

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



U.S. Customs and
Border Protection

AUDITOR

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

AGENCY

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

Name of Program Office:	U.S. Border Patrol
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SECTOR OR FIELD OFFICE

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

SHORT-TERM HOLDING FACILITY BEING AUDITED

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

AUDIT FINDINGS

NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

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

The initial Prison Rape Elimination Act (PREA) audit of the 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.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 0	
Number of standards met: 22	
Number of standards not met: 3	
OVERALL DETERMINATION	
<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)	

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:

All employees received a March 11, 2015, CBP Commissioner's memorandum outlining the agency zero tolerance policy toward all forms of sexual abuse and the approach to preventing, detecting, and responding to this kind of conduct. CBP Directive 2130-030, Prevention, Detection, and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, was issued on January 19, 2018, and outlines the CBPs' approach to preventing, detecting, and responding to any such conduct in any of their facilities. Both these documents are supplemented by CBP's National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015. This document provides staff nationwide standards on governing CBP's interaction with detained individuals. The document also reinforces the zero tolerance toward all forms of sexual abuse as outlined in the Commissioners memorandum and policy 2130-030. The Auditor was informed by the PSA Coordinator that each employee, within CBP, was provided the agency zero tolerance policy through email, attachments to staff leave and earnings statements, ongoing staff trainings, postings at each facility, and on the agency web page. Random staff confirmed being provided copies of the policy.

§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)(b)(c) Standard requires the agency ensure each facility (Willcox Station) maintains sufficient detainee supervision through staff and where applicable (b)(7)(E) to protect detainees against sexual abuse. The agency must develop and document comprehensive supervision guidelines to meet the facility detainee supervision needs. CBP Directive 2130-030, requires a review of those guidelines be performed at least annually to determine whether adequate levels are present for detainee supervision and monitoring exist. The policy also requires a copy of the review be provided the agency PSA Coordinator after the facility takes into consideration the physical layout of the facility, the composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings and recommendations of incident reviews and any other relevant factors. Basic supervision guidance is also provided through CBP TEDS. This guidance requires Agents closely supervise each hold room in a regular and frequent manner. There are (b)(7)(E) at Willcox Station. The Auditor questioned the local SMEs about supervision of the detainees. He discussed staffing level of the detention section of the Station as well as the checkpoints. When he was questioned about times where the influx of the number of detainees would significantly increase, he indicated Watch Commanders have the ability to move staff from areas/checkpoints to meet demands. He also stated when staff demand exceeds staff assigned; overtime would be used to provide supervision. The Auditor was not provided an annual review of this supervision guideline performed during the audit period. Subpart (b) (c) of this standard, therefore out of compliance. **Corrective Action:** Provide documentation of the annual staffing review for Willcox Station which addresses the requirements as detailed in the standard provision and that a copy was submitted to the PSA Coordinator as required by policy.

§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 mandates unaccompanied juvenile detainees be placed in the least restrictive setting appropriate to their age and special needs, provided that such setting is consistent with the need to ensure the safety and security of the detainee and that of others. Interviews with Agents confirmed unaccompanied juveniles are never within sight and sound of adult detainees. Juveniles not traveling with family members may temporarily remain with a non-parental adult family member where the family relationship has been vetted and the agency determines remaining with the non-parental adult family member is appropriate under the circumstances. Agents interviewed indicated unaccompanied juveniles are placed in one of the holding rooms with the door unlocked under direct staff supervision of an Agent. There were no juvenile detainees available to interview during the site visit.

§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)
- X Does not meet Standard (requires corrective action)

Notes:

(b)(c) Cross-gender strip searches and cross-gender visual body cavity searches cannot be conducted by Willcox staff except in exigent circumstances including consideration of officer safety, or when performed by medical practitioner. This mandated requirement is found in CBP TEDS. This same guideline prohibits visual body cavity searches of juveniles except when performed by medical practitioners. Random Agents, some with 20 years, could not remember a time when any strip search was performed at Willcox Station. The local SMEs confirmed all strip searches and body cavity searches, if performed, be recorded/documented. Both reported that Willcox Station has not conducted any strip searches during the audit period.

