

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:	Office of Field Operations
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	San Diego Field Office
Name of Chief or Director:	(b)(6)(b)(7)(C)
PREA Field Coordinator:	(b)(6)(b)(7)(C)
Sector or Field Office Physical Address:	610 West Ash Street, Suite 1018, San Diego, California 92101
Mailing Address: (if different from above)	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Otay Mesa Port of Entry (POE)		
Physical Address:	2500 Paseo Internacional, San Diego, CA 92154		
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:	Assistant Port Director
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 Customs and Border Protection (CBP), Office of Field Operations (OFO), Otay Mesa Port of Entry (POE), San Diego, California, was conducted on Friday, September 20, 2019, by PREA certified auditor (b)(6)(b)(7)(C), a contractor for Creative Corrections, LLC. The facility is located at 2500 Paseo Internacional, San Diego, California, and is utilized by CBP for short term detention of individuals pending release from custody or transfer to a court, jail, prison, other agency or other unit of the agency.

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 Prevention of Sexual Assault Coordinator, Headquarters (HQ); (b)(6)(b)(7)(C), National OFO PREA Coordinator, OFO, HQ; (b)(6)(b)(7)(C), Deputy Director, Personnel Security Division, HQ; (b)(7)(E), Employee Relations Specialist, HQ; (b)(6)(b)(7)(C), Branch Chief, CBP Hiring Center, HQ; (b)(6)(b)(7)(C), Sexual Abuse and Assault Investigations Coordinator, HQ provided the HQ Pre-Audit Questionnaire (PAQ) along with supporting documents for Otay Mesa POE on the secure CBP SharePoint website approximately three weeks prior to the on-site portion of the audit. (b)(6)(b)(7)(C), Watch Commander/PREA Field Coordinator, Port of San Ysidro, provided information on the Local PAQ during the onsite visit due to local documentation for a different facility being uploaded to the CBP SharePoint website by mistake. Pre-audit preparation included a thorough review of all supplied documentation and supporting materials provided by HQ staff along with the data included in the completed PAQ. 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 Otay Mesa POE at 5:15 a.m. on September 20, 2019, and began interviewing random Supervisors and Officers. There was no in-briefing conducted at the request of CBP due to everyone available attending a recent in-briefing at the Port of San Ysidro.

A brief meeting was held between the Auditor and the PREA Field Coordinator to discuss the incorrect Local PAQ and correct the information provided. Following that meeting, a tour of the facility was provided to include the processing area and hold rooms. The Auditor was walked around the entire facility and observed the large lobby area which serves as the primary holding area and includes a section specifically for juveniles and family units when they are present. Otay Mesa POE has (b)(7)(E). When a detainee initially arrives, they are directed to the case processing area which is searched prior to entry by the detainees. The Officers gather information and complete assessments on detainees before they are placed in the holding area or holding cells. The (b)(7)(E). Posters were observed on the wall in English and Spanish informing detainees of how and whom to report (tell a CBP official or in writing, anonymously, to DHS Office of the Inspector General (OIG)) any allegations of sexual abuse. Otay Mesa POE is staffed around the clock by CPB staff. There were no volunteers on site during the conduct of the audit. The Auditor observed contract cleaning staff under direct CBP staff observation at all times while in the processing area. Otay Mesa POE receives males, females, family units, and juveniles.

In addition to the processing area and hold room, the Auditor was able to view the (b)(7)(E) while on-site. Otay Mesa POE has a number of (b)(7)(E) that include coverage of the processing area.

During the site visit, the Auditor was not able to observe the intake process due to no processing being conducted during that time. The typical time to be held at Otay Mesa POE is 5-8 hours. Detainees are provided food for the duration of the time they are there and bedding is provided when a detainee is required to stay overnight.

Scope of the Audit: The Auditor reviewed all relevant policies, procedures, and documents in assessing Otay Mesa POE. The Auditor had access to all areas of the facility. While on-site, the Auditor interviewed nine staff (5 Officers and 4 Supervisors, including the PREA Field Coordinator) and one detainee (1 male who was from Mexico) who was the only detainee on site in the holding area. All interviews of both staff and detainee were conducted in a secure, private setting.

The Auditor used Language Services Associates to provide interpreter services for the detainee interview. Prior to arriving on-site, the Auditor interviewed six Headquarter Subject Matter Experts (SMEs) who deal with hiring, investigations, labor employee relations including the Agency PSA Coordinator. The Auditor also spoke with staff from both local Hospitals (Sharp Chula Vista Medical Center and Scripps Mercy Hospital Chula Vista in San Diego) regarding the availability of medical and advocacy services.

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 20, 2019, an Otay Mesa POE exit briefing was held in an office in the processing area. In attendance were:

- (b)(6)(b)(7)(C), Deputy Prevention of Sexual Assault (PSA) Coordinator, PDO, HQ
- (b)(6)(b)(7)(C), Watch Commander, Otay Mesa Port of Entry
- (b)(6)(b)(7)(C), National OFO PREA Coordinator, OFO, HQ (via telephone)

The Auditor discussed observations made during the on-site audit and gave preliminary findings. She informed those present a final determination would not be made until she reviewed the on-site notes from interviews, policies, and the standard requirements.

