their arrival. Holding rooms are also available in the intake building. There are (b) (7)(E) holding rooms and (b) (7)(E) occupancy holding rooms. (b) (7)(E) are located in the holding rooms and are (b) (7)(E) Supervisory Border Patrol Agents.

**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 Friday, September 20, 2019, an exit briefing for Del Rio Station was held at 4:30 p.m., due to Supervisory Staff's scheduled departure. The Auditor conducted the briefing. Those in attendance were:

- (b)(6)(b)(7)(C), Supervisory Border Patrol Agent, Del Rio Station
- (b)(6)(b)(7)(C), Watch Commander, Del Rio Station
- (b)(6)(b)(7)(C), Program Manager, Creative Corrections, LLC
- (b)(6)(b)(7)(C), National USBP PREA Coordinator, HQ

Scope of the Audit: The Pre-Audit consisted of a review of submitted HQ Pre-Audit Questionnaire, the Local Pre-Audit Questionnaire, the HQ Pre-Audit Document Request, and the HQ Pre-Audit Subject Matter Expert Interview Guide along with additional supporting documents for the facility. Interviews with HQ SMEs were conducted prior to the on-site visit and continued afterwards due to conflicting schedules. The Auditor conducted five HQ SME interviews from various departments, local SMEs, and Supervisory staff at Del Rio Station. Interviews were conducted with an Emergency Room Nurse at Val Verde Regional Medical Center and the Val Verde County Sheriff Office on the coordination of Sexual Assault Forensic Examinations (SAFE) and advocate services.

During a tour of the facility, 30 detainees arrived at Del Rio Station for processing. The Auditor was able to observe the intake and processing procedures completed by Agents assigned to those areas.

In an effort to be less intrusive to the operation of the facility and availability of local SMEs, Supervisors, and Agents, the Auditor elected to conduct interviews with available staff from all shifts, including those assigned to 0000 – 0600 shift prior to their departure. Interviews were conducted with eleven staff, which included Supervisors, volunteers, local SMEs, and random Agents.

The Auditor conducted nine detainee interviews which included family units, one transgender detainee, adult males and adult females. There were no UACs detained at Del Rio Station during the on-site visit. The detainees' length of stay ranged from six hours to three days. Translation services were provided by (b)(6)(b)(7)(C), Creative Corrections Program Manager. There were no detainees identified with disabilities. The Auditor was provided an interview room to maintain privacy during the detainees' interview process. A (b)(7)(E) in the interview rooms.

The Auditor, Creative Corrections Program Manager, and the Assistant Chief U.S. Border Patrol (HQ) extended work hours to complete detainee interviews, a thorough on-site audit and preliminary findings. Final departure was 7:30 p.m.

The Auditor reviewed the compliance of the 25 DHS Subpart B standards at Del Rio Station. The audit findings conclude Del Rio Station met 22 standards: 115.111; 115.114; 115.116; 115.117; 115.121; 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. Standard 115.118 was not applicable. The Auditor findings determined Del Rio Station does not meet two standards: 115.113 (b) (c) and 115.115 (f). A Corrective Action is required for the identified standard provisions.

SUMMARY OF AUDIT FINDINGS
Number of standards exceeded: 0
Number of standards met: 22 + 1 Not Applicable
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
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**PROVISIONS**

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

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

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

**Notes:**

(a) The facility meets the mandate of the standard. The review of CBP Directive 2130-030, Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities dated January 19, 2018, and U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search (TEDS) dated October 2015, and CBP Commissioner’s memorandum, CBP Policy on Zero Tolerance of Sexual Abuse and Assault dated March 11, 2015, confirms the agency’s definitive steps to inform all employees, detainees and the public of its commitment of adherence to the PREA Standards. Effective May 6, 2014, CBP implemented the Standards to Prevent, Detect and Respond to Sexual Assault (Standards) in CBP Holding Facilities (hold rooms). A memorandum dated August 13, 2014 was submitted by the Chief of U.S. Patrol to all Chief Patrol Agents and all Division Chiefs. The memorandum titled Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities included an attachment of guidance issued pursuant to the March 7, 2014, DHS Final Rule adopting the Standards that includes CBP officers and staff responsibilities and duties. An upper level agency-wide position of Prevention of Sexual Assault Coordinator (PSA Coordinator) was established to oversee CBP’s efforts to comply with the Standards of CBP Directive 2130-030, Prevention, Detention and Response to Sexual Abuse and/or Assault in CBP Holding Facilities. Interviews were conducted with the HQ PSA Coordinator, local SMEs, Supervisors, PFC, and random Agents who emphasized they received continuous training regarding the agency’s zero-tolerance of sexual abuse and/or sexual assault. Training is provided to CBP staff and volunteers through the Performance and Learning Management System (PALMS), musters, attachments to Leave and Earning Statements, emails posted on the Shared CBP Homepage Website under the Policy Online Document Search (PODS), and through refresher training regarding the agency’s commitment to the zero-tolerance policy. Updates to the policy are distributed to staff electronically via email. CBP zero-tolerance posters are strategically located in areas of the facility to include the intake area and process/holding room areas for continuous viewing by Agents, staff, volunteers, and 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 the standard

**Notes:**

(a) The facility meets the mandate of the standard provision. The standard states the agency shall ensure that each facility maintains sufficient supervision of detainees, including through appropriate staffing levels and, where applicable, (b) (7)(E), to protect detainees against sexual abuse. The Auditor toured the intake area and the processing/holding room areas during the day and evening shifts and was able to observe supervision of detainees, operational procedures and (b) (7)(E). Thirty detainees arrived during the morning shift and a continuation of movement (arrival and departure) of detainees was conducted throughout the Auditor’s site visit. (b) (7)(E)

(b) (7)(E) is located in all detainee hold rooms. Interviews conducted with local SMEs verified when there is an influx of detainees; Border Patrol Agents in the field are notified to report to the facility to assist in providing supervisory coverage of the detainees. Overtime and Agent reassignments are also utilized, as needed, to ensure adequate supervision.