(d) Agents, according to guidelines found in CBP TEDS, are required to allow detainees to shower (when 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 monitored bowel movement under medical supervision. It also requires Agents of the opposite gender to announce their presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing, except in exigent circumstances or when viewing is incidental to routine cell checks. The

(b)(7)(E) have half walls around the toilets to allow for adequate privacy. Interviews with Officers and local SMEs confirm staff of the opposite gender announce themselves if entering one of the holding cells. They also indicated detainees are only allowed the clothes they are wearing and do not change from what they are wearing and Willcox has no showers available for detainees.

(e) Interviews with Random Agents confirmed they are prohibited, by CBP TEDS, from searching or physically examining any detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown to them, they would ask the detainee their gender or gender identity. If the detainee declines to state their gender, the gender will be recorded in the appropriate electronic system(s) of record as unknown during processing by them. The local SME's confirmed detainee gender could also be determined by medical practitioners should the facility have the need to send him/her to the outside hospital.

(f) During a review of the training curriculum, from the Performance and Learning Management System (PALMS), for all staff at Willcox Station, the Auditor was unable to find specific training on conducting pat down searches of intersex and transgender detainees in a professional and respectful manner and as required by the Standard. All Agents interviewed confirmed pat searches performed by them are conducted in a professional manner. They stated same sex pat searches are the norm; however, in a situation involving the safety of the Agent and availability of the proper gender to conduct the search, opposite gender Officers may conduct pat searches. Staff (4) informed the Auditor they did not receive pat search training specific to transgender and intersex detainees but were trained to conduct cross gender emergency searches. The Standard is not compliant. **Corrective Action:** Provide documentation of specific training on cross-gender and transgender pat searches by Willcox Station staff.

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

- Exceeded Standard (substantially exceeds requirement of standard)
- 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) Detainees with disabilities including those who are hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities must have access to CBP efforts to prevent, detect, and respond to sexual abuse. These requirements are outlined in both CBP Directive 2130-030, and CBP TEDS. Interviews with Agents confirmed that written information regarding sexual abuse is provided to detainees with disabilities. They indicated if they were dealing with a detainee who may be hearing impaired, they would provide information to them in a reading format. If they were dealing with a detainee who was blind the Agent would take steps to provide information verbally. The Auditor observed posters in multiple areas in the holding 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 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. Local SMEs as well as Agents indicate information regarding sexual abuse is communicated to detainees only through posting of signage, and even when detainees are identified with a disability that would limit communications or identified as limited-English-proficient, they would not cover the information in any additional method other than the posting of signage. For interpretive services, staff indicate they would use Microsoft Translate or the translation line. Agents interviewed were aware of the recently issued "Guide to Communicating with Detainees with Disabilities" in March of 2019, to assist them should they have questions.

(c) CBP Directive 2130-030 and CBP TEDS requires Agents not utilize another detainee for interpreter service relating to allegations of sexual abuse unless the detainee expresses a preference for another detainee to provide interpretation. These guidelines further state the use of interpreter services by minors, alleged abusers, detainees who witnessed the alleged abuse, and detainees who have a significant relationship with the alleged abuser is not appropriate in matters relating to allegations of sexual abuse. Agent interviews confirmed they are required to provide in-person or telephonic interpretation services that enable effective, accurate, and impartial interpretation, by someone other than another detainee unless the detainee expresses a preference for another detainee to provide interpretation, and the Supervisor approves it.