The Auditor found compliance with 21 standards and found 3 standards not met: 115.113 on Detainee Supervision and Monitoring, 115.115 Searches of Detainees and 115.121 Evidence protocols and forensic medical examinations.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 0	
Number of standards met: 21 + 1 not applicable.	
Number of standards not met: 3	
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) CBP Policy on Zero Tolerance of Sexual Abuse and Assault from the CBP Commissioner, dated March 11, 2015, and CBP Directive 2130-030, Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, dated January 19, 2018, mandate zero-tolerance toward all forms of sexual abuse and sexual assault and outlines the agency's approach to prevent, detect, and respond to abusive conduct. The policy and Directive define in detail prohibited acts regarding sexual abuse. The policy and Directive are supplemented with CBP's National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015, which sets forth nationwide standards that govern CBP's interaction with detained individuals. Compliance is based on the Auditor's review of CBP Policy on Zero Tolerance of Sexual Abuse and Assault, CBP Directive 2130-030, CBP TEDS, and interviews conducted with random Supervisors and Officers. All were very familiar with agency policy and understand their role in preventing, detecting and responding to sexual abuse. Document review confirms Otay Mesa POE has also provided multiple refresher emails to all staff.

§115.113(a) through (c) – Detainee supervision and monitoring.

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

Notes:

(a) The standard requires 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 spoke with the PREA Field Coordinator and random Supervisors who discussed the supervision guidelines informing the Auditor there are no definitive daily staffing numbers established at Otay Mesa POE. Staff numbers are driven by the number of detainees brought in for processing. The Auditor was informed Otay Mesa POE maintains enough staff positions to provide a safe and secure environment for detainees. The PREA Field Coordinator indicates the established staff positions are flexible and appropriate from day to day. He stated that when needed, due to circumstances such as staff shortage or an influx of detainees, Otay Mesa POE would contact the off-site scheduling department to request additional Officers from other areas, utilize staff on overtime, or contact the Port of San Ysidro to schedule additional detainee transfers. Otay Mesa POE has (b) (7)(E) capabilities in the processing area. This aids as an additional monitoring measure in the supervision of detainees by allowing more staff to provide supervision than only those present in the processing area and hold rooms.

(b)(c) CBP Directive 2130-030 requires all short-term holding facilities under the control of the Office of Field Operations (OFO) and U.S. Border Patrol (USBP) have a documented comprehensive detainee supervision guideline that meets the facility's detainee supervision needs. CBP has developed, documented and issued comprehensive detainee supervision guidelines at an agency level in its National Standards on Transport, Escort, Detention and Search. This was reviewed by the Auditor. CBP Directive 2130-030 requires the supervision guidelines be reviewed at least annually taking into account the physical layout, composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings, and recommendations of incident reviews and any other relevant factors. The Auditor spoke with the PREA Field Coordinator and random Supervisors who explained how Otay Mesa POE maintains appropriate supervision of detainees and how the process is reevaluated as needed. The facility provided the Auditor with a document entitled "Meeting Summary and After Action Report Prison Rape Elimination Act Review of Detainee Supervision Guidelines" after the onsite review. This document listed items discussed during the exit briefing and listed the Auditor and staff present at the exit briefing. Detainee supervision guidelines were not discussed at the exit briefing and the facility was not able to provide a document or sufficiently explain how a documented annual review of the circumstances is evaluated to determine if supervision is appropriate, or if changes are needed to the overall staffing level or (b) (7)(E) to

protect detainees from sexual abuse resulting in non-compliance. **Corrective Action:** Provide documentation of an annual review of the supervision guidelines (b) taking into account all areas listed in subsection (c) of the standard.

§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 Otay Mesa POE to place each juvenile in the least restrictive setting appropriate to their age and special needs, provided the setting is consistent with the need to ensure the safety and security of the detainee and that of others. The Auditor interviewed random Supervisors and Officers who process juveniles and children brought to Otay Mesa POE who state the children are processed as either accompanied by a parent or legal guardian or as an unaccompanied alien child (UAC). UACs are held in a separate and specifically sectioned off area of the large primary holding area on the opposite side than any adult detainees present. Due to that section being adjacent to the processing area UACs are easily monitored by staff on a constant basis. Staff also state minors accompanied by an adult are thoroughly vetted to ensure it is a parent or legal guardian relationship. This includes the use of documentation reviews, interviews and telephone calls when contact information for other relatives is available. If a legal relationship cannot be established, the minor is handled as an UAC and kept separate from adults as described above under the least restrictive setting possible. The Auditor was able to view the large holding area, including the separate section utilized for UACs and discussed in depth with staff the methods used to allow the least restrictive setting. This includes the open nature of the hold room allowing the UAC more movement than a cell, UACs being in the section of the holding area closest to staff allowing them constant staff access, a television, and snacks as needed. It was clear that the well-being of juveniles is a top priority to all Supervisors and Officers interviewed. There were no UACs present at Otay Mesa POE during the on-site visit for the Auditor to interview.

