

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



U.S. Customs and  
Border Protection

## AUDITOR

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

## AGENCY

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

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

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

## SHORT-TERM HOLDING FACILITY BEING AUDITED

<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Willcox Station		
<b>Physical Address:</b>	200 S. Rex Allen Jr. Rd. Willcox AZ 85643		
<b>Mailing Address: (if different from above)</b>			
<b>Telephone Number:</b>	(b)(6)(b)(7)(C)		
<b>Facility Leadership</b>			
<b>Name of Officer in Charge:</b>	(b)(6)(b)(7)(C)	<b>Title:</b>	Patrol Agent in Charge (PAIC)
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)

## AUDIT FINDINGS

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

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

The initial Prison Rape Elimination Act (PREA) audit of the Customs and Border Protection Willcox Station was conducted on July 9, 2019, by PREA certified Auditor (b)(6)(b)(7)(C), a contractor for Creative Corrections, LLC. The Border Station is one of eight Stations within the Tucson Sector located at 200 S. Rex Allen Jr. Rd. Willcox, AZ and is located in a geographically strategic position to conduct traffic operations (check points) on a variety of routes of egress throughout the corridor - U.S. Interstate 10, Highways 80, 191, and 90. Willcox Station also conducts sensor response, night scope operations, and ranch patrol. The facility has a small detention section utilized by CBP for short-term detention of individuals pending release from custody, return to their country of origin, or transfer to a court, jail, prison, other agency, or a long-term detention facility within Department of Homeland Security (DHS).

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

The Auditor arrived at Willcox Station at 5:45 a.m., on July 9, 2019, and proceeded to the office of (b)(6)(b)(7)(C), SOS and was provided with a roster of staff working during the on-site visit. The Auditor used this roster to select the random list of staff to be interviewed. There were no contractors or volunteers listed or observed in contact with detainees in the detention section at Willcox Station. Once the logistics for the on-site visit were completed, the Auditor proceeded to the Patrol Agent in Charge Conference Room at 8:15 a.m., where the entry-briefing was conducted. Those in attendance were:

(b)(6)(b)(7)(C), PAIC

(b)(6)(b)(7)(C), SOS

(b)(6)(b)(7)(C), Assistant Chief, USBP, HQ

(b)(6)(b)(7)(C), Assistant Chief, USBP, HQ

After introductions, the Auditor provided an overview of the audit process to include the on-site visit. There was a brief question and answer period that concluded the entry briefing. A tour of the Detention area began following the entry-briefing. The primary function of staff at Willcox Station is to provide mobile checkpoints throughout the major highways within their areas of jurisdiction. Individuals arrested and detained are returned to the detention section of the Station located at the 200 S. Rex Allen Jr. Rd address. The daily population fluctuates up to a rated capacity of 81 down to 0. At the time of the site visit there were no detainees available to interview. The typical hold time is 3-5 days and no longer for 14 days. The detention area includes (b)(7)(E), two interview rooms, and 5 Agent processing stations. Each of these hold rooms have large glass panels allowing for direct line of sight supervision from the Agent processing locations. The holding rooms have a bed, sink, and toilet with a half wall for privacy when using the toilet. Detainees are only allowed the clothes they are wearing and do not change from what they are wearing. There are (b)(7)(E) in the (b)(7)(E), staffed by an Agent and a Supervisor, referred to as the "bubble". The Auditor toured this area and found (b)(7)(E). The storage room, sally port where the transport vehicles arrive, and the common area where the Agents process each of the detainees are (b)(7)(E). The Auditor (b)(7)(E) at Willcox Station. There are no showers for detainees at the Station. The second floor of the Detention section of the Station, "bubble", is always staffed with an Agent and a Supervisor regardless if there are any detainees being held in any rooms. These staff monitor sensor response, night scope operations maintained outside in their corridor of responsibility.