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

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

Notes:

(a)(b)(e)(f) CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) establish specific policy and procedures to ensure CBP does not hire or promote personnel to any positions where the employee may interact with detainees, who have had previous substantiated allegations of engaging in sexual abuse and/or assault. The HQ HRM SME detailed the hiring and promotion process within CBP. She confirmed the Agency is prohibited from hiring or promoting any employee, contractor or enlisting the service of any volunteer, who has been found to have engaged, been convicted of engaging, or civilly or administratively adjudicated to have engaged in sexual abuse as defined in the Standard and agency policy. All prospective employees and staff being considered for promotion are asked numerous times about any history of sexual abuse misconduct. She also informed the Auditor that HRM PREA SOP dated 2-29-16 states any material omissions by any applicant or current employee regarding this type of misconduct or providing materially false information are grounds for termination or withdrawal of an offer of employment. She indicated the Employee Code of Conduct, issued to every employee, informs him or her that they have an affirmative duty to disclose any such misconduct. This information is provided to each employee upon their hiring and is also reviewed annually during training on PALMS.

(c)(d) Background investigations are required to be conducted on all applicants for employment and contractors having

contact with detainees as outlined in CBP Directive 2130-030. The Office of Professional Responsibility (OPR) is required to determine employment suitability and ensure a new background investigation be conducted every five years for every CBP employee who continues to have contact with detainees. The Personnel Security Division (PSD) SME informed the Auditor that CBP investigations (Tier 4 and Tier 5) are the most thorough investigations performed for DHS. Questions about prior incidents of sexual abuse or misconduct begin with the job announcement and continue throughout the suitability and eligibility determinations made for each applicant and contractor. Field interviews are conducted for contractors and employees with the questions the candidate specifically asked about sexual abuse misconduct. CBP utilizes five Investigative Service Providers to perform all field investigations. The PSD SME informed the Auditor that question number three asked by all credentialed background investigators is, "Have you ever engaged in or have you ever been charged with sexual abuse?." An affirmative response to this question results in the individual not being hired. The Auditor was also informed that background rechecks are initiated every five years. The Auditor was informed by local SMEs Willcox Station currently has no contractors that have contact with any detainees. The Auditor did not observe anyone but law enforcement staff in the holding area. The word initiated is used by CBP instead of completed. The Auditor submitted 15 names to OPR to review for background rechecks. Documentation provided by HQ demonstrated the five year rechecks for each of the staff were initiated within five years, resulting in compliance.

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

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

Notes:

(a)(b) Willcox Station was built in 2008 according to the PAIC. Since then there has been no substantial expansion or modifications. The facility did recently replace its recording capability equipment allowing unlimited recording retention capabilities.

§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) Detainees alleging sexual abuse must receive medical treatment services without financial cost and regardless of whether the victim detainee names the alleged abuser or cooperates with any investigation. This mandated requirement is outlined in CBP Directive 2130-030. The policy requires that a forensic medical examination be done by qualified health care personnel, including a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), where practicable. If a SAFE or SANE cannot be made available, the examination may be performed by other qualified health care personnel. In addition, policy requires if the detainee is transported for a forensic examination to a medical facility that offers victim advocacy services, Agents must permit the detainee to use such services to the extent available, consistent with security needs. The Auditor did speak with an emergency room Supervisor 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). She confirmed that SANE examiner would be used to perform forensic examinations for victims of sexual abuse. Staff at the hospital indicated that they do not offer advocacy services for victims of sexual assault.

(e) The Auditor was informed by OPR SAAI HQ of the investigative process at Willcox Station. DHS OIG has the right of first refusal for all investigations of sexual abuse. If they decline OPR has the second right of refusal to investigate. The HQ SAAI SME informed the Auditor that local law enforcement would, in most cases, handle the criminal investigation of allegations of sexual assault. The Local SMEs informed the Auditor the local law enforcement agency Willcox Station would use would be the Cochise County Sheriff's Department. The facility did provide documentation requesting Cochise County Sheriff's Department comply with subparts (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) As outlined in CBP Directive 3340-25E, Reporting Significant Incidents to the Commissioners Situation Room, dated May 21, 2018 and CBP Directive 2130-030 every allegation of sexual abuse/assault, in a CBP facility, is considered a significant incident and must be immediately reported to the Commissioner’s Situation Room. The CBP Directive 2130-030 requires Willcox Station staff to notify both the Joint Intake Center (JIC) and the Commissioner’s Situation Room. According to the local SMEs the Watch Commander would make these notifications if required. HQ SME (SAAI) confirmed OPR is required to investigate all allegations of sexual assault and abuse within its holding facilities. OIG has first right to the criminal investigation; however, OPR is required to open an administration investigation once the criminal investigation has closed. Although most criminal investigations are handled by the local law enforcement, OPR is required to offer joint assistance, but if refused, OPR must maintain knowledge of the status of the case and provide assistance upon request. In the case of Willcox Station the Cochise County Sheriff’s Department would handle the investigation. The interview with the PSA Coordinator confirmed she would receive the allegations from the Commissioner’s Situation Room upon any facility notification of sexual abuse or sexual assault made to the JIC/ Commissioner’s Situation Room as stipulated in CBP Directive 3340-025E and CBP Directive 2130-030. The facility has had no incidents to verify these notifications.

