

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



U.S. Customs and
Border Protection

AUDITOR

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:	Laredo 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:	207 W. Del Mar Blvd., Laredo, TX 78041
Mailing Address: (if different from above)	Same as above

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility

Name of Facility:	Laredo North Station
Physical Address:	11119 McPherson Road, Laredo, TX 78045
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
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

AUDIT FINDINGS

NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

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

The Prison Rape Elimination Act (PREA) on-site audit of U.S Customs and Border Protection's (CBP) U.S. Border Patrol (USBP) Laredo North Station, was conducted March 14, 2019. The audit was conducted by (b) (6), (b) (7)(C) PREA Auditor, contracted through Creative Corrections, LLC. This is the first PREA Audit for Laredo North Station. The Laredo North Station is a short-term holding facility that holds adult male and female detainees, family units (which includes one or more juveniles) and detainees who are under the age of 18 and have been identified as unaccompanied alien children (UAC). Detainees are held at the Laredo North Station for a maximum of 72 hours. The purpose of the audit was to determine compliance with Subpart B of the Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 6 C.F.R. Part 115, (the "DHS PREA Standards").

The points of contact established for the Laredo North Station were (b) (6), (b) (7)(C) Assistant Chief, USBP, Headquarters (HQ) and (b) (6), (b) (7)(C) Supervisory Border Patrol Agent (SBPA)/PREA Field Coordinator (PFC). The Auditor was provided the pre-audit documentation three weeks prior to the on-site portion of the audit for review. The documentation provided was complete and included pre-audit questionnaires (PAQ) from HQ and the Laredo North Station.

An entry-briefing was not held at the Laredo North Station. The facility administration was not onsite during the morning hours due to other requirements.

(b) (6), (b) (7)(C) SBPA/PFC led the group on a tour of the facility. All areas of the facility were toured to include the sally port, (b) (7)(E) intake/processing area, hold rooms, interview rooms and a prosecution room. The Auditor also noted multiple PREA posters highlighting reporting methods for sexual abuse and zero tolerance.

The Laredo North Station consists of one building with (b) (7)(E) Laredo North Station holds adult male and female detainees, family units, and UACs. Each hold room has a toilet located behind a half-wall which allows privacy for detainees when using the toilet. The Laredo North Station (b) (7)(E) in their hold rooms.

Every detainee enters the Laredo North Station through the sally port to begin the intake process. This area is completely open and (b) (7)(E) Detainees are separated into specific groups, i.e., males, females, UAC's, before entering the intake/processing area. This area also (b) (7)(E) The processing area consists of officer stations that allow for direct supervision into the hold rooms. It also contains two interview rooms.

Immediately following the tour, the Auditor randomly selected staff and detainees for interview. Interviews with staff and detainees continued throughout the day.

Scope of the Audit: All relevant policies and procedures were reviewed prior to arriving on-site at the Laredo North Station. While on-site, the Auditor was able to tour the facility and observe all areas where agents and detainees would interact. The Auditor was also allowed to revisit areas as requested. The Auditor was able to conduct private and confidential interviews with staff and detainees. The audit notice was posted, and the Auditor did not receive any letters or correspondence from any detainee or agent. The Auditor researched services provided by Doctors Hospital of Laredo and Laredo Medical Center.

The Auditor interviewed 13 agents, one local SME and 12 detainees. The agents were interviewed in groups. The detainees selected consisted of eight adult males and four adult females. The countries represented in this sample include Mexico, Nicaragua, Guatemala and El Salvador, with Spanish being the primary language spoken. The Auditor used Language Services Associates as interpretive services to assist with the interviews.

The Laredo North Station has had no sexual abuse allegations reported in the past 12 months.

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.

Agn exit briefing was conducted at approximately 4:00 p.m. The exit-briefing was opened by (b) (6), (b) (7)(C) Prevention Sexual Assault Coordinator (PSA), Privacy and Diversity Office (PDO), Headquarters (HQ), and then turned over to the Auditor for an overview of the on-site audit and close-out summary. Those also attending the exit-briefing included as follows:

- (b) (6), (b) (7)(C) Assistant Chief, National USBP PREA Coordinator, HQ
- (b) (6), (b) (7)(C) Deputy Patrol Agent in Charge, Laredo North Station
- (b) (6), (b) (7)(C) Special Operations Supervisor, Laredo North Station
- (b) (6), (b) (7)(C) Acting Deputy Patrol Agency in Charge, Laredo North Station
- (b) (6), (b) (7)(C) Deputy PSA Coordinator
- (b) (6), (b) (7)(C) Supervisory Border Patrol Agent/PREA Field Coordinator, Laredo North Station
- (b) (6), (b) (7)(C) PSA Coordinator

During the exit-briefing, the Auditor discussed her observations made during the on-site review.

Of the 25 standards reviewed, the Auditor found the Laredo North Station met 19 standards: 115.111; 115.114; 115.117; 115.122; 115.131; 115.132; 115.141; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186. Standard 115.118 was non-applicable. Five standards were not in compliance: 115.113; 115.115; 115.116; 115.121; and 115.151.