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

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

Notes:

(b)(c) CBP TEDS details the type and conditions under which searches can and will be performed to ensure the safety of staff, civilians and detainees. It prohibits cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances including consideration of officer safety or when performed by medical practitioners. If performed, the policy requires strip/body cavity searches be recorded in the electronic system of record. CBP TEDS details the requirement that staff must not conduct visual body cavity searches of juveniles and are to refer all body cavity searches of juveniles to a medical practitioner. During interviews with the PREA Field Coordinator, random Supervisors and Officers all consistently state cross-gender strip searches and cross-gender body cavity searches would not be conducted except in exigent circumstances and then only after receiving approval from a supervisor. They also indicate any visual body cavity search of an adult or juvenile would be referred to a medical practitioner at one of the local hospitals. Documentation review reveals there have been no strip or body cavity searches at Otay Mesa POE during the past 12 months, and all staff interviewed indicate strip searches and body cavity searches are very rarely done at Otay Mesa POE.

(d) CBP TEDS specifies the requirement that enables detainees to shower (where showers are available), perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination or under medical supervision. The holding areas at Otay Mesa POE do not have shower areas. The primary hold area has separate bathrooms for female and male detainees, each including separated toilet stalls that are not under (b) (7)(E). The holding cells do have a toilet area that includes a partition around the toilet to ensure staff are not able to view detainees while performing bodily functions. The (b) (7)(E) of the holding cells that include (b) (7)(E) was reviewed by the Auditor and the toilet area was not visible. Interviews with random Supervisors and Officers as well as the detainee confirm opposite gender staff knock on the door to announce their presence before entering a holding cell or the separate bathrooms.

(e) CBP TEDS prohibits staff from searching or physically examining a detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown, staff 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 of record as

unknown. Interviews with random Supervisors and Officers confirm staff are aware of the prohibition on searching detainees to determine gender and the appropriate way to ask detainees their gender or gender identity. There were no detainees who self-identified as transgender present during the on-site visit for the Auditor to interview.

(f) The Auditor reviewed the CBP Personal Search Handbook, OFO, dated July 2004, as well as a training presentation and Instructor Guide for CBP S340C Personal Search Policy and Procedure that is provided to all CBP Officer trainees in basic academy with refresher training in Performance and Learning Management System (PALMS) annually and practical training during qualification sessions quarterly and two training musters on transgender searches issued by OFO dated August 25, 2017 and December 10, 2018 that were provided and reviewed after the audit. The handbook gives general terms how staff are to conduct pat down searches, including cross-gender pat down searches in exigent circumstances, and S340C training explains in further detail the scope of an immediate pat down, a pat down search, and a partial body search. However, neither the handbook nor S340C training goes into detail on how to search a transgender or intersex detainee. The Auditor interviewed random Supervisors and Officers and all of which were able to describe how searches of detainees are completed; however, staff had trouble describing the appropriate way to search transgender or intersex detainees and did not refer to the training musters on transgender searches. **Corrective Action:** Provide documentation of training material and completion of training by all staff, which provides specific details on how to conduct pat down searches of transgender and intersex detainees.

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

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

Notes:

(a) CBP TEDS and CBP Directive 2130-030 require detainees with disabilities (e.g., detainees who are hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) to have access to CBP's efforts to prevent, detect, and respond to sexual abuse and/or assault. When necessary to ensure effective communication with detainees who are hearing impaired, steps are to include providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. Otay Mesa POE has a job aide available to staff on communicating with detainees with disabilities. The Auditor observed this available in the processing area. Random Supervisors and Officers interviewed by the Auditor state deaf and blind detainees would be dealt with individually with staff reading them information, providing visual information, or use of an interpreter if necessary. Random Supervisors and Officers also state if a detainee had a psychiatric disability or was low level learning/functioning they would ensure they took the appropriate time to go over the information with them at a pace the detainee was able to understand. The Auditor interviewed one detainee who reported he had no disability affecting his ability to speak, hear or generally communicate with other people and was able to understand materials posted and the ability to communicate with facility staff.

(b)(c) CBP Directive 2130-030 requires detainees who are limited English proficient (LEP) be provided in-person or telephonic interpretation services. During the random Supervisor and Officer interviews the Auditor was informed if a communication problem exists with LEP detainees during processing, staff utilize Cyacom Service to provide information to detainees in a language they understand. Random Supervisors and Officers also indicate other detainees would not be allowed to interpret for another detainee during a sexual abuse investigation. The detainee interviewed by the Auditor was LEP and reported he was able to communicate with facility staff, reviewed the information posted regarding the policies related to protection from sexual abuse and was able to understand the information provided.