(b)(c) The facility does not meet standard provision (b). CBP Directive No. 2130-030 states that OFO and USBP shall develop and document comprehensive detainee supervisions guidelines for facilities under their respective control, which is addressed in CBP's National Standards on Transport, Escort, Detention, and Search. The Directive also requires an annual review of the comprehensive detainee supervision guidelines and their application at each facility to determine and meet each facility's detainee supervision needs and review the supervision guidelines and their application at each facility at least annually. The results of the review are to be provided to the PSA Coordinator. The standard further requires staff to determine adequate levels of detainee supervision and (b) (7)(E) by taking into consideration the physical layout of the facility, composition of the detainee population, prevalence of substantiated and unsubstantiated incidents of sexual abuse, findings and recommendations of sexual abuse incident review reports, and any other relevant factors, to include but not limited to the length of time detainees spend in agency custody. Interviews with the PAIC and PFC confirmed the six areas of consideration detailed in the standard provision are regularly discussed during daily operations, which meets standard provision (c). However, these discussions are not formal and not documented as part of an annual review as required in standard provision (b). Corrective Action is required. **Corrective Action:** Provide documentation of an annual review of the detainee supervision guidelines that addresses the elements as outlined in standard provision (c).

**§115.114(a) and (b) – Juvenile and family detainees.**

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

**Notes:**

(a) The facility meets the mandate of the standard provision. A review of DHS PREA Standards and TEDS outlines treatment of juvenile detainees. Consideration for the best interest of the juveniles at all decision points begins at the first encounter and continues through processing, detention, transfer, or repatriation. Juveniles are detained in the least restrictive setting appropriate to the juvenile's age and special needs, provided that such setting is consistent with the need to protect the juvenile's well-being and that of others. Interviews with local SMEs and random Agents provided examples of least restrictive settings appropriate to the juvenile's age and special needs. They stated they leave the holding room door open and allow juveniles time out of holding rooms and utilize other creative methods that do not interfere with security and operational procedures. There were no UACs at the facility during the site visit; however, family units were present.

(b) The facility meets the mandate of the standard provision. Interviews with local SMEs and random Agents verified juveniles under the age of 18 are not held with adult detainees unless the relationship is vetted and identifies the adult as an immediate relative or legal guardian responsible for the juvenile's care. Interviewed HQ and local staff identified a combination of agency and State Department data-based searches that are conducted in addition to separate interviews with the juvenile and accompanying adults as a measure of vetting the relationship. UACs are held separate from adults pending their transfer to the Department of Health and Human Services, Office of Refugee Resettlement (ORR), within 72 hours of arrival, except in exceptional circumstance in accordance with Title 8 U.S.C. 1232 (b)(3). The auditor was also informed UACs are transported separately from adult detainees.

**§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) The facility meets the mandate of the standard provision. DHS PREA Standards and CBP TEDS states cross-gender strip searches and/or visual body cavity searches would not be performed except in exigent circumstances or officer safety. Interviewed Agents acknowledged under no circumstances would they be allowed to conduct visual and/or body cavity searches on juvenile detainees. Each stated these searches would be conducted by a medical examiner.

(c) The facility meets the mandate of the standard provision. CBP TEDS requires all strip searches and visual body cavity searches to be documented. All interviewed Agents confirmed their knowledge of policy and stated all visual and/or

cavity search are required to be documented. Interviews with Local SMEs confirmed Del Rio Station has not conducted any strip searches) and visual body cavity searches during the 12 month period preceding the audit.

(d) The facility meets the mandate of the standard provision. Interviews with local SMEs and random Agents, as well as observation of procedures and practices, confirm the facility has developed standards of operation that allow each detainee privacy during the exchange of clothing, performing bodily functions and showering. The interviews also confirmed that there are no instances where staff enter the detainee holding rooms while occupied. A speaker in each of the holding rooms allows staff and detainees to communicate without personal contact. Detainee restrooms are behind a solid door. Detainees are escorted to the shower area that has a solid door for entry and a partial wall that provides additional privacy after entry. Detainees change clothing in the designated shower area only. The interviews concluded that staff, including staff of the opposite gender, does not observe detainees showering, performing bodily functions or change of clothing.

(e) The facility meets the mandate of the standard provision. Interviews with supervisory staff and random Agents confirmed their knowledge of TEDS policy they must not search or physically examine a detainee for the sole purpose of determining the detainee's gender. Agents also reported they would ask the detainee to self-identify if the gender is unknown. An interview with a transgender detainee indicated staff did not conduct a physical examination for the sole purpose of determining her gender. She further stated she self-identified herself as a transgender female.