SUMMARY OF AUDIT FINDINGS

Number of standards exceeded: 0

Number of standards met: 19 + 1 not applicable

Number of standards not met: 5

OVERALL DETERMINATION

- | | |
|--|--|
| <input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards) | <input 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 checked="" 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:

(a): CBP Policy on Zero Tolerance of Sexual Abuse and Assault signed by CBP's Commissioner on March 11, 2015, constitutes CBP's policy on zero tolerance of sexual abuse and assault. CBP Directive 2130-030, Sexual Abuse and Assault Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, dated 01/19/2018, was provided to all staff on February 5, 2018 and February 12, 2018 through CBP's email program referred to as CBP Central. These two policies mandate zero tolerance towards all forms of sexual abuse and/or sexual assault. Similar language is also found in CBP National Standards on Transport, Escort, Detention, and Search, (TEDS), dated October 2015. Local Subject Matter Expert (SME) states information on CBP's zero tolerance policy is disseminated to staff through emails, staff musters (informal staff briefings held before each shift) and online courses administered through the Performance and Learning Management System (PALMS). All agents interviewed report they are familiar with the contents of CBP's zero-tolerance policy. When asked what zero-tolerance means to them, agents stated zero-tolerance means no sexual abuse is allowed or will be tolerated.

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

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

Notes:

(a): The standard requires that the Laredo North Station maintains sufficient supervision of detainees through appropriate staffing levels and where applicable, (b) (7)(E) to protect detainees against sexual abuse. During the tour the Auditor noted all hold rooms are in direct line of site of agents in the processing area. Each hold room has a large window for officers to easily see inside. The Auditor also viewed (b) (7)(E). (b) (7)(E) The Auditor verified (b) (7)(E). (b) (7)(E) This room sits directly behind the processing station. In addition to viewing the (b) (7)(E) there is a large window for staff in this room to view the intake and processing area. The Auditor observed multiple occupied hold rooms. At the time of the onsite portion of this audit, the population of detainees consisted of adult males and adult females who were housed separately. The Auditor was advised if UACs were brought into the intake/processing areas, the UACs would be held in the hold room closest to the officer station. The hold room where UACs would be held was empty. Each hold room also had a sign alerting staff to the make-up of the detainee population being held within. The local SME advises spot checks of cells are done every 15-minutes and (b) (7)(E). (b) (7)(E) He also reports the separating of adult males, adult females, UACs, and keeping family units together enhances the Laredo North Station's level of supervision to keep detainees sexually safe.

(b)(c): CBP Directive 2130-030 requires U.S. Border Patrol to develop and document a comprehensive detainee supervision guideline to determine whether adequate levels of detainee supervision and monitoring exist. This same directive also requires an annual review of these detainee supervision guidelines and its application at the Laredo North Station, taking into account the composition of the detainee population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, the findings and recommendations of sexual abuse incident review reports, and any other relevant factors, including but not limited to the length of time detainees spend in agency custody. The results of the annual review are to be provided to the PSA Coordinator. The Laredo North Station does not use staffing ratios due to the fluctuating daily detainee populations. He reports overtime will be offered to agents to increase supervision of detainees. The local SME states supervision strategies are re-evaluated on a regular basis, especially when there is an influx of detainees, however was not aware an annual review must be conducted. He also states the Laredo North Station will request assistance from other stations when needed. While the Auditor was told supervision strategies are re-evaluated on a regular basis which meets standard provision (c), the Auditor was not provided documentation of an annual review resulting in non-compliance for standard provision (b). **Corrective Action:** Provide documentation of the annual review of the detainee supervision guidelines and its application at the Laredo North Station, with a copy of

the results 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): CBP TEDS requires the Laredo North Station to place each juvenile in the least restrictive setting appropriate to their age and special needs, provided the setting is consistent with the need to ensure the safety and security of the detainee and that of others. local SME reports all juveniles who are a part of family units or identified as UACs are held in the least restrictive setting as possible. He advises juveniles are kept with their families and are also kept in the least restrictive setting the facility has available. All agents interviewed state if juveniles are brought into the Laredo North Station; they are kept in a hold room with an unlocked door. There were no family units or UACs on site at the time of audit for the Auditor to interview.

(b): CBP TEDS requires UACs to be held separately from adult detainees. The local SME staff and random agent interviews report UACs are kept separate from the adults and are then separated by gender. They are placed in a holding room closest to the agent's station and the door is not locked. The UACs can come out of the holding room when they need to ask the agent a question. UACs are processed through intake immediately to limit the time they are near adult detainees. The local SME states relationships between a child and a non-parental family member (b) (7)(E)

(b) (7)(E)

(b) (7)(E) There were no UACs or family units held at the facility during the on-site portion of the audit to interview.