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

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

Notes:

(a)(b)(c) All uniformed agents, special agents, fact finders, contractors, and volunteers who may have contact with detainees in CBP holding facilities are required to receive PREA training as outlined in Subpart B of the DHS Standards and mandated by CBP Directive 2130-030 and the CBP Commissioner memorandum dated March 2016, (Mandatory General PREA Training). The training curriculum provided to these Agents and staff includes: the agency’s zero-tolerance policy for all forms of sexual abuse; the definitions and examples of prohibited and illegal sexual behavior; the right of detainees to be free from sexual abuse; information on where sexual abuse may occur; recognition of physical, behavioral, and emotional signs of sexual abuse; methods of preventing and responding to such occurrences; and how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming detainees. Staff is instructed on how to avoid inappropriate relationships with detainees. The Auditor verified this training curriculum provided through PALMS for all staff. This curriculum not only discusses the topics above, but also details the right of staff and detainees to be free from retaliation for reporting allegations of sexual abuse. Agent and local SMEs interviews confirmed the training topics were the same as required by policy and the standard. They also confirmed refresher training is provided every two years. The PALMS system provides an up-to-date listing of all staff trained and well as those staff still requiring training. The Auditor was provided documentation that all individuals currently assigned to Willcox Station have had the required PREA training. Training records for staff, according to the local SMEs, are maintained for their entire employment and an additional five years. As previously noted, there are no contractors or volunteers in contact with detainees at Willcox Station requiring this training. The Auditor was informed that if contractors or volunteers were to come in contact with detainees they would be required to attend the PREA training as required by policy. As noted earlier the agency’s zero tolerance policy and CBP Directive 2130-030, were initially provided to all staff through the agency email program referred to as CBP Central. These policies were also attached to leave and earnings statements and are currently available on the agency web page. As noted, the Auditor interviewed 10 random staff members (8 Officers and 2 Local SME/Supervisors).

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

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

Notes:

The CBP webpage (<https://www.cbp.gov/about/care-in-custody>) provides CBP's zero-tolerance policy. Key information regarding the agency zero tolerance is visible and continuously available to detainee at Willcox Station through signage placed throughout the facility detainees have access to. 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 Agents, 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 the Agent has options available to provide the detainee with the information.

§115.134 – Specialized training: Investigations.

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

Notes:

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

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

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

Notes:

(a)(b)(c)(d): Should an individual be stopped and detained at any of the Willcox Station checkpoints and brought to the Station detention section and held, the Agent would be responsible to process the detainee and assess the information before him/her to determine if the detainee is considered as an at-risk detainee, or at risk of posing a threat to others. This risk determination is required by CBP TEDS. This assessment shall consider, to the extent that the information is available: whether the detainee has exhibited a mental, physical or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; is the detainee identified as LGBTI or gender non-conforming; any prior sexual victimization and the detainee's own concerns about his/her physical safety. Training is provided on the use of this assessment at the same time the Agent receives the zero-tolerance training through PALMS. Random Agent interviews confirmed that they could not demonstrate that detainees were asked the question about concerns for their own personal safety. **Corrective Action:** Willcox Station must provide some type of documentation ensuring the question of physical safety (b) is being asked.