(f) The facility does not meet the standard provision. Interviews with Local SMEs and random Agents confirmed receipt of training for pat-down searches. An interview with the detainee, who self-identified as transgender, stated she had not received a thorough pat search of the upper body torso (breast) or groin area at Del Rio Station. She acknowledged she was only searched around her waist and legs and passed through a metal detector. Interviewed Agents acknowledged they had not received training for conducting pat-down searches of transgender detainees. They stated normally the detainee would receive a pat-down search from the same gender the detainee self-identifies. However, Del Rio Station has minimal female Agents; therefore, there may be times when a cross-gender search must be conducted while in the field. Agents were interviewed in their knowledge and understanding of conducting pat-down searches of cross-gender, transgender or intersex detainees, and their hand placement in the breast and groin areas were not consistent. There were zero interviewed Agents who acknowledged conducting a pat search of a transgender or intersex detainee. There appeared to be an uncertainty in their response. The lack of specific training in conducting pat-down searches of cross-gender, transgender or intersex detainees has prevented consistency in staff's knowledge of these searches. **Corrective Action:** Provide documentation of staff training in the areas of pat search procedures of transgender and intersex detainees, to include the breast and groin area.

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

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

**Notes:**

(a) The facility meets the mandate of the standard provision. CBP Directive 2130-030 and TEDS require detainees with disabilities (e.g. detainees who are hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) to have access to CBP efforts to prevent, detect, and respond to sexual abuse and/or sexual assault. Interviews with Agents reported Del Rio Station has not received any detainees with the disabilities in the past 12 months, nor could they recall during their tenure at Del Rio Station. However, during interviews, the Agents were familiar with measures that would enable effective communication with detainees with such disabilities. Identified measures included providing access to in-person, telephonic, or video interpretive services. Oral communication is provided to detainees who are blind or have low vision. The material is also available in large print. In instances where a detainee is identified as deaf, written material is available in their language and/or the facility staff may reach out to the local community for assistance.

(b) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires all holding facilities to provide effective, accurate and impartial in-person or telephonic interpretation services to detainees who are Limited English Proficient (LEP). Protocol for Identifying Limited English Proficient (LEP) Persons and Providing Language Services dated, October 2017, provides guidance in relation to language services. U.S. Border Patrol Agents have a Spanish language requirement for their position. In addition, the U.S. Border Patrol has a national contract for language interpretation that can be accessed telephonically when staff can provide language assistance. The national contract also provides services for translation of documents when required. The PREA posters were observed in English and Spanish. A poster titled "I Speak" noting a variety 19 languages by sample handwriting scripts for detainees to point to their language was also visible in the process/holding room areas. Additionally, there are numerous Agents assigned at Del Rio Station who are bilingual in various languages and often provide translation

services. The Agency also utilizes a program offered by AT&T to provide translation services as needed. All staff interviewed confirmed their ability to communicate with all detainees either through self-interpretation, interpretation assistance from other Agents, and/or the AT&T Contract Translation Service.

(c) The facility meets the mandate of the standard provision. As outlined in CBP Directive 2130-030 and TEDS in regards to allegations of sexual abuse; Agents are required to conduct in-person or telephonic interpretation services that enables effective, accurate, and impartial interpretation, by someone other than another detainee, unless the detainee express a preference for another detainee to provide interpretation, and the Supervisor determines that such interpretation is appropriate and consistent with the facility's policies and procedures. The provision 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. Interviews with random Agents, local SME and PAIC confirmed interpretative services are always utilized either by individual Agents or through utilization of the AT&T Translation Service available to them.

**§115.117(a) through (f) – Hiring and promotion decisions.**

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

**Notes:**

(a) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) to ensure compliance with hiring, promotion and discipline requirements as dictated within the standard. The established policy and procedures are set to ensure CBP does not hire or promote personnel, who have previously had substantiated allegations of engaging in sexual abuse and/or sexual assault to positions where an employee may interact with detainees in CBP holding facilities. This policy is also published in the HRM Standard Operating Procedures, Prison Rape Elimination Act Hiring and Promotion issued February 29, 2016. An interview with the HQ HRM/Hiring Center SME verified CBP is prohibited from hiring or promoting any employee, contractor, or enlisting the service of any volunteers, who have been found to have engaged, or civilly or administratively adjudicated to have engaged to sexual abuse and/or sexual assault as agency policy dictates. The HQ HRM/Hiring Center confirmed applicants are asked the identified questions during the written application or self-evaluation and/or assessment process. The applicant will answer yes or no. Those applicants who answer yes are screened out by the appropriate hiring center. The CBP Mission Specific Question during the Subject Interview Portion of Background Investigation provides the required questions during the interview process.

(b) The facility meets the mandate of the standard provision. HRM Standard Operating Procedures, Prison Rape Elimination Act Hiring and Promotion, also requires all staff have an affirmative duty to disclose any such misconduct. Employees receive training on their responsibility during initial training, refresher training annually on PALMS, and acknowledged in the U.S. Customs Border Protection Standards of Conduct.

(c) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires background investigations are conducted on all new employees who may have contact with detainees to determine suitability. These background investigations are conducted by Office of Professional Responsibility (OPR). An updated background investigation is required to be conducted every five years for all CBP personnel who may have contact with detainees. The names of eight random staff within all ranks were submitted for verification of compliance. These names were submitted to the PSA Coordinator through the USBP Assistant Chief for submission to the HQ OPR. A response to the Auditor's request was provided by the OPR Personnel Security Division. Each employee's date of entry on duty, date of completion of most recent background investigation, and date the most recent investigation initiated was provided. A review of the submitted report confirmed all employees' background investigations were timely and within the agency's policy and the standard provision.

(d) The facility meets the mandate of the standard provision. An interview with Local SMEs confirmed Del Rio Station does not employ contractors who have contact with the detainees. Local procedures require the removal of all detainees from an area in which maintenance or janitorial contractors are required to work.

(e) The facility meets the mandate of the standard provision. HRM Standard Operating Procedures, Prison Rape Elimination Act Hiring and Promotion, issued February 29, 2016, and the U. S. Customs and Border Protection Standards of Conduct states material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination or withdrawal of an offer of employment as appropriate. An interview with the HQ HRM Labor and Employee Relations (LER) Division SME confirmed the U. S. Customs Border Protection Standards of Conduct is provided annually to employees through PALMS during the required ethics training.