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

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

Notes:

(b)(c): CBP TEDS details the type and conditions under which searches can and will be performed to ensure the safety of agents, civilians, and detainees. It prohibits cross-gender strip searches and cross-gender visual body cavity searches except in exigent circumstances including consideration of officer safety, or when performed by medical practitioners. If performed the policy requires these strip/body cavity searches be recorded in the electronic system of record. CBP TEDS details that officers/agents must not conduct visual body cavity searches of juveniles and shall refer all such body cavity searches of juveniles to a medical practitioner. The local SME and agents report body cavity searches are not allowed at the Laredo North Station. Most agents interviewed reported they have never seen these type of searches (strip or body cavity) done at this facility. When asked who would conduct these types of searches if they were approved, most agents report the agent would have to be same gender. The local SME reports only medical staff can conduct a strip or visual body search of a juvenile. In addition, all agents interviewed report this has never happened at the Laredo North Station. When asked if these types of searches were approved for juveniles and who would conduct them, the agents interviewed did not know. After reviewing policy and conducting interviews with agents, the Auditor determined the Laredo North Station is non-compliant with the subsection (b) of standard 115.115 as agents are not aware only medical personnel can conduct visual body cavity searches of juvenile detainees. Document review and interviews confirms there have been no strip searches and/or body cavity searches conducted at this facility in the past 12 months. **Corrective Action:** Provide documentation that retraining and/or discussion of the policy requirements for all station agents to ensure that they understand their responsibilities with regard to juvenile visual cavity searches.

(d): CBP TEDS specifies the requirements that enables detainees to shower (where showers are available), perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination or under medical supervision. The local SME and all agents report detainees do not shower at this facility. However, the detainees can use the toilet without staff of the opposite gender viewing them. Detainees interviewed state they have privacy to use the toilet in the hold rooms from staff. The hold rooms at the Laredo North do not (b) (7)(E) CBP TEDS requires all officers/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 such viewing is incidental to routine cells checks. The local SME reports policy is in place requiring staff to announce their presence when entering an area where detainees are likely to be in a state of undress. Of the 13 agents interviewed, two reported they make an announcement before entering a hold room, the remaining agents report they never enter a hold room; they report they stand at the door and communicate with the detainees.

(e): CBP TEDS prohibits staff from searching or physically examining a detainee for the sole purpose of determining the detainee's gender-related characteristics. If the detainee's gender is unknown, CBP TEDS states officers/agents will 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. There were no detainees on-site who identified as transgender or intersex to be interviewed. Agents at the Laredo North Station report they do not search detainees solely for the purpose of determining gender. However, most agents indicate if a detainee's gender is unknown, they would ask the detainee their biological gender or rely on official documentation to determine this status. All agents report they would respect the detainees' gender identification.

(f): The local SME reports all staff have been trained in how to conduct pat searches, including cross-gender searches, but he reports staff have not been trained on how to conduct searches of transgender detainees. Some agents interviewed state they have not been trained to conduct pat searches on detainees who identify as transgender or intersex. While the Auditor was provided a copy of a pat search refresher training provided to staff at the Laredo North Station titled "Arrest and Control: Principles of Searching Subjects," this training did not address pat searches of transgender or intersex detainees. This standard is in non-compliance. **Corrective Action:** Provide the training curriculum on how to conduct pat-searches of transgender or intersex detainees. Provide verification all staff at the Laredo North have been trained.

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

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

Notes:

(a): CBP TEDS and CBP Directive 2130-030 require detainees with disabilities (e.g., detainees who are hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have access to CBP efforts to prevent, detect, and respond to sexual abuse and/or assault. When necessary to ensure effective communication with detainees who are hearing impaired, steps shall include providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. In addition, written materials related to sexual abuse will be provided in formats or through methods that ensure effective communication with detainees with disabilities, including detainees with limited reading skills, or who are blind or have low vision. Whenever translation or interpretation services are provided, it must be recorded in the appropriate electronic systems(s) of record. The local SME reports if agents have a detainee with disabilities, they are to ask them questions to learn more about the disability. He states if the disability is not obvious, agents ask medical questions during intake to aid in making that type of a determination. He also reports there are visual aids agents can use to communicate with detainees who are hearing impaired and if a detainee was visually impaired Agents would read everything to them. He adds, if a detainee came in with intellectual disabilities, agents would ask family members to help staff in communicating with them. There were no interviewed detainees who had disabilities. All agents interviewed state they have not been trained on how to work with detainees with disabilities, and state they are unclear on how to communicate with detainees with disabilities. This lack of knowledge resulted in non-compliance for subsection (a) of this standard. **Corrective Action:** Provide documentation all staff have been trained on how to identify and communicate with detainees with disabilities.

(b): CPB Protocol for Identifying Limited English Proficient (LEP) Persons and Providing Language Services, dated October 2017, outlines steps the Laredo North Station is to take to identify LEP detainees. This Protocol directs staff to ask detainees to identify their primary language through the "I Speak" posters, the "Habla?" poster for indigenous language, the "I speak" pocket guide or booklet and the Indigenous Language Identification Tool to identify a resource to provide language assistance. The Auditor also reviewed the Over-the-Phone Translation Services, dated April 15, 2012. This document outlines CPB's new service with the Interpreters and Translators Incorporated to provide over-the-phone translation services for over 150 languages. All interviews reveal agents are familiar with the translation service. All detainees interviewed report no concerns in communicating with staff and reviewed information about the agency's policies related to protection from sexual abuse.

(c): CBP TEDS requires the Laredo North Station, in matters relating to allegations of sexual abuse, 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 determines that such interpretations is appropriate and consistent with the operational office's policies and procedures. It further states 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. The standard provision is in compliance as all agents except one answered with the requirements of the standard.

§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): CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) to establish policy and procedures to ensure CBP does not hire or promote employees and contractors or to enlist the service of volunteers who have had previous substantiated allegations of engaging in sexual abuse and assault to any position where they may interact with detainees in CBP holding facilities. An interview with the HQ Hiring Center SME reveals CBP follows federal guidelines and policy requirements. The SME also stated CBP will not hire or promote any employee, contractor or enlist 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.