§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) CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) 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 position where the employee may interact with detainees in CBP holding facilities. The auditor interviewed the HQ HRM SME prior to the site visit and confirmed CBP does not hire or promote any employee or enlist the services of any 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 Directive. She states interviews conducted with new applicants as well as any applicant for promotion includes specific questions about previous sexual abuse misconduct. She confirms new staff and applicants for promotion are made aware there is a continuing affirmative duty to disclose any such misconduct. She states staff receive this information in the new employee orientation packet which includes CBP Standards of Conduct and the Table of Offenses and Penalties; the information is also included during annual refresher training in the Rules of Behavior module.

(c)(d) CBP Directive 2130-030 requires the Office of Professional Responsibility (OPR) ensure background investigations are conducted for applicants for employment and contractors having contact with detainees to determine suitability and updated background investigations be conducted every five years for CBP personnel who may have contact with detainees. An interview with the HQ Personnel Security Division (PSD) SME indicates background checks for CBP are the most thorough investigations conducted for DHS. She informed the Auditor question number three asked by all credentialed background investigators is, "Have you ever engaged in or have you ever been charged with sexual abuse"? She adds an affirmative response results in the individual not being hired and their application is stopped. The HQ PSD SME informed the Auditor rechecks are completed every five years. The Auditor submitted eight names of CBP employees to PSD for background check and re-check confirmation. Documentation provided in response confirms all eight names submitted have had background investigations completed or initiated on schedule.

(e) Review of HRM Operations, Programs, and Policy Standard Operating Procedures (SOP), PREA Hiring and Promotions, dated February 29, 2016, confirms it informs potential and current staff material omissions regarding sexual abuse, or the provision of materially false information, are grounds for termination or withdrawal of an offer of employment. The HQ Labor Employee Relations (LER) SME informed the Auditor staff are made aware of this when they receive their new employee orientation packet which includes CBP Standards of Conduct and the Table of Offenses and Penalties. She states this information is included each year thereafter during annual refresher training in the Rules of Behavior module.

(f) The HRM PREA Hiring and Promotions SOP requires the agency provide information on substantiated allegations of sexual abuse involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work, unless prohibited by law. The Auditor interviewed the HQ Hiring Center SME and she confirms this would be sent by PSD.

§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)
- Not Applicable (provide explanation in notes):

Notes:

N/A - Otay Mesa POE has had no substantial expansions or modifications and has not installed or had updates to (b) (7)(E) since May 6, 2014.

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

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

Notes:

(c)(d) CBP Directive 2130-030 requires Otay Mesa POE provide emergency medical treatment and crisis intervention service, including forensic medical examination, in accordance with professionally accepted standards of care to alleged victims of sexual assault. The treatment is to be without financial cost to the detainee and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. CBP TEDS requires if the detainee victim is transported for forensic medical examination to a local medical facility that offers victim advocacy services, Officers are to permit the detainee to use such services to the extent available, consistent with security needs. The Auditor interviewed the PREA Field Coordinator who confirms detainee victims receive medical and mental health treatment at no cost to the detainee as well as access to advocacy personnel. He states detainees are transported to one of two local hospitals, Sharp Chula Vista Medical Center and Scripps Mercy Hospital Chula Vista in San Diego. The Auditor confirmed with both hospitals forensic medical examinations would be provided by a Sexual Assault Nurse Examiner (SANE) or other qualified health care personnel if a SANE is not available at no cost, and advocacy services are available at their locations. During interviews with random Supervisors and Officers, all are aware of the need for medical care when responding to the sexual abuse of a detainee.

(e) The Auditor was informed by the PREA Field Coordinator and random Supervisors the San Diego Police Department

would be notified of any sexual assault but was not able to confirm during interview with the Auditor that a request had been made or provide the Auditor with documentation requesting San Diego Police Department comply with sections (a) through (d) of the standard. **Corrective Action:** Provide documentation of request for San Diego Police Department to comply with sections (a) through (d) 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)
- 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 staff with knowledge, suspicion, or information of any incident of sexual abuse and/or assault of a detainee in a holding facility, retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to report the information to the Joint Intake Center (JIC) and the Commissioner’s Situation Room. The Directive further requires Otay Mesa POE to report allegations of sexual assault/abuse to law enforcement agencies with the legal authority to conduct criminal investigations. The HQ Sexual Abuse and Assault Investigations Coordinator (SAAI) SME and PREA Field Coordinator both indicate sexual abuse allegations are reported to JIC, the Commissioner’s Situation Room and local law enforcement. The PREA Field Coordinator states the supervisor on duty would be responsible for making the required notifications. The Auditor confirmed during interviews with random Supervisors they are aware of and understand the notification requirements. The HQ PSA Coordinator indicates in her interview, she would electronically receive the allegations from the JIC and/or the Commissioner’s Situation Room, as soon as the SIR is entered in the SIR reporting system as stipulated in CBP Directive 3340-025E, Reporting Significant Incidents to the Commissioners Situation Room, dated May 21, 2018. The facility has had no sexual abuse allegations reported or investigated during the prior 12 months resulting in no notifications made.