Additionally, the HQ HRM SME confirmed it is the agency's policy to rescind an offer of employment to a prospective

employee or to terminate the employment of an employee who provides false information or makes a material omission during the hiring and/or promotion process.

(f) The facility meets the mandate of the standard provision. HRM Standard Operating Procedures, Prison Rape Elimination Act Hiring and Promotion, issued February 29, 2016, references "Unless prohibited by law, Internal Affairs shall provide information on substantiated allegations of sexual abuse involving a former employee upon receiving a request from an institution employer for whom such employee has applied to work." This procedure was confirmed during an interview HQ LER Division SME.

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

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

**Notes:**

(a) The standard provision is not applicable as Del Rio Station has not acquired a new facility nor has the facility undergone a major expansion since May 6, 2014.

(b) The standard provision is not applicable. Interviews with the PAIC and Local SMEs verified Del Rio Station has not designed or acquired a new holding facility, nor has it made any substantial expansions or modification of the existing holding facility.

**§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 the standard (requires corrective action)

**Notes:**

(c) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires medical treatment services be provided when an alleged sexual abuse/sexual assault incident occurs. The medical treatment will be provided by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), where practicable. If SAFEs or SANEs cannot be made available, the examination may be performed by other qualified health care personnel. The Auditor conducted an interview with an Emergency Room Nurse at Val Verde Regional Medical Center and the Crime Victim Advocate at Val Verde County Sheriff's Department. The interviews confirmed coordination for a SAFE/SANE examination would be initiated by the Sheriff Department who will communicate with the hospital. Del Rio Station reported there have been no allegations of sexual abuse/or assault reported in the 12 month period preceding the audit. Therefore, no forensic medical examinations were conducted. All medical treatment services related to the sexual abuse/sexual assault will be at no cost to the alleged victim.

(d) The facility meets the mandate of this standard provision. CBP Directive 2130-030, references if, in connection with an allegation of sexual abuse, the detainee is transported for a forensic examination to an outside hospital that offers victim advocacy services, the detainee shall be permitted to use such services to the extent available and consistent with security needs. An interview with a Local SME confirmed the agency would work with the local law enforcement agency who would initiate the victim advocacy services at the hospital.

(e) The facility meets the mandate of the standard provision. To the extent the Agency is not responsible for investigating allegations of sexual abuse/assault, the PAIC and PFC identified the Val Verde Sheriff's Office as the authorized investigating agency. A copy of the request asking Val Verde Sheriff's Office to follow the requirements of this standard as noted in (a) through (d) was provided.

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

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

**Notes:**

(c) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires Del Rio Station staff to consider every allegation of sexual abuse/assault as a significant incident that should be reported as promptly as possible to the Commissioner's Situation Room as outlined in CBP Directive 3340-25E, Reporting Significant Incidents to the Commissioner's Situation Room, dated May 21, 2018. All local SMEs and Agents interviewed confirmed they would immediately report allegations or sexual abuse/assault to their supervisor followed by notification to the Joint Intake Center (JIC) and the Commissioner's Situation Room. The Watch Commander will also make a report to the Val Verde County Sheriff's Department who has legal authority to conduct criminal investigation for the facility, and who would normally conduct the investigation. The procedures were confirmed during interviews with local SMEs and the Watch Commander. There were no allegations of sexual abuse/sexual assault reported during the past 12 months.

(d) The facility meets the mandate of the standard provision. An interview with the PREA Field Coordinator confirmed the Watch Commander is responsible for submitting the Incident Report to the JIC. An interview with the HQ PSA Coordinator confirmed she would receive the allegation from the Commissioner's Situation Room as soon as notification of sexual abuse or sexual assault is enter in the SIR reporting system.

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

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

**Notes:**

(a)(b) The facility meets the mandate of the standard provisions. CBP Directive 2130-030 requires all uniformed agents and officers, special agents, fact finders, contractors, and volunteers who may have contact with detainees in CBP holding facilities to receive PREA training in accordance with Subpart B of the DHS Standards. A memorandum dated March 6, 2016, was forward by the Commissioner to CBP staff identifying the initiation of mandatory training course "Preventing, Detecting, and Responding to Sexual Abuse and Assault in CBP Holding Facilities" for all CBP employees who may have contact with detainees in CBP custody with refresher courses provided every two years. The first training course became available in early FY 2016, via DHS's PALMS. The lesson plan covers all mandates of the required training to include the agency' 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 behavior, emotional signs of sexual abuse; methods of preventing and responding to occurrences of such; how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees. Staffs' requirement to limit reporting of sexual abuse to personnel with a need-to-know in order to make decisions concerning the victim's welfare for law enforcement or investigative purposes is included in the lesson plan. Contract staff (janitorial and maintenance) do not have contact with the detainees. Any area containing detainees will be vacated prior to janitorial and maintenance entry to the area. The Auditor submitted the names of staff for verification of completion of required training. The identified eight employees completed the required training between March and May 2016, and again in August 2018. Volunteer staff were included in the Auditor's request. Interviews with Local SMEs and random Agents confirmed completion of bi-annual refresher PREA training in addition to information shared through emails, during regular musters, and as required for updates and as reminders.

(c) The facility meets the mandate of the standard provision. Training records of CBP employees are maintained electronically as required by the standard. Local SME, PFC, and HQ Deputy PSA verified compliance. The requested eight staff training documentation was retrieved through PALMS which revealed all eight staff completed the required training.

