

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
------------------------	------------------------------------

PROGRAM OFFICE

Name of Program Office:	Office of Field Operations
--------------------------------	----------------------------

SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	El Paso, Texas
Name of Chief or Director:	(b)(6)(b)(7)(C)
PREA Field Coordinator:	(b)(6)(b)(7)(C)
Sector or Field Office Physical Address:	9400 Viscount Boulevard, El Paso, Texas 79925
Mailing Address: (if different from above)	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Paso Del Norte Port of Entry		
Physical Address:	1011-1083 S. El Paso Street, El Paso, Texas 79901		
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:	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 Prison Rape Elimination Act (PREA) on-site audit of Customs and Border Protection (CBP) Office Of Field Operations (OFO) Paso Del Norte (PDN POE) Port of Entry (POE) was conducted on February 13, 2019, from 06:00 hours until 17:45 hours. The audit was conducted by (b)(6)(b)(7)(C), Certified PREA Auditor, contracted through Creative Corrections, LLC of Beaumont, Texas. This was the first PREA audit for PDN POE. The PDN POE is a short-term (b)(7)(E) detaining male and female adults, juveniles and family units for a time period specified to be under 24 hours, pending transfer for removal or detention. The purpose of the audit was to determine compliance with the Department of Homeland Security (DHS) PREA Standards. The on-site audit followed the Auditor's electronic review of CBP's PREA policies and procedures and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

The Point of Contact for PDN POE was Supervisory CBP Officer/PREA Field Coordinator (b)(6)(b)(7)(C).

An entry-briefing, led by CBP Prevention of Sexual Assault (PSA) HQ Coordinator (b)(6), (b)(7)(C) and the Auditor was conducted at 08:00 on the day of the on-site review. Those in attendance at the entry-brief were:

PSA Coordinator (b)(6)(b)(7)(C), HQ
Acting Assistant El Paso Port Director (b)(6)(b)(7)(C), El Paso
OFO National PREA Coordinator (b)(6)(b)(7)(C), OFO, HQ
Assistant Chief (b)(6)(b)(7)(C), USBP, HQ
Operations Officer (b)(6)(b)(7)(C), USBP, HQ
Supervisory Customs and Border Patrol Officer (SCBPO) (b)(6)(b)(7)(C), PDN POE

Immediately following the entry-briefing, all parties were given a tour of PDN POE by the SCBPO, which followed the path a detainee would follow from primary screening, into secondary screening, and into processing/holding. PDN POE is comprised of two buildings containing both single and group holding areas. The group holding rooms are separated by gender except for one group holding area has been designated for female-headed family units and one group holding area designated for male-headed family units. There is also a designated separate room for unaccompanied alien children (UAC) of both genders. This area is inaccessible to adult detainees and male and female minors are required to sit separately at all times. A male and a female Customs and Border Patrol Officer (CBPO) is stationed on duty with the UACs at all times and may not leave the area without similar gender relief.

The facility is comprised of two one-story buildings with the traffic lanes adjacent to both buildings. The larger building consists of a large rectangle with a work station in the center. This allows CBPOs and supervisors a direct line of sight to the hold rooms. All hold rooms have a (b)(7)(E) and a panic button. This area also has a private search area and storage for detainee property. Fifteen minute visual checks are mandated by policy and were witnessed by the Auditor during the on-site visit. There are partitioned toilets in the single-gender holding areas and family units are escorted to a use a private bathroom where parents can assist their children. UACs are escorted to the same private bathroom. Private showering is available in a former staff locker room and staff position themselves outside the showers while still providing privacy with shower curtains. Primary and secondary screening is adjacent to the holding area. There is also an administrative wing with an office with windows where a detainee can make a private anonymous call to DHS Office of the Inspector General (OIG). The second building houses several offices, including a supervisor's office with the (b)(7)(E). The Auditor was able to view all holding areas via (b)(7)(E). There was no views of detainee clothes changing, toileting or shower areas. The second building also (b)(7)(E) for suspected/known persons involved in criminal activity. UACs are able to eat, rest, use the toilet and shower in complete privacy from adult detainees.