§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) 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 receive PREA training as required in Subpart B of the DHS Standards. The Directive further requires retention of training records as stipulated in the standard. The Auditor reviewed the PREA General Training curriculum provided to staff at Otay Mesa POE. The training is provided to them through the PALMS. This training includes the agency’s zero-tolerance policy for all forms of sexual abuse, the definitions and examples of prohibited and illegal sexual behavior, and the rights of detainees to be free from sexual abuse and retaliation for reporting sexual abuse. The training provides information on where sexual abuse may occur, recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing and responding to such occurrences. Staff are instructed on how to avoid inappropriate relationships with detainees and how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex (LGBTI), or gender non-conforming detainees as well as the 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. Interviews with random Supervisors, including the PREA Field Coordinator, and Officers confirm all staff have received PREA training and training is provided every two years. The PALMS system provides an up-to-date listing of staff trained and those needing training. The Auditor submitted eight names of CBP employees to the PREA Field Coordinator for training record confirmation. Documentation provided in response confirms all eight names submitted have had training as required by the standard on schedule. Additionally, document review confirms CBP Directive 2130-030 was provided to all staff through the agency email program.

§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 the zero-tolerance policy through the webpage at: <https://www.cbp.gov/about/care-in-custody>. The

facility also ensures key information regarding the zero-tolerance policy is visible and continuously available to detainees through posters located in the processing area and inside the hold rooms. The posters were observed in English and Spanish. Information on the posters includes: CBP has zero-tolerance for sexual abuse/assault; reporting can be anonymous and confidential; be safe and get help; tell a CBP official; call DHS OIG (toll free number provided); and telecommunication devices available by calling a toll-free number (provided). The Auditor spoke to one detainee onsite who reported he was aware of the posters and had a general understanding of the information provided on the poster. He also indicated he would be comfortable reporting sexual abuse to an Officer if needed and was aware of the telephone hotline available for reporting. The detainee interviewed was LEP. The Auditor interviewed random Supervisors and Officers who confirm detainees are notified of the agency's zero-tolerance policy with posters.

§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)
- X 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)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does not meet Standard (requires corrective action)

Notes:

(a)(b)(c)(d) CBP TEDS states before placing any detainees together in a hold room the processing officer must assess the information before them to determine if the detainee may be considered an at-risk detainee, or at-risk of posing a threat to others. This assessment includes: whether the detainee has exhibited a mental, physical, or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; if the detainee identifies as LGBTI or gender non-conforming; any prior sexual victimization, and the detainee's own concerns about his/her physical safety. The Auditor reviewed the PREA General Training staff receive regarding conducting assessments. Random Supervisor and Officer interviews confirm the assessment is performed on each detainee arriving at the facility. Supervisors and Officers state if the assessment indicates a detainee may be at high risk of being abused by other detainees, he/she is provided with heightened protection; and if the assessment indicates a detainee may be high risk of being sexually abusive towards other detainees, he/she is provided with heightened supervision and transferred as soon as possible to the Port of San Ysidro. According to staff, heightened supervision could include direct sight and sound supervision or (b) (7)(E). The interview with the detainee confirms he was asked about concerns for his own safety while at the facility upon admission. At the time of the site visit, the Auditor had the opportunity to review assessment documentation and discuss it with staff, confirming the required risk assessment is conducted.

(e) CBP TEDS requires all short-term holding facilities, including Otay Mesa POE, implement appropriate controls on the dissemination of private and/or sensitive information provided by detainees during this risk assessment; staff are to disclose this information only to those personnel with a need-to-know. Interviews with random Supervisors and Officers, as well as the PREA Field Coordinator, indicate information is only provided on a need-to-know basis.

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

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

Notes:

(a)(b) CBP Directive 2130-030 requires detainees be provided multiple ways to privately report sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. It further requires the facility provide at least one way for detainees to report sexual abuse to a public or private entity not connected to the agency. Detainees must be able to report confidentially and anonymously, if desired, as well as both verbally and in writing. CBP's procedures for reporting alleged sexual abuse and/or assault are to be visible or continuously and readily available to detainees at holding facilities. Additionally, information is posted on the CBP public Website. Interviews with the PREA Field Coordinator and random Supervisors and Officers confirm detainees are provided information on the multiple ways to report through posters (English and

Spanish). Provided information indicates detainees may report confidentially and anonymously, verbally or in writing to any CBP Official or by utilizing the toll-free telephone number to OIG. The auditor interviewed one random detainee. He was aware there was a telephone number available and that he could confidentially inform staff of any allegation of sexual abuse when needed. During the site visit, the Auditor was able to view and test the telephone that would be made available to a detainee to call OIG; the telephone was found operational. The Auditor questioned random Supervisors and Officers about the process for detainees making reports to OIG as the telephone is outside the hold room. They state the detainee only needs to tell staff they wish to report something; they would not be required to disclose what they wanted to report before being escorted to the telephone located in the processing area.

(c) CBP Directive 2130-030 requires staff at Otay Mesa POE accept allegations reported to them verbally, in writing, anonymously, and from third-parties, and promptly record such reports according to the operational procedures. The Auditor interviewed nine random Supervisors, including the PREA Field Coordinator, and Officers, and all confirmed their understanding of accepting allegations verbally, in writing, anonymously, and from third-parties. All staff state the allegations would be reported to their supervisor and documented.