**§115.132 – Notification to detainees of the agency's zero-tolerance policy.**

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

**Notes:**

The facility meets the mandate of the standard. The Auditor observed numerous DHS Zero-Tolerance posters in both letter size and large print posters posted in the intake area and process/holding room area. The strategically placed posters were posted in English and Spanish and visible to all detainees. Voluntary interviews with detainees varied in their response of their awareness and understanding of the policy; however, all detainees acknowledged observing the DHS Zero-Tolerance posters in their respective area of the process/holding room areas.

**§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) The facility meets the mandate of the standard provision. CBP TEDS states before placing any detainees together in a holding facility, officer/agents shall assess the information before them to determine if the detainee may be considered at high risk of being sexually abused. TEDS further states that when appropriate, staff shall take necessary steps to mitigate any such danger. Interviews with local SMEs and random Agents confirmed, based on the information gained during the assessment, to include verbal, non-verbal, and the Agent's observation; a determination is made on proper placement of the at-risk detainee.

(b) The facility meets the mandate of the standard provision. Before placing detainees in holding rooms, processing Agents must assess the information provided to them to determine if the detainee may be considered an at-risk detainee, or at risk of posing a threat to others based on information collected from the detainee and any other available information to include previous criminal history. Additionally, each detainee is asked if they have any concerns for their own personal safety during processing by Agents. This practice was confirmed during interviews with local SMEs and random Agents.

(c) The facility meets the mandate of the standard provision. Interviews with SMEs and random Agents confirmed that the criteria to assess detainees for risk of sexual victimization identified within the standard are given great consideration during the assessment process.

(d) The facility meets the mandate of the standard provision. Detainees identified pursuant to the assessment under this section to be at high risk of victimization are given heightened protection by staff. Vulnerable detainees are housed separately from other detainees when possible. When there are no available single holding rooms, the detainee would be placed in close proximity of the Agent who provides direct sight and sound supervision. These procedures were confirmed through interviews with SMEs and random Agents.

(e) The facility meets the mandate of the standard provision. CBP TEDS restricts the dissemination of private and /or sensitive information provided by detainees under this standard. Agents confirmed their knowledge and understanding of the agency's policy by stating they would only disclose this information to those personnel with a need-to-know. According to the Local Pre-Audit Questionnaire and interviews with Local SMEs, pertinent information is controlled by the Unit SBPA and Watch Commander. Observation of the intake and processing procedures in addition to interviews with local SMEs and Agents confirmed each detainee is interviewed in a personal setting away from other detainees. Interviewed local SMEs and Agents quoted policy while confirming their knowledge and understanding of this standard.

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

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

**Notes:**

(a) The facility meets the mandate of the standard provision. CBP TEDS and CBP Directive 2130-030 provide multiple ways for detainees to report sexual abuse/sexual assault, retaliation for reporting sexual abuse, or staff neglect or violation leading to sexual abuse/assault. The DHS Office of the Inspector General (OIG) is the entity for receiving detainee reports of sexual abuse. Local SME and random Agents confirmed during interviews detainees are provided PREA reporting information through the signage displayed on holding facility walls near detention areas and near workstations where processing takes place. This information is posted in English, Spanish, and available in Arabic, Farsi, French, Hindi, Korean, Romanian, Simplified Chinese, Tagalog and Urdu upon request. Detainees who do not speak English and/or Spanish are requested to identify their language via a poster titled "I Speak," and contain 19 scripted samples of various languages. Detainees may also contact DHS Office of Inspector General (OIG) at 800-323-0603, and a telecommunication device for the hearing-impaired TTY/TDD: 1-844-889-4357 or <http://www.federalip.us/> and is posted via posters visible to the detainee population. Interviews with Local SMEs and random Agents confirmed detainees may confidentially report allegations of sexual abuse/sexual assault either in writing, orally, anonymously, or through a third party. The Agents explained a detainee will be granted the opportunity to contact OIG via phone upon request. The detainee would be escorted to the interview room where the Agent will dial the OIG phone number listed on the poster, deliver the phone to the detainee and monitor accountability of the detainee from outside the closed office door. The detainee would not be questioned as to why they have requested to speak with OIG. The auditor checked the OIG reporting line for reporting allegations of sexual abuse/assault and confirmed the service was operational. The eight detainees interviewed acknowledged they were aware of some of the reporting methods available to report allegations of sexual abuse/assault, but they have not encountered any conditions of sexual abuse/sexual assault during their stay at Del Rio Station. Interviews with Local SMEs reported there have been no requests by the detainee population to contact OIG during the past 12 months of the audit period.

(b) The facility meets the mandate of the standard provision. TEDS states staff must accept sexual abuse reports made verbally, in writing, anonymously, and from third parties. DHS posters are strategically placed within viewing by the

detainees and identify the available reporting methods for sexual abuse and/or sexual assault. The posters also identify a toll-free telephone number to OIG at 1-800-323-8603. Interviews with local SMEs and Agents confirmed upon a detainee's request to speak with OIG, they are escorted to an interview room where staff dial the OIG phone number and the phone is given to the detainee for a private call. Staff immediately depart the interview room and wait outside the office door until the detainee knock and states they have completed the call. The Agents further stated at no time is the detainee questioned as to why they are requesting to speak with OIG. The interviewed detainees acknowledged they have not made any reports of sexual abuse and/or sexual assault to include third party reporting during their stay at Del Rio Station.