Scope of the Audit: The Auditor reviewed all relevant policies, procedures and documents in assessing Willcox Station. A sampling of staff background checks files and staff training records (all) at Willcox Station were reviewed to determine necessary standard compliance. The Auditor had access to all parts of the facility to include access to the (b)(7)(E) area. The Auditor was allowed to review all documentation to make necessary determinations for the audit. While on-site, the Auditor conducted necessary interviews in a secure, confidential and private setting. The Auditor interviewed 11 staff (nine CBP Officers and two local SMEs. The Auditor did speak with a representative from the hospital (Banner University Medical Center) where Willcox Station would access for appropriate forensic medical examinations, crisis intervention and victim advocacy services (if available). Audit notices were posted at the facility and observed by the Auditor. No correspondence was received prior to or during the on-site visit. The Auditor checked the reporting phone line to ensure it was working and did not verify the reporting was operational. Those detainees needing to utilize the phone for any reason, according to staff, would only need to request to use the telephone and not specify the reason.

The HQ and facility staff report there have been no allegations of sexual abuse/assault at Willcox Station within the 12-month audit period.

**SUMMARY OF OVERALL FINDINGS:**

**Directions:** Discuss audit findings to include a summary statement of overall findings and the number of provisions which the facility has achieved compliance at each level: Exceeds Standard, Meets Standard, and Does Not Meet Standard.

On July 9, 2019, an exit briefing was held in the Patrol Agent in Charge Conference Room. In attendance were:

- (b)(6)(b)(7)(C), PAIC
- (b)(6)(b)(7)(C), SOS
- (b)(6)(b)(7)(C) Assistant Chief, USBP, HQ
- (b)(6)(b)(7)(C), Assistant Chief, USBP, HQ

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

The Auditor did not find compliance with three Standards: 115.113(b) and (c) no annual review for staffing guidelines as required; 115.115 (f) no specific transgender search training as required; 115.141(b) facility could not demonstrate it considers 1-9 of this subpart.

<b>SUMMARY OF AUDIT FINDINGS</b>	
Number of standards exceeded: 0	
Number of standards met: 22	
Number of standards not met: 3	
<b>OVERALL DETERMINATION</b>	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards)	<input checked="" type="checkbox"/> Low Risk
<input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period)	<input type="checkbox"/> Not Low Risk
<input checked="" type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	















are provided PREA reporting information through the posters displayed throughout the holding areas. The Auditor observed two posters in multiple areas in the secondary processing area. One was a poster to provide help in determining the language used by a detainee, and the second poster contained a notice of zero tolerance toward sexual abuse, as well as information regarding how and whom to report any incident of sexual abuse. The zero tolerance signs were posted in both English and Spanish with a note in Arabic, Farsi, French, Hindi, Korean, Romanian, Simplified Chinese, Tagalog and Urdu informing detainees to report sexual abuse. During interviews with random Officers, the Auditor was informed should they receive a detainee who speaks a language not listed the Officer would provide written information to the detainee available from the CBP intranet or utilize translations services available including google translate. The PSA Coordinator also confirmed to the Auditor that the PREA poster has been translated into ten foreign languages based upon frequency of encounters with limited English proficient travelers nationwide and that facilities may access these posters in the PREA Resource Center located on the agency's Intranet website for printing and posting as needed. Should staff experience a detainee not from these predominant languages, depending on the agency, the Officer/Agent has options available to provide the detainee with the information. DHS utilizes OIG as the public agency that is not part of CBP for detainees to report allegations of sexual abuse. While on-site the Auditor checked the reporting telephone number for the OIG. It was operational. The Auditor also asked random Agents about the process for making anonymous and confidential reports to OIG, as there are no telephones in the secondary hold area. The Agents stated a detainee only needs to ask the Agent to use the phone. If he/she wished to report something, they would not have to disclose the reason for using the telephone and would be escorted to one of the intake processing areas and the Agent would dial the number for the detainee, pass him/her the phone and move away as not to over hear the conversation and allow privacy.