§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 states detainees may utilize third-party individuals to report allegations of sexual abuse. The agency provides reporting information for anyone wishing to report an allegation on behalf of a detainee on their webpage at <https://www.cbp.gov/about/care-in-custody>. The webpage provides a toll-free telephone number, USPS address and email address to JIC; and a toll-free telephone number, direct complaint link, and USPS address for OIG. The Auditor tested the website and observed the required information is accurate and available. During interview with one detainee, he indicated he was aware of being able to have someone report sexual abuse on his behalf. Interviews with random Supervisors and Officers confirm that a third-party report would be handled in the same way as a report received directly from a detainee.

§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 Directive 2130-030 requires staff report as promptly as possible any knowledge, suspicion, or information of the following: an incident of sexual abuse and/or assault of a detainee in a holding facility; retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. CBP Directive 2130-030 also requires staff report any misconduct upon becoming aware of it. CBP TEDS requires staff to immediately report: any knowledge, suspicion, or information regarding an incident of sexual abuse against any detainee, retaliation against detainees or staff who reported or participated in an investigation about such an incident, and staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. CBP Directive 51735-013A, CBP Standard of Conduct, dated March 13, 2012, not only allows staff to report within their chain of command, it requires them to report outside their chain of command to JIC, CBP Office of Professional Responsibility, OPR, or OIG. The Auditor interviewed random Supervisors and Officers. All staff understood the reporting requirements if they receive a report of sexual abuse of a detainee, retaliation of a detainee or staff for reporting or participating in an investigation, or staff neglect, or violation of responsibilities that may have contributed to sexual abuse. Staff confirmed their responsibilities to immediately report any allegation of sexual abuse, retaliation, or staff failure to perform their duties, within and outside their chain of command if necessary.

(c) CBP Directive 2130-030 requires staff not reveal any information related to a sexual abuse report except as necessary to aid the detainee, protect other detainees or staff, or to make security and management decisions. This information is also provided to staff in the mandatory PREA training. The Auditor interviewed random Supervisors and Officers. All indicate information they become aware of is not shared except on a need-to-know basis or during an investigation into the matter.

(d) CBP Directive 2130-030 requires CBP staff notify relevant agencies if the alleged victim of a sexual assault is a vulnerable adult or under the age of 18. The Auditor confirmed the reporting requirements during interviews conducted with random Supervisors and the PREA Field Coordinator. The PREA Field Coordinator states should a vulnerable adult or

person under 18 be sexually assaulted at Otay Mesa POE, the supervisor on duty would make notifications to the appropriate local State Agencies. Interviews with random Supervisors confirm they are aware of this duty and understand the notification procedure. Otay Mesa POE has had no incidents requiring this type of notification during the last 12 months.

§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 states if an Officer has a reasonable belief a detainee may be subject to a substantial risk of imminent sexual abuse, they are to take immediate action to protect the detainee. This specific question was asked of the nine random Supervisors and Officers interviewed, including the PREA Field Coordinator. All indicate any detainee believed to be in imminent danger of being sexually abused would be separated from the other detainees and placed under constant supervision of staff. All state depending on the hold rooms available at the time, the detainee would be placed in a hold room alone or under direct supervision of staff.

§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) CBP Directive 2130-030 requires staff make reasonable efforts to promptly report any allegation of sexual abuse the facility becomes aware of which occurred at another facility. The notification is required to be made to the appropriate office or Administrator of the facility where the alleged incident occurred as well as JIC and the Commissioner's Situation Room. An interview with the PREA Field Coordinator confirms the notification would be done as soon as possible by the supervisor on duty in accordance with the Directive. There were no notifications made by Otay Mesa POE in the last 12 months as no alleged incidents at other facilities have been reported to staff. It was confirmed during interviews with random Supervisors they are aware of this duty and notification procedures.

(b) CBP Directive 2130-030 requires the notification to other confinement facilities be as soon as possible. An interview with the PREA Field Coordinator indicates he understands this requirement and the 72-hour reporting requirement of the standard. He states the supervisor on duty would be responsible for ensuring this notification occurs and it would be completed sooner than the 72 hours required by the standard.

(c) An interview with the PREA Field Coordinator and random Supervisors confirms the receipt of an allegation a detainee was sexually abused while confined at another facility and the required notifications would be documented by the supervisor on duty.

(d) CBP Directive 2130-030 requires a prompt, thorough, objective investigation be conducted by specially trained investigators anytime an allegation is received. An interview with the PREA Field Coordinator and random Supervisors confirms if an allegation is received from another facility regarding an allegation of sexual abuse that occurred at Otay Mesa POE, an investigation would be promptly initiated. Otay Mesa POE received no referrals from other facilities in the last 12 months so there were no referrals for investigation made.