(c) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires Agents to accept and promptly document in a Significant Incident Report, any allegation of sexual abuse of detainees which were made verbally, in writing, anonymously, and from third parties. Interviewed Agents confirmed their understanding of the policy requirement and stated they would immediately report and document any and all reported allegations of sexual abuse to include verbal, anonymously or via third party as soon as possible to a 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:**

The facility meets the mandate of the standard. Third party reporting is made available through the <https://www.cbp.gov/about/care-and-custody/how-make-report> website. The webpage provides guidance to anyone wishing to report an allegation of sexual abuse/sexual assault. A review of the webpage confirmed numerous avenues for third party reporting that includes: a toll-free telephone; USPS address, email address, and telephone number to the JIC; a direct complaint link and USPS address for DHS OIG. The availability of detainee third party reporting to OIG via phone was documented on DHS posters and were observed strategically located in the intake area, process area/holding area. Documentation and interviews confirmed there were no allegations by third party reported in the past 12 months for violation of the Agency's zero- tolerance policy.

**§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) The facility meets the mandate of the standard provision. CBP Directive 2130-030 states CBP staff have a duty to make reasonable effort to report any knowledge, suspicion, or information of an incident of sexual abuse and/or sexual 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. An incident meeting these criteria is required to be reported to JIC and the Commissioner's Situation Room. Interviewed SMEs and random Agents confirmed their knowledge and understanding of their responsibility to report immediately upon becoming aware. Interviewed random Agents acknowledged they could always report outside of their chain of command by approaching a higher-ranking supervisor, contacting OIG, the Office of Professional Responsibility, JIC Hotline, OPR, the PSA Coordinator or the Val Verde County Sheriff's Department

(b) The facility meets the mandate of the standard provision. CBP Directive 2130-030 outlines the requirement set forth in the agency's written policies and procedures for reporting sexual abuse and/or sexual assault of a detainee upon staff becoming aware of an alleged sexual abuse. Interviewed local SMEs and random Agents confirmed the reporting requirement set forth in the agency's written policies and procedures are included in training, emails, and musters.

(c) The facility meets the mandate of the standard provision. CBP Directive 2130-030 states except as necessary to report the incident of sexual abuse and/or sexual assault, CBP and its staff shall not reveal any information related to the incident except as necessary to aid the detainee, to protect other detainees or staff, or to make security and management decisions contemplated by Subpart B of the DHS Standards. Interviewed Agents consistently stated information regarding an allegation of sexual abuse/sexual assault is to be shared only with staff who has the need to know.

(d) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires reporting an allegation of sexual abuse and/or sexual assault involving alleged victims under the age of 18 or considered a vulnerable adult

under a State or local services agency under applicable mandatory reporting laws. An interview with the HQ SAAI verified sexual abuse and/or sexual assault victims under the age of 18 or identified as a vulnerable adult will be reported to the designated State or local services agency by the PAIC or their designee and at the direction of the HQ SAAI SME. The PAIC confirmed this procedure during his interview.

**§115.162 – Agency protection duties.**

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

**Notes:**

The facility meets the mandate of the standard. CBP TEDS states when an Officer/Agent has reasonable belief that a detainee is subject to a substantial risk of imminent sexual abuse, he or she will take immediate action to protect the detainee. Local SMEs and random Agents confirmed in such instances, the identified detainee is immediately placed in a single holding room and/or other available location under constant staff supervision.

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

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

**Notes:**

(a) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires upon receipt of an allegation that a detainee was sexually abused and/or sexually assaulted while confined at another facility prior to their arrival at Del Rio Station, the facility to notify the prior agency or administrator. Interviews conducted with the PAIC and the PFC confirmed the PAIC or designee would make the notification. During interviews with HQ SMEs and local SMEs, each confirmed there were no allegations of sexual abuse and/or sexual assault reported by detainees from any other confinement facility upon their arrival at Del Rio Station.

(b) The facility meets the mandate of the standard provision. The standard requires notification be made to the detainee’s previous confinement facility where the alleged sexual abuse and/or sexual assault was reported to have occurred within 72 hours of being reported. Del Rio Station did not receive any reports from detainees who alleged to have been sexually abused and/or sexually assaulted at another confinement facility within the 12 month period preceding the audit. The PAIC and PFC identified the standard requirement of agency notifications during the interview process.

(c) The facility meets the mandate of the standard provision. Del Rio Station did not receive any notifications from the detainee population within the 12 month period preceding the audit. An interview with the PFC confirmed information as such would be documented in the detainee’s electronic file.

(d) The facility meets the mandate of the standard provision. Interviews with the PSA Coordinator, local SMEs, HQ SAAI SME, and PFC identified there were no reports of sexual abuse and/or sexual assault reported at Del Rio Station within the 12 month period preceding the audit. The PFC reports they follow all agency reporting requirements as specified in CBP Directive 2130-030; upon notification from another facility of an allegation of sexual abuse/assault which occurred at Del Rio Station, JIC shall be notified immediately. This was also confirmed during the interview with the PAIC.

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

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

**Notes:**

(a) The facility meets the mandate of the standard provision. CBP Directive 2130-030 details the first law enforcement staff member’s responder duties upon receipt of a detainee’s allegation of sexual abuse/assault. Interviews with random Agents and the local SME verified their understanding of their duties as a first responder to a reported allegation of sexual abuse/assault. Responsibilities included separating the alleged victim and abuser, preserving, and protecting the crime scene to the extent possible, if the abuse occurred within a time period that still allows for the collection of physical evidence, requesting the alleged victim and ensuring the alleged abuser do not take any action that could destroy the physical evidence, such as using of the restroom, bathing, changing clothes, and/or brushing

teeth, and notify their supervisor. The interviewees further stated medical treatment would be provided, as needed, at the Val Verde Regional Medical Center.