All staff with direct contact to detainees are law enforcement officers. Detainees are removed from any area where janitorial or maintenance contractors must work and the workers are escorted in and out by law enforcement staff. The number of officers working in the holding area remains fluid and varies in accordance with the flow of detainees. (b)(7)(E) are monitored in the supervisor's office and at the El Paso Field Office 24 hours/7 days a week.

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 Wednesday, February 13, 2019, an exit briefing for PDN POE Holding Facility was held. The exit briefing was opened by PSA Coordinator (b)(6)(b)(7)(C) and was conducted by Creative Corrections Certified PREA Auditor (b)(6)(b)(7)(C). Those in attendance for the briefing were:

PSA Coordinator (b)(6)(b)(7)(C), HQ
Acting Assistant El Paso Port Director (b)(6)(b)(7)(C), El Paso
Assistant Chief (b)(6)(b)(7)(C), OFO, HQ
Assistant Chief (b)(6)(b)(7)(C), USBP, HQ
Operations Officer (b)(6)(b)(7)(C), USBP, HQ
SCBPO (b)(6)(b)(7)(C), PDN POE

Scope of the Audit: Prior to the on-site audit, the Auditor was able to review the HQ and Local Pre-Audit Questionnaires (PAQs), the HQ Responsive Documents and Data Requests, local documents, including PDN POE specific documents, HQ Participation documents, and medical provider websites. The Auditor also conducted four HQ Subject Matter Expert (SME) interviews and spoke to the Supervisor responsible for completing the Local PAQ.

The Auditor was given a complete tour of PDN POE. The Auditor had complete access to the facility and observed Primary Screening, Secondary Screening, and the Holding and UAC areas. The Auditor was provided with a private interview room for staff and detainee interviews with a speaker telephone to access interpretive services. The Auditor was able to use a private telephone line to privately access OIG.

During the on-site audit, the Auditor interviewed law enforcement personnel from all three shifts. In total, the Auditor interviewed 7 Local SMEs and 11 random staff. The Auditor had been given a target number of 15 staff interviews and completed 18. The Auditor was able to review the staff training curriculum and training completion records as well as the Strip and Body Cavity Search records for 2018 and 2019.

The Auditor interviewed nine detainees, including three with dependent children. Of the nine detainees, five were female and four were male. The detainees were from Mexico, Guatemala and Cuba and spoke several dialects of Spanish and one spoke Oche. There were no difficulties with utilizing interpretive services. Two detainees were illiterate and needed assistance with understanding the PREA poster. All nine detainees were limited English proficient (LEP). One had a visual disability corrected with glasses, which they possessed during the interview. One had a sexual assault victim history, but chose not to share with processing staff who did ask about a sexual abuse history. None of the detainees identified as Lesbian, Gay, BiSexual, Transgender and Intersex (LGBTI). The Auditor interviewed one UAC. All nine detainees reported feeling safe at PDN POE and indicated they could communicate with staff. All of the interviewed detainees reported having been pat-frisked by an officer of their gender.

During the Audit Process, the Auditor reviewed the compliance of 25 DHS Subpart B Standards at PDN POE. The Auditor found PDN POE exceeded one standards (115.114), met 23 standards (115.111; 115.113; 115.116; 115.117; 115.118; 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, 115.186; and did not meet one standard (115.115).

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 1	
Number of standards met: 23	
Number of standards not met: 1	
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

If not possible, continuous sight and sound supervision is required by local procedure and was verified by staff interviews.

(b) The facility meets the standard provision. All detainees at PDN POE are asked if they have concerns about their personal safety in holding at PDN POE. This practice was verified by both staff and detainee interviews. Staff report they are asking questions to determine the detainee's safety in holding. They will assess potential victims or perpetrators according to their physical build, available criminal records and subsequent questioning. All interviewed detainees report feeling safe at PDN POE.

(c) The facility meets the standard provision. CBP TEDS requires the processing Officer consider evaluation factors outlined in the standard provision. Randomly interviewed Officers were able to recite all factors, which are also on the PREA Quick Reference Card.