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 on scene of an allegation of sexual abuse. The Directive and PREA training require law enforcement staff separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a time period that allows for the collection of physical evidence, request the alleged victim and ensure that the alleged abuser not take any actions that could destroy physical evidence. Otay Mesa POE doesn't currently have contractors or volunteers with detainee contact. Should that change, the Directive also requires non-law enforcement staff request the alleged victim not take any actions that could destroy physical evidence and then notify law enforcement staff. During interviews with random Supervisors and Officers, staff detailed their responsibilities as first responders. Each told the auditor they would separate the alleged

victim from the alleged abuser, provide medical assistance if needed by having the detainee transported to a local hospital, preserve evidence to the extent possible, and notify their supervisor.

§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 stipulates the entire document is CBP's written institutional plan outlining the coordinated multidisciplinary team approach to responding to sexual abuse. The 21 sections of the Directive cover aspects from hiring, training, reporting, responding, medical and mental health services, investigations, and data collection. The PREA Field Coordinator detailed the facility plan during his interview. He described the first responder duties, medical treatment for detainees as needed at local hospitals, mental health services provided as needed, investigations and involvement of the San Diego Police Department, and subsequent incident reviews and recommendations.

(b)(c) CBP Directive 2130-030 states if an alleged victim of sexual abuse and/or assault is transferred to another DHS facility, Otay Mesa POE must inform the receiving agency 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, Otay Mesa POE 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 PREA Field Coordinator informed the Auditor during the last 12 months Otay Mesa POE has had no cases requiring such notification to a DHS or non-DHS facility. He states if they did, the supervisor on duty would follow the notification requirements outlined in Directive 2130-030.

§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 Agency management consider whether any staff, contractor, or volunteer alleged to have perpetrated sexual abuse and/or assault should be removed from duties requiring detainee contact pending the outcome of an investigation and will do so if the seriousness and plausibility of the allegation make removal appropriate. The PREA Field Coordinator states during his interview an allegation of sexual abuse and/or assault involving staff, contractor, or volunteer would result in management considering whether to remove the individual from duties requiring detainee contact pending the outcome of an investigation. He indicates there has not been any allegation of sexual abuse made against a staff member requiring this type of response. Otay Mesa POE doesn't currently have contractors or volunteers with detainee contact.

§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 Directive 2130-030 prohibits agents, officers, and other CBP personnel from retaliating against any person or detainee who reports, complains about, or participates in an investigation of sexual abuse and/or assault. This retaliation prohibition is also detailed in the PREA general training each staff member receives. The Auditor interviewed nine random Supervisors and Officers, including the PREA Field Coordinator. Each was aware of the prohibition of retaliation against anyone who makes an allegation of sexual misconduct or participates in the investigation. The PREA Field Coordinator informed the auditor there have been no allegations of retaliation made during the last 12 months.

§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)
- X Not Applicable (provide explanation in notes):

Notes:

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

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

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

Notes:

(a) CBP Directive 2130-030 informs CBP personnel they 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 assault and/or for violating CBP's sexual abuse policies. The Auditor interviewed HQ SAAI and LER SMEs. Both indicate staff would be subject to disciplinary action up to and including removal from their position and Federal Service for a substantiated allegation of sexual abuse or violating the agency sexual abuse policy.

(c) CBP Directive 2130-030 requires OPR report all removals or resignations in lieu of removal to appropriate law enforcement agencies for violations of agency or facility sexual abuse and/or assault policies, unless the activity was clearly not criminal. The interview with the HQ SAAI SME indicates the local PREA Coordinator, Watch Commander, PREA Field Coordinator, Senior Operations Specialist, or their designee would notify law enforcement of all removals or resignations in lieu of removals for violations of the agency zero-tolerance policy. The interview with the HQ SAAI SME indicates the local PREA Coordinator, Watch Commander, PREA Field Coordinator, Senior Operations Specialist, or their designee, would notify law enforcement of all removals or resignations in lieu of removals for violations of the agency zero-tolerance policy.

(d) CBP Directive 2130-030 requires OPR 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 interview with the HQ SAAI SME indicates the OPR case agent would notify licensing bodies, if known, of all removals or resignations in lieu of removals for violations of the agency zero-tolerance policy.

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

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

Notes:

CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrating sexual abuse and/or assault be removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. Otay Mesa POE does not currently utilize contractors or volunteers who have direct detainee contact. The Auditor conducted an interview with the PREA Field Coordinator who confirms any contractor alleged to have conducted any sexual misconduct would result in their removal from duties and contact with detainees pending investigation. An interview with the HQ SAAI SME indicates the Sector Chief, or their designee, in coordination with HQ SAAI SME would notify any licensing body relevant to the contractor's position of a substantiated sexual abuse by the contractor.

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

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

Notes:

(a)(b) CBP Directive 2130-030, requires alleged sexual assault victims be provided timely unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted prophylaxis, in accordance with professionally accepted standards of care. It also requires emergency medical treatment

services be provided to the victim without financial cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. An interview with the PREA Field Coordinator and random Supervisors confirms detainees who are alleged victims of sexual assault are to receive all medical services and medications without cost even if they do not name the abuser or cooperate with the investigation. The PREA Field Coordinator also reports any detainee requiring medical treatment must be sent to one of the local hospitals (Sharp Chula Vista Medical Center and Scripps Mercy Hospital Chula Vista in San Diego) and all care and treatment would be provided at no cost to the detainee.