(b) The facility meets the mandate of the standard provision. The facility does not employ contractors who have direct contact with detainees. An interview with three volunteers confirmed they do not have contact with the detainees without direct supervision by Agents; however, they stated they would preserve the crime scene and immediately notify an Agent.

**§115.165(a) through (c) – Coordinated response.**

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

**Notes:**

(a) The facility meets the mandate of the standard provision. CBP Directive 2131-030 constitutes CBP's written institutional plan pursuant to 6 C.F.R. Part 115 and provides direction for utilizing a coordinated multidisciplinary team to respond to sexual abuse and/or sexual assault. The 21 sections outlined in the Directive include the aspects of definitions, hiring, departmental responsibilities, prohibited acts, training, reporting, responding, medical and mental health evaluations, investigations, incident reviews and data collection. The new policy was distributed to employees through the CBP Postmaster, PDO News - Privacy and Diversity Office Quarterly Newsletter and the Memorandum from Acting Chief of U.S. Border Patrol to all Chief Patrol Agents, dated March 6, 2016, and through CBP net Collaboration.

(b) The facility meets the mandate of the standard provision. CPB Directive 2130-030 requires if an alleged victim of sexual abuse and/or sexual assault is transferred to another DHS facility, Del Rio Station will inform the receiving DHS facility of the alleged incident and the alleged victim's potential need for medical or social services. There were no incidents of sexual abuse and/or sexual assault of detainees who were transferred from Del Rio Station during the past 12 months of the audit period that required notification to another facility of a victim's potential need for medical or social services. Interviews with local SMEs confirmed the Watch Commander or PFC would notify the receiving DHS facility of the incident and the victim's potential need for medical or social services.

(c) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires if the alleged victim of sexual abuse and/or sexual assault is transferred to a non-DHS facility, Del Rio Station staff will inform the receiving facility or agency, as permitted by law, of the incident and the alleged victim's potential need for medical and social services, unless the alleged victim requests otherwise. There were no incidents of sexual abuse and/or sexual assault reported to a non-DHS facility during the past 12 months of the audit period. Interviews with local SMEs confirmed the Watch Commander would notify the receiving facility. Local SMEs and Agents were aware of the notification for alleged victim's potential need for medical and social services to be provided as needed as outlined in policy.

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

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

**Notes:**

The facility meets the mandate of the standard. CBP Directive 2130-030 requires agency management to consider whether any staff, contractor, or volunteer alleged to have perpetrated sexual abuse and/or assault should be removed from duties requiring detainee contact pending the outcome of the investigation and will do so if the seriousness and plausibility of the allegation make removal appropriate. Interviews conducted with the HQ SAAI SME, HQ LER SME, and local SMEs confirmed all allegations of sexual abuse/sexual assault involving staff, contractors, and volunteers would immediately result in the removal of that person from detainee contact pending the outcome of an investigation. Del Rio Station reported no allegations of sexual abuse/sexual assault alleged by staff, volunteers and/or contractors during the past 12 months.

**§115.167 – Agency protection against retaliation.**

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

**Notes:**

The agency meets the mandate of the standard. CBP TEDS prohibits staff from retaliating against any person, including a detainee, who alleges or complains about, or participates in an investigation into an allegation of sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force. Interviews with local SMEs and random Agents verified their knowledgeable and understanding of the agency's policy prohibition against retaliation. There were no reported allegations of retaliation at Del Rio Station for the past 12 months of 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)
- Not Applicable (provide explanation in notes):

**Notes:**

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

**§115.172 – Evidentiary standard for administrative investigations.**

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

**Notes:**

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

**§115.176(a) and (c) through (d) – Disciplinary sanctions for staff.**

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

**Notes:**

(a) The facility meets the mandate of the standard provision. CBP Directive 2130-030 states CBP personnel may be subject to disciplinary or adverse action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse and/or sexual assault and/or for violating CBP's sexual abuse policies. Interviews with the HQ HRM and Local SMEs confirmed there were no reported allegations of sexual abuse and/or sexual assault and/or violating CBP's sexual abuse policies in the past 12 months of the audit.

(c) The facility meets the mandate of the standard provision. CBP Directive 2130-030 requires the removal and/or resignation in lieu of removal for violation of agency or facility sexual abuse policies to appropriate law enforcement agencies, unless clearly not criminal. Documentation submitted and interviews conducted with the HQ SMEs and local SME indicated there have been no removals or resignations in lieu of removal from Del Rio Station during the 12 month period preceding the audit.

(d) The facility meets the mandate of the standard provision. An interview with the HQ SAAI SME verified that the agency's process for reporting all removals for violation of agency or facility sexual abuse policies to relevant licensing bodies is via phone call or in person if a phone number is not available.

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

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

**Notes:**

(a) The facility meets the mandate of the standard provision. Contractors and volunteers are assigned to Del Rio Station. CBP Directive 2130-030 and DHS PREA Standards address this standard. Any contractor or volunteer suspected of perpetrating sexual abuse and/or sexual assault will be immediately removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. Interviews with the HQ SAAI SME, PAIC, and SBPA verified all substantiated allegations of sexual abuse by contractors and/or volunteers would in their removal from detainee contact and would be reported to the appropriate law enforcement agencies and licensing authorities by the Sector Chief or designee.

(b) The facility meets the mandate of the standard provision. Interviews with local SMEs and the PAIC verifies any contractor and/or volunteer suspected of perpetrating sexual abuse or violating the DHS PREA Standards would be removed from all duties where detainee contact could occur pending the conclusion of the investigation.