(b): The HQ Hiring Center SME reveals all applicants, including those who up for promotion, are asked about previous sexual abuse with any person in a jail, prison, holding facility juvenile facility, community confinement facility or other institutions. The SME reports staff have a continuing affirmative duty to disclose any such conduct.

(c)(d): CBP Directive 2130-030 requires background investigations for applicants for employment who may have contact with detainees to determine suitability and that updated background investigations are conducted every five (5) years for CBP personnel who may have contact with detainees. It further requires background investigations be conducted for contractors who may have contact with detainees before enlisting their services. The SME states CBP has delegated authority to do their own suitability determinations after security forms are completed. She states CBP runs a series of background checks, then a polygraph examination. She reports the same process is followed when it comes to promotions and for contract staff except, they do not undergo a polygraph examination. The HQ Hiring Center SME reveals all employees and contractors receive periodic background investigation checks every five years. The Auditor submitted names of 10 staff for verification of background investigations. The HQ Hiring Center SME completed the form, "PREA Audits: Background Investigation for Employees and Contractors" and returned it to the Auditor via email. A review of the form confirms all staff submitted had the required background investigations and all five-year investigations were completed in a timely manner per this standard.

(e): The SME states material omissions or providing false information are grounds for termination or withdrawal of job offer. She further stated this information is provided to staff on hiring when issued the CBP Standards of Conduct directive and they are reminded annually during training through PALMS.

(f): The SME also shared information on substantiated sexual abuse investigations involving former employees would be shared with potential employers if a release was signed by the former employee. The Auditor asked all staff interviewed what would happen if they failed to report sexual abuse of a detainee. All staff report they would be terminated for failing to report any knowledge or suspicion of sexual abuse of a detainee.

§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:

An interview with the local SME reveals the Laredo North Station has not made any substantial expansions or modifications to the current building. They also have not (b) (7)(E)

§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): CBP TEDS and Directive 2130-030 requires the Laredo North Station to provide timely, (including emergency) unimpeded access to medical treatment and crises intervention services, including sexual assault forensics medical exam, emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standard of care to all detainee victims of sexual abuse/assault. CBD TEDS also requires the forensic medical examination should be done by qualified health care personnel, including a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where practicable. The local SME reports victims of sexual abuse would be taken to Doctors Hospital in Laredo or the Laredo Medical Center at no cost to detainees. Currently, there is no SANE program at either hospital. However, a qualified medical professional would conduct the forensic exam. The local SME advised he called both hospitals and verified this information.

(d): CBP TEDS requires officers/agents to allow detainee victims access to victim advocacy services, to the extent available and consistent with security needs, while at the hospital for forensic exam due to sexual abuse/assault. The local SME reports he is unsure who would provide victim advocate services for detainees at the Laredo North Station. He felt the hospital would have that information and provide it to the victim. The lack of knowledge results in a finding of non-compliance for subsection (d) of this standard. **Corrective Action:** Provide documentation all staff have been trained to allow a detainee victim access to victim services while at the hospital.

(e): An interview with the PSA Coordinator confirms there have been no reports of sexual abuse or sexual assault at the Laredo North Station in the last 12 months. The local SME also advised the Laredo Police Department has been asked to follow PREA standards when conducting an investigation at the Laredo North Station, however, no documentation was provided requesting Laredo Police Department to follow standard provisions (a) through (d). Corrective Action is required. **Corrective Action:** Provide documentation requesting Laredo Police Department follow standard provisions (a) through (d).

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

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

Notes:

(c)(d): CBP Directive 2130-030 requires staff with knowledge, suspicion, or information of any incident of sexual abuse and/or assault of a detainee in a holding facility; retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to report to the Joint Intake Center (JIC). Local SME Staff report all such incidents are reported JIC, PSA Coordinator, and the Laredo Police Department unless non-criminal. The local SME reports either himself or the Watch Commander would make the required notifications. There have been no sexual abuse allegations at the Laredo North Station in the past 12 months and therefore no records of notifications to review.

§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): CBP Directive No. 2130-030 requires all uniformed agents and officers, special agents, fact finders, contractors and volunteers who may have contact with the detainees in CBP holding facilities shall receive the training required in Subpart B of the DHS Standards. The Auditor reviewed the curriculum "Preventing and Addressing Sexual Abuse and Assault of Individuals in CBP Custody. This 45-minute online course covers all components outlined in this subsection. All agents interviewed could explain the training they received preventing, detecting, and responding to sexual abuse. They advised the training covers zero-tolerance, the detainees right to be free from sexual abuse, warning signs of abuse, communicating with those detainees who identify as gay, lesbian, bisexual, transgender, intersex or gender-nonconforming the right to be free from retaliation and how to report sexual abuse. All staff advised they received a Quick Reference Card for first responders during their training. The Quick Reference Card provides guidance to staff when they witness or receive a report of sexual abuse. The guidance states the first responder shall immediately notify their supervisor; separate the alleged victim and alleged abuser; preserve and protect the crime scene; request the alleged victim, and instruct the alleged abuser not to do anything that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; refer the incident to the appropriate law enforcement agency having jurisdiction for the investigation; promptly report the incident to the Joint Intake Center and the Commissioner's Situation Room; provide access to emergency medical treatment and crisis intervention services, when appropriate; and report allegations involving alleged victims under the age of 18 or a vulnerable adult under a State or local vulnerable persons statute to the designated State or local services agency. The Quick Reference Card also states that upon receipt of an allegation that a detainee was sexually abused while confined at another facility, notify the appropriate office of the agency or administrator of the facility where the alleged abuse occurred; and if the alleged victim is transferred to another DHS facility, inform the receiving agency of the alleged incident and the alleged victim's potential need for medical or social services.