(d) The facility meets the standard provision. Interviewed Local SMEs report upon a detainee being identified as "high risk" and no single cell being available, Officers will consult with the on-duty supervisor and an Officer will be detailed to provide continuous sight and sound supervision. This practice was confirmed through officer interviews.

(e) The facility meets the standard provision. CBP TEDS requires staff to ensure assessments are provided in privacy where sensitive information cannot be learned by other parties. The dissemination of sensitive information is to be controlled on a "need to know" basis. Random staff interviews verify this practice, which was also supported by detainees reporting they were asked questions in private.

§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 standard provision. Both CBP TEDS and CBP Directive 2130-030 provide multiple ways for detainees to report sexual abuse/assault, retaliation and/or staff neglect or violations leading to sexual assault. HQ and Local SME interviews, staff interviews and detainee interviews verify detainees may report abuse orally or in writing to staff; third party reports are accepted and detainees may request to make private anonymous telephone calls to OIG. When questioned about detainee calls to OIG, the Officers report should a detainee request to call OIG or the number on the PREA poster, they will be escorted to the office with windows, the officer will dial the OIG hotline, hand the telephone to the detainee and supervise the detainee from outside the office until they complete their call. Officers report they will not ask the detainee why they wish to call OIG.

(b) The facility meets the standard provision. Local SME and staff interviews reveal all staff have been trained to allow detainees to report sexual abuse to OIG, or to have a family member or other third party contact OIG. Detainees simply reported they can report abuse by calling the number on the poster.

(c) The facility meets the standard provision. Random staff interviews confirm they must accept oral, written or third party reports of sexual abuse. In turn, those reports must immediately be reported to their supervisor.

§115.154 – Third-party reporting.

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

Notes:

The facility meets the standard provision. CBP Directive 2130-030 directs third parties may report sexual abuse on behalf of detainees. The public can also go to the CBP PREA website at <https://www.cbp.gov/about/careincustody>. DHS posters direct third parties on how to make written or telephonic reports to OIG. PDN POE staff are required to allow private and anonymous calls from detainees to OIG. Interviewed staff report third parties can call OIG directly on the hotline number. They also report that should a third party report abuse to them, they would immediately remove the detainee from holding, notify their supervisor and follow the same protocol for a detainee report. During the on-site audit, the Auditor was able to place a call to OIG from the office designated for detainee private calls.

§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:

§115.171 – Criminal and administrative investigations.

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

Notes:

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

§115.172 – Evidentiary standard for administrative investigations.

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

Notes:

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

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

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

Notes:

(a) The agency/facility meets the standard provision. CBP Directive 2130-030 states CBP personnel may be subjected to disciplinary action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse/assault and/or for violating CBP's sexual abuse policies. There were no substantiated allegations of sexual abuse at PDN POE during the last 12 months. Interviews with HQ HRM/LER SME verifies disciplinary action is pursued in all cases of substantiated sexual assault or violating sexual abuse policies and removal from their position and federal service is the presumptive action.

(c) The agency meets the standard provision. Interview with the HQ HRM/LER SME reveals there were no reports of substantiated sexual abuse/violation of sexual abuse policies for staff at PDN POE. Interview with the HQ SAAI SME confirms all substantiated cases of sexual abuse are referred to appropriate law enforcement agencies by the Port Director and notification is coordinated by HQ SAAI SME.

(d) The agency meets the standard provision. Interview with the HQ SAAI SME verifies removals for substantiated sexual abuse/violations of sexual abuse policies would be reported to relevant licensing bodies, to the extent known by SAAI staff.

§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 standard provision. Interviews with the Local SMEs reveal all suspected perpetrators of sexual abuse will immediately be removed from contact with detainees. CBP facilities do not utilize volunteers and PDN POE has excluded contractors from contact with detainees by local procedure and practice. Interview with the HQ SAAI SME verifies any substantiated allegations of sexual abuse would result in notification of the allegation to appropriate law enforcement agencies and licensing authorities by the Port Director or their designee.