(e) Agents confirmed all information that they became aware of during this intake process would only be disclosed on a need to know basis, to their supervisor or to an investigator as outlined in CBP TEDS (Privacy).

§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) Detainees are to be provided multiple ways to privately report sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents as required by CBP Directive 2130-030. This directive further requires Willcox Station 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, verbally and in writing if desired. This information is to be visible or continuously and readily available to detainees at the holding facilities. Local SMEs and random Officer interviews confirmed detainees

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

required by CBP Directive 2130-030 to report sexual abuse and/or assault allegations involving alleged victims under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons' statute to the designated State or local services agency under applicable mandatory reporting laws. If employees are unsure whether the detainee is a "vulnerable adult" under an applicable State or local law, the employee should contact his/her Office of Chief Counsel (OCC) for consultation on whether the individual qualifies under applicable law. The Local SMEs and the PREA Field Coordinator informed the Auditor that should a vulnerable adult or person under eighteen be sexually assaulted at Willcox, the Watch Commander would submit an Incident Report to the JIC and the Commissioner's Situation Room as required by CBP Directive 3340-025E. Notifications would be completed as required. The Supervisor on duty at the time of the incident would make notifications to the appropriate local State Agencies if required and would update the JIC with this information. Willcox Station confirmed they have not had any incidents requiring this type of notification during the 12 month audit period.

§115.162 – Agency protection duties.

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

Notes:

Random Agents and local SMEs were each asked what action they would take if they had reasonable belief a detainee may be subject to a substantial risk of imminent sexual abuse. Each indicated that their primary concern, in this scenario, would be the safety of the detainee. They all indicated they would take immediate action to protect the detainee as required under CBP TEDS. The detainee would be immediately separated from the other detainees and placed under constant supervision of an Agent in one of the hold rooms if available. If a room was not available he/she would be under direct supervision of the Agent.

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

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

Notes:

(a)(b)(c)(d) When Willcox Station becomes aware of a sexual abuse allegation having occurred at another facility the staff is to be immediately report the incident, no longer than 72 hours after becoming aware of it as outlined in a memorandum from the Chief, USBP, dated August 13, 2014, titled Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities. The local SMEs confirmed that the notification is made in the same manner as any significant incident is reported and documented as outlined in CBP Directive 3340-025E. The Willcox Station Watch Commander would report to the JIC and the Commissioner's Situation Room about the allegation, as it would be classified as a significant incident. Part of the reporting to the JIC would include notification to the facility where the sexual abuse alleged to have occurred to the appropriate office or Administrator. If the facility where the allegation occurred is a CBP facility then the allegation is to be investigated as outlined in this memo and according to the local SME interviews. There were no notifications made by Willcox Station as no alleged incidents were reported during the last 12 months.

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

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

Notes:

(a)(b) The Agents at Willcox Station are all law enforcement personnel. Their responsibilities as first responder to the scene of a reported allegation of sexual abuse are detailed in CBP Directive 2130-030. The Agents indicated their obligation: to separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure the alleged victim and abuser do not take any action that could destroy physical evidence. This is also presented to them in the mandatory PALM PREA training. As previously noted in this report, no contractors/volunteers are allowed in the secondary holding area while detainees are present. Section 6.0 on page 24 from CBP TEDS does however address non-law enforcement first responder duties if they were ever to allow them in the holding room. It requires non-law enforcement staff request the alleged victim not take any actions that could destroy physical evidence and the notify law enforcement staff.

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

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

Notes:

(a) The written institutional plan coordinating the multidisciplinary team approach to respond to sexual abuse and/or assault for every CBP facility is CBP Directive 2130-030. The PSA Coordinator confirmed the coordinated response was disseminated to all staff as stated in standard 115.111. She indicated that specific responsibilities for staff are explained in the Directive and reinforced in staff training. The Auditor did find specific duties for staff outlined in the Directive.