(c): A review of policy, document review, and staff interviews confirms CBP maintains records of all staff, contractors and volunteers trained on the agency's sexual abuse policy and records of any refresher training the staff have received in accordance with CBP Directive 2130-030. The Auditor reviewed a spreadsheet created by the Laredo North Station which listed all staff assigned the facility. This spreadsheet listed the initial training on CBP 2130-030, and all biennial refresher training staff have received since the initial training. Review of the spreadsheet confirms staff have received training

within the timeframes established in the standard. All agents interviewed advise they receive training through an e-course on PALMS every two years. The agents report this is mandatory training for all staff.

§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:

Throughout the on-site portion of the audit, the Auditor observed multiple PREA information posters (Keep Detention Safe) posted in the holding and intake areas. The posters inform the reader of the zero-tolerance policy at CBP and how to report sexual abuse allegations. These posters were in English and Spanish. The local SME states information is provided to detainees through posters and verbalization of policy when requested by the detainee. All agents interviewed report information on sexual abuse prevention is provided through posters in the facility. Most detainees interviewed report they were not informed or did not know about sexual abuse prevention. These detainees also advise they do not know how to report sexual abuse. It should be noted the PREA reporting information was located on two large posters in the interview room the Auditor used to conduct private interviews with the detainees. These posters were in English and in Spanish.

§115.134 – Specialized training: Investigations.

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

Notes:

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

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

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

Notes:

(a)(b)(c): CBP TEDS states before placing any detainees together in a holding facility, officers/agents shall assess the information before them to determine if the detainee may be considered an at-risk detainee, or at risk of posing a threat to others. This assessment by policy includes whether the detainee has exhibited a mental, physical or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; whether the detainee self-identifies as LGBTI or gender non-conforming; any prior sexual victimization and the detainee’s own concerns about his/her physical safety. All agents interviewed report all detainees are assessed for risk of sexual victimization and the risk for being sexually abusive towards other detainees through the intake process. They advise this is done before they are placed in a hold room. The local SME reports all detainees are assessed in the intake process and are separated by this classification. He reports if they are flagged for higher risk of sexual abuse they are held separately. He also states all required items are taken into consideration when determining a detainee’s risk for sexual victimization. All agents interviewed support this statement. The Auditor was able to view a random sample of detainee risk assessments and found they were completed on detainees. The assessment was completed the day the detainee was processed into the Laredo North Station. The local SME reports all detainees are asked about their concerns for their physical safety at intake. Of the 13 agents interviewed, eight stated they specifically ask detainees about this concern and five were not aware they are required to ask this statement. Most detainees interviewed report they were not asked about their concern for their physical safety or any personal questions during the intake process. Although the detainees reported they were not asked, a random review of the assessments revealed the detainees were being asked about their physical safety. Additionally, the majority of the agents interviewed responded they did ask the detainees with regards to concerns for physical safety; the Auditor will find this standard provision compliant.

(d): CBP TEDS requires officers/agents to provide detainees identified as at high risk of sexual abuse victimization with heightened protection. This includes continuous direct sight and sound supervision, single-occupancy hold room, monitoring in open areas or placement in a hold room actively monitored on video by an officer/agent sufficiently proximate to intervene, unless no such option is determined to be feasible. Interviews with agents and the local SME report detainees who have been identified as being at a higher risk for sexual abuse will be placed in a hold room separate from other detainees. This hold room will be near the processing station. The Auditor was advised this allows agents at the processing station to directly see into the hold room and to hear if anything is going on.

(e): CBP TEDS states efforts should be taken to ensure that all assessments are conducted in a way that provides detainees the greatest level of privacy possible. It further requires all CBP facilities implement appropriate controls on the dissemination of private and/or sensitive information provided by detainees under this section and officers/agents are only to disclose this information to those personnel with a need to know. The local SME reports all information obtained on the DHS Risk Assessment is kept in detainees' files located in a secured room located (b) (7)(E). The Auditor was able to verify this location through the facility tour. The local SME also advises an agent must provide a reason as to why they would need to review these files again. All agents interviewed report all information collected to determine a detainee's risk to be sexually abused is kept on a need to know basis.

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

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

Notes:

(a): CBP Directive 2130-030 and CBP TEDS require detainees be provided multiple ways to privately report sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. The Directive states procedures for reporting alleged sexual abuse and/or assault are to be visible or continuously and readily available to detainees at holding facilities and posted on the CBP public website. The telephone information for OIG is found on the Keep Detention Safe posters.