(b) The facility meets the standard provision. Local SME interview with the Assistant Port Director verifies any contractor suspected of perpetrating sexual abuse would be removed from all duties where detainee contact could occur pending the outcome 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 standard provision. Detainee victims of sexual abuse at PDN POE are be immediately transported to University Medical Center, Providence Sierra Campus or to Las Palmas Medical Center. Both facilities offer the comprehensive medical services as outlined in the standard provision. The services would be provided to the victim at no charge regardless of the victim's cooperation with the sexual assault investigation. Interview with the Port Shift Commander verified these services would be provided and at no charge, regardless of the detainee's cooperation.

§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 agency meets the standard. The HQ PAQ indicates there have been no investigations of sexual abuse allegations at this facility in the past 12 months. Interview with the HQ PSA Coordinator reveals their office regularly receives sexual abuse incident reviews within 30 days after the conclusion of a sexual abuse investigation at a facility. The Incident Review Committee (IRC) is comprised of three CBP HQ Program Managers. The Deputy Port Director indicated the El Paso Port Director would implement any recommendations made by the IRC.

§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)
- 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.

115.116: During detainee interviews, the Auditor encountered two detainees who readily reported they are functionally illiterate. One had an advantage, because he was detained with a minor son who could read Spanish. While PDN POE has done an excellent job of placing PREA posters where they can be viewed by detainees, there remains the concern for those detainees who cannot read. Should the processing CBPO not pick-up on the literacy issue during processing, there is no medium by which the detainee can receive PREA information.

115.132: While conducting the SME interview with the Assistant Port Director, the Auditor raised this concern. The Assistant Port Director asked for a recommendation. It was recommended all processing staff make an affirmative two line statement about the Zero Tolerance protections of PREA and how to make a report of sexual abuse at the facility during the processing interview.

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

March 17, 2019
Date

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



U.S. Customs and Border Protection

AUDITOR

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

AGENCY

Name of Agency:	U.S. Customs and Border Protection
------------------------	------------------------------------

PROGRAM OFFICE

Name of Program Office:	Office of Field Operations
--------------------------------	----------------------------

SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	El Paso, Texas
Name of Chief or Director:	(b)(6)(b)(7)(C)
PREA Field Coordinator:	(b)(6)(b)(7)(C)
Sector or Field Office Physical Address:	9400 Viscount St., Suite 104, El Paso, Texas 79925
Mailing Address: (if different from above)	Same as Above

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility	
Name of Facility:	Paso Del Norte Port of Entry
Physical Address:	1011 – 1083 El Paso Street, El Paso, Texas 79901
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:	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), Paso Del Norte Port of Entry (POE), Holding Facility was conducted on February 13, 2019, and the preliminary findings report was submitted on March 17, 2019. Following comments from CBP Headquarters and from the Auditor, the report was submitted in Final Draft on May 23, 2019.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the Paso Del Norte POE was found to be in compliance with 23 standards: (115.111; 115.113; 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 Paso Del Norte POE was found to not be in compliance with one standard: (115.115). One standard (115.118) was not applicable at the Paso Del Norte POE.

On July 22, 2019, the Paso Del Norte POE submitted a preliminary Corrective Action Plan (CAP) with a completion date of August 19, 2019. Several documents were requested by the Reviewing Auditor and clarification of transgender pat-down searches was sought and received. On April 10, 2020, the CAP was submitted for Final Determination by the Paso Del Norte POE. The CAP was reviewed by the Certified PREA Auditor and Program Manager for Creative Corrections. The Paso Del Norte POE also submitted several training documents, musters and staff sign-offs as documentation for required staff re-training.

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 relied upon in making the compliance or non-compliance determination for each provision that was found non-compliant during the audit.

§115.115

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

Notes:

On April 10, 2020, the Paso Del Norte POE submitted both local and national documents outlining officer performance requirements regarding cross-gender staff announcements upon entering holding rooms, proper personal search techniques, cross-gender searches, determination of detainee gender identification and proper procedures for the pat search of transgender detainees. Also submitted were staff training muster sign-offs and acknowledgements. The Paso Del Norte POE is now compliant with Standard 115.115.

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 8, 2020
 Date