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

**§115.154 – Third-party reporting.**

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

**Notes:**

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

**§115.161(a) through (d) – Staff reporting duties.**

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

**Notes:**

(a)(b) CBP TEDS requires Willcox Station staff immediately report 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. Agents confirmed they are allowed to report allegations of misconduct, outside their chain of command to the JIC hotline, email to the JIC, contacting the CBP Office of Professional Responsibility (OPR), or contacting DHS OIG. This reporting exception to the chain of command is outlined in CBP Directive 51735-013A. (c)(d) All sexual abuse information staff may become aware of cannot be revealed to anyone except as necessary to their supervisor, to aid the detainee, to protect other detainees or staff, or to make security and management decisions. This confidentiality requirement is found in CBP Directive 2130-030. Agents interviewed confirmed they are aware of this requirement not to disclose any information they become aware of and that this requirement is reinforced to all staff in the mandatory PALMS PREA training. Willcox Station staff are also







Emergency medical treatment services will be provided to the alleged victim without financial cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. Interviews with the Local SMEs confirmed any detainee victim of sexual abuse/assault requiring stabilization and/or a forensic examination would be taken to Banner University Medical Center in Tucson for forensic examination. The Auditor did speak with an emergency room Supervisor from the hospital and she confirmed that a SANE examiner would be used to perform forensic examinations for victims of sexual abuse. Staff at the hospital indicated that they do not offer typical advocacy for victims of sexual assault.

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

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

**Notes:**

A sexual abuse incident review must be conducted at the conclusion of every investigation of sexual abuse and/or assault. This review must be completed within 30 days as required by CBP Directive 2130-030. This review, as prescribed by policy is to determine whether the allegation or investigation indicates a change in policy or practice to better prevent, detect, or respond to sexual abuse is warranted. This policy further requires if at the conclusion of the review a recommendation(s) for improvement, is 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 are forwarded to the PSA Coordinator. The PSA Coordinator confirmed the incident review is conducted through Washington Headquarters staff consistent with the procedures outlined in section 18.1 of this same directive. Willcox had no incident reviews conducted during the audit period as the facility had no allegations of sexual abuse made during the audit period.

**§115.187 – Data collection.**

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

**Notes:**

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

**ADDITIONAL NOTES**

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

None.

**AUDITOR CERTIFICATION:**

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

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

October 7, 2019  
**Date**

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



U.S. Customs and Border Protection

<b>AUDITOR</b>			
<b>Name of Auditor:</b>	(b)(6)(b)(7)(C)	<b>Organization:</b>	Creative Corrections, LLC
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)
<b>AGENCY</b>			
<b>Name of Agency:</b>	U.S. Customs and Border Protection		
<b>PROGRAM OFFICE</b>			
<b>Name of Program Office:</b>	U.S. Border Patrol		
<b>SECTOR OR FIELD OFFICE</b>			
<b>Name of Sector or Field Office:</b>	Tucson Sector		
<b>Name of Chief or Director:</b>	(b)(6)(b)(7)(C), Chief Patrol Agent		
<b>PREA Field Coordinator:</b>	(b)(6)(b)(7)(C), Special Operations Supervisor (SOS)		
<b>Sector or Field Office Physical Address:</b>	2430 South Swan Road. Tucson Arizona 85711		
<b>Mailing Address: (if different from above)</b>	Same as above		
<b>SHORT-TERM FACILITY BEING AUDITED</b>			
<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Willcox Station		
<b>Physical Address:</b>	200 S. Rex Allen Jr. Rd. Willcox AZ 85643		
<b>Mailing Address: (if different from above)</b>	Same as above		
<b>Telephone Number:</b>	(b)(6)(b)(7)(C)		
<b>Facility Leadership</b>			
<b>Name of Officer in Charge:</b>	(b)(6)(b)(7)(C)	<b>Title:</b>	Patrol Agent in Charge (PAIC)
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)



## FINAL DETERMINATION

### SUMMARY OF AUDIT FINDINGS:

**Directions:** Please provide summary of audit findings to include the number of provisions with which the facility has achieved compliance at each level after implementation of corrective actions: Exceeds Standard, Meets Standard, and Does Not Meet Standard.