(b): CBP Directive 2130-030 requires the facility provide at least one way for detainees to report sexual abuse to a public or private entity not connected to the agency and detainees must be able to report confidentially and anonymously, if desired, as well as both verbally and in writing. The Auditor was able to test the phone system at the Laredo North Station and found the phone system worked and met the requirements outlined in this standard. Agents and the local SME state a detainee could make a telephone call to OIG. However, during the tour of the Laredo North Station, it was discovered the telephone the detainees are to use is in an interview room. Interviews with detainees reveal most of the detainees are not aware of the telephone number and they are not clear if they could make reports privately. Staff indicate detainees would have to tell staff why they want to make a call before staff would take them to the room while staff stands outside the room, while the detainee makes this phone call, this does not allow detainees the ability to making confidential and anonymous reports to OIG. This results in a finding of non-compliance for subsection (a) of this standard. **Corrective Action:** Provide documentation agents are aware of the means for detainees to confidentially/anonymously report sexual abuse.

(c): CBP TEDS requires agents at the Laredo North Station to receive allegations reported to them from third parties and promptly record such reports according to operational procedures. The local SME stated all verbal allegations of sexual abuse or sexual assault made to them would be documented in writing.

§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:

Information on third-party reporting can be found on the CBP website at <https://www.cbp.gov/about/care-and-custody/how-make-report>. The website provides detainees 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. Third parties not connected to a detainee can report these allegations. Reports are confidential and may be made anonymously, if desired, both verbally and in writing. Reports can be made to a CBP official at the holding facility or by: Calling the toll-free Joint Intake Center Hotline at 1-877-2INTAKE or sending a fax to (202) 344-3390; Sending an e-mail message to Joint.Intake@dhs.gov; Writing to the Joint Intake Center at P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20044; Calling the DHS Office of Inspector General (OIG) at 1-800-323-8603 or 1-844-889-4357 (TTY); or sending a fax to (202) 254-4297; Accessing the online DHS OIG Complaint/Allegation Form; or Writing to DHS OIG/MAIL STOP 0305, Attn: Office of Inspector General - Hotline, 245 Murry Lane SW, Washington, D.C., 20528-0305. The local SMEs report if the facility receives a report of sexual abuse from a third party, the facility would treat it as if it was a direct report from the victim. Most agents interviewed reported they could accept a third-party report of sexual abuse. They advise this type of report would immediately be forwarded to a supervisor.

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

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

Notes:

(a)(b): CBP Directive 2130-030 states staff have a duty to make reasonable efforts to report as promptly as possible any knowledge, suspicion, or information of the following: an incident of sexual abuse and/or assault of a detainee in a holding facility; retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. CBP TEDS requires staff to immediately report: Any knowledge, suspicion, or information regarding an incident of sexual abuse against any detainee; Retaliation against detainees or staff who reported or participated in an investigation about such an incident; and Staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Agents interviewed were able to discuss their responsibilities for reporting sexual abuse. When asked how agents can report sexual abuse outside of their chain of command, most reported they could make a report to any supervisor on duty or make a report to the Joint Intake Center.

(c): CBP Directive 2130-030 states except as necessary to report the incident, CBP and its staff shall not reveal any information related to the incident except as necessary to aid the detainee, to protect other detainees or staff, or to make security and management decisions contemplated by Subpart B of the DHS Standards. The local SME and all agents interviewed report information regarding a sexual abuse allegation is revealed only to those with a need to know. They advise confidentiality surrounding a sexual abuse allegation is a requirement and expectation.

(d): CBP Directive 2130-030 requires the facility 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. The local SME reports either a supervisor or watch commander would make the required notifications to state agencies. The local SME advised all staff carry a PREA Quick Reference Card which informs staff of reporting duties.

§115.162 – Agency protection duties.

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

Notes:

CBP TEDS states if an officer/agent has a reasonable belief that a detainee is subject to a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee. Local SME reports if a detainee is in imminent danger of sexual abuse, agents will remove the detainee from the area or situation. Agents will ask questions to make sure no incident has occurred and notify their supervisor. All agents interviewed reported their responsibility is to separate the detainee from everyone else. Once they have ensured their safety, they will notify their supervisor of the situation.

§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): CBP Directive 2130-030 requires the Laredo North Station upon receipt of an allegation that a detainee was sexually abused and/or assaulted while confined at another facility; notify the appropriate office of the agency or the administrator of the facility where the alleged sexual assault and/or abuse occurred. A memorandum dated August 13, 2014, to all Chief Patrol Agents from the USBP Chief provides guidelines on the implementation of the DHS PREA Standards and is effective upon issuance. The memorandum states notification to other confinement facilities of sexual abuse allegations occurring at the other facility is to be made not later than 72 hours from receipt and documented. The memorandum further indicates any CBP Office receiving a sexual abuse allegation from another facility of an incident occurring at their facility is to ensure the allegation is referred for investigation. During an interview, the local SME stated the Watch Commander or above would make all the necessary notifications to another facility if they received a report of sexual abuse from a detainee. He stated this would be done as soon as possible.

(c)(d): CBP Directive 2130-030 requires notification to other confinement facilities are to document the date and time the administrator at the other facility was notified of the allegation and referred for investigation. The local SME advises the notification and documentation would be made as soon as possible and referred for investigation.