(b)(c) If an alleged victim of sexual abuse and/or assault is transferred to another DHS facility, the sending facility, Willcox Station, must inform the receiving DHS facility of the alleged incident and the alleged victim's potential need for medical or social services. If the alleged victim of sexual abuse and/or assault is transferred to a non-DHS facility, Willcox Station 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. Both these requirements are found in CBP Directive 2130-030. The local SMEs informed the auditor that during the last audit period the facility had no cases requiring this notification to either a DHS or non-DHS facility. The Auditor was also informed that any incident of this type would require Willcox Station submit an incident report to the JIC and the Commissioner's Situation Room, as outlined in CBP Directive 3340-025E.

§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:

Allegations of sexual assault or sexual abuse involving staff, contractors or volunteers would result in the person being removed from detainee contact pending the outcome of the investigation when the seriousness of the allegation make removal appropriate. This process was confirmed during interviews with the HQ SAAI SME and HQ LER SME and outlined in CBP Directive 2130-030. The local SME's also confirmed to the Auditor that this would be the ordinary course of action for staff, contractors or volunteers who violated the agency zero tolerance policy. They also confirmed there have been no allegations of sexual abuse made against any Willcox Station staff member requiring this type of action during the audit period. As previously noted, there are no contractors or volunteers currently allowed in the holding area room at Willcox Station.

§115.167 – Agency protection against retaliation.

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

Notes:

Staff are prohibited from retaliating against any person, including a detainee, who alleges or complains about mistreatment, participates in an investigation into an allegation of staff misconduct, including sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force. This prohibition can be found in CBP TEDS. Agents interviewed confirmed their awareness to the policy prohibition against retaliation and informed the Auditor it was also covered in the zero-tolerance training provided through PALMS. There have been no allegations of retaliation made at Willcox Station during the audit period according to the local SMEs.

§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)
- 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) The Auditor confirmed with the HQ HRM LER SME the review process and penalty determinations for staff members misconduct including sexual assault/abuse. She indicated proposed actions, depending on the misconduct, could range from a letter of reprimand to removal from service. CBP Directive 2130-030 requires staff be subjected to disciplinary or adverse action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse and/or assault and/or for violating CBP's sexual abuse policies. Both the HQ HRM LER SME and the HQ SAAI SME confirmed sexual abuse/ assault would be considered adverse action resulting in termination of the employee.

(c) The OPR Office is responsible to 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. This is outlined in CBP Directive 2130-030 and was confirmed by the HQ OPR SAAI SME. The agency information provided to the Auditor indicated there had been no removals or resignations at Willcox in lieu of removals during the 12-month audit period.

(d) CBP Directive 2130-030 requires OPR to report all removals or resignations in lieu of removal to any relevant licensing bodies for violations of agency or facility sexual abuse and/or assault policies, to the extent known. The HQ OPR SAAI SME indicated that OPR would handle this notification to any licensing bodies, if known. The documentation provided to the Auditor indicates there have been no removals or resignations at Willcox in lieu of removals from during the 12-month audit period.

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

- Exceeded Standard (substantially exceeds requirement of standard)
- 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 any contractor or volunteer suspected of perpetrating sexual abuse and/or assault will be removed from all duties requiring detainee contact pending the outcome of an investigation as requires in. Currently there are no contractors allowed in the Willcox detention areas according to local SMEs. The facility was in the process of receiving law enforcement volunteers. The Auditor did not observe anyone other than law enforcement in the detention section of the facility area during the onsite review. The Auditor was also informed that if contractors were ever allowed inside the secondary holding room areas and were found to violate CBP zero-tolerance policy they would be removed from the facility and all future contact with any detainee.

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

- Exceeded Standard (substantially exceeds requirement of standard)
- 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) Sexual assault victims at Willcox must be provided timely unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. This mandate is outlined in CBP Directive 2130-030.

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

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

FINAL DETERMINATION

SUMMARY OF AUDIT FINDINGS:

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

An on-site audit of the U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), 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