An on-site audit of the U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), Willcox Station, was conducted on July 9, 2019, and the preliminary findings report was submitted on August 12, 2019. Following comments from CBP Headquarters and from the Auditor, the report dated October 7, 2019, was submitted as a Final Draft on November 12, 2019.

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

On November 19, 2019, the Willcox Station submitted a preliminary Corrective Action Plan (CAP). The Auditor approved the CAP as written. In conjunction with the CAP, the Willcox Station submitted an uncompleted Record of Deportable/Inadmissible Alien (I-213) which included a statement asking a detainee whether there were any concerns regarding their physical safety to comply with standard 115.141. The Auditor determined the I-213 was insufficient and requested a redacted completed I-213 and verification the Willcox Station would conduct random checks to ensure the I-213 included any safety concerns expressed by the detainee. On December 19, 2019, the Willcox Station submitted a redacted I-213 confirming the statement was inclusive and the detainee had responded regarding any safety concerns. Also submitted was a message from station leadership confirming that spot checks have and continue to be conducted at the Willcox Station. The Willcox Station was found to be compliant with standard 115.141. On March 19, 2020, the Willcox Station submitted an Annual Review of Detainee Supervision Guidelines document to comply with standard provision 115.113. The Auditor reviewed the document and determined the document met compliance as required by standard 115.113. On November 14, 2020, the Willcox Station submitted a memorandum from the Chief, Strategic Planning and Analysis Directorate, dated September 17, 2020, to comply with standard 115.115. The memorandum provided pat search techniques for transgender, intersex, or gender non-conforming individuals. The memorandum included a muster module as an attachment to be utilized in the training of the staff. In conjunction with these documents, staff re-training sign-offs documenting the understanding of the aforementioned documents was received. The Auditor reviewed the documentation and concluded the standard is now in compliance. The Willcox Station was found to be in compliance with standard 115.115. The Willcox Station is now compliant with all PREA standards.

Although there was on-going 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.

### §115.113

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

#### Notes:

On March 20, 2020, the Willcox Station submitted a record of an Annual Review of Detainee Supervision guidelines through Headquarters to the Auditor. The Auditor reviewed the Annual Review of Detainee Supervision Guidelines document and determined all of the required elements were addressed as required in standard provision (c). The Willcox Station is now compliant with standard provisions 115.113 (b) and (c).

### §115.115

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

#### Notes:

On November, 14, 2020, the Willcox Station, submitted a memorandum dated September 17, 2020, from the Chief, Strategic Planning and Analysis Directorate, to all Chief Patrol Agents and Directorate Chiefs providing directions in the pat search techniques of transgender, intersex, or gender non-conforming individuals. The memorandum referenced sections 4.3 and 5.5 of the National Standards on Transport, Escort, Detention and Search (TEDS) policy which provides additional information on search techniques. In conjunction with the memorandum, a Muster Module and staff training muster sign-offs and acknowledgements were submitted. The Muster Module included procedures to Patrol Agents in the safe search of suspects, threat assessments, and pat search techniques for cross gender, same gender, transgender, intersex, and gender non-conforming detainees. The Auditor reviewed the submitted documents and has determined the Willcox Station is now compliant with Standard 115.115 (f).

### §115.141

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

#### Notes:

On November 19, 2019, the Willcox Station POE submitted preliminary documentation to comply with standard provision 115.141 (b). The documentation consisted of an uncompleted Record of Deportable/Inadmissible Alien (I-213) which included a statement asking a detainee whether they had any concerns regarding their physical safety. The Auditor determined the document was insufficient and requested a redacted copy of a completed I-213 and verification the Willcox Station would continuously conduct random checks to ensure agents were asking and documenting whether or not a detainee had any concerns regarding their physical safety. On December 19, 2019, the Willcox Station submitted a redacted I-

213 addressing detainee concerns. In conjunction with the I-213, a message from station leadership was submitted confirming that spot checks have and continue to be conducted at the Willcox Station. A review of the documents concluded the Willcox Station is now compliant with standard provision 115.141 (b).

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

**AUDITOR CERTIFICATION:**

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

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

November 30, 2020  
**Date**