§115.164(a) and (b) – First 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): CBP Directive 2130-030 details the responsibilities for the first law enforcement staff on scene of a reported allegation of sexual abuse. The Directive and PREA Training in PALMS reinforces this policy requiring law enforcement staff members 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, request the alleged victim and abuser do not take any actions that could destroy physical. The local SME and most agents interviewed referred to the PREA Quick Reference Card and advised the Auditor they would separate the detainee from the abuser, preserve as much evidence as they could by not allowing the victim or the abuser to get a drink or use the restroom and contact their supervisor.

(b): CBP TEDS states if the first staff responder is not law enforcement staff, the responder must request that the alleged victim not take any actions that could destroy physical evidence and then notify law enforcement staff. The Laredo North Station does not have non-law enforcement staff who have contact with detainees.

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

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

Notes:

(a): CBP Directive 2130-030 is defined as is the agency’s coordinated response plan for prevention, detection and response to sexual abuse. It defines the roles and responsibilities of staff when a sexual abuse allegation is reported. It discusses protection of the victim, working with detainees with disabilities, officer/agent responsibilities, non-officer/agent responder duties and medical treatment.

(b)(c): CBP TEDS states if a known or reported victim of sexual abuse is transferred within CBP or to the custody of another component within DHS, the officer/agent must, as permitted by law, inform the receiving CBP office or DHS component of the incident and the victim’s potential need for medical or social services. If a known or reported victim of sexual abuse is transferred outside of DHS, the officer/agent must, as permitted by law, inform the receiving agency or office of the incident and the victim’s potential need for medical or social services, unless the victim requests otherwise. The SME states the local police department would be contacted for an investigation as well as notification made to JIC. He further stated the victim would be sent for medical treatment.

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

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

Notes:

CBP Directive 2130-030 requires agency management consider whether any staff, contractor, or volunteer alleged to have perpetrated sexual abuse and/or assault should be removed from duties requiring detainee contact pending the outcome of an investigation and shall do so if the seriousness and plausibility of the allegation make removal appropriate. The local SME states the ability to remove staff and contractors from duties requiring contact with a detainee who accuses them of sexual abuse is available when the seriousness of the allegation make removal appropriate. He further states staff, contractors, or volunteers can be reassigned to different duties or an option of placing them on administrative leave pending the outcome of an investigation.

§115.167 – Agency protection against retaliation.

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

Notes:

CBP Directive 2130-030 and CBP TEDS prohibits CBP staff 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. All agents interviewed report protection from retaliation was covered in their initial training on CBP Directive 2130-030. They report retaliation is not tolerated and protection from retaliation also encompasses them.

§115.171 – Criminal and administrative investigations.

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

Notes:

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

§115.172 – Evidentiary standard for administrative investigations.

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

Notes:

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

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

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

Notes:

(a): CBP Directive 2130-030 states CBP personnel may 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. When asked about the agency's process for reviewing reports of misconduct and proposing and considering discipline for employees who violate the sexual abuse policy, an interview with the HQ Labor Employee Relations (LER) SME stated staff would be subject to disciplinary action up to and including removal from Federal Service for a substantiated allegation of sexual abuse or violating the agency sexual abuse policy.

(c): CBP Directive 2130-030 requires the Office of Professional Responsibility (OPR) to report all removals or resignations instead of removal to appropriate law enforcement agencies for violations of the agency or facility sexual abuse and assault policies unless the activity was not criminal. The HQ Sexual Abuse and Assault Investigations (SAAI) Coordinator informed the auditor that all staff removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies, unless the activity was clearly not criminal, be reported by her office (OPR) to law enforcement. The local SME states notification to the Laredo Police Department would be made when an allegation is reported.

(d): CBP Directive 2130-030 requires OPR to report all removals or resignations instead of removal to any relevant licensing bodies for violations of the agency or facility sexual abuse and assault policies, to the extent known. The HQ SAAI stated OPR is also required 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 as required. During the 12-month audit period there has been no removals or resignations according to HQ SAAI Coordinator. The HQ SAAI Coordinator also stated that when discussing the process for reporting all removals or resignations in lieu of removal for violating the agency's sexual abuse policy, the local level does not get involved. OPR consults with LER and the decision is based on their findings. The local SME reports HQ would notify any licensing bodies for staff who have violated the sexual abuse policy.

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

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

Notes:

(a)(b): CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrating sexual abuse and/or assault be removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. Interviews with HQ SMEs provide direction that the removal or banning of a contractor or volunteer from a facility requires specific HQ review and consultation with the PAIC. The interview with the local SME reveals the facility would take direction from HQ LER and the Patrol Agent in Charge as it relates to contractors who have violated CBP sexual abuse policies. He advised they would be barred from entering this facility pending the investigation. He also reports he is not involved in any of these decisions to permanently ban a contractor or volunteer for the facility. He only enforces

the decision of LER and the Patrol Agent in Charge. He states any removal of contractors or volunteers would come from HQ. His responsibility involves only notifying Laredo Police Department when an allegation is reported. The local SME reports HQ would notify any licensing bodies for contractors who have violated the sexual abuse policy.

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

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

Notes:

(a)(b): CBP Directive 2130-030 requires alleged sexual assault victims be provided timely unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. It also requires emergency medical treatment services 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. The local SME reports detainees will be taken directly to the hospital and services are provided at no cost to the detainee. This also includes if they chose not to reveal the name of their abuser.