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

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

**Notes:**

(a)(b) The facility meets the mandate of the standard provisions. Detainees reporting sexual abuse at Del Rio Station that require emergency medical services are immediately transported to Val Verde Regional Medical Center in Del Rio, Texas. Comprehensive medical care will be offered as outlined CBP Directive 2130-030, sections 15.1, 15.1.1, 15.1.2 and 15.1.3. Confirmation of procedures was obtained during interviews with the PAIC and PFC. The detainee victim would receive timely, unimpeded access to emergency medical treatment including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. Medical services would be without financial cost to the victim regardless of whether the victim names the abuser or cooperates with an investigation arising out of the incident. There were no incidents of sexual abuse and/or sexual assault reported during the 12 month period preceding the audit requiring the need for emergency medical services.

**§115.186(a) – Sexual abuse incident reviews.**

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

**Notes:**

The facility meets the standard. Review of the HQ PAQ and interviews with the Assistant Chief, U.S. Border Patrol Headquarters, PSA Coordinator, and PAIC confirmed there were no sexual abuse/sexual assault allegations reported and no incident reviews conducted in the past 12 months of the audit. CBP Directive 2130-030 states a sexual abuse incident review is conducted within 30 days after the conclusion of every investigation. A written report is prepared recommending whether the allegation or investigation indicates that a change in policy or practice could better prevent, detect, or respond to sexual abuse. The report is forward to the HQ PSA Coordinator. The HQ Assistant Chief identified himself and three other HQ Assistant Chiefs as the individuals conducting the sexual abuse incident reviews as outlined in CBP 2031-030, sections 18.1, 18.1.1 and 18.1.2. Upon completion of the sexual abuse incident review, the incident review report is sent to the PSA Coordinator.

**§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**

January 15, 2020

**Date**

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



U.S. Customs and Border Protection

**K 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>	Del Rio 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>	2401 Dodson Avenue, Del Rio, Texas 78840
<b>Mailing Address: (if different from above)</b>	Same as Above

**SHORT-TERM FACILITY BEING AUDITED**

<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Del Rio Station		
<b>Physical Address:</b>	2300 Highway 90 East, Del Rio, Texas 78840		
<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
<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.

An on-site audit of the U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), Del Rio Station, was conducted on September 20, 2019, and the preliminary findings report dated November 5, 2019, was submitted on November 5, 2019. Following comments from CBP Headquarters and from the Auditor, the report dated January 15, 2020, was submitted as a Final Draft on January 15, 2020.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the Del Rio 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 Del Rio Station was found to not be in compliance with two standards: (115.113 and 115.115). Standard 115.118 was not applicable to the Del Rio Station.

On February 2, 2020, the Del Rio Station submitted a preliminary Corrective Action Plan (CAP) dated January 27, 2020, with completion dates of January 31, 2020. The Auditor reviewed the CAP and requested documentation to support the non-compliant standards. On May 5, 2020, the Del Rio Station submitted an Annual Review of Detainee Supervision Guidelines document dated April 30, 2020, to comply with standard 115.113. This information was reviewed by the Certified PREA Auditor and Program Manager for Creative Corrections and accepted for compliance with the standard.

On October 19, 2020, the Del Rio Station submitted documentation to comply with standard 115.115. The documentation included a copy of a memorandum from the Chief, Strategic Planning and Analysis Directorate, dated September 17, 2020, to all Chief Patrol Agents and all Directorate Chiefs reinforcing proper pat search techniques and an attached Muster Module providing requirements of Safety Searches, Threat Assessments, and Pat Search Techniques for cross-gender, transgender, and intersex detainees. In conjunction with the documentation, the Del Rio Station submitted re-training roster sign-offs confirming attendance and understanding. The documentation and staff sign-offs were reviewed by the Auditor and found to meet compliance requirements for 115.115.

The Del Rio Station is now compliant with all PREA standards.

Although there was regular communication between Creative Corrections and CBP Headquarters, the CAP was not completed within the required 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 replied upon in making the compliance or non-compliance determination for each provision that was found non-compliant during the audit.

### §115.113

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

**Notes:**

On May 5, 2020, the Del Rio Station submitted an Annual Review of Detainee Supervision Guidelines document, dated April 30, 2020. The document satisfied all elements as required in standard provision (c). These elements included the supervisory staff conducting the review; facility description; review of all technology, description of holding practices for all special detainee populations to include family units and Unaccompanied Alien Children (UAC); and measures to adequately staff the Station due to shortages of staff or an influx of detainees. The Auditor reviewed the documentation and found that it satisfied the requirements of the standard.

The Del Rio Station is now compliant with standard 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 October 19, 2020, the Del Rio Station submitted a memorandum from the Chief, Strategic Planning and Analysis Directorate, dated September 17, 2020, to all Chief Patrol Agents and Directorate Chiefs on the pat search techniques of transgender and intersex detainees according to the detainee's declared gender identity. The memorandum also referenced sections 4.3 and 5.5 of the National Standards on Transport, Escort, Detention, and Search (TEDS) policy and included a Muster Module that provides instruction to Patrol Agents in the safe search of suspects, threat assessments, and pat search techniques for cross gender, same gender, transgender, and intersex detainees. In conjunction with the memorandum and training Muster Module, the Del Rio Station submitted a roster sign-off affirming the re-training and content understanding of agents at the Station. The Auditor reviewed the content of the memorandum, the Muster Module and the roster and determined that all submitted documents satisfied the requirements of the standard.

The Del Rio Station is now compliant with Standard 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's Signature**

\_\_\_\_\_  
 November 5, 2020  
**Date**