§115.186(a) – Sexual abuse incident reviews.

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

Notes:

(a) CBP Directive 2130-030 requires at the conclusion of every investigation of sexual abuse and/or assault, a sexual abuse incident review be conducted within 30 days. The review is to determine whether the allegation or investigation indicates a change is needed in policy or practice to better prevent, detect, or respond to sexual abuse. The recommendation(s) for improvement outlined in the review must be implemented or the agency must document the reasons for not doing so in a written response. The report and response is to be forwarded to the PSA Coordinator. The Auditor interviewed the HQ OFO SME who describes the process for the completion of the review and recommendations. His description confirms the review is conducted at the conclusion of every investigation of sexual abuse within 30 days of receiving the investigation results and a written report is prepared. The report includes any recommendations for change in policy or practice if determined to better prevent or respond to sexual abuse. He also states implementation of any recommendation for improvement or reason for not doing so is documented in the report with the report is forwarded to the PSA Coordinator. An interview with the PREA Field Coordinator confirms he is aware of the review and recommendation process. An interview with the PSA Coordinator confirms no reviews had been conducted at Otay Mesa POE due to there being no allegations reported during the previous 12 months.

§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 24, 2020
Date

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



U.S. Customs and Border Protection

AUDITOR

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

AGENCY

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

Name of Program Office:	Office of Field Operations
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	San Diego Field Office
Name of Chief or Director:	(b)(6)(b)(7)(C)
PREA Field Coordinator:	(b)(6)(b)(7)(C)
Sector or Field Office Physical Address:	610 West Ash Street, Suite 1018, San Diego, California 92101
Mailing Address: (if different from above)	Same as Above

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility

Name of Facility:	Otay Mesa Port of Entry (POE)
Physical Address:	2500 Paseo Internacional, San Diego, CA 92154
Mailing Address: (if different from above)	Same as Above
Telephone Number:	(b)(6)(b)(7)(C)

Facility Leadership

Name of Officer in Charge:	(b)(6)(b)(7)(C)	Title:	Assistant Port Director
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 Office of Field Operations (OFO), Otay Mesa Port of Entry (POE), was conducted on Friday, September 20, 2019, and the preliminary findings report was submitted on October 21, 2019. Following comments from CBP Headquarters and from the reviewing Auditor, the report was submitted in Final Draft on January 24, 2020.

At the time of the audit, the Auditor reviewed the compliance of 25 Subpart B standards and the Otay Mesa POE was found to be in compliance with 22 standards: (115.111; 115.114; 115.116; 115.117; 115.118; 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 Otay Mesa POE was found to not be in compliance with three standards: (115.113; 115.115; and 115.121).

On March 12, 2020, the Otay Mesa POE submitted a preliminary Corrective Action Plan (CAP) through CBP Headquarters. Several documents were requested by the Auditor and several clarifications were sought and received by June 23, 2020. As part of the CAP, the Otay Mesa POE submitted training musters and acknowledgements the staff had been trained in the areas identified in the audit. Additionally, the Otay Mesa POE submitted documentation of the Annual Review of Detainee Supervision Guidelines and also provided a letter which was submitted to the San Diego Police Department requesting that local law enforcement follow the DHS PREA regulations which was attached to the letter. All required corrective action was completed prior to the 180-day deadline.

PROVISIONS

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

§115.113

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

Notes:

On March 12, 2020, the Otay Mesa POE submitted an Annual Review of Detainee Supervision Guidelines document as required by Standard Provision (b). This Report was prepared by the PREA Field Coordinator and dated September 20, 2019. Additional information was requested by the Auditor on March 16, 2020 and the updated Annual Review of Detainee Supervision Guidelines document was received June 23, 2020. The report verified the meeting involving the Acting Assistant Port Director, the Officer in Charge, the Unit Commander, the Watch Commander/PREA Field Coordinator, and two CBP Officers. All elements of supervision required by the standard provision including (b) (7)(E) detainee population size and composition, facility layout and past incidents of sexual abuse were considered in the facility's findings. The findings supported no current need to change supervision practices at Otay Mesa POE. The Auditor's review of this report results in a finding of "Meets Standard."

§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 June 23, 2020, the Otay Mesa POE submitted training material dated February 11, 2020 that provides specific details on how to conduct pat searches of transgender and intersex detainees as required by Standard Provision (f) along with a staff training roster to confirm training was received. The Auditor's review of this material results in a finding of "Meets Standard."

§115.121

- 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 4, 2020, the Auditor received and reviewed the Otay Mesa POE's letter to the San Diego Police Department requesting that the San Diego Police Department comply with sections (a) through (d) of the standard as required by Standard Provision (e). The Auditor's Review of this letter results in a finding of "Meets Standard."

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)
Reviewing Auditor's Signature

June 28, 2020
Date