§115.186(a) – Sexual abuse incident reviews.

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

Notes:

(a): CBP Directive 2130-030 requires at the conclusion of every investigation of sexual abuse and/or sexual assault, a sexual abuse incident review is to be conducted. The review is ordinarily to occur within 30 days of the conclusion the investigation and a report written. Recommendations are to be included if the allegation or investigation indicates a change in policy or practice could better prevent, detect, or respond to sexual abuse. This Directive requires U.S. Border Patrol to implement the recommendations for improvement, or document the reasons for not doing so, in a written response and forward both the report and the response to the PSA Coordinator. No sexual abuse incident reviews have been conducted at the Laredo North Station in the past 12 months due not having any reports of sexual abuse or sexual harassment. An interview with the USBP HQ SME states all incident reviews are completed within 30 day of the conclusion of every investigation. He advised a multidisciplinary team at HQ gets together when a review needs to be completed. He added if there were recommendations, the facility has a chance to review the findings and respond. The local SME states his responsibility in the sexual abuse incident reviews is to ensure all recommendations are incorporated at the Laredo North Station.

§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.

The Audit was conducted by (b) (6), (b) (7)(C) on March 14, 2019. A draft version of the report was submitted on April 6, 2019, however, it was incomplete. The Auditor was unable to complete the report and make final corrections prior to the submission of the report. (b) (6), (b) (7)(C) Certified PREA Auditor, has reviewed the Auditor's written notes and made grammatical changes, restructuring of the report under the appropriate standard provisions, and inclusion of policies that existed prior to the audit.

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.

/s/ (b) (6), (b) (7)(C)
Auditor's Signature

April 6, 2019
Date

(b) (6), (b) (7)(C)
Auditor/Reviewer's Signature

February 25, 2020
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
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PROGRAM OFFICE

Name of Program Office:	United States Border Patrol
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	Laredo 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:	207 W. Del Mar Boulevard, Laredo, Texas 78041
Mailing Address: (if different from above)	Same as Above

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Laredo North Border Patrol Station		
Physical Address:	11119 McPherson Road, Laredo, Texas 78041		
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
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 United States Border Patrol (USBP) Laredo North Station was conducted on March 14, 2019, and a draft report dated April 4, 2019, was prepared by an auditor who was unable to complete the report. On January 16, 2020, the Reviewing Auditor made changes and corrections to the report based on notes, documentation, observations, and interviews by the previous auditor, and submitted the preliminary findings report. Following comments from CBP Headquarters and from the Reviewing Auditor, the report was submitted in Final Draft on February 25, 2020.

At that time, the Reviewing Auditor reviewed the compliance of 25 Subpart B standards and the Laredo North Station was found to be in compliance with 19 standards: (115.111; 115.114; 115.117; 115.122; 115.131; 115.132; 115.141; 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 Laredo North Station was found to not be in compliance with five standards: (115.113; 115.115; 115.116; 115.121; and 115.151). One standard (115.118) was not applicable.

On April 10, 2020, the Laredo North Station submitted a preliminary Corrective Action Plan (CAP) through Headquarters. Several documents were requested by the Reviewing Auditor and several clarifications were sought and received by May 12, 2020.

This CAP was reviewed by the Reviewing Auditor and Program Manager for Creative Corrections. As part of the CAP, the Laredo North Station submitted letters sent to local law enforcement to satisfy the procedural requirements and evidence associated with Standard 115.121. They also provided a copy of the Annual Review of Detainee Supervision Guidelines record which satisfied all requirements of Standard Provision 115.113(b). Finally, the Laredo North Station submitted documentation of staff musters and sign-offs satisfying the staff re-training requirements of the remaining standards requiring Corrective Action. On May 13, 2020, the Laredo North Station CAP was approved by Reviewing Creative Corrections Certified PREA Auditor (b) (6), (b) (7)(C). All required Corrective Action was completed prior to the 180 day deadline.

PROVISIONS

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

§115.113

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

Notes:

On April 10, 2020, the Laredo North Station submitted a record of the Annual Review of Detainee Supervision Guidelines as required by Standard Provision (b). Review of the submission revealed that several elements required by the Standard had not been satisfied and the report was returned for revision. On May 1, 2020, an amended Annual Review of Detainee Supervision Guidelines was submitted to the reviewing Auditor and was found to satisfy all elements of the Standard Provision. The Laredo North Station is now compliant with Standard 115.113.

§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 May 11, 2020, the Laredo North Station submitted both local and national documents outlining agent performance requirements regarding proper personal search techniques including juvenile visual cavity searches, determination of detainee gender identification and proper procedures for the pat search of identifying transgender detainees. This document referenced the current CBP National Standards on Transport, Escort, Detention and Search (TEDS). Also submitted were staff training muster sign-offs and acknowledgements. The Laredo North Station is now compliant with Standard 115.115.

§115.116

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

Notes:

On May 11, 2020, the Laredo North Station submitted documentation of the re-training of all station personnel on CBP National Standards on Transport, Escort, Detention and Search (TEDS) requirements with regard to the provision of services to ensure PREA rights and services for all detainees who have disabilities or who are Limited English Proficient (LEP). The Auditor reviewed both the training materials and staff sign-offs to ensure the required re-training had taken place. The Laredo North Station is now compliant with Standard 